



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 6, 2023

Re: Conley Marketplace - Easement Vacation & Dedication (Case #22-2023)

Executive Summary

Approval of this request will authorize the vacation of three existing easements currently encumbering Lot 2 of Conley Marketplace and accept the dedication of a new electric easement serving Lot 2 as well as the overall Conley Marketplace parcel. Relocated easement to replace those to be vacated have been received by appropriate City departments and are in operation ensuring utility services are available to Lot 2 as well as other undeveloped lots within the Conley Marketplace parcel.

Discussion

Engineering Surveys and Services (agent), on behalf of TKG Conley Road Investments, LLC (owners), seek the vacation of three existing easements and the dedication of one new easement on their property located northwest of the intersection of Conley Road and East Business Loop 70. The 2.53-acre subject property is known as Lot 2 of Conley Marketplace, and was recently developed with a retail establishment (i.e. Aldi's).

Prior to the platting of Conley Marketplace and creation of Lot 2, there were two existing easements were dedicated across the property. The easements include were a 16-foot sanitary sewer easement and a 20-foot utility easement, both running generally parallel to the western lot line from north to south across the interior of Lot 2.

Prior to approval of the Conley Marketplace final plat, Lot 2 was enlarged at the request of the tenant (Aldi's) to incorporate land west of the established easements. This enlargement resulted in a conflict being created with the existing easements and the future building footprint of the now constructed grocery store. As a result, the applicant seeks to vacate that portion of the existing utility easements compromised by the new building as shown on the attached exhibit. New easements and infrastructure have been accepted by appropriate City departments and are in service. These new easements and infrastructure support the building on Lot 2 and have been tied back into the broader easement network serving the remaining parcels within the Conley Marketplace plat.

It should be further noted that at the time Lot 2 was final platted, an additional ten-foot electric easement was dedicated across the lot running east to west roughly 70 feet north of the southern property boundary. To provide a more efficient route for overall Conley Marketplace electric service and avoid possible future conflicts with the easement's current placement, the applicant seeks to vacate the easement from being internal to Lot 2. A new easement along the north boundary of Lot 2, extending south approximately 130 along the west side of the lot is proposed to be dedicated to replace the existing easement. This new



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easement effectively reroutes electric service around Lot 2 and connects the easement to the remaining easement network within the undeveloped portions of the Conley Marketplace plat.

The proposed easement vacations and the proposed dedication have been reviewed by all applicable departments and found to be appropriate. The required easement dedication documents are attached and the new utilities have been accepted by the appropriate City Utilities. Staff supports the vacation requests as well as the proposed easement dedication.

Locator maps, easement exhibits (vacation & dedication), and electric utility easement dedication documents are attached.

Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: None.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
4/5/22	Approved – Conley Marketplace, final plat (Ord. #024985).

Suggested Council Action

Approve the requested easement vacations and dedication.