

EXECUTIVE SUMMARY

TO: City Commission
CC: Jim Scholl, City Manager
FROM: Shawn Smith, City Attorney
DATE: June 27, 2016
RE: Rescind City Commission Resolution No. 11-193

ACTION STATEMENT:

Request: A request to rescind City Commission Resolution No. 11-193 which approved an easement of approximately 307.26 square feet on a public alleyway for property located at the end of Caraballo Lane and located behind 327 William Street (RE # 00003270-000000; AK # 1003409).

Property Owner: Mentonis Family Revocable Florida Trust 7/21/2015

Location: 327 William Street (RE # 00003270-000000; AK # 1003409), end of Caraballo Lane

Zoning: Historic Medium Density Residential (HMDR) zoning district



BACKGROUND:

On June 21, 2011, the City Commission approved an easement request which allowed the property owner to install a security gate at the end of Caraballo Lane, sealing off access to a six

foot wide walking lane that leads to a land-locked parcel located at 309-Left Caraballo Lane. The easement provided that “there shall be no expansion or further encroachments in the easement area with the exception of the security gate”. Subsequent to the grant of the easement, the property owner constructed a new fence surrounding a portion of the easement area, landscaped the easement area, installed landscape lighting and in ground irrigation improvements in the easement area and demolished a rear fence to incorporate the easement area into the rear yard of 327 William Street. Further, The owners of the real property located at 309-Left Caraballo Lane have been cut off from access to any public right of way as a result of the improvements made in the easement area, as well as the easement itself, thus making it impossible to have ingress to and egress from a public right of way except by crossing over private property. The owners of 309-Left Caraballo Lane are in need of ingress to and egress from Caraballo Lane because no other boundary of 309-Left Caraballo Lane fronts on or has access to a public right of way.

CITY ACTIONS:

City Commission (Easement):

June 21, 2011 (CC Res 11-193)

STAFF ANALYSIS:

The property owner at 309-Left Caraballo Lane needs ingress and egress access to a public right of way and the only way that can be accomplished is to rescind the easement and restore the public right of way now blocked by the easement. Opening the easement area will also serve public safety issues by providing access for emergency personnel. The property owner in whose favor the easement was granted has effectively expanded its backyard to incorporate the easement area with landscaping and other improvements, which is in derogation of the easement restrictions.

OPTIONS/ADVANTAGES/DISADVANTAGES:

Option 1: Approve the request to rescind City Commission Resolution No. 11-193 which approved an easement of approximately 307.26 square feet of a public right of way for property located at the end of Caraballo Lane and located behind 327 William Street (RE # 00003270-000000; AK # 1003409).

Consistency with the City’s Strategic Plan, Vision and Mission: The Strategic Plan is silent to this issue.

Financial Impact: There would be no cost to the City for rescinding Resolution No. 11-193.

RECOMMENDATION: Option 1.

Based on the need for access to the public right of way and based on the 327 William Street property owner utilizing the easement area in a manner inconsistent with the easement restrictions, staff recommends to the City Commission **APPROVAL** to rescind City Commission Resolution No. 11-193.