



Legislation Details (With Text)

File #: Ord. 989 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 5/23/2017 **In control:** City Council
On agenda: 7/11/2017 **Final action:** 7/11/2017
Title: Consider Ordinance Vacating Right of Way on Heywood Road.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - Ordinance 989 - Vacating Right of Way 2nd Reading, 2. 2 - Subdivision Map with Proposed Vacation, 3. 3 - Right Of Way Vacation Exhibit, 4. 4- Presentation Right of Way Vacation Heywood Rd June 20, 2017

Date	Ver.	Action By	Action	Result
7/11/2017	1	City Council	approve	Pass
6/20/2017	1	City Council	approve the first reading	Pass

City Council Meeting Date: July 11, 2017

To: Mayor and City Council
City Administrator

From: Scott Tempel, City Planner

Consider Ordinance Vacating Right of Way on Heywood Road.

Action Requested:

Staff recommends a motion to approve the second reading of Ordinance No. 989 Vacating Right Of Way.

** Note: The approval requires at least five council members per Municipal Code Section 15.6.*

Summary Report:

The applicants, Steven and Patrice Ciernia, have requested the City vacate the remnant parcel of existing Right-Of-Way (ROW) adjacent to their property at 903 Clover Court.

This issue has a long history with this property. The subject property was platted in 1994 with the Spring Creek Sixth Addition. At the time, Heywood Road was envisioned to extend north with future subdivisions. The Rosewood Addition in 1998 swung Heywood Road to the east to facilitate a new subdivision around the golf course. This rendered a small section of the Heywood ROW obsolete. There was a neighborhood meeting on the issue in 2000 to explain the process, but no further action was taken.

The City held another neighborhood meeting in 2005 to discuss vacating the remainder of the ROW. At this meeting, the City Planner explained that the remnant parcel would revert to an underlying property owner since the property is at the edge of a subdivision and borders a different subdivision. According to State law, the

entire vacated ROW reverts to a single property (903 Clover Court) within the original subdivision. In order to complete this process, the ROW must be vacated and the property owner must complete a minor subdivision. Once again, no further action was taken at that time.

Steven and Patrice Ciernia contacted City staff again in 2016 regarding this process. Staff researched the history related to this parcel and informed them the required process is substantially the same under the new Land Development Code. The applicants indicated they wished to move forward with the process of vacation and subdivision and staff provided the applicable application materials.

According to Northfield Municipal Code Section 15.6:

The council may by ordinance approved by at least five (5) members vacate any street, alley or other public grounds or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedures as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county offices in accordance with law.

Notice for the public hearing related to the vacation of Right-Of-Way for Heywood Road was published in the Northfield News on May 31, 2017. Neighboring property owners were mailed a notice of the public hearing, which included an invitation to an additional neighborhood meeting. This additional meeting was not required, but staff thought it was important to reach out to the current neighborhood residents and answer any questions prior to the public hearing. The meeting was held at 5:00 p.m. on June 12, 2017 and was attended by three neighbors. No opposition was raised against the proposal. Staff received no other public comments.

The first reading was approved at the June 20 Council meeting. This would have been scheduled under the Consent on the agenda but due to lack of unanimous vote from the first reading it is included under regular business. There is no additional relevant information from the last meeting. Staff will provide an abbreviated summary of the background and recommendation at the meeting.

Alternatives:

Denial of the request to vacate the unused Right-Of-Way would result in the property remaining in its current condition. If the request is denied, the property owners would not be able to move forward with a minor subdivision.

Financial Impacts:

The applicants intend to create a new residential lot for sale which will increase the residential tax base of the City. There is no additional financial impact for the City of Northfield.

The Ciernia's have been maintaining the property at their own expense for over 15 years. They are also paying all development costs for the project including survey, applications, escrow and legal fees.

Tentative Timelines:

If approved on second reading, the would be effective thirty days after publication in the Northfield News. The Minor Subdivision process would commence following approval of this Ordinance. The Minor Subdivision must be approved by the City Council.