



## Legislation Details (With Text)

**File #:** 15-0017      **Version:** 2      **Name:**

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

**File created:** 12/31/2014      **In control:** City Council

**On agenda:** 1/27/2015      **Final action:** 1/27/2015

**Title:** Ordinance No. 15-2 vacating a portion of public alley rights-of-way consisting of 2,405 square feet located south of East Colorado Avenue and east of South Corona Street (Legislative Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. KKTV Alley Vacation - Ordinance, 2. KKTV Alley Vacation-Exhibit A, 3. Signed Ordinance\_15-2

Date	Ver.	Action By	Action	Result
1/27/2015	2	City Council	finally passed	Pass
1/13/2015	1	City Council	approved on first reading	Pass

Ordinance No. 15-2 vacating a portion of public alley rights-of-way consisting of 2,405 square feet located south of East Colorado Avenue and east of South Corona Street (Legislative Matter)

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

This is a request to vacate 2,405 square feet of public alley. The alleyway proposed for vacation serves only two property owners and abruptly terminates without providing connectivity to other City rights-of-way. Planning Staff is administratively processing a subdivision plat (the KKTV Subdivision) that incorporates the vacated alley and reconfigures the lot pattern in the area. The proposed vacation ordinance retains public utility easements where necessary to preserve the City's rights to access existing and future infrastructure in the area. (Ordinance Exhibit A)

**Previous Council Action:**

Not Applicable

**Background:**

This application was submitted to vacate a public alley segment totaling 2,405 square feet in size. The alley was created and dedicated to the City in 1873 as part of the Addition No. 1 to the Town of Colorado Springs subdivision plat. (Figure 1) Other sections of public alley in the immediate area have been previously vacated by City Council.

There are five criteria that must be evaluated for the vacation of public right-of-way:

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.

After review by multiple City Agencies, it has been determined that all five criteria are met and that the proposed vacation should be approved.

**Financial Implications:**

Not applicable.

**Board/Commission Recommendation:**

Not applicable.

**Stakeholder Process:**

The site was posted and postcards mailed to 43 surrounding property owners at the time of application submittal. Staff did not receive any formal comments nor any indication of opposition to the proposed application. The site will be posted and postcards mailed once again prior to the Council hearing.

**Alternatives:**

1. Approve the vacation application and ordinance conveying the public alley back to private ownership.
2. Deny the vacation application and ordinance retaining the public alley.

**Proposed Motion:**

CPC V 14-00090 - VACATION OF RIGHT-OF-WAY

Approve the vacation of right-of-way application based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C.

An ordinance vacating a portion of public alley rights-of-way consisting of 2,405 square feet located south of East Colorado Avenue and east of South Corona Street