



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: April 25, 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 PORTIONS OF PLATTED STREETS AND ALLEYS OF SOUTH BRADFORD STREET, KELLY AVENUE, AND RIVER STREET

SUMMARY:

The Colorado Department of Transportation (CDOT) is requesting to vacate portions of the following unimproved public rights-of-way within the reconfigured right-of-way of Interstate 25: South Bradford Street and adjacent alley to the west, both public rights-of-way are located south of City Center Drive and east of Interstate-25; East River Street located west of South Bradford Street and east of Interstate-25; and the present Kelly Avenue (Freeway Change Agreement, 10-30-1957) south of City Center Drive and east of Interstate-25.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

CDOT is requesting to vacate portions of the following platted streets and alleys contained within the new City Center and I-25 interchange as follows:

- South Bradford Street located east of I-25 and south of City Center Drive. The area of South Bradford Street is approximately 332 feet long and 80 feet wide, located in Kramer's Subdivision.
- Kelly Avenue is divided into two parts by platted East River Street. The south half of Kelly Avenue is approximately 32 feet wide and 509 feet long. The north half of Kelly Avenue is approximately 32 feet wide and 123 feet long.
- River Street was platted to connect Hector Garcia Place (which was previously River St) and East River Street before I-25 was constructed. River Street is located within the Baxter's, Amin Santa Fe, and Kramer's Subdivisions and is approximately 81 feet wide and 537 feet long.
- The last platted access being vacated is an alley located between the Kramer's and Baxter's Subdivisions. The platted alley is approximately 16 feet wide and 356 feet long.

The purpose of this expansive vacation request is to clear up previously platted roadways which are now part of the CDOT right-of-way for I-25. All the above-mentioned roads and alleys were only platted and were never built. CDOT is requesting the vacation to eliminate platted roads within their current right-of-way, adjacent to I-25. According to CDOT, the interstate was originally constructed prior to the vacation of the platted rights-of-way and there is no utility work planned in the area, no future roadways, and existing fencing will not be removed. When the Ilex and City Center interchanges to I-25 were realigned, CDOT agreed to complete this vacation process to eliminate these platted roads and alleys that are now currently within CDOT's right-of-way. All utilities have already been relocated and any remaining utilities within the CDOT right-of-way are permitted.

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 unimproved platted roads and alleys that are currently within CDOT's right-of-way would remain.

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 6, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE VACATING PORTIONS OF PLATTED
STREETS AND ALLEYS OF SOUTH BRADFORD STREET,
KELLY AVENUE, AND RIVER STREET

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

SECTION 1.

The following described streets and alleys :

CERTAIN STREETS TO BE VACATED
WITHIN BLOCKS 15, 16 AND 17, PLAN OF PUEBLO, MADE FOR THE
PROBATE JUDGE OF
PUEBLO COUNTY, DATED 1869 AND
BLOCKS 4 AND 6, KELLY ADDITION
LOCATED IN SECTION 31, T-20-S R-64-W, 6TH PM PUEBLO COUNTY, CO

DESCRIPTION:

ALL OF PLATTED RIVER STREET ADJACENT TO BLOCKS 15, 16
AND 17, PLAN OF PUEBLO, MADE FOR THE PROBATE JUDGE OF
PUEBLO COUNTY, DATED 1869.

AND

ALL OF PLATTED BRADFORD STREET ADJACENT TO BLOCKS 15 AND 16,
PLAN OF PUEBLO, MADE FOR THE PROBATE JUDGE OF PUEBLO
COUNTY, DATED 1859.

AND

ALL OF THE PLATTED ALLEY, BLOCK 15, PLAN OF PUEBLO, MADE
FOR THE PROBATE JUDGE OF PUEBLO COUNTY, DATED 1859.

AND

ALL OF UNVACATED PRESENT KELLY AVENUE LOCATED IN THE W/2 OF
SECTION 31, T-20-S R-64-W, 6TH PM.

RESERVATIONS: ALL OF VACATED RIVER STREET, BRADFORD STREET,
KELLY AVENUE AND ALLEY IS RESERVED FOR USE BY UTILITIES
PRESENTLY EXISTING IN SAID VACATED AREA. RESERVATIONS WILL
TERMINATE UPON REMOVAL OF ALL EXISTING FACILITIES.

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

ATTESTED BY: _____
City Clerk