

Summary

To: Town Commission
From: Micah Maxwell, Town Manager
Subject: Ordinance 496 - Request to Vacate – 955 Indian Rocks Road
Memo Date: 3/20/2014

Summary: The owner of 955 Indian Rocks Road has requested that the town vacate 35.75 feet of right of way abutting his property along Indian Rocks Road and 20 Feet of Right of Way along Sunny Lane.

Previous Commission Action: None

Background/Problem Discussion: The owner at 955 Indian Rocks Road, Mr. Becker, 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 and along sunny lane. Most of Indian Rocks Road north of Hunter Park is a mix of very large and very small right of way areas. Along Sunny lane right of way is consistent from property to property and staff expects some increase in road width at a later date.

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 along Indian Rocks Road, however staff does not believe it should vacate the property along sunny lane because of future roadway work, which may include a slight widening.**
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 at Indian Rocks Road and extending 15 feet from to the east for the length of the property. It would also not effect the utilities on sunny lane.**
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 for the Indian rocks portion of the request, but does not believe the sunny**

lane portion is in the public interest.

Financial Implications:

Minimal

Recommendation: Staff recommends that the town vacate the right of way adjacent to 955 Indian Rocks Road beginning 15 feet east of the easterly curb on Indian Rocks Road and extending west to the westerly property line of 955 Indian Rocks Road for the length from north to south of the property line of 955 Indian Rocks. Staff recommends that the town not vacate the area along sunny lane.

Proposed Motion: I move approval of Ordinance 496 on first reading