



AGENDA ITEM SUMMARY

City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Sophie Buckingham, Civil Engineer
Ryan Malarky, Legal

SUBJECT

Second Reading of Ordinance No. 130, 2023, Approving the Vacation of an Emergency Access Easement Located on Lot 1 of the Elizabeth Subdivision.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 19, 2023, approves an Ordinance that would vacate a twenty-foot emergency access easement (the "Easement") that was dedicated on the Plat of the Elizabeth Subdivision (the "Subdivision") across Lot 1, Block 1 (811 East Elizabeth Street) for the benefit of Lot 2, Block 1 (813 East Elizabeth Street) because the Easement is no longer required by Poudre Fire Authority.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The lands comprising the Subdivision were originally owned and subdivided by Elizabeth Street Holdings, LLC, Kevin R. Krause, Adrian K. Krause, and Barry Schram in the Plat dated May 14, 2018 (the "Plat"). The Plat created two separate lots, which were subsequently conveyed to Kevin R. Krause (the "Owner"), who remains the current owner of Lots 1 and 2 of the Subdivision. The Easement was dedicated to the City by the Plat pursuant to Section 3.6.6 of the Land Use Code, which requires an emergency access easement for compliance with the International Fire Code as adopted and amended by Chapter 9 of the City Code.

On or about February 28, 2020, the Owner completed the construction of his residence on Lot 2 of the Subdivision, which included the installation of a 13D fire sprinkler system in the residence. With the installation of this system, Poudre Fire Authority has verified that the Easement is no longer necessary because the installation of the system alleviates Lot 2 from the emergency access requirements of Section 3.6.6 of the Land Use Code. The Owner has requested the vacation of the Easement so that Lot 1 may be redeveloped without the burden of the Easement.

Easements of this kind may be vacated by the Planning and Zoning Commission or the Director of Community Development and Neighborhood Services when the property is in the development review process. Because the subject property here is not in that process, the vacation of the Easement requires City Council approval.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Fire Safety Inspector for Poudre Fire Authority has approved the vacation of the Easement.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading Attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance