



Legislation Text

File #: 16-00148, **Version:** 2

Ordinance No. 16-26 vacating a public right-of-way consisting of 0.877 acres located north of Dublin Boulevard and South of the intersection of Templeton Gap Road and Vickie Lane
Legislative

Presenter:

Meggan Herington, LUR/DRE Planning Manager,
Peter Wysocki, Director, Planning and Community Development Department

Summary:

Applicant: Classic Consulting
Owner: City of Colorado Springs
Location: Templeton Gap Road right-of-way north of Dublin Boulevard and south of the intersection of Templeton Gap Road and Vickie Lane

The adjacent property owner is requesting that the City vacate the public right-of-way, Templeton Gap Road, located directly east of the Church For All Nations and the Tutt Corners commercial development (Figure 1_Area Map). This 80-foot portion of right-of-way will no longer be needed as a public road due to the current extension of Tutt Boulevard north of Dublin Boulevard.

Previous Council Action:

At its hearing on July 14, 2015, City Council approved the annexation and concept plan for Tutt Corners. The approvals included this section of the Templeton Gap Road right-of-way and illustrated a design that contemplated the road vacation as presented.

Background:

The property directly east of this right-of-way was annexed into the City in 2015 as Tutt Corners Addition. With this commercial annexation, the owner dedicated 107 feet of right-of-way for the Tutt Boulevard extension. This extension was recently completed by PPRTA. Council also approved an associated concept plan for several commercial pad sites (Figure 2_Tutt Corners Approved Concept). The concept plan states that the Templeton Gap Road right-of-way adjacent to the site may be vacated "at a later date". Because of the new construction of Tutt Boulevard extending north, Templeton Gap Road is no longer a needed or required as a roadway.

Note number three (3) on the concept plan outlines the conditions regarding when the City may consider a petition for the right-of-way vacation:

Note 3: The vacation of that portion of Templeton Gap Road as shown on the concept cannot take place until one of the following occur:

- Construction of Tutt Boulevard (Dublin Boulevard to Vickie Lane) and temporary Vickie Lane connection from Tutt Boulevard to Templeton Gap has been completed along with a direct access point provided for the church, or,
- Construction of Tutt Boulevard (Dublin to Vickie) and the City has completed the future Tutt Blvd extension (Vickie Lane north to Templeton Gap) along with a direct access to the church.

The developer is in the process of completing the temporary Vickie Lane construction as noted above. However, the developer must delay the completion of the paving of the roadway until March. Consequently, City staff requests as a condition of the vacation ordinance requiring an effective date of March 31, 2016 with a delay on its recordation until after publication in accord with the City Charter. This timeframe will allow for continued public access on the existing roadway until the completion of Vickie Lane.

It is also important to note that the Church For All Nations on the west side of Templeton Gap Road and Confluent Development on the east are working together for the ultimate configuration of future access. Once the road right-of-way is vacated, Confluent Development will work with the church to gain the entire right-of-way for private commercial access. There is a private agreement in place between the two parties.

This item supports the City's strategic goal relating to investing in infrastructure. The City PPRTA funds have extended a much needed road upgrade in this area. As such, vacating the existing Templeton Gap right-of-way will allow the adjacent owners additional property for development and insure that the City has no requirement for maintenance in the future.

Financial Implications:

Not Applicable

Board/Commission Recommendation:

As required by Section 7.7.402.B.2 of the City Code, a standalone request to vacate right-of-way is placed directly onto a City Council agenda for action after administrative review. No review by a board or commission is required.

Stakeholder Process:

Public notice was provided to 29 property owners within 500 feet. The owners on each side of the right-of-way to be vacated met collectively with staff to discuss the request. Both owners are in agreement with the vacation request and have private agreements as to the future use of the right-of-way once vacated.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Landscape, Police and E-911.

Alternatives:

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

Proposed Motion:

CPC V 15-00139 - Vacation of Right-of-Way

Approve an ordinance vacating 0.877 acres of City right-of-way for Templeton Gap Road based on the finding that the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) with the condition that the right-of-way vacation ordinance become effective on March 31, 2016 and not be recorded until after publication pursuant to City Charter.

An ordinance vacating a public right-of-way consisting of 0.877 acres located north of Dublin Boulevard and south of the intersection of Templeton Gap Road and Vickie Lane.