



## Legislation Details (With Text)

**File #:** CPC V 19-00046      **Version:** 2      **Name:**

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

**File created:** 3/2/2020      **In control:** City Council

**On agenda:** 5/12/2020      **Final action:** 5/12/2020

**Title:** Ordinance No. 20-21 vacating a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and 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\_N36thStAlley\_easement, 2. EXHIBIT A - LEGAL DESCRIPTION, 3. EXHIBIT B - SITE PLAN, 4. Signed Ordinance 20-21.pdf

| Date      | Ver. | Action By    | Action                    | Result |
|-----------|------|--------------|---------------------------|--------|
| 5/12/2020 | 1    | City Council | finally passed            | Pass   |
| 4/28/2020 | 1    | City Council | approved on first reading | Pass   |

Ordinance No. 20-21 vacating a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and consisting of 0.05 acres.

### Presenter:

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

### Summary:

Applicant: Rocky Mountain Land Services on behalf of the property owner, Atlas Development LLC  
Location: Alley between 3540 W. Pikes Peak Avenue and 0 N. Thirty Sixth Street properties

The property owner of Lot 1 Block 2, Resubdivision of Arensdale (Parcel 1), is requesting that the City vacate a fifteen-foot public right-of-way at the rear of their lot. The original intent for the right-of-way was for an alley. The alley was never constructed and dead-ends into Lots 3, 4 and. (Figure 2) A section of the alley east of the petitioner's property was previously vacated.

### Background:

The alley was originally platted with the Re-Subdivision of Arensdale Subdivision (Figure 1) in August of 1893. The alley was never improved for a driving surface and those homes adjacent to this alley are taking access from the adjacent public street, either on W. Pikes Peak Avenue, on N. 36<sup>th</sup> Street, or on the alley of Ridge Road.

The alleyway was originally 300-ft in length, and extended to either side of the 3500 block, between North 36<sup>th</sup> Street and Ridge Road, behind the rear of the properties. An area of 0.04 acres, 120 ft. in length and 15 ft. in width, was vacated by City of Colorado Springs City Council in November of 2008. This request was made by the current property owner of 3528 W. Pikes Peak Avenue.

The property owner of Lot 1, Block 2, Resubdivision of Arensdale, 3540 W. Pikes Peak Avenue, is requesting that this fifteen-foot right-of-way adjacent and to the rear of Lot 1, Block 2, Resubdivision of Arensdale be vacated. The owner intends to construct a single-family dwelling structure in part of the vacated alley. The right-of-way has never been utilized for public transportation purposes, and no public utilities or drainage go through the alley. In addition, the neighboring properties do not use the alley for access purposes due to the very steep nature of the terrain.

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, Enumerations, Fire Prevention, 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. In conclusion, City Planning Staff supports and finds the ROW vacation criteria to vacate a fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale are met.

**Previous Council Action:**

N/A

**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 161 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. Two (2) e-mails were received in response to the internal review postcard mailing and the property posting. The revised site plan, project statement and letter of response were forwarded to those two neighbors and each were asked to provide comments to City Planning. No one provided a response to the resubmittal package.

An additional mailing and posting will be issued before the April 14<sup>th</sup> 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:**

**CPC V 19-00046**

Adopt an ordinance vacating a fifteen foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, 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 fifteen-foot public right-of-way described as a portion of the alley adjacent to Lot 1 and Lot 2, Block 2, Resubdivision of Arensdale, City of Colorado Springs and consisting of 0.05 acres.