



**BACKGROUND PAPER FOR PROPOSED  
ORDINANCE**

**COUNCIL MEETING DATE:** July 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 A PORTION OF THE PLATTED ALLEY  
RIGHT-OF-WAY LOCATED WITHININ BLOCK 362, WILEY AND  
CHAMBERLIN'S SUBDIVISION

**SUMMARY:**

The applicant is requesting to vacate the remaining 1,111 square feet of the alley located within Block 362 of the Wiley and Chamberlin's Subdivision.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

The purpose of this vacation request is to create a new single lot for the commercial development of a business site. The proposed alley right-of-way runs from west to east and dead ends into the right-of-way for Portland Avenue. There is no access to any properties other than the applicants. This vacation will create a more buildable parcel and eliminate residual slivers of land. After the vacation, the applicant will rearrange the vacated alley area with existing lots to form a new building parcel. The applicant has concurrently submitted a lot line rearrangement application that would be recorded pending approval of this action and has been working with Planning staff on the development of this property. Planning staff did not receive any comments or objections to the applications from any City departments or utilities.

**FINANCIAL IMPLICATIONS:**

There are no financial implications for the City.

**BOARD/COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission, at their May 11, 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 current alley would remain and would 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 May 11, 2022 Public Hearing

Memorandum from the Department of Public Works Dated June 24, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. 10225

AN ORDINANCE VACATING A PORTION OF THE PLATTED  
ALLEY RIGHT OF WAY LOCATED WITHININ BLOCK 362,  
WILEY AND CHAMBERLIN'S SUBDIVISION

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

SECTION 1.

The following alley:

All that portion of ALLEY located in Block 362, Wiley and Chamberlin's Subdivision, lying westerly of Portland Avenue and being more particularly described as follows:

Beginning at the Northwest corner of Lot 21, said Block 362, said point also being the point of intersection of the Easterly Right of Way line of Champa (Ogden) Avenue with the south line of said ALLEY; THENCE East along the South line of said ALLEY to a point on the North line of Lot 23, said point being 16.61 feet West of the Northeast corner of said Lot 23, said point being the same as the POINT OF BEGINNING as called for in deed recorded May 30, 1973 at Reception No. 450030 of the Pueblo County Records; THENCE Northeasterly to a point on the North line of the ALLEY, said point being 118.66 feet west of the Southeast corner of Lot 8, said Block 362, said point also being the Southwest corner of that triangular parcel of land as recorded February 14, 1973 at Reception No. 442938 of the Pueblo County records; THENCE West along the North line of said ALLEY to the Southwest corner of Lot 1, said Block 362, said corner being the intersection of the easterly right of way line of Champa (Ogden) Avenue with the North line of said ALLEY; THENCE South along the east right of way line of said Champa Ave. to the POINT OF BEGINNING, 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 July 11, 2022.

Final adoption of Ordinance by City Council on July 25, 2022.

  
\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on July 28, 2022.

Disapproved on \_\_\_\_\_ based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Mayor

**Action by City Council After Disapproval by the Mayor:**

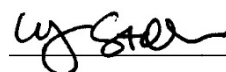
Council did not act to override the Mayor's veto.

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