



## Legislation Details (With Text)

**File #:** SUBD-23-0098      **Version:** 2      **Name:** White Leaf Circle ROW Vacation

**Type:** Planning Case      **Status:** Mayor's Office

**File created:** 5/28/2024      **In control:** City Council

**On agenda:** 6/25/2024      **Final action:** 6/25/2024

**Title:** An Ordinance No. 24-44 vacating portions of public right-of-way known as White Leaf Circle within the Weiss - Blatt Subdivision consisting of 0.456 acres located southwest of the Broadmoor Avenue and 6th Street intersection.

(Legislative)

**Presenter:**  
Johnny Malpica, AICP, Planner II, Planning and Neighborhood Services.  
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

**Sponsors:** Planning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. White Leaf Circle ROW Vacation ORDINANCE DRAFT\_JM\_06-13-2024, 2. White Leaf Circle ROW Vacation Exhibit A - Legal Description - JM, 3. White Leaf Circle ROW Vacation Exhibit B - Vacation Plat - JM, 4. White Leaf Circle ROW Vacation Exhibit C - Utility Easement Attachment to Ordinance, 5. White Leaf Circle ROW Vacation Staff Presentation\_CC\_JM, 6. Signed Ordinance No. 24-44.pdf

Date	Ver.	Action By	Action	Result
6/25/2024	2	City Council	finally passed	Pass
6/11/2024	1	City Council	approved on first reading	Pass

An Ordinance No. 24-44 vacating portions of public right-of-way known as White Leaf Circle within the Weiss - Blatt Subdivision consisting of 0.456 acres located southwest of the Broadmoor Avenue and 6<sup>th</sup> Street intersection.

(Legislative)

**Presenter:**

Johnny Malpica, AICP, Planner II, Planning and Neighborhood Services.  
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

**Summary:**

Owner: White Leaf LLC  
Developer: Seth Adam Miller and Elizabeth Miller  
Representative: Chris Thomson - Rocky Mountain Land Services  
Location: Southwest of the Broadmoor Ave. and 6<sup>th</sup> St. intersection

This request is on behalf of Seth Adam Miller and Elizabeth Miller, joint owners of the adjacent parcels to the North, West, and South, requesting to vacate an unused public right-of-way. The right-of-way to be vacated has no active roadway.

**Background:**

The proposed vacation of City right-of-way requests to vacate an unimproved cul-de-sac known as White Leaf Circle located within the Weiss Blatt Subdivision. This 60' wide right-of-way has a 60' diameter cul-de-sac, is completely undeveloped and has no utilities within the right-of-way, except for a sanitary sewer line that is contained within a recorded sewer easement. The unimproved right-of-way serves lots 2, 3, 4, and 5 only within the Weiss Blatt Subdivision. All the aforementioned properties are under the same ownership. The entire 0.456 acres right-of-way to be vacated will be reserved as a public utility easement and will be maintained by the property owner of lots 2, 3, 4, and 5.

The application review process included nine agency review cycles that were accompanied by multiple meetings with City Engineering and Colorado Springs Utilities. These meetings were held to determine the terms of the easement, which is being reserved by the City in conjunction with the vacation. Additionally, Fire Construction Services requested an emergency turnaround easement that will be granted through a separate instrument. Following the outcome of each of these meetings, the entire area to be vacation will be reserved as a public utility and private access easement, which will be granted by separate instrument. All other agency comments received throughout the review process have been addressed in subsequent submissions.

Upon review, it is established that the proposal is consistent with the review criteria and procedures of City Code Section 7.7.402 and is well aligned with PlanCOS, the City's Comprehensive Plan. Finally, the proposed transfer of ownership of this land area from public to private will not impact land use patterns for this area, which has been defined as an established historic neighborhood as depicted on the PlanCOS Vision Map.

For the above reasons, Staff finds the proposed right-of-way vacation to be in substantial compliance with PlanCOS and the review criteria of City Code Section 7.5.402.

**Review Criteria:**

The review criteria for Vacation Plats as set forth in City Code Section 7.4.402. (Chapter 7) are noted below.

City Council shall approve the application only if it complies with the following criteria:

1. The right of way is no longer needed for public transportation purposes;
2. The vacation will not adversely impact use of the right of way for public utility and/or drainage purposes;
3. The vacation will not adversely impact the uniform width of the remaining portions of the public right of way along the block frontage for which vacation is sought;
4. Access to lots or properties surrounding the public right of way will not be adversely affected; and
5. The vacation is consistent with the purpose of this Subdivision Code. (Ord. 96-44; Ord. 01-42; Ord. 06-13; Ord. 09-80; Ord. 12-75)

Staff finds that the proposed application meets the above criteria.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

According to Section 7.5.402.B.2 of the City Code, a request to vacate right-of-way is placed directly onto a City Council agenda for action after review by the administration. No review by a board or commission is required.

**Proposed Motions:**

Should the City Council wish to approve the right-of-way vacation application, the following motion is suggested:

Adopt Ordinance No. 24-44 vacating portions of public right-of-way known as White Leaf Circle within the Weiss - Blatt Subdivision consisting of 0.456 acres located southwest of the Broadmoor Avenue and 6<sup>th</sup> Street intersection based upon the findings that the request complies with the criteria as set forth in City Code Section 7.7.402.C.

Should the City Council wish to deny the right-of-way vacation application, the following motion is suggested:

Deny Ordinance No. 24-44 vacating portions of public right-of-way known as White Leaf Circle within the Weiss - Blatt Subdivision consisting of 0.456 acres located southwest of the Broadmoor Avenue and 6<sup>th</sup> Street intersection based upon the findings that the request does not comply with the criteria as set forth in City Code Section 7.7.402.C.

**..Summary of Ordinance Language**

An ordinance vacating portions of public right-of-way known as White Leaf Circle consisting of 0.456 acres located southwest of the Broadmoor Avenue and 6<sup>th</sup> Street intersection.