

REAL ESTATE REPORT
RIGHT-OF-WAY ABANDONMENT

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| DATE: | January 21, 2021 |
| MEETING DATE: | January 27, 2021 |
| REPORT BY: | Bryce Doty |

REQUEST:

A request from Tommy Hernandez, the owner of 709 S O'Leary Street to abandon a portion (approximately 12' x 90' or 1,080 square feet of area) adjacent to their property.

STAFF RECOMMENDATION:

City Staff does not recommend abandoning the public right of way. The public right-of-way is needed for future Flagstaff Urban Trail System (FUTS) as identified in the Regional Plan.

PRESENT LAND USE:

The right-of-way subject to this request is currently undeveloped land with scattered brush and small trees. 709 S O'Leary is currently vacant within the High Density Residential Zone.

PROPOSED LAND USE:

The applicant proposes to incorporate the unimproved portion of public right-of-way into his adjacent parcel with plans to landscape and display signage recognizing the history of the Southside neighborhood. Please see applicant's letter of request.

NEIGHBORHOOD DEVELOPMENT:

North: Residential housing
East: Residential housing
South: Apartment complex
West: Residential housing

FINDINGS

There are no specific findings or criteria in City Code for examining abandonment requests made by members of the public. Typically, internal city staff reviews these requests as part of the Property & Development Review Committee to determine if right-of-way requested for abandonment is necessary for future city development. The following are evaluation criteria developed by staff to assist with decisions on whether or not to abandon easements or rights-of-way. Prior to taking any abandonment requests to City Council, the Planning Commission must make a recommendation pursuant to City Code Title 11-20.160.020.D.

PZ-20-00071-02

Abandonment Request

| <i>EVALUATION CRITERIA</i> | | <i>Maintain ROW</i> | <i>Abandon ROW</i> |
|-----------------------------------|---|---|---|
| Future Public Use | | Planned FUTS trail on either side of Hoskins | Restricts ability to connect planned FUTS trail outside of existing road improvements |
| Benefit to City | Maintenance | No current maintenance costs; future plans will require maintenance | Owner Responsible for Maintenance Costs |
| | Tax Base Implications | No increase | An additional 1,080 sq ft of vacant land would be added to the tax roll; increases parcel size by 11% |
| | Fair Market Value of area to be abandoned | None | Full Cash Value assessment of adjacent lot suggests a fair market value of the area to be abandoned at approximately \$15,000 |
| Restrictions of Abandonment | | None | None; city received public ROW by plat |
| Utility Impacts | | None | None; existing fire hydrant would remain city property |

PROJECT INTRODUCTION/BACKGROUND:

In 1943 the Revised Plat of the Washington Addition of the City of Flagstaff, dedicated Hoskins Street to the public for public use in varying widths from 60' to 73.5'. In this plat, Hoskins is shown bounded on the east by the Rio de Flag; as a result, development of Hoskins Street on the East side of O' Leary Street never occurred.

The 2018 Survey of Block A Revised Washington Addition identifies the width of Hoskins Street at the SE/4 of Lot 9, being the SE/4 of 709 O'Leary Street as 72.33'. The as-built roadway and improvements along Hoskins along the southern line of 709 O'Leary street measures approximately 55', leaving approximately 12' of unimproved publicly owned right-of-way abutting the southern line of 709 O'Leary Street. Apart from a fire hydrant on the SE/4 adjacent to 709 O'Leary, the remnant right-of-way has never been developed.; it remains un-landscaped city brush.

The owner of 709 O'Leary Street approached the City with a request to abandon a portion of the unbuilt remnant of Hoskins right-of-way adjacent to 709 O'Leary Street. The City Planners, Engineers, Water Services and Traffic evaluated that certain remnant right-of-way along the south side of the 709 O'Leary Street and determined the remnant may be needed in the foreseeable future for right-of-way or FUTS trail purposes.

In February of 2020, City staff, on request from the owner of 709 O'Leary to improve the remnant right-of-way, determined that the owner could improve that certain remnant property by applying for an encroachment permit.

Between September and November of 2020, members of Council and staff met with the owner of 709 O'Leary Street three times to discuss the possibility of abandoning the remnant right-of-way. Staff re-affirmed its conclusion that the remnant right-of-way may be needed in the foreseeable future for public purposes.

FLAGSTAFF REGIONAL PLAN

The Flagstaff Regional plan identifies a planned FUTS trail on either side of the Hoskins. Abandoning public right-of-way along this stretch will restrict connecting the two stretches of the FUTS trail within the existing roadway.

NEXT STEPS

Upon recommendation, the applicant may take the request to city council for hearing. Should the city council determine to abandon the public right-of-way, City Staff will set a minimum bid amount based on an appraisal or a determination

PZ-20-00071-02

Abandonment Request

of fair market value. The property will then be conveyed at an auction granting the adjacent owner first right of refusal for purchase.

RECOMMENDATION

As stated previously, due to planned future FUTS trail needs, City Staff does not recommend abandoning the unimproved portion of Hoskins Ave public right-of-way abutting 709 O'Leary Street. Staff supports applicant pursuing proposed improvements to the public right-of-way by applying for an encroachment permit.