

Date: March 20, 2023

Amount:

Account Number:

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Planning & Community Development

PURPOSE: To vacate a portion of Arizona Avenue between Lake Avenue and the Burlington Northern Santa Fe Railroad right-of-way as requested by Steve Sellenriek.

REMARKS: The portion to be vacated is between the Burlington Northern Santa Fe Railroad right of way on the west and Lake Avenue on the east. The vacated portion consists of approximately the western half of Arizona Avenue.

All petitions for street and alley vacations require notarized consent of all parties whose boundaries will become less encumbered as a result of the vacation. This particular vacation has only two parties, the applicant, and CGS Properties LLC, the owner of the property to the northeast. CGS Properties LLC, voiced that they no longer consent to the vacation during the January 19, 2023 Planning Commission meeting. This statement does not remove the vacation from consideration, as CGS Properties LLC did consent at the time of application submittal.

Numerous members of the public spoke during the January 19, 2023 Planning Commission meeting and voiced concerns with the proposed vacation. Many attested that they actively use the portion of Arizona Avenue proposed for vacation.

The applicant proposes a 20' utility easement or comparable easement to allow for continued access to the sewer main that runs along Arizona Avenue in this location. Ten feet of this easement would be on Sellenriek property, and ten feet of this easement would be on CGS Properties LLC property.

The Traffic Commission reviewed this request during the meeting on December 14, 2022, and recommended **Approval**. The Planning and Community Development Department reviewed information submitted and based on this, recommended **Approval**.

The Planning Commission reviewed this request during the January 19, 2023 meeting and recommends **DENIAL** for street vacation by vote of 2 in favor and 6 against.