



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Amy Kimball-Murley, AICP, Planning Director

**From:** Brendon Cunningham

**Date:** December 7, 2010

**RE:** Vacation of City Right-of-Way (RE# 00022001-000000) – A request to vacate a 10 by 189 foot platted alley per Chapter 90 Article VII of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### ACTION STATEMENT:

Request: Vacation of City right-of-way to address the encroachment of abutting properties.

Location: Off the 1100 block of Angela Street between White Street and Ashe Street  
RE # 00022001-000000

Zoning: Border line between the HHDR (Historic High Density Residential Commercial) and Historic Neighborhood Commercial (HNC-2) zoning districts

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### BACKGROUND:

This is an application for the vacation of City owned right-of-way pursuant to Chapter 90 Article VII, City of Key West Code of Ordinances. The alley has been platted since at least 1899. However, the alley has not been accessible for several decades due to long standing encroachments. The alley appears as though it is part of the adjoining properties' rear yards. The applicant owns two properties on White Street and Ashe Street straddling the alley and seeks to obtain the vacation of the alley so as to create a unity of title for her two properties. Adjoining property owners have submitted signed statements either supporting or not objecting to this request.

### City Actions:

DRC: August 28, 2010  
City Commission: December 7, 2010



#### PLANNING STAFF ANALYSIS:

As described in the sketch drawn by Reece & White, dated June 21, 2010, the area of the vacation request is for 1,890 square feet. The city-owned property runs parallel to and equidistant from White and Ashe Streets, is 10 feet in width and 189 feet in length, and is perpendicular to Angela Street. This property initially appeared on plat maps in 1924 when adjacent lots were re-platted to create the alley (see Attachment labeled “Plats and Sanborn Maps”). It is not paved and has over the years been integrated into the rear yards of abutting properties. Historically the alley was accessible from Angela Street. Today, access to the alley is effectively blocked by a wooden gate and more resembles a driveway than a City alley. All residents that would be served by this alley have signed letters of no objection to the vacation. If approved, each of the eight adjoining properties would receive a five foot portion of the ten foot wide alley adjacent to their rear property boundaries.

Most alleys in the city are not considered separate parcels by the Monroe County Property Appraiser’s office, although there are other instances (for example at the intersection of Amelia Street and Windsor Lane) where streets have parcel boundaries. This alley is atypical in that it has a separate real estate number and an appraised value of \$244,000. Perhaps this is due to the encroachments by adjacent property owners. The property does not meet minimum lot sizes and at 10 feet wide, has limited development potential as a separate lot. Code provisions associated with right-of-way vacation focus on public purpose issues and are silent on valuation of property. Land Development Regulations for Vacations of City Right-of-Way are found in Chapter 90, Article VII, particularly Section 90-588, findings of no public purpose, and are as follows:

“In considering applications for vacating public easements or rights-of-way, the development review committee shall review whether any public purpose is served by the

subject easement or right-of-way. This evaluation shall consider all relevant public purpose options associated with drainage systems; water service; sanitary sewer services; roadways, pedestrian and/or bicycle ways, and alleys; public safety, including emergency service access and egress; communication systems; power and/or fuel networks; or other public or semipublic services essential to the public welfare and safety. Consideration shall include present and future needs for the easement or right-of-way for purposes of accommodating or improving delivery of public services and/or ensuring convenient access for service and/or maintenance or other public benefit now or in the future. In order to affirmatively recommend vacation of public utilities and City departments in advance of the required noticing for the easements and/or rights-of-way, the development review committee shall render a finding that no current or future public purpose can be identified for the subject easement or right-of-way.”

City staff has reviewed the application through the Development Review Committee and had no comments or concerns regarding the vacation application. Further, the applicant pursued written responses from all relevant public entities and has received no objections to the vacation to date. There are no utility services dependent upon access via this alley. Houses on property abutting this property do not rely on access from this alley. It is staff’s conclusion that this property serves no public purpose. However, the City Commission may wish to request compensation for the property based on a fair market appraisal or other approach.

**Options / Advantages / Disadvantages:**

- Option 1.** To approve the vacation of 1,890 square feet of City right-of-way.
1. **Consistency with the City’s Strategic Plan, Vision and Mission:**  
The Strategic Plan is silent to this issue.
  2. **Financial Impact:** There will be no cost to the City if this request is approved.
- Option 2.** Deny the vacation of 1,890 square feet of City right-of-way based on findings that the City’s needs outweigh the request.
1. **Consistency with the City’s Strategic Plan, Vision and Mission:**  
The Strategic Plan is silent to this issue.
  2. **Financial Impact:** There will be no cost to the City if this request is denied.

**RECOMMENDATION:** Option 1

Based on the existing conditions and code provisions governing right-of-way vacation, the Planning Department recommends **approval** to the City Commission for the

proposed **Vacation of City Right-of-Way**. As a policy matter, the City Commission may wish to associate a value with the property.