

Planning and Zoning Commission
ROW Vacation Minutes for Wednesday, February 19th, 2025

Planning and Zoning Called to Order @ 5:01PM

Roll call: **Prioreschi, Anderson, Hernesmaa, Councilor Roose, Palcher.** *Staff Kochendorfer.*
Excused: **White, Burke**

Additions or Deletions from Agenda

Public Hearing Right of Way Vacation for the area of E 10th St and S 1st Ave E- The Ely Planning and Zoning Commission will be holding a public hearing on Wednesday, February 19th, 2025 at 5:00 pm in the City Hall council chambers. The public hearing will be held to gather input in consideration of a request made by Warren Johnson, property owner at 1003 S 2nd Ave E, requesting that the City of Ely vacate platted, but unimproved Street Right-of-Way, described as: E 10th St S from S 1st Ave E, to S 3rd Ave E, Tower View Estates Addition, from Block 1, Lot 5, to Block 1, Lot 4.

The applicant Warren Johnson explained the request

Warren Johnson, 1003 S 2nd Ave E- Recently purchased the adjacent lots from swift properties. Asking for the vacation of the street as it is only 33 feet wide and the land is at a very steep angle, and it would be difficult to develop the street. There are no utilities under the current ROW. City Clerk Langowski indicated there would be no issues with the vacation. Each property owner would get 16.5 feet, and it would make the platted lots larger.

Letters and or phone call comments read into the record

Those in support may comment

Those opposed may comment

Comments from those who wish to provide any additional information

Applicant will have the opportunity to answer additional questions

Closure of the hearing @ 5:05 PM

Staff Analysis/ Finding of Facts read

- Kochendorfer read the staff analysis. **Summary:** Applicant, Warren Johnson (prospective developer) currently owns Lots 3, 4, 5 & 6 of Tower View Estates Addition, as well as adjacent property at PID 030-0017-00130. The applicant is looking to vacate the City Right-of-Way as described above. Currently, the ROW is

undeveloped, but platted. Vacating the ROW would allow reconfiguration of current parcels, and allow future development of the properties. There are currently no utilities in the ROW, and no plans to develop the ROW as a Street.

- **(1) No vacation shall be made unless it appears in the interest of the public to do so:**

No vacation shall be made unless it appears in the interest of the public to do so after a hearing proceeded by two weeks published and posted notice. By allowing the vacation of the ROW, it allows for future housing to be built, which promotes the accessibility to housing in Ely. The current ROW is not a legal roadway, but only a platted street. Neighboring property access will not be affected by this vacation proposal.

- **(2) DNR Commissioner Review:**

This proposal has no effect on public water or land access, or natural resources, therefore the DNR is not required to be notified, or involved in the decisions of this ROW Vacation

Staff recommends approval of the ROW Vacation.

Recommendation rendered by the Planning and Zoning Commission

Roose inquired about responsibility of the fees associated with this proposal. Kochendorfer explained that it would be up to the purchaser to pay.

Prioreschi Motion to recommend the approval of the ROW Vacation as presented/ Palcher second. Roll Call Vote – Prioreschi – Yes, Hernesmaa – Yes, Rose – Yes, Palcher – Yes, Anderson – Yes. Motion carried 5-0, Burke and White absent.

Adjournment at 5:09 PM without objection.