



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Ronda Van Allen, Senior Real Estate Specialist, Public Works Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 21-0264 – Street Vacation 124.1423 – March 30, 2021
DATE: March 12, 2021

SUMMARY AND PURPOSE:

An ordinance vacating a portion of South Stevens Street and South Mason Avenue extension, lying northerly of South 19th Street and easterly of improved South Stevens Street.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented in conjunction with a public hearing held on February 25, 2021. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a portion of South Stevens Street and the South Mason Avenue extension, lying northerly of South 19th Street and easterly of improved South Stevens Street. Petitioner True Vine Senior Citizens Center requested the vacation to facilitate expanded surface yard uses of its adjacent property. Aside from the utilities present in the Vacation Area, it is not being currently used for more traditional right-of-way purposes, and the City sees no future need for it as traditional right-of-way. Approving the vacation will not landlock any abutting property owner nor will it otherwise affect any existing access.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on this petition on February 25, 2021, 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 vacation will benefit the Petitioner by allowing the Vacation Area to be used in conjunction with its adjacent property for expanded surface yard uses. 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. The Petitioner’s intended expansion of surface yard use would likely be of benefit to the underrepresented senior community.

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 publicly accessible, traditional 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 public 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 March 3, 2021. 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, which includes a somewhat extensive easement reservation.

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. 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:

The following attachments can be found in Legistar:

- The Hearing Examiner’s City Council Action Memorandum, dated March 12, 2021.
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on March 3, 2021.
- The Petitioner Exhibit List, Exhibit P-1, City Witness List, City Exhibit List, and Exhibits C-1 through C-14.
- The verbatim electronic recording from the hearing held on February 25, 2021.