



Legislation Text

File #: CPC V 16-00014, **Version:** 3

Ordinance No. 16-49 vacating a portion of the North Chestnut Street public right-of-way consisting of 0.12 acres located on the east side of North Chestnut Street at the southeast corner of North Chestnut Street and Elkton Drive. - (Legislative)

Presenter:

Rachel Teixeira, Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development Department

Summary:

Applicant: Oliver E. Watts, Consulting Engineer, Inc.

Owner: City of Colorado Springs

Location: Southeast corner of North Chestnut Street and Elkton Drive

The adjacent property owner is requesting to vacate the 10 foot right-of-way along North Chestnut Street which is approximately 458 ± feet in length and 0.12 acre. (Figure 1_Vicinity Map) The area to be vacated will allow North Chestnut Street to function within a 60 foot right-of-way instead of a 70 foot right-of-way.

Previous Council Action:

City Council approved First Reading on April 12, 2016.

Background:

Driscoll Subdivision located on the southeast side of North Chestnut Street and Elkton Drive was platted into a one lot commercial subdivision on June 19, 1996. At the time of platting, the owner dedicated an additional 10 foot right-of-way along North Chestnut Street for the Driscoll Subdivision which was requested by the City of Colorado Springs. (Figure 2_Site Plan)

The adjacent property owner requests to vacate the 10 foot right-of-way which currently is a pedestrian sidewalk with curb, gutter and asphalt, and public utility easements per the Driscoll Subdivision plat. The North Chestnut Street public right-of-way will change from 70 feet to 60 feet adjacent to the Driscoll Subdivision property. No other subdivision plats along the east and west sides of North Chestnut Street were required to dedicate additional right-of-way.

The sidewalk and curb site improvements along North Chestnut Street were completed in late 1996 and early 1997. The applicant agrees that the vacated ground would be maintained as a public utility and public improvement easement to allow existing utilities and sidewalk to remain.

City Engineering, Traffic Engineering and Colorado Springs Utilities support the vacation request. Colorado Springs Utilities requires the following statement to the ordinance: "subject to the retention

of a public utility easement in accord with the terms and conditions set forth in the instrument recorded at Reception Number 212112548 of the official records of the El Paso County, Colorado Clerk and Recorder.”

This item supports the City’s strategic goal relating to building community and collaborative relationships. The project will allow for existing utilities and sidewalk to remain as part of the Driscoll Subdivision.

Financial Implications:

N/A

Board/Commission Recommendation:

As required by 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 staff. No review by a board or commission is required.

Stakeholder Process:

The public process involved with the vacation of right-of-way application included the mailing of postcards to 24 property owners within 1,000 feet of the subject property at the time of the submittal. No written correspondence was received and no neighborhood meetings were held pertaining to this project.

This application was sent to the standard internal and external agencies for review and comment. Review agencies for this project included Colorado Springs Utilities, Traffic Engineering, City Engineering, Enumerations, Floodplain, and Real Estate Services. All review comments have been addressed.

Alternatives:

1. Approve the ordinance; as recommended by staff;
2. Deny the ordinance

Proposed Motion:

Approve an ordinance vacating 0.12 acre of City right-of-way for North Chestnut Street based upon the finding the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way).

An ordinance vacating 0.12 acres on the east side of North Chestnut Street at the southeast corner of North Chestnut Street and Elkton Drive.