



# Right-of-Way Vacation Staff Report

To: City of Dickinson Board of Commissioners  
 From: City of Dickinson Community Development Services  
 Date: February 26, 2023  
 Re: VAC-001-2024 Baker Boy Right-of-Way Vacation

**OWNER/APPLICANT**

Guy M. Moos  
 Moos Enterprises, LLP

<b>Public Hearing</b>	February 14, 2024	Planning and Zoning Commission
<b>Final Approval</b>	March 5, 2024	City Commission

**EXECUTIVE SUMMARY**

Description: To consider a request to vacate the remainder of a dedicated right-of-way legally described as dedicated public right-of-way along all of Lot 7, West 100' of Lot 6, & West 100' of Lot 8, Block 2, A Replat of Dickinson Industries Subdivision, in the W1/2 of Section 7, Township 139 North, Range 96 West, Stark County, North Dakota.

This request is to vacate the remainder public right-of-way east of 48<sup>th</sup> Ave SW, for roughly 210 feet toward the east, along 1<sup>st</sup> Street SW. Additionally, the applicant is vacating an access easement displayed as a cul-de-sac. The purpose for this request is to further improve operations as the applicant deems fit at the Baker Boy industrial facility. Further information is provided in the attachments; see: Transmittal Letter.

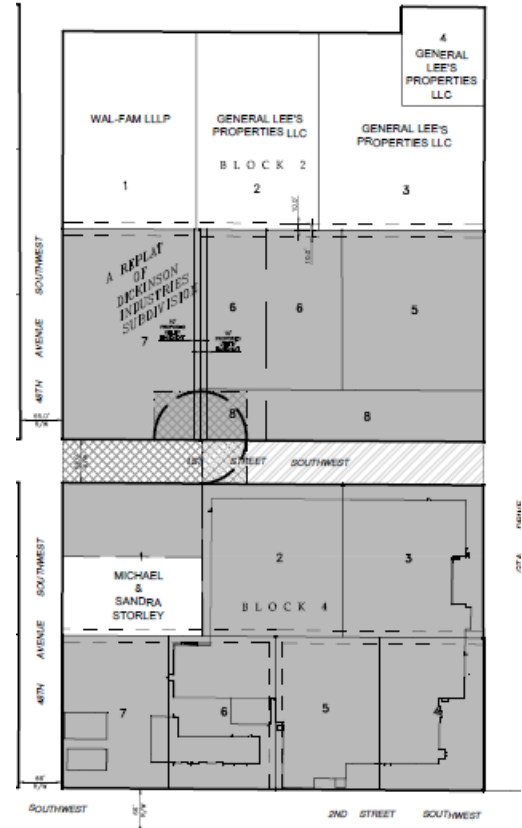
No comments have been received by City of Dickinson staff as of the date of this report.

## LOCATION

### Legal Description

Dedicated public right-of-way along all of Lot 7, West 100' of Lot 6, & West 100' of Lot 8, Block 2, A Replat of Dickinson Industries Subdivision, in the W1/2 of Section 7, Township 139 North, Range 96 West, Stark County, North Dakota.

### General Location



## STAFF CONCLUSIONS

### Municipal Code Compliance:

The lots exhibited constitute a common development owned by Baker Boy. No lot will, therefore, be functionally landlocked and no neighboring property owner is anticipated to be affected. Staff has reviewed the right-of-way vacation process and finds this request to be in compliance of the City of Dickinson municipal code Chapters 33, 34, and 39 – Streets, Subdivision, and Zoning.

Fulfillment of this development, as proposed by the applicant and submitted documents, would be in compliance with the following sections and all other

applicable municipal codes:

Section 39.09.006 Off-Street Parking Design Standards

Entrances and Exits

Section 39.09.007 Off-Street Loading

Loading Requirement

**Recommendation:** City of Dickinson Community Development Services staff recommends approval of VAC-001-2024 as compliant to the City of Dickinson municipal code.

**\*\*\*Approval\*\*\***

I move the City of Dickinson Planning and Zoning Commission recommend Approval of **VAC-001-2024** as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements (**IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE**):

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

I move the Dickinson Planning and Zoning Commission recommend Denial of **VAC-001-2024** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.