



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. 21-0004 - Street Vacation 124.1421 - January 12, 2021
DATE: December 23, 2020

SUMMARY AND PURPOSE:

An ordinance to vacate that portion of East K Street, and an adjoining alley, lying between East 26th Street and East Wiley Avenue and westerly of East L Street.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on December 3, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is that section of East K Street, and an adjoining alley, lying between East 26th Street and East Wiley Avenue and westerly of East L Street. The vacation is requested by Petitioner NIELSEN PACIFIC, LTD. (the “Petitioner”) to allow the area to be incorporated into adjacent properties for future business development and expansion potential. Approving the vacation, as conditioned, will not landlock any abutting property, nor will it otherwise affect any existing access or traffic need. The Vacation Area is not being used currently for any material right-of-way system purposes, nor does the City see any future need for it as right-of-way.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on this petition on December 3, 2020, 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, but a few abutting property owners attended the hearing with one speaking in support. The street vacation will benefit the Petitioner and other adjacent property owners by allowing the Vacation Area to be incorporated into the adjacent properties for future business development and expansion potential. Public benefit is realized by reducing the City’s public right-of-way maintenance inventory and expenditures, facilitating business development, and through the Vacation Area being added to the taxable square footage of the abutting properties for potential increased City revenue.

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 difference in conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Area as public right-of-way.
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 recommendation on the street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council, issued on December 9, 2020, which includes the reservation of easement rights to the City, as well as a choice of one of the agreed upon remedies for relocation of the currently existing gravel access on East 26th Street, and lastly completion of a Lot Combination to avoid potential access issues.

STAFF/SPONSOR RECOMMENDATION:

The Hearing Examiner recommends approval of the requested street vacation, subject to the conditions listed 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 street vacation is approved, 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 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:

List attachments using bullet points.

- The Hearing Examiner's City Council Action Memorandum, dated December 23, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on December 9, 2020.
- The Petitioner's Witness List, the City's Witness List, the Exhibit List, the City's Exhibits C-1 through C-10, and Exhibit 11.
- Verbatim electronic recording from the hearing held on December 3, 2020.