



Legislation Text

File #: PUB 15-034, **Version:** 1

Easement Agreement for Access Across City Property at 1003 Abernethy Rd (2-2E-29CA-02200)

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute the easement agreement across 1003 Abernethy Road providing the adjacent property owner access to the rear of 1005 Abernethy Road for business purposes.

BACKGROUND:

Since 2006, Teddy Reynolds has owned the property addressed as 1005 Abernethy Road and has proposed that a business, Royal Flush Plumbing, be operated from the site. The land use proposal for Royal Flush Plumbing was submitted to the Planning Department in 2013 and was predicated on gaining access to the rear of the site through an accessway which was in existence on the east side of the property since before 2006. As part of the land use proposal, the property owner was required to get a legal access easement from the easterly property owner; however, the easterly property is Oregon City park property and as such, is restricted for use only as a park.

The Public Works Department acquired the property on the westerly side 1005 Abernethy Road in the mid-1990s as future right-of-way for the realignment of Abernethy Road which was never realized. The parcel remains open space and the City and the applicant have worked out an arrangement where the applicant shall be provided permanent access to 1005 Abernethy Road across the easterly twenty-five feet of the parcel in return for the City obtaining dedication of 5' of frontage and other concessions.

Because 1003 Abernethy Road is located within the 100 year floodplain, the City plans to leave the parcel as open space and has no plans for development. Use of the easterly portion of the parcel as access to an adjacent business is an appropriate use for a portion of the vacant parcel.