

July 27, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP, Community Development Director

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2023-059
Requesting an Abandonment of Alleyways between North Avenue
and Cyr Center

REQUEST:

The City is initiating the request to abandon their public interest for alleyways located between North Avenue and Cyr Center.

RECOMMENDATION:

The City Manager recommends approval.
The Community Development Director recommends approval.
The Planning & Zoning Commission recommended approval (4-0).

GENERAL INFORMATION:

A. Location

North Avenue and Cyr Center, adjacent to parcels # 106-61-014A, (Hot Rods and Customs by Jack), 106-61-012, (CMAK Property), and 106-61-015A (LifeHouse Church)

B. Site Area

Alley Abandonment One-6,480 sf (MOL)
Alley Abandonment Two-7,340 sf (MOL)

BACKGROUND:

A. Proposal/Summary

The City is initiating an abandonment of two alleyway sections located between Cyr Center and North Garden Avenue (see Exhibit A). The alleyways have not been maintained by the City in several years and have no apparent public benefit. Access into Alley 1 from North Avenue is currently blocked by a gate that was installed by the

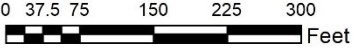
Abandonment
Alleyways North and Cyr Center

previous owner of parcel 106-61-014A. The current owner is using the alley area for vehicle and parts storage. SSVEC and CenturyLink/Lumen also have utilities within the two alleyways. The owner of the gate has provided a key to SSVEC to allow access to the power poles.

**LOCATION MAP -
PROPOSED ALLEYWAY ABANDONMENT PETITION**



SOURCE:
Prepared by Sierra Vista Community Development Department



Abandonment
Alleyways North and Cyr Center



Alley 1- looking east from North Ave. Notice the gate and storage of materials. The power 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.

B. Development Considerations

None.

C. Summary Recommendation

No objection to the recommended motion.

PLANNING & ZONING COMMISSION:

The Commission considered this item at their July 18, 2023 meeting. The item was unanimously recommended to the City Council for approval.

PUBLIC CORRESPONDENCE/COMMENT:

The City Council directed staff to proceed with the abandonment at their May 25, 2023 meeting. Following this directive, staff notified all abutting property owners and all utility companies. The City has not received any objections from these entities. However, SSVEC and CenturyLink did request 20-foot wide utility easements be recorded within both Alleyway 1 and 2. In addition, Public Works, Fire, Police, and the Parks & Leisure Departments were notified and had no concerns.

RESOLUTION 2023-059

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; APPROVING THE ABANDONMENT OF PUBLIC ALLEYS AS OUTLINED IN EXHIBIT A, LOCATED IN A PORTION OF 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 §28-7202 through §28-7205 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. §28-7202 permits the City Council to take such disposition of public rights-of-way; and

WHEREAS, this resolution reaffirms settled policy that allows the City Council to abandonment alleyways;

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, the appropriate public utility companies, city staff, and abutting property owners were contacted and did not oppose the proposed abandonment; and

WHEREAS, the Planning and Zoning Commission recommended approval of the abandonments.

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

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Plan are reaffirmed: Goal 1-1, provide ample opportunities for citizen participation and Goal 13-1, Maintain, improve, and revitalize older areas of the community.

SECTION 2

That the abandonment of alleyways 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 APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27th DAY OF JULY, 2023.

CLEA MCCAII
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler
Planner