



**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. 20-0081 – Street Vacation 124.1400 – February 11, 2020  
**DATE:** January 27, 2020

**SUMMARY AND PURPOSE:**

An ordinance vacating a portion of North Visscher Street, lying between North Park Way and North Park Avenue, to facilitate private improvements and landscaping.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at the public hearing held on January 9, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) consists of the easternmost five feet of the overall seventy-foot width of North Visscher Street, running for a north-south length of one hundred thirty-six feet along the front of Petitioners’ residential real property at 5918 North Park Avenue. The Vacation Area is not currently used for any public purpose, nor is it improved as right-of-way. Approving the vacation will have no effect on public travel. City staff determined that there is no apparent future need for the Vacation Area. The vacation presents at least some public benefit because it adds the Vacation Area into the Petitioners’ abutting real property for property tax purposes and facilitates private improvements which further add to the value of the Petitioners’ real property and to the enhancement of the neighborhood.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held for this petition on January 9, 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 petitioners by allowing private improvements and landscaping in the vacation area. If approved, the vacation will not benefit or effect the surrounding community in the area other than by facilitating the Petitioners’ intended landscaping/aesthetic improvements which will help to enhance the neighborhood.

**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 from approving the vacation under different conditions would depend on the conditions.	Any negative impacts from approving the vacation under different conditions would again depend on the conditions.
2. The Council could deny the vacation petition.	No positive impact <i>per se</i> in maintaining the status quo through denial.	The Petitioners are denied a fuller use of their property at the expense of preserving the City’s unexercised right-of-way interest.

**ORIGINAL**



**EVALUATION AND FOLLOW UP:**

The recommended street vacation is subject to the conditions listed in the Hearing Examiner's Report and Recommendation, issued on January 14, 2020. 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 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. 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 with City Council.

**ATTACHMENTS:**

The following attachments can be found in Legistar:

- The Hearing Examiner's City Council Action Memorandum, dated January 27, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, entered on January 14, 2020.
- The City's Exhibit List and City Exhibits C-1 through C-13.