# City of Hiawatha
## Community Development Department

**Purpose:** Vacation of Public Property **Date:** 02/06/2020

**To:** Hiawatha Planning and Zoning Commission

**Name of Plan:** 150' of Oak Street abandoned with intersection realignment at NCPR and Robins Road.

**Address:** TBD **Zone**: CPR-1

**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** The City owned property described in the "Right of Way Vacation Plat" dated 1/30/2020 from MMS consultant was the connection of Oak Street to Robins Road prior to the realignment of Emmons and Robins at NCPR. The vacation request includes a rectangular part of a city owned property; the most westerly portion of Oak Street, no longer needed for ROW purposes.

This area is adjacent to other property owned by the City of Hiawatha and will most likely be sold in conjunction with that property as part of the "Village Town Center" development.

**Report:** City Code Chapter 137 describes the process for vacation approval. We have completed the research as indicated and find that this land is not needed for City of Hiawatha street use, and the vacation does not interfere with adjacent property access. A utility easement will be required for access to existing sewer and water lines.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:
*1. Public Use. The street, alley, 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 or alley reasonable access to their property*.

**Recommendation:** Community Development supports the recommendation to City Council for vacation of this section of ROW described in "Right of Way Vacation Plat" dated 1/30/2020 from MMS consultant to be sold for development.