

**AGENDA BILL 2009-11-23F**

**Subject:** *Ordinance No. 1592 - Vacate portion of Leonard Street Right-of-Way (ROW)*

**For Council:** November 23, 2009

**Land Use Case Number:** MISC-09-10

**Public Hearing:** Yes

**City Manager's Initials:** \_\_\_\_\_

**Attachments:**

- Staff Report to City Manager
- Ordinance No. 1592 to Vacate ROW
- Applicant's Submittal

**Initiated by:**

- Helen Pevzner, Larry Dewey and Susan Scarino (owners of property adjacent to ROW)

**Budget Impact:**

- ROW will become taxable land

**Sustainability Impact:**

- No significant impact

**Policy Questions for Council Consideration:**

- Does the City have any use for the ROW?

**Summary:**

- Undeveloped Leonard Street ROW is proposed to be vacated between Exeter and Grant Streets (see map in attachment 1)
- Applicants have the support of 75.9% of the affected properties (66.6% required)
- City sewer line in ROW would be protected by easement.
- The terrain is too steep for vehicular traffic but public access easement could be established.
- City Council decided at their October 26, 2009 meeting that the application had merit and that a public hearing should be held to take action on the request to vacate the ROW.

**Recommended Action:**

- Staff recommends that City Council approve the street vacation reserving easements for utilities and public access.

**Council Action Taken:**

- Approved
- Denied
- Continued