



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: August 22, 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 TWO 20-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED WITHIN BLOCKS 3, 4 AND 5, VILLA BELLA SUBDIVISION, FILING NO. 1 AND UNIMPROVED CBI DRIVE AND THE EASTERN PORTION OF UNIMPROVED NAPOLI WAY

SUMMARY:

The applicant is requesting to vacate two 20-foot utility drainage easements located within blocks 3, 4, and 5 in the Villa Bella Subdivision, Filing No.1 and to vacate unimproved CBI Drive and the eastern portion of unimproved Napoli Way generally located south of Rawlings Boulevard, west of Bergamo Drive and east of Thunderwolf Drive. The applicant is concurrently requesting to subdivide 48.240-acres into 375 residential lots and is also requesting to change the street name of Napoli Way to Medici Way.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

CBI Drive, Napoli Way and the Public Utility and Drainage Easements proposed to be vacated were subdivided in 2009 with the Villa Bella, Filing No. 1 Subdivision. At the time, CBI Drive, Napoli Way, and the drainage/utility easements were intended to provide drainage and utility service to multiple lots designated for commercial and office uses. Jeff Mark, property owner, is requesting to re-subdivide a portion of Villa Bella, Filing No. 1 to facilitate single-family residential development. Villa Bella, Filing No. 2, includes drainage and utility easements to serve the proposed single-family residential lots. CBI Drive and the eastern portion of Napoli Way will no longer be necessary to provide access to the previously platted commercial lots. Both streets will be replaced by local roadways, running north and south, to service the proposed single-family residential lots within the Villa Bella, Filing No. 2 Subdivision. The western portion of

Napoli Way will remain to provide access to Lots 43 to 193; however, the proposed subdivision shows Napoli Way being renamed to Medici Way, which will requires an approved Street Name Change. The Street Name Change to change Napoli Way to Medici Way was recommended for approval by City Council on August 10, 2022.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their July 13, 2022, Regular Meeting, voted 6-0 to recommend approval, Commissioner Avalos 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 public utility and drainage easements located within blocks 3, 4 and 5, Villa Bella Subdivision, Filing No. 1 and unimproved CBI Drive and the eastern portion of unimproved Napoli Way will remain and the proposed Villa Bella, Filing No. 2 Subdivision will not be approved.

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 July 13, 2022 Public Hearing
Memorandum from the Department of Public Works Dated [REDACTED], 2022
Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE VACATING TWO 20-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED WITHIN BLOCKS 3, 4 AND 5, VILLA BELLA SUBDIVISION, FILING NO. 1 AND UNIMPROVED CBI DRIVE AND THE EASTERN PORTION OF UNIMPROVED NAPOLI WAY

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

SECTION 1.

The following described street:

A STREET AND EASEMENT VACATION FOR CBI DRIVE AND A PORTION OF NAPOLI WAY, AND DRAINAGE AND UTILITY EASEMENTS LOCATED WITHIN BLOCKS 3, 4, AND 5 ACCORDING TO THE PLAT OF "VILLA BELLA SUBDIVISION, FILING NO. 1" RECORDED UNDER RECEPTION NO. 1805424 OF THE PUEBLO COUNTY, COLORADO RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1"; THENCE N01°51'33"W ALONG THE EAST LINE THEREOF, 411.33 FEET; THENCE S88°08'27"W ALONG THE NORTH LINE THEREOF, 31.15 FEET; THENCE N01°51'33"W A DISTANCE OF 60.00 FEET TO THE SOUTH LINE OF LOT 3, BLOCK 4 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1"; THENCE N88°08'27"E ALONG SAID SOUTH LINE, 31.15 FEET; THENCE N01°51'33"W ALONG THE EAST LINE OF LOTS 3 AND 4, BLOCK 4, "VILLA BELLA SUBDIVISION, FILING NO. 1", 527.84 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF TORINO WAY; THENCE N88°08'27"E ALONG SAID SOUTH LINE, 60.00 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 3 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1"; THENCE S01°51'33"E ALONG THE WEST LINE OF LOTS 1 AND 6, BLOCK 3, "VILLA BELLA SUBDIVISION, FILING NO. 1", 527.84 FEET; THENCE N88°08'27"E ALONG THE SOUTH LINE OF LOTS 1, 2, AND 3, BLOCK 3, "VILLA BELLA SUBDIVISION, FILING NO. 1", 509.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF BERGAMO DRIVE; THENCE S01°51'33"E ALONG SAID WEST LINE, 60.00 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK 2 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1"; THENCE S88°08'27"W ALONG THE NORTH LINE OF LOTS 1, 2, AND 3, BLOCK 2 "VILLA BELLA SUBDIVISION, FILING NO. 1", 509.85 FEET; THENCE S01°51'33"E ALONG THE WEST LINE OF LOT 1, BLOCK 2, "VILLA BELLA SUBDIVISION, FILING NO. 1", 412.50 FEET TO THE TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16; THENCE S89°15'26"W ALONG SAID SOUTH LINE, 60.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: THE 20-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WITHIN BLOCK 3 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1", LYING 10 FEET EITHER SIDE OF THE EAST- WEST LOT LINE COMMON TO LOTS 1, 2, 3, 4, 5, AND 6 OF SAID BLOCK 3;

TOGETHER WITH: THE 20-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WITHIN BLOCK 4 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1", LYING 10 FEET EITHER SIDE OF THE EAST- WEST LOT LINE COMMON TO LOTS 1, 2, 3, 4, AND 5 OF SAID BLOCK 4;

TOGETHER WITH: THE 20-FOOT-WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WITHIN BLOCK 5 OF SAID "VILLA BELLA SUBDIVISION, FILING NO. 1", LYING 10 FEET EITHER SIDE OF THE EAST- WEST LOT LINE COMMON TO LOTS 1 AND 2 OF SAID BLOCK 5.

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