



AGENDA ITEM SUMMARY

City Council

STAFF

Sophie Buckingham – Civil Engineer I
Brad Yatabe, Legal

SUBJECT

Second Reading of Ordinance No. 096, 2022, Conditionally Vacating a Portion of Coleman Street Right-of-Way.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 6, 2022, adopts the conditional vacation of a portion of Coleman Street right-of-way that is no longer desirable or necessary to retain for street purposes. The right-of-way area, once vacated, will be retained in its entirety as a public utility and public access easement to the City. The right-of-way vacation will be conditional upon the demolition of the existing street stub of Coleman Street and the reconstruction of the vacated area as a landscape and pedestrian area. These conditions are outlined in detail in the Ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

This portion of Coleman Street right-of-way is no longer desirable or necessary to retain for street purposes because Coleman Street will not be continued eastward by the proposed Bloom Filing One development, which is anticipated to be approved in Fall 2022. The right-of-way for the existing street stub of Coleman Street must be vacated for the Bloom Filing One development plans to be in compliance with Section 3.6.3(F) of the Land Use Code. Staff from Planning, Development, and Transportation have determined that vehicular connectivity and circulation will be adequate without the continuation of Coleman Street into the Bloom development, since the following streets will be continued east into the Bloom development: Barnstormer Street, Conquest Street, Sykes Drive, Comet Street, and Crusader Street. Figure 1 shows an area map of the existing street network. After Council's conditional approval of this Ordinance and the City's approval of Bloom Filing One, the Bloom developer will demolish the existing street stub and install a landscape area and pedestrian connection from the East Ridge neighborhood into the future Bloom neighborhood. Figure 2 shows the existing street stub. Once the street stub has been demolished and the pedestrian connection has been installed, the right-of-way vacation will take effect upon recording of the Ordinance with the Larimer County Clerk and Recorder. The entire area of vacated right-of-way will be retained as a public utility and public access easement to the City. The City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation.

For a vacation of right-of-way to be completed, the approved ordinance must first be recorded with Larimer County. To ensure that the vacated area is properly improved and maintained, staff recommends that the following conditions, as further detailed in the Ordinance, be satisfied prior to recording:

- East Ridge Second Filing – ROW Minor Amendment, MA220027, setting forth the proposed street stub demolition and landscape area construction must receive City approval.
- The Bloom Filing One developer will provide the City with a bond for 125% of the estimated cost to restore the existing street improvements, should the Ordinance become null and void after the existing street stub has been demolished.
- The Bloom Filing One developer will demolish the existing street stub.
- Mulberry Metropolitan District No. 3 for the Bloom development will enter into an intergovernmental agreement with the City in which the Metropolitan District agrees to:
 - If vacated area does not vest in the Metropolitan District on vacation pursuant to Section 43-2-302, C.R.S, obtain ownership of the vacated area immediately upon vacation.
 - Provide a bond to the City for 125% of the estimated value of the landscape improvements to guarantee the completion of those improvements.
 - Maintain the vacated area in perpetuity pursuant to the City’s approved plans at the Metropolitan District’s sole expense.

Figure 1. Area Map

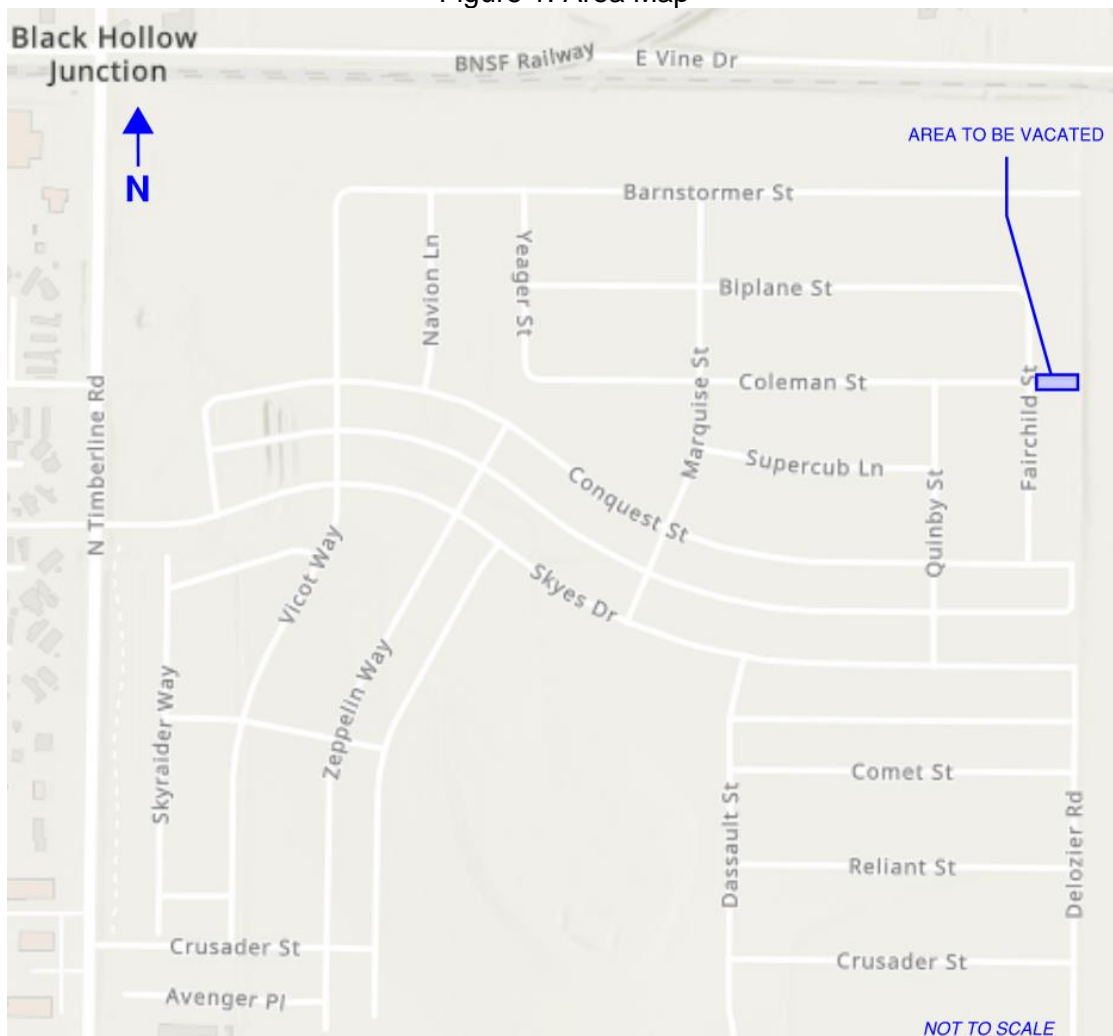
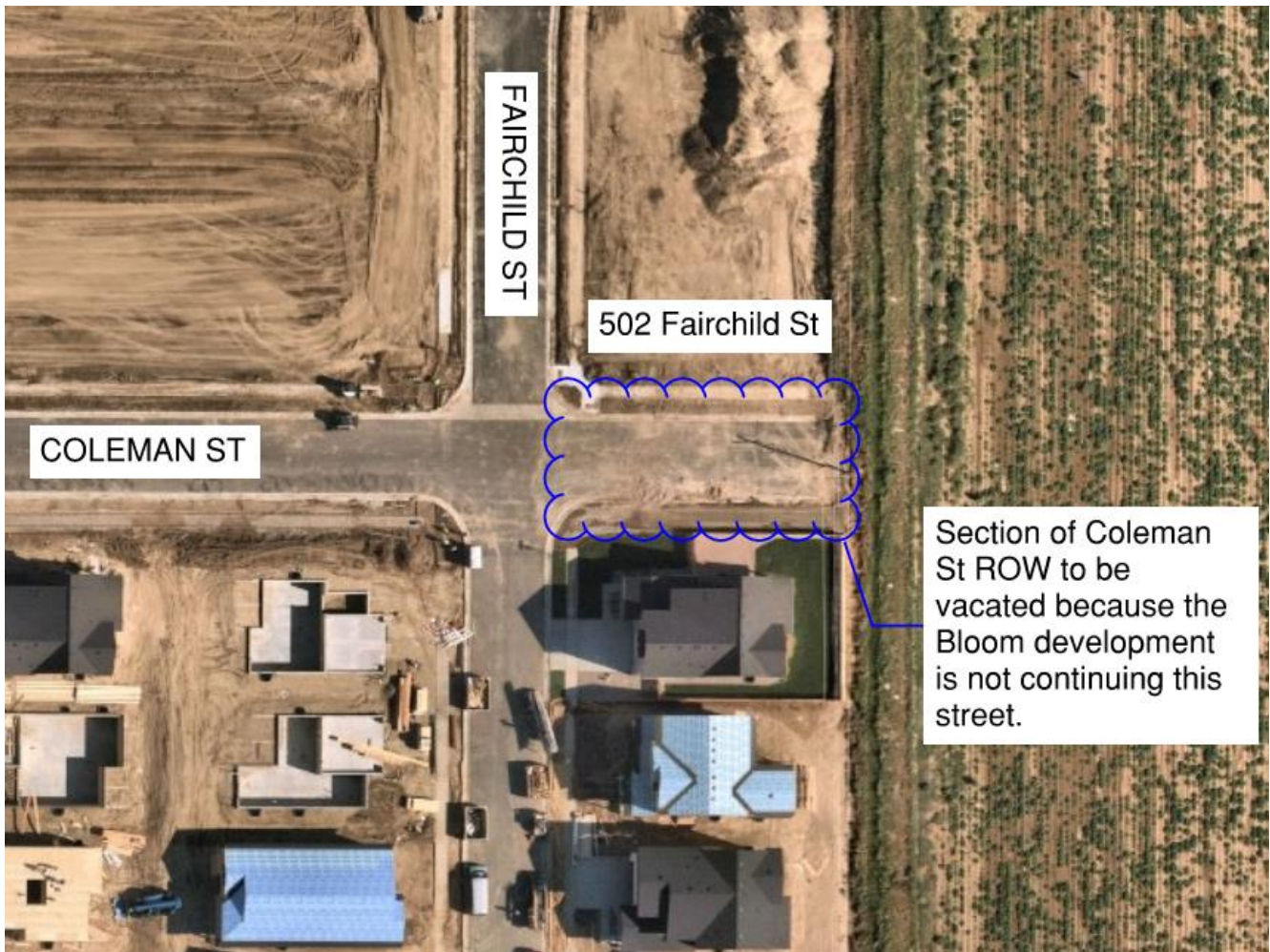


Figure 2. Existing Street Stub



CITY FINANCIAL IMPACTS

The City will no longer need to maintain the 5,373 square feet of vacated right-of-way, which will decrease the City's street maintenance costs.

PUBLIC OUTREACH

Potentially affected utility agencies, staff, and emergency service providers have been notified of the request for right-of-way vacation. Additionally, the adjacent property owners at 468 Fairchild Street and 502 Fairchild Street have been notified of the proposed right-of-way vacation. The notification letter to the adjacent property owners also informed them that the first reading of this Ordinance is scheduled for the City Council consent agenda on September 6, 2022.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration