

**CITY OF NORWALK
REPORT TO THE NORWALK PLANNING COMMISSION**

ITEM: Consideration and recommendation on the proposed vacation of the right-of-way easement of Masteller Road

MEETING DATE: December 14, 2015

STAFF CONTACT: Wade Wagoner, AICP
Planning and Economic Development Director
Luke Parris, AICP
City Planner

GENERAL DESCRIPTION: Chapter 138 of the City of Norwalk City Code provides regulations for the "Vacation and Disposal of Streets." Section 138.02 specifically states that the Planning and Zoning Commission must review and provide a recommendation to the City Council regarding any proposed vacation of a City street. The City Council cannot vacate a street unless they find the following:

1. Public Use. The street, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street reasonable access to their property.

At their December 3, 2015 meeting, the City Council referred the matter of the vacation of Masteller Road to the Planning and Zoning Commission for review and recommendation. The Commission's review should be focused on the two points described above.

The current alignment of Masteller Road is proposed to be vacated and a new alignment of Masteller Road will be developed by United Properties LLC as part of their commercial development within the Echo Valley PUD. The new alignment of Masteller Road would maintain the intersection at Iowa Highway 28. The intersection of Masteller and Beardsley Street would be relocated to the east along Beardsley Street. Current landowners adjacent to and with access to Masteller Road are United Properties Invest Co. LLC, and James Oil. The James Oil property has a secondary

access to Beardsley Street. The United Properties Invest Co. LLC. does not have a second access, however, United Properties is redeveloping Masteller Road, which will maintain access to their property.

While a majority of the Masteller Road is now under construction, this ordinance contemplates vacating all of the North South Portion of the road, show in red on the map. (The City intends to keep the northern east/west portion, shown in green, as it has been identified as the future access and likely signalization off of Iowa Highway 28.)

The City can choose to vacate all or a portion of the street or place conditions on the vacation such as a deal being reached by the two private property owners regarding the James Oil property.



ATTACHMENTS:

Comments and exhibits submitted by United Properties

To: Mayor, Council Members, Planning Commission
From: United Properties Investment Company, LC
Re: Vacation of the Masteller Road Easement

A public hearing was held to consider vacating the Masteller Road Easement on December 3, 2015. The Council approved sending the issue to Planning and Zoning for their recommendation. The P&Z hearing will occur December 14, 2015, and the item will be before the Council for action December 17, 2015.

United submitted a pre-development plan to city staff for The Market Place at Echo Valley. Staff and P&Z reviewed and issued a grading permit. Staff and Council approved the removal of the concrete in the easement area. United agreed to leave a portion of the concrete extending from Beardsley to the north property line of James Oil site until the Council took action to vacate the easement.

United has worked for several years to acquire the James Oil site. The city has recently gotten involved and we believe that James Oil is receptive to selling the parcel and removing the fuel storage tanks. We continue to work through the process. Throughout this time period, United has made it clear to the City and to James Oil that we would move forward with the development of our approximately 25 acre parcel with or without the James Oil site. We are committed to doing so as evidenced by the grading project currently underway.

As an agreement has not been reached to date, we submitted our plan and received a grading permit not inclusive of the James Oil site. Our plan did, however, include a new street to be constructed that will be deeded to the city upon completion. Staff, city consulting engineer, P&Z, and Council have all approved the plan subject to typical city development guidelines and processes.

The portion of Masteller remaining needs to be removed to continue the grading and development of The Market Place. The easement needs to be vacated so the grading and development can continue. The current roadway easement will be replaced by fee ownership of the new road and right-of-way.

James oil has the same access off of Beardsley that has been there since before the construction of Masteller and the same access as the convenience store on the south side of Beardsley. The remaining portion of Masteller will be removed either through our development process or when the widening of Beardsley takes place. It will be beneficial to the city to have the work completed by United as part of the development of The Market Place. It will be very difficult to complete the project after United has established grades for the balance of the parcel and the new road.

The traffic to the James Oil site is very limited and significantly less than that of the C-store to the south which also has fuel and delivery trucks. The vacation of the easement to allow the grading to move forward creates a temporary inconvenience to James Oil while it creates a complete stoppage of our grading project. The inconvenience to James Oil will be resolved through our acquisition of their site or through the construction of the new road should James Oil remain.

We respectfully request the P&Z Commission to recommend vacation of the Masteller Road Easement and the City Council to approve the vacation of the easement. We will work with the city to preserve that portion necessary for the intersection with Highway 28 on the north end of the site as the new road to be construction will maintain this connection to Highway 28. The remaining portion on this connection will be dedicated to the city in fee title along with the balance of the new road.

Thank you. We look forward to the continuation of this project.

For reference, the attached exhibits show the access on Beardsley to be the same as that of the C-Store directly south, the parcel owned by United that includes the land under the Masteller Easement, and the parcel owned by James Oil as depicted on Google Maps and the Warren County Assessor's site.



Imagery ©2015 Google, Map data ©2015 Google 20 ft



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DRWAKONDA DR

WALKONDA DR

MASTELLER RD

BEARDSLEY ST

BEARDSLEY ST

BLUESTEM RD

BLUESTEM RD

PRAIRIE SAGE DR

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