

AGENDA ITEM SUMMARY

Subject: Consider First Reading of Ordinance 1161 to vacate a portion of North Main Street and consider approval of Resolution No. 72-22 setting a public hearing for the Ordinance

Recommendation: Approve First Reading of Ordinance 1161 and approve Resolution No. 72-22 setting public hearing

Background Summary:

At the April 27th Council Planning Session, we had a discussion with representatives from Pure Prairie Farms (PPF) regarding their plans to improve the processing plant's distribution area and the need to utilize the North Main Street area abutting the plant. The Council approved Resolution Number 57-22 at the May 2nd Council Meeting directing the Planning and Zoning Commission to study the request to vacate North Main Street and provide the City Council with a recommendation.

The P&Z Commission held a public hearing on this matter on Monday May 23rd and discussed the needs of PPF and the impacts on the traffic circulation pattern. Potential concept plans to realign the North Main traffic and scheduling were also discussed. Representatives from PPF and Mr. Charlie Thomson representing Amelia Management at 1110 North Grand were also present during the public hearing. No negative comments were received about vacating North Main Street. The P&Z unanimously approved a motion recommending that the City Council vacate that portion of Main Street from the north side of the Canadian National Railroad tracks to the former south right-of-way line of Floyd Street.

At last week's Planning Session we discussed concept plans, interim traffic control measures, project scheduling, and the Planning and Zoning Commission's recommendation. The Staff has concluded Main Street traffic can be directed to North Grand Avenue using Lane Street with channelization at the North Grand Avenue intersection. Pavement markings and signage will be used in the interim time period until a project can be fully designed and the construction completed.

We recommend approval of the first reading of Ordinance 1161. A public hearing is required as part of the process to vacate right-of-way. We recommend approval of Resolution Number 72-22 setting June 20, 2022 at 6:00 pm as the date and time for a public hearing.



Ordinance 1161
Main Street ROW Vacation

ORDINANCE NO. 1161

**AN ORDINANCE VACATING A PORTION OF MAIN STREET
IN CHARLES CITY, IOWA**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLES CITY,
IOWA:

Section 1. The City Council finds that that portion of the public right-of-way of Main Street in Charles City, Iowa, is not needed for use of the public, and accordingly its maintenance as a street at public expense is no longer justified; and that the vacation of this right-of-way will not deny the owners of property abutting on the street access to their properties:

That portion of Main Street lying between Block 149 and Block 150 Lane's Addition lying north of the northerly right-of-way of the Canadian National Railway

Section 2. By virtue of the findings set forth in Section 1, that portion of the Main Street right-of-way as above described is hereby vacated and closed from public use.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2022.

Dean Andrews, Mayor

ATTEST:

Trudy O'Donnell, City Clerk

CERTIFICATE

I, Trudy O'Donnell, City Clerk of the City of Charles City, Iowa, do hereby certify that the above and foregoing Ordinance No. _____ was duly published in the Charles City Press, a newspaper published daily in the city of Charles City, Iowa, on the _____ day of _____, _____.

Trudy O'Donnell, City Clerk

RESOLUTION NO. 72-22

**RESOLUTION SETTING PUBLIC HEARING ON PROPOSED ORDINANCE
VACATING A SECTION OF NORTH MAIN STREET**

WHEREAS, the City of Charles City, Iowa, has received a request from Pure Prairie Farms to vacate a section of North Main Street for an expansion project at their facility, and

WHEREAS, the City of Charles City has referred this request to its Planning and Zoning Commission for consideration of an ordinance vacating a portion of North Main Street described as:

That portion of Main Street lying between Block 149 and Block 150 Lane's Addition lying north of the northerly right-of-way of the Canadian National Railway

with the intention that this property would then be leased to Pure Prairie Farms per their request; and

WHEREAS, the City Council has received a recommendation from the Planning and Zoning Commission to vacate the portion of North Main Street as described above based on its determination that this is not needed for use of the public and that the proposed vacation will not deny owners of property abutting reasonable access to their property; and

WHEREAS, the City will proceed to read an ordinance to vacate the section as above described, pursuant to the recommendations of the Planning and Zoning Commission but is required by the Code of Ordinances and by Iowa law to hold a public hearing on the proposed ordinance vacating this right-of-way prior to final approval of the ordinance.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on the proposed ordinance vacating a portion of North Main Street, as described above, is set for hearing on the 20th day of June, 2022, at 6:00 p.m. in the Council Chambers of City Hall, 105 Milwaukee Mall, Charles City, Iowa.

BE IT FURTHER RESOLVED that the City Clerk publish notice of this hearing as required by law.

Council Member moved adoption of the foregoing Resolution, Council Member Hammond seconded the motion to adopt, and on roll call, the voting was as follows:

Ayes:

Nays:

Passed and approved this 6th day of June, 2022.

Dean Andrews, Mayor

Attest:

Trudy O'Donnell, City Clerk