

## Legislation Text

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**File #:** RS 19 2290, **Version:** 1

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### **RESOLUTION NO. 2290 - PAYMENT AND USE OF RIGHT OF WAY VACATION FEES**

#### **COUNCIL INITIATIVE ADDRESSED:**

Continue effective financial management

#### **CITY ATTORNEY REVIEW: REQUIRED**

#### **SUMMARY STATEMENT:**

During recent consideration of a request by an abutting property owner to vacate the entire width of an alley to provide for development of a multi-family housing complex, the applicant requested the City Council allocate the vacation fees received by the City to assist with the cost of relocating utilities from the alley to make room for the housing complex. Council expressed interest in supporting development of low income housing through an allocation of vacation fees and directed staff to develop a policy regarding use of vacation fees when the right of way vacation is needed to facilitate construction of low income housing.

During development of a right of way vacation fee use policy, staff realized there may be certain other economic development or public purpose projects besides low income housing, that might prompt city council support through adjustment of or use of vacation fees. Attached are two options for Resolution No. 2290, which would adopt a policy allowing the city council to adjust or allocate right of way vacation fees in situations where the city council believes the project supports a public purpose or provides a public benefit. Resolution No. 2290 Option A would provide for fee adjustment or allocation only for low income housing developments. Resolution No. 2290 Option B would provide for fee adjustment or allocation for an expanded range of projects, including low income housing developments, new or expanding economic development projects, and other projects that provide a public benefit.

#### **FINANCIAL SUMMARY:**

If right of way vacation fees are charged, state law requires at least one-half of the fees be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. The financial impact of implementation of this resolution on the collection of fees is unknown because the number of right of way vacation requests meeting the criteria of the policy, and the City Council's decisions related to each request, cannot be predicted.

#### **RECOMMENDED ACTION:**

Motion to approve Resolution No. 2290 Option A.

**OR**

Motion to approve Resolution No. 2290 Option B.

#### **STAFF CONTACT:**

Jeff Cameron, Public Works Director