commission memo

DATE: December 4, 2019

TO: Planning and Zoning Commission

FROM: David N. Hockett, AICP
Principal Planner

RE: Alley Vacation

a. Public Hearing regarding an alley vacation for the north south alley located between 26th and 27th Street and 11th and 12th Avenues.

b. CPC Resolution No. 19-53 recommending approval of the alley vacation for the north south alley located between 26th and 27th Street and 11th and 12th Avenues.

The City of Marion has received a request from Thomas Turner, 1175 26th Street to vacate (and purchase a portion) of the north south alley located between 26th and 27th Street and 11th and 12th Avenues. The alley was created between two separate subdivisions with the west two (2) feet being dedicated with the Goodhue Mitchell and Marshall’s Addition (1888 yr.) and the east eight (8) feet being dedicated with the Richmond’s 2nd Addition (1887 yr.). Due to the age of the subdivision staff was unable to determine why the alley was not fully platted on one subdivision or why it was not evenly split between the two, it most likely was along property lines at the time, as the alley to the block south is the same between the two subdivisions.

Staff has reviewed the alley and has determined that a majority of the alley has never seen regular use and has never been improved beyond grass beyond the south 120’ which has been paved and used as access to a garage of the adjacent property. There is no access from the north (12th Avenue) as there is no curb cut and a hill would make access difficult. Utilities are currently located through the east / west alley and a utility easement will be required to be maintained, so nothing would be permitted to be constructed within the alley other than fences.

The City has received one letter objecting to the vacation prior to the public notice being sent, their objection is based on use of the alley, that letter is attached.
Alley looking south from 11th Avenue.

Alley looking north from 10th Avenue.
Message submitted from the <City of Marion, IA> website.

Site Visitor Name: Donald Dhooge
Site Visitor Email: dldhooge@yahoo.com

Hello City Council members,

My name is Donald Dhooge and I live at 1133 26th Street Marion. I was informed about a possible change to the Ally bound by 11th and 12th Ave and 26th and 27th street. I attempted to attend the council meeting Tues 11/19. However, I was late to hear what was said about this requested change item (2) under Section F, Community Development. I am apposed to this change as a resident of the block. The Ally is a public access point, which I need to use from time to time. We have one neighbor at the end of the alley who parks illegally blocking the alley from others on the block's use. I have had to call the Marion police department to get them to move their vehicle in the past. If this alley is changed to city property and then sold to my neighbors, myself and a couple other neighbors will no longer be able to require him to move his vehicles when we need access.

I'm not familiar with the city council's procedures. Also, I am unable to attend this evenings council meeting. However, I would appreciate all of you taking my concerns into consideration and not allow the alley to be changed to city property.

Thank you,
Donald D'Hooge