

COBURG CITY COUNCIL ACTION/ISSUE ITEM



TOPIC: Bargain and Sale Deed to Remove Access Restriction Strip

Meeting Date: September 12, 2023
Staff Contact: Megan Winner, Planner
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REQUESTED COUNCIL ACTION

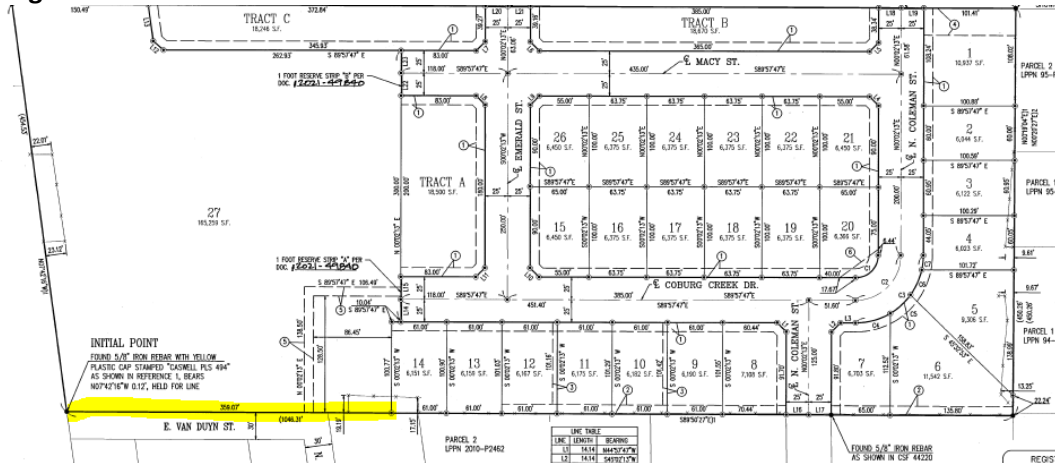
Authorize the City Administrator to sign the Bargain and Sale Deed to remove the access restriction strip north of E. Van Duyn Street before the final plat recording for the First Addition to the Coburg Creek Subdivision.

Suggested motion: "I move to approve the sale of the access restriction strip north of E. Van Duyn Street for zero dollars and authorize the Bargain and Sale Deed be executed."

BACKGROUND

In 2020, the Coburg Creek Subdivision received approval from Planning Commission (SUB 02-20) with one of the conditions of approval being, "Prior to final plat approval, the applicant shall include on the final plat, reserve strips at the terminus of N Skinner Street and on the north side of E Van Duyn Street adjacent to the subdivision. The reserve strip would remain in place until such time as further development occurs on Lot 27." The reserve strip (highlighted in Figure 1 below) was intended to prevent access to Lot 27 from occurring off of E Van Duyn Street until development on Lot 27 was approved. The City is the current owner of the one-foot strip restriction strip.

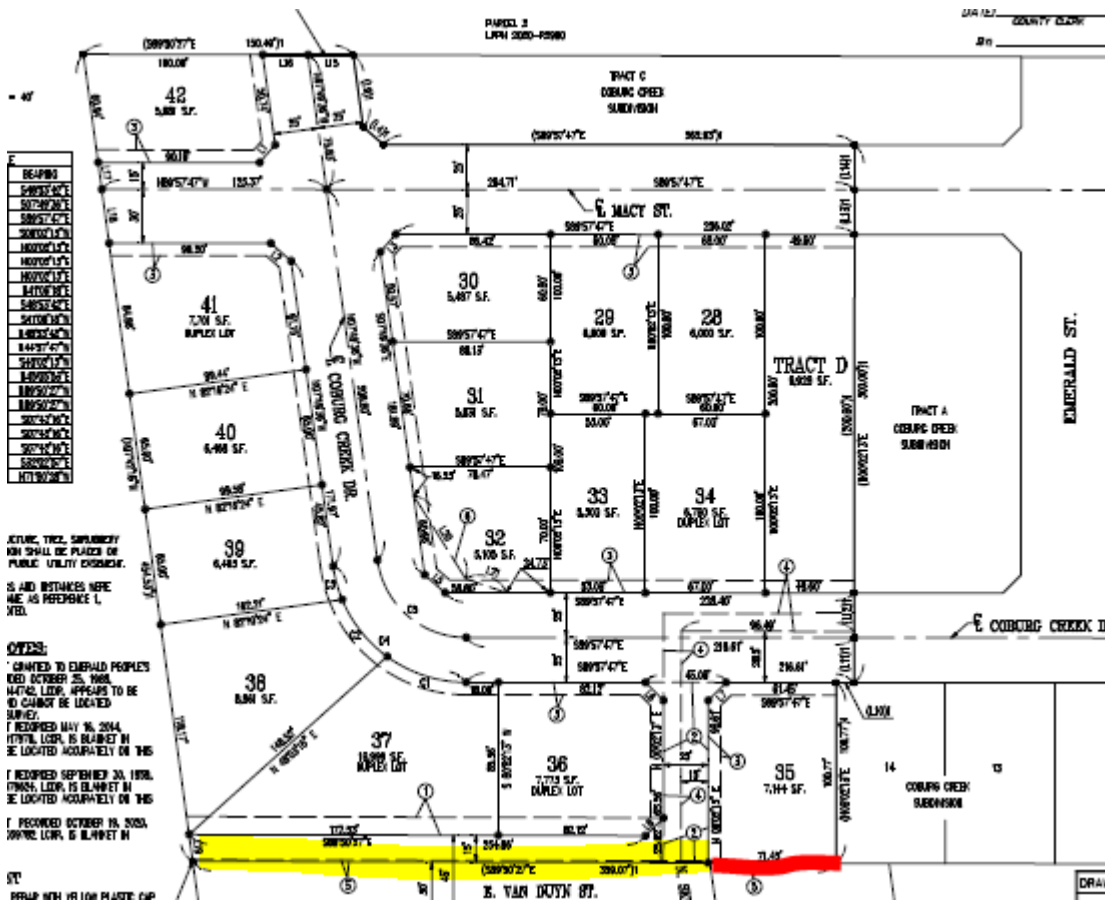
Figure 1



In 2022, the First Addition to the Coburg Creek Subdivision, also known as Phase 2, received

approval with conditions from Planning Commission. The final plat has been reviewed and approved. Before the final plat can be recorded, the access restriction strip on the north side of E. Van Duyn Street needs to be removed. The portion to the west of the pedestrian path (shown in yellow in Figure 2 below) will be dedicated as public right of way, while the strip to the east of the path (shown in red in Figure 2 below) will be sold back to Wiechert Custom Homes for \$0 to become part of Lot 35. The City does not have need for or interest in keeping the one-foot reserve strip between two privately owned properties as right of way.

Figure 2



PROCESS

The City Administrator has the authority to dedicate the eastern portion of the reserve strip as public right of way as part of the final plat process, but does not have the authority to sell the western portion to Wiechert’s Lot 35 without approval of the City Council.

RECOMMENDATIONS:

Staff recommends Council approve the sale and authorize the City Administrator to sign the Bargain and Sale Deed to remove the access restriction strip north of E. Van Duyn Street.

BUDGET

N/A

NEXT STEPS

Upon completion and submittal and approval of all required documents by the developer, the City Administrator will sign the bargain and sale deed as well as the final plat. The applicant will submit the deed to the County along with the signed version of the final plat. That deed will be recorded immediately preceding the recording of the Plat. Then the right of way of Van Duyn will be dedicated on the Plat along with the creation of all lots within phase 2 of the Coburg Creek subdivision and dedication of tract D that completes the park land dedication

ATTACHMENTS

- A. Bargain and Sale Deed – Removal of Access Restriction Strip
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Reviewed by:

Adam Hanks, City Administrator