

CITY OF ARCHER
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UTILITY EASEMENT COMMISSION WORKSHOP MINUTES
Tuesday, November 3, 2015 Time: 4:30 PM

MINUTES, WHICH ARE PUBLIC RECORD, ARE NOTES TAKEN TO PROVIDE A SUMMARY MEMORANDUM OF MEETINGS OR HEARINGS AND CONTAIN ALL OFFICIAL ACTIONS TAKEN. MINUTES ARE NOT INTENDED TO BE A WORD FOR WORD OR VERBATIM TRANSCRIPTION OF THE MEETING.

Quorum Present:

Commissioners: Fletcher Hope
Susan Drawdy
Corey Harris

Absent

Mayor Doug Jones
Vice Mayor Marjorie Zander

Staff:

Interim City Manager John Glanzer
City Attorney S. Scott Walker
Assistant City Attorney Courtney Johnson
Minutes Recorder Mary T. Flickinger

I. DISCUSSION ON RESOLUTION NUMBER 2015-09, UTILITY EASEMENTS

A RESOLUTION OF THE CITY OF ARCHER, FLORIDA, ESTABLISHING A POLICY FOR THE EXECUTION OF UTILITY EASEMENTS AND ESTABLISHING AN EFFECTIVE DATE.

Interim City Manager Glanzer called the workshop to order and stated that the purpose of the workshop is to discuss Resolution 2015-09, dealing with utility easements.

Attorney Johnson recapped that back in May, Resolution Number 2015-09 came before the Commission to establish a policy for the execution of utility easements in anticipation of the City of Archer initiating a wastewater treatment facility. The point of the resolution was to give the City Manager the authority to start negotiations with property owners for the necessary easements. The Commission became concerned between the difference of a utility easement and eminent domain. The Commission was provided with information explaining utility easements.

Attorney Walker clarified that eminent domain is a separate process and has nothing to do with the resolution before the Commission. Explaining further, Attorney Walker stated that property owners can often benefit from allowing easements because their property values increase. If a property owner is against allowing an easement, often the engineers can provide alternate plans and noted that much of the infrastructure will run through the public right-of-ways. Attorney Walker stated that it is highly unlikely that we are going to get into a situation where eminent domain is even an option for the city. Attorney Walker distributed the Acceptance of Offer of Just Compensation for Grant of Easement document that was used in the City of Newberry. If the easement is not granted, the city can have the easement appraised for the value of the land or development fee credits. Attorney Walker recommended that first, the City needs to start to find out where the engineering lines will run.

Interim City Manager Glanzer discussed concerns about the proposed legislation stating that it will be the city's responsibility to pay for moving any existing infrastructure out of the way, if necessary, to make room for the sewer pipes. If there is an issue with an easement, it will be the City's responsibility to pay for the survey and any title work performed. Additionally, the property owner cannot change the easement in any way that might prevent access or impede use.

PUBLIC COMMENT: David Sistrand, Sue Batey, Laurie Costello, Tillie Davis

Interim City Manager Glanzer asked if there was any desire on the part of the Commission to explore the Newberry documentation further.

Attorney Walker stated that we are a long way from needing this procedure right now and the best advice he could give the city is to work on the viability of the project and where the project will be placed before going to the next step.

Based on the City Attorney's advice, the Commission agreed that the city should take the time to work towards getting the project in place.

II. ADJOURNMENT

MOTION

Commissioner Hope moved to adjourn the meeting.

Commissioner Drawdy seconded the motion.

MOTION CARRIED 3-0 Time: 5:41 pm.



John Glanzer, Interim City Manager