



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner^{JHC}
 Teague Pasco, Senior Real Estate Specialist, Public Works, Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance Request No. 20-0724 - Street Vacation 124.1415 – November 3, 2020
DATE: October 19, 2020

SUMMARY AND PURPOSE:

An ordinance to vacate a portion of the undeveloped north side of South 62nd Street right-of-way to allow the Vacation Area to be incorporated into the adjacent residential parcel to cure an encroachment by a part of the existing residence.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on October 1, 2020. The Vacation Area (as defined in the Hearing Examiner’s Report and Recommendation) is a portion of undeveloped right-of-way on the north side of South 62nd Street. Petitioner Lee Pate (the “Petitioner”), as the owner of the real property located at 6047 South Junett Street, which is adjacent the Vacation Area, submitted the petition to cure an encroachment by a part of the existing residence. Approving the Vacation Area 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 right-of-way system purpose, 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 October 1, 2020, at which members of the community could attend and express their concerns with, and/or support for the proposed street vacation. Two members of the public listened to the hearing, but did not provide comment. The street vacation will benefit the Petitioner by allowing the Vacation Area to be incorporated into the abutting parcel to cure an existing encroachment. Public benefit is realized through the Vacation Area being added to the taxable square footage of the abutting real property with the potential for increased City revenue, as well as reducing the City’s right-of-way maintenance obligation and expenditure.

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 public right-of-way, and would leave an unresolved encroachment.



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.
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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 October 7, 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 condition(s) 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:

- The Hearing Examiner's City Council Action Memorandum, dated October 19, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on October 7, 2020.
- The City's Exhibit List and Exhibits C-1 through C-15.
- Verbatim electronic recording from the hearing held on October 1, 2020.