



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Teague Pasco, Senior Real Estate Specialist *TP*
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 20-0327 - Street Vacation 124.1407 - June 9, 2020
DATE: May 8, 2020

SUMMARY AND PURPOSE:

An ordinance to vacate a portion of the alleyway between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on February 20, 2020, as well as a survey related to an easement reservation that was submitted on April 17, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a portion of the alleyway between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street. The vacation of this alley is requested by Petitioner FOUR DOGS AND PEPPER LLC (“Petitioner” or “FDP”) to facilitate contiguous commercial development of three adjacent parcels. 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 right-of-way purposes, nor does the City see any future need for it as right-of-way.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held for this petition on February 20, 2020, at which members of the community could attend and speak to 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 realization of its plan for the more cohesive commercial development of its three parcels. If approved, the vacation will have nominal benefit or effect on the surrounding community, except for the possibility that some employment opportunities may result from the intended commercial development.

2025 STRATEGIC PRIORITIES: NA

Equity and Accessibility:

The primary positive impact on equity, equality, diversity or inclusion that could result from approving this street vacation would be the resulting increase to the available employment opportunities within the City upon completion of the Petitioner’s intended commercial development.

Economy/Workforce: Equity Index Score: Moderate Opportunity

Increase the number of diverse livable wage jobs.

Increase the number of infrastructure projects and improvements that support existing and new business developments.

Explain how your legislation will affect the selected indicator(s).

If approved the proposed street vacation will allow the Petitioner to complete its intended commercial development, the result of which may end up creating employment opportunities that do not exist at present, both during development, and with the resulting business.



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 any public purpose.
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 unused (and unneeded) ROW interest.

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 April 24, 2020. 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 contained in Conclusion 8 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 property vacated will be added to the taxable square footage of the abutting real property, thereby generating some additional ongoing property tax income.

ATTACHMENTS:

- The Hearing Examiner’s City Council Action Memorandum, dated April 29, 2020.
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on April 24, 2020.
- The City’s Exhibit List and City Exhibits C-1 through C-17.
- Verbatim electronic recording from the hearing held on February 20, 2020.