



Legislation Text

File #: 170460., **Version:** 2

Perpetual Transportation Easement to Alachua County (B)

Alachua County has received partial funding from the Florida Department of Transportation to construct an extension of SW 8th Avenue, from NW 143rd Street to SW 137th Way, to help alleviate congestion on Newberry Road. The new road will be two lanes with bike lanes and a multi-use path. The construction will be in compliance with the specifications set forth in the State of Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The transportation plan has routed the new road across the City of Gainesville transmission right-of-way and construction cannot be completed without this crossing. As such, it is necessary that the City grant a transportation easement to Alachua County. The City acquired fee simple title to this transmission right-of-way through a condemnation proceeding in 1974. The final judgment stipulated that the City is required to provide ingress and egress across the acquired parcels, expressly to governmental bodies, for roadways or streets.

In exchange for the transportation easement, Alachua County will be constructing two (2) twelve foot wide paved driveways and installing two (2) sixteen foot gates and fencing to serve as a secured, unimpeded access to the transmission corridor. Additionally, the County has also agreed to waive all Right of Way Utilization Inspection Fees for the installation of water, sewer and gas facilities along the new roadway during the initial construction.

Staff has reviewed and recommended the granting of the Perpetual Transportation Easement to Alachua County for this project. The City will retain fee simple title to the transmission right-of-way and an indemnification clause has been incorporated into the easement to protect and defend the City from all claims or expenses arising out of or relating to the County's utilization of the easement areas for transportation purposes.

This item was presented to the Utility Advisory Board on October 12, 2017. The Board voted 6-0, with Member Campbell absent, to advise the City Commission to approve the staff recommendation.

None.

Staff:

The City Commission: 1) approve the granting of a perpetual transportation easement to Alachua County for transportation purposes across a portion of the City of Gainesville electric transmission right-of-way; and 2) authorize the Mayor and the Clerk of the Commission to execute the Easement, substantially in the form as attached, subject to approval by the City Attorney as to form and legality.

UAB:

Approve the staff recommendation.