



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
 Britany Avila, Senior Real Estate Specialist, Public Works Real Property Services  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 22-1321 - Street Vacation 124.1438 - December 20, 2022  
**DATE:** November 29, 2022

**SUMMARY AND PURPOSE:**

An ordinance vacating a portion of South Pine Street public right-of-way.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on November 17, 2022. The Vacation Area (as defined by the Hearing Examiner’s Report and Recommendation) is a portion of South Pine Street public right-of-way. Petitioner, LBA LVF VII-Company XXIII, LLC, requested the vacation to extend its usable property area and potentially expand its existing business use. The Vacation Area is not contemplated or needed for future public use beyond utilities which are addressed in recommended easement reservations.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition on November 17, 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 attended the hearing. The vacation will benefit the Petitioner by allowing the Vacation Area to be used to extend the property and potentially for expansion of the existing business use. There are no foreseeable negative effects on the community related to the requested vacation.

**2025 STRATEGIC PRIORITIES: NA**

**ALTERNATIVES:**

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.	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 Conclusion 8 of the Hearing Examiner's Report and Recommendation, issued on November 21, 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 a market rate analysis for the area to be vacated will be conducted after first reading of the ordinance. The Petitioner 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:**

- The Hearing Examiner's City Council Action Memorandum, dated November 29, 2022.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on November 21, 2022.
- Petitioner Exhibit List, Petitioner Exhibits P-1 and P-2, City Exhibit List, and City Exhibits C-1 through C-16.
- The verbatim electronic recording from the hearing held on November 17, 2022.