


COUNCIL COMMUNICATION

	Number:	24-037	Meeting:	January 22, 2024
	Agenda Item:	42	Roll Call:	24-128
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Hold hearing for approval of documents for vacation of an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east, and conveyance to various adjoining property owners.

SYNOPSIS:

On October 2, 2023, City Council received, filed, and referred to the Real Estate Division a communication from the Plan and Zoning Commission recommending approval of a request from MMR Enterprises, LLC, represented by Mark Davis for vacation of an L-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive. On October 3, 2023, the Real Estate Division prepared and mailed letters to all adjoining property owners asking if they were interested in acquiring the portions of alley adjoining their properties. Nine (9) of the 14 adjoining owners responded in the affirmative. Offers to purchase were prepared and mailed on October 26, 2023. When all but one (1) of the offers were signed and returned by the nine (9) adjoining owners, the Real Estate Division added the vacation and conveyance to the December 18, 2023, City Council agenda to set the date of the hearing for January 8, 2024.

FISCAL IMPACT:

Amount: \$875 (Revenue)

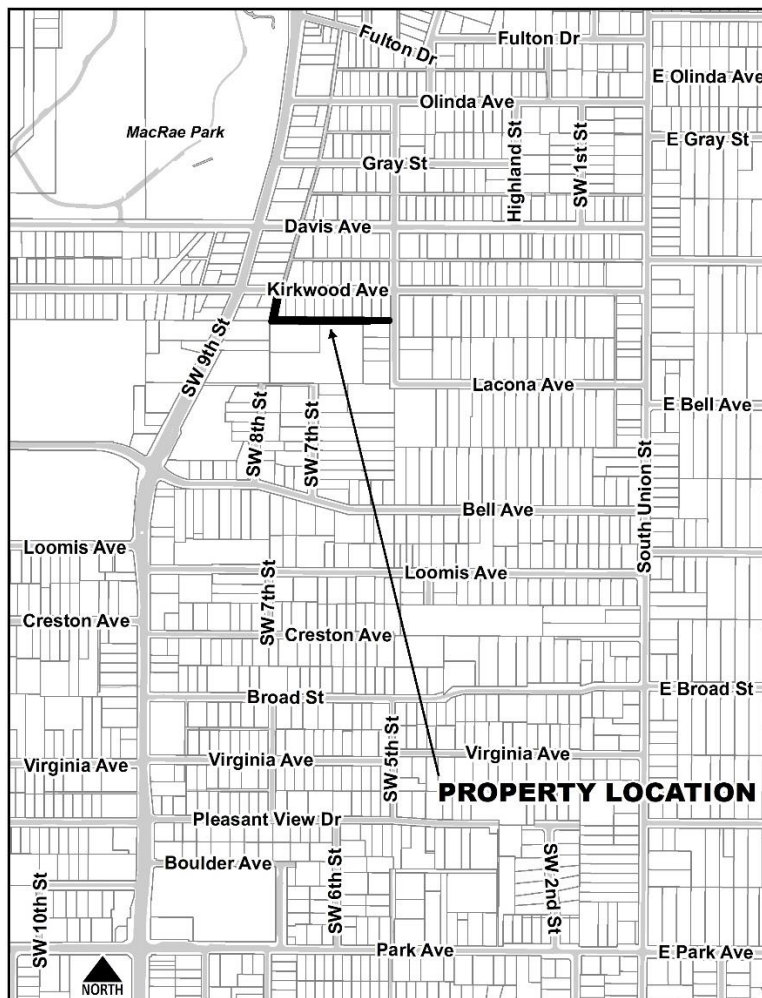
Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

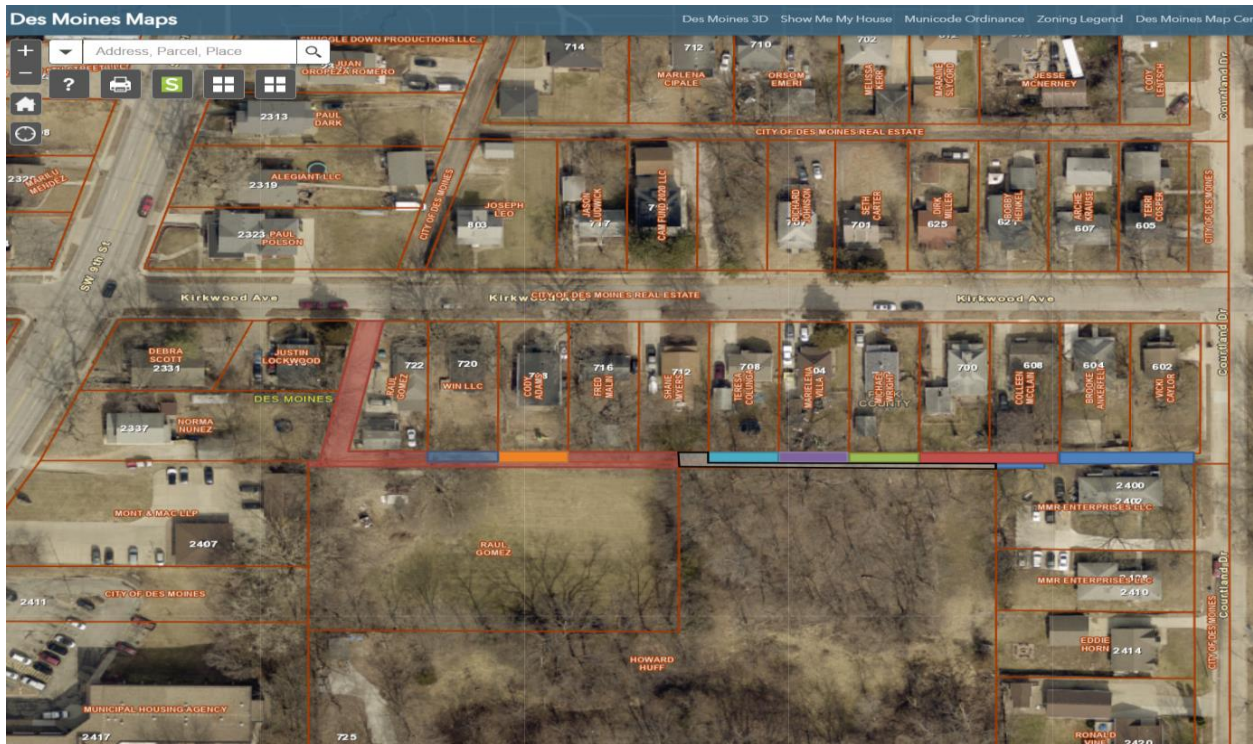
ADDITIONAL INFORMATION:

- What makes the conveyance of this segment of alley right-of-way unique is the fact that there exists a strip of excess City property that is 5 feet wide and approximately 525 feet long located south of and adjoining all but approximately the east 107 feet of the alley being vacated. In the opinion of the City Legal Department, because this parcel was excess property and not right-of-way, it did not need to be vacated. It could be offered to the owners of the properties adjoining it to the south - Raul Gomez, Howard Huff and MMR Properties, LLC.
- One segment of the excess City property adjoins the western 35 feet of 2400 Courtland Drive, owned by MMR Properties, LLC, lying between 2400 Courtland Drive to the south and the alley to

the north (small blue segment in the northwest corner of 2400 Courtland in the maps below). 2400 Courtland Drive does not adjoin the alley along this 35-foot stretch.

- The properties at 602, 604, and 608 Kirkwood Avenue are all located north of and adjoining the same section of alley that adjoins 2400 Courtland Drive. Because of the 35-foot segment of excess City property that intrudes into 2400 Courtland Drive, there is only an 11-foot section of alley that is adjoined by both 2400 Courtland Drive and 608 Kirkwood Avenue.
- City policy regarding the conveyance of vacated alley right-of-way states, “The public right-of-way proposed to be vacated and conveyed will be divided as equally as possible and a proportionate share of the right-of-way will be offered to each of the property owners abutting the right-of-way.”
- The owners of 602 and 604 Kirkwood did not respond to the City offer to convey half of the alley adjoining their properties, so all of this section of alley, as well as the 5 x 35-foot section of excess City property, was offered to MMR Properties, LLC.
- The owner of 608 Kirkwood Avenue asked to purchase all of the alley adjoining her property, including the 11 feet that also adjoins 2400 Courtland Avenue. Rather than divide the 11 feet in half, Real Estate Division staff determined that allowing the owner of 608 Kirkwood Drive to extend her eastern property line to the south line of the alley was reasonable and in the best interest of the City.





PREVIOUS COUNCIL ACTION(S):

Date: January 8, 2024

Roll Call Number: [24-0055](#)

Action: On vacation of an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east, and conveyance to various adjoining property owners. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

Date: January 8, 2024

Roll Call Number: [24-0056](#)

Action: (A) First consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Coleman. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Board: City Plan and Zoning Commission

Date: September 21, 2023

Resolution Number: ROWV-2022-000002

Action: Recommend approval of a request from MMR Enterprises, LLC (owner), represented by Mark Davis (officer) for vacation of an "L"-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east, to allow the vacated area to be assembled and maintained for private use, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second consideration of the ordinance to vacate an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east, and conveyance to various adjoining property owners.

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