



INTER-OFFICE COMMUNICATION
REAL ESTATE DIVISION

TO: Honorable Mayor and Members
of the City Commission

DATE: March 11, 2002

GENERAL MANAGER CONSENT #002463

FROM: Michael L. Kurtz, General Manager

SUBJECT: Partial Release of Easement at 739 NE 11th Avenue
Lot 4, Block 4, Range 9 of "Partial Replat of Elliott and
L'Engle's Addition to the City of Gainesville"

Recommendation:

The City Commission: 1) approve the partial release of public utilities easement reserved by the City of Gainesville per Ordinance 2968; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement document, subject to approval by the City Attorney as to form and legality.

Explanation:

In 1984, the City of Gainesville closed a portion of NE 8th Street between NE 10th Place and NE 11th Avenue reserving a public utilities easement per Ordinance 2958. Subsequently, the City deeded, reserving to itself a public utilities easement, the west half of the closed right-of-way to the owners of Lot 4 of Elliot and L'Engle's Addition, lying immediately west of the closed right-of-way. Since that time a residence was constructed on Lot 4.

Recently Philip A. Pistorino prepared a survey of the property. The survey reflects that a portion of the residence, covered carport, wood deck, and concrete slab encroach into the reserved easement area. The current owners have requested that the City release the areas of encroachment in order to clear the cloud from their title.

GRU staff has reviewed the encroachments and verified that there are no electric, water, sewer, gas or GRUCom utility facilities located in the areas of encroachment, and therefore has no objection to the City releasing those specific areas of the reserved easement.

Prepared by:



Patricia A. Moore
Utilities Administrative Services Director

Submitted by:



Michael L. Kurtz, General Manager

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