



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
 Teague Pasco, Senior Real Estate Specialist, Public Works, Real Property Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 20-0640 - Street Vacation 124.1414 - October 13, 2020  
**DATE:** September 25, 2020

**SUMMARY AND PURPOSE:**

An ordinance to vacate a dead-end portion of South 74th Street, lying between the westerly boundary of South Hosmer Street and the easterly boundary line of the South 72nd Street Interchange to Interstate Highway 5 ("I-5").

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on September 10, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a dead-end portion of South 74th Street, lying between the westerly boundary of South Hosmer Street and the easterly boundary line of the South 72nd Street Interchange to I-5. The vacation is requested by Petitioner DEAN PAULSON, LLC (the “Petitioner”) to allow for the Vacation Area to be incorporated into the abutting parcels for enhanced access with greater control (i.e., no public right-of-way use) with the possibility of future business expansion. Approving the vacation will not landlock any abutting property, nor will it otherwise affect any existing access or traffic need. The Vacation Area is not being used currently for any material right-of-way system purposes, nor does the City see any future need for it as right-of-way.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition September 10, 2020, at which members of the community could attend and express their concerns with, and/or support for the proposed street vacation. No members of the public appeared. The street vacation will benefit the Petitioner by allowing the Vacation Area to be incorporated into the abutting parcels for enhanced access and greater control, while allowing for the possibility of future business expansion. Public benefit is realized through the Vacation Area being added to the taxable square footage of the abutting real property with the potential for increased City revenue, as well as reducing the City’s right-of-way maintenance obligation and expenditures.

**2025 STRATEGIC PRIORITIES: NA**

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation request under conditions different than those recommended.	Any positive impacts arising from different conditions would depend on what those conditions are.	Any difference in conditions imposed would have to find justification outside of the City’s current position, i.e., of not needing the Vacation Area for public right-of-way.



2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo, preserving the City's unneeded public right-of-way interest.
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**EVALUATION AND FOLLOW UP:**

The recommended street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council, issued on September 16, 2020, which include the reservation of various easement rights to the City. All evaluations and follow up should be coordinated between the Petitioner and the appropriate City Departments referenced in the Report and Recommendation.

**STAFF/SPONSOR RECOMMENDATION:**

The Hearing Examiner recommends approval of the requested street vacation, subject to the conditions listed in Conclusion 9 of the Hearing Examiner's Report and Recommendation.

**FISCAL IMPACT:**

The potential fiscal impact of this street vacation is not known at this time. If the street vacation is approved, a fair market appraisal or market rate analysis will occur after the first reading of the ordinance. When the market information is available, the estimated revenue from the street vacation will be communicated to the City Council by the appropriate City Department. The Vacation Area will be added to the taxable square footage of the abutting real property, thereby possibly generating some additional ongoing property tax income.

**ATTACHMENTS:**

List attachments using bullet points.

- The Hearing Examiner's City Council Action Memorandum, dated September 25, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on September 16, 2020.
- The City's Exhibit List and Exhibits C-1 through C-16.
- Verbatim electronic recording from the hearing held on September 10, 2020.