

STAFF REPORT

Application:	Request relating to the vacation of a public right-of-way. Requested vacation to include 9 th and 10 th Avenues SE located east of Call Place and the alleyways between 9 th and 10 th Avenues, all in or adjacent to Block 3, Country Club Addition.
Applicant:	Jeffrey Holmstrom
Agenda Item:	Public Hearing #1

Background Information:

- **Proposal:** The applicant is requesting that the City vacate the all public rights-of-way between Call Place on the west, the railroad on the east and between (and including) 9th and 10th Avenues SE - all located in Block 3 of Country Club Addition.

The applicant has recently purchased the west portion of lots in this area (PIDs 482006002 and 482006003), and indicates they have also purchased the lots on the east portion (PIDs 482006001 and 482006004), although Staff has not yet been able to confirm with the County that Mr. Holmstrom yet legally owns the east parcels.

The rights-of-way proposed for vacation have not actually been built with roads or alleys and do not contain any public utilities. alleyway has never been constructed and does not have any public utilities located in it (water, sanitary sewer, storm sewer). The entire block is mostly open with scattered trees.

The Planning Commission's role in reviewing the vacation of the rights-of-way is to determine whether the vacation would be compliant with the City's Comprehensive Plan. The City Council is required to hold a separate public hearing (scheduled for a later date) before it can vacate any rights-of-way.

Applicable Statutes/Ordinances:

Minnesota Statutes

462.356 PROCEDURE TO EFFECT PLAN: GENERALLY.

SUBD. 2.COMPLIANCE WITH PLAN.

After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this

subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.

Little Falls Comprehensive Plan (2007)

The City's 2007 Comprehensive Plan identifies the subject area as Country & Suburban, which has a planned density of 1-3 dwelling units per acre.

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval or denial of the proposed public right-of-way vacation with findings relating to how such vacation would be compliant with the City's Comprehensive Plan. If the Commission wishes to take more time for review of the proposed vacation and/or require additional information, it may table the request.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. The primary questions with vacating this right-of-way is whether the vacating of the right of way would be consistent with the Comprehensive Plan.