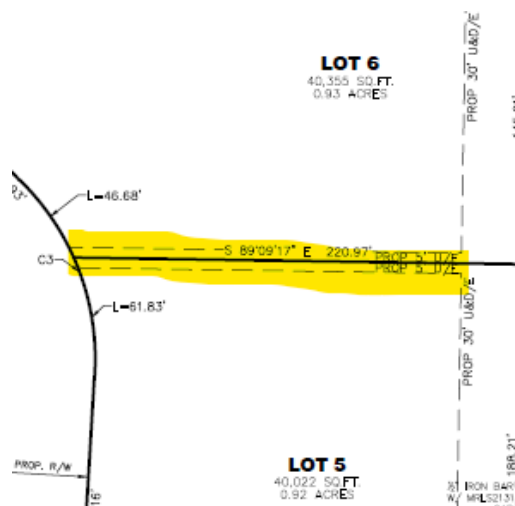


<b>Date:</b>	May 4, 2023
<b>Prepared By:</b>	Jack Hendrix, Development Director
<b>Subject:</b>	Vacating a Utility Easement – Fairview Crossing North

The Board of Aldermen recently approved a final plat for a new commercial subdivision named Fairview Crossing North. That subdivision plat includes 6 lots zoned for commercial use at the southeast corner of Commercial and 169 Highway. This approved plat has not yet been recorded. Prior to construction, the developer proposes to construct a new shopping center building on what is identified as Lots 5 and 6 in the development. Those lots have approval for up to 13,200 ft<sup>2</sup> of buildings in accordance with the approved conceptual plan. That plan sets the maximum size of buildings that may be constructed. The developer seeks to construct one 12,000 ft<sup>2</sup> building over both lot 5 and lot 6. To do this, the lot line between the two lots must be removed. That process ordinarily occurs after the plat has been filed and it is an administrative process that is approved at the Development Department level. This process cannot, however, vacate a platted easement. To expedite the overall process for both the developer and the city, making an amendment to the plat prior to recording that vacates the easement is the best procedure.

To the extent that this easement is unused (since it has not yet been created), and there will be no need for this easement by the city or any other utility in the future, there is no negative impact on the properties involved. If approved, vacating this easement on the plat will occur by simply adjusting the plat prior to recording to both remove the boundary line (usually a staff action) and removing the easement (a Planning Commission recommendation to the Board for its' action) will prepare the land for a future Shopping Center. The shopping center proposal is also on the agenda..



4.00 in

