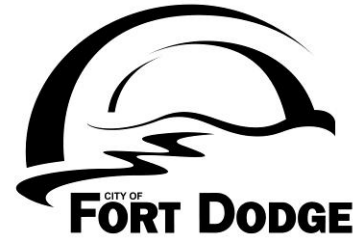


June 16, 2014

To: Mayor Bemrich and City Council

From: David Fierke, City Manager

Subject: Right-of-Way Vacation Policy



ACTION: For vote - Resolution revising Right-of-Way Vacation Application Fees

Brief History

Two items relating to Right-of-Way Vacations were presented to the City Council at their June 9, 2014 Council Meeting. The first item relating to Right-of-Way Vacations was a document titled "Policy and Procedures for Vacating Public Right-Of-Way" (ROW Vacation Policy), which establishes a process for review of requests to vacate public right-of-way and the disposition of such. This item was passed by the City Council via approval of Resolution 14-06-160, which adopted the ROW Vacation Policy.

The second item relating to Right-of-Way Vacations was a resolution amending the right-of-way (ROW) vacation application fees for the Business Affairs and Community Growth Office. This resolution proposed to increase the existing ROW vacation application fee from \$50 to \$200. The proposed increase would cover costs relating to the vacation and disposition of lands. By vote of the City Council, the resolution failed. It was recommended by the City Council that the ROW vacation application fee be proposed at \$100, as recommended by the Plan and Zoning Commission.

Analysis of Issue

ROW Vacation Policy

The approved ROW Vacation Policy identifies steps and considerations that should be followed for requested ROW vacations. Section V of the Policy establishes the following Disposition Costs:

- No sale price for a single disposition of a vacated alley; however, for the disposition of split alleys consisting of 2 or more portions, any pertinent legal and recording fees will be assessed to the appropriate property owners whom obtain ownership of the vacated and disposed lands. This alternative encourages commercial development, the vacation of unused alleys, and mitigates disposition of vacated alleys in a "checkerboard" fashion due to high disposition costs, which would result in disinterest of residents.

- For disposition of vacated streets and other lands, a sale price will be established based on a certain dollar amount per square foot, which should be determined using adjacent or nearby assessed land values (per square foot). This ensures the City is being properly reimbursed for its land.

To make any changes to the "Policy and Procedures for Vacating Public Right-of-Way", the Council would need to rescind their June 9, 2014 vote for approval. This would require a motion to rescind Resolution 14-06-160, a second, and concurring vote from the majority of Council members. If the motion to rescind is approved, the "Policy and Procedures for Vacating Public Right-of-Way" will be reconsidered by the Council at the next meeting.

ROW Application Fee

Because the resolution amending the ROW vacation application fees failed at the June 9, 2014, City staff is proposing changes to the ROW vacation application fees as recommended by the Plan and Zoning Commission. The Plan and Zoning Commission recommended that the application fee be increased from the existing \$50 application fee to a \$100 application fee. The application fee is proposed to cover a majority of the application processing and review costs such as department and utility notifications, adjacent property notifications, staff review and report, notification of public hearing, legal fees, disposition preparation, and all recording fees, except otherwise noted in the vacation and disposition of portions of alleys.

Budget Impact

No City expenditures are anticipated. Staff proposes an application fee of \$100 to ensure the applicant covers the majority of costs relating to department and utility notifications, adjacent property notifications, staff review and report, notification of public hearing, attorney fees, disposition preparation, and recording fees.

Strategic Plan Impact

This action relates to the following policy:

Policy D.4.2: Advanced planning for all infrastructure facilities shall be supported and routinely updated. Facilities benefited by advanced planning shall include, at minimum, schools, health care, residential areas, roads, water, sewer, storm water management, parks, recreation, and greenways.

Subcommittee or Commission Review / Recommendation

The Plan and Zoning Commission reviewed this proposal at their May 13th and 27th 2014 meetings and recommends increasing the application fee from \$50 to \$100.

Staff Conclusions / Recommendations

Subject to Council discussion and public comment, Staff recommends approval of the resolution to increase the Right-of-Way Vacation Application Fee to \$100.

Alternatives

The first alternative is to approve the proposed resolution revising the right-of-way vacation application fee to \$100, which would put all applicable fees in effect. A second alternative is to table the proposed resolution, which would delay the application fee taking effect. Another alternative is to reject the resolution, which would result in no change to the application fee.

Implementation and Accountability

If the Council approves the resolution revising the right-of-way vacation application fee staff will begin assessing the application fee for all future applicants.

Signed



Carissa Miller
Associate Planner

Approved



David R. Fierke
City Manager

RESOLUTION NO. _____

**RESOLUTION REVISING FEES FOR THE DEPARTMENT OF
BUSINESS AFFAIRS AND COMMUNITY GROWTH**

WHEREAS, the City of Fort Dodge set fees for services administered by the Business Affairs and Community Growth, most recently by Resolution 13-04-061; and

WHEREAS, it is important for a local government to recover the costs associated with providing special benefits to individuals; and,

WHEREAS, the costs to the City of providing these special benefits will not be completely recouped with the adoption of the recommended fees; and

WHEREAS, the recommended fees are fair and adequate.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

Section 1. That the fees for certain special benefits administered by the Department of Business Affairs and Community Growth shall be payable upon application for the special benefits and shall be nonrefundable regardless of application outcome or project completion.

Section 2. That Resolution 13-04-061 is hereby rescinded.

Section 3. The fees shall be as follows:

Business Enterprise Zone Benefits	\$ 200.00
Housing Enterprise Zone Benefits	\$ 100.00
Rezoning	\$ 250.00
Sidewalk café or sidewalk retail	
Display and sales	\$ 100.00
Site Plan Review	
Administrative	\$ 50.00
Minor	\$ 150.00
Major	\$ 300.00
Special Exception	\$ 200.00
Subdivision	\$ 300.00
Temporary sign permit	\$ 50.00
Variance	\$ 100.00
	\$ 200.00

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA,
THIS ___ DAY OF ___, 2014.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE

BY: _____
Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers, City Clerk