



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action - First Avenue Release Of Easement

Preferred Agenda: February 23, 2021

Submitted By: Robert Snyder, City Attorney

Reviewed By: Ray Towry, City Manager

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

Relevant Code/Policy: NA

Towards Council Goal: Goal 1 Infrastructure.
Vision Statement III WE ASPIRE to provide viable and sustainable infrastructure.

Attachments: Release and Termination of Easement

Purpose of this RCA:

To obtain City Council approval of a release and termination of a utility easement near First Ave and Nandina Street that runs between private properties and is no longer used or needed by the City of Sweet Home.

Background/Context:

The City has a utility easement between private real properties near First Ave and Nandina Street that was once used by the City as a sewer easement but is no longer used for the sewer or any other city utilities nor will it be in the future since the city utilities are now in the streets. One of the property owners wants to construct a structure (greenhouse) in the easement area and needs the City to release and terminate the easement so that the construction can take place. The easement was given to the City in a Partition Plat recorded at the County as Partition Plat No. 1997-53 with the easement thereon under the heading of PUBLIC UTILITY EASEMENT and labeled as (A) which is set forth in the Release and Termination of Easement enclosed herewith.

The Challenge/Problem:

Should the City of Sweet Home release and terminate the said easement?

Stakeholders:

- City of Sweet Home – to update its easement inventory
- Property Owners – Three benefitted property owners will be able to use the easement without violating the easement terms.

Issues and Financial Impacts:

There are no financial impacts

Elements of a Stable Solution:

The private property owners are able to use their lands without violating the terms of the easement since the easement is no longer needed by the City of Sweet Home.

Options:

1. Option #1 – Motion to approve the proposed release.
2. Option #2 – Motion to amend the proposed release.
3. Option #3 – Motion to reject the proposed release.

Recommendation:

Option 1 is the recommended option: To move by motion that the Release And Termination of Easement document be executed by the City Manager and recorded in the Linn County Deed Records.