

ORDINANCE NO. O-1213-9

ITEM NO. 12

STAFF REPORT

GENERAL INFORMATION

APPLICANT

Cleveland County Board of
Commissioners

REQUESTED ACTION

Partial closure of alley right-of-way
running east and west located from
Peters Avenue to Jones Avenue
between Eufaula Street and Symmes
Street in Block 8, Original Town of
Norman more specifically described
Between Lots 5 through 10 and 23
through 28.

BACKGROUND: Original Town of Norman was filed of record December 8, 1890, with a twenty foot (20') alley right-of-way within Block 8. This particular width of right-of-way was used for alley purposes. The applicant has indicated the installation of a new parking lot on the northwesterly side of the alley and a rearrangement of the existing parking lot southeasterly of the alley for Cleveland County offices. The County owns property on each side of the alley right-of-way. The plan is to utilize the two parking lots and, with the closure of the alley right-of-way, they can control access to the parking lots. Planning Commission, at its meeting of September 13, 2012, postponed the closure of the alley right-of-way at the request of the applicant.

DISCUSSION: It has been brought to Staff's attention that the information that was advertised and notifications that were mailed indicated closure of the entire alley from Peters Avenue to Jones Avenue. However, the applicant intended to close a distance of 150-feet rather than 400-feet. Since the information was for more than what was intended a new legal has been provided to identify the correct closure and the applicant will be able to proceed with the request. The applicant has submitted an amended application with the correct legal description. The closure that the Planning Commission will consider reflects the new legal description. Also, Exhibit "A" from the applicant has been modified to reflect the 150-feet. Exhibit "A-1" remains the same. All franchised utilities were notified to assess the impact on their facilities if the right-of-way was closed; there were no objections. There are utilities including a City owned sanitary sewer main, located within the proposed closed right-of-way. It has been expressed by the attorney for the County that accessibility will be available in the maintenance of the utilities. The utility companies and City staff are not opposed to the closure of the alley right-of-way. However, if the County proceeds with the next step for vacating the alley right-of-way, staff objects unless an easement is provided to protect the sanitary sewer main.

At this time, the request is for closure of the alley right-of-way, so that the County can utilize the area and control access to their proposed parking lots.

RECOMMENDATION: Staff recommends approval of the request to close the twenty-foot (20') alley right-of-way located between Lots 5 through 10 and 23 through 28, Block 8, Original Town of Norman.