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Justification for Street Closure at 2900 Riedling Drive and Emery Road
Project No. 15 Street1007

Pursuant to LDC 6.3.3. B. 3., the over 51% landowner adjacent to this unimproved public right of way, dedicated in Plat Book 7 Page 78, requested that a 2659 square foot portion of the right of way be closed.

This area, which is unimproved right of way known as Emery Road (formerly Crescent Avenue), was platted in the 1931. At that time, the plat anticipated a possible connection between this subdivision and land to the southeast. Since that time, the Oaklawn Subdivision platted in 1967 was developed in that area and a new lot with a house now abuts this unimproved right of way preventing a through street from being constructed.

This unimproved right of way, known as originally Crescent Avenue, now Emery Road, was never used as a roadway or improved. At some point in time after the house was constructed on Lot 3 (2900 Riedling Drive) the northeast portion of this right of way was used as a driveway for this residence. The residence at 2900 Riedling Drive was constructed according to PVA records in 1935. The current owners purchased it 2011 with the driveway in its current location. The new owners, the McAdams, were advised that the driveway was on the property and that a garage could be constructed on the lot. In seeking to obtain the permit for a new garage, they learned of this existing encroachment for their lot. Per this application, they are requesting that a 2659 square foot portion of this right of way be closed to allow for their existing driveway and a proposed garage.

The unimproved right of way (total area 11,829 square feet) known as Emery Road has been a vacant green spot for all of its years since 1935. Apparently, it has been maintained by either the two adjacent land owners or by the Riedlonn Homeowners Association over the years.

Under these facts, the applicants request that a portion of the unimproved right of way shown as Parcel A on the attached Street Closure Plat known as Emery Road be closed and lot line moved as indicated.

Accordingly, pursuant to LDC 6.3.3. B., the adjacent landowner requested closure and that a public hearing be held for:

The street closure of this unimproved public right of way is justified under LDC 6.3. D. because:

1. There are adequate public facilities to serve this area. At the pre-application process, the utility companies, Public Works and the Fire Department had no objections to the closure. The right of way is unimproved and provides access to nowhere. The remaining portion of the unimproved right of way will remain public green space.
2. There are no costs of improvements with this project to the public.
3. The goals of the Goals, Objectives and Plan Elements of the Comprehensive Plan are met by this closure because subsequent development since the 1931 plat has allowed for adequate access and street connectivity in this area. Other streets and sidewalks exist to connect areas which were developed in the 1940's to 1960s. The area is fully developed.
4. There are no other matters of concern for this closure-the area being closed is small -less than 2659 square feet. There is no public purpose in maintaining this area as public right of way.

For these reasons, and in accordance with LDC 6.3, the applicant request the street closure of the area depicted in the Street Closure Plat.

1551 RIEDLING