

City of Scottsbluff, Nebraska

Monday, September 16, 2013

Regular Meeting

Item Subdiv.1

Council to consider a variance request of alley requirements 21-1-20 with an Ordinance to vacate the alleys abutting north and west line of Lot 2, Mackrill Replat Subdivision.

Staff Contact: Annie Urdiales

Agenda Statement

Item No.

For meeting of: September 16, 2013

AGENDA TITLE: Variance Request of alley requirements 21-1-20 with an ordinance to vacate alleys abutting north and west line of Lot 2, Mackrill Replat Subdivision of proposed Block 2, Floyd's Subdivision. Scottsbluff, Nebraska.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Rick Kuckkahn

SUMMARY EXPLANATION: Jonathan Gillam, property owner of proposed Block 2, Floyd's Subdivision a replat of Lot 2, Mackrill Replat, a replat of lots 4H & 4I, Mackrill Subdivision; and vacated alleys abutting north & west line of Lot 2, Mackrill replat. Has requested a variance of City Code 21-1-20 which states an alley shall be provided at the rear of every lot used or proposed to be used for business purposes. The proposed Block 2, Floyd's Subdivision has an alley on the north and west sides that have never been fully developed or used for refuse collection, easements will replace the alleys on the plat. An alley runs east and west on Block 1, Floyd's Subdivision which is directly north of Block 2.

BOARD/COMMISSION RECOMMENDATION: The Planning Commission approved the preliminary and final plat with ordinance to vacate with the conditions that the ordinance to vacate and variance request be approved by City Council at their regular meeting of September 9, 2013.

STAFF RECOMMENDATION: Staff recommends City Council approve the requested variance with ordinance to vacate.

EXHIBITS

Resolution Ordinance x Contract Minutes x Plan/Map ☐

Other (specify) x Variance Request for ordinance to vacate alley

NOTIFICATION LIST: Yes x No ☐ Further Instructions ☐

Kelly Beatty, M.C. Schaff & Associates, 818 South Beltline Hwy East, Scottsbluff, NE 69361

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk

Scottsbluff City Council
2525 Circle Drive
Scottsbluff, Nebraska 69361

Dear Council Members:

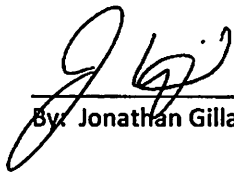
As owner of Lot 2, Mackrill Replat Subdivision in the City of Scottsbluff, Nebraska, I am requesting the City to vacate the alleys abutting the north line and west line of Lot 2, Mackrill Replat Subdivision, subject to the approval and filing of a replat of Lot 2, Mackrill Replat and the vacated alleys. It is the intent of the replat to replace the alleys with corresponding utility and drainage easements. By vacating the alleys and replacing with easements the property can be better utilized. Access to existing utilities will still be provided to the City and others, if needed.

As part of this vacation, we also request a variance from Section 21-1-20 of the Scottsbluff City Code, requiring an alley at the rear of business lots. The alleys requested to be vacated above have never been fully developed or used for refuse collection, as the south end of the north-south alley presently terminates at the North Platte River, and is used for surface water drainage. With the replacement of the alleys for public easements it is our opinion this would best serve the City and property owner.

Thank you for your consideration of this matter.

Respectfully submitted,

Owner, Lot 2, Mackrill Replat Subdivision:
120 5th Avenue, LLC



By: Jonathan Gillam, member

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ORDINANCE NO.

AN ORDINANCE VACATING THE ALLEYS ABUTTING THE NORTH LINE AND WEST LINE OF LOT 2, MACKRILL REPLAT, A REPLAT OF LOTS 4H AND 41, MACKRILL SUBDIVISION TO THE CITY OF SCOTTSBLUFF, NEBRASKA.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

1. The owner of the property has requested that the City vacate alleys abutting the North line and West line of Lot 2, Mackrill Replat, a Replat of Lots 4H and 41, Mackrill Subdivision, subject to the approval and filing of a replat of said property.
2. The City Council finds that the request and offers of replat and providing utility easements to replace the alleys are acceptable and it is in the best interest of the City that both alleys be vacated as requested.
3. The alley abutting the North property line and the alley abutting the West property line of Lot 2, Mackrill Replat, a Replat of Lots 4H and 41, Mackrill Subdivision are both hereby vacated.
4. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on September ____, 2013.

Mayor

Attest:

City Clerk (Seal)

Approved as to form:

City Attorney

