

COUNCIL ACTION FORM

SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 1126 FLORIDA AVENUE

BACKGROUND:

In March of 2016, staff received a request from the property owner at 1126 Florida Avenue to vacate the existing public utility easement. This easement runs along the east side of the owner's apartment complex.

This property was recently sold. During the due diligence process by the property owner, it was discovered that two of the owner's garages and one apartment building were constructed within the easement area. Easement language prohibits the erection of permanent structures within easements.

Vacating an easement is different than vacating City-owned property, such as an unused alley. When vacating City property, a value is typically established per City policy and charged to the purchaser (usually the adjoining property owner). In the case of vacating an easement, the underlying land is owned by and remains with the property owner; and the City is simply releasing its rights to use the property. In this case, Public Works staff contacted all registered right-of-way users to determine the extent of the utilities in the immediate area and 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**. A map of the area is shown in Attachment A.

ALTERNATIVES:

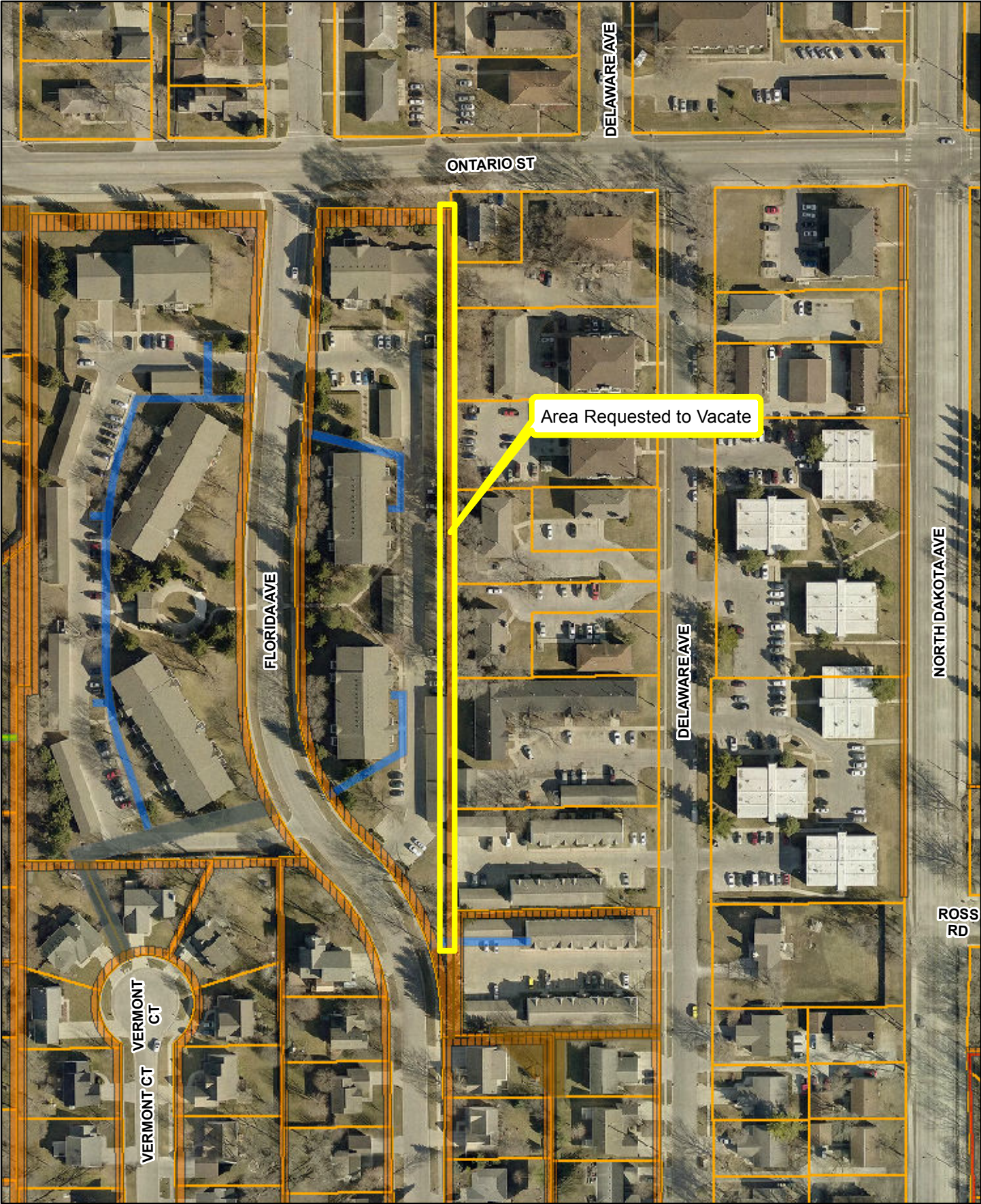
1. Set a date of public hearing for April 26, 2016 to approve vacation of the public utility easement at 1126 Florida Avenue.
2. Do not set the date of public hearing to vacate the existing easement.

MANAGER'S RECOMMENDED ACTION:

There are no current or future planned facilities within the easement area. Setting the date of hearing is the first step toward completion of this process and toward correction of the unfortunate situation in which buildings were constructed over a public utility easement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

Attachment A



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, merchantability and fitness for or the appropriateness for use rests solely on the User.



1126 Florida Easement
Vacation Request



Scale: 1 in = 150 ft
Date: 3/25/2016