

ORDINANCE NO. O-1112-22

ITEM NO. 8

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## STAFF REPORT

### GENERAL INFORMATION

APPLICANT

James & Gloria Long and Lavon Kiacz

REQUESTED ACTION

Close right-of-way (alley) abutting Lots 1-4  
and Lot 34, Block 7, Classen/Miller Addition

**BACKGROUND.** The owners of both properties abutting the said right-of-way have submitted a request to close a one-hundred foot (100') section of alley right-of-way. The south ninety feet (90') of the right-of-way adjacent to the east side of Lot 34, Block 7 of Classen-Miller Addition was vacated and discontinued by City Council with the adoption of Ordinance No. 947 on June 14, 1955. The procedure at that time only required action by City Council, and did not involve vacation by District Court. The applicants are requesting this closing to include/verify the existing ninety foot (90') vacation and include an additional ten feet (10') for a total closure of one-hundred feet (100'). Should the Council approve this request, the entire request would be followed by a District Court action to permanently vacate the easement and grant title to abutting owners.

**DISCUSSION.** All franchised utilities were contacted to assess the impact on their facilities if the right-of-way was closed; there have been no objections. The vacation of a right-of-way is a process and the request for closure is the first step in the process to remove right-of-way from a filed plat. The closure is followed by an appeal to District Court to vacate the right-of-way.

The Utilities Department was informed of the request to close the right-of-way and that City Council had previously vacated the right-of-way except for the north ten feet (10'). The applicants are willing to agree to an easement five feet (5') in width each side from center of the existing sanitary sewer line for a total of ten feet (10') including language for the right to access the sewer taps if at such time as the current sewer line became unusable and the taps needed to be tied onto a new sewer main. The Public Works Department was notified and since there are no facilities that Public Works maintains in the right-of-way, Public Works staff does not object to the closure and vacation.

**RECOMMENDATION.** The right-of-way was originally platted as part of the Classen-Miller Addition in the early 1900's. Staff supports the request to close this one-hundred foot (100') portion of the right-of-way subject to granting of an easement covering the existing sanitary sewer and the right of access for servicing the sewer taps in the event the main is replaced by the method of pipe bursting and the taps need to be connected to the new main.