



PLANNING AND ZONING

Cerro Gordo County Courthouse

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July 23, 2020

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, August 6; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **August 6, 2020 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a petition to vacate a portion of a platted public access to Clear Lake.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

Conference phone: (641) 421-3113

Conference ID: 3044#

PETITIONS TO VACATE OF PLATTED PUBLIC STREET OR ALLEY

1. Jane Fogg/George Frampton public access between 4322 Southshore Drive and 4304 Southshore Drive

This request has been amended, and that the petitioners voluntarily tabled it from the previous month. The amended request is a petition to vacate a portion of the 40'- wide public access to Clear Lake, lying between 4322 Southshore Drive and 4304 Southshore Drive. If approved, it would vacate all but the central 10' of the public access (See Figures 1-4).

There are no buildings within the public access, except the side steps accessing the side entrance of 4322 Southshore Drive encroaches approximately 1' into the public access (See Figure 5). The intent for the request is to allow for the private use of the land for the petitioners.

Area utilities have been afforded opportunity to provide comment. Mediacom states that they hold no easements within the access. CLTel has a line running along the north side of Southshore Drive, which is located outside of the general area that is requested to be vacated.

Any further comments received will be shared with the Commission at the hearing. A few public comments have also been included in your packets for you to consider in your recommendation. Any further comments will also be shared with the Commission at the hearing.

The County Engineer's Office stated in his previous comments that the roads department has no concerns with vacating the public access. There are no public drainage structures within the access. Locating a public dock at the location is possible, but the cost for necessary tree removal, grading, and installation of parking stalls is prohibitive for the potential public benefit. I have also given him the opportunity to provide additional comment on the amended petition. Any further comments received will also be shared with the Commission at the hearing.

The standard established under Iowa Code 354.23 to vacate platted public right-of-way is the governing body must make a determination that there is no public benefit of the right-of-way maintaining that status. On the south shore of Clear Lake, there is limited public access to the lake. That, in itself, is a public benefit, even if a public dock at the location is not practicable. This public access is one of the few that do not have a steep incline accessing the lake.

The amended request maintains a 10'-wide public access to the lake. At a minimum, this is necessary to maintain access to the trail running along the lake behind the houses. In your decision, you should make a determination whether maintaining the full 40'-wide access makes a difference in public benefit. Public access to the lake is maintained with a narrow access. There is some landscaping in front of the central 10' that would be maintained as a public access (See Figure 1 & 2). The landscaping appears to be located in the right-of-way of Southshore Drive and as such should not inhibit access.

The critical question is, does vacating a portion of the public access as requested result in a loss of public benefit? As a result, I recommend the petition be forwarded to the Board of Supervisors with a recommendation consistent with your findings.