

Meeting Date: 1/11/2011



Agenda Item # 8A

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner

Department Director: *Al Still*

Department/Contact # 386 775-5414

City Manager: *John*

- Type of Item:
- |                          |                          |                                     |                     |
|--------------------------|--------------------------|-------------------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing           | <input type="checkbox"/>            | Resolution          |
| <input type="checkbox"/> | Ordinance First Reading  | <input checked="" type="checkbox"/> | Discussion & Action |
| <input type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/>            | Council Approval    |

**Subject: Discussion of alleys in Orange City**

**BACKGROUND:**

There are several alleys existing in Orange City, some of which were created in the late 1800's. Most of these alleys are located within Orange City's original historic area or district.

This report, conducted by City staff, explains how these alleys came to exist, their ownership, and who is responsible for their maintenance.

**RECOMMENDATIONS:**

City staff recommends that City Council consider maintaining the nineteen alleys on an as needed basis, and to consider vacating four alleys as depicted on the maps contained in this report.

**ATTACHMENTS:**

- Staff report dated 12-22-10
- Alley Inventory Maps depicting the alleys
- Alley Inventory spreadsheet

**FINANCIAL IMPACT:**

None anticipated

**Reviewed by City Attorney**

**Reviewed by Finance Dept.**

**Reviewed by:**

*David Johnson*

|   |   |  |  |
|---|---|--|--|
| <b>1<sup>st</sup> Discussion Date:</b><br>1/11/2011 | <b>2<sup>nd</sup> Discussion Date:</b><br><a href="#">Click here to enter a date.</a> | <b>Third Discussion Date:</b><br><a href="#">Click here to enter a date.</a> | <b>Other Dates:</b><br><a href="#">Click here to enter a date.</a> |
|---|---|--|--|



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## Memorandum

Date: January 11, 2011

Prepared by: Jim Kerr, City Planner *JHK*

**RE: Report of Alleys in Orange City**

### Background

The attached maps depict 23 alleys existing within the City, some of which were created in the late 1800's. An alley inventory has been conducted, that analyzes access, use, need and maintenance requirements. The purpose of this report is to share the results of the inventory and to provide recommendations on future vacates and maintenance levels.

### Purpose of the alleys

The City's land development code (LDC) defines an alley as "*A right-of-way primarily designated to serve as a secondary means of access to the side or rear of abutting properties having principal access from a street*", which said definition effectively describes the function of the alleys. However, for some properties, the alleys provide the only means for access and garbage pickup.

Typically, an alley exists between lots or properties. An alley is not considered a part of the lot it abuts. For assessment purposes, the property appraiser's office (PAO) considers an alley as public right-of-way, the same as a street. According to Florida Statute 193.0235, streets and alleys are not assessed by the PAO, and therefore, are not taxed.

### Who owns the alleys

Modern subdivision codes would require dedication statements regarding alleys that provides for ownership and maintenance. However, alleys within the historic area were created prior to these rules. Due to the nature of historic use, State Law has determined that alleys are assumed to be dedicated to the public.

### Who is responsible for alley maintenance,

Florida Statute 95.361 states that if a governing authority has maintained a right-of-way for four years, then that portion being maintained is considered to be public. The alleys under discussion and listed in this report have either had some intermittent maintenance performed, or, the City has performed no maintenance whatsoever.

Can the alleys be vacated

Any alley can be vacated by the City Council as described in Section 16.4 of the City's Code of Ordinances. The vacating of said alley will result in it being converted from a right-of-way to vacant property, which would be divided equally and added to the properties which abut each side of the alley. Any vacating will result in the vacated property being added to the tax roll, and revenue will be received from the taxed property. However, there are over a dozen existing properties wherein the only access is provided by an alley. The vacating of these alleys would cause significant adverse impacts to the property owner and the property.

Alley Inventory

Staff conducted an inventory of the alleys in the historic area of the City and identified 23 within the original historic square mile area. Staff analyzed the alleys using a number of criteria:

- open to use
- historic City maintenance
- access
- garbage pickup
- utilities
- dedication statement
- connectivity (length/width)

Based on these criteria, the following attached spreadsheet was created and a recommendation was derived.

Staff Recommendation

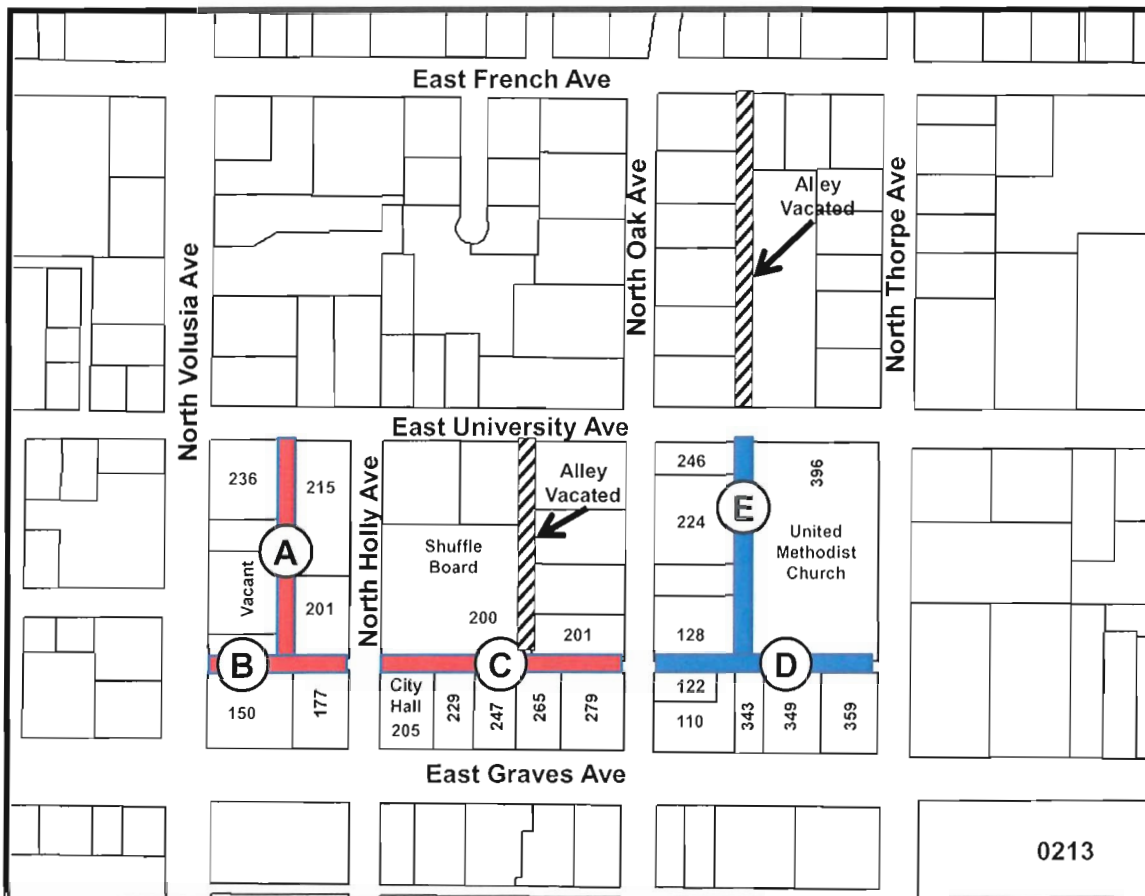
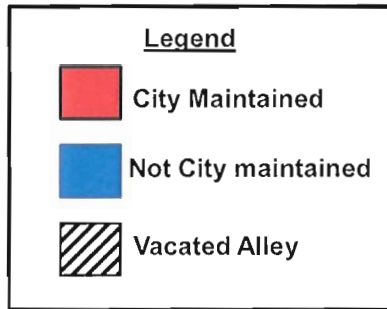
Staff recommends the City continue to assume minimum maintenance of certain alleys on an as-needed basis at a cost of approximately \$2,500 annually for 18 alleys.

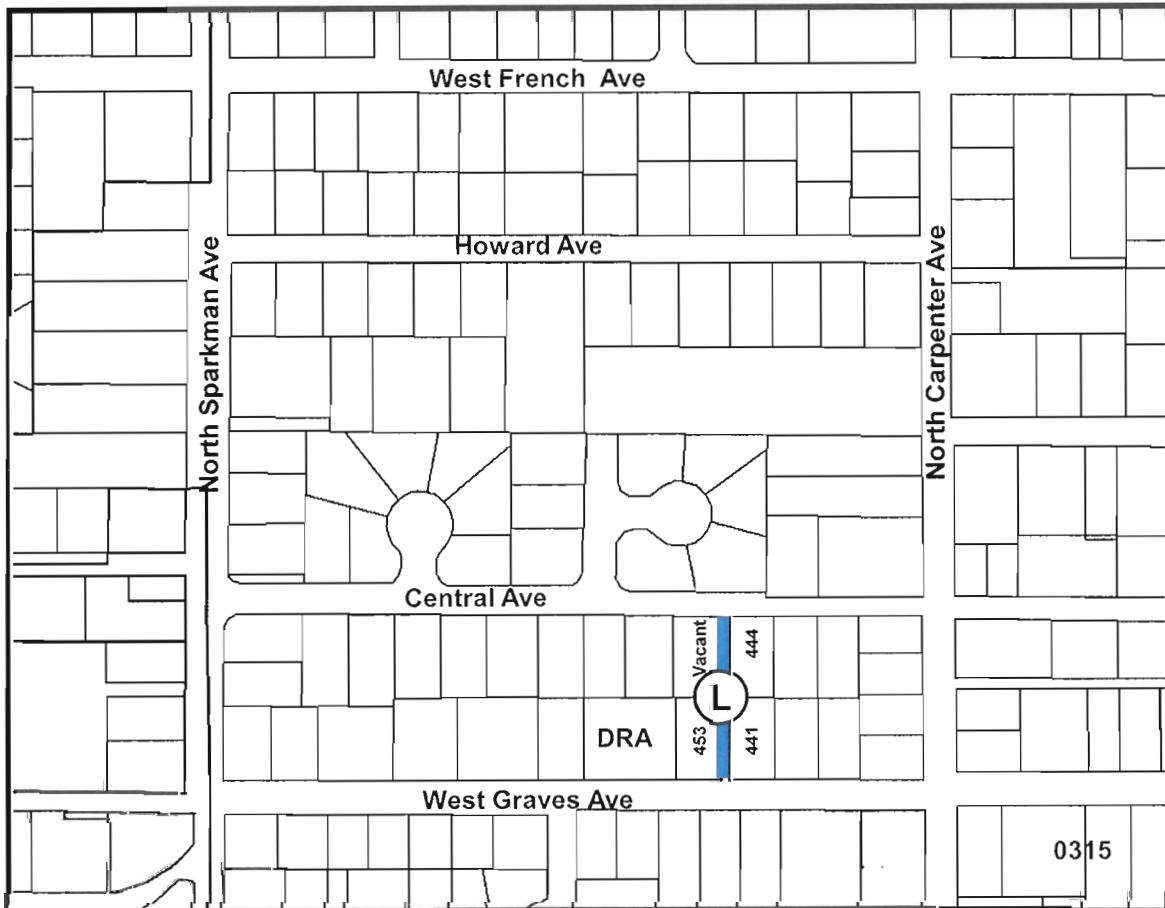
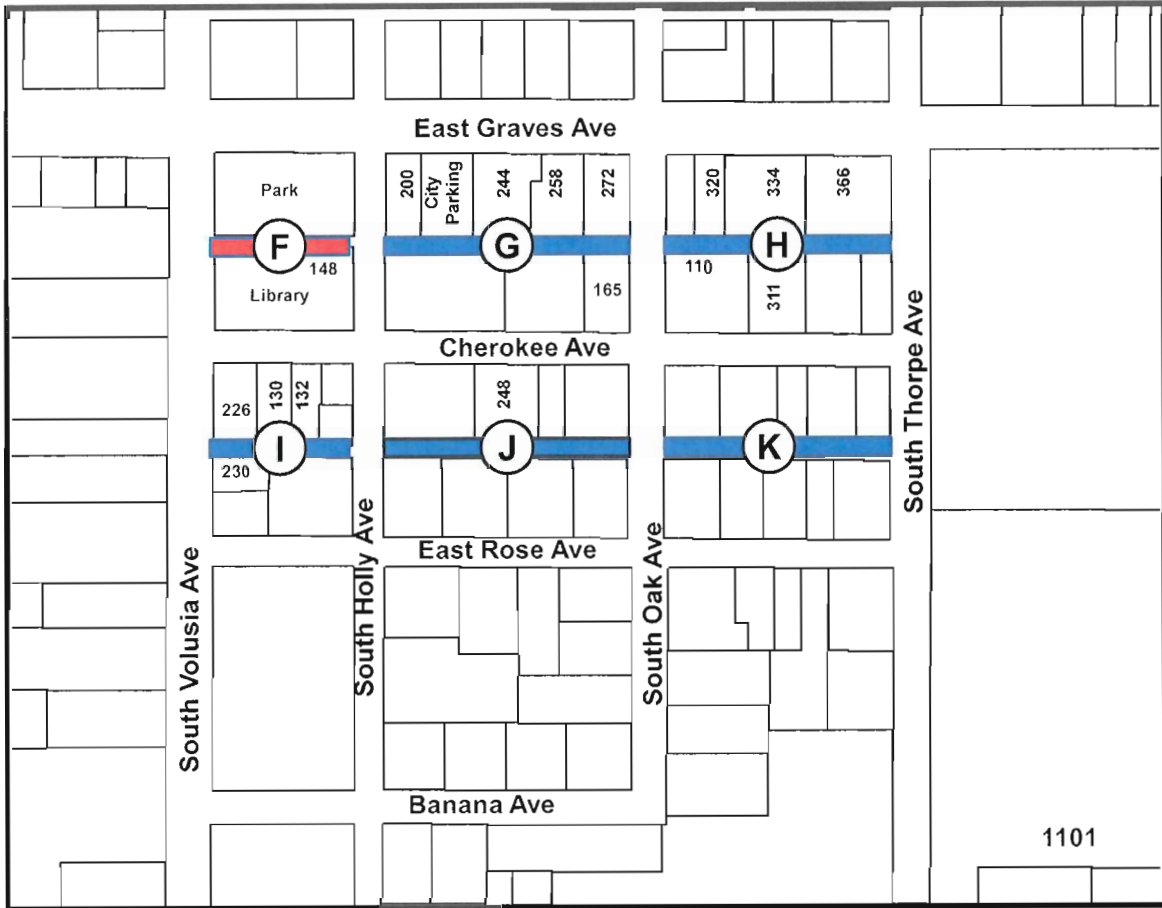
Further, because certain alleys are not being used or needed, staff recommends the City Council allow vacates on 4 alleys (L, O, P, and Q) as depicted on the attached maps.

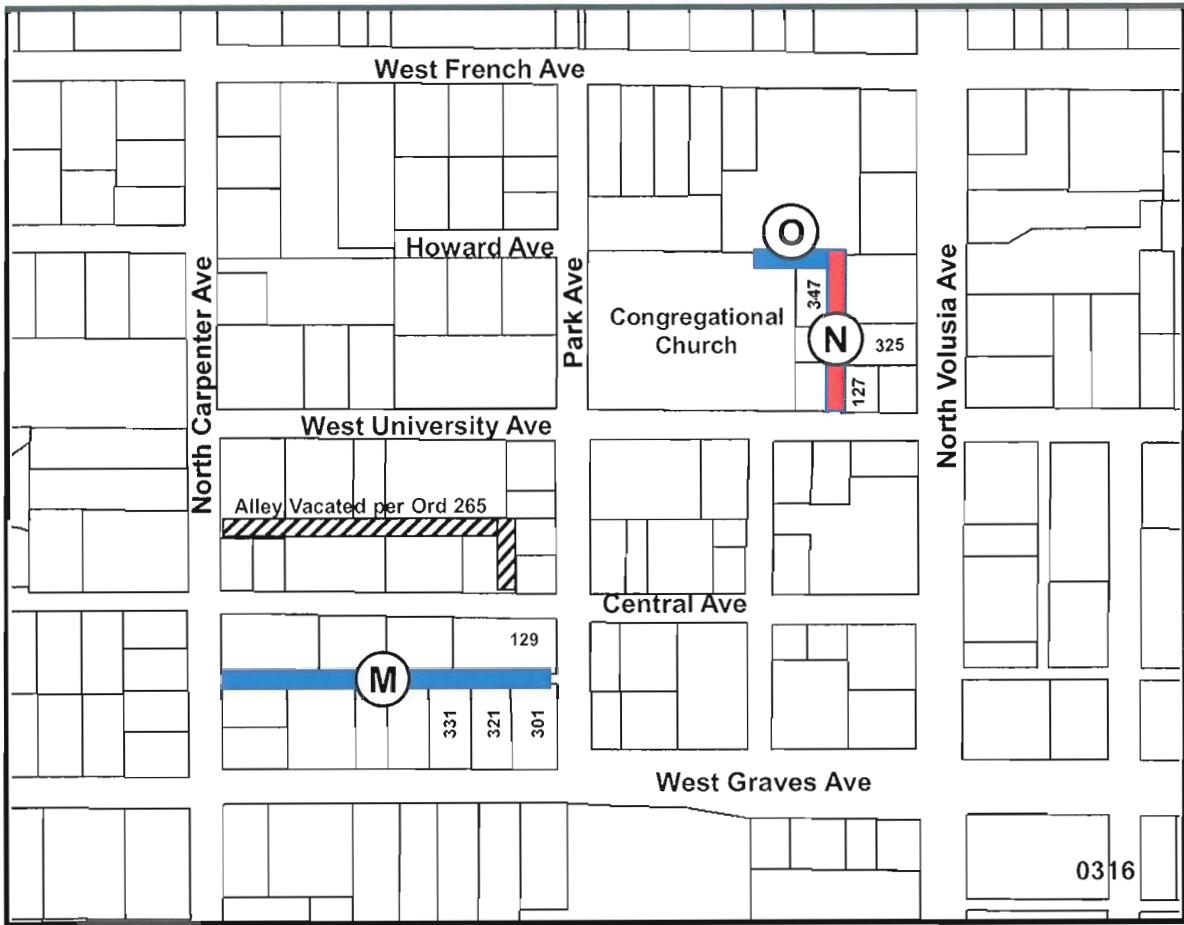
# Orange City

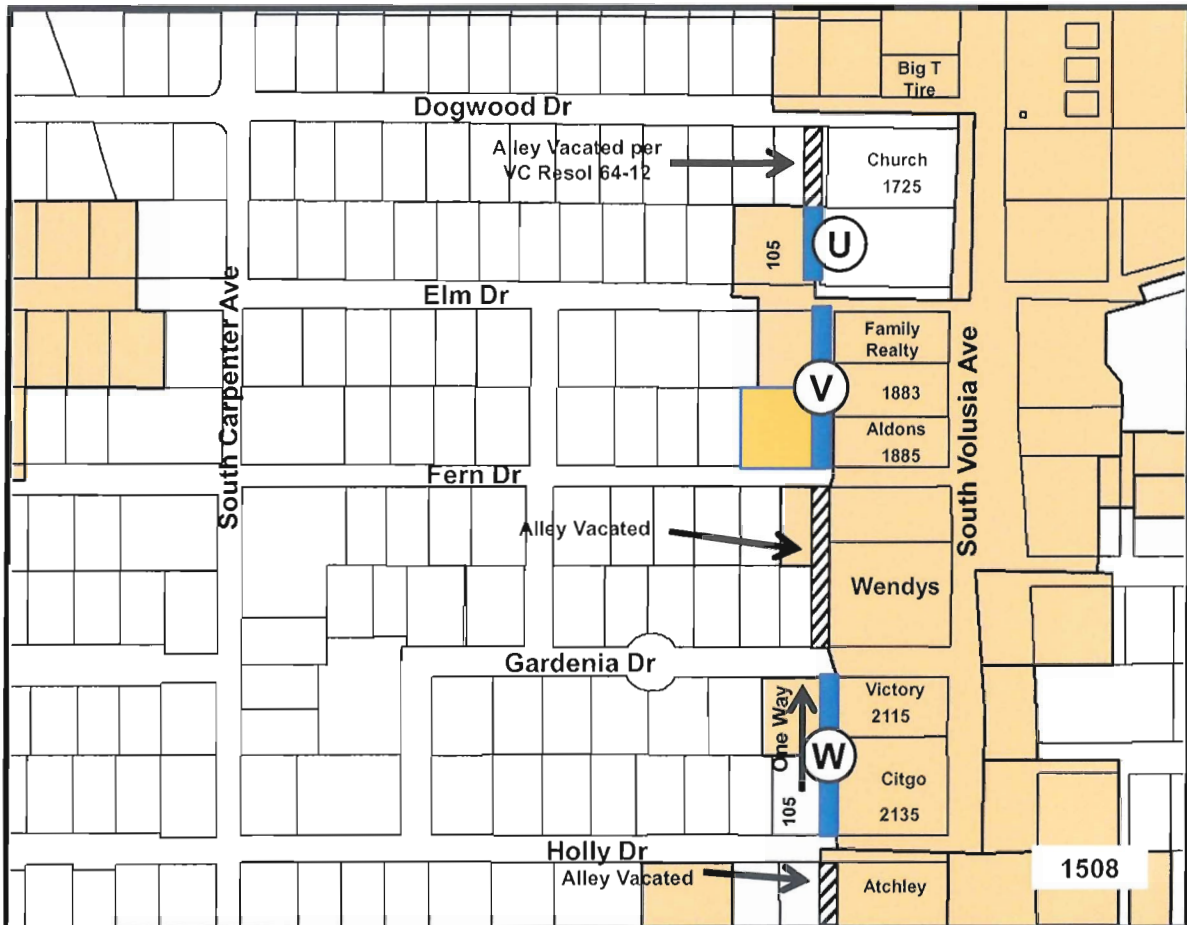
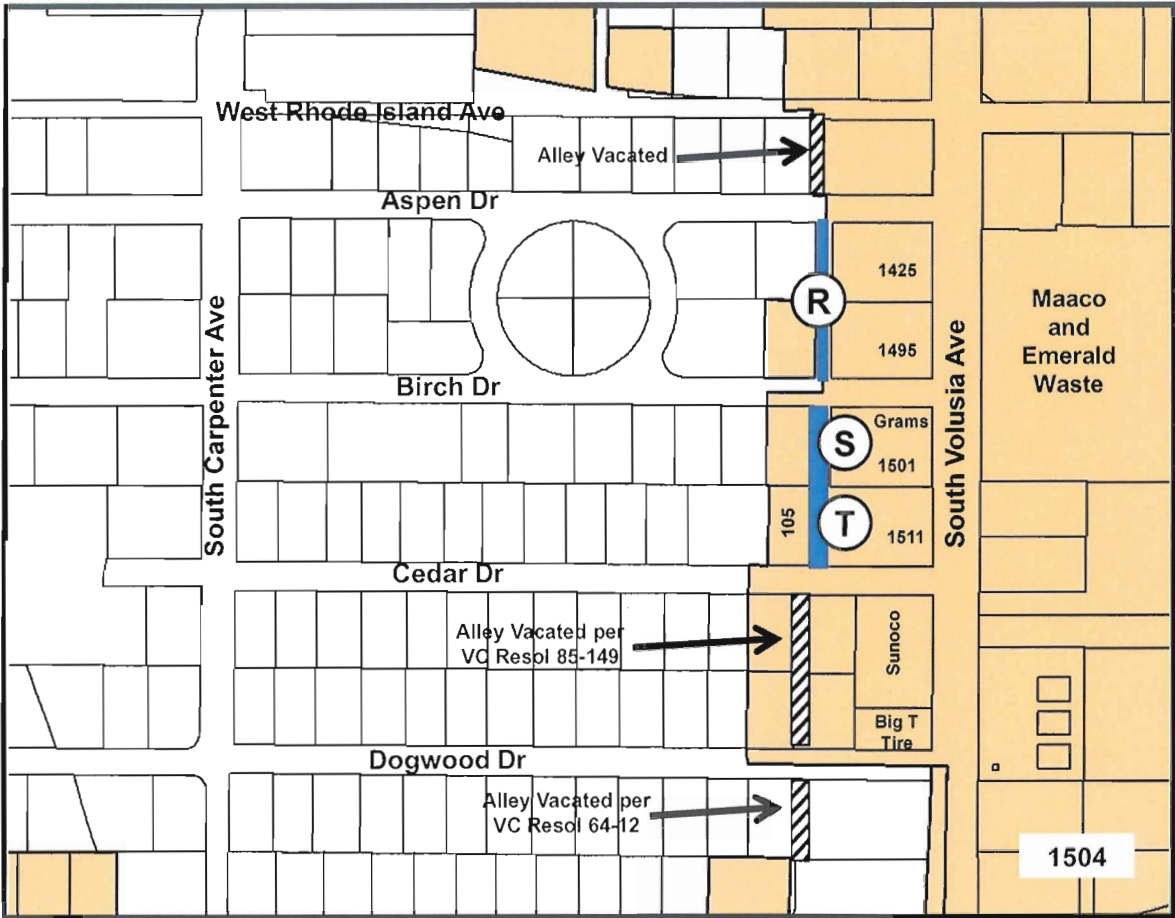
## Alley Inventory

January 11, 2011









# Orange City Alley Inventory

| Map Nbr | Map Loc | Name            | From            | To              | Width | Length | City Maint<br>Yes or No | Clear Access<br>Yes or No | Subdivision Name    | Dedication Statement | Primary Access                   | Secondary Access             | Garbage pickup in alley | Status                                    |
|---------|---------|-----------------|-----------------|-----------------|-------|--------|-------------------------|---------------------------|---------------------|----------------------|----------------------------------|------------------------------|-------------------------|---|
| 0213    | A       | No Name         | Fire House Lane | E. University   | 20    | 400    | Yes                     | Yes                       | Stillmans           | No                   | 201                              | 215, 236                     | Yes                     |   |
| 0213    | B       | Fire House Lane | Volusia Avenue  | No. Holly       | 20    | 270    | Yes                     | Yes                       | Stillmans           | No                   |                                  | 150, 177                     | Yes                     |   |
| 0213    | C       | Fire House Lane | No. Holly       | No. Oak         | 20    | 449    | No                      | Yes                       | Stillmans           | No                   | 205, 229, 247, 265               | 229, 200, 201                | Yes                     |   |
| 0213    | D       | Fire House Lane | No. Oak         | No. Thorpe      | 20    | 410    | No                      | Yes                       | Orange City         | No                   | 110, 122, 343, 349, 359          | 128, 343                     | Yes                     |   |
| 0213    | E       | No Name         | E. University   | Fire House Lane | 20    | 400    | No                      | Yes                       | Orange City         | No                   | 224, 246                         | 396                          | No                      |   |
| 1101    | F       | Albertus Way    | Volusia Avenue  | No. Holly       | 20    | 270    | Yes                     | Yes                       | Orange City Blk 1   | No                   | Library at 148 and park 244, 258 |                              | Yes                     |   |
| 1101    | G       | Albertus Way    | No. Holly       | No. Oak         | 20    | 449    | No                      | Yes                       | Orange City Blk 2   | No                   |                                  | 200 parking                  | Yes                     |   |
| 1101    | H       | Albertus Way    | No. Oak         | No. Thorpe      | 20    | 400    | No                      | Partial                   | Orange City Blk 3   | No                   | 110, 320                         | 311, 334, 366                | Yes                     |   |
| 1101    | I       | No Name         | Volusia Avenue  | No. Holly       | 20    | 270    | No                      | Yes                       | Orange City Blk 6   | No                   | 230                              | 226, 130, 132                | No                      |   |
| 1101    | J       | No Name         | No. Holly       | No. Oak         | 20    | 449    | No                      | Partial                   | Orange City Blk 5   | No                   |                                  | 240, 248                     | No                      |   |
| 1101    | K       | No Name         | No. Oak         | No. Thorpe      | 20    | 400    | No                      | No                        | Orange City Blk 4   | No                   |                                  | Wooded                       | No                      | May be vacated                            |
| 0315    | L       | No Name         | Central         | Graves          | 10    | 150    | No                      | No                        | Lot 4 Blk 31        | No                   |                                  | Partially cleared and wooded | No                      | May be vacated                            |
| 0316    | M       | No Name         | Carpenter       | Park            | 15    | 610    | No                      | Yes                       | Masseys             | No                   |                                  | 129, 301, 321, 331           | No                      | Used as access                            |
| 0316    | N       | Antique Alley   | University      | Turn            | 20    | 280    | Yes                     | Yes                       | Orange City         | No                   | 325, 347                         | 127                          | Yes                     |   |
| 0316    | O       | No Name         | Turn            | Terminus        | 20    | 130    | No                      | No                        | Orange City         | No                   |                                  |                              | No                      | Wooded, no access                         |
| 1012    | P       | No Name, Blk A  | So. Carpenter   | So. Park        | 10    | 606    | No                      | No                        | Magnolia Park 1st   | Yes                  |                                  |                              | No                      | Wooded, no access Fence and shed in alley |
| 1012    | Q       | No Name, Blk B  | So. Carpenter   | So. Park        | 10    | 606    | No                      | No                        | Magnolia Park 1st   | Yes                  |                                  |                              | No                      | Wooded, no access Fence and shed in alley |
| 1504    | R       | Mimosa Drive    | Aspen Drive     | Birch Drive     | 30    | 280    | No                      | Yes                       | Spring Lakes        | Yes                  |                                  | 1425, 1495                   | Yes                     |   |
| 1504    | S       | Mimosa Drive    | Birch Drive     | Half way        | 30    | 140    | No                      | Yes                       | Spring Lakes        | Yes                  |                                  | Grams at 1501                | Yes                     |   |
| 1504    | T       | No Name         | Half way        | Cedar Drive     | 20    | 140    | No                      | Yes                       | Spring Lakes 1st    | Yes                  |                                  | 105, 1511                    | Yes                     |   |
| 1508    | U       | No Name         | Half way        | Elm Drive       | 20    | 141    | No                      | Yes                       | Orange City Hills 1 | Yes                  |                                  | 105                          | No                      |   |
| 1508    | V       | No Name         | Elm Drive       | Ferr Drive      | 20    | 280    | No                      | Yes                       | Orange City Hills 1 | Yes                  |                                  | 1883, 1885                   | Yes                     |   |
| 1508    | W       | No Name         | Gardenia Drive  | Holly Drive     | 20    | 280    | No                      | Yes                       | Orange City Hills 2 | Yes                  |                                  | 105                          | No                      | One Way alley                             |