

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2024-204

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: March 12, 2024

Committee(s) of Reference: LUZ, R, TEU

Date of Analysis: March 14, 2024

Type of Action: Closing and disclaiming a portion of an alley; providing for approval subject to conditions; waiver of a Council rule

Bill Summary: This bill closes and abandons and/or disclaims an opened and improved alley in the Hendricks area at the request of Karen Hirshberg and G.I.S. Holdings, Inc. This closure and disclaiming is contingent on the applicants' providing for a utilities, facilities, and access easement on, over, under, through, and across the closure area for ingress and egress; on the Council's passage of Ordinance 2024-0152 the subject of Ordinance 2024-0152 is a modified rezoning proposal that contemplates this closure; and on the execution and delivery of a Hold Harmless Covenant.

The bill waives Council Rule 3.107 to allow for the introduction of this bill.

Background Information: Bill 2023-07 proposed a land-use amendment to allow for the construction of a mixed-use development that would have housed retail/restaurant space on its ground floors and several floors of storage space above the ground floor. This bill was approved 5-2 by the LUZ Committee but failed to gain a majority of votes at Council, with the final full Council vote resulting in a 9-9 tie. Pursuant to Council rules, this tie resulted in a denial of the bill. Bill 2023-0213 proposed the same closure and disclaiming of this alley and was denied unanimously by the Council as a result of the failure of Bill 2023-07. The applicants then challenged the denial of Bill 2023-07, arguing that the denial of their application based on a tie vote at full Council conflicted with existing law.

This closure and disclaiming of property is associated with bill 2024-0152, a modified rezoning application that would allow for the construction of a mixed-use development housing restaurant/retail on the ground floor, personal storage space on the third to sixth floors, and multi-family residential units on the seventh to tenth floors. Because Bill 2023-0213 was initially denied, the applicants are requesting a waiver of Council Rule 3.107 to allow for the filing of this legislation less than twelve months from the denial of 2023-0213.

The Applicant paid the closure application fee of \$2,091.00, and the closure request was reviewed and approved by the various city, state, and utility agencies that might have an interest in the alley with no objections provided that DIA's approval of this bill is contingent on the passage of Bill 2024-0152. The closure and disclaiming of the property is contingent upon a Hold Harmless Covenant, which protects the City from legal liability of any potential injury resulting from use of the disclaimed property, between the Applicant and the City.

Policy Impact Area: Property closure and disclaiming

Fiscal Impact: No direct cost to City

Analyst: Webb