
Requested Council Meeting Date: February 1, 2016

Item: COUNCIL BILL NO. 2016-253

Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander

City Attorney: Peter C. Edwards

City Manager: Samuel L. Anselm

Board or Commission: Planning and Zoning Commission

Date: 1/11/2016

Recommended Action: Planning and Zoning Commission recommended approval by a vote of “5 in favor, 2 absent”

SUMMARY/REQUEST:

Case 001-16: Northeast Corner of Broadway Street and Buchanan Road – A request for the vacation of a portion of a street easement – Rick Benson.

STAFF SUMMARY:

This site was approved for rezoning at the January 4, 2016 City Council meeting at the recommendation of the Planning and Zoning Commission. There are not any utilities located within this portion of the easement. Before construction, Mr. Benson will also need to submit a preliminary and final plat. The vacation of this easement will not have any detrimental effect on nearby property.

Staff recommends approval of Case 001-16.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. John Bolte, Small Arrow Engineering, appeared representing Mr. Benson for the vacation of an easement adjoining property that was rezoned last month. Mr. Bolte is requesting the vacation of a small pie-shaped piece at the intersection of Broadway Street and Buchanan Road where Buchanan formerly connected to Broadway. Buchanan has since been redirected and connected onto Patterson Avenue, leaving a small piece of street right-of-way that needs to connect to the duplex development.

Mr. Smith asked if the easement lies on the east side of the roadway, and Mr. Bolte replied on the east side of Patterson and the north side of Broadway where a City trolley stop is located.

Mr. Bolte notified all the utility companies and stated Empire District Electric has an overhead line that parallels along Patterson running north and south. A 50-foot parkway will remain on the east side of Patterson for the Empire District line and the trolley stop. The easement to be vacated contains approximately 3,500 square feet.

Mr. Duncan asked Mr. Bolte if the section that was re-routed is Patterson and Broadway or Buchanan and Broadway. He replied it is now Patterson and Broadway since Buchanan tied back in directly to Patterson to the north of Broadway. The right-of-way to be vacated is actually Buchanan Road right-of-way.

Mr. Ramsour asked if Mr. Benson owns Lot 5, and Mr. Bolte replied yes. All of the property is now contiguous with the property that Mr. Benson has acquired.

Mr. Ramsour stated that normally when a street or alley is vacated, the owners on each side receive half of the easement. He understood Mr. Benson will receive all the easement since he owns the property on both sides. Mr. Bolte stated that is correct.

PUBLIC COMMENT:

None.