



Legislation Details (With Text)

File #: CPC V 19-00168 **Version:** 1 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 1/14/2020 **In control:** City Council

On agenda: 2/25/2020 **Final action:** 2/25/2020

Title: An ordinance vacating the public right-of-way described as a portion of the Brookside Williamsons alley within The Town of Brook Side subdivision and the Williamson's Addition to Ivywild subdivision consisting of 0.043 acres.

Presenter:
 Ryan Tefertiller, Manager, Urban Planning Division
 Peter Wysocki, Director, Planning and Community Development Department

Sponsors:

Indexes:

Code sections:

Attachments: 1. VROW_BrooksideWilliamsonAlley, 2. Exhibit A - Brookside Alley Vacation Legal Description, 3. Exhibit B - Brookside Alley Vacation plat, 4. Figure 1 - Brookside Alley Aerial Photo, 5. Signed Ordinance 20-13.pdf

Date	Ver.	Action By	Action	Result
2/25/2020	1	City Council	finally passed	Pass
2/11/2020	1	City Council	approved on first reading	Pass

An ordinance vacating the public right-of-way described as a portion of the Brookside Williamsons alley within The Town of Brook Side subdivision and the Williamson's Addition to Ivywild subdivision consisting of 0.043 acres.

Presenter:

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Summary:

Applicant: Whitehead Engineering, LLC
 Owner: City of Colorado Springs
 Location: South of E. Brookside St., West of S. Nevada Ave., North of E. Navajo St., and East of S. Tejon St.

The applicant, developer, and adjacent land owners request the vacation of a historically platted but never developed alleyway within the South Nevada Urban Renewal Area. This segment of public right-of-way was conveyed for public use in 1891 as part of The Town of Brook Side and in 1906 as part of the Williamson's Addition to Ivywild. The alleyway runs east/west and though it connects to a functional alley to the east, to the west it terminates within the Cheyenne Creek channel. The vacation will allow the adjacent land to develop consistent with the goals for the area. This portion of the right-of-way is not needed for vehicular travel and serves no transportation, access or utility

value.

Background:

The right-of-way for the subject alleyway was established more than 110 years ago as part of two of the original plats for the Ivywild area. It varies in width with roughly 43 feet to the east being a 16-foot-wide right-of-way while the remainder of the alley to the west (roughly 193 feet) is only 8 feet wide. It does not appear as if the alley has functioned as such to the adjacent properties in modern history. The buildings on the adjacent properties were demolished beginning around 2016 shortly after adoption of the South Nevada Urban Renewal District.

The proposed vacation provides increased development potential for the adjacent property owners. Applications to develop a total of 50 multifamily apartments was just recently submitted to City Planning for review. The development plan and plat for that project are being reviewed administratively.

While all City agencies support the proposed vacation, due to the presence of utility infrastructure within the area proposed for vacation, the proposed vacation ordinance will retain public utility easements over the entirety of the vacated area. These easements can be administratively vacated after the infrastructure has been removed or relocated.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

Per Section 7.7.402.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.

Stakeholder Process:

Postcards were sent to 127 property owners within a 1,000-foot radius of the subject area shortly after the application was submitted. In addition, a poster was placed in front of the property for the required 10 days. Staff has not received any stakeholder input.

An additional mailing and posting will be issued before the City Council hearing.

Alternatives:

1. Approve the application;
2. Deny the application; or
3. Refer the application back to staff for further consideration.

Proposed Motion:

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Adopt an ordinance vacating a portion of City right of way described as a portion of the Brookside Williamsons alley within The Town of Brook Side subdivision and the Williamson's Addition to Ivywild subdivision consisting of 0.043 acres, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C.

An ordinance vacating a public right of way described as a portion of the Brookside Williamsons alley within The Town of Brook Side subdivision and the Williamson's Addition to Ivywild subdivision consisting of 0.043 acres