



TO: Hyun Kim, Interim City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Troy Stevens, Real Property Supervisor *tas*
COPY: City Council and City Clerk
SUBJECT: Ordinance No. 25-1076 - Street Vacation No. 124.1465 – January 6, 2026
DATE: December 1, 2025

SUMMARY AND PURPOSE:

An ordinance vacating a seven-foot-wide strip of North 44th Street, lying between Waterview Street and an alleyway to the rear of the Petitioners' property, to cure an existing building encroachment and facilitate future development.

BACKGROUND:

The Hearing Examiner's recommendation is based on the evidence and testimony presented as part of a public hearing held on November 13, 2025. The Vacation Area (as defined by the Hearing Examiner's Report and Recommendation) is a seven-foot-wide strip of North 44th Street, lying between Waterview Street and an alleyway to the rear of the Petitioners Michael and Shelly Reed's (the "Petitioners") property. The Petitioners requested the vacation to cure an existing building encroachment and facilitate future development. The Vacation Area is not currently being used for any right-of-way purpose, nor does the City see any future need for it as public right-of-way.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on November 13, 2025, at which members of the community could attend and speak to express their concerns, opposition, and/or support for the proposed vacation. No members of the public attended to offer testimony; however, one letter from nearby property owners was received in support of the vacation. The vacation will benefit the Petitioners by allowing the vacation to cure the existing building encroachment and facilitate future development. There are no foreseeable negative effects on the community related to the requested vacation.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Given the type of street vacation here, there is not much impact of any kind on these Council priorities.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation petition under conditions different than those recommended.	Any positive impact arising from different conditions would depend on what those conditions are.	Different conditions could require an additional hearing with different findings and conclusions than are present now to support them.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo of having an unneeded/unused right-of-way with very minimal encroachments.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo, preserving the City's unneeded right-of-way interest and leaves the encroachments unremedied.



EVALUATION AND FOLLOW UP:

The recommended vacation is subject to the conditions listed in Conclusion 8 of the Hearing Examiner's Report and Recommendation, issued on November 18, 2025. All evaluation and follow-up should be coordinated between the Petitioners and the appropriate City departments referenced in the Report and Recommendation.

STAFF/SPONSOR RECOMMENDATION:

The Hearing Examiner recommends approval of the requested 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 vacation is approved, a fair market appraisal or a market rate analysis for the area to be vacated will be conducted after first reading of the ordinance. The Petitioners will be required to pay the City such market value amount as a condition to the right-of-way vacation being finalized. In addition, if the vacation is finalized, the vacated area will be added to the taxable square-footage of the abutting real property, thereby possibly generating additional ongoing property tax income.

ATTACHMENTS:

- The Hearing Examiner's City Council Action Memorandum, dated December 1, 2025.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on November 18, 2025.
- The City Exhibit List, City Exhibits C-1 through C-15, and one Public Comment.
- The verbatim electronic recording from the hearing held on November 13, 2025.