

COUNCIL ACTION FORM

SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 2825 EAST 13TH STREET

BACKGROUND:

In May 2013, staff was contacted by the property owner at 2825 East 13th Street regarding redevelopment of the property. The property currently has a 16.5 foot public utility easement running from southwest to northeast that would interfere with the construction of a new building on the western half of the lot. The property owner requested that the easement be vacated to accommodate the construction. The existing 5-foot easements on the west and north sides of the lot will remain in place.

Public Works staff contacted all registered right-of-way users to determine the extent of the utilities in the immediate area and has received responses back from all users that **there are no current utilities in the easement area and no future plans to utilize the easement area.** The attached map provides more information on the affected area.

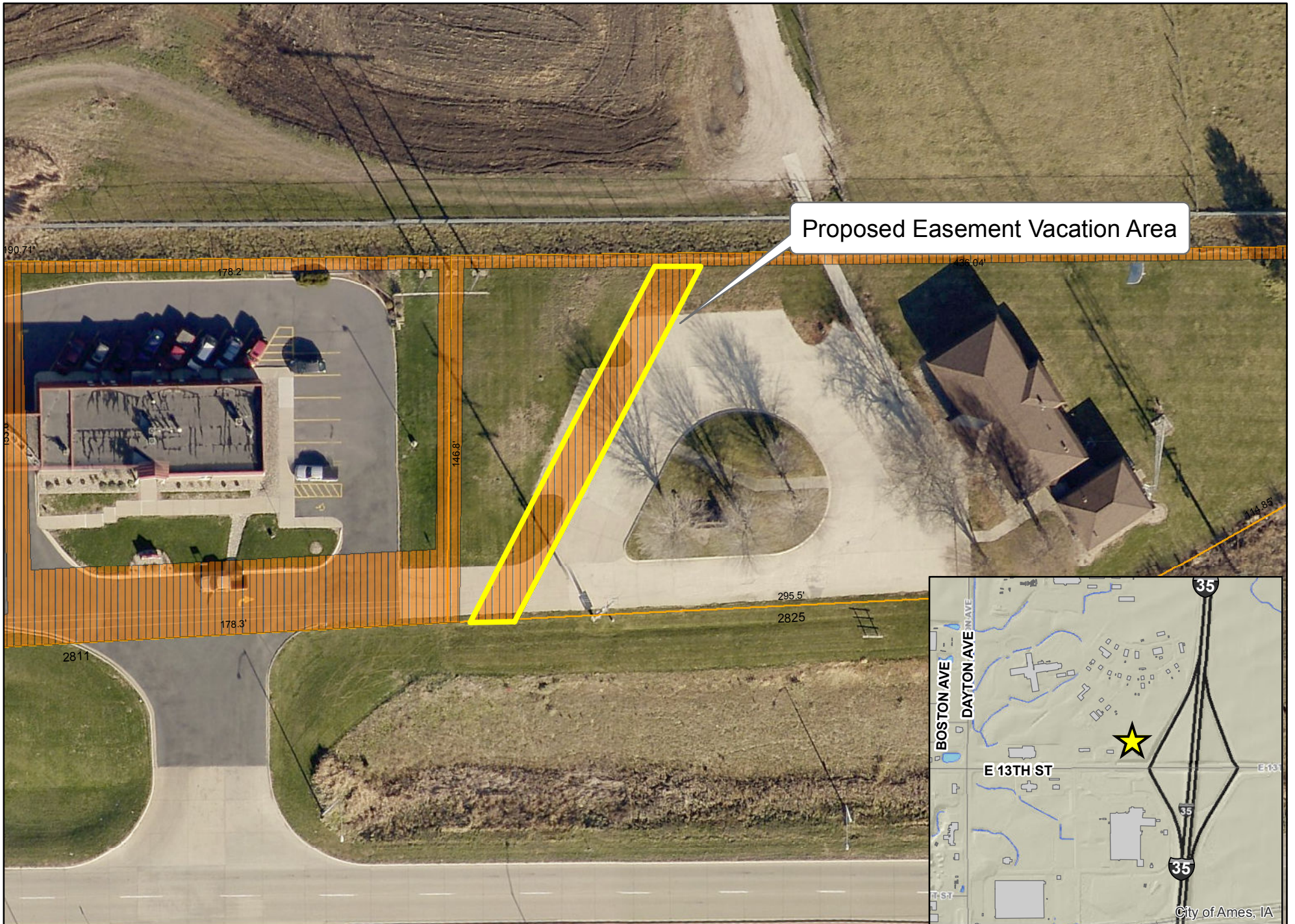
ALTERNATIVES:

1. Approve the proposal to vacate the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 feet to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13th Street, and set the date of public hearing for July 9, 2013.
2. Direct staff or the property owner to pursue other options.

MANAGER'S RECOMMENDED ACTION:

By approving vacation of the easement, the property owner will be able to improve the property and maintaining the construction schedule and have the property open for business in 2013.

Since there are no current utilities in the easement area and no future plans to utilize the easement area, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative will **approve the vacation** of the north five feet of the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 feet to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13th Street, **and set the date of public hearing** for July 9, 2013.



Proposed Easement Vacation Area

2825 East 13th Street
Proposed Easement Vacation Area



1 inch = 50 feet
Date: 6/19/2013