



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
-CITY COUNCIL-
MAY 3, 2022**

Application #: 2022-11
Project Name: West Pabor
Application Type: Vacation of Right-of-Way
Representative: Kaart Planning LLC
Location: A portion of right-of-way north of 535 West Aspen Avenue.
Request: This is a request for a Right of Way (ROW) Vacation of a 450'X 38' strip of land on the north edge of 535 W. Aspen Avenue and the south edge of West Pabor Way. The proposed vacation will align the ROW with the northern property lines to the west of the subject property.

DESCRIPTION:

This is a request for approval of a vacation of right-of-way along a portion of West Pabor Way. The portion under consideration is a strip measured 38 feet by 450 feet of right-of-way. The right-of-way was originally dedicated in the early 1900's and set apart approximately 100 feet total. Records show that in the early 1980's, West Pabor Way was improved with 52 feet of total right-of-way, leaving the remaining 48 feet of right-of-way as unimproved. In May of 1980, the Town of Fruita's Board of Trustees adopted Ordinance No. 438, which vacated 10 feet of the southern portion of the originally dedicated right-of-way leaving 90 total feet of right-of-way. In 1982, the City Council adopted Ordinance No. 1982-20, which vacated a portion of right-of-way along the north side of the three (3) properties to the west of the 535 West Aspen Avenue property. The 1982 Ordinance did not include the entire section of West Pabor Way to the intersection of Coulson Street and left the portion of right-of-way being considered at this time.

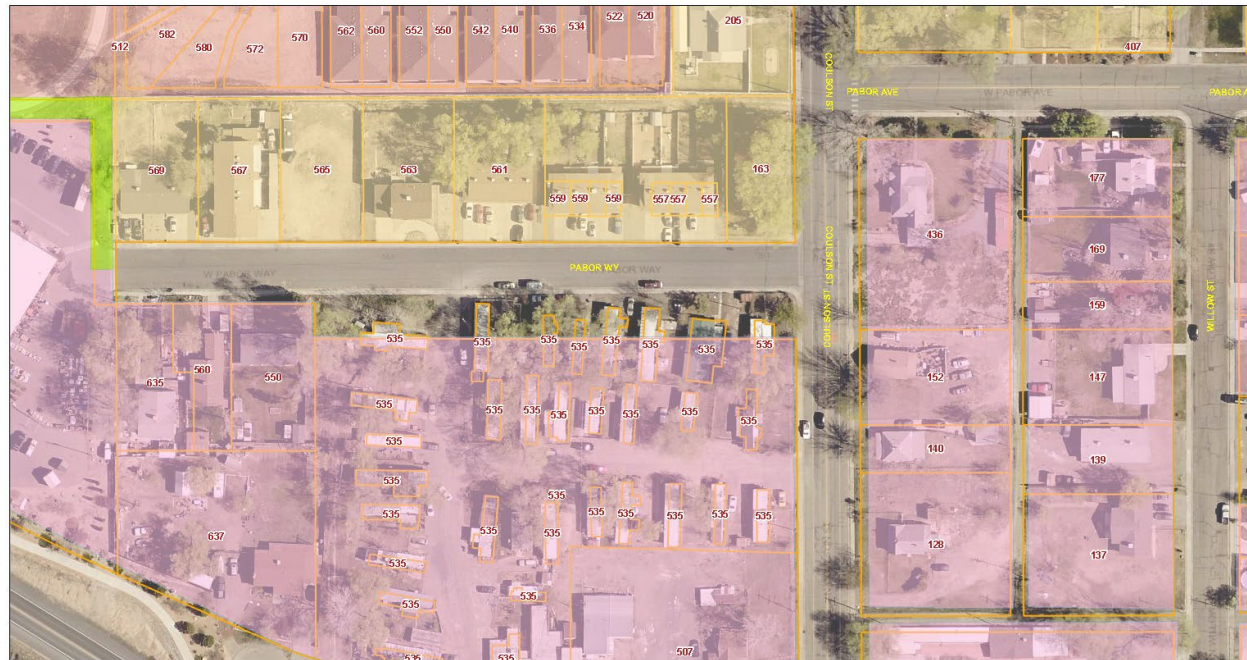
Included with the Staff Report is an Improvements Survey Plat which gives a better understanding of the portion of right-of-way proposed to be vacated. The vacation of right-of-way will align with property lines along the southern portion of West Pabor Way.

SURROUNDING LAND USES/ZONING AND CITY UTILITIES:

Surrounding land uses consist of single family residential (attached and detached dwelling units) with the Fruita True Value to the west. Most of the area surrounding the subject property is zoned Downtown Mixed-Use.

ZONING MAP

ArcGIS Web Map



3/30/2022, 9:44:43 AM

Address Labels DMU

Existing Zoning Districts PUD

 CSR

 CR

 DMU

6 PUD

Fruita Area Roads

Hualia Area Roads

 PARCEL

2020 Photography

Red: Band_1

Green: Band_2

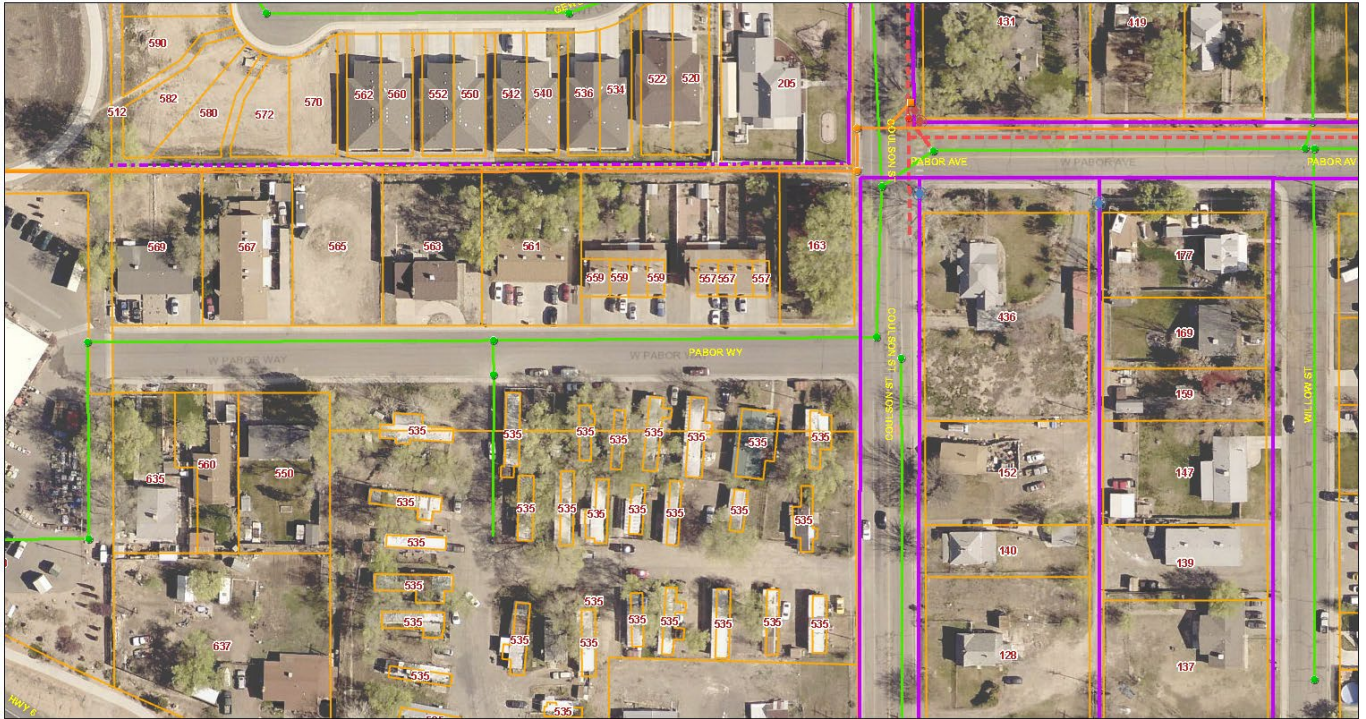
Blue: Band_3

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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CITY UTILITY MAP

ArcGIS Web Map



3/30/2022, 9:35:59 AM

Address Labels
Storm Drain Lines
City of Fruita Pipe
Area Irrigation - irrigation_lines
City Pipe
Area Irrigation - irrigation_points
City Ditch
SHUTOFF VALVE
FLUSH VALVE
Sewer Points
Manhole

Abandoned Manhole
Sewer Lines
Gravity
Abandoned
Fruita Area Roads
PARCEL
2020 Photography
Red: Band_1
Green: Band_2
Blue: Band_3

1:1,128
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

Section 17.09.090 Vacation of Public Right-of-Way may be approved upon finding that the vacation will not:

1. Create any landlocked parcels;

This is not a complete vacation of the entire portion of the West Pabor Way right-of-way. The 38' by 450' foot portion of right-of-way currently does not provide primary access to any parcel of land, so no parcel of land will be landlocked if this right-of-way is vacated. This criterion has been met.

2. Negatively impact adjacent properties;

Vacation of the subject right-of-way should not negatively impact adjacent properties. There are utilities within the West Pabor Way right-of-way, but they appear to be outside of the portion proposed to be vacated. This criterion has been met.

3. Reduce the quality of public services to any parcel of land; and

Public services are provided by both the City of Fruita and outside agencies such as Ute Water, Excel Energy, and others. Based on review comments received by outside agencies, it does not appear that public services will be reduced with this application.

To maintain a certain level of appropriate public services, the city is requiring that 14 feet of the right-of-way be reserved as a multi-purpose easement. Multi-purpose easements are required along all street frontages for the purpose of city approved utilities and public providers. This easement will allow for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, sanitary wastewater lines, storm sewer, water lines, telephone and telecommunications lines, and also for landscaping, trees and grade structures. This multi-purpose easement may need to be wider based on resolution of underground utilities review. This criterion can be met.

4. Be inconsistent with any transportation plan adopted by the city.

The subject right-of-way is not specifically shown on an adopted transportation Master Plan. There is no need to retain this portion of right-of-way. The current conditions for West Pabor Way meet the street standards adopted by the City with 36 feet of asphalt already installed with no planning documents suggesting this right-of-way be improved any greater. Based on this information, this criterion has been met.

Vacation of this right-of-way will not be in violation of any local or state law because it does not create any landlocked parcels, does not negatively affect adjacent properties, does not reduce quality of public services and does not violate the city's master plan.

LEGAL NOTICE:

	Y	N	DATE
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3/23/2022
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3/23/2022
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3/22/2022



NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, April 12, 2022 at 6:00 p.m.** This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at www.fruita.org. If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a Recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, May 3, 2022 at 7:00 p.m.** Please check www.fruita.org for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

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Project Name: West Pabor

Application: ROW Vacation

Representative: Kaart Planning LLC

Location: 535 W. Aspen Avenue

Description: This is a request for a Right of Way (ROW) Vacation of a 450' X 38' strip of land on the north edge of 535 W. Aspen Avenue and the south edge of West Pabor Way. The proposed vacation will align the ROW with the northern property lines to the west of the subject property.

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org

REVIEW COMMENTS:

All review comments received are included with the Staff Report. Based on the comments received, there does not appear to be any concerns with this application. The applicant will need to verify any underground utilities that may be located in the portion of vacation.

PUBLIC COMMENTS:

No written public comments have been received by Staff at this time. Any written public comments received by Staff will be entered into the record

STAFF RECOMMENDATION:

Staff recommends **approval** of application 2022-11 with the condition that all review comments and issues identified in the Staff Report be adequately resolved prior to the recording of the Ordinance to vacate the right-of-way.

PLANNING COMMISSION SUGGESTED MOTION:

Mr. Chair, I move we recommend (**approval**/denial) of application 2022-11 to the Fruita City Council, with the condition that all review comments and issues identified in the Staff Report be adequately resolved prior to the recording of the Ordinance to vacate the right-of-way.

CITY COUNCIL SUGGESTED MOTION:

It is the recommendation of Staff that the Council by motion:

APPROVE ORDINANCE 2022-14, 2ND READING, AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG WEST PABOR WAY LOCATED WITHIN THE CITY OF FRUITA WITH THE CONDITION OF RESERVING A 14-FOOT MULTIPURPOSE EASEMENT ADJACENT TO THE VACATED PORTION OF RIGHT-OF-WAY.

<u>FRUITA PLANNING COMMISSION:</u>	APRIL 12, 2022
<u>FRUITA CITY COUNCIL:</u>	MAY 3, 2022