



**FRUITA**  
COLORADO

## AGENDA ITEM COVER SHEET

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**TO:** Fruita City Council and Mayor

**FROM:** Planning & Development Department

**DATE:** April 19, 2022

**AGENDA TEXT:** ORDINANCE 2022-14, 1<sup>st</sup> reading – an Ordinance of the City of Fruita, Colorado, Vacating certain street right-of-way along West Pabor Way for publication of public hearing on May 3, 2022.

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### BACKGROUND

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.

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. It is Staff's recommendation that a 14-foot portion be reserved as a utility easement. Utility easements are typically required along all street frontages for placement of electric, telephone, and similar lines and appurtenances.

The Planning Commission recommended approval by a vote of 5-0 to the City Council at their April 12, 2022, public hearing. No public comments were received at this meeting nor have any written public comments been received by Staff at this time.

In accordance with Section 31-16-106 of the Colorado Revised Statutes, this Ordinance must be introduced to the City Council at least ten (10) days prior to its adoption. The adoption date is set for May 3, 2022, which is fourteen (14) days from the 1<sup>st</sup> Reading.

### FISCAL IMPACT

There are no fiscal impacts associated with the vacation of this portion of right-of-way because it does not contain or require any additional public improvements.

## **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

It is important to the City Council that decisions of applications align with the three strategic outcomes of Quality of Place, Economic Health, and Lifestyle built upon a base of providing quality Core Services. Based on the review of this application, Staff feels that no negative impacts to Quality of Place, Economic Health, and Lifestyle will be a result of the decision to approve this Ordinance.

Staff does not believe that the proposed vacation of right-of-way would deviate from the Plan Vision which states, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.” (Page 3, Comprehensive Plan).

## **OPTIONS AVAILABLE TO THE COUNCIL**

1. Publish a synopsis of Ordinance 2022-14, 1<sup>st</sup> reading of an Ordinance of the City of Fruita, Colorado, vacating certain street right-of-way along West Pabor Way located within the City of Fruita for publication of public hearing on May 3, 2022.
2. Denial of the proposed Ordinance.
3. Advise Staff to revise any portion of the Ordinance.

## **RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-14, 1<sup>ST</sup> 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 FOR PUBLICATION OF PUBLIC HEARING ON MAY 3, 2022.**