



## Legislation Details (With Text)

**File #:** SUBD-22-0061      **Version:** 2      **Name:** Hill Street right-of-way vacation

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

**File created:** 10/19/2022      **In control:** City Council

**On agenda:** 1/10/2023      **Final action:** 1/10/2023

**Title:** Ordinance No. 22-100 vacating portions of a public right-of-way known as Hill Street consisting of 0.049-acres located at the eastern terminus of Hill Street.

(Legislative)

**Presenter:**  
Johnny Malpica, AICP Candidate, Planner I, Planning and Community Development  
Peter Wysocki, AICP, Planning Director, Planning and Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD\_HillStreetRight-of-way\_Vacation, 2. Exhibit A - Legal Description, 3. Exhibit B - Vacation Plat, 4. 7.7.402.C Vacation Procedures, 5. Signed Ordinance No. 22-100.pdf

Date	Ver.	Action By	Action	Result
1/10/2023	1	City Council	finally passed	Pass
12/13/2022	1	City Council	approved on first reading	Pass

Ordinance No. 22-100 vacating portions of a public right-of-way known as Hill Street consisting of 0.049-acres located at the eastern terminus of Hill Street.

(Legislative)

**Presenter:**

Johnny Malpica, AICP Candidate, Planner I, Planning and Community Development  
Peter Wysocki, AICP, Planning Director, Planning and Community Development

**Summary:**

Owner: Erick Eckstrom & Mitchell Yellen  
Developer: N/A  
Representative: Thomas S. Marr, Colorado P.L.S. NO. 30106  
Location: Eastern Terminus of Hill Street

This request is on behalf of Erick Eckstrom, owner of the adjacent parcel 107 Hill Street, requesting to vacate the eastern terminus of Hill Street right-of-way. The ROW to be vacated has no active roadway.

**Background:**

The proposed vacation of right-of-way will not adversely affect the surrounding properties, as there is

no active roadway being vacated with this request. Furthermore, the area proposed to be vacated is currently a natural area that often accumulates refuse and debris. As such, under private ownership the 2,143 sq. ft. area will be cared for and manicured.

The proposed location exists as an unimproved area with no existing curb or gutter and has a steep slope. The first submittal received comments from Utilities requesting the applicant show the location of the existing water main and gas main within Hill Street, which have been shown in subsequent review submissions. Additionally, Utilities requested that the entire right-of-way be retained as an easement. In the second review, utilities stated that all comments had been addressed. Other review agency comments of significance, with exception to comments received from the City Licensed Surveyor were addressed in the second and third submittal.

Access to lots and properties surrounding the public right-of-way to be vacated will not be adversely impacted as there are no properties that gain access from this right-of-way. This right-of-way is adjacent to both 107 Hill Street and 122 Hill Street, which serves as a parking lot in connection with 775 W Bijou St. Since both owners will be impacted, Mr. Eckstrom received an owner acknowledgement agreement from Mr. Yellen, who owns 122 Hill Street. As such, the proposed vacation is consistent with the purpose of the Subdivision Code because the impacted landowners are all in agreement. Furthermore, there are no negative impacts to the city and the surrounding properties.

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. While the property is located within the Westside Master Plan area, the proposed vacated right-of-way is consistent and in alignment with this plan. Finally, the proposed conversion of this roadway from public to private will not impact land use patterns for this area (an existing established traditional neighborhood under the Vibrant Neighborhoods chapter of PlanCOS).

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 and recommends approval.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

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

According to 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:**

On July 7<sup>th</sup> of 2022, following the application submittal, 308 postcards were sent to all property owners within 1,000-ft. radius of the subject area. In addition to postcards, a poster was placed on the property from for the required 10-day posting period, from July 15<sup>th</sup> through July 25<sup>th</sup>. Public comments were limited and only one email was received on July 12, 2022 regarding this application, which expressed concerns related to access to property address 110, 114, and 710 Hill Street. These concerns were relayed to the applicant in the first review letter and were addressed in the

resubmittal. The property owner was contacted by email on July 12, 2022 and no further comments have been received since then.

*The applications were sent to the standard internal and external agencies for review and comment. Internal review agencies for this project included City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities, City Surveyor. Review comments received have been addressed in subsequent submittals, except for a few remaining technical comments from the City Surveyor, which are being addressed in the current review. Internal review agencies for this project included the City Surveyor, City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities, and Stormwater Enterprise.*

**Alternatives:**

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

**Proposed Motion:**

Adopt an ordinance vacating portions of a public right-of-way consisting 0.049-acres of the easternmost terminus of Hill St. based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C.

An ordinance vacating portions of a public right-of-way known as Hill Street consisting of 0.049-acres located at the eastern terminus of Hill Street