

Sec. 90-586. - Proposals to vacate.

A proposal to vacate a public easement or right-of-way may be initiated by a vote of the city commission or upon the filing of an application, as specified in this article, by one or more owners of property within the city.

(Ord. No. 97-10, § 1(1-2.13(A)), 7-3-1997)

Sec. 90-587. - Application and review by development review committee.

- (a) *Generally.* The development review committee (DRC), established pursuant to section 108-61, shall review all applications for vacation of public easements and rights-of-way. Any proposal for vacation of public easements or rights-of-way shall be submitted as an application to the city planning director. The city planning director, as chair of the development review committee, shall prescribe the form and content of the application for vacation of public easements and rights-of-way.
- (b) *Information required on application.* The application, at a minimum, shall identify the following information:
- (1) The specific location and legal description of the easement or right-of-way;
 - (2) The current use of the easement or right-of-way;
 - (3) The projected future use or reuse of the easement or right-of-way;
 - (4) The projected impacts of the proposed vacation on public services now and in the future; and
 - (5) The impact on adjacent properties as well as major areas or land uses currently benefitting from a public service or system that uses the subject easement or right-of-way.

(Ord. No. 97-10, § 1(1-2.13(B)), 7-3-1997)

Sec. 90-588. - Findings of no public purpose.

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 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.

(Ord. No. 97-10, § 1(1-2.13(C)), 7-3-1997)

Sec. 90-589. - Public hearing, notice and final determination by city commission.

- (a) *Generally.* The city commission shall render the final determination regarding a vacation of a public easement or right-of-way after convening a public hearing with due notice and considering the development review committee's findings.
- (b) *Notice.* Upon notification by the city manager of the date fixed for a public hearing on any matter subject to this division, the city clerk shall cause notice pursuant to division 2 of article VIII of chapter 90. The city clerk shall also forward by certified mail, return receipt requested, similar notice setting forth the time, place and purpose of the hearing to the following:
- (1) The applicant and/or property owner.
 - (2) All providers of public or semipublic services such as those identified in section 90-588.
- (c) *Findings and final action.* The city commission shall cite specific findings in support of a final decision to vacate a public easement or right-of-way, including an absence of public purpose for the subject easement or right-of-way. Similarly the city commission shall identify specific findings in support of any decision to retain the public easement or right-of-way. Any decision to vacate a public easement or right-of-way shall be by resolution of the city commission.

(Ord. No. 97-10, § 1(1-2.13(D)), 7-3-1997; Ord. No. 00-04, § 9, 2-1-2000)