



## Legislation Details (With Text)

<b>File #:</b>	16-00015	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Mayor's Office	
<b>File created:</b>	12/29/2015	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/26/2016	<b>Final action:</b>		1/26/2016	
<b>Title:</b>	Ordinance No. 16-5 vacating of undeveloped City right-of-way for Wolff Place east of 23rd Street consisting of .22-acre.				
	-Legislative				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. VacatingRight-of-WayWolffPlaceORD-2016-01-04 (3), 2. Exhibit A -Legal Description of Wolff Pl, 3. Exhibit B -Utility easement legal, 4. FIGURE 2 - Vicinity Map, 5. Signed Ordinance_16-5.pdf				
Date	Ver.	Action By	Action	Result	
1/26/2016	2	City Council	finally passed	Pass	
1/12/2016	1	City Council	approved on first reading	Pass	

Ordinance No. 16-5 vacating of undeveloped City right-of-way for Wolff Place east of 23rd Street consisting of .22-acre.

-Legislative

### Presenter:

Peter Wysocki, Director, Planning and Community Development Department

### Summary:

Applicant: Richard Hoag

Owner: City of Colorado Springs

Location: Wolff Place east of 23rd Street

Richard Hoag requests that the City vacate the right-of-way known as "Wolff Place" east of 23rd Street (FIGURE 1). The vacation would consist of 271 feet (271') of Wolff Place, east of 23rd Street, please see the vicinity map (FIGURE 2) for location. This right-of-way was never developed as a street and is currently a dirt two (2) lane path.

### Previous Council Action:

None

### Background:

Wolff Place was originally proposed to extend from 23rd Street and then connect to Glenn Street via an unnamed, and undeveloped street. The entire distance from 23rd Street to the unnamed street

connection is 428'. 148' of the 428' has already been vacated by Ordinance 2655 approved by City Council on January 24, 1961 making it impossible to connect to the Unnamed Street. (FIGURE 3) Therefore, it is reasonable for all of Wolff Place to be vacated.

Staff has received a letter from all adjacent property owners requesting that Wolff Place be vacated. See FIGURE 4 for the signed agreement from the three adjacent property owners.

The applicant is also the owner of the property at 2226 Glenn Street. This property is adjacent to Wolff Place. No applications have been submitted for this site, although the applicant has discussed developing the site with duplexes. It is possible that access to the duplexes could come from Wolff Place and Glenn Street. Access to the possible future development will be reviewed when an application for a development plan is filed for review.

A 10' Utility easement has been reserved on the north 10' side of Wolff Place as requested by Colorado Springs Utilities. The right-of-way proposed for vacation is not necessary for City transportation purposes and will not adversely affect access to surrounding lots and meets all the review criteria for an alley vacation request.

**Financial Implications:**

Not applicable

**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 the administration. No review by a board or commission is required.

**Stakeholder Process:**

Public notice was provided to 166 property owners within a 500-foot notification area. Staff received five (5) emails from surrounding property owners. (FIGURE 5) The main concern was the potential redevelopment of 2226 Glenn. 2226 Glenn currently has one (1) single family home; however, the property is 32,600 square feet and has the potential to be subdivided. The vacation is a separate application from any redevelopment of 2226 Glenn and any comments regarding the future redevelopment of 2226 Glenn Street are immaterial to the request for vacation of the right-of-way. As stated above, no application for the redevelopment of 2226 Glenn Street has been filed at this time.

**Alternatives:**

1. Approve the application as recommended by staff;
2. Deny the application; or
3. Refer the application back to staff for further consideration.

**Proposed Motion:**

AR V 15-00112 - Vacation of Right-of-Way

Adopt an ordinance vacating the right-of-way for Wolff Place east of 23rd Street, 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).

An ordinance vacating the right-of-way for Wolff Place east of 23rd Street consisting of 0.22-acre with the reservation of a utility easement for the northern 10'. With the retention of a public utility

easement subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado, except for any dual easements as defined by City Code section 7.7.607.