

ITEM #:	<u>2</u>
DATE:	<u>12-23-25</u>
DEPT:	<u>PW</u>

## COUNCIL ACTION FORM

**SUBJECT: EASEMENT VACATIONS AT 320 SE 2ND ST, 405 SE 3RD ST, AND 413 SE 3RD ST**

### BACKGROUND:

The Kingsbury Fifth Addition Subdivision was final platted in 2022 with easements created to accommodate cross-access, stormwater, and public utilities to Lots 1, 2, 3, and 4. **The new owner of the four lots are in the process of re-platting the subdivision to combine lots 2, 3, and 4 into one lot and construct a new building and parking on the newly combined lot. No infrastructure currently exists within any of the easements that are proposed to be vacated.**

The combination of lots 2, 3, and 4 make the public utility easement for the east 15 feet of the west 35 feet of lot 2 unnecessary to convey sanitary sewer main north. The combination of the lot makes the construction of a sanitary service line possible without crossing lot lines. The public utility easement for the north 10 feet of lot 2 and the north 10 feet of lot 3 will also be unnecessary to convey utilities due to the combination of the lots.

The original stormwater detention and conveyance easements conflict with the new construction that the owner is planning. The owner will construct new stormwater facilities in locations that differ from the existing easements. The existing easements are therefore unnecessary.

The owner's new building and parking lot construction do not align with the cross-access easements that were established in the original plat to access Lot 1. The new construction will provide a new location for the cross-access easement to Lot 1, making the original cross access easements unnecessary.

**The new property owner is seeking to complete the vacation of various easements within Kingsbury's Fifth Addition in order to proceed with construction activities.** The vacations of the following easements are conditioned upon the creation of new easements to facilitate proper cross-access and utility access.

### ALTERNATIVES:

1. Set January 13, 2025, as the date of public hearing for vacation of the easements.
2. Direct staff to make further changes to the easement area.

### CITY MANAGER'S RECOMMENDED ACTION:

**The proposed new facilities and the combination of Lots 2, 3, and 4 make the various existing easements unnecessary. No existing infrastructure is located within these easements and staff supports the proposed vacation.** Therefore, it is the recommendation

of the City Manager that the City Council adopt Alternative No. 1, as described above.

**ATTACHMENT(S):**

[Easement Vacations - Kingsbury's Fifth Addition Subdivision.pdf](#)

[Kingsbury Fifth Easement Conveyance, Instrument No. 2022-01358.pdf](#)