

May 25, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THROUGH Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, Community Development Director

FROM: Jeff Pregler, AICP
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2023-039
Request to Proceed with Alleyway Abandonment
from Cyr Center to North Avenue

STAFF RECOMMENDATION:

The City Manager recommends approval.
The Assistant City Manager recommends approval.
The Director of Community Development recommends approval.

INITIATED BY:

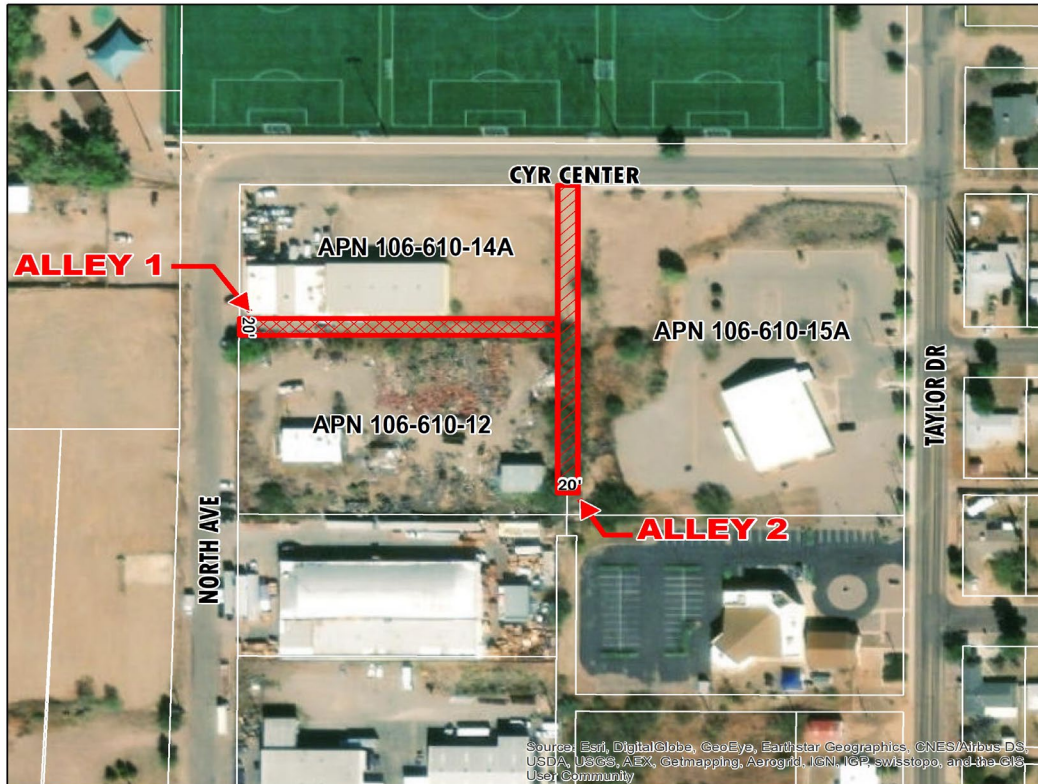
City of Sierra Vista

BACKGROUND:

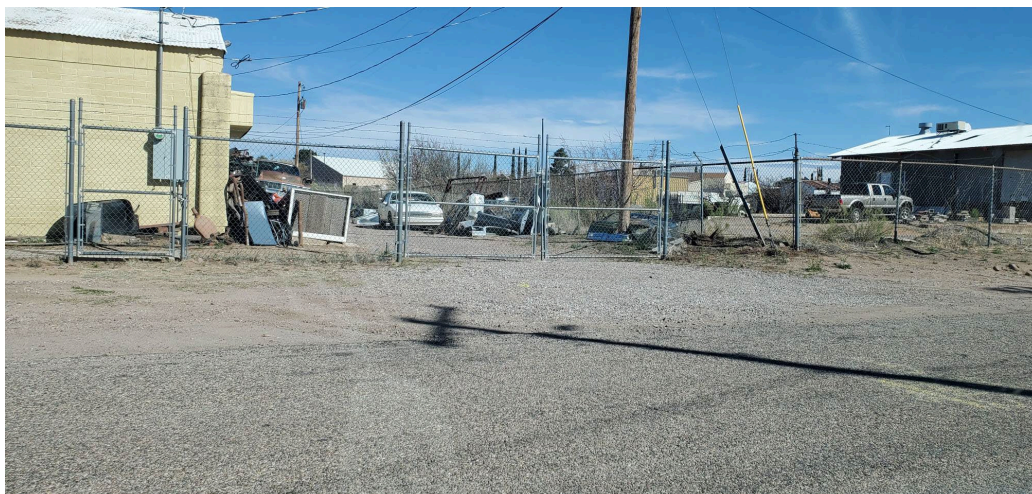
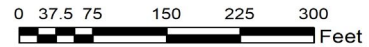
The City is initiating an abandonment of two alleyway sections located between Cyr Center and North Garden Avenue. Alley 1 has a length of 324 feet (mol) and Alley 2 has a length of 346 feet (mol). The width of both sections is 20 feet (location map). The alleyways have not been maintained by the City in several years and have no public benefit.

There is an existing gate, installed by the previous property owner of parcel 106-61-014A that blocks vehicular traffic from entering Alley 1 on North Avenue. In fact, the current owner is using this area for storage. There are currently electric poles within Alleyway 1. However, SSVEC does have a key to the gate to allow for access to the poles. A public utility easement may need to be recorded should additional utilities need access to the alleyways.

LOCATION MAP - PROPOSED ALLEYWAY ABANDONMENT PETITION



SOURCE:
Prepared by Sierra Vista Community Development Department



Alley 1- looking east from North Ave. Notice the gate and storage of materials. The pole poles in the alleyway can be viewed.



Alley 2- looking south from Cyr Center. The unmaintained vegetation makes the alleyway untraversable.

The alleyway directly east of the current request was abandoned by the City on September 25, 1986 per Resolution 1830. The justification for abandonment of the alleyway in 1986 was that “the alley is unused by the public, and for most intents and purposes does not physically exist.” This rationale is consistent with the current abandonment request.

Per Arizona Revised Statutes 28-7205, title to any vacated (abandoned) roadway or alleyway vests to the abutting property owners where each will take ownership to the alleyway centerline. Therefore, it is the private property owner’s responsibility to maintain the abandoned property. All abutting property owners have been notified and support the abandonment.

Approval of this resolution by the Mayor and City Council directs staff to proceed with the process of abandonment. The process involves the City staff contacting all utility companies for their approval of the abandonment and involves a public hearing before the Planning & Zoning Commission and the Mayor and City Council.

BUDGET APPROPRIATION:

Not applicable.

LOCATION MAP:

See Exhibit A attached to the resolution.

RESOLUTION 2023-039

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; PRESENTING THE PROPOSED ABANDONMENT OF TWO ALLEYWAY SECTIONS BETWEEN CYR CENTER AND NORTH AVENUE, LOCATED IN SECTION 34, TOWNSHIP 21 SOUTH, RANGE 20 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, A.R.S §28-7201 through §28-7215 permits the governing body of the City of Sierra Vista to dispose of public rights-of-way through sale or abandonment; and

WHEREAS, A.R.S. §28-7205 permits the City Council to take such disposition of public rights-of-way; and

WHEREAS, City of Sierra Vista Resolution 514, as amended by Resolutions 530, 930, and 1035 establishes standard procedures for the abandonment of public rights-of-way; and

WHEREAS, Resolution 1035 requires that abandonment requests be brought to the City Council for initial authorization to proceed with processing; and

WHEREAS, approval of this resolution directs the staff to initiate proceedings to present proposed abandonments of existing rights-of-way to the City Council for its consideration and formal action.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council, be, and hereby is, affirmed.

SECTION 2

That the request to proceed with the abandonment of two alleyway sections located between Cyr Center and North Garden Avenue, described on Exhibit A, located in Section 34, Township 21 South, Range 20 East, of the Gila and Salt River Base and Meridian, be, and hereby, is approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 25TH DAY OF MAY, 2023.

CLEA McCAA II
Mayor

APPROVED AS TO FORM:

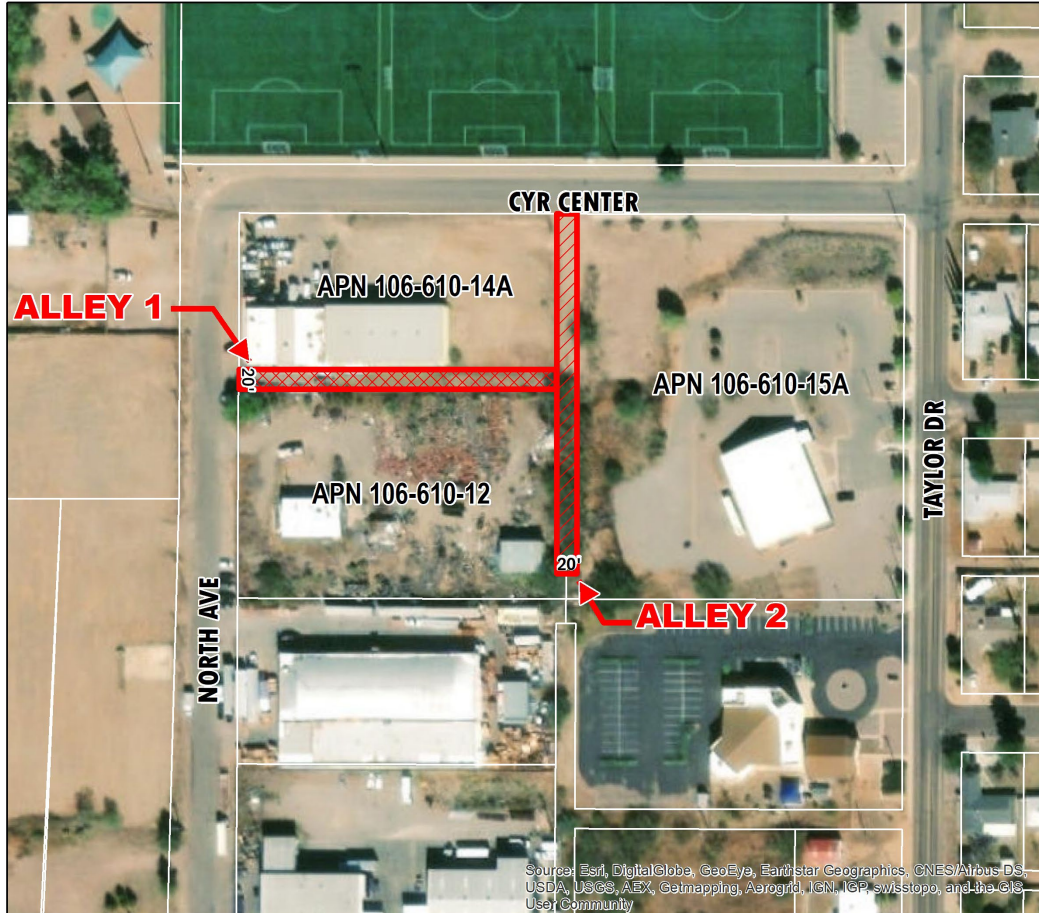
ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

EXHIBIT A

LOCATION MAP -
PROPOSED ALLEYWAY ABANDONMENT PETITION



SOURCE:
Prepared by Sierra Vista Community Development Department

