
ORDINANCE NO.
O-2021-43

ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION:

APPLICANT: Accelerated Norman Main, L.L.C, Fuzzell Brothers, L.L.C. and Golden Twins, L.L.C.

Attorney: Rieger Law Firm

REQUESTED ACTION: Closure of Certain Right-of-Way within Block 1, Replat of Fuzzell's Second Addition
1230 West Main Street

BACKGROUND: This is a request for closing a certain 10' strip of land that appears to be platted right-of-way (typically used for alley purposes and utilities) located in Block 1, Replat of Fuzzell's Second Addition. The property is generally located between Berry Road and Gatewood Drive south of West Main Street. The final plat of a Replat of Fuzzell's Second Addition was filed of record October 20, 1949.

DISCUSSION: The attorney for the applicants has submitted a request to close and vacate a ten-foot (10') strip of land that appears to be right-of-way so that the properties can be contiguous for the use of the properties. The replat is not clearly labeled; however, the character and location of the strip of property appears to be platted right-of-way. Additionally, utilities have located within the 10' strip, presumably treating it as a publicly-dedicated right-of-way. Physical alley paving does not and has never existed. As a condition to an approval of the Closure by the City, City staff is recommending that a utility easement to serve existing utilities be provided at the time of vacation in District Court. The utility companies were notified of the application.

It should be noted that a similar request was made in October of 2020. However, the request was withdrawn at the time based on the fact not all of the participants were in agreement with closing the right-of-way.

STAFF COMMENTS: Staff is submitting the request to the Planning Commission for consideration.

ACTION NEEDED: Recommend approval or disapproval to City Council of the request to close certain public 10' right-of-way located within Block 1 of a Replat of Fuzzell's Second Addition and, if approved, require easements to be provided at the time of vacation in District Court for existing utilities.

ACTION TAKEN: _____