

ITEM # 19  
DATE: 12-09-08

### COUNCIL ACTION FORM

**SUBJECT: SURFACE WATER FLOWAGE EASEMENT IN DAYTON PARK  
SUBDIVISION, 5<sup>TH</sup> ADDITION**

**BACKGROUND:**

With the platting of the Dayton Park Subdivision, 5<sup>th</sup> Addition, a surface water flowage easement was established on Lot 4. Since the storm water is piped through this area, a surface water flowage easement is not needed. The surface water flowage easement is also not needed for storm water management. Maintaining the existing easements would impair the ability to develop the lot.

**ALTERNATIVES:**

1. Approve the vacation of the surface water flowage easement on Lot 4 of the Dayton Park Subdivision, 5<sup>th</sup> Addition.
2. Retain the easement as granted.

**MANAGER'S RECOMMENDED ACTION:**

The abandonment of the surface water flowage easement will have no affect on storm water management.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the surface water flowage easement on Lot 4 of the Dayton Park Subdivision, 5<sup>th</sup> Addition.