



Legislation Details (With Text)

File #: CPC V 19-00094 **Version:** 2 **Name:**

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

File created: 10/23/2019 **In control:** City Council

On agenda: 1/14/2020 **Final action:** 1/14/2020

Title: Ordinance No. 19-103 vacating a sixteen-foot public right-of-way adjacent and between Lot 11 & Lot 12, Block 4, Skyway Park Addition No. 1, City of Colorado Springs consisting of 0.05 acres.

Presenter:
Peter Wysocki, Director, Planning and Development Department
Rachel Teixeira, Planner II

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD_VROW_SkywayAlley, 2. EXHIBIT A - LEGAL DESCRIPTION, 3. EXHIBIT B - SITE PLAN, 4. Signed Ordinance 19-103.pdf

Date	Ver.	Action By	Action	Result
1/14/2020	1	City Council	finally passed	Pass
12/10/2019	1	City Council	approved on first reading	Pass

Ordinance No. 19-103 vacating a sixteen-foot public right-of-way adjacent and between Lot 11 & Lot 12, Block 4, Skyway Park Addition No. 1, City of Colorado Springs consisting of 0.05 acres.

Presenter:

Peter Wysocki, Director, Planning and Development Department
Rachel Teixeira, Planner II

Summary:

Applicant: Alessi and Associates Inc. on behalf of the property owner, Andy Phelps
Location: Alley between 1106 and 1108 S. Skyway Boulevard properties

The applicant, Alessi and Associates, and the property owner of Lot 12, 1106 S. Skyway Boulevard, are requesting that the City of Colorado Springs vacate the sixteen-foot right-of-way between Lot 11 and Lot 12 (Exhibit B). The alley was never constructed and dead-ends into the rear of Lot 9, 1107 Neptune Drive.

Background:

The alley was originally platted as part of Skyway Park Addition No. 1 (Figure 1) in January of 1952. This plat has a number of alleys (similar to the alley under review) that extend from the street to the rear of the property, but do not connect to another public alley. Each lot is platted with an 8 side yard easement, which would total 16 ft. when two lots back to each other.

The property owner of Lot 12, 1106 S. Skyway Boulevard is requesting that the sixteen foot right-of-

way between Lot 11 and Lot 12 be vacated. The existing single-family dwelling structure from Lot 12, 1106 S. Skyway Boulevard encroaches into the alley and has existed this way for approximately thirty years. The vacation of the alley will bring the residence on Lot 12 into compliance and remove the encroachment. The alley in question was not developed for vehicular travel and does not serve for any transportation or access value.

Planning staff sent the plans to the standard internal reviewing agencies for comments, and they are in support of the vacation request. Those commenting agencies included Colorado Springs Utilities, Traffic Engineering, City Engineering Development Review, Water Resources, and City Surveyor. The right-of-way proposed for vacation is not necessary for City transportation or City utility purposes and will not adversely affect access to surrounding lots, and meets all the review criteria for an alley vacation request.

Previous Council Action:

On December 10, 2019, this ordinance was passed on first reading by a vote of 8:0:1:0 (Williams absent).

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 109 property owners within a 1,000-foot radius of the subject alley 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 written comments from Stakeholders.

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 sixteen foot public right-of-way adjacent and between Lot 11 & Lot 12, Block 4, Skyway Park Addition No. 1, City of Colorado Springs and consisting of 0.05 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 sixteen-foot public right-of-way adjacent and between Lot 11 & Lot 12, Block 4, Skyway Park Addition No. 1, City of Colorado Springs consisting of 0.05 acres.