



# MEMORANDUM

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September 16, 2014

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
David Parker, City Engineer/CIP Executive  
Paul Holzen, Director of Engineering  
Dustin Scruggs, Engineer I

**SUBJECT:** Consideration Of Resolution 2014-70, A Resolution Declaring Certain Right-Of-Way Located Between Lot 9 And Lot 10 As Shown On The Heath Place At Franklin Section 1, Phase 2 Plat As Surplus

## **Purpose**

The purpose of this memorandum is to provide the information to the Franklin Board of Mayor and Aldermen (BOMA) for consideration of declaring a portion of right-of-way on Kinnard Drive as surplus property.

## **Background**

On August 20, 2014, City staff met with Austin Huskey to which he expressed his interest in building a home on property adjacent to existing Kinnard Drive right-of-way. As part of this discussion it became apparent that securing a portion of the right-of-way between his property and Kinnard Drive will be necessary to provide access and frontage along Kinnard Drive. Austin Huskey's property is located northwest of Kinnard Drive. Access to this property is only accessible from dedicated right-of-way between lots 9 & 10 as shown on the Heath Place at Franklin Section 1, Phase 2 plat (Plat Book 7, Page 104).

The right-of-way proposed for abandonment is approximately 151 feet long and 50 feet wide (7,550 SF or 0.17 AC) with several public utilities located within the right-of-way. Municipal Code Chapter 8, Sec. 5-802, allows for the Board to sell or dispose of right-of-way by negotiated contract or by other means that will adequately protect the public interest when the value does not exceed \$25,000. City staff has estimated the value to be under \$25,000 due to the fact that no building could ever be built within the area to be abandoned.

This request meets the criteria of unused City right-of-way as outlined in the June 8, 2010 Unused City Right-of-Way Policy. This policy recommends vacating 100% of the right-of-way to one adjacent property owner when it serves as the only access to a single property. Vacating and declaring this portion of right-of-way surplus requires BOMA approval.

## **Options**

**Option 1:** Approval of Resolution 2014-70 with the following conditions:

- 1) Require a Public Utility, Drainage and Access Easement on 100% of the property being vacated.



- 2) Require the property owner to complete a survey of the surplus right-of-way and pay all closing cost associated with the transfer of the property.
- 3) Require the property owner to dedicate an easement for a future water main across his property as determined by the Engineering Department.

**Option 2:** The City may choose to maintain the current right-of-way on Kinnard Drive. If this option is chosen the property owner would be required to construct and build a public roadway from Kinnard Drive to his property line.

**Financial Impact**

No direct financial impact is placed on the City either action. Wither option places financial obligations onto the property owner seeking access through either the survey and acquisition of the property through the City's surplus property policy (option #1) or by the owner constructing a public roadway (option #2).

**Recommendation**

Based on the City's Unused City Right-of-Way Policy, staff recommends **Option 1**, approval of Resolution 2014-70 contingent upon final review and approval by the law department.