



## Legislation Text

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**File #:** 18-5540, **Version:** 1

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**PUBLIC HEARING - REQUEST TO VACATE THE NORTHERLY 290-FEET OF ALLEY RIGHT OF WAY LOCATED BETWEEN 7<sup>TH</sup> AND 8<sup>TH</sup> AVENUES SOUTH OF HUDSON STREET (IN BLOCK #12, PLAT OF LONGVIEW #7)**

**COUNCIL STRATEGIC INITIATIVE ADDRESSED:**

Preserve and enhance neighborhoods

**CITY ATTORNEY REVIEW:** N/A

**SUMMARY STATEMENT:**

Vince Penta, who represents 100% of the abutting property, has submitted a request to vacate the northerly 290 feet of alley right-of-way in Block #12, Plat of Longview #7, located between 7<sup>th</sup> & 8<sup>th</sup> Avenues, south of Hudson Street

In accordance with state law, Resolution No. 1732 provides for charges to the abutting property owners of up to 100% of the appraised value of the vacated area if the right-of-way has been dedicated for 25 years or more. The alley right of way was dedicated over 25 years ago, thereby allowing the City to charge 100% of the appraised value of the vacated area.

In lieu of a formal appraisal, staff has historically used the assessed land value of the abutting properties to develop right of way vacation fee recommendations. Based on 100% of the assessed value of abutting land, the vacation fee for this right of way would be \$35,920.83. Staff recommends that if the vacation request is approved, the vacation fee be set at 100% of the assessed value.

Since the petitioner does not represent the entire alley block, and granting of this request would result in a dead end alley, causing disruption to the public and remaining residents in this block, staff requests that in addition to retention of a public utility easement, a public access easement be retained by the City. Vehicular access to the alley will be necessary unless the remaining section of the alley is vacated in the future. If the alley is vacated, the City loses a significant amount of control over what happens in the alley because access rights would be by easement rather than public right of way. Additionally, special conditions would need to be placed on use and maintenance of the private alley to avoid the property owner creating hazardous obstructions and disruption to the public.

**RECOMMENDED ACTION:**

Hold public hearing

**THEN**

Consider the alley vacation request. If the City Council desires to grant the vacation request, adopt the following:

**Motion to:**

1. Approve the proposed alley vacation contingent upon retaining full public ingress/egress access and utility easements, and payment of vacation fees.

2. Include easement conditions to keep the access and utility easements free from damage, debris and obstructions at all times until such time that the remaining section of the alley is vacated.
3. Direct the City Attorney to prepare an ordinance for adoption after access/utility easements have been obtained and vacation fees have been paid.
4. Set the vacation fees at \$35,920.83.