****** Second Reading ******

Memo

To: Mayor and City Council

Fr: Shellby Hendee, Development Director

Dt: February 2, 2011

Re: Public Hearing/Ordinance, Bottorff Alley Vacation

ISSUE

Roy Bottorff has submitted a petition to vacate an undeveloped alley which borders the east side of his construction lot at 518 West Prospect St., stating that he has been using it to park vehicles and store construction materials for over three decades. At the City's request, Platte Valley Title conducted an ownership investigation and confirmed the ownership of the alley, the petitioner's property and adjacent property. All neighboring property owners were notified by US mail in addition to the required newspaper notice. The original public hearing date of December 6th was postponed until February 7th while ownership of a strip on the north side of the Bottorff property was confirmed. The alley contains no underground nor overhead utilities and City Staff has determined that the alley is not likely to be needed for future utility extensions and that the proposed alley vacation would not inhibit ingress nor egress for adjoining landowners nor does it land-lock any property. The City retains any easements. RSMo 88.637 provides that vacated municipal alleys "revert to the owners of the adjacent lots in proportion as it was taken from them". The City Attorney concurs that such reversion language is appropriate and proper. State statutes also provide that the "…council shall have the power to create…any…alley and…to vacate or discontinue the same…" Thus, the public hearing to consider the vacation is conducted by the City Council and not by the Planning and Zoning Commission.

RECOMMENDATION

City Staff recommends that the Council conduct the required public hearing and three separate readings of the Bill and, if hearing no substantive evidence to the contrary, approve the Bill vacating the alley.

Bill 2011-14

AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, PROVIDING FOR THE VACATION AND DISCONTINUANCE OF AN ALLEY IN GIAUQUE'S SUBDIVISION AS REQUESTED BY ROY BOTTORFF

WHEREAS, on October 25, 2010, Roy Bottorff submitted a petition to vacate an unimproved alley located adjacent to the east side of his property at 518 West Prospect St.; and

WHEREAS, in conformance with Sec. 71.240, RSMo, notice of consideration by the Cameron City Council was published in the ***Cameron Citizen-Observer***, a newspaper of general circulation, on October 28, 2010, and, upon postponement, on December 30, 2010; and

WHEREAS, letters notifying neighboring property owners of said City Council consideration were sent by U.S. Mail on November 2, 2010, and, upon postponement, on December 15, 2010; and

WHEREAS, City Staff, after reviewing the request, finds that the alley does not provide connectivity; does not contain utilities nor is it likely to in the future; is unimproved offering no public access; and

WHEREAS, the Cameron City Council, after hearing testimony on the matter and considering same, finds that the interest of the citizens of the City of Cameron are best served by vacating said alley and so recommends; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AS FOLLOWS:

Section 1. The following described alley is hereby declared vacated, discontinued and closed to all public use and travel:

> An unimproved 15-foot wide alley extending north from Prospect Street a distance of approximately 250 feet and bounded on the west by Lots 6 and 18; and bounded on the east by Lots 1-5, all in Giauque's Subdivision, a Subdivision in Cameron, Clinton County, Missouri.

Section 2. Said alley, having been vacated, shall revert to the owners of the adjacent properties as it was taken from them in accordance with Section 88.637 RSMo.

Section 3. The City of Cameron, Missouri reserves and retains all rights to any and all utility easements within said vacated alley together with the rights of ingress and egress to said easements.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved on first reading this 7th day of February 2011.
Passed and approved on second reading this 15th day of February 2011.
Passed and approved on third and final reading this _____ day of _____ 2011.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk