



Cover Memorandum/Staff Report

File #: 22-1083

Agenda Date: 9/6/2022

Item #: 6.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence Moore, ICMA-CM
DATE: September 6, 2022

ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT OVER THE SIDE OF 118 SWINTON CIRCLE ADJACENT TO NE 2ND AVENUE AS FURTHER DESCRIBED IN EXHIBIT "B".

Recommended Action:

Review and consider acceptance of a limited access easement agreement over the side of 118 Swinton Circle adjacent to NE 2nd Avenue.

Background:

The subject property, 118 Swinton Circle, is comprised of Lot 1, Block 3 of the Northridge Plat, further described in Exhibit "A". The property has three street frontages along South Swinton Circle, Swinton Circle, and NE 2nd Avenue. The property owner is requesting a limited access easement agreement over the side of the lot adjacent to NE 2nd Avenue pursuant to LDR Section 6.1.2(B)(7), which states that *reserve strips controlling access to streets shall be prohibited except where their control is agreed to by the City under approved conditions. Such reserve strips, when agreed to by City, shall be required, as limited access easements, along all arterial and collector streets except for approved points of ingress and egress.*

Granting the limited access easement agreement will prohibit vehicular access to the site from NE 2nd Avenue. Vehicular access from NE 2nd Avenue has been determined to be impractical due to it being the rear of the lot.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The building permit cannot be issued prior to the execution of the agreement.