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## MEMORANDUM

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TO: Mayor Walker and Councilors  
FROM: M McPherson, City Administrator  
SUBJECT: **Vacating an Alley in Sharco Estates – First Reading**  
DATE: October 26, 2021

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### **Background:**

This is a request by RW Builders to vacate a portion of an alley in Sharco Estates as illustrated in the attached Exhibit. The request was tabled for the following reasons:

1. Errors in the ordinance; the ordinance referenced information from a previous vacation,
2. Comments from an adjacent resident regarding land acquisition and “exchange”,
3. Who acquires the vacated easement, and
4. Preparation of a clarifying Exhibit.

### **Analysis:**

The ordinance has been corrected.

The City Attorney will provide a verbal update regarding Mr. Snustead’s assertion that representations were made regarding obtaining seven (7) feet in the rear for land “acquired” from the front. In reality, staff believes that easements for utilities supporting the Walmart development were obtained, not land in fee title. With an easement acquisition, the property owner maintains ownership of the land under the easement and therefore there would be no need for a land exchange.

The entire alley will accrue to Outlot E, Sharco Estates as it was platted from the land contained within Sharco Estates. The lots along 1<sup>st</sup> Street to the north are located entirely within a separate subdivision, Davis Addition.

### **Recommendation:**

Staff recommends approval of the First Reading of the ordinance to vacate the alley in Sharco Estates as requested by the applicant.