

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative



David Webb

Brian Lucas

Raymond Seybold

Planning & Zoning Commission

V-14-05

TO: City of Pueblo, Planning and Zoning Commission
FROM: Kelly Grisham, Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: August 13, 2014
SUBJECT: East Side Library Alley Vacation
APPLICANT: Jon Walker, Pueblo City-County Library District
PROPERTY OWNER: City of Pueblo
LOCATION: East-west alley, located within Block 121, Fletcher Hill Addition
EXISTING ZONE: B-2, Subregional Business District (being rezoned to S-1)
CONCURRENT REQUESTS: Z-14-06

Request:

To vacate the east-west alley, located within Block 121, Fletcher Hill Addition

Applicable Regulations:

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

Recommended Action:

Staff recommends that the Vacation be APPROVED.

Staff review and findings:

The subject property is located north of the East Side Library, currently under construction. The applicant is proposing to vacate the alley, and rezone the north ½ of the alley to S-1, so that the zoning is consistent with the entire property. The entire alley will be combined with the East Side Library property once the vacation is complete, per a contract with Safeway. A sanitary sewer line is existing in the alley; therefore, a utility easement is being reserved in the vacated alley to allow it to remain.

ATTACHMENTS:

- A. Location Map
- B. Aerial Vicinity Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Site Photographs
- F. Vacation Plat
- G. Vacation Application

V-14-05



Exhibit A. Aerial Photograph

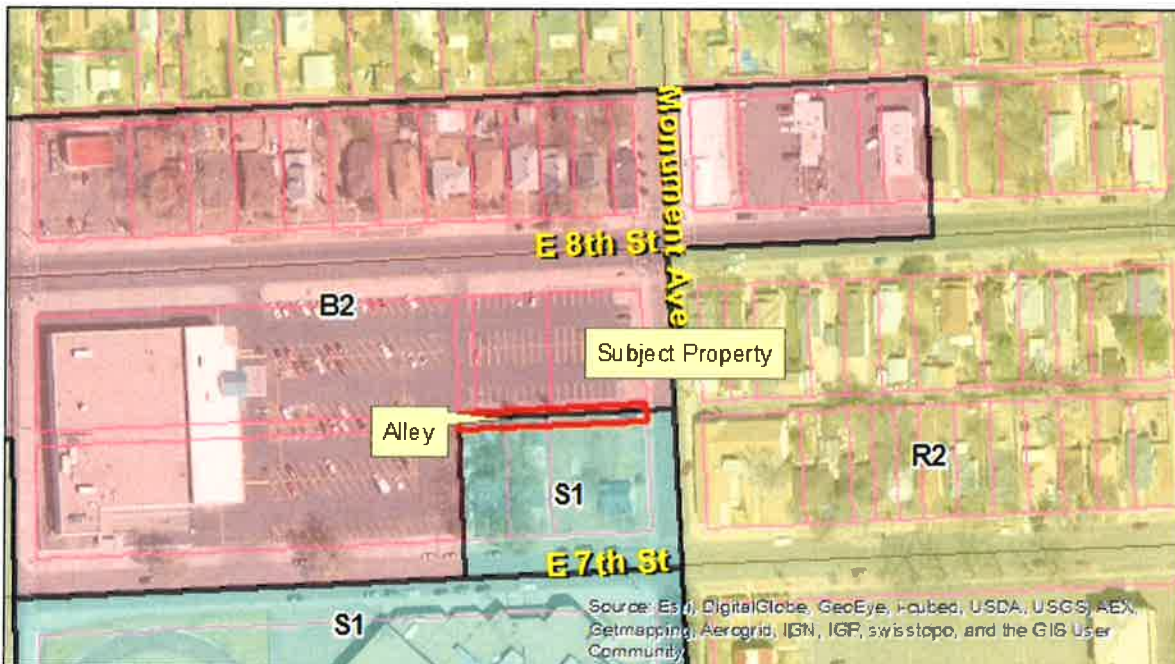


Exhibit B. Zoning Map

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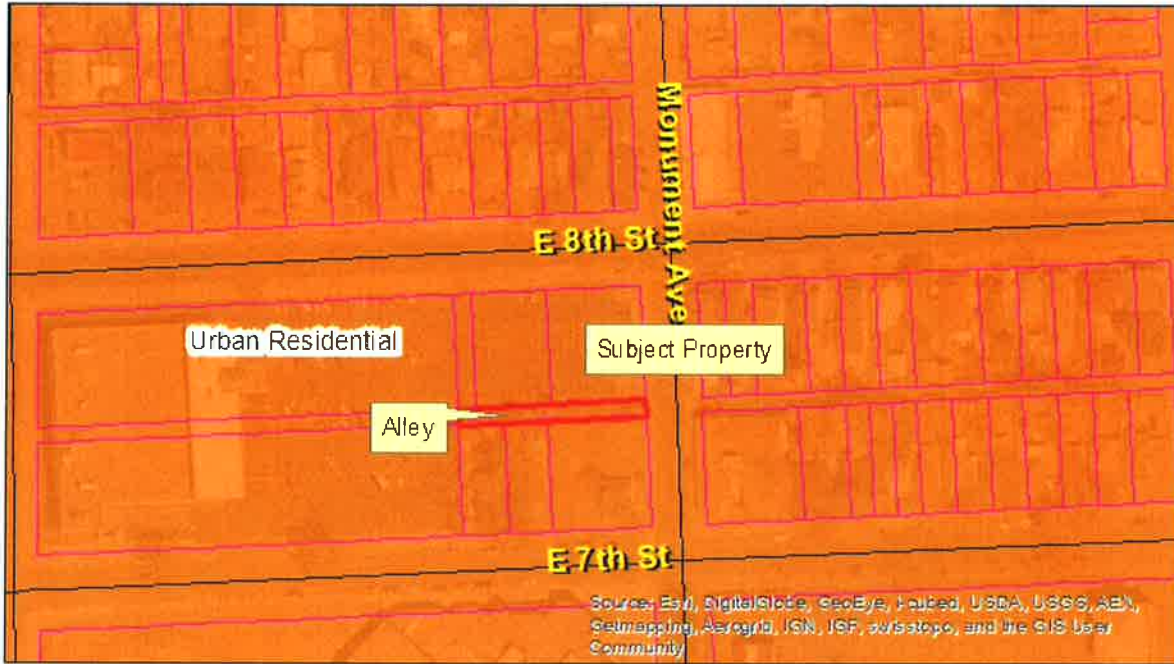


Exhibit C. Comprehensive Plan Map

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David Webb

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V-14-05



Public Notice Poster



Alley from Monument Ave

ALLEY VACATION PLAT

THE WEST 20 FEET OF LOT 19, AND THE EXISTING ALLEY NORTH OF LOT 1 EAST SIDE LIBRARY SUBDIVISION
 A PORTION OF THE SW 1/4 OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 64 WEST,
 OF THE 6TH P.M., CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO

PUEBLO, COLORADO
 JUNE 5, 2014

DESCRIPTION OF ALLEYS TO BE VACATED

THE WEST 20 FEET OF LOT 19 AND THE EXISTING 16 FOOT ALLEY NORTH OF AND ADJACENT TO LOT 1 EAST SIDE LIBRARY SUBDIVISION
 ALL WITHIN FLETCHER HILL ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF FILED FOR RECORD JANUARY 29, 1949 IN BOOK 2 AT PAGE 26 IN THE RECORDS OF THE PUEBLO COUNTY CLERK'S OFFICE, CO. 1888

PURPOSE

TO ALLOW FOR DEVELOPMENT OF THE NEW LIBRARY ON LOT 1 EAST SIDE LIBRARY SUBDIVISION

RESERVATIONS

RESERVATION NO. 1: THE 16' ALLEY TO BE VACATED IS RESERVED AS A SANITARY SEWER EASEMENT FOR THE NEW LIBRARY PROFESSIONAL LAND SURVEY LOCATED IN SAID ALLEY. THE RESERVATION SHALL BE TERMINATED UPON RECEIPT OF SAID UTILITY.

RESERVATION NO. 2: THE 20' ALLEY TO BE VACATED IS RESERVED AS AN ACCESS EASEMENT TO THE NEW LIBRARY PROFESSIONAL LAND SURVEY LOCATED IN SAID ALLEY. THE RESERVATION WILL BE TERMINATED UPON RESUME OF SAID UTILITY.

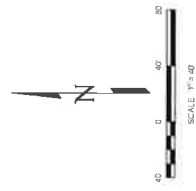
SURVEYOR'S STATEMENT:

I, EDWARD JAMES SURVEYOR, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY DIRECT RESPONSIBLE CHARGE IN JUNE 2014.

EDWARD JAMES SURVEYOR
 PROFESSIONAL LAND SURVEYOR
 4732 EAST 1/2 MILE ROAD
 COLORADO SPRING, COLORADO 80906



AREA RESERVED/VACATED HEREIN TO A LOCATION PLAT RECORDED SEPTEMBER 21, 1964 AT RECEPTION NO. 728177



NO.	REVISIONS	DATE

EDWARD JAMES SURVEYING, INC.
 4732 East 1/2 Mile Road
 Colorado Springs, CO 80906
 Office: (719) 545-4247
 Fax: (719) 545-4247



ALLEY VACATION PLAT

THE W. 20' OF LOT 19 AND THE EXISTING ALLEY N. OF LOT 1 EAST SIDE LIBRARY SUBDIVISION
 A PORTION OF THE SW 1/4 OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 64 WEST,
 OF THE 6TH P.M. CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO

DRAWN BY	RGR
CHECKED BY	BRF
DATE	11/13/2014
SCALE	1" = 20'
JOB NO.	1113-00
DATE CREATED	06/05/14
DATE SAVED	06/23/14
SHEET NO.	1 OF 1

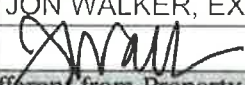

Planning & Zoning Application

Please type or print clearly. Illegible applications will not be accepted. Case #: **V-14-05**

Contact Info	Property Owner		Applicant	
	Name: Pueblo City-County Library District		Name: Nicholas Gradisar	
	Company		Company: Gradisar, Trechter, et al.	
	Address: 100 E. Abriendo	Zip: 81004	Address: 1836 Vinewood #200	Zip: 81005
	Phone: (719) 562-5625		Phone: (719) 566-8844	
	Email: jwalker@pueblolibrary.org		Email: ngradisar@gttrlaw.com	
	Engineer		Surveyor	
	Name:		Name: Edward R. Fisher, PLS.	
	Company:		Company: Edward-James Surveying, Inc.	
	Address:	Zip:	Address: 4732 Eagleridge Circle	Zip: 81008
Phone: ()		Phone: (719) 545-6240		
Email:		Email: edwardf@ejsurveying.com		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: Block 121, Fletcher Hill Addition <small>(address or general description)</small>			
	Parcel No(s):			
	Existing Zone: B-2		Proposed Zone (if applicable): S-1	
	PUD Name (if applicable):			
Project Scope	Project Name: Patrick Arnold Lucero Library, Alley Vacation			
	Scope of work:			
	<input type="checkbox"/> Lot Line Rearrangement:			
	# of existing lots: _____ Total acres: _____			
	<input type="checkbox"/> Overall Development Plan			
	<input checked="" type="checkbox"/> Rezoning From: B-2 To: S-1			
	<input type="checkbox"/> Site Plan Review:			
	<input type="radio"/> HARP <input type="radio"/> Development Plan <input type="radio"/> PUD <input type="radio"/> Student Housing			
	<input type="checkbox"/> Special Area Plan			
	<input type="checkbox"/> Street Name Change:			
Existing Name: _____ Proposed Name: _____				
<input type="checkbox"/> Subdivision				
<input type="checkbox"/> Text Amendment				
<input checked="" type="checkbox"/> Vacation:				
<input type="radio"/> Street <input checked="" type="radio"/> Alley <input type="radio"/> Easement <input type="radio"/> Other: _____				
<input checked="" type="checkbox"/> Other: Deed of North/South Alley				

(Continue Next Page)

(Continued from previous page)

Project Information	Provide a brief description of the proposed request: (separate narrative as Attachment A also required) <u>Vacate Alleys in Block 121, Fletcher Hill Addition and deed North South Alley to Safeway Stores 46, Inc., and East West Alley to Pueblo City-County Library District reserving easement for access and sewer.</u>	
	What is the total acreage included in the project? <u>5598 sq. feet</u>	
	What is the proposed use of the property: <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Other <u>Library</u>	
	Are there any other pending or recently approved Land Use applications regarding this property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, please list: <u>Eastside Library Subdivision.</u>	
Attachments	Attachment Checklist	
	The following list of attachments are required to accompany all applications: <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific <input checked="" type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings & a PDF of all documents submitted. <input checked="" type="checkbox"/> C. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) <input type="checkbox"/> D. Additional information as required by the P&Z Submittal Requirements Sheet.	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections. 2. There are no known hazards or vicious animals present on the subject property. 3. All information contained in this application, is true and accurate to the best of my knowledge. 4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.	
Signatures	Property Owner	
	Print Name:	JON WALKER, EXECUTIVE DIRECTOR, PCCLD
	Signature:	 Date: <u>6/24/2014</u>
	Applicant, if different from Property Owner	
Print Name:	NICHOLAS GRADISAR	
Signature:	 Date: <u>6-24-2014</u>	

Office Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date:	
	Application checked for completeness by:	Date:	
	Case Manager:	Fee Paid: <u>250.00</u>	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
	Case #:	<input type="checkbox"/> Approved w/conditions	

legal in word doc.

DETAILED EXPLANATION OF THE REQUEST

The Pueblo City-County Library District is constructing the Patrick Arnold Lucero Library in the East Side Library Subdivision, a portion of Block 121, Fletcher Hill Addition to the City of Pueblo, County of Pueblo, State of Colorado. This site was selected by the Pueblo City-County Library District after consultation with residents of the East Side neighborhood. It is one of three libraries being constructed by PCCLD and this site has presented the most challenges because of the compact size of the building site.

Block 121, Fletcher Hill Addition to the City of Pueblo has two alleys. The first runs generally east and west and is entered off of Monument Street and is 16 feet wide (Monument Street alley). This Monument Street alley is legally described on Exhibit "A" attached hereto.

The second alley runs generally north and south from Eighth Street to the Monument Street alley and is 20 feet wide (Eighth Street alley). The legal description for the Eighth Street alley is on Exhibit "B" attached hereto.

The Monument Street alley is overgrown and appears not to be used for any purpose at the present time.

Pueblo City-County Library District has been in discussions with Safeway Stores and with the City of Pueblo with respect to vacating the Eighth Street alley and the Monument Street alley. Attached hereto as Exhibit "C" is a copy of an unexecuted agreement that has been reached with Safeway Stores 46, Inc., with respect to the Monument Street alley in the event that the City of Pueblo vacates the Monument Street alley. Safeway Stores 46, Inc., has agreed to deed to the Pueblo City-County Library District all of its right, title and interest to the vacated portion of the Monument Street alley. Safeway Stores 46, Inc., would also become the owner of the entirety of the Eighth Street alley since it owns the abutting parcels to that vacated alley.

Safeway Stores 46, Inc. is the owner of the lots abutting the Monument Street alley on the north. The assessor records attached to the application for parcel #429334001 incorrectly reflect that lots 19-22 are owned by Metropolitan Life Insurance Company. This information is the result of an error made 30 years ago and is being corrected in the records of the Assessor.

The City of Pueblo is apparently the deeded owner of the Eighth Street alley which has, apparently, never been dedicated for use as an alley. As part of this transaction, the City of Pueblo would deed the Eighth Street alley to Safeway Stores 46, Inc.

There is a sewer line that runs in the Monument Street alley which was used to serve the residences that formerly occupied portions of the East Side Library Subdivision, which have now been removed. Available maps did not indicate that there were any other users of that City sewer line, however, the City has recently replaced that sewer line and it was determined that Safeway Stores 46, Inc., has a sewer line connected to the sewer in the Monument Street alley.

On June 18, 2013, representatives of the Pueblo City-County Library District met with the City of Pueblo with respect to this Application. At that time, the City of Pueblo indicated that it would need to retain an easement in the vacated Monument Street alley for the sewer line and, would need to retain an easement for access through the vacated Eighth Street alley so that the City of Pueblo could service the sewer line in the Monument Street alley.

Pueblo City-County Library District intends to landscape the vacated alley and use it as a buffer between the Patrick Arnold Lucero Library under construction and the parking lot for Safeway Stores 46, Inc. The landscaping would be compatible with the City's reservation of an easement for the sewer line that runs through the alley and no permanent structures would be constructed in the vacated portion of the alley.

Pueblo City County Library District requests that the vacated Monument Street alley be rezoned S-1 since it will be used for a public purpose and that is the zoning for the Eastside Library 'subdivision. The Eighth Street alley would retain its current B-2 zoning after being vacated.

The Pueblo City-County Library District requests that the City of Pueblo vacate the Monument Street alley, rezone it S-1, and deed the Eighth Street alley to Safeway Stores 46, Inc., reserving easements in both of those vacated alleys as set forth above. This will enhance the esthetics of the neighborhood and the Patrick Arnold Lucero Library.



EDWARD-JAMES SURVEYING, INC.

October 19, 2012
Job No. 1113-00
Page 1 of 1

PARCEL A

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN EAST-WEST 16 FOOT WIDE ALLEY BOUND ON THE NORTH SIDE BY LOTS 19 THROUGH 26 AND BOUND ON THE SOUTH SIDE BY LOTS 27 THROUGH 34 ALL IN BLOCK 121 OF FLETCHER HILL ADDITION TO THE CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO AS RECORDED IN THE PUEBLO COUNTY RECORDS IN BOOK 3, PAGE 26.

CONTAINING A CALCULATED AREA OF 3,200 SQ. FEET, MORE OR LESS.

LEGAL DESCRIPTION STATEMENT

I, RANDEL R. NELSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



RANDEL R. NELSON, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 38303
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.



2764 JANITELL ROAD
COLORADO SPRINGS, CO 80906
PH 719-576-1216
FAX 719-576-1206

4732 EAGLERIDGE CIRCLE
PUEBLO, CO 81008
PH 719-545-6240
FAX 719-545-6247

<http://ejsurveying.com>



PARCEL B

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PUEBLO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 20 FEET OF LOT 19, BLOCK 121, FLETCHER HILL ADDITION TO THE CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO AS RECORDED IN THE PUEBLO COUNTY RECORDS IN BOOK 3, PAGE 26.

CONTAINING A CALCULATED AREA OF 2,398 SQ. FEET, MORE OR LESS.

LEGAL DESCRIPTION STATEMENT

I, RANDEL R. NELSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



RANDEL R. NELSON, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 38303
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.



**AGREEMENT WITH RESPECT TO EAST SIDE LIBRARY AND VACATION
OF ALLEY'S ADJACENT THERETO**

THIS AGREEMENT is entered into on the _____ day of 201_ by and between Safeway Stores 46, Inc., (hereinafter Safeway) and, the Pueblo City-County Library District (hereinafter "PCCLD").

WHEREAS, Safeway Stores 46, Inc., is a Delaware Corporation, authorized to do business in the State of Colorado; and

WHEREAS, PCCLD is a Library District organized pursuant to the provisions of C.R.S. §24-90-101, et. seq.; and

WHEREAS, PCCLD desires to build and operate a branch library on Pueblo's Eastside; and

WHEREAS, PCCLD owns: Lots 27 through 34, Block 121, Fletcher Hill Addition to the City of Pueblo; and

WHEREAS, Safeway is the owner of Lots 1 through 18, Lots 20 through 26 and Lots 35 through 52, of Block 121, Fletcher Hill Addition to the City of Pueblo; and

WHEREAS, Lot 19 is owned by the City of Pueblo and is developed and used as a 20 foot alley (Eighth Street alley); and

WHEREAS, there is a 16-foot alley between Lots 19 through 26 and 27 through 34 of Block 121 Fletcher Hill Addition to the City of Pueblo (Monument Street alley); and

WHEREAS, to facilitate PCCLD's construction and operation of the Library it intends to construct in Block 121 of Fletcher Hill Addition to the City of Pueblo, PCCLD desires that the City of Pueblo vacate the alley that presently exists between Lots 19 through 26 and Lots 27 through 34 in Block 121 of Fletcher Hill Addition; and

WHEREAS, Safeway is desirous of the City of Pueblo vacating the alley on Lot 19 of Block 121 of Fletcher Hill Addition.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, AND THE PERFORMANCE TO BE UNDERTAKEN, THE PARTIES AGREE AS FOLLOWS:

VACATION OF ALLEYS:

1. The parties shall jointly file an application with the Planning and Zoning Commission of the City of Pueblo for the vacation of the alley's described herein and shall cooperate in the timely prosecution of the application. The costs of filing the application and the preparation of maps and drawings necessary to



process the application shall be borne by PCCLD and Safeway shall not to pay any costs incurred.

2. The parties agree that once vacated, the Eighth Street alley will become the sole property of Safeway, and is legally described as:

THE WEST 20 FEET OF LOT 19, BLOCK 121, FLETCHER HILL ADDITION TO THE CITY OF PUEBLO, IN COUNTY OF PUEBLO, STATE OF COLORADO AS RECORDED IN THE PUEBLO COUNTY RECORDS IN BOOK 3, PAGE 26. (CONTAINING A CALCULATED AREA OF 2,398 SQ FEET, MORE OR LESS.) SEE EXHIBIT A ATTACHED HERETO.

3. The parties agree that the Monument Street alley legally described as:

AN EAST-WEST 16 FOOT WIDE ALLEY BOUND ON THE NORTH SIDE BY LOTS 19 THROUGH 26 AND BOUND ON THE SOUTH SIDE BY LOTS 27 THROUGH 34 ALL IN BLOCK 121 OF FLETCHER HILL ADDITION TO THE CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO AS RECORDED IN THE PUEBLO COUNTY RECORDS IN BOOK 3, PAGE 26. (CONTAINING A CALCULATED AREA OF 3,200 SQ. FEET, MORE OR LESS. SEE EXHIBIT B ATTACHED HERETO

Will become the sole property of PCCLD and Safeway will execute a Quit Claim Deed conveying any interest in the Monument Street Alley to PCCLD.

4. Safeway agrees that if, and in the event, that Pueblo City Council vacates the Monument Street alley, all of that vacated alley will become the sole property of PCCLD.
5. The parties agree that when PCCLD takes ownership of the Monument Street alley, PCCLD will at its sole cost, risk and expense, install and maintain the landscaping of such alley as depicted on Exhibit A attached hereto and made a part hereof.
6. The parties agree that the vacation of the alley's described above and the transfer of property described below, is contingent upon the approval by the City Council of the City of Pueblo.

MISCELLANEOUS:

- A. This agreement constitutes the entire agreement between the parties relating to the subject hereof, and any prior agreements pertaining thereto, whether oral or written, have been merged and integrated into this agreement. No subsequent modification of any of the terms of this agreement shall be valid, binding upon the parties or enforceable unless made in writing and signed by the parties.
- B. This contract and all the disputes arising hereunder shall be governed by and construed in accordance with the laws of the State of Colorado that would be applicable to Colorado residents who sign a contract in this state for property

located in Colorado. Venue for any judicial action shall be in the County of Pueblo.

C. This contract shall be binding on successors and assigns of the parties.

D. This agreement shall be effective when it has been executed by the respective parties below.

PUEBLO CITY-COUNTY LIBRARY DISTRICT

By: _____
Board President

SAFEWAY STORES 46, INC.
a Delaware corporation

By: _____
Its Assistant Vice President

By: _____
Its Assistant Secretary

Form approved _____