



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: September 28, 2023	ITEM NO.	SUBJECT: Ordinance to Reconsider Request to Vacate El Moro Right of Way
Presented by: Town Administrator /Clerk		

Background

This request is before the Board to reconsider. The Board previously approved the vacation of El Moro right of way (ROW) for two applicants with a ten-foot permanent trail easement along the (Virginia) Lot 8 property; however, prior to the vacation being filed with the county, the Virginia property sold and the new landowner learned of the ROW vacation and wanted to participate in it.

The Planning Commission reviewed the application and recommended approval by 6-0 vote on 9/20/2023, minutes as follows –

4. *Reconsider Vacation of Undeveloped El Moro Right of Way. Ms. Maria Duran provided the change to the revised application for the vacation of right of way El Moro. One of the three landowners abutting the right of way sold the residential property and the new owner was interested in participating in the vacation. Collins noted this is the traditional way that right of way vacation is conducted with abutting property owners getting a portion of the right of way. No person spoke for or against the vacation request. Chair Ihlenfeld closed the hearing.*

6. *Reconsider the Vacation of Undeveloped El Moro Right of Way. MOTION (Miner, Caves) recommended approval of the revised request to vacate El Moro right of way. Motion passed 6-0.*

This is the traditional way that a right of way vacation is conducted with abutting property owners receiving a portion of the ROW.

Recommended Action

Staff recommendation is to support the recommendation of the Planning Commission to approve the vacation as requested.

Note: Staff also recommends that the Board waive the fee for the vacation application due to re-work and multiple applications and drawings completed for this request.