



**TO:** T.C. Broadnax, City Manager  
**FROM:** Kurtis D. Kingsolver, P.E., Interim Public Works Director/City Engineer / *KDK*  
Troy Stevens, Senior Real Estate Specialist  
**COPY:** City Council and City Clerk  
**SUBJECT:** Setting January 16, 2014, for a public hearing for an air rights vacation of a portion of the alley westerly of Proctor Street between North 27<sup>th</sup> and North 28<sup>th</sup> Streets  
**DATE:** December 10, 2013

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**SUMMARY:**

The Public Works Department, Facilities Management Division, Real Property Services is requesting City Council approval to set Thursday, January 16, 2014, at 9:00 a.m., as the date and time for a hearing before the Hearing Examiner, for the street vacation of a portion of the alley air rights westerly of Proctor Street between North 27<sup>th</sup> and North 28<sup>th</sup> Streets (Street Vacation File No. 124.1337). This action only sets the date of the hearing before the Hearing Examiner.

**BACKGROUND:**

28 Proctor Holdings LLC proposes to construct a five story mixed use development in the heart of the Proctor District. The petitioner believes the project will provide much needed rental units and retail space to the area, which will benefit local businesses and provide additional housing options for city residents. Vacating the air rights will allow the development to span the right-of-way and keep the alley open to the public for vehicular traffic.

**FISCAL IMPACT:**

This action only sets the date of the hearing before the Hearing Examiner. Unless decided otherwise, the City will receive market value compensation for the vacated right-of-way. The proceeds will be deposited in accordance with TMC 9.22.