

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 20, 2026

Re: 5724 Black Gum Court – Utility Easement Vacation and Dedication

Impacted Ward: Ward 3

Executive Summary

Approval of this request would result in the vacation of a an existing 15-foot drainage easement located adjacent to the lot lines of Lots 194 and 195 of "Forest Hills, Plat No. 3" subdivision. The vacated easement would be relocated 5-feet to the north of its current location and rededicated as a new 15-foot drainage easement. The vacation and rededication will resolve an existing encroachment of the home on Lot 194 and will not require relocation of any existing utilities within the current easement.

Discussion

Leubbert Engineering (agent), on behalf of New Standard Homes, LLC (owner), is seeking the vacation of a 15-foot drainage easement. This request is necessary because the home constructed on Lot 194 encroaches into the existing drainage easement, which is preventing the issuance of a Certificate of Occupancy. The easement to be vacated will be relocated 5-feet to the north and a new 15-foot drainage easement will be dedicated. Although the easement to be vacated contains a storm drain, the proposed vacation, and rededication will not interfere with the storm drain infrastructure.

The easement **to be vacated** provides access to stormwater infrastructure near the side lot line separating Lots 194 and 195 of "Forest Hills, Plat No. 3." The drainage easement measures 68-feet long by 15-feet wide and is situated adjacent to both lots with 10-feet on Lot 194 and 5-feet on Lot 195. The easement **to be dedicated** will serve the same purpose as the vacated easement and be identical in length and width; however, it will be shifted to the north by 5-feet resulting in 5-feet of the new easement being location on Lot 194 and 10-feet being located on Lot 195.

This request has been reviewed by both internal and external staff and is recommended for approval. The dedication would center the stormwater pipe within the newly dedicated easement. Approving the requested vacation and accepting the newly dedicated easement will result in the home constructed on Lot 194 no longer encroaching into the easement and permit a Certificate of Occupancy to be issued for the constructed dwelling.

Locator maps, easement vacation and dedication legal descriptions/exhibits and Grant of Easement for Drainage Purposes are attached for review.

Fiscal Impact

Short-Term Impact: None. The existing stormwater infrastructure is not being impacted by the requested easement vacation.

Long-Term Impact: None. The existing stormwater infrastructure remains unchanged.

Strategic & Comprehensive Plan Impact[Strategic Plan Impacts:](#)

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

[Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Infrastructure

Legislative History

Date	Action
2/6/2023	Approved final plat "Forest Hills, Plat No. 3" (Ord. 025246)
12/20/2021	Approved final plat "Forest Hills, Plat No. 2" (Ord. 024864)
4/15/2013	Approved final plat "Forest Hills, Plat No. 1" (Ord. 021653)

Suggested Council Action

Approve the vacation and dedication request.