



## Legislation Details (With Text)

**File #:** CPC V 19-00044      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 7/16/2019      **In control:** City Council

**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Title:** Ordinance No. 19-58 vacating a public right of way of an east-west running alley located south of Lot 13 in the Bristols Subdivision of Blocks 229 and 231 Addition No. 1 in the City of Colorado Springs consisting of 0.034 of an acre.

(Legislative)

**Presenter:**  
Peter Wysocki, Director, Planning and Community Development  
Matthew Fitzsimmons, Planner II, Urban Planning Division

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. V\_ROW\_ORD\_418EWillamette, 2. Exhibit A - Legal Description, 3. Exhibit B - Vacation Plat, 4. Signed Ordinance 19-58.pdf

Date	Ver.	Action By	Action	Result
9/10/2019	1	City Council	finally passed	Pass
8/27/2019	1	City Council	approved on first reading	Pass

Ordinance No. 19-58 vacating a public right of way of an east-west running alley located south of Lot 13 in the Bristols Subdivision of Blocks 229 and 231 Addition No. 1 in the City of Colorado Springs consisting of 0.034 of an acre.

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### Presenter:

Peter Wysocki, Director, Planning and Community Development  
Matthew Fitzsimmons, Planner II, Urban Planning Division

### Summary:

Applicant: Andrew Jahnke  
Owner: City of Colorado Springs  
Location: Alleyway directly south of 616 N. Corona Street

This project includes a single alleyway that was originally dedicated to the City of Colorado Springs as part of the RC Bristol subdivision in 1874. The Applicant, Andrew Jahnke, along with two of his neighbors who are directly adjacent to the subject alleyway are requesting that the City of Colorado Springs vacate the right of way between their properties. These homes are located at 418 E.

Willamette Ave, 612 N. Corona Street, and 616 N. Corona. The proposed application vacates the east-west running alley which is located directly south of 616 S. Corona Street and is 10' wide by 150' long.

**Previous Council Action:**

On August 27, 2019, City Council approved this ordinance on first reading with a vote of 8:0:1:0.

**Background:**

The Applicants are requesting the vacation of the right of way so that they can secure their rear and side property from vagrants and loitering high school students. Once the alley is vacated and secured, the issues that they are currently experiencing are expected to subside. The alley has limited functionality for vehicles given that it is only 10' wide and hemmed in on both sides by a 6' tall privacy fence, a retaining wall and structures at or near the property line. One or two medium-sized trees are currently growing in the alleyway, further restricting vehicular access. The adjacent residents have used both sides of the alleyway as additional parking since it does not function as a through way.

The images in FIGURE 1 show both ends of the alleyway as well as a detailed satellite image. These images illustrate the limited use of the alley even if it was passable. Without the use of the subject alleyway, none of the adjacent properties would lack access to the street. In fact, two of the three properties have direct access to the main north-south oriented, 20' wide alleyway just to the west.

City Engineering is requiring that a private easement be established between the owners of 616 North Corona Street and 612 North Corona Street. This easement would allow the residents of 612 North Corona Street to use the easterly 10'x20' of the alleyway as a driveway. This agreement was necessary to allow the curb cut to remain once the alleyway was vacated. (FIGURE 2)

Colorado Springs Utilities and CenturyLink are requiring retention of a public utility easement for the gas line and communication cable that runs the length of the alleyway.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

Per 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:**

On April 12, 2019, 328 postcards were sent to all the owners within a 1,000 foot radius of the subject alley. In addition, a poster was placed in front of the property for the required 10 days. Staff has not received any comments from Stakeholders. The three applicants of this project, owners of 418 East Willamette Ave, 612 North Corona Street, and 616 North Corona Street, are all neighbors and are the only properties that are directly adjacent to the alleyway.

An additional mailing and posting will be issued before the City Council hearing.

**Alternatives:**

1. Approve the application;

2. Deny the application; or
3. Refer the application back to staff for further consideration.

**Proposed Motion:**

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Adopt an ordinance vacating a portion of City right of way for the 418 E. Willamette Alley Vacation Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C, subject to completion of the technical plan modifications:

Technical Plan Modifications:

1. Provide recording reception number
2. Replace the word "recorded" with the word "granted"
3. Identify North Corona Street & East Willamette Ave.
4. Add "Town of Colorado Springs" at the end of the title and also within "be it known by these presents" and "City approval".

An ordinance vacating a public right of way of an east-west running alley located south of Lot 13 in the Bristols Subdivision of Blocks 229 and 231 Addition No. 1 in the City of Colorado Springs consisting of 0.034 of an acre