

# Right Of Way Vacation

To Whom It May Concern,

I, Erik Sansom, am petitioning the city to relinquish its interest in the right of way on the East and North sides of my property located at 1101 W 400 S. The land I am attempting to acquire from the city is the five feet (5') of land between my property line and the city sidewalk on the East and North sides of my property. The East side pertaining to 1100 W and the North side pertaining to 400 S. The purpose of petitioning for this property acquisition started when Jason and I (property owners) attempted to rebuild the current home that sits on the property. The home was built in 1906 and had been abandoned for almost 20 years before Jason and I took ownership. Leading it to be severely dilapidated making a new rebuild of the home the most logical choice. As we started to file the necessary paperwork with the city to rebuild the home we quickly realized that according to current city code we were unable to accomplish a rebuild of the home as it sits on the lot today. The code demanded that the new home be three feet (3') smaller in width and adding a garage would make our lot coverage exceed the allowable amount by three hundred twenty four square feet (324'). In addition the code demanded we move the home four feet (4') rearward from its current location to comply with the block face average. These demands of the code stem from our property being a legal non complying lot that does not meet the minimum standards required for an R-1/5000 lot. Mainly the width of the property only being thirty six feet (36') effecting us the most. Because of these code issues we applied for a variance request and we were denied because of the aforementioned issues. Leading us now to apply for this right of way request in order to bring our current lot and home into greater compliance with the current residential building codes thus allowing us to rebuild the home that has stood for almost 120 years.

If our request was granted from the city not only would it solve some of the issues we currently have with setback rules but also the conflict of maintaining the land that is owned by the city. Currently on the east side of the property a retaining wall that spans almost half of the lot depth sits at the sidewalk edge with no setbacks. It is in

significant disrepair and needs to be addressed which was part of our plans to accomplish. This retaining wall which grants access to our property with stairs resides completely on city property and legally does not belong to us. This may become an issue with who or how repairs to this wall are made. Jason and I currently maintain all of this city owned property that equals to nine hundred twenty five square feet (925<sup>2</sup>). If we were able to acquire this portion of property we would be able to repair the retaining wall and maintain landscaping as part of our property all while solving our issues of building a new home. With our variance request we have acquired signatures of abutting property owners and most owners within the block face showing support of our plans to renew this dilapidated property. We feel that if the city relinquishes this portion of land to us we will be able to accomplish what our neighbors and community desire which is a revitalized and aesthetically pleasing home.

To address the bullet points the city provided in the policy considerations on the application form. We believe our request is unique because we don't want the street or alley to be vacated in its entirety but rather our property lines be updated to coincide with the visual appearance of our lot and also to placate any issues that may arise from a maintenance perspective. This acquisition would not affect any abutting property owners as we are the only property that borders the requested land although we do have their support. It does not create a landlocked property or block access to private or public property and does not affect parking or access to the public street, alleyway or sidewalk. It also will not affect the ability for abutting properties to build new structures or maintain their ability to access their rear yard from the alleyway due to the fact that we want to maintain the rear property line abutting the public alley. To add to the issues presented by the city, the right of ways in question are not in current use by the city or any utility. They are simply "dead space" between our property line and the sidewalk. This change of property line would also not affect having or maintaining a park strip as the current park strip would remain between the sidewalk and gutter. A six foot (6') strip on the east side of the property and a four foot (4') strip on the north side. For all of these reasons we believe that vacating this right of way to the property at 1101 W 400 S would not only be justifiable but beneficial to the betterment of our community in poplar grove.

In summary we are petitioning to acquire the five feet (5') of land between our property and the city sidewalk on the east and north sides of our property. This solves our current setback issues and lot coverage issues by adding an additional nine hundred twenty five square feet (925<sup>2</sup>') and adjusting the property lines to bring the existing home into setback compliance. Also allowing us to have a greater ability to maintain all aspects of the property. Thank you for your consideration and we hope to have a positive response to our petition.

Erik Sansom