



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: May 9, 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 A PORTION OF THE ALLEY BETWEEN MAHREN AVENUE AND EGAN AVENUE

SUMMARY:

The applicants are requesting to vacate approximately twenty-five (25') of the alley between Mahren Avenue and Egan Avenue below East Mesa Avenue to decrease illegal dumping and vandalism.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The applicants are requesting to vacate a portion of a dead-end alley which is approximately twenty-five (25) feet in length, and fifteen (15) feet wide, covering an estimated 375 square feet. Vacating this portion of the alley will leave a "T" intersection but will decrease the length of that dead end portion of the alley. The purpose of this partial alley vacation is to deter illegal dumping and vandalism, which the applicants have been facing. There are three applicants for this vacation. Two applicants are property owners with lot frontage along the portion of the alley requesting to be vacated. The two applicants with frontage along the portion of the alley requesting to be vacated will divide the alley in half and absorb the additional square footage into their respective lots. The third applicant owns Lot 6, Block 1 of the Agram Subdivision, and the vacated portion of the alley will end at their property line. The 375 square feet of alleyway requesting to be vacated, does not house any underground utility mains and the applicants agree to allow utility service lines within the vacated portion of the alley to provide service, if necessary.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their March 9, 2022, Regular Meeting, voted 7- 0 to recommend approval.

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 alley will remain in its current configuration.

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 9, 2022 Public Hearing

Memorandum from the Department of Public Works Dated April 26, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF THE ALLEY
BETWEEN MAHREN AVENUE AND EGAN AVENUE

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

SECTION 1.

The following described alley:

A PORTION OF A 15 FT ALLEY ADJACENT TO LOT 7, AGRAM SUBDIVISION,
COUNTY OF PUEBLO, STATE OF COLORADO

is 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