

Mayor and Council Communication

DATE: 09/28/21

M&C FILE NUMBER: M&C 21-0741

LOG NAME: 06VA-20-024 M.G. ELLIS ALLEY VACATION

SUBJECT

(CD 2) Conduct a Public Hearing to Consider an Appeal of the Denial by the City Plan Commission Regarding the Proposed Vacation of a Portion of an Alley in Block 184, M.G. Ellis Addition, and if the Denial is Reversed, Adopt an Ordinance Vacating a Portion of an Alley to be Replatted with the Adjoining Property (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Report of City Staff: Mary Elliott; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council:

1. Consider an appeal of the denial by the City Plan Commission regarding the proposed vacation of a portion of an alley in Block 184, M.G. Ellis Addition and, if the denial by the Plan Commission is reversed, adopt the attached ordinance vacating a portion of the alley which is to be replatted with the adjoining property; and
2. Waive any and all purchase fee value of the land in accordance with City Policy.

DISCUSSION:

Margie and Robert Little have requested vacation of the alley right-of-way and replatting the adjoining property to permanently close and dead end the alley to resolve a code enforcement violation related to a gate blocking an alley. On July 14, 2021, the City Plan Commission made a recommendation of denial to City Council for the vacation of a portion of an alley in Block 184, M.G. Ellis Addition by a unanimous vote, 8-0. The Plan Commission also considered and recommended denial of a waiver request from the Littles to not provide a turnaround or a public access easement to serve as an alleyway turnout as required by the Subdivision Ordinance by a vote of 8-0. The Littles timely filed an appeal of the decision of the City Plan Commission to the City Council in accordance with Section 31-63(d) of the Subdivision Ordinance.

Based on traffic circulation analysis, the alley vacation would create a dead-end alley and adversely affect area traffic circulation. Section 31-106 (g)(1) of the Subdivision Ordinance prohibits dead-end alleys. An alley with only one outlet shall be provided with an approved turn-around or alleyway turnout [Section 31-106 (g)(5)]. An alleyway turnout can be provided by working with adjoining property owners to connect with Commerce Street, or a turn-around can be constructed using an alternative that uses a small amount of space. The applicant requested a Subdivision Ordinance waiver in lieu of pursuing an alleyway turnout or a turn-around.

The alley is within the Historic Marine Urban Village. Urban villages are small geographic areas (usually one square mile) designated for dense, multiple-use development that is mass-transit and pedestrian friendly. Older commercial districts are being revitalized using capital improvements, mixed-use zoning and economic incentives to reinforce the urban village concept.

This particular urban village has been rezoned for "MU-1" Low Intensity Mixed Use for most of the properties within its boundary. The urban village touches the Historic Stockyards to the north, and is located about one-quarter of a mile from the proposed Panther Island development to the south. By vacating this alley without a turnout or turn-around, this section of the urban village loses the opportunity for pedestrian connectivity in the future. The Historic Marine Urban Village Master Plan shows alley enhancements in a pedestrian plan for this location that will connect to a proposed trail along 20th Street. By vacating this alley, this section of the urban village loses the opportunity for pedestrian connectivity in the future and cuts off the portion of the alley to the north as well.

The City Council may affirm or reverse the decision of the City Plan Commission. If the decision of the City Plan Commission is reversed, the attached ordinance will vacate and release the City's right-of-way interest in the identified portion the alley. The existing utility easement in the right-of-way will be retained by the City until such time all utilities located in the easement are relocated at the property owner's expense. The Littles would be required to submit an acceptable final plat in accordance with the Subdivision Ordinance.

The City of Fort Worth (City) originally obtained the alley right-of-way through the platting process. The City does not own any fee interest in the right-of-way or own any property adjacent to the right-of-way and did not expend any City funds to purchase the right-of-way easements. In accordance with the City's policy regarding street and alley vacation transactions approved by the City Council on March 6, 2007 (M&C G-15624), Staff recommends waiving the fair market value or any portion thereof of purchase price of the right-of-way easements for the affected portion of the alley.

The property is located in COUNCIL DISTRICT 2.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no effect on City funds.

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