



TO: Elizabeth A. Pauli, City Manager
FROM: Jeff H. Capell, Hearing Examiner *JHC*
Troy Stevens, Senior Real Estate Specialist, Public Work Real Property Services
COPY: City Council and City Clerk
SUBJECT: Ordinance No. 25-0554 – Street Vacation 124.1456 – July 1, 2025
DATE: June 17, 2025

SUMMARY AND PURPOSE:

An ordinance vacating portions of 6th Avenue and North Prospect Street to cure building encroachments.

BACKGROUND:

The Hearing Examiner’s recommendation is based on the evidence and testimony presented as part of a public hearing held on May 15, 2025. The Vacation Area (as defined by the Hearing Examiner’s Report and Recommendation) is approximately 1.2 feet of the northerly portion on 6th Avenue and approximately .2 of a foot of the easterly portion of North Prospect Street. Petitioners Dazaifu LLC, Kim D. Marvik, LLC, and Hammer Advantage LLC (the “Petitioners”) requested the vacation to cure building encroachments. The Vacation Area is not being used currently for any right-of-way purpose, nor does the City see any future need for it as public right-of-way.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

A public hearing was held on May 15, 2025, at which members of the community could attend and speak to express their concerns, opposition, and/or support for the proposed vacation. Two members of the public were present at the public hearing but offered no testimony. The vacation will benefit the Petitioners by allowing the vacation to cure the existing building encroachments. There are no foreseeable negative effects on the community related to the requested vacation.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Explain how your legislation will affect the selected indicator(s).

Given the type of street vacation here, there is not much impact of any kind on these Council priorities. The vacation is essentially housekeeping.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation petition 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 of having an unneeded/unused right-of-way area with very minimal encroachments.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo, preserving the City’s unneeded right-of-way interest and leaves the encroachments unremedied.



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 May 22, 2025. 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 right-of-way vacation being finalized. In addition, if the 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:

List attachments using bullet points.

- The Hearing Examiner's City Council Action Memorandum, dated June 17, 2025.
- The Hearing Examiner's Report and Recommendation to the City Council, issued on May 22, 2025.
- The City Exhibit List and City Exhibits C-1 through C-18.
- The verbatim electronic recording from the hearing held on May 15, 2025.