



Engineering Department

MEMO

To: Dave Plyman, City Manager
CC: Tim Isley, Supt. of Streets
Alan Cooper, City Attorney (via council packet)
From: Sam Tesreau, City Engineer
Date: October 18, 2016
Re: An ordinance amending approving a roadway dedication agreement for portions of Cherry Ave and First Street east of 2nd Street
Encl: (1) AN ORDINANCE APPROVING ROADWAY DEDICATION AGREEMENT (CHERRY AVENUE AND FIRST STREET)

- 1) In late 2004 Patricia Burch approached the City Manager regarding vacating a portion of Cherry Avenue and Van Buren Street at the east terminus of said streets all situated east of 2nd Street. Mrs. Burch proposed a planned development that would provide rail service to adjacent properties as well as transloading facilities. As a result the City Council approved ordinance #04-3276 dated October 25, 2004 vacating said public road. Subsequently the City roadway maintenance responsibilities have since ceased on the section as this became a private access driveway once vacated.
- 2) Over a decade has passed since the vacation was approved by the City. Over a year ago Patricia Burch approached the City asking to rededicate the road right of way as the original development proposal never came to fruition and other properties adjacent to the once Cherry Ave have changed ownership.

As a result City staff has negotiated a Roadway Dedication Agreement with the developer (enclosure 1) which is attached as exhibit A of the ordinance. This includes certain conditions for the City's acceptance of the Vacated Roadway, including the satisfactory construction of roadway pavement improvements, an easement to assist in City snow removal and storage, and drainage easements to be used if it becomes necessary to relocate a storm sewer which presently runs beneath a building owned by Mrs. Burch.

- 3) Please consider approval of enclosure (1) An ordinance approving a roadway dedication agreement for a portion of Cherry Ave and First Street east of 2nd Street.

