

**City Council Meeting - FINAL**

**8. A.**

**Meeting Date:** 11/03/2020

**Co-Submitter:** Bryce Doty, Real Estate Manager

**From:** Dan Folke, Community Development Director

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**Information**

**TITLE:**

**Consideration and Adoption of Ordinance No. 2020-29:** An ordinance of the City Council of the City of Flagstaff abandoning and authorizing the sale of approximately 1,200 square feet of public right-of-way adjacent to 4013 S. Holland Road; providing for delegation of authority, repeal of conflicting ordinances, severability, and establishing an effective date.

**STAFF RECOMMENDED ACTION:**

At the November 3, 2020 Council Meeting:

- 1) Hold Public Hearing
- 2) Read Ordinance No. 2020-29 by title only for the first time
- 3) City Clerk reads Ordinance No. 2020-29 by title only (if approved above)

At the November 17, 2020 Council Meeting:

- 4) Hold Public Hearing
- 5) Read Ordinance No. 2020-29 by title only for the final time
- 6) City Clerk reads Ordinance No. 2020-29 by title only (if approved above)
- 7) Adopt Ordinance No. 2020-29

**Executive Summary:**

The property owner of a single family home at 4013 S. Holland Road has requested the city abandon and sell public right-of-way located adjacent to the home's southern side yard. The adjacent road sits above the subject property and the owner would like to relocate a fence closer to the sidewalk to provide more privacy and to beautify the property with landscaping. The University Terrace Unit 2 plat dedicated 62.67 feet of right-of-way to accommodate the local street and a segment of the FUTS. The typical local street has 50 feet of right-of-way. The FUTS has been installed and staff has determined excess right-of-way exists. The proposal is to abandon and sell 10 feet by 120 feet along the property line adjacent to 4013 S. Holland Road (Lot 14 University Terrace). The new right-of-way/property line would be located approximately 3 feet off of the FUTS. The total area is approximately 1200 square feet and shown on the attached concept sketch. A presentation with photos of the location will be attached prior to the final agenda.

The proposed abandonment/sale of City-owned right of way requires City Council action.

**Financial Impact:**

City staff has not obtained an appraisal or legal description of the property proposed for abandonment due to cost concerns. If City Council approves the first reading of the ordinance, City staff will obtain a legal description of the property proposed for abandonment prior to the second reading and adoption.

The public right-of-way was dedicated to the City at the time the plat was recorded and improved by the developer of University Terrace Unit 2. After the public improvements were completed by the developer, the City spent \$7,925 on additional landscaping in an attempt to address the adjacent property owner's concerns with the final grading and privacy. Additional expenses will include creating a legal description for the property to be vacated and if approved, a surveyor will need to set the new boundary pins. The plat will also need to be revised. Should the property be sold, the property will be returned to the public property tax rolls.

Staff used two methods to derive an estimated value of the property. We first looked at the appraised value of the adjacent residential lot. The Coconino County Assessor has the value of the land at \$8.46 per square foot. That

equates to a value of \$10,152 for 1,200 square feet. The second method is to consider a nominal value for the land, since it was dedicated to the City, but recover any other expenses such as the additional landscaping installed by the City and expenses related to this transaction. At a nominal value of \$1 per square foot and the \$7,925 spent on landscaping the value comes totals \$9,125. The average of these two methods is \$9,639. When you add \$1,000 estimated for the legal description and setting of the new survey pins, the total valuation is \$10,969. Staff recommends this be the minimum sale price.

State law provides that if the property is sold, the City is to receive “an amount ...commensurate with the value of the abandoned roadway. “ City Council may consider “fragmentation and marketability and any other public benefit received” in return in determining the amount of consideration., per A.R.S. § 28-7208.

**Policy Impact:**

Staff receives a fair number of requests to place improvements within public right-of-way adjacent to residential properties. Staff considers a number of options including encroachment permits, easements and abandonments. The abutting property owner did originally request an easement, but after considering the conditions, staff believes abandonment and sale is the best way to address the request. Local streets that serve residential neighborhoods are typically platted with 50 feet of right-of-way. This section was platted with 62 feet to accommodate a FUTS connection. The FUTS has been constructed and the staff has determined the excess right-of-way is no longer needed for public improvements. If approved, 52 feet of right-of-way will be retained.

**Connection to PBB Key Community Priorities/Objectives & Regional Plan:**

**Priority Based Budget Key Community Priorities and Objectives**

Livable Community - Provide amenities and activities that support a healthy lifestyle.

**Regional Plan**

Goal T.1. Improve mobility and access throughout the region.

Goal T.2. Improve transportation safety and efficiency for all modes.

The additional right-of-way was created to accommodate the FUTS, which has been accomplished.

**Has There Been Previous Council Decision on This:**

The City Council approved University Terrace Unit 2 plat, recorded on September 25, 2013. Recording of the plat dedicated the streets as public right-of-way.

**Options and Alternatives:**

1. Approve abandonment, and minimum bid price of \$10,969. (Recommended)
2. Approve abandonment, but with different minimum bid price or direct staff to obtain an appraisal;
3. Do not approve abandonment.

City Council is under no obligation to abandon and sell public right-of-way. Staff supports the action due to the existing conditions and interests of the adjacent property owner to improve the land. The fence will be moved by the property owner closer to the FUTS, however, there are similar fences adjacent to the street in the neighborhood.

**Background/History:**

The property owner of 4013 S. Holland Road purchased the home prior to the construction of this segment of Holland Road. Since the construction of the street, the owner has been unhappy with the finished grade of the street and sidewalk. The street sits above his property and slopes down from the sidewalk to the rear yard. Abandonment and sale will allow the owner to move the privacy fence closer to the FUTS, regrade the slope and install new landscaping.

**Key Considerations:**

The basic question is whether there is still a public need for the right-of-way. The FUTS and public and private utilities have been constructed and are not located within the subject area. Staff recommends retaining vision triangles at each end where a fence over 3 feet is not permitted in order to maintain views of FUTS users as vehicles exit the proximate private driveways.

**Expanded Financial Considerations:**

None.

**Community Benefits and Considerations:**

Abandonment and sale of the public right-of-way will allow the land to be combined with the existing lot at 4013 S. Holland Road and be placed on the property tax rolls.

**Community Involvement:**

None.

**Expanded Options and Alternatives:**

None.

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**Attachments**

Ord. 2020-29  
University Terrace Unit 2 Plat  
Holland Drive Concept Sketc  
4013 S Holland Rd photo  
4013 S Holland Rd photo 2  
Letter from owner  
Presentation

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