



Legislation Text

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Partial Release of a Public Utilities Easement at 7019 NW 11th Place (NB)

In 1973 the City was granted a perpetual easement for the purpose of constructing, repairing and maintaining public utilities to serve an unrecorded subdivision located in the 1100 block of NW 69th Avenue. Recently the owner of one of the lots in the subdivision, Dr. Heather Hardcastle, submitted proposed construction plans for a new office building that depicts an encroachment of the building 1.5' into the existing 15' wide public utility easement. Dr. Hardcastle has requested the City to release a portion of the fifteen foot wide public utility easement located on her property to allow the building to be constructed as proposed and prevent any encroachments in the easement. The proposed Partial Release of Easement document releases the City's interest in the area of encroachment in the easement.

This request for partial release of the public utility easement has been reviewed and approved by Gainesville Regional Utilities staff. It was confirmed that no water or sewer facilities exist within the easement. The GRU Energy Delivery Department did locate an underground electric and gas line in the easement area. Due to the proximity of the utility facilities to the proposed building, GRU gave the owners the option of either relocating the facilities at their expense or executing an Indemnification Agreement. The Indemnification Agreement releases the City of Gainesville/GRU from all claims and suits for damage to the building arising out of the City's operation and maintenance of the utility facilities in the easement area. The owner executed the indemnification agreement and it has been recorded in the public records.

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

None

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