

SUMMARY

To: Mayor and Commissioners
From: Micah Maxwell, Town Manager
Subject: Request to Vacate – Ordinance 492
Memo Date: 12/13/2013

Summary: The owner of 303 Sunny lane has requested that the town vacate 36 feet of right of way abutting his property.

Previous Commission Action: None

Background/Problem Discussion: The owner at 303 Sunny Lane, Dr. Yamani, has requested that the town vacate a significant portion of the town's right of way in front of his house along Indian Rock Road. Most of Indian Rocks Road north of Hunter Park is a mix of very large and very small right of way areas. He would like to have the property vacated to him so that he can do some additional upgrades at his home that would be in what is now the right of way.

Alternatives/Options:

Section 74-152 requires that all of the following requirements are met:

1. The requested vacation is consistent with the traffic circulation element of the town comprehensive plan and the county metropolitan planning organization transportation plan. Due to the varying widths of the road, the town has no ability to introduce another lane(s) on Indian Rocks Road, north of Hunter Park. Staff believes that requirement 1 is being met.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement. The right of way does not provide sole access to any properties.
3. The vacation would not jeopardize the current or future location of any utility. The vacation will not jeopardize future or current utility locations as long as the town retains as right of way beginning at the back of curb and extending 15 feet from to the east for the length of the property.
4. The proposed vacation is not detrimental to the public interest and provides a positive benefit to the town. Staff believes that the increase in taxable land on property otherwise unused is in the public interest and will benefit the town positively.

Financial Implications:

Based on the property appraiser's estimated land value, the vacation would net the town around \$100.00 in additional taxes.

Recommendation: Staff recommends that the town vacate the right of way adjacent to 303 Sunny Lane beginning 15 feet east of the easterly curb on Indian Rocks Road and extending west to the westerly property line of 303 sunny lane for the length from north to south of the property line of 303 Sunny Lane

Proposed Motion: I move to approval Ordinance 492 – Vacation of right-of-way – 303 Sunny Lane on second and final reading.