



Edgemark Subdivision Filing No. 2 Right-of-Way Vacation

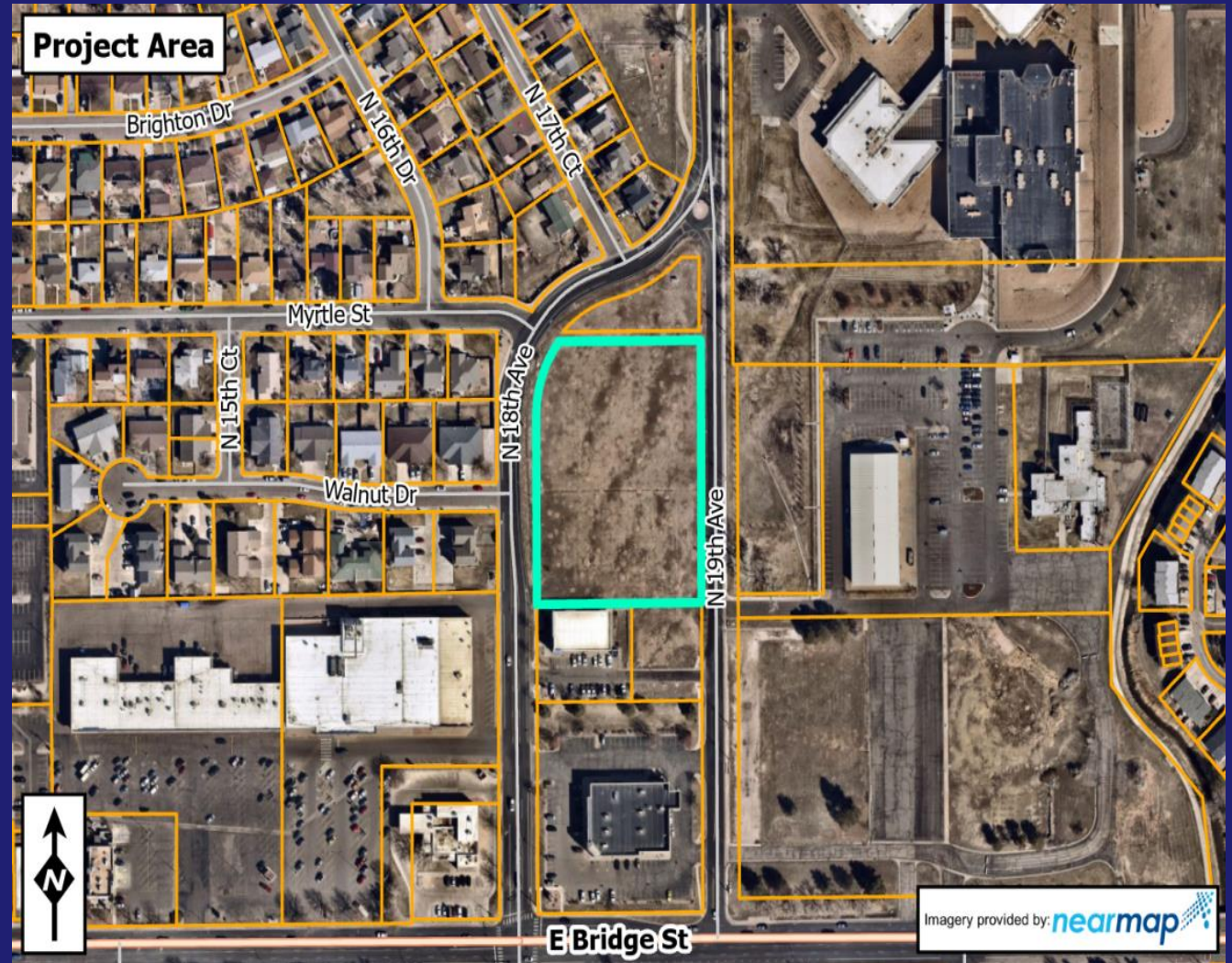
City Council – August 1, 2023

Applicant:
Property Owner:
Prospective Property Owner:
City Staff Representative:

Melanie Bagley
City of Brighton (Right-of-Way)
Victory Real Estate Development LLC
Summer McCann, Associate Planner



The Property

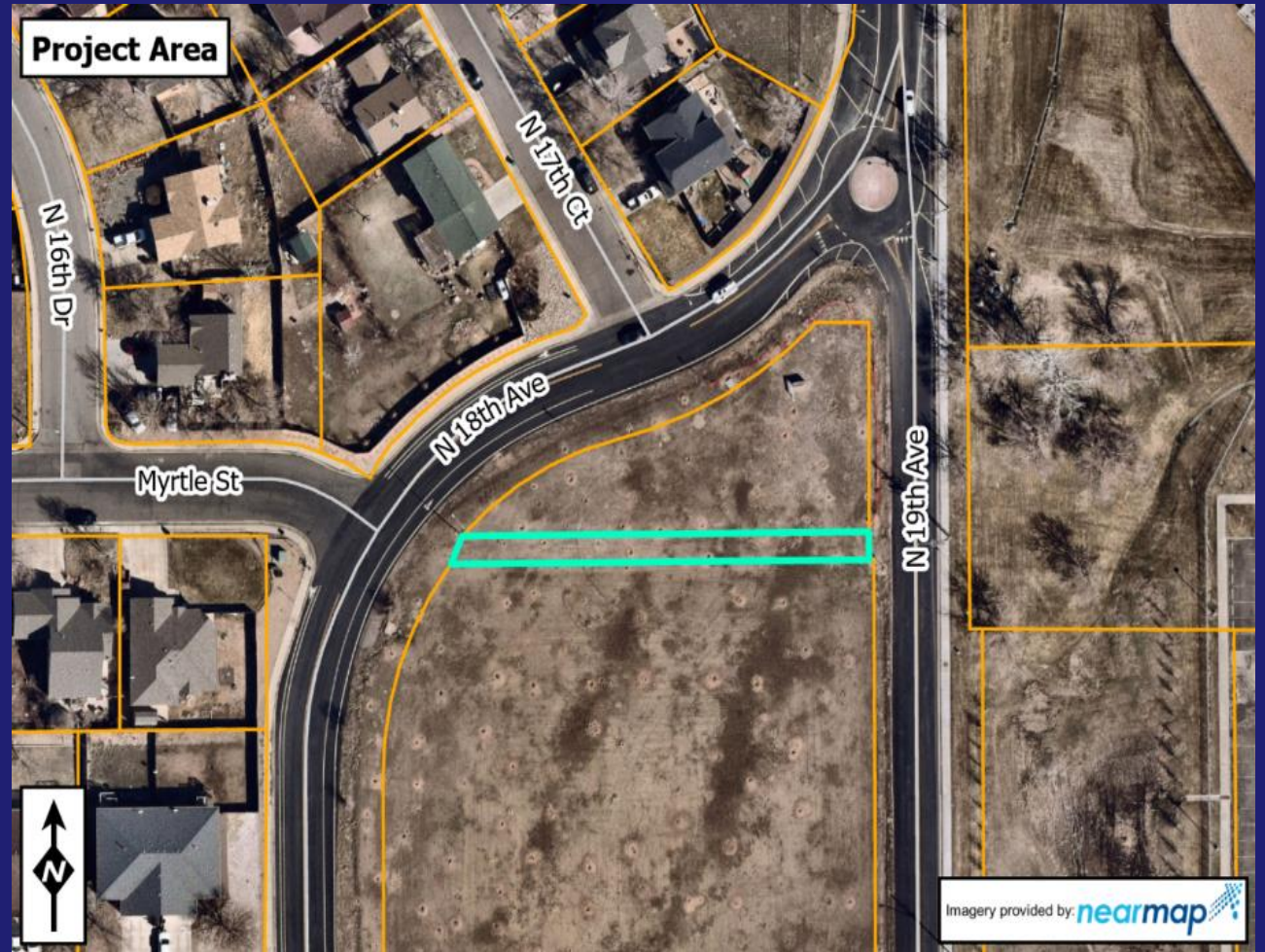


Aerial Map



Subject Vacation Area

- The vacation area is generally located to the north of East Bridge Street and south of the intersection of North 18th Avenue and North 19th Avenue.



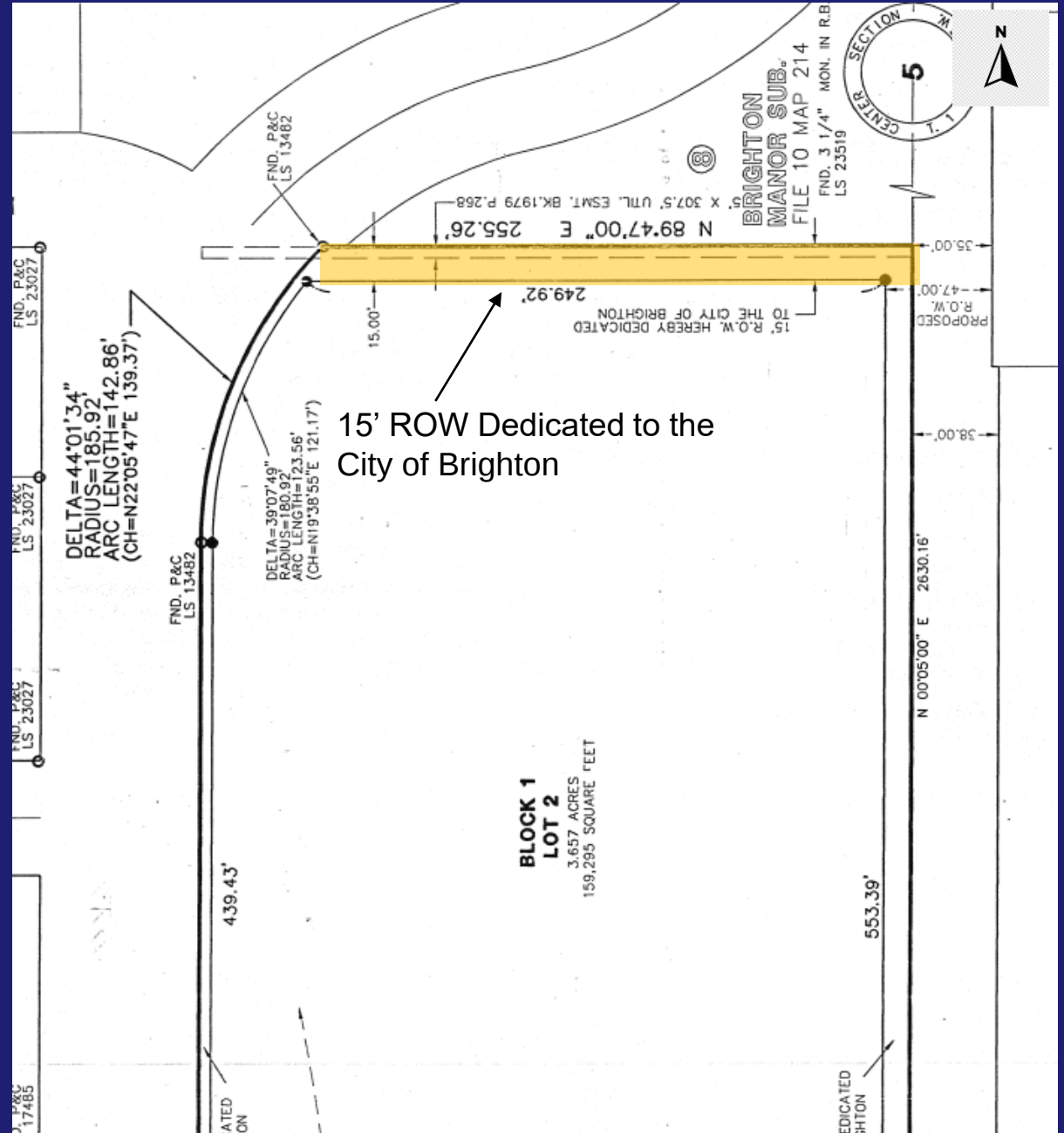
Aerial Map



BrightonSM

Background

- The 0.084-acre portion of right-of-way was originally dedicated in 2000 by the adjacent lot to the south known as Lot 2, Block 1 under the Edgemark Subdivision Final Plat.

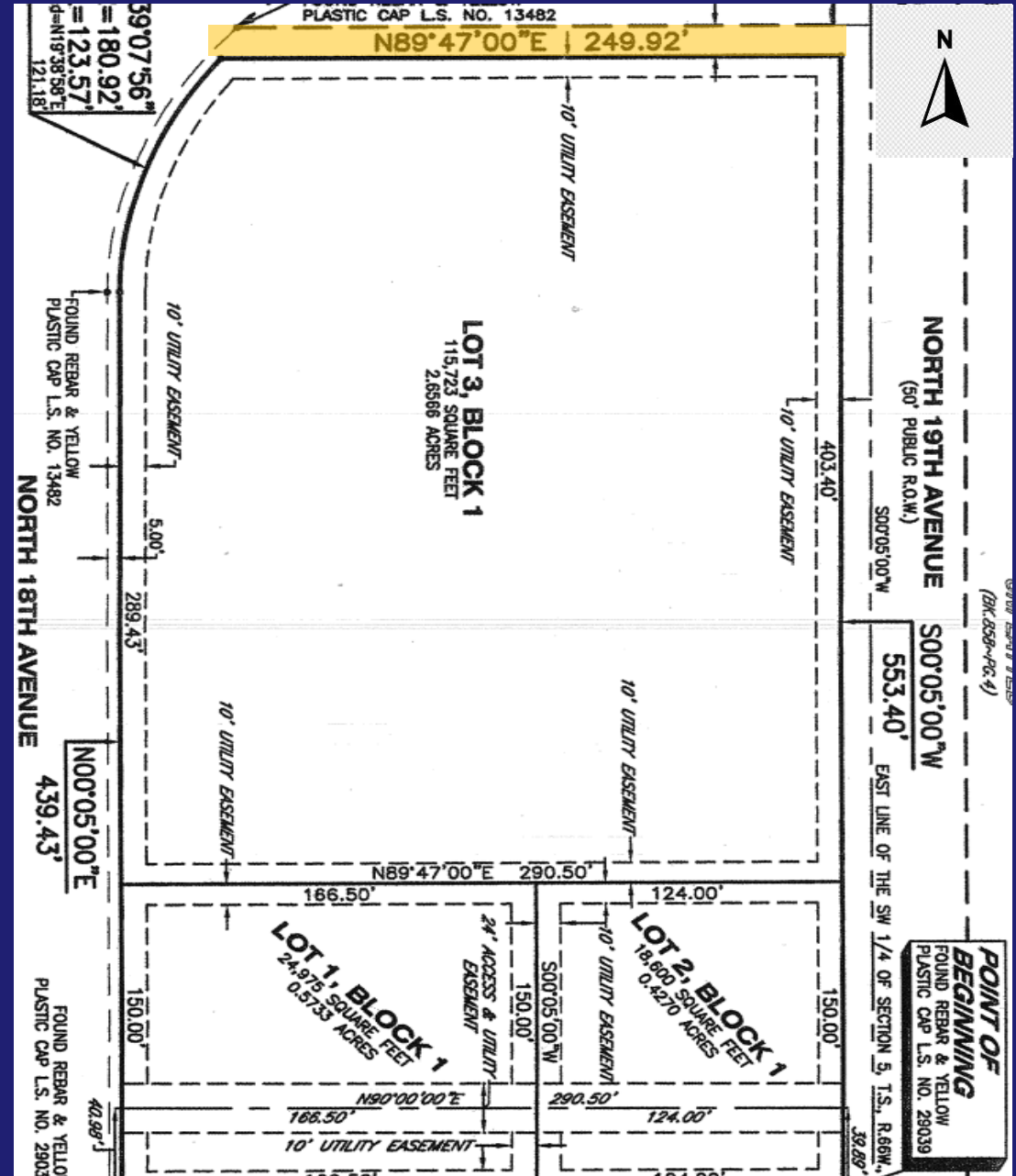




BrightonSM

Background

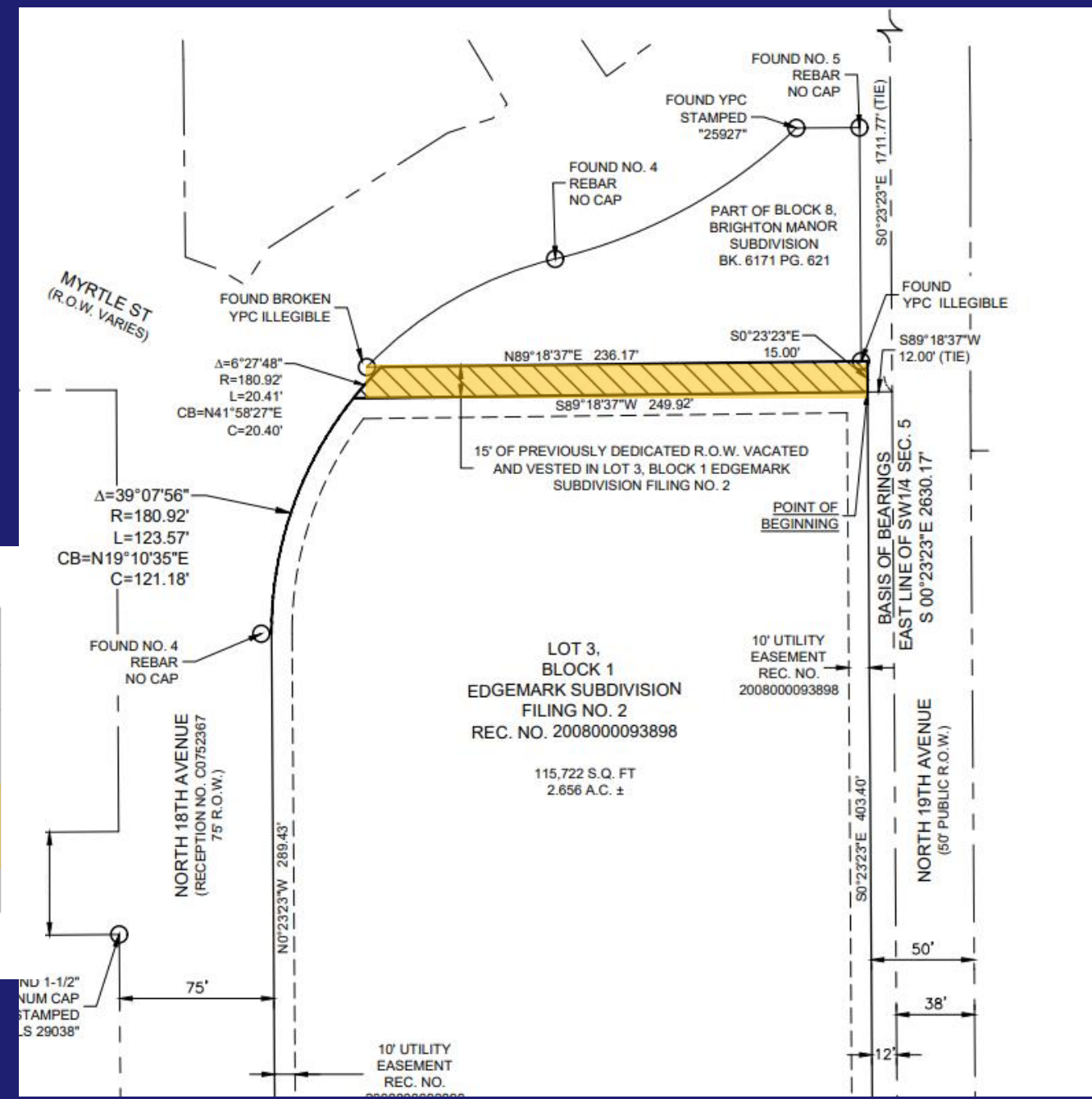
- In 2008, Lot 2, Block 1 was replatted into three lots as a part of the Edgemark Subdivision Filing No. 2.
- If approved, the abutting lot to the south (Lot 3, Block 1) will receive the existing right-of-way.





Right-of-Way Vacation

LAND DATA TABLE			
LAND AREA	SQUARE FEET	ACRES ±	OWNED BY / MAINTAINED BY
LOT 3, BLOCK 1 EDGEMARK SUB FLG NO. 2	115,722	2.656	PROPERTY OWNER OF LOT 3, BLOCK 1, EDGEMARK SUBDIVISION FILING NO. 2
15' R.O.W. TO BE VACATED	3,649	0.084	PROPERTY OWNER OF LOT 3, BLOCK 1, EDGEMARK SUBDIVISION FILING NO. 2
TOTAL	119,371	2.740	





Land Use & Development Code

In making its decision, the City Council shall use the following criteria (Section 2.13 B.):

B. Review Criteria. The following criteria apply to vacating rights-of-way or easements:

1. There is no public purpose for the right-of-way or easement, considering the Comprehensive Plan, the Transportation Master Plan, or other plans or policies under those plans.
1. The right-of-way or easement is not necessary to meet any of the purposes, intent, design objectives or standards of this code.
1. Vacating the right-of-way or easement will not leave properties without necessary access or provisions of other public utilities and services, or alternatively private easements, to reserve necessary access or provisions of public utilities and services are maintained.
1. There are no adverse impacts on property in the vicinity potentially served by the right-of-way or easement.
1. The vacation meets all other requirements of the Colorado Statutes, the Colorado Constitution, and the Brighton City Charter.



Public Notice and Comment

- On July 17:
 - ✓ *Notification was published on the City's Website.*
 - ✓ *Although not required, mailings were sent to all property owners adjacent to the subject right-of-way.*
 - ✓ *City staff posted information for the agenda item information on Facebook and Next Door.*

Staff Recommendation

- ✓ Staff recommends approval of the Edgemark Subdivision Filing No. 2 Right-of-Way Vacation.



Options for City Council

- ☐ Approve the Right-of-Way Vacation via Ordinance as drafted;
- ☐ Approve a modified Right-of-Way Vacation via Ordinance;
- ☐ Deny the Right-of-Way Vacation via Ordinance with specific findings to justify the denial, or;
- ☐ Continue the item to be heard at a later, specified date if the City Council feels it needs more information to ensure compliance with the approval criteria as set forth in the *Land Use & Development Code*.