



Legislation Text

File #: CPC V 21-00077, **Version:** 2

Ordinance No. 22-35 vacating the public right-of-way known as Greeley Street consisting of 0.567-acres located north of Wheeler Avenue and west of Golden Avenue.

(Legislative)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director, Planning and Community Development Department

Summary:

Applicant: Stephen Hennings, Lawny Norvell, Larry Freeland, Western Excavation and Judith Lenberg
Consultant: Terra Nova Engineering, Inc.
Owner: City of Colorado Springs
Developer: N/A
Location: Greeley Street

The owner of the adjacent parcels, Stephen Hennings, Lawny Norvell, Larry Freeland, Western Excavation and Judith Lenberg, request the vacation of a portion of the 40-foot-wide public road section known as Greeley Street (a dead-end street) that runs perpendicular to Wheeler Avenue (a west-east street). The roadway provides access solely to the residential properties owned by Stephen Hennings, Lawny Norvell, Larry Freeland, Western Excavation and Judith Lenberg. There will be no physical changes to the site and there are no parcels addressed off of this street.

Background:

The proposed vacation of this right-of-way will have no adverse impact on this or any surrounding properties because it is surrounded by properties being used for single family homes with access via other roads and will be replaced with a utility easement for the existing sanitary sewer main that is in the right-of-way. 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 owners on either side of the street. All owners have 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 public utilities and private access for lots 1-12 Block 3 Bush Crescent Subdivision in this area. Lots 1-15 Block 2 Bush Crescent Subdivision have utilities and access off Golden Avenue and not off Greeley Street. In addition, the drainage in this area flows overland and there are no public drainage facilities in this area.

Access to lots or properties surrounding the public right-of-way will not be adversely affected because all adjacent owners have other legal access points for their lots or will be granted an access easement. 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 proposed vacation ordinance will retain public utility and emergency access easements over the entirety of the vacated area.

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 located within the adopted Westside Master Planned area. 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 100 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. No written correspondence in response to the internal review postcard mailing and the property posting was received.

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. The only notable comment from any internal or external agency are the two requirements by Colorado Springs Utilities to convey by separate instrument a 10-foot public utility easement along the southwest portion of the public right-of-way and for the owners to validate that the existing road meets the HS-20 load criteria.

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 know as Greeley Street consisting of

0.567-acres located north of Wheeler Avenue and west of Golden Avenue, 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 know as Greeley Street consisting of 0.567-acres located north of Wheeler Avenue and west of Golden Avenue.