



# MEMORANDUM

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**To:** Mayor and City Councilors  
**From:** Rich Olson, City Manager  
**Date:** November 20, 2013  
**Re:** Work Session Discussion – City Alleyways Review

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## **BACKGROUND:**

The Alley Committee met on November 19, 2013 to discuss several outstanding issues associated with the proposed closure of alleys located within the City. The primary issue of concern stated during the three public hearings was who will be responsible for cleaning out the alleyways prior to the City relinquishing control of them.

## **ANALYSIS:**

City staff has met with Bill Morgan on several occasions regarding legal issues associated with the alleys. Staff's research indicates that prior to mid-1960, the City did not formally accept streets, alleys or easements. Prior to this time, developers/owners would have a surveyor draw up a plat and have the plat recorded with the Register of Deeds office. The City has numerous paper streets and alleys that are shown on City maps. In addition, if the City did not formally accept the area in question and maintain it, the property owners bordering the alley may have acquired ownership rights to the property under the theory of adverse possession.

The alleys that are being recommended for closure by the Alley Committee may legally no longer be a City problem or responsibility. With that being said, the Alley Committee discussed in great detail how the City may be able to address the issue of vegetation in the alleyways. Therefore, the committee would like to propose the following policy, which would be incorporated into the resolution to close the alleys:

The City Council would adopt a resolution closing all alleys recommended by the Alley Committee effective March 1, 2014, after which time the City would have no further responsibility for the alleys. Prior to this date, the City would allow property owners a period of 45 days to contact the City if they wish to have an item (i.e. trees or other vegetation) removed from the

alleyway. City staff would meet with the property owner and evaluate whether it would be practical to remove the vegetation based on possible obstructions. The property owner would need to remove any obstruction to our free access to the alley prior to the City doing the work. Depending on how many residents request items to be removed, we would create a list based on a first come-first served basis. The City would continue to work on the removal until all items have been abated, which may take up to one year. Once they are in the queue, we would do the work even after March 2014, if necessary.

***STAFF RECOMMENDATION:***

By motion, adopt the attached resolution closing the alleys recommended for closure by the Alley Committee described therein under the conditions provided.

RCO/vdw