



Legislation Details (With Text)

**File #:** ORD. 2014-140-135    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Adopted

**File created:** 6/9/2014    **In control:** City Council

**On agenda:** 7/7/2014    **Final action:** 7/14/2014

**Title:** To close to public travel a portion of right-of-way known as Platinum Road, located between its intersection with Belt Boulevard and its intersection with a CSX Transportation, Inc. right-of-way, and consisting of 25,975± square feet, upon certain terms and conditions.

**Sponsors:** Mayor Jones (By Request)

**Indexes:** Right of Way Closing

**Code sections:**

**Attachments:** 1. Ord. No. 2014-140-135, 2. Staff Report, 3. Location Map, 4. Plat

Date	Ver.	Action By	Action	Result
7/14/2014	1	City Council	adopted	Pass
7/7/2014	1	Planning Commission	recommended for approval	Pass
6/9/2014	1	City Council	introduced and referred	

To close to public travel a portion of right-of-way known as Platinum Road, located between its intersection with Belt Boulevard and its intersection with a CSX Transportation, Inc. right-of-way, and consisting of 25,975± square feet, upon certain terms and conditions.

O&R REQUEST

**DATE:** May 15, 2014    **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor (By Request)

**THROUGH:** Byron C. Marshall, Chief Administrative Officer

**THROUGH:** Christopher L. Beschler, Deputy Chief Administrative Officer

**THROUGH:** James A. Jackson, Director  
Department of Public Works

**THROUGH:** M.S. Khara, P.E., City Engineer  
Department of Public Works

**FROM:** Marvin Anderson  
Department of Public Works

**RE: PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT OF WAY KNOWN AS PLATINUM ROAD LOCATED BETWEEN BELT BOULEVARD AND THE CSX TRANSPORTATION, INC. RAILROAD R/W**

**ORD. OR RES No.** \_\_\_\_\_

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**PURPOSE:** To close to public use and travel a portion of public right of way containing 25,975 square feet shown enclosed with bold lines and illustrated on a plan prepared by the Department of Public Works, designated as DPW Dwg No. N-28589 dated May 14, 2014 (Project No. C-906-SC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF PUBLIC R/W KNOWN AS PLATINUM ROAD LOCATED BETWEEN BELT BOULEVARD AND CSX TRANSPORTATION, INC. RAILROAD R/W" at the request of the Department of Parks and Recreation.

**REASON:** Letter of request dated September 23, 2013 from Dr. Norman C. Merrifield, Ed., D. Director Department of Parks, Recreation and Community Facilities requested the closure of noted right of way. Said letter states that the r/w and its two adjacent parcels (already owned by the City) is near Hickory Hill Community Center and is under design for the development of an athletic field for use by citizens using the facility.

**RECOMMENDATIONS:** The Department of Public Works offers no objections to the proposed right-of-way closing, and requests that any approvals be subject to, and including without limitation, the following terms and conditions:

1. The applicant(s)/owner(s)/successor(s) shall be responsible for any and all costs associated with the proposed closing, including without limitation, realignment, relocation, or removal of utilities or infrastructures, installment of new utilities or infrastructures, new or revised street name or directional signs, streetlights, etc., as required or directed by City Agencies.
2. The applicant(s)/owner(s)/successor(s) shall identify and protect the rights of any public and/or private owners or utilities who may have a vested interest or facilities in subject right-of-way.
3. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve (12) months of the ordinance adoption date, unless a different timeframe is explicitly noted for a particular condition, and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for storm water runoff in the area to be closed.
5. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing.
6. Any City infrastructure components that may be located within the section of Platinum Road to be closed shall be carefully collected, securely stored and transported to a City facility (specific location to be determined when the move it to occur). This includes, but is not limited to, cobblestones, bricks and granite curb.
7. The Department of Parks and Recreation will be responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of the

ordinance, the ordinance will become null and void automatically.

**BACKGROUND:** The City owns the parcels on both sides of the r/w to be vacated. The Department of Parks and Recreation plan to combine the vacated r/w area with these parcels to create an area for a lighted, multi-use athletic field. This proposed addition will increase the available outdoor recreation uses at this site located near the Hickory Hill Community Center.

Access to the bridge crossing the railroad tracks along Platinum Road was closed and barricaded several years ago due to safety concerns and the bridge has recently been removed by CSX. There are no plans for a new bridge by CSX or the City. Therefore this right of way between Belt Boulevard and the railroad right-of-way is currently not serving any purpose to the City or public. For this reason the Department of Public Works does not object to the closure and transfer of the property to the applicant.

The value of the right of way to be vacated, 25,975 sf, has been determined by evaluating the assessed value of the adjacent properties. It has been set at \$0.525/square foot for a total of \$13,636.88.

Other reviewing administrative agencies offered no objections to the closing request.

**FISCAL IMPACT/COST:** None anticipated.

**FISCAL IMPLICATIONS:** None anticipated.

**BUDGET AMENDMENT NECESSARY:** No amendment necessary.

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** June 9, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** July 14, 2014.

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** Land Use Housing and Transportation Standing Committee, June 17, 2014

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

**AFFECTED AGENCIES:** Public Works; Law Department; Planning and Community Development; Economic Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance, City Attorney

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

**ATTACHMENTS:** Applicant's request letter, DPW Dwg. No. N-28589

**STAFF:**

Prepared for James Jackson

Prepared by Marvin Anderson

Research and Drawing Coordinated By: Jane Amory

Department of Public Works

646-0435