City of Columbia
701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning
To: City Council
From: City Manager & Staff
Council Meeting Date: September 6, 2022
Re: Eugenia Street Right-of-Way Vacation (Case #233-2022) - Report

Executive Summary

A request has been received seeking the vacation of approximately 5,227 sq. ft. of non-conforming public right of way dedicated for Eugenia Street, immediately west of College Avenue as shown on the attached vacation exhibit. Presently, Eugenia Street serves as a drive aisle and dead-ends into a parking lot for surrounding properties.

If vacated, the applicant desires to utilize the acquired right of way as a parking lot and drive aisle. There are existing utility lines within the right-of-way and any vacation ordinance would seek to retain those rights in perpetuity. As existing lots utilize Eugenia Street for access, a replat of the adjoining lots or establishment of a cross-access easement, by separate document, would be required to ensure the platted lots retain access to a public street if vacated.

Discussion

Engineering Surveys & Services (agent), on behalf of OTA Properties LLC, GLLE Properties LLC and Arcade District Properties LLC (owners), are seeking approval to vacate the Eugenia Street right-of-way that extends from College Avenue and dead-ends northwest into a private parking lot. The right-of-way to be vacated is approximately150 feet long and 35 feet wide and contains approximately 5,227 total square feet. If vacated, underlying utility easements would remain and the City would no longer be responsible for public street maintenance.

Eugenia Street was dedicated by plat, *Sebastian Place Addition*, in 1910 to serve multiple parcels on the north and south side of the road. Since its dedication, College Avenue was extended eliminating the eastern third of the road. The western third of original Eugenia Street was vacated over 20 years ago. The remaining street is currently a non-conforming, unimproved street that is presently used as a drive aisle and parking area for the surrounding properties.

If vacated, the applicant desires to utilize the acquired right of way as a parking lot and drive aisle. Given utility easements would remain, limited development would be possible in the potentially vacated right-of-way. The applicant states in their application letter that they believe "the vacation of Eugenia Street will remove its upkeep and ongoing maintenance from the City's responsibility and will make the road a parking lot and drive aisle that is used in a conforming fashion."

It should be noted that several lots have frontage on Eugenia Street. Section 29-5.1(f) of the Unified Development Code requires that lots have frontage upon a public street. Alternatively, an irrevocable cross-access easement may be permitted by the [Community Development] Director where actual street frontage is not feasible. Vacation of this street would leave legally platted lots without street frontage thereby creating non-conformities. A replat of the adjoining lots or establishment of a cross-access easement, by separate document, would be required to ensure the platted lots retain access to a public street.

This report seeks Council authorization to proceed with the requested vacation as well as any possible direction on what specific terms, if any, may be desired to address the loss of the presently platted right of way. It should be noted that existing utility lines exist within the right of way (see vacation exhibit) and that any vacation ordinance would seek to retain those rights in perpetuity.

Application letter, locator maps, and vacation graphic are attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: Public infrastructure maintenance for roads.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:
Primary Impact: Reliable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:
Primary Impact: Infrastructure, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Provide direction to staff as to whether or not it should proceed with the preparation of a vacation ordinance and what, if any, conditions should be included within such ordinance.