



## INFORMAL STAFF REPORT

### MEMORANDUM

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**To:** Ron Olson, City Manager

**Thru:** Margie C. Rose, Deputy City Manager  
Gustavo Gonzalez, P.E., Assistant City Manager of Public Works and Utilities  
Mark Van Vleck, P.E., Executive Director of Utilities

**From:** Daniel Grimsbo, P.E., Director of Development Services

**Date:** April 16, 2015

**Subject:** Right-of-Way Closure Ordinance – April 21, 2015, City Council Meeting

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#### **Issue / Problem:**

In the April 14, 2015 City Council meeting, during the presentation case for two right-of-way (ROW) closures, Council Member Lucy Rubio, asked a question regarding the language in the Ordinance that stated the Owner had a certain time to comply with the requirements of the ordinance, however, there was no timeline specified. Staff stated during the meeting that the typical time is 180 days and that the ordinance would be corrected before the second reading. This is not the case with these specific ROW closures.

#### **Background and Findings:**

In a typical ROW closure, the street is improved, either with a driving surface and/or underground utilities or other items such as sidewalks. In these cases, the City would require, as part of the closure, for the Owner to pay the City a fair market value for the land and improvements. Other additional requirements such as dedicated utility easements for the remaining utilities, closure of driveways, replatting, etc. may also be required of the closure. In these situations, the Owner is given six months (180 days) to complete the specified items.

In the two specific ROW closures that were presented at City Council, the ROWs were not improved in any way and there are no other requirements needed by the City, as such, these ROW closures are considered a "one way" transaction that require no action on the part of the Owners and therefore no time to comply is necessary.

#### **Next Steps:**

The language referring to a specified timeline was removed and the revised Ordinance will be presented to Council for a second reading on the April 21<sup>st</sup> City Council Meeting.