

# Policy Briefing Summary

## City Council



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<b>Regarding:</b>	<b>Public Hearing and Ordinance to vacate Clarke Court, a City-maintained street</b>
<b>Staff Contact(s):</b>	Matthew Alfele, City Planner, Caleb Smith, Traffic Engineer
<b>Presenter:</b>	<b>Matthew Alfele, City Planner, Caleb Smith, Traffic Engineer</b>
<b>Date of Proposed Action:</b>	November 3, 2025

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### Issue

The Jefferson Scholars Foundation ("Applicant") is requesting the vacation of Clarke Court (a City-maintained street). The request is part of the Applicant's long-range Strategic Plan. This Strategic Plan includes evaluating what facilities are needed to support the current and future Programs. In general, the Applicant is looking for flexibility by vacating Clarke Court in anticipation of future needs.

Although no final detailed plans related to the site have been provided to the City, the Applicant did submit a Preliminary Site Plan ("Plan") on July 27, 2023. The proposed Plan shows the vacation of Clarke Court, the consolidation of the three (3) parcels, and a realigned private vehicular travel-way connecting to the existing apartment building at 108 Maury Avenue. No new buildings are being proposed as part of the Plan NDS Staff reviewed. The Plan and NDS Staff comments can be found under the attachments. After NDS Staff reviewed the Plan and provided comments on September 25, 2023, the Applicant combined two (2) of the existing three (3) lots. This was done in part to prevent a land-locked parcel with any future vacation of Clarke Court.

NDS Staff has conducted an evaluation of the request and communicated to the Applicant that it does not meet the criteria for a NDS Staff Recommendation to vacate the street. However, the Application may still move forward for final determination by City Council, which the Applicant has requested. The Clarke Court Rubric Score can be found as an attachment as part of the Application.

### Background / Rule

Previously, it was the City's policy to permit the vacation of City right-of-way ("ROW") through simple agreement between all abutting property owners. In the fall of 2019, this Policy was updated to ensure due consideration by City Council and/or compensation is provided; and to ensure City ROW is fully unutilized for access management where appropriate.

Per the adopted Vacation Ordinance and Policy, City Council should consider the following:

### **Rubric Score:**

As part of the Application, the Office of Community Solutions (now with elements incorporated into NDS), the City Traffic Engineer, the City's Bicycle Pedestrian Coordinator, the Director of Parks and Recreation, and the Director of Utilities scored the proposed vacation based off criteria within an established matrix. The vacation of Clarke Court received a score of 0.4. For context, any score of 1.75 or higher would result in denial of a vacation without consideration by City Council. Any score under 1.75 is not an endorsement of the vacation request, but does permit the Application to move forward for final determination by City Council. The Clarke Court Rubric Score can be found as an attachment as part of the Application.

***Will vacating the street or alley impede a person's access to the property, or otherwise cause***

***irreparable damage to the owner of any lot shown on the original subdivision plat?***

NDS Staff's review finds that, per the proposed plat submitted as part of the vacation request, access will still be provided to the existing apartment. The access would shift from the existing layout where access is off the northern end of Clarke Court to a private access point directly off Maury Avenue.

***Are there any public utilities currently located in the area proposed to be vacated? If so, is the Applicant offering to allow the City to reserve a public utility easement?***

The City's Utilities Department has reviewed the vacation request and determined there are existing water, gas, and sewer mains located in Clarke Court, along with related appurtenances that branch from the mains toward and onto the adjacent parcels. Furthermore, NDS Staff finds that any proposed expansion by the Applicant may have a significant impact on utility configurations, the extent of which cannot be determined until the Applicant provides a more detailed plan for future development on the site. Should City Council vacate the street, the Applicant would either need to provide easements for the City to retain ownership and maintenance access for utility infrastructure to remain, or present a plan to reconfigure the existing utility service to the site (in accordance with applicable engineering standards) such that easements are not required. NDS Staff's desire is to avoid retaining easements over utility infrastructure that may be removed/abandoned/reconfigured with future development, since this would require City Council to undergo another process to vacate those easements later on.

***Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movement in and through the subdivision?***

The City Traffic Engineer finds the level of development proposed in the July 27, 2023 Preliminary Site Plan is not consistent with the long-term plans for the site based off the information in the Applicant's narrative. Vacating Clarke Court and providing a new private travel-way to the back of the property appears to be a short-term goal that may change once the street is vacated. NDS Staff would like the City to maintain control of Clarke Court, until the Applicant provides a more detailed plan for future development of the site. NDS Staff is also concerned that, by vacating Clarke Court, five (5) non-permitted parking spots would be lost. These spots help support access to businesses in the area that have limited or no parking and are within walking distance of Clarke Court.

***If the street or alley is currently owned by the City, and if the purpose of the proposed closing/vacation is to accommodate expansion or development of an existing or proposed business, does City Council wish to condition the vacation upon commencement of the expansion or development within a specified period of time?***

Outside of what was provided on the July 27, 2023, Preliminary Site Plan, no expansion on the site is being proposed at this time. The Applicant's narrative states that no expansion is being considered currently, but future needs may include different programming of the site that will need to be studied. NDS Staff would recommend that, should City Council vacate Clarke Court, a reasonable period of time should be conditioned. This would allow the applicant an opportunity to explore long-range expansion and feasibility, but keep the street and parking in the City's network, until more details are finalized.

***If the street or alley is currently owned by the City, does City Council desire staff to negotiate a purchase price with the Applicant and other adjoining property owners?***

NDS Staff recommends that, should City Council vacate Clarke Court, it should direct the City Attorney's Office to contact the Applicant and negotiate a sales price prior to any second reading of the Vacation Ordinance.

**Analysis**

The Applicant has submitted a request to vacate Clarke Court as part of its long-term strategic planning, aiming to consolidate parcels and create a private travel-way to support future programming. While the proposal received a rubric score of 0.4—allowing it to proceed to City Council—NDS Staff recommends denial at this time due to the absence of a detailed Development Plan and concerns over the loss of informal parking that supports nearby businesses. Clarke Court currently hosts critical utility infrastructure and provides access to adjacent properties and vacating it prematurely could complicate future service configurations and traffic circulation. However, should City Council wish to consider the request, NDS Staff advises conditioning any approval on a defined timeline for expansion, allowing the City to retain control of the street and parking until the Applicant presents a more formalized site plan. This approach balances flexibility for the Applicant with the City's responsibility to preserve public assets and access.

### **Financial Impact**

The budgetary impact to maintain Clarke Court is minimal due to the size of the ROW (approximately 150 feet in total length).

### **Recommendation**

NDS Staff recommends City Council not vacate Clarke Court.

### **Recommended Motion (if Applicable)**

City Council has several alternatives:

- (1) by Motion, take action to approve the attached Ordinance vacating Clarke Court;
- (2) by Motion, request changes to the attached Ordinance, and then approve the vacation;
- (3) by Motion, take action to deny the vacation; or
- (4) by Motion, defer action on the vacation.

### **Attachments**

1. Ordinance - Clarke Court
2. Draft Deed
3. Deed Plat
4. Application
5. Review Comments Response
6. Preliminary Site Plan\_07-24-2023
7. Comment Letter\_9\_25\_23