



## Legislation Details (With Text)

**File #:** CPC V 22-00070      **Version:** 2      **Name:** Cooper ROW Vacation

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

**File created:** 6/21/2022      **In control:** City Council

**On agenda:** 8/9/2022      **Final action:** 8/9/2022

**Title:** Ordinance No. 22-49 vacating portions of a public right-of-way consisting of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1st Street.

(Legislative)

**Presenter:**  
Austin Cooper, Planner II, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD\_VacationROW\_Hazel&1st, 2. Exhibit A - Legal Desc, 3. Exhibit B - FirstStreetVacationPlat, 4. Signed Ordinance No. 22-49

Date	Ver.	Action By	Action	Result
8/9/2022	1	City Council	finally passed	Pass
7/26/2022	1	City Council	approved on first reading	Pass

Ordinance No. 22-49 vacating portions of a public right-of-way consisting of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1<sup>st</sup> Street.

(Legislative)

**Presenter:**  
Austin Cooper, Planner II, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Summary:**  
Applicant: Rodney Cooper  
Consultant: Joseph Alessi.  
Owner: City of Colorado Springs  
Developer: N/A  
Location: 1<sup>st</sup> Street and Hazel Avenue

The owner of the adjacent parcel, Rodney Cooper, request the vacation of the corner of 1<sup>st</sup> St and Hazel Ave, a triangle tree lawn that is landscaped and maintained by the owners of this residence. There is no active roadway on the section of ROW to be vacated. There will be no physical changes to the site.

**Background:**

The proposed vacation of this right-of-way will have no adverse impact on this or any surrounding properties because there is no active roadway being vacated with this motion. There were no requests by utility providers to include any easements, however engineering suggested the existing 10' utility and public improvement easement be continued on the side of each street. The existing right-of-way is not improved with a street or curb and gutter and grade issues have prevented construction. The vacated land will go back to the owner of 4 1<sup>st</sup> St. The owner has signed off on the vacation and City Engineering has no additional comments. The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes because an easement will be left in place for utilities.

Access to lots or properties surrounding the public right-of-way will not be adversely affected because there are no properties that gain access from this plot of right-of-way. The vacation is consistent with the purpose of the Subdivision Code because the impacted landowners are all in agreement on this vacation and there are no negative impacts to the city or the surrounding neighbors.

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. The property is not located within any established Master Planned areas. 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:**

Postcards were sent to 116 property owners within a 1,000-foot radius of the subject area shortly after the application was submitted. In addition, a poster was placed at the end of the alley for the required 10 day posting period. An additional mailing and posting will be issued before the City Council hearing. There were neighbors who contacted staff via telephone regarding the application, but no written comments were received upon discovering the extent of the application.

The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Fire Department and Police/E-911, City Streets Division, Colorado Springs Utilities, and others.

**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 of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1<sup>st</sup> Street, 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 consisting of 0.037-acre of established tree lawn located south of the intersection of Hazel Avenue and 1<sup>st</sup> Street