



## Legislation Text

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File #: ID-260-17, Version: 1

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### *Department of Community Development*

Reference: Prairie Center Village I Subdivision Filing No. 1 Vacation

To: Mayor Richard N. McLean and Members of City Council

Through: Clint Blackhurst - Acting City Manager

Marv Falconburg, AICP - Asst. City Manager of Development

Holly Prather, AICP - Community Development Director

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Date Prepared: June 22, 2017

### **PURPOSE**

The right-of-way vacation application before the Council is for three pieces of land. The three are access points located along the east side of 27<sup>th</sup> Avenue, north of Eagle Boulevard. These access points can be seen if visiting the property. The applicant for Prairie Center Village I Subdivision Filing No. 1, THF Prairie Center Development, LLC, is requesting the City vacate the three of right-of-way access points. The required process for vacation of right-of-way is governed by the Colorado Revised Statutes, Section 43-2-303. The vacation must be by ordinance, and therefore, this application is before the City Council for either approval or denial.

### **BACKGROUND**

The parcels to be vacated are adjacent to property that was annexed into the City in 1986 and is currently zoned as part of the Prairie Center Mixed Use PUD. The applicant for the Prairie Center Village I Subdivision Filing No. 1 project has been working with the City on developing a single family residential neighborhood. The three pieces of property to be vacated are adjacent to that property and are either unused access points for the new neighborhood, as is the case with the southern unused access and northern unused access, or right-of-way that is at an access that will be used but it not quite the right shape, as is the middle access point. The final plat for the project will replat the middle access to the correct size. Upon vacation of the three parcels, title to the vacated portions will vest in the adjacent land owner and the City will no longer have any ownership or maintenance responsibilities for those parcels.

### **CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM**

#### **Vacation of Certain Public Right-of-Way:**

The City Council shall decide whether this vacation application meets the following requirements, as set forth by the State of Colorado (C.R.S. § 43-2-303):

- 1) All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:
  - a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.
- 2)

- a) No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.
  - b) If any roadway has been established as a municipal street at any time, such street shall not be vacated by any method other than an ordinance approved by the governing body of the municipality.
  - c) If any roadway is vacated or abandoned, the documents vacating or abandoning such roadway shall be recorded pursuant to the requirements of section 43-1-202.7.
- 3) In the event of vacation under subsection (1) of this section, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

#### **STAFF RECOMMENDATION**

Staff finds that the proposal meets the review criteria found in C.R.S. § 42-2-303, and therefore recommends approval of this vacation for the rights-of-way specifically described within the ordinance. Staff has prepared a draft ordinance that approves the proposed vacations.

#### **OPTIONS FOR COUNCIL CONSIDERATION**

The Council has two (2) choices it can make after reviewing this application. The Council may: (1) approve the vacations or (2) deny the vacations.

#### **ATTACHMENTS**

- 1 Aerial Map of Prairie Center Village I Subdivision Filing No. 1 w/ approximate Vacation Areas
- 2 City Council Ordinance w/ Proposed Vacation Exhibits (draft)