



## Legislation Text

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**DATE:** January 16, 2020

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Paul P. Holzen, City Engineer/Director of Engineering  
Jonathan Marston, Assistant Director of Engineering  
Lance Fittro, Staff Engineer III

**SUBJECT:**

Consideration Of Resolution 2020-05, A Resolution Declaring Certain Right-Of-Way Located Between Cannon Street And Academy Street As Surplus. (CIC 1/23/2020, 3-0)

**Purpose**

The purpose of this memo is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Resolution 2020-05.

**Background**

The property owners along Battle Avenue and Everbright Avenue have submitted a request for the City to abandon the existing, unimproved alley between Academy Street and Cannon Street. City staff has evaluated this request and recommends approval with the following conditions:

- 1) Require a Public Utility and Drainage Easement (PUDE) on 100% of the property being vacated.
- 2) Require a Private Access Easement on a portion of the property being vacated as shown in Exhibit A. The existing asphalt and curb within the easement shall become the joint maintenance responsibility of the property owners.
- 3) Require the property owners to complete a survey for the surplus right-of-way and prepare legal descriptions for each portion to be disposed to the adjoining property owners of Map 78J, Parcel Nos. 010.00, 011.00, 012.00, 013.00, 014.00, 017.00, 018.00, 020.00, 021.00, 022.00, 023.00, 024.00, 024.01, 025.00.
- 4) According to City policy, staff shall not abandon only portions of the alley and shall ensure the property, as shown on Exhibit A, is abandoned in its entirety.

In general, it is City policy to dispose of excess right-of-way equally (*i.e.* 50/50) to the property owners adjacent to both sides of the City right-of-way. The property owners are willing to pay all cost associated with the survey and accept the property.

**Financial Impact**

No financial impact.

**Recommendation**

Staff recommends approval of Resolution 2020-05.