



**Council Agenda Item 26-0072R**

**MEETING DATE:** January 26, 2025

**SUBJECT/TITLE:** RESOLUTION VACATING A PORTION 94TH AVENUE WEST IN THE PLAT OF RIVER SIDE PARK 2ND ADDITION.

**SUBMITTED BY:** Ben Van Tassel, Planning and Economic Development Director

**RECOMMENDATION:** Approve

**BOARD/COMMISSION/COMMITTEE RECOMMENDATION:** Planning Commission

**PREVIOUS COUNCIL ACTION:** N/A

**BACKGROUND:**

The resolution is to vacate a 0.21-acre portion of the North 94<sup>th</sup> Avenue West right-of-way, between Lanigan Boulevard and the abandoned Duluth, Winnipeg, and Pacific Railway, known as the DWP Trail. The applicant and property owner wishes to vacate to make property improvements—specifically to build a well in replacement of the current well. The applicant has maintained the land adjacent to his property abutting 94th Avenue West for five years.

At its regular meeting on December 9, 2025, the planning commission held a public hearing on the proposed vacation (Exhibit A), reviewed staff report findings and conclusions associated with the vacation request (Exhibit B), Staff Report (File No. PLVAC-2509-0008), and discussed and deliberated the matter as a commission. The planning commission considered a motion to recommend to city council to approve the vacation request with the motion passing on a vote of 7 yeas, 0 nays and 0 abstentions.

Having reviewed and considered the Application and conducted a public hearing, the planning commission recommends that the city council approve the vacation of right-of-way with the conditions stated for the following reasons:

- 1) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- 2) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and;
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.

**BUDGET/FISCAL IMPACT:** Development has the potential to increase the tax revenue produced by a property.



**OPTIONS:** Approve or deny the vacation application

**NECESSARY ACTION:** Not Applicable

**ATTACHMENTS:**

- Exhibit A – Exhibit/Legal Description
- Exhibit B – Staff Report and Conclusions