

OFFERS OF DEDICATION - PUBLIC HEARING QUESTIONS/COMMENTS

Section	Lot	Name	Comments, Questions, Concerns	City Staff Response	Address (if provided)	Attachment
6	123	Dwayne Junke (email dated 11/19/19)	Wants each lot looked at individually	Each lot has been individually reviewed multiple times by various City staff and franchise utilities.		
			Tax auditors records needs to reflect the additional (nontaxable) easements being used	Recommend property owner contact Benton County Auditor directly with their concern or question regarding property taxes.		
			Property owner should be reimbursed for tax overage through the years per the additional easements (he has calculations in email)	Recommend property owner contact Benton County Auditor directly with their concern or question regarding property taxes.		
			He rejects acceptance of the south 33 ft. and west 33 ft. easement for the fire apparatus access road	The City's proposed acceptance of the Offers of Dedication matches the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019.		
			He rejects acceptance of the west 10 ft. utility easement	The City's proposed acceptance of the Offers of Dedication matches the City's prior practices of retaining a minimum of 10 ft. utility easements around the boundaries of all properties for future City utility and or franchise utility use.		
			He requests that the City amend the section roadway plan	Residents may petition the City to amend the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and amended by Ord 33-19 adopted on November 5, 2019. Processing of any petition received will not occur until after the Section 6 & 8 Offers of Dedication issue has been completed. This does not preclude the City, in the future, from vacating any accepted Offers of Dedication that are determined to be no longer needed due to a future change in the local roadway plan.		
			Why does the map not show the 5 ft. telephone easement	The exhibits for each lot are only specific to the federal land patent's Offers of Dedication that are proposed to be accepted by the City.		
		Dwayne Junke (Information provided to City Clerk at Meeting)	What is the fire truck access?	Fire Apparatus Access Roads are public access roads privately maintained. Additional information can be obtained in Appendix D of the International Fire Code.		
		What is the geo tech soil?	Geotechnical reports have not been completed by the City.			
		What is the status of the 33 ft. easements mentioned in the land patents for BLM parcels. There are none - he answered his own question in an email	BLM WAOR-34586 Right-of-Way grant authorizes right-of-ways to the City for road and utility purposes associated with parcels still owned by BLM.			
		Was a right-of-way established by actual use?	Yes			
		If the fire access road is deemed to be put in, does the homeowner have to pay to put in curbing, sidewalk modification, gravel, concerned about the \$150 fine if not maintained	Fire Apparatus Access Roads are public access roads privately maintained. Additional information can be obtained in Appendix D of the International Fire Code.			
		Does not want 48th Ave to go all the way through because it may create a dangerous traffic "shortcut"	Residents may petition the City to amend the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019. Processing of any petition received will not occur until after the Section 6 & 8 Offers of Dedication issue has been completed. This does not preclude the City, in the future, from vacating any accepted Offers of Dedication that are determined to be no longer needed due to a future change in the local roadway plan.			
		Does not want 48th Ave to go all the way through because it may create more noise	Residents may petition the City to amend the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019. Processing of any petition received will not occur until after the Section 6 & 8 Offers of Dedication issue has been completed. This does not preclude the City, in the future, from vacating any accepted Offers of Dedication that are determined to be no longer needed due to a future change in the local roadway plan.			

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6	91	Matilda Carranza	According to her tax card she got in the mail and warranty deed she has no easements and no restrictions	Per BLM Land Patent issued for Lot 91, Section 6, the patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the north and east boundaries of said land.		
			Wants to know if we are going to take 10 ft. until it reaches her house on the north side of her property (it's a large hill of pure sand)	The City's proposed acceptance of the Offers of Dedication matches the City's prior practices of retaining a minimum of 10 ft. utility easements around the boundaries of all properties for future City utility and or franchise utility use.		
			If road 48 were to go through there are going to be lots of accidents	Residents may petition the City to amend the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019. Processing of any petition received will not occur until after the Section 6 & 8 Offers of Dedication issue has been completed. This does not preclude the City, in the future, from vacating any accepted Offers of Dedication that are determined to be no longer needed due to a future change in the local roadway plan.		
			Wants the City to look at each lot - was that area used for a road or utility prior to 1981 November, then ask each property owner if they would like an easement so they won't have to pay taxes.	Each lot has been individually reviewed multiple times by various City staff and franchise utilities.		
6	9	Chris Wright	Strong argument to be made for determination of classification order		5502 Astoria Ln	
			His conclusion - on November 18, 1981 the common law easements were terminated if not used			
8		Justine Kaley, Attorney	Stated there is a clear difference of legal opinion, thinks that this matter should be adjudicated, requested a vote not in favor	Agree that there is a difference of legal opinions.		
8	6	Justine Kaley, Attorney	On the west side of property the City proposed to accept a 10 ft. easement, there is currently an existing infrastructure at 45 ft., if infrastructure is going to be moved can it be put in the 10 ft., not the 33 ft.	Recommend property owner directly contact owner of infrastructure and inquire about relocation. This does not preclude the City in the future from vacating any accepted Offers of Dedication that are determined to be no longer needed.		
8	29	Justine Kaley, Attorney	No need for N/S roadway between lot 28 and lot 29	The City's proposed acceptance of the Offers of Dedication matches the Section 8 Local Roadway Plan adopted by Ord 19-18 on July 17, 2018.		
8	28	Justine Kaley, Attorney	No need for N/S roadway between lot 28 and lot 29	The City's proposed acceptance of the Offers of Dedication matches the Section 8 Local Roadway Plan adopted by Ord 19-18 on July 17, 2018.		
8		Justine Kaley, Attorney	Concerned that the City is not going to record this information on parcels w/auditors office	Property owners have the ability to record the ordinance and associated exhibit. The City will make these documents available, upon request.		
			How will property owners sell with no notice to the purchasers of what the actual easements are	Property owners have the ability to record the ordinance and associated exhibit. The City will make these documents available, upon request.		
			How will City retain rights if it goes to vote	Council will pass an ordinance accepting Offers of Dedication.		
			City needs to move forward in a way that will protect property owners rights	Agreed. The City does not propose to act on any Offers of Dedication other than as contained in patents and as justified by existing or proposed public use.		
			The recording of easements needs to be easy to understand for property owners if they want to build	Agreed. The use of illustrated maps makes the status clear.		
8	7	Justine Kaley, Attorney	The City needs a legal description of easements so that future owners don't get into problems	Please See individual lot exhibits that show the Offers of Dedication to be accepted along with the associated description.		

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8		Justine Kaley, Attorney	Has the City done any analysis on how citizens are using and accessing their lots	Yes, this analysis was used to originally create the local roadway plans.		
			Is the County going to be voting on this	The proposed ordinance accepting the offers of the dedication is for parcels located within the City limits.		
			Is the County in agreement	The proposed ordinance does not affect the County and the County's position is unknown.		
			Is the County working with the City towards this plan or is this just the City's hope and wish	The proposed ordinance does not affect the County and the County's position is unknown.		
			If these roads don't get made then what?	The proposed acceptance of the Offers of Dedication does not preclude the City in the future from vacating any accepted Offers of Dedication that are determined to be no longer needed.		
			All lots should be individually analyzed	Each lot has been individually reviewed multiple times by various City staff and franchise utilities.		
6	41	Roxy Branton	Needs to be more time and analysis on which easements are actually needed for each lot	Each lot has been individually reviewed multiple times by various City staff and franchise utilities.		
			Drawings do not give good visual representation			
			There needs to be a two way forum where each lot can be considered as a case by case basis	An open house was held on October 8, 2019, information has be placed on the City's website and staff has made themselves available throughout the process to answer questions.		
			Are they accepting another 33 ft.	Staff meet with Ms. Branton and answered her questions.		
			Wants clarity on what current easements are	Staff meet with Ms. Branton and answered her questions.		
			Not fair to just take the easement on all lots	The City's proposed acceptance of the Offers of Dedication matches the City's prior practices of retaining a minimum of 10' utility easements around the boundaries of all properties for future City utility and or franchise utility use.		
			Feels the City should not need additional access	The proposed acceptance of the Offers of Dedication are not additional access easements.		
6	22	Michael Scott	His property is next to City owned lot, but why is the City water line on his property	City's water main is located within utility easement on the eastern boundary of Lot 22, Sec. 6.		No. 2
			Has already talked to Jaclyn about getting easements lowered	City is not able to reduce acceptance of Offers of Dedication on the eastern boundary of Lot 22, Sec. 6 due to an existing overhead Benton REA power line.		
			Needs to See more consistency on how this is all evaluated	Each lot has been individually reviewed multiple times by various City staff and franchise utilities.		

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8	26	Lana Reyes	Paper/easements are very hard to interrupt	An open house was held on October 8, 2019, information has be placed on the City's website and staff has made themselves available throughout the process to answer questions.	1700 S 38th Ave	No. 3
			Does not believe the private County dirt road should be addressed	The existing gravel roadway is currently being used. At this time Staff is recommending to retain the 33' Offers of Dedication on the south side of this parcel until it can be determined that this existing gravel roadway is no longer needed. The proposed acceptance of the Offers of Dedication does not preclude the City in the future from vacating any accepted Offers of Dedication that are determined to be no longer needed.		
			Feels she is at disadvantage because her property is next to County lots			
			What kind of coordination is going on to let the County know what's going on in the City			
			Has there been any consideration to take the 33 ft. from the County adjoining parcels just to south why is all the 33 ft. on her property	The proposed ordinance accepting the Offers of Dedication is for parcels located within the City limits.		
			In regards to the new road on 38th does it mean additional 33 ft. will be taken	S. 38th Ave is located within the 33 ft. Offers of Dedication.		
			Would like to know if a survey can be taken on her lot	Recommend property owner contact local survey firm directly if they wish to have their property surveyed.		
			Concerned about what is she paying taxes on	Recommend property owner contact Benton County Auditor directly with their concern or question regarding property taxes.		
			Concerned about the proposed Artemis Ridge road that comes up through County lots and cuts over to City	The City's proposed acceptance of the Offers of Dedication matches the Section 8 Local Roadway Plan adopted by Ord 19-18 on July 17, 2018.		
6	33	Harold Hedge	Because his section is so steep, his section should be less than 33 ft.	The City's proposed acceptance of the Offers of Dedication matches the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019.	4910 Collins	No. 4
			They are not easements as defined by the state or property tax and deed - so are definitions being changed	Recommend property owner contact Benton County Auditor directly with their concern or question regarding property taxes.		
6	9	Alison Wright	Fire apparatus access roads being placed on 3 of 4 sides of her property without her knowledge - they were removed and they appreciate it		5502 Astoria Rd	
			Does not agree with the access and utility easements being placed on property	The City's proposed acceptance of the Offers of Dedication matches the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019.		
			Believes easements were terminated November 18, 1981	Agree that there is a difference of legal opinions.		
			Please remove the easements	The City's proposed acceptance of the Offers of Dedication matches the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019.		
6	19	Dave Shupe (submitted aerial photo)	What does "acceptance of Offers of Dedication to follow, none" mean?	The City is not accepting any of the federal land patent Offers of Dedication because the necessary road right-of-way and utility easements were dedicated to the City via Short Plat #2962.	145 S 58th Ave	No. 5
			Wants an individual sit down for his own lot	An open house was held on October 8, 2019, information has be placed on the City's website and staff has made themselves available throughout the process to answer questions.		
			Concerned about the trust between citizens and the City Council			

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6	92	Jim and Kathy Weber (email dated 11/19/2019)	Supports the process of the City moving forward with the Offers of Dedication		604 S 48th Ave	No. 6
			Wants easements removed around the northeast corner of the property	The proposed acceptance of the Offers of Dedication for a 33 ft. x 70 ft. access easement in the northeast corner of this parcel has been removed.		
			Wants the City to determine the exact location of the water main along the north side of property	The City expects to receive a number of similar requests and is committed to processing these requests as staffing and workload permits.		
			After the location of water main - wants to pursue decreasing the 33 ft. easement for the water main	The proposed acceptance of the Offers of Dedication does not preclude the City in the future from vacating a portion of any accepted Offers of Dedication that are determined to be no longer needed once the actual location of infrastructure is known.		
6	13	Steve and Terri Szendre (email dated 11/19/19)	Believe that BLM dropped the easement in 1991	Agree that there is a difference of legal opinions.	130 S 58th Ave	No. 7
			Disagree with the City's legal definition	Agree that there is a difference of legal opinions.		
			Disagree with the City adding easements	The City's proposed acceptance of the Offers of Dedication matches the Section 6 Local Roadway Plan adopted by Ord 18-18 on July 17, 2018 and as amended by Ord 33-19 adopted on November 5, 2019.		
6	76	Andrew Lord (email dated 11/18/19)	What is the basis for the 20 ft. easement on the east side of the property	See Roscoe Slade's email response dated 11/18/19	6021 Everett St	No. 8
			What is the basis for the 33 ft. easement on the south side of the property			
6	75	Richard Bloom (email dated 11/17/19)	Only deal with accepted right of ways - retaining 33 ft. easement	See Roscoe Slade's email response dated 11/18/19		No. 9
			Reduce all right of way to 30 ft.			
			Subject to BREA review - reject all unnecessary 33 ft. utility easement use 30 ft.			
			Retain all 33 ft. easements			
			Establish a City policy that any 30/33 ft. easements would be reduced to 10 ft. w/3 conditions See below			
			Condition 1 subject to concurrence from applicable utilities -Charter, Frontier, REA, CID and City			
			Condition 2 property owners must certify that they have completed a due diligence review and walk down of their property			
			Condition 3 adjacent properties notified and approved by council			

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6	47	Richard Bloom (email dated 11/17/19)	Concern - lot was subdivided and that is not reflected in drawing	See Roscoe Slade's email response dated 11/18/19		No. 9
6	48	Richard Bloom (email dated 11/17/19)	Concern - incorrect documentation of easements	See Roscoe Slade's email response dated 11/18/19		No. 9
6	74	Richard Bloom (email dated 11/17/19)	Concern - incorrect documentation of easements	See Roscoe Slade's email response dated 11/18/19		No. 9
6	76	Richard Bloom (email dated 11/17/19)	Concern - incorrect documentation of easements	See Roscoe Slade's email response dated 11/18/19		No. 9
6	80	Richard Bloom (email dated 11/17/19)	Safety Concern - high voltage underground line not documented properly	See Roscoe Slade's email response dated 11/18/19		No. 9
8	6 & 46	Dani Hoglen, BREa (email dated 11/13/2019)	Would like to retain the 33 ft. easement due to existing facilities - See email for supporting documentation Concern - appears request was not granted	See Roscoe Slade's email response dated 11/13/19		No. 10
8	28	Peggy Duvall (email dated 11/5/19)	Would like to have the road map slightly modified - See email for map Would like the 33 ft. easement on the south side of property reduced to 10 ft.	See Roscoe Slade's email response dated 11/14/19		No. 11
6	224 & 225	Larry Stephenson (email dated 11/20/19)	Are easements subject to tax? Are the 33 ft. and 10 ft. considered easements? Has no problem with the 33 ft. for the road/walking path Does have a problem if the 33 ft. not extending down to Oasis to the other properties Has a problem with adjacent properties not having utility easements	See Roscoe Slade's email response dated 11/20/19		No. 12