

Staff Report

Hutchison Street Encroachments

September 24, 2013

BACKGROUND

The Ames City Council referred two letters from owners of 1311 Georgia Avenue and 1401 Georgia Avenue to staff at the City Council meeting of September 10, 2013. City staff discovered a number of encroachments into the unimproved Hutchison Street right-of-way during a recent rental inspection of the properties. Further research has found that these encroachments, consisting of garages, driveways, and an additional shed, have existed for a number of years. **The owners of the properties asked that the City vacate the Hutchison Street right-of-way and convey it to them at no cost.**

The two properties in question were developed as part of the original town of Ontario and are located about a block west and a block north of the intersection of North Dakota Avenue and Ontario Street. The two properties were platted as corner lots at the intersection of Georgia and Hutchinson. Hutchinson Street was platted but the improvements were not installed west of Georgia Avenue between the two subject properties. There are no utilities in this portion of Hutchison Street.

The subject properties are both approximately 10,200 square feet and currently zoned Residential High Density. The Hutchison Street vacation area is approximately 7,500 square feet in size. If vacated, it would be evenly divided between the two abutting properties creating lots of approximately 13,950 square feet each.

In the case of 1401 Georgia Avenue, the house and garage were both built in 1940. In the case of 1311 Georgia Avenue, the house was built in 1900 and the garage was constructed in 1930. It appears from archived aerial photographs that these buildings have remained there since their construction.

This area was annexed into the City of Ames in 1962. The area to the west, now platted and built as Ontario West First Addition, was annexed into the City and developed in 1977. **The platting for that subdivision contains a note that this stub of Hutchison Street was vacated, although there appears to be no record of that in City archives.** If Hutchison Street were to be completed and extended westward, that 1977 plat of Ontario West First Addition would have been the one opportunity to do so.

The current situation was brought to the City and property owners' attention as a result of the recent rental site inspection. Because of the awareness of the situation, it needs resolution to clear up property interests associated with each property and the public right-of-way. **Property owner acquisition is one means of remedying the situation.**

Acquiring the Hutchison right-of-way from the City would provide value to each property owner in two ways. The first would be to remedy the situation of unauthorized encroachments and create a conforming situation without modifying the access and buildings. Secondly, the added land would increase the value of the properties as potential development areas under High Density Residential zoning.

OPTIONS:

Option 1 – Sell Property To Abutting Owners In Accordance With Current Policy

The City Council could adhere to its adopted policy on vacating public rights-of-way and sell the land to the abutting owners at a value determined by the assessed valuations of the adjoining property. In this instance, the formula yields a price of \$11,951.85 for each owner to purchase their respective share of the land area.

Option 2 – Convey The Property To Abutting Owners At No Cost

In accordance with the request of the abutting owners, the right-of-way could be conveyed to them at **no cost** due to the longevity of the encroachments that predate the City's annexation.

Option 3 - Retain The Right-Of-Way And Grant An Encroachment

The City Council could retain the right-of-way and grant the property owners an encroachment permit. The encroachment permit could be subject to proof of general liability insurance in an amount not less than \$500,000, naming the City of Ames as an additional insured.

Option 4 – Require The Property Owners To Remove The Encroachments

The City Council could direct the property owners to remove the encroachments (the driveways and garages) and reestablish the grass and curb cut.

This option would result in the loss of off-street parking for the residents of the homes. The location of the south home on the lot, would likely preclude the possibility of a new garage and driveway. The north home would have some constraints, but not as severe as that of the south.

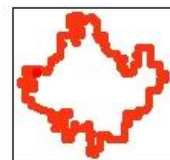
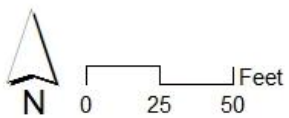
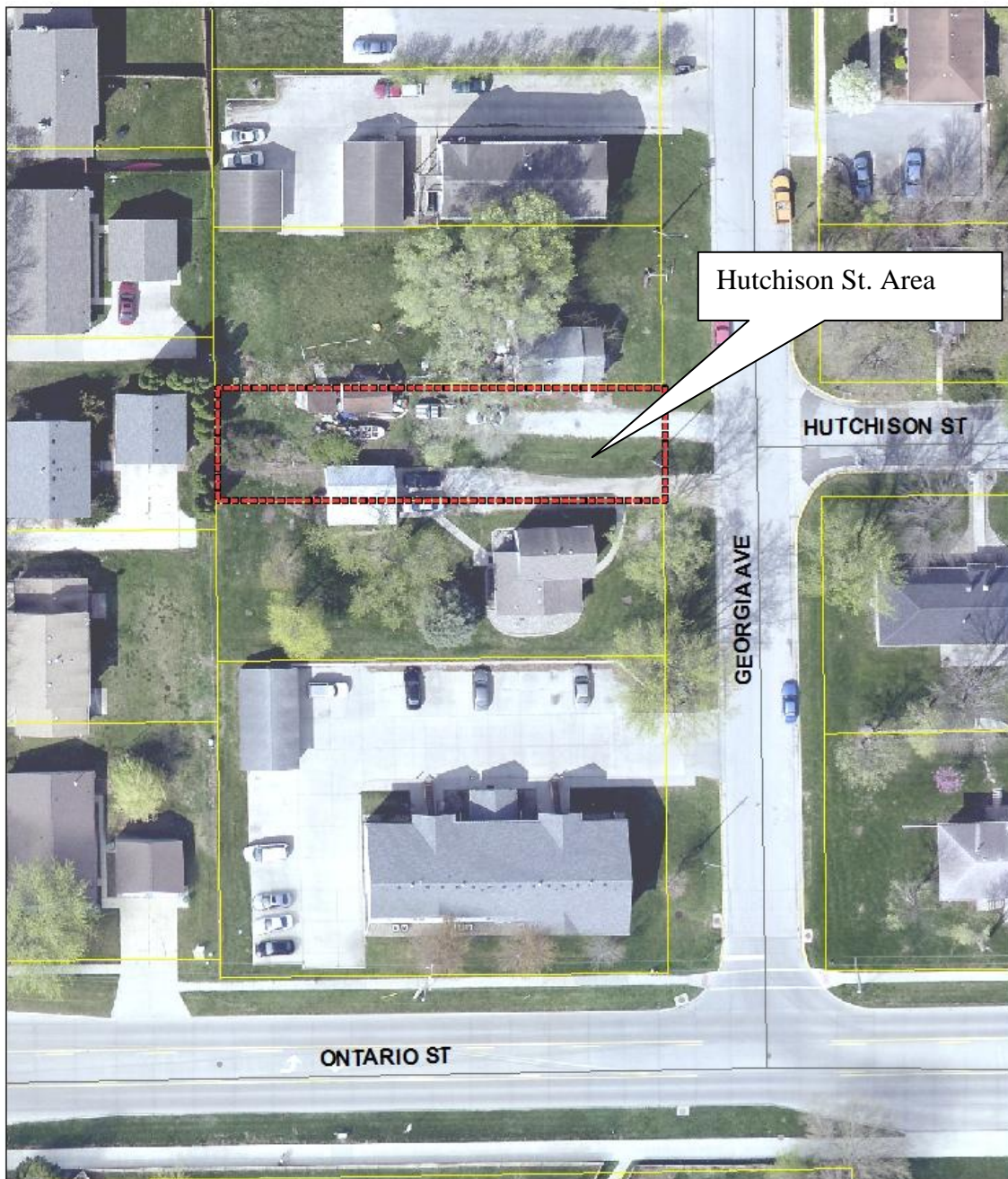
STAFF COMMENTS:

As noted, this is a unique situation involving encroachments that existed prior to annexation into the City as well as a later plat that precluded the right-of-way from ever being a useful part of the City's transportation network.

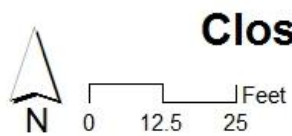
If the City Council believes that these unique circumstances warrant a departure from the usual formula process, it could direct staff to begin the vacation process of this portion of Hutchison Street and convey it without cost (other than normal recording fees) to the abutting property owners. If so directed, City staff would, at a subsequent meeting, ask the City Council to set a public hearing for the vacation of the Hutchison Street right-of-way.

However, if the City Council does not believe these circumstances rise to a degree to warrant a departure from policy, then City Council should direct staff to vacate the right-of-way and transfer ownership in return for a payment of \$11,951.85 from each property owner.

Attachment 1: Location Map



Attachment 2: Close-Up of Encroachments



Close-up Of Encroachments

