



Legislation Details (With Text)

File #: 15-0015 **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. 15-3 vacating a portion of public alley rights-of-way consisting of 15,554 square feet located south of East Pikes Peak Avenue and west of South Prospect Street (Legislative Matter)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 30 S Prospect Alley Vacation - Ordinance, 2. 30 S Prospect Alley Vacation - Exhibit A, 3. Signed Ordinance_15-3

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. 15-3 vacating a portion of public alley rights-of-way consisting of 15,554 square feet located south of East Pikes Peak Avenue and west of South Prospect Street (Legislative Matter)

From:

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

Summary:

This is a request to vacate 15,554 square feet of public alley. The alleyways proposed for vacation serve only one property and have no connectivity to adjacent properties. The proposed vacation ordinance retains public utility and public drainage easements where necessary to preserve the City's rights to access existing and future infrastructure in the area (Ordinance Exhibit A).

Previous Council Action:

None.

Background:

This application was submitted to vacate two public alley segments totaling 15,554 square feet in size. Both alleys were created and dedicated to the City in 1888 as part of the Pikes Peak Addition to Colorado Springs subdivision plat (Figure 1). Other sections of public alley in the immediate area have been previously vacated by City Council. Specifically, roughly 4,000 square feet of public alley within the same block was vacated prior to 1979 when the Gazette Subdivision was created adjacent to the subject property (Figure 2).

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 40 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 14-00113 - 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 15,554 square feet located south of East Pikes Peak Avenue and west of South Prospect Street