



Memo

File #: 137-24

Agenda Date: 3/19/2024

TO: Mayor and City Council

FROM: Beth Beatty, City Manager

SUBJECT:

Public Hearing for an Ordinance Approving the Vacation of a 30-Foot-Wide Public Utility Easement Located at the Southeast Corner of McDonough Street and SE Frontage Road (V-7-23)

BACKGROUND:

The petitioner and developer, Tallgrass Estates, LLC, is requesting approval of a final Planned Unit Development and a recording plat of Timber Pointe Unit 2 Subdivision. The PUD consists of two additional 16-unit townhouse buildings (32 units) within the existing Timber Pointe Subdivision, which is located at the southeast corner of McDonough Street and SE Frontage Road. The preliminary Planned Unit Development of Unit 2 was approved by City Council in April 2023.

As part of the development proposal for Unit 2, the petitioner needs to vacate a 30-foot-wide public utility easement that was granted with the recording plat for Timber Pointe Subdivision in 2021. The easement is located on the west side of Lot 3 and was originally intended to allow for future utility access to properties to the south, should those properties ever be developed. The petitioner wishes to vacate the easement to allow the proposed garages to be located in part of that area. The Public Utilities and Public Works Departments have reviewed the request and are not opposed to the easement vacation. A public utility and drainage easement will be granted over all proposed lots on any portion where buildings are not located.

PLAN COMMISSION MEETING:

The Plan Commission reviewed this matter at their meeting on December 21, 2023. Ed Mattox, petitioner and developer, represented the petition. No one appeared or submitted comments in opposition to the petition. Meeting minutes are attached.

RECOMMENDATION OF THE PLAN COMMISSION:

Dominic Orlando moved that the Plan Commission recommend approval of the vacation of a 30-foot-wide public utility easement located at the southeast corner of McDonough Street and SE Frontage Road.

John Kella seconded the motion, which passed with seven (7) aye votes. Voting aye were: Dillon, Kella, Cox, Roehr, Rousonelos, Heath, and Orlando. Voting nay were: none. Absent were: Crompton and Perez.

RECOMMENDATION:

The Administration concurs with the recommendation of the Plan Commission and recommends the

Mayor and City Council adopt the following:

1. An Ordinance Approving the Vacation of a 30-Foot-Wide Public Utility Easement Located at the Southeast Corner of McDonough Street and SE Frontage Road