



Legislation Text

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Release of Easement For 1205 NW 23rd Avenue (B)

The owners of property located at 1205 NW 23rd Avenue, R. H. and M. A. Bowen, recently had a boundary survey completed on their property by a registered land surveyor. The survey was supplied to Staff and it revealed that an overhead power line located along the south side of the property was not constructed within the limits an easement that was granted in 1982 by a previous owner. The survey also revealed that a carport attached to the building encroaches into the easement. In order to remove any clouds from the owner's title due to this situation, the owners have requested that the easement be released in exchange for the granting of a replacement easement on their property.

The request for the Release of Easement and the acceptance of a replacement easement has been reviewed and approved by Staff. It was confirmed that the overhead power line was erroneously located outside the limits of the easement that was granted to the City in 1982. It has also been confirmed that a replacement easement will cover the power line in its existing location and the granting of a release of easement will remove the carport encroachment.

The owner has granted the City a new metes and bounds easement to cover the existing overhead power line located on their property. The replacement easement has been reviewed and approved as to form and legality by the Utility Attorney, and recorded in the public records.

The City Commission: 1) approve the release of an overhead powerline easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney.

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