



## Legislation Text

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File #: 22-1083, Version: 1

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**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 2<sup>ND</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue. The property owner is requesting a limited access easement agreement over the side of the lot adjacent to NE 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue. Vehicular access from NE 2<sup>nd</sup> 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.