



## Legislation Details (With Text)

**File #:** 18-0277      **Version:** 2      **Name:** Dogwood and Webb Avenue ROW Closure  
**Type:** Ordinance      **Status:** Regular Agenda  
**File created:** 7/12/2018      **In control:** Work Session  
**On agenda:** 8/7/2018      **Final action:** 8/7/2018  
**Title:** Discussion and action on Dogwood and Webb Ave ROW Closure Request  
**Sponsors:** Planning Commission  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Dogwood and Webb ROW.pdf

Date	Ver.	Action By	Action	Result
8/7/2018	2	Work Session		
7/19/2018	1	Planning Commission	recommended for disapproval	Pass
7/19/2018	1	Planning Commission	recommended for approval	Pass

### Discussion and action on Dogwood and Webb Ave ROW Closure Request

**SUMMARY:** A property owner on Webb Ave requested the ROW in the area to be closed. Staff sent out letters to all adjoining property owners. All property owners that contacted the city voiced their opinion in favor of the closure and wanted their share, with the exception of one. One property owner is currently using the unimproved ROW and has a rental house that has only the ROW as access. He also stated his desire to subdivide the property into two lots. If he does, then the alleyway would be the only access to one of the properties.

City staff consulted the city attorney in regard to the existing use of the ROW and the potential pending subdivision. The attorney's opinion was, "I would advise against closing the alleyway as the property owner on the back side now has a vested interest in the public ingress and egress and a history of using the alleyway." Based on the recommendation of the City Attorney, staff recommended denial for the request of closing the full ROW.

Planning Commission met 07/19/2018 and recommended denial of the ROW closure request for the full ROW based on the information given and that closure of the unused portion of ROW be granted if the property owners hire a surveyor, properly define the ROW, agree to the division of said ROW, and provide a legal description to the City.

**NECESSARY COUNCIL ACTION:** Approval or deny the request to close the ROW.