

~~ITEM # 17~~  
~~DATE: 07-26-15~~

### **COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC ACCESS EASEMENT VACATION FOR 720 SOUTH DUFF AVENUE;  
U-HAUL SUBDIVISION, FIRST ADDITION MINOR SUBDIVISION FINAL PLAT

#### **BACKGROUND:**

The City Council approved a final plat for U-Haul Subdivision, First Addition, at its meeting on May 10, 2016. That plat also included a grant of an Access Easement to provide access from the rear of South Duff Avenue properties to the planned traffic signal in front of Wal-Mart. The easement is intended to augment access to those properties after the median and traffic light are installed.

As the Public Works Department moves forward with design for the project, the easement provided by U-Haul needs to be replaced with language that more explicitly grants access to the public. U-Haul is in the process of rezoning the property and has agreed as part of the rezoning process to provide for an updated easement that meets the interests of the City.

It is requested that City Council set August 9, 2016 as the date of the public hearing to consider vacation of the easement. At that meeting, the City Council will be asked to accept a new easement and to take action on the rezoning request for U-Haul. If at the time of the public hearing there is not an adequate replacement easement, staff will not recommend vacation of the easement until one is received.

#### **ALTERNATIVES:**

1. Approve the process of vacating the Future Access Easement on Lot 1 of U-Haul Subdivision, First Addition and set the date of public hearing as August 9, 2016, for first passage of the Ordinance.
2. Retain the easement.

#### **MANAGER'S RECOMMENDED ACTION:**

The current easement contains ambiguities and needs to be vacated with a new easement adopted in order to provide access rights for the public. City staff is preparing new easements as part of the South Duff Avenue median and traffic light project to direct vehicular traffic from various properties on the east side of South Duff Avenue to the proposed traffic light in front of Wal-Mart. Staff intends to incorporate this language into the upcoming U-Haul rezoning request to replace the current easement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**ATTACHMENT 1: EXISTING EASEMENTS**  
**[NOTE: ONLY THE "PROPOSED ACCESS EASEMENT" IS BEING VACATED]**

