

**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: May 23, 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 FIR STREET AND
MULTIPLE DRAINAGE AND PUBLIC UTILITY EASEMENTS LOCATED
WITHIN BLOCKS 1 AND 2, RIVER'S RUN SUBDIVISION

SUMMARY:

The applicant is requesting to vacate a portion of the unimproved Fir Street and multiple drainage and public utility easements located within blocks 1 and 2, River's Run Subdivision.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

Fir Street and the Public Utility and Drainage Easements proposed to be vacated were included in the River's Run Subdivision approved in 2005. At the time, Fir Street and the drainage/utility easements were intended to provide drainage and utility service to multiple lots zoned for light industrial and commercial uses. The property owner is requesting to resubdivide Lots 1-8, Block 1, River's Run Subdivision to create two large lots zoned for multifamily residential and commercial uses; therefore, it is no longer necessary to have multiple easements for drainage/utilities and for Fir Street to run the entire length of Block 1. Additionally, Lots 1-4, Block 2, River's Run Subdivision, are proposed to be rearranged into one large lot for multifamily residential development, negating the need for multiple drainage/utility easements to run through the block. The 30–40-foot easement that runs adjacent to the southern and eastern boundary of Block 2 will remain providing drainage and detention for the rearranged parcel. Concurrent requests are the resubdivision of the 12.880-acre River's Run Subdivision from eight lots into two large lots and River's Run Rezoning, 23.61 acres from B-P, Business Park to R-5, Multiple Residential and Office District.

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, Fir Street and multiple drainage and public utility easements would remain which will impede development of the site.

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 May 12, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. 10192

AN ORDINANCE VACATING A PORTION OF FIR STREET
AND MULTIPLE DRAINAGE AND PUBLIC UTILITY
EASEMENTS LOCATED WITHIN BLOCKS 1 AND 2, RIVER'S
RUN SUBDIVISION

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

SECTION 1.

The following described street and drainage and public utility easements:

EASEMENT VACATION 1

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 2, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, THENCE N02°44'11"W, ON THE WESTERLY BOUNDARY LINE OF SAID LOT 4, A DISTANCE OF 10.00 FEET; THENCE N87°15'49"E, A DISTANCE OF 430.00 FEET; THENCE S02°44'11"E, A DISTANCE OF 20.00 FEET; THENCE S87°15'49"W, A DISTANCE OF 113.34 FEET; THENCE S02°44'11"E, A DISTANCE OF 211.45 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE DRAINAGE AND PUBLIC UTILITY EASEMENT AS RECORDED UNDER SAID RIVER'S RUN SUBDIVISION; THENCE S66°39'48"W, ON SAID NORTHERLY LINE, A DISTANCE OF 21.37 FEET; THENCE N02°44'11"W, A DISTANCE OF 218.97 FEET; THENCE S87°15'49"W, A DISTANCE OF 133.33 FEET; THENCE S02°44'11"E, A DISTANCE OF 264.66 FEET, TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE DRAINAGE AND PUBLIC UTILITY EASEMENT AS RECORDED UNDER SAID RIVER'S RUN SUBDIVISION; THENCE S70°13'30"W, ON SAID NORTHERLY LINE, A DISTANCE OF 20.92 FEET; THENCE N02°44'11"W, A DISTANCE OF 270.78 FEET; THENCE N87°15'49"W, A DISTANCE OF 143.33 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1, BLOCK 2 OF SAID RIVER'S RUN SUBDIVISION; THENCE N02°44'11"W, ON SAID WESTERLY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 18,259 SQUARE FEET OR 0.419 ACRES.

EASEMENT VACATION 2

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, THENCE N56°24'53"E, ON THE NORTHERLY BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 10.00 FEET; THENCE S33°35'07"E, A DISTANCE OF 121.26 FEET; THENCE N81°16'28"E, A DISTANCE OF 208.04 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE EASTERLY BOUNDARY LINE OF SAID BLOCK 1, THENCE ON THE ARC OF A

CURVE TO THE LEFT, ON SAID EASTERLY BOUNDARY LINE, WHOSE CENTER BEARS $N83^{\circ}19'16''E$, HAVING A DELTA OF $04^{\circ}05'36''E$, A RADIUS OF 280.00 FEET, A DISTANCE OF 20.00 FEET TO A POINT ON CURVE; THENCE $S81^{\circ}16'28''W$, A DISTANCE OF 205.20 FEET; THENCE $S04^{\circ}08'18''E$, A DISTANCE OF 146.14 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF THE DRAINAGE AND PUBLIC UTILITY EASEMENT AS RECORDED UNDER SAID RIVER'S RUN SUBDIVISION; THENCE ON THE ARC OF A CURVE TO THE RIGHT, ON SAID NORTHERLY EASEMENT LINE, WHOSE CENTER BEARS $N04^{\circ}31'02''W$, HAVING A DELTA OF $00^{\circ}39'12''$, A RADIUS OF 1,753.98 FEET, A DISTANCE OF 20.00 FEET TO A POINT ON CURVE; THENCE $N04^{\circ}08'18''W$, A DISTANCE OF 152.76 FEET; THENCE $N33^{\circ}35'07''W$, A DISTANCE OF 125.02 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3, BLOCK 1, RIVER'S RUN SUBDIVISION; THENCE $N56^{\circ}24'53''E$, ON SAID NORTHERLY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 9,765 SQUARE FEET OR 0.224 ACRES.

EASEMENT VACATION 3

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, THENCE ON THE NORTHERLY BOUNDARY LINE OF SAID LOT 3, ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS $N17^{\circ}22'58''W$, HAVING A DELTA OF $02^{\circ}02'48''$, A RADIUS OF 280.00 FEET, A DISTANCE OF 10.00 FEET TO A POINT ON CURVE; THENCE $S17^{\circ}22'58''E$, A DISTANCE OF 111.62 FEET; THENCE $S01^{\circ}00'09''E$, A DISTANCE OF 83.47 FEET; THENCE $S88^{\circ}59'51''W$, A DISTANCE OF 20.00 FEET; THENCE $N01^{\circ}00'09''W$, A DISTANCE OF 80.59 FEET; THENCE $N17^{\circ}22'58''W$, A DISTANCE OF 108.74 FEET TO A POINT CURVE, SAID POINT BEING ON THE NORTHERLY LINE OF LOT 4, BLOCK 1, RIVER'S RUN SUBDIVISION, THENCE ON THE ARC OF A CURVE TO THE LEFT, ON SAID NORTHERLY LINE, WHOSE CENTER BEARS $N15^{\circ}20'10''W$, HAVING A DELTA OF $02^{\circ}02'48''$, A RADIUS OF 280.00 FEET, A DISTANCE OF 10.00 FEET TO A POINT ON CURVE, SAID POINT BEING THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 3,842 SQUARE FEET OR 0.088 ACRES.

EASEMENT VACATION 4

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 5, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO; THENCE $S30^{\circ}59'40''E$ ON THE EASTERLY BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 10.00 FEET; THENCE $S59^{\circ}00'20''W$, A DISTANCE OF 107.25 FEET; THENCE $S28^{\circ}14'52''W$, A DISTANCE OF 125.82 FEET TO A POINT ON THE NORTHERLY LINE OF THE DRAINAGE, PUBLIC UTILITY AND PEDESTRIAN EASEMENT AS RECORDED IN SAID RIVER'S RUN SUBDIVISION; THENCE $N61^{\circ}28'21''W$, ON SAID NORTHERLY LINE,

A DISTANCE OF 20.00 FEET; THENCE N28°14'25"E, A DISTANCE OF 131.23 FEET; THENCE N59°00'20"E, A DISTANCE OF 112.75 FEET TO A POINT ON THE EASTERLY LINE OF LOT 6, SAID RIVER'S RUN SUBDIVISION; THENCE S30°59'40"E, ON SAID EASTERLY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 4,770 SQUARE FEET OR 0.110 ACRES.

EASEMENT VACATION 5

BEGINNING AT THE MOST NORTHEAST CORNER OF LOT 6, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO; THENCE S30°59'40"E ON THE EASTERLY BOUNDARY LINE OF SAID LOT 6, A DISTANCE OF 10.00 FEET; THENCE S59°00'20"W, A DISTANCE OF 111.89 FEET; THENCE S80°22'05"W, A DISTANCE OF 192.04 FEET TO A POINT ON THE EASTERLY LINE OF THE DRAINAGE, PUBLIC UTILITY AND PEDESTRIAN EASEMENT AS RECORDED IN SAID RIVER'S RUN SUBDIVISION; THENCE N12°44'12"W, ON SAID NORTHERLY LINE, A DISTANCE OF 20.03 FEET; THENCE N80°22'05"E, A DISTANCE OF 189.35 FEET; THENCE N59°00'20"E, A DISTANCE OF 108.11 FEET TO A POINT ON THE EASTERLY LINE OF LOT 7, SAID RIVER'S RUN SUBDIVISION; THENCE S30°59'40"E, ON SAID EASTERLY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 6,014 SQUARE FEET OR 0.138 ACRES.

EASEMENT VACATION 6

BEGINNING AT NORTHEAST CORNER OF LOT 7, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO; THENCE S30°59'40"E ON THE EASTERLY BOUNDARY LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET; THENCE S59°00'20"W, A DISTANCE OF 112.52 FEET; THENCE S87°14'38"W, A DISTANCE OF 134.95 FEET TO A POINT ON THE EASTERLY LINE OF THE DRAINAGE, PUBLIC UTILITY AND PEDESTRIAN EASEMENT AS RECORDED IN SAID RIVER'S RUN SUBDIVISION; THENCE N14°11'40"W, ON SAID NORTHERLY LINE, A DISTANCE OF 20.41 FEET; THENCE N87°14'38"E, A DISTANCE OF 133.97 FEET; THENCE N59°00'20"E, A DISTANCE OF 107.48 FEET TO A POINT ON THE EASTERLY LINE OF LOT 8, SAID RIVER'S RUN SUBDIVISION; THENCE S30°59'40"E, ON SAID EASTERLY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 4,889 SQUARE FEET OR 0.112 ACRES.

EASEMENT VACATION 7

A PORTION OF LOTS 5-8, BLOCK 1, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER LOT 8, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO; THENCE ON SAID BOUNDARY OF SAID RIVER'S RUN SUBDIVISION THE FOLLOWING TWO (2) COURSES:

1. N87°14'15"E, A DISTANCE OF 53.35 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 48°35'40"E, A RADIUS OF 220.00 FEET, A DISTANCE OF 186.59 FEET TO A POINT ON CURVE, SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUING ON THE ARC OF THE CURVE TO THE RIGHT, HAVING A DELTA OF 13°10'25", A RADIUS OF 220.00 FEET, A DISTANCE OF 50.58 FEET TO A POINT OF TANGENT; THENCE S30°59'40"E, A DISTANCE OF 746.87 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N22°08'40"W, HAVING A DELTA OF 07°54'58", A RADIUS OF 52.00 FEET, A DISTANCE OF 7.18 FEET TO A POINT ON CURVE; THENCE N30°59'40"W, A DISTANCE OF 745.28 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 12°58'22", A RADIUS OF 213.00 FEET, A DISTANCE OF 48.23 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS HAVING A DELTA OF 07°45'50", A RADIUS OF 52.00 FEET, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 5,570 SQUARE FEET OR 0.128 ACRES.

RIGHT-OF-WAY VACATION

A TRACT OF LAND BEING A PORTION FIR STREET AS PLATTED IN RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF PUEBLO, PUEBLO COUNTY, COLORADO.

BASIS OF BEARING: THE COURSE BETWEEN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ALSO KNOWN AS PUEBLO COUNTY GPS MONUMENT NO. 1405, BEING A LEAD PLUG AND TACK IN A STONE, IN A CAST IRON MONUMENT BOX, AND A NO. 5 REBAR WITH YELLOW PLASTIC CAP, WHICH BEARS N04°32'49"W, A DISTANCE OF 88.20 FEET.

COMMENCING AT THE NORTHWEST CORNER LOT 8, RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO; THENCE ON THE BOUNDARY OF SAID RIVER'S RUN SUBDIVISION THE FOLLOWING FOUR (4) COURSES:

1. N87°14'15"E, A DISTANCE OF 53.35 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 17°20'49"E, A RADIUS OF 220.00 FEET, A DISTANCE OF 66.59 FEET TO A POINT ON CURVE;

3. N87°14'15"E, A DISTANCE OF 119.63 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF FIR DRIVE, AS PLATTED SAID RIVER'S RUN SUBDIVISION;
4. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS S38°38'50"W, HAVING A DELTA OF 20°21'30", A RADIUS OF 280.00 FEET, A DISTANCE OF 99.49 FEET TO A POINT OF TANGENT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S30°59'40"E, ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 695.49 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS S59°00'20"W, HAVING A DELTA OF 98°50'04", A RADIUS OF 52.00 FEET, A DISTANCE OF 89.73 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID FIR STREET; THENCE N30°59'40"W, ON SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 592.73 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N22°08'40"W, HAVING A DELTA OF 98°51'00", A RADIUS OF 52.00 FEET, A DISTANCE OF 87.71 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 36,653 SQUARE FEET
OR 0.841 ACRES.

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 May 23, 2022.

Final adoption of Ordinance by City Council on June 13, 2022.

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President of City Council

Action by the Mayor:

- ☒ Approved on June 15, 2022.
- ☐ Disapproved on _____ based on the following objections:

Hilda Leal

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

Lydia

City Clerk