



MEMO

To: Chris Hertz, PE

From: Robert Neihart, PE

Date: June 2, 2020

Re: Alleyway Vacation Explanation

On behalf of Propriedad, LLC (Developer), Performance Engineering, LLC (PE), submitted a request to vVacate public right-of-way to Chris Hertz at the City of Billings Engineering Department on April 21, 2020. City of Billings staff presented the Petition of Acknowledgement to the City Council on May 26, 2020 which was pulled from Consent Agenda, for discussion and ultimately approval for the scheduling of a public hearing. During discussion and subsequent emails from council members, several questions have been asked revolving around the intent of the developer requesting the vacation and the process for vacating the alleyway given the manner in which it was established and it's proximity to the City/County boundary. Below is a summary of the questions that have been received from staff and council with responses.

1. What is the requesting Developer's plan for the property?

The Developer requesting the 10-ft public alleyway vacation intends to construct storage units as infill within the city limits. The current zoning of the property (Community Commercial) allows for this use. At this time the Developer does not have a layout of the development but anticipates constructing 4-6 buildings. The Developer has been in contact with the adjacent property owners to the south about his intent to request the alleyway vacation to not only gain additional developable area but to also allow for the ability to construct a common fence line between properties, eliminating the "no-man's land" between parcels.

2. Is the alleyway currently annexed into the City? Where did the alleyway original dedication come from?

Per city policy, the alleyway, in its entirety, was annexed at the same time the Developer's property was brought into the city limits. The original alleyway dedication came from the La Ray Subdivision platted in the County in 1960. The alley is currently unimproved and not being used by landowners to the north or south and does not provide connection to any other properties.

The property owners to the south, located within the County, signed the original petition submitted and have agreed to execute quit claim deeds to release their interest in the alleyway property, allowing the Developer's parcel to absorb the area and avoid pseudo City/County areas.

3. Would the Developer entertain the possibility of trading Lincoln Lane right-of-way for the alleyway?

The easement along the frontage of the Developer's property is 20 feet in width and extends for 175 feet across the frontage (3,500 sf). The Developer is amenable to the idea of trading right-of-way along the frontage of Lincoln Lane for the alley right-of-way with the City in lieu of purchasing the alley right-of-way.

We appreciate your consideration and hope this clarifies what the intent of the request of the alley vacation. Should you have any questions please contact Robert Neihart, Project Manager, at (406) 384-0080 or by email at rob@performance-ec.com.