



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: September 12, 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 20-FOOT PUBLIC UTILITY EASEMENT BETWEEN PARCEL B, REARRANGEMENT OF BOUNDARY LINES AND LOT 4, BLOCK 3, TRINITY SUBDIVISION

SUMMARY:

The City is requesting to vacate a 20-foot public utility easement between Parcel B, rearrangement of boundary lines and Lot 4, Block 3, Trinity Subdivision. The City is concurrently requesting to rezone 1.52-acres along State Highway 96 and west of Victory Lane.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The 20-foot Public Utility Easement (PUE) that is proposed to be vacated was subdivided in 1981 to provide utility services to the individual lots created within the Trinity Subdivision. The City is requesting to vacate the 20-foot PUE to facilitate the Trinity Subdivision Rearrangement of Property Boundaries, which will create a building site for the proposed replacement Fire Station 6. The proposed rearrangement of property boundaries combines Parcel B, Rearrangement of Boundary Lines, and Lot 4, Block 3, Trinity Subdivision to create a 1.52-acre building site for the new fire station. The PUE will no longer be necessary once the two parcels are combined.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their August 10, 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 August 10, 2022 Public Hearing

Memorandum from the Department of Public Works Dated August 11, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE VACATING A 20-FOOT PUBLIC UTILITY EASEMENT BETWEEN PARCEL B, REARRANGEMENT OF BOUNDARY LINES AND LOT 4, BLOCK 3, TRINITY SUBDIVISION

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

SECTION 1.

The following public utility easement:

ALL OF THE 20' PUBLIC UTILITY EASEMENT ADJACENT TO LOTS 3 & 4, TRINITY SUBDIVISION AS RECORDED IN BOOK 2076, PAGE 311 AT RECEPTION #666623, JUNE 12, 1981 IN THE PUEBLO COUNTY RECORDS, CITY 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