



# City of Laramie

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## LARAMIE PLANNING COMMISSION

November 22, 2021

### STAFF REPORT

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**FILE:** VAC-21-01 Vacation of Alleyway within McCue Addition Lots 1-11, Block 1

**REQUEST:** Vacation of Alleyway within McCue Addition Lots 1-11, Block 1

**LOCATION:** Alleyway within McCue Addition Lots 1-11, Block 1, generally located west of McCue Street, south of Lyon Street and north of Baker Street

**APPLICANT(S):** Nick Briskey

**PURPOSE:** Elimination of unused alleyway and allow for possible expansion of the existing KOA development to the west

**PREPARED BY:** Derek T. Teini, AICP, Planning Manager

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#### RECOMMENDED MOTION:

Move to recommend that City Council **approve** the vacation of an alleyway within McCue Addition Lots 1-11, Block 1, based on findings of fact and conclusions of law and subject to staff's recommended conditions.

#### BACKGROUND:

The request for vacation is for an alleyway that is right-of-way within McCue Addition Lots 1-11, Block 1. The vacation request is for a 30 foot wide north-south oriented alley between Lyon Street on the north and Baker Street to the south. The alleyway is currently undeveloped and is not maintained by the City of Laramie as ROW or any alleyway since platting in 1988. Currently the space has been informally used for parking of cars and not much else. The total area requested for vacation is approximately 0.78 acres in size.

The vacation request, if granted, would aid in a desired future expansion of the KOA Campground located to the west of this property.

The vacation request is in accordance with Laramie Municipal Code which requires an applicant to have authorization (through signature) of more than 50% of the property owners adjacent to the right-of-way to be Vacated and 300 foot extensions from the end of said Vacation. The applicant has provided the needed signature and has received 54% of the required property owners authorizations.

Finally, if recommended for approval, and at the conclusion of the process with City Council, the City will receive an easement for utilities that run across the alley (see section below). Additionally, once the alleyway is vacated, the alleyway will be deeded to 3 separate property owners that are adjacent and to the west of the alleyway.

#### **SURROUNDING LAND USE AND ZONING:**

	<b>Future Land Use Designation (Map 3.2)</b>	<b>Zoning District</b>	<b>Land Use</b>
<b>Subject Property</b>	Auto-Urban Commercial (AUC)/Auto-Urban Multi-Family (AUM)	B2 (Business) District	Undeveloped Alleyway
<b>North</b>	Auto-Urban Commercial (AUC)	B1/B2 (Limited Business/Business) District	Truck Stop
<b>South</b>	Auto-Urban Multi-Family (AUM)	B1 (Limited Business) District	Mobile Home Park
<b>East</b>	Auto-Urban Commercial (AUC)	B2 (Business) District	Vacant/Hotels
<b>West</b>	Auto-Urban Commercial (AUC)/Auto-Urban Multi-Family (AUM)	B1 (Limited Business) District	Mobile Home Park/RV Park

#### **ANALYSIS:**

##### Utilities:

The right-of-way proposed for Vacation contains only minimal utilities needing coordination with the City and franchise utilities. Approximately mid-point in the alleyway, City water and sewer cross the alleyway. The City will require an easement prior to completion of the Vacation. The applicant has prepared the easement document and will be accepted by the City Council in conjunction with the 3<sup>rd</sup> Reading of the Vacation if recommended for approval.

All franchise utilities were contacted in association with the Vacation request and no comments or concerns have been noted, other than the City water and sewer line concerns noted above.

##### Emergency Access:

No emergency access issues were noted by the City of Laramie in the review of this Vacation request. Access to all properties adjacent to this alley have access off of paved, City standard streets, including McCue Street, Baker Street and Lyon Street. The alleyway is also not used by emergency services. Additionally, access through all sites to the west of the proposed Vacation are accessible through paved driveway and access points from the above mentioned streets. No other access issues have been noted by the City or adjacent property owners.

### Relationship to the Comprehensive Plan

The Comprehensive Plan Land Use Map 3.2 shows this area as a mixture between Auto-Urban Commercial (AUC)/Auto-Urban Multi-Family (AUM) as noted above. The Future Land Use Designation plays no role in the vacation consideration in the case. Additionally, the Comprehensive Plan does not show this alleyway as necessary or significant to the long range growth in our community. Overall the Comprehensive Plan provides no guidance related to the necessity of this alleyway or the Vacation of this alleyway.

Vacation of the subject right-of-way would allow for possible expansion of the KOA to the west, which is the primary reason for the request. Also, the Vacation removes unused right-of-way and places the land back into “useable” land for adjacent property owners, and removes the City from future construction and maintenance responsibilities.

### Compensation / Valuation:

Per Wyoming State Statutes 15-4-305 and LMC 10.06.060.W.3.b.(ii) & LMC 10.06.060.W.4 compensation for right-of-way may be requested by the City of Laramie in some situations. Compensation is often in the form of a monetary payment based upon the appraised value of the land to be Vacated. In order to determine valuation the applicable section of code states:

- a. For purposes of vacation of rights-of-way and public access easements that meet all of criteria (i) through (iii), the valuation of the property is herein determined and declared to be zero (0), and no appraisal of value shall be required in connection with vacating said rights-of-way and public access easements:
  - (i) The right-of-way or public access easement is not, and has not been during the thirty (30) year period preceding the vacation application, built or maintained as a public-access thoroughfare by the city or other public street-maintenance authority; and
  - (ii) The right-of-way or public access easement is not shown on any currently effective plan adopted or approved by the city or the state of Wyoming, and is not shown on any city-approved and active preliminary subdivision plat.
  - (iii) The vacation of such right-of-way or easement shall not result in lots with no frontage on a public street, highway or a marginal access street

In this case the alleyway in question meets this criteria and is thus valued at zero. Staff would not recommend receiving compensation for this alleyway in this case.

### **PUBLIC NOTICE AND COMMENTS:**

Public notice was published in the Laramie Boomerang on November 7, 2021 and mailed notices were sent to area residents within 300 feet on November 5, 2021. To date staff has received no public comments related to the request.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Findings of Fact:

- The request complies with the applicable vacation requirements of Laramie Municipal Code, Title 15 and W.S. 15-4-305.

Conclusions of Law:

- The vacation is being processed pursuant to Laramie Municipal Code, Title 15 and W.S. 15-4-305.

**ALTERNATIVES:**

1. Approve the request as recommended by staff, based on findings of fact and conclusion of law. **(Staff Recommendation)**
2. Approve the request subject to alternative conditions, based on findings of fact and conclusion of law.
3. Deny the request based on findings of denial. Since staff recommends approval, the Planning Commission and City Council must conclude that the request does not meet all of the findings. As part of the motion, findings for denial must be stated.
4. Postpone action on the request until issues identified during the meeting can be resolved.

**STAFF RECOMMENDATION:**

Move to recommend that City Council **approve** the vacation of an alleyway within McCue Addition Lots 1-11, Block 1, based on findings of fact and conclusions of law and subject to staff's recommended conditions.

1. A utility easement shall be recorded prior to the approval of the Vacation and shall be referenced on the Vacation Document.

**ATTACHMENTS:**

1. Vicinity Map (1 page)
2. Cover Letter (4 pages)
3. Signatures of Consent (1 page)
4. Vacation Map (1 page)