

Town Council Meeting Minutes of- January 17, 2024

F. Petitions - Other

F1. Joseph B. Jorge, 27 Surf Drive re – Request for Abandonment of a Portion of Surf Drive Right of Way (call for Public Hearing February 28, 2024)

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of Police
- c. recommendation - Town Administrator and Department of Community Development
- d. recommendation - Town Administrator and Zoning Officer
- e. recommendation - Town Administrator and Code Compliance Officer
- f. recommendation - Town Administrator and Department of Public Works
- g. recommendation - Town Administrator and Tax Assessor

Sweeney/Teixeira - Voted unanimously to refer to the town solicitor and Town Administrator for collaboration with the petitioner in drafting a right-of-way agreement between the town and the petitioners. The petitioners are required to secure legal descriptions and a professional survey.

Prior to the vote being taken, petitioner Judy Jorge addressed the council. She mentioned that her husband couldn't attend due to a recent injury. Mrs. Jorge explained that they currently hold a license to maintain the section of land owned by the town, which she is requesting to be abandoned and deeded to them. She clarified that the adjacent property was presently on the market, and they were taking proactive steps to secure access through that part of the land to their property.

The council conveyed apprehension about abandoning the land and inquired why the existing license to maintain would not be satisfactory. The petitioner sought a more permanent solution, noting that the license to maintain is only valid with the

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original grantors and does not transfer with the land. own solicitor Ursillo suggested a right-of-way agreement, which would enable the town to retain ownership and control of that portion of land while also granting perpetual land access to the property owners, similar to an easement.

It was noted for the record that although the solicitor's office would draft the Right-of-way agreement; the Petitioners would be responsible for securing the legal description of the land and a proper land survey much like the requirements of the abandonment. The right-of-way agreement would be presented to the council for final approval.