

## Legislation Text

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**File #:** 2024-6165, **Version:** 1

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Public Hearing: Application #PL2023-223 - Vacation of Right-of-Way - A portion of NE Hardage Circle right-of-way located north of NE Todd George Road (abutting 1502 NE Hardage Circle); Diana Gronberg, applicant.

Issue/Request:

The applicant owns the residence at 1502 NE Hardage Circle. The applicant requests to vacate an excess portion of NE Hardage Circle right-of-way that abuts their property to the east. The subject portion of right-of-way was originally dedicated in 1943 at the time the *Calloway Heights* subdivision was platted. The subject portion of right-of-way follows the original road configuration for Lake Shore Drive (now known as NE Hardage Circle), which had several jogs that mimicked the shoreline. A subsequent linear road configuration for what is now NE Hardage Circle was later constructed. The linear configuration required the dedication of additional right-of-way to the east of the original right-of-way in 1962, resulting in excess right-of-way that the applicant now seeks to vacate. The portion of right-of-way that is requested to be vacated does not cover any portion of the existing street.

The purpose of the vacation is to revert the subject portion of excess right-of-way back to the abutting private property. The request for vacation of right-of-way stems from the efforts of the current property owner to merge and replat the lots that compose the parcel addressed 1502 Hardage Circle into a single lot. It was during the course of these efforts that the limits of the excess right-of-way were discovered to constitute the front yard of the aforementioned properties; a small portion of the existing house on 1502 NE Hardage Circle actually encroaches into the subject right-of-way. Vacation of the requested portion of right-of-way will still leave 50' of right-of-way to cover the actual street and area utility infrastructure. A utility easement will be retained over the eastern 10' of the vacated right-of-way for any future need.

Diana Gronberg, Applicant  
Hector Soto, Jr., AICP, Senior Planner

With the condition of approval below, the application meets the requirements of the UDO and Design and Construction Manual (DCM).

1. A utility easement shall be retained over the eastern 10' of the vacated right-of-way as depicted and described in the exhibit and legal description document dated November 7, 2023, and appended to the approving ordinance as Attachment A.

Committee Recommendation: On a motion by Mr. Benbrook, seconded by Ms. Rader, the Planning Commission unanimously voted on March 14, 2024, to recommend approval for Application #PL2023-223 - Vacation of Right-of-Way - A portion of NE Hardage Circle right-of-way located north of NE Todd George Road (abutting 1502 NE Hardage Circle); Diana Gronberg, applicant.