

CITY OF MITCHELL

City Council Meeting
Agenda Item Request



The deadline for agenda items is Wednesday at noon, prior to the City Council Meeting

Meeting Date Requested: Requested By:

Desired Action of City Council: Authorization Approval Resolution
 Ordinance Citizen Request Discussion

Amount Budgeted in current fiscal year for this item (if applicable):

Agenda Item:

Explanation/Background of Agenda Item Requested:

Due to an anticipated sale of property south of 6201 N Ohlman, a potential title error was discovered.

It appears that an attempt was made to straighten property lines relative to the actual location of North Harmon Drive in June of 1991. A plat to that effect was filed, however there is no record of its approval or of any land transfer at the time to effectuate the apparent exchange.

From the records available, it appears the result of the plat would have been the creation of 3 lots. Lots 1 and 3 would have belonged to the private landowner adjacent to North Harmon at the time of the plat. Lot 2 would have belonged to the City. The apparent intent was that the City would transfer Lot 2 in exchange for Lots 1 and 3. There is no direct record to that effect nor any documents of an actual or attempted transfer, other than the plat inferring this would take place.

As things currently sit, North Harmon has been in use over Lots 1 and 3 for over 20 years. Lot 2 has been used by the adjacent landowner for at least that long. While the City has a statutory claim to Lots 1 and 3, and the landowner cannot make an adverse possession claim against the City, both parties desire to resolve this situation without need for court action.

The City has complied with 9-27-34.1 by providing notice and holding a hearing before taking action on this item. The property was appraised by a 3 person board as required by statute and such appraisal is on file with the city finance office.

The parties may re-plat the property at a later date in order to correct any deficiency that may exist on the 1991 plat.