



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
 Susie Rogers, Senior Real Estate Officer, Public Works Real Property Services *SR*
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 22-0211 – Street Vacation 124.1425 – March 8, 2022
DATE: February 18, 2022

SUMMARY AND PURPOSE:

An ordinance to vacate a portion of an alley right-of-way abutting and lying south of East 30th Street, between East K Street to the west, and Valley View Terrace to the east to allow for expanded residential yard use.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at the public hearing held on January 6, 2022. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a 20-foot wide by 130-foot long unopened, unimproved alley right-of-way abutting and lying south of East 30th Street, between East K Street to the west, and Valley View Terrace to the east. Petitioner, Aaron Beckord, requested the vacation to expand his residential yard use. The Vacation Area is not being used currently for any material surface right-of-way purpose, nor does the City see any future need for it as traversable right-of-way. Easements should be retained for existing utility facilities, however.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on this petition on January 6, 2022, at which members of the community could attend and speak to express their concerns with, opposition to, and/or support for the proposed vacation. No members of the public appeared. The vacation will benefit the Petitioner by allowing the Vacation Area to be used for expanded residential yard use. There are no foreseeable negative effects on the community surrounding the Vacation Area since it is not currently being used for any publicly accessible right-of-way purpose, nor is there any need for such use in the future. Topography of the Vacation Area makes it difficult to use for traditional right-of-way in any event.

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 different conditions imposed would have to find justification outside of the City’s current position, i.e., of not needing the Vacation Area for any right-of-way 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 unneeded right-of-way interest.



EVALUATION AND FOLLOW UP:

The recommended vacation is subject to the conditions listed in the Hearing Examiner's Report and Recommendation, issued on February 16, 2022. 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 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 market rate analysis will occur after first reading of the ordinance. When the market information is available, the estimated revenue from the vacation will be communicated to the City Council by the appropriate City Department. In addition, the Vacation Area 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 February 18, 2022.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on February 16, 2022.
- The City Exhibit List and Exhibits C-1 through C-16.
- The verbatim electronic recording from the hearing held on January 6, 2022.