

A RESOLUTION FOR THE ADOPTION OF A PUBLIC WORKS POLICY FOR PRESCRIPTIVE RIGHT EASEMENTS FOR THE INSPECTION, REPLACEMENT, AND REHABILITATION OF PUBLIC UTILITIES ON PRIVATE PROPERTY WITHOUT DOCUMENTED EASEMENTS.

WHEREAS, public infrastructure and utilities are often located on private property, and

WHEREAS, many public utilities do not have recorded easement agreements documenting the right for them to be located on private property and/or granting the City right of entree for inspection and/or maintenance of said utilities (including replacement), and

WHEREAS, public utilities have historically been placed on private property pursuant to unwritten or unrecorded easement agreements, and

WHEREAS, the City often has the need to inspect, maintain, rehabilitate, or replace public utilities located on private property, and

WHEREAS, inspection and maintenance, rehabilitation, and replacement of public lines serves the greater good of the citizens of Albany, and

WHEREAS, the City Council finds that the City has prescriptive easement rights to maintain public utilities on private property and that these rights include the right to enter onto private property as needed for utility inspection, repair, maintenance and reconstruction, and

WHEREAS, the City desires to be consistent and equitable in enforcement of the Prescriptive Easement.

THEREFORE, BE IT RESOLVED that the Public Works Director and City Attorney are authorized to enforce the City's Prescriptive Easement rights when inspecting, maintaining, or replacing public utilities on private property.

DATED THIS 11TH DAY OF APRIL 2001.



Mayor

ATTEST:



City Recorder