



REQUEST FOR COUNCIL ACTION

Title: Removal of City Easement on Private Property at 1502 Main Street

Preferred Agenda: June 23, 2020

Submitted By: Joe Graybill

Reviewed By: Blair Larsen

Type of Action: Resolution ____ Motion X Roll Call ____ Other ____

Relevant Code/Policy: SHMC §13.08.060(D) Use of Public Sewers Required.

Towards Council Goal: Goal 4.2, Lead Community Economic Development Efforts.

Attachments: Site Map, Release and Termination of Easement, Exhibit "A" Partition Map

Purpose of this RCA:

The purpose of this RCA is to process the official removal of an easement note on Linn County Partition Plat 2012-23, Survey No. 25497, by recording a "Release and Termination of Easement" document with Linn County.

Background/Context:

On land described as Partition Plat 2012-23, County Survey No. 25497, the owner of property at 1502 Main Street, which is located on the NE corner of 15th Avenue and Main Street, has a prospective buyer for a new business. The survey plat from 2012 recorded a number of easements for utilities on this and the adjacent properties. While the water and stormwater lines are accounted for, and the reference that is listed is for those only, another reference was attributed to a sewer line leading to the original building structure.

It is this easement note that is incorrect. The sewer line is inoperable due to blockage currently and nonetheless would be a private – not public – line. The easement document itself recorded in Volume 1158, Page 06-08, is valid, however it does not apply to the noted location.

The presence of the easement note and drawing has created a hinderance to new building development on the land. In order to effectively build what is desired, the lot needs to be free of encumbrances, and this easement runs through the middle of the lot. A waterline easement along the north boundary is not in the way. Upon construction of a new building, and sewer drains, a new easement in a new location will be required as the drainage line crosses property lines. The owner, who also owns the adjacent property, will have to process an easement to that effect at that time.

The Challenge/Problem:

How does the City resolve a legacy condition that hinders development of a commercial business due to an unneeded reference on a survey partition plat?

Stakeholders:

City of Sweet Home City Council: The Council has an interest in easing the development process.

The Property Owner: The owner of the property benefits by being able to more easily develop the property, without unnecessary obstacles.

City of Sweet Home Residents: Residents benefit from additional businesses in the community.

Issues and Financial Impacts:

The only financial commitment is the expense of recording fees for the associated documents. In this case the cost of recording will be \$105.00 for the first page, and \$5.00 a page thereafter. We expect three pages at the most, for a total of \$115.00.

Elements of a Stable Solution:

An ideal outcome would be to correct the labeling error on the partition plat and remove an impediment to development on the property.

Options:

Option 1: Take no action, resulting in the easement remaining on the plat, likely delaying or stopping new commercial development on the property.

Option 2: Authorize the City Manager to sign the attached Release and Termination of Easement and have it recorded with Linn County.

Option 3: Direct Staff to research other options or take a different action.

Recommendation:

Staff recommends Option 2: *motion to authorize the City Manager to sign the attached Release and Termination of Easement and have it recorded with Linn County.*