

ORDINANCE NO. 18-43

AN ORDINANCE AMENDING SECTION 705 (RIGHT OF WAY DEDICATION AND STREET IMPROVEMENTS) OF PART 7 (STREETS IN SUBDIVISIONS), SECTION 1102 (SPECIFIC REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE) OF PART 11 (ASSURANCES AND GUARANTIES FOR PUBLIC IMPROVEMENTS), AND REPEALING PART 19 (BANNING LEWIS RANCH ANNEXOR FEES AND REIMBURSEMENTS), ALL OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BANNING LEWIS RANCH REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.7.705: RIGHT OF WAY DEDICATION AND STREET IMPROVEMENTS:

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~~D. Construction of Public Improvements and Cost Recovery Within the Banning Lewis Ranch:~~

- ~~1. Local/Collector Street Construction: Minor streets constructed by annexors shall not be eligible for cost recovery under the provision of subsection C of this section.~~
- ~~2. Traffic Signals: Annexors shall be responsible for all costs associated with the procurement and installation of all traffic signals in accord with section III(G) of the Banning Lewis Ranch ("BLR") Annexation Agreement. Constructing annexors may file cost recovery in accord with provisions of subsection C of this section.~~

~~3. Arterial Roadways: In accord with the adopted BLR Shared Obligation Study, all property contained within the BLR annexation plats filing numbers 1 through 20 shall be required to construct all arterial streets depicted within the approved BLR master plan with no cost recovery from the City or from other annexors, except as follows:~~

~~a. Arterials Constructed on the Boundary of Another Annexor's Property: Arterials constructed on the boundary of another annexor's property shall be subject to cost recovery from the annexor having frontage on the other side of the arterial in accord with subsection C of this section.~~

~~b. Arterial Through Property Owned by Another Annexor: Annexors required by the City to construct an arterial street through property owned entirely by another annexor shall be eligible for cost recovery from those annexors having frontage along the arterial street in accord with subsection C of this section. The City may require dedication of the necessary right of way for arterial street construction in accord with section III(A) of the BLR Annexation Agreement.~~

~~c. Marksheffel Road: In accord with section III(A) of the BLR Annexation Agreement, annexors shall be responsible for constructing four (4) lanes of Marksheffel Road where the Banning Lewis Ranch lies adjacent to the eastern boundary of the Marksheffel Road right of way. Constructing annexors will be eligible for arterial street reimbursement from the City for two (2) of the four (4) lanes in accord with section III(C) of the BLR Annexation Agreement. Construction of Marksheffel Road interior to the ranch shall not be eligible for cost recovery unless the construction is subject to either exception contained in subsection D3a or D3b of this section.~~

~~4. Banning Lewis Parkway Right of Way Dedication: In accord with section III(A) of the BLR Annexation Agreement, annexors shall dedicate right of way for the Banning Lewis Ranch Parkway when deemed necessary by the Director of Public Works. Annexors may dedicate the Banning Lewis Ranch Parkway right of way by deed or plat, voluntarily at any time subject to acceptance of the dedication by City Council. The City may require the Banning Lewis Parkway right of way, even if previously dedicated to the City by deed, to be platted in conjunction with the platting of an adjacent development.~~

ED. Cost Recovery by the City and Other Governmental Entities:

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Section 2. Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.7.1102: SPECIFIC REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE:

A. Streets and Drainage Improvements:

1. Whenever the tract of land to be platted embraces or abuts a major street (street with right of way width greater than 60 feet) or major drainage improvement (drainage facilities identified in the City's DBPS and master drainage plans), or a major street or major drainage improvement is necessary to serve the land to be platted, such major street or major drainage improvement, or both, shall be completed prior to the issuance of building permit or acceptable assurance guaranteeing the completion of the major streets or drainage improvements shall be filed with the City. ~~All subdivision plats that dedicate Banning Lewis Ranch ("BLR") Parkway right of way, for which the subdivider will be requesting a reimbursement for BLR Parkway construction costs from the "BLR reimbursement fund" or a credit against BLR Parkway platting fees owed, shall include a cost estimate for BLR Parkway construction. Upon approval of the cost estimate by the City, the subdivider or applicant shall post an acceptable financial assurance for BLR Parkway construction prior to plat recordation.~~

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Section 3. Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is repealed in its entirety.

Section 4. This ordinance shall be in full force and effect forty-five (45) days from the date the City Council approves an Amended and Restated Banning Lewis Ranch Annexation Agreement by Resolution.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 24th day of April, 2018.

Finally passed: May 8th, 2018



Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

This ordinance was finally adopted May 8th, 2018 without the Mayor's signature pursuant to City Charter Section 3-70(e).


Mayor

Council Action After Disapproval:


- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:



Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING SECTION 705 (RIGHT OF WAY DEDICATION AND STREET IMPROVEMENTS) OF PART 7 (STREETS IN SUBDIVISIONS), SECTION 1102 (SPECIFIC REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE) OF PART 11 (ASSURANCES AND GUARANTIES FOR PUBLIC IMPROVEMENTS), AND REPEALING PART 19 (BANNING LEWIS RANCH ANNEXOR FEES AND REIMBURSEMENTS), ALL OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO BANNING LEWIS RANCH REGULATIONS” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 27th, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of May, 2018, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 8th day of May, 2018.


Sarah B. Johnson, City Clerk



1st Publication Date: April 13th, 2018
2nd Publication Date: May 16th, 2018

Effective Date: May 21st, 2018

Initial: SBS
City Clerk