



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
 Ronda Van Allen, Senior Real Estate Specialist *RVA*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 20-0397 - Street Vacation 124.1411 - July 7, 2020  
**DATE:** June 17, 2020

**SUMMARY AND PURPOSE:**

An ordinance vacating a dead-end portion of South Oregon Avenue, lying between Titus-Will Enterprises, Inc. and Costco Wholesale Corporation whose businesses are bounded by South Pine Street and South Sprague Avenue.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on May 28, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a dead-end portion of South Oregon Avenue, lying between Titus-Will Enterprise, Inc. and Costco Wholesale Corporation whose real property and businesses thereon are bounded by South Pine Street the west and South Sprague Avenue on the east. The vacation of this alley is requested by Petitioner Titus-Will Enterprises, Inc. (“Petitioner” or “Titus-Will”) in order to combine the Vacation Area into its adjacent property to be used for secured parking and other related business use. Approving the vacation 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 purposes, nor does the City see any future need for it as right-of-way.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held for this petition on May 28, 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. The street vacation will benefit the Petitioner by allowing the realization of its plan for secured parking and other related business uses. The Petitioner testified that the Vacation Area has become an attractive nuisance and if approved, the Petitioner will eliminate the nuisance issues by fencing off the Vacation Area and adding lighting and security cameras to the fenced-in area which in turn will benefit the community by making the area cleaner and safer for residents. Some additional public benefit is also realized through the Vacation Area being added to the taxable square footage of the Petitioner’s existing business.

**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 for any public 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 unused (and unneeded) ROW interest.
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**EVALUATION AND FOLLOW UP:**

The recommended street vacation petition is subject to the conditions listed in the Hearing Examiner's Report and Recommendation to the City Council, issued on June 3, 2020. 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 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. 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 property vacated will be added to the taxable square footage of the abutting real property, thereby generating some additional ongoing property tax income.

**ATTACHMENTS:**

- The Hearing Examiner's City Council Action Memorandum, dated June 17, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on June 3, 2020.
- The Petitioner's Witness List, Exhibit List, and Exhibit P-1.
- The City's Exhibit List and City Exhibits C-1 through C-14.
- Verbatim electronic recording from the hearing held on May 28, 2020.