

PLNPCM2023-00636



ALLEY VACATION: 373 W AMERICAN AVENUE

City Council – January 7, 2025

INTRODUCTION

Request: Close and Vacate the Alley at 373 W American Avenue.

Purpose: To facilitate the redevelopment of the site.

Support: All five adjacent property owners support this request.

Background: The alley was claimed through a court-granted quiet title claim in 2022. The alley remains under public ownership until a decision is made by the City Council.

There is a Notice of Public Alley held in the City Attorneys Office



SITE PHOTOS



Building at 373 W American Ave



Alley area proposed to be vacated



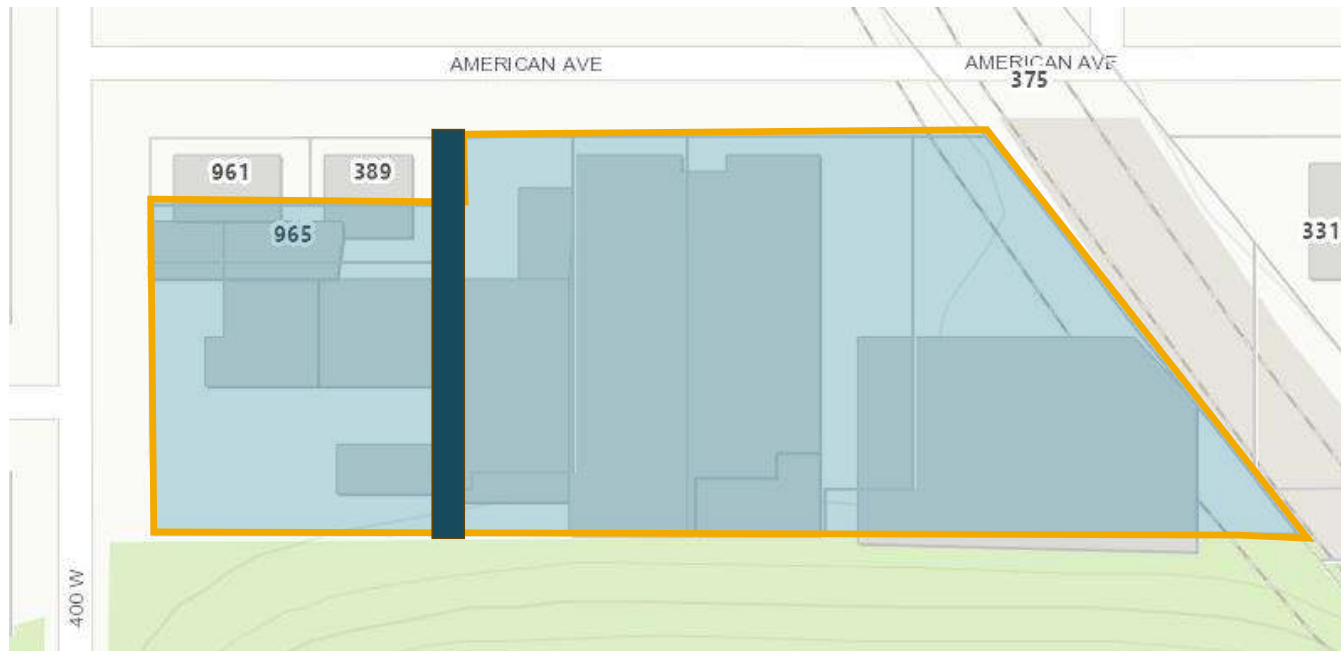
American Ave, facing east



American Ave, facing west

REASON FOR VACATION

The primary reason for vacating the alley is to enable redevelopment of the site. The Property owner American Acquisition LLC, currently has ownership of the highlighted properties. Specific plans for this site have not been submitted to the Planning Division.



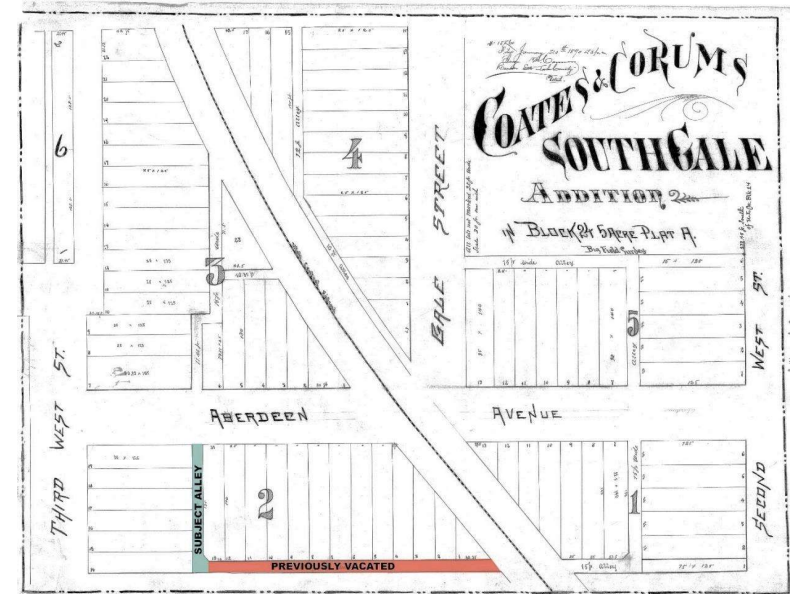
POLICY CONSIDERATIONS FOR ALLEY VACATIONS



- A. Lack Of Use:** The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way;
- B. Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
- C. Urban Design:** The continuation of the alley does not serve as a positive urban design element;
- D. Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

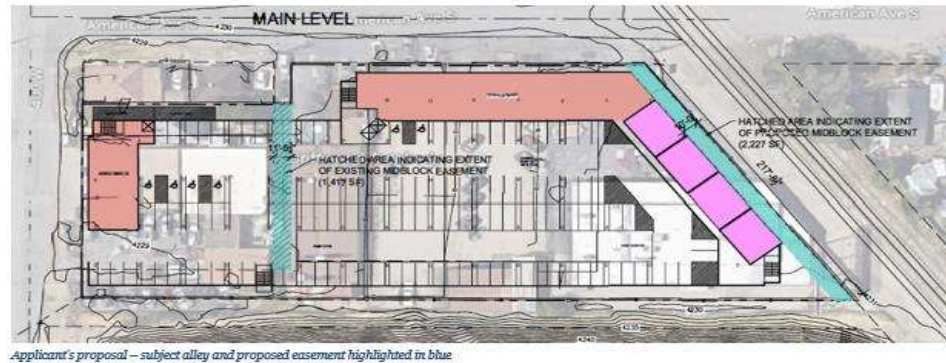
LACK OF USE:

The City's legal interest in the alley is shown on the subdivision plat, but it no longer serves as a public right-of-way and has been privately used for some time. The southern section has been vacated. Staff recommends pedestrian access along 400 West, American Avenue, and a pedestrian easement for the future Orange Line project.



Original subdivision plat, recorded January 1890

FUTURE CONNECTION: BALLPARK STATION AREA PLAN



ALLEY VACATION FACTORS 14.52.030

Description		Proposal Meets Factor
1	All relevant City departments have no objection to the proposal.	✓ Yes
2	The petition meets at least one of the policy considerations stated above.	✓ Yes
3	The vacation will not deny access or parking to any adjacent property.	✓ Yes
4	The vacation will not result in any property being landlocked.	✓ Yes
5	The vacation will not result in a use of the alley property that is contrary to the City's policies and goals.	✓ Yes
6	No abutting property owner intends to build a garage requiring access from the alley.	✓ Yes
7	The petition is for an entire alley, rather than a small segment of it.	✓ Yes
8	The alley is not necessary for actual or potential rear access to residences or for accessory use.	✓ Yes



TRANSFERRING THE LAND



When an alley borders a single-family or duplex property, the City vacates and divides it, transferring ownership to the property owners. For non-residential or multifamily properties (3+ units), the City may close and sell the land at market value to the abutting owners.

STAFF RECOMMENDATION

Staff recommends the City Council follow the recommendation of the Planning Commission and approve the alley vacation with the following conditions:

1. The applicant shall establish a utility easement in place of the existing public alley right-of-way following the approval of the request or coordinate relocation of existing power lines with Rocky Mountain Power.
2. The applicant shall establish a 10-foot-wide public access easement along the eastern boundary of 337 West American Avenue.
3. The applicant shall not purport to convey the property encompassing any portion of the alley until at least 60 days after a final decision by the City Council on the petition.
4. The applicant must consolidate the parcels through a lot consolidation.

Note on Condition 3: This is a recommendation from the City Attorney's Office to allow time to finalize the ordinance and complete a transaction for the alley property and proposed easement.

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