

AGENDA ITEM #: \_\_\_\_\_

DATE: October 26, 2020

CAR #: 2020-7100



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Approve a Public Utility, Sidewalk and Access Easement Needed for El Cidro Phase 1B Infrastructure needed to support Map of Dedication for El Cidro Infrastructure Phase 1B

**STAFF PRESENTER(S):** Linda Beals, Real Estate Coordinator

**APPLICANT:** Krista Zinser, CVL Consultants

**Summary:** Approve a Public Utility, Sidewalk and Access Easement needed to support construction of street improvements within South Citrus Road and West El Cidro Drive being dedicated to the City by Map of Dedication for El Cidro Infrastructure Phase 1B.

**Recommendation:** Approve the form of Public Utility, Sidewalk and Access Easement attached hereto and authorize its acceptance and recordation subject to the following conditions:

1. The City Manager is authorized to execute a Public Utility, Sidewalk and Access Easement in the form attached hereto accepting an easement for the location described in the legal description attached thereto;
2. Prior to recordation of the Public Utility, Sidewalk and Access Easement, Owner shall submit an updated title report for the property and shall modify the easement to reflect the current ownership and current lender including the inclusion of a Lender Consent and Subordination in a form approved by the City Attorney or his/her designee for all lenders with a security interest in the property subject to the easement. Owner shall provide documentation acceptable to the City Attorney or his/her designee demonstrating that the party executing the Public Utility, Sidewalk and Access Easement is authorized to do so.
3. The Public Utility and Sidewalk Easement shall be recorded concurrently with or immediately after the recording of the Map of Dedication for El Cidro Infrastructure Phase 1B.

**Fiscal Impact:** There will be no fiscal impact to the City in fiscal year 2021 or future years related to the acceptance of the easement.

### Background and Previous Actions

- The 2020-7100 - Council Action Report PAD Zoning was approved by City Council on October 15, 2002 by Ordinance 02-778 and amended March 5, 2007 by Ordinance No. 07-1060, April 14, 2008 by Ordinance No. 08-1111, and on May 24, 2010 by Ordinance No. 10-1215.
- The preliminary plat for El Cidro was approved by City Council on August 25, 2014. A one year extension was approved by City Council by COAC No. 16-5759. The first final plats subdividing portions of the property included in the preliminary plat were recorded on June 28, 2017 for El Cidro Parcels 2, 3, and 1D phase 1.

## **Staff Analysis**

The current owner of El Cidro, BT Goodyear LLC, is seeking to subdivide three parcels within El Cidro. By separate action, council approval is being sought to approve the Final Plat of El Cidro – Phase 1 Parcel 1B, the Final Plat of El Cidro – Parcel 1 D Phase 2, and the Final Plat of El Cidro – Phase 1 Parcel 1E. In addition, council is being asked to approve the Map of Dedication for El Cidro Infrastructure Phase 1B (the “MOD”), which dedicates right-of-way needed for the construction of utility infrastructure and road improvements needed to serve the property within the three final plats referred to herein. Public Utility, Sidewalk and Access is needed along portions of the right-of-way being dedicated in the MOD.

Staff has heard, but has not verified, that there may be pending sale(s) for some or all of the El Cidro property. Because ownership of the properties included in the three final plats and the MOD may change before the documents are recorded, all of these documents include requirements that updated title reports be provided and the documents modified to reflect current ownership prior to their recordation. One of the stipulations in the staff report for the MOD is that the Public Utility, Sidewalk and Access Easement be recorded concurrently with or immediately after the recordation of the MOD. Accordingly, the same situation exists with the Public Utility, Sidewalk, and Access Easement, that is ownership of the property where the easement is located may change before the easement is recorded. Therefore, the approval being requested is for the approval of the form of easement with conditions for its execution and recordation.

The approval of the Public Utility, Sidewalk and Access Easement will facilitate development of the portions of El Cidro located within the Final Plat of El Cidro – Phase 1 Parcel 1B, the Final Plat of El Cidro – Parcel 1 D Phase 2, and the Final Plat of El Cidro – Phase 1 Parcel 1E, all of which are being presented for approval by separate action.

## **Attachments**

Public Utility, Sidewalk and Access Easement