



## AGENDA ITEM SUMMARY

City Council

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### STAFF

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Jonathan Piefer, Senior Real Estate Specialist  
Tim Dinger, Civil Engineer II  
Ryan Malarky, Assistant City Attorney

### SUBJECT

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**Second Reading of Ordinance No. 160, 2023, Approving the Vacation of a Drainage Easement Located on Tract A of the Old Town North, Fifth Filing Subdivision.**

### EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on November 21, 2023, vacates a 0.808 acre drainage easement (the "Easement") that was dedicated on Tract A of the Plat of the Old Town North Fifth Filing (the "Subdivision") for the benefit of the City because the Easement is no longer required by the City's Stormwater Utilities Department.

### STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on Second Reading.

### BACKGROUND / DISCUSSION

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The lands comprising the Subdivision were originally owned by Old Town North, LLC, which subsequently dedicated a drainage easement to the City on Tract F of the Plat of Old Town North dated June 11, 2004. Tract F was subsequently conveyed to Rocky Mountain High, LLC (the "Owner"), who subdivided Tract F into Lot M1 and Tract A in that certain Plat of the Old Town North Fifth Filing dated January 17, 2023 (the "Plat"). The original drainage easement was reduced on the Plat to its current size of 0.808 acre (35,198 sf), which covers all of Tract A. Tract A is located at the southwest corner of East Suniga Road and Blondel Street.

The Owner still owns Tract A and has asked the City to vacate the Easement because recent stormwater improvements in the area constructed by the City have eliminated the need for the Easement. Specifically, the City's construction of the storm sewer for the Northeast College Corridor Outfall Project ("NECCO") has removed offsite flows on Tract A. Tract A is also no longer located within the Dry Creek 100-year flood way. The NECCO system now provides outfall, quantity detention, and standard water quality for the Subdivision. Any future development on Tract A will require payment of NECCO fees and would need to meet Low Impact Development stormwater management criteria. If the City vacates the Easement the Owner will be able to redevelop Tract A without the burden of the Easement.

Easements of this kind may be vacated by the Planning and Zoning Board or the Director of Community Development and Neighborhood Services when the property is in the development review process. Because neither Tract A nor the Subdivision are currently in the development review process, the vacation of the Easement requires Council approval.

## **CITY FINANCIAL IMPACTS**

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None.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The City's Stormwater Utilities Department has approved the vacation of the Easement.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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First Reading attachments not included.

1. Ordinance for Consideration