



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: April 11, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas A. Gradisar, Mayor

VIA: Marisa Stoller, City Clerk

FROM: Scott Hobson, Acting Director of Planning and Community Development

SUBJECT: AN ORDINANCE VACATING STREETS AND EASEMENTS IN THE FOOTHILLS SUBDIVISION, A SPECIAL AREA PLAN AND PORTIONS OF OAKLAND BOULEVARD, COLUMBIA AVENUE, EMERSON AVENUE AND THE ENTIRE ALLEY IN BLOCK 11, IRVING PARK SUBDIVISION

SUMMARY:

The applicant is requesting to vacate all of the streets and easements in the Foothills Subdivision, A Special Area Plan, and to vacate a portion of Oakland Boulevard, Columbia Avenue, Emerson Avenue and the entire alley in Block 11, Irving Park Subdivision.

PREVIOUS COUNCIL ACTION:

The applicant is concurrently requesting to rezone the area to Pikes Peak Park PUD and is also requesting to resubdivide the property for future development sites.

BACKGROUND:

The applicant is requesting to vacate all the streets and easements in the Foothills Subdivision, A Special Area Plan, which was subdivided in 2000. The purpose of the street and easement vacation within the Foothills Subdivision is to facilitate the Pikes Peak Park, Filing No. 1 Subdivision. Vacation of a portion of Oakland Boulevard, Columbia Avenue, Emerson Avenue, and the entire alley in Block 11, Irving Park Subdivision, which is located directly east of the Foothills subdivision, is necessary to accommodate stormwater drainage and infrastructure for the Pikes Peak Park, Filing No. 1 Subdivision. None of the streets proposed to be vacated have been improved or utilized as right-of-way by the public. None of the easements proposed to be vacated contain public utilities.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their March 23, 2022, Public Hearing, voted 6 to 0 recommend approval. (Commission Aznar absent)

STAKEHOLDER PROCESS:

The Planning Department sent out Notice of the Planning and Zoning Commission Public Hearing to all property owners located within 300 feet of the subject property.

A Public Notice poster was placed on the subject property 15 days prior to the Public Hearing.

ALTERNATIVES:

If City Council does not approve this Ordinance, the streets and easements will remain and will impede the applicant's ability to develop the property.

Upon request of City Council, the Ordinance could be returned to the Planning and Zoning Commission for consideration of proposed modifications.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance
Minutes of the Planning and Zoning Commission March 23, 2022 Public Hearing
Memorandum from the Department of Public Works Dated March 29, 2022
Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

ORDINANCE VACATING STREETS AND EASEMENTS IN
THE FOOTHILLS SUBDIVISION, A SPECIAL AREA PLAN
AND PORTIONS OF OAKLAND BOULEVARD, COLUMBIA
AVENUE, EMERSON AVENUE AND THE ENTIRE ALLEY
IN BLOCK 11, IRVING PARK SUBDIVISION

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The following described streets and easements:

All of the public and private street right-of-way being in Foothills Subdivision according to the recorded plat thereof as filed for record at Reception No. 1349348 in the Pueblo County Records.

and

All of the public and private street right-of-way being in Irving Park Subdivision blocks 10 and 11.

All of the 9' Drainage Easement, 10' Drainage Easement, 20' Drainage Easement, Drainage Easement, Truck Turning Easement, 1' Sidewalk Easement, 10' Water Line Easement, 10' Sanitary Sewer Easement, and Private Sanitary Sewer Easement, being in Foothills Subdivision according to the recorded plat thereof as filed for record at Reception No. 1349348 in the Pueblo County Records.

are hereby vacated.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall be approved but shall not become effective until the final vacation plat is recorded in the office of the Pueblo County Clerk and Recorder. If the vacation plat is not recorded within one (1) year after of this Ordinance, or within any extended period granted by Ordinance of the City Council, this Ordinance shall automatically be rescinded and repealed thirty (30) days after written notice of such rescission and repeal is given to the applicant. No vested rights shall accrue to the subdivision or be acquired until this Ordinance becomes effective.

SECTION 4.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____.

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk