



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
 Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services *tas*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 22-0976 – Street Vacation 124.1435 – September 20, 2022  
**DATE:** September 1, 2022

**SUMMARY AND PURPOSE:**

An ordinance vacating a portion of North 24th Street and North Cedar Street, to cure residential building encroachments.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on August 25, 2022. The Vacation Area (as defined by the Hearing Examiner’s Report and Recommendation) is a portion of North 24th Street and North Cedar Street. Petitioners, Matt Shrader and Karen Fierro, requested the vacation to eliminate the encroachment of residential improvements extending from their property into the platted right-of-way. The Vacation Area is not being used currently 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 this petition on August 25, 2022, at which members of the community could attend and speak to express their concern, opposition to, and/or support for the proposed vacation. No members of the public appeared. The vacation will benefit the Petitioners by curing the existing residential building encroachments. There are no foreseeable negative effects on the community arising from the vacation since the Vacation Area is not currently being used for any public right-of-way purpose, nor has City staff determined that there is there any need for such use in the future due to Vacation Area being at the extreme periphery of the 80-foot-wide platted right-of-way on each street side.

**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.	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 existing 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. Denial could also lead to requiring removal of the residential improvements that are already in existence.



**EVALUATION AND FOLLOW UP:**

The recommended vacation is subject to the conditions listed in the Hearing Examiner's Report and Recommendation, issued on August 29, 2022. All evaluations 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 condition(s) 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. Petitioners will be required to pay the City such market value amount as a condition to the street vacation being finalized. In addition, if the street 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:**

List attachments using bullet points.

- The Hearing Examiner's City Council Action Memorandum, dated September 1, 2022.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on August 29, 2022.
- The City Exhibit List and Exhibits C-1 through C-16.
- The verbatim electronic recording from the hearing held on August 25, 2022.