



## Legislation Details (With Text)

**File #:** CPC V 18-00011 **Version:** 2 **Name:**

**Type:** Planning Case **Status:** Mayor's Office

**File created:** 3/9/2018 **In control:** City Council

**On agenda:** 6/26/2018 **Final action:** 6/26/2018

**Title:** Ordinance No. 18-68 vacating portions of "Old" Eagle Rock Road right-of-way located east of North Nevada Avenue and south of the newly realigned Eagle Rock Road.

(Legislative)

Related File: 18-0141

**Presenter:**  
Peter Wysocki, Planning and Development Director  
Kathleen Krager, Transportation Planning Manager  
Michael Schultz, Principal Planner  
Bryan English, Development Projects Manager (CSU)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD Vacation Portions of Eagle Rock Road - BB Edited 3-9-18, 2. Exhibit C - Legal Description (From Agreement), 3. UCCS Eagle Rock IGA - Signed (UCCS) 20180523, 4. Attachment 3 to Vacation Ordinance, 5. Signed Ordinance 18-68

Date	Ver.	Action By	Action	Result
6/26/2018	1	City Council	finally passed	Pass
6/12/2018	1	City Council	approved on first reading	Pass
3/26/2018	1	Council Work Session	referred	

Ordinance No. 18-68 vacating portions of "Old" Eagle Rock Road right-of-way located east of North Nevada Avenue and south of the newly realigned Eagle Rock Road.

(Legislative)

Related File: 18-0141

### Presenter:

Peter Wysocki, Planning and Development Director  
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### Summary:

Applicant: City of Colorado Springs

Owner: University of Colorado - Colorado Springs

Location: East of North Nevada Avenue and south of that portion of realigned Eagle Rock Road intersecting with North Nevada Avenue and University Village Shopping Center.

The City Public Works Department and Colorado Springs Utilities (Utilities) are requesting City Council approval of an intergovernmental agreement between the City and the Regents of the University of Colorado on behalf of the University of Colorado Colorado Springs (UCCS), under which the City would agree to (1) the conveyance of new right-of-way for a portion of Eagle Rock Road from UCCS to the City, (2) vacation of a portion of the existing Eagle Rock Road right-of-way by the City, (3) conveyance of utility easements from UCCS to Utilities, (4) requirements related to installation, maintenance, and operation of certain improvements within rights-of-way, and (5) waiver of revocable permit fees.

(Exhibit B).

### **Previous Council Action:**

On March 26, 2018, this item was introduced to the City Council Work Session.

### **Background:**

Eagle Rock Road has provided public access from North Nevada Avenue to the Eagle Rock neighborhood since the early 1980's. In 2008 Eagle Rock Road was reconstructed to align with the new main entry to the University Village Shopping Center. In 2015/16 the University of Colorado Colorado Springs reconstructed the road as part of campus' master plan to development along the east side of the North Nevada Avenue corridor. In 2016, UCCS approached the City and Utilities regarding its request to convey this new portion of Eagle Rock Road to the City and inquired regarding vacation of a portion of the existing Eagle Rock Road. Since that time UCCS and City and Utilities staff have worked with UCCS to identify any necessary utility easements and other concerns associated with the potential conveyance of the new right-of-way and vacation of a portion of the existing right-of-way.

As part of the proposed IGA, UCCS shall convey to the City, on behalf of the City's Public Works Department, 125,690 square feet of right-of-way for the new Eagle Rock Road right-of-way and shall also convey to the City, on behalf of Utilities, 108,977 square feet of utility easements. In exchange, the City would agree to go through the vacation process for 77,397 square feet of land currently comprising a portion of the existing and "Old" Eagle Rock Road right-of-way. After researching the history of the portion of the existing right-of-way, City staff has determined that portions of the road must be vacated by ordinance, and other portions should be vacated by a quitclaim deed approved by resolution.

UCCS also requested authorization to construct certain landscaping and other improvements within North Nevada Avenue and Eagle Rock Road rights-of-way and also requested a waiver of revocable permit fees associated with such improvements. City staff has no objection to the construction of these improvements so long as UCCS remains responsible for the construction and any maintenance, inspection, or repair of these improvements. Waiver of revocable permit fees is consistent with past practice related to UCCS revocable permits.

### **Financial Implications:**

Upon accepting the section of new Eagle Rock Road right-of-way, the City will assume responsibility for maintenance of that new section of road; however, this cost should be offset in part by the elimination of responsibility for the section of existing road right-of-way that will be vacated. The City

will not be responsible for any maintenance associated with landscaping and street lighting for the new section of Eagle Rock Road right-of-way.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

Staff has been in communication with the Eagle Rock Neighborhood Association regarding the future of both Eagle Rock Road and Stanton Road in resolving traffic concerns through the neighborhood. Notification was not sent out to surrounding property owners since Eagle Rock Road has already been realigned to the north, providing access to the neighborhood; the proposed right-of-way to be vacated no longer contains a public street and would not impact the neighborhood.

**Alternatives:**

Approve the attached Resolution approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, and the Regents of the University of Colorado related to conveyance of new right-of-way and easements and vacation of a portion of existing right-of-way or not approve the attached Resolution.

**Proposed Motion:**

Adopt an ordinance vacating portions of public right-of-way known as Eagle Rock Road located east of North Nevada Avenue consisting of 77,397 square feet (or 1.777 acres) based on the finding the request complies with the review criteria in City Code Section 7.7.402.C.

An ordinance vacating portions of public right-of-way known as Eagle Rock Road located east of North Nevada Avenue consisting of 1.777 acres.