

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: August 15, 2006

STAFF: Marc Virata

SUBJECT

Second Reading of Ordinance No. 116, 2006, Vacating an Alley Right-of-way on Block 33 Established as Part of the 1873 Map of the Town of Fort Collins.

RECOMMENDATION

Staff recommends approval of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 18, 2006, authorizes the vacation of an alley right-of-way located north of Maple Street, west of North Mason Street, in Block 33. A pedestrian spine linear park is proposed through the middle of the block where the right-of-way is located. The right-of-way is no longer needed, but access, drainage, and utility easement will be retained.

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 28

DATE: July 18, 2006

STAFF: Marc Virata

SUBJECT

First Reading of Ordinance No. 116, 2006, Vacating an Alley Right-of-way on Block 33 Established as Part of the 1873 Map of the Town of Fort Collins.

RECOMMENDATION

Staff recommends approval of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance authorizes the vacation of an alley right-of-way located north of Maple Street, west of North Mason Street, in Block 33. A pedestrian spine linear park is proposed through the middle of the block where the right-of-way is located. The right-of-way is no longer needed, but access, drainage, and utility easement will be retained.

BACKGROUND

In 1873, by an order of the Board of County Commissioners of Larimer County, the Town of Fort Collins was incorporated. In its order, the Board of County Commissioners also established the Town Map, which included an alley on Block 33 of the Town of Fort Collins. Presently the City owns the entire block; Ordinance No. 77, 2005 authorized entering into an agreement to sell portions of Block 33 to Penny Flats, LLC in order to facilitate a proposed project on Block 33. The agreement was fully executed on February 24, 2006 with the "Option Agreement for Purchase and Sale of Real Property". Penny Flats, LLC has submitted the mixed-use project, known as Penny Flats on Block 33, and obtained approval of the development plan on March 10, 2006. Presently, Penny Flats is under final plan review.

The development plan for Penny Flats specifies a pedestrian spine linear park running north-south bisecting the middle of the block where the alley right-of-way and adjacent Howes Street Stormwater Outfall are located. In addition to the pedestrian spine being a design component of the Penny Flats development, implementation of the pedestrian spine is outlined as a key component of the City's Civic Center Master Plan. With the development plan limiting the use to pedestrians and no longer specifying the use of the alley for vehicular purposes, both City staff and Penny Flats, LLC do not find a benefit in retaining the alley as public right-of-way. Furthermore, the development proposal calls for structures such as address kiosks within the area proposed for vacation, which, if kept as a right-of-way, would be prohibited as specified under Section 23-46 of the City Code unless Penny Flats, LLC initiated an encroachment permit application to the City. All public and private utilities have been notified of the proposed vacation and they report no objections, provided the area is retained as an access, drainage, and utility easement.

ORDINANCE NO. 116, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING AN ALLEY RIGHT-OF-WAY ON BLOCK 33
ESTABLISHED AS PART OF THE 1873 MAP OF THE TOWN OF FORT COLLINS

WHEREAS, in 1873 by an order of the Board of County Commissioners of Larimer County, the Town of Fort Collins was incorporated; and

WHEREAS, in its order the Board of County Commissioners also established the Town Map, which included an alley on Block 33 of the Town of Fort Collins; and

WHEREAS, the City Council has received a request to vacate this alley; and

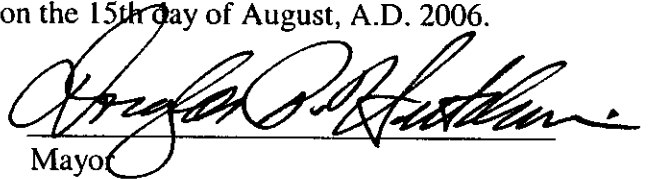
WHEREAS, said portion of alley right-of-way is no longer necessary or desirable to retain for street purposes; and

WHEREAS, pertinent City agencies and private utility companies have been contacted and reported no objection to the proposed vacation, provided that an access, drainage, and utility easement be reserved unto the City; and

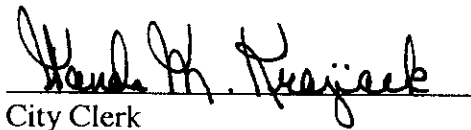
WHEREAS, the right of the residents of the City of Fort Collins will not be prejudiced or injured by the vacation of said street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the portion of alley right-of-way, more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference, is hereby vacated, abated and abolished, reserving the same unto the City as an access, drainage, and utility easement.

Introduced, considered favorably on first reading, and ordered published this 18th day of July, A.D. 2006, and to be presented for final passage on the 15th day of August, A.D. 2006.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 15th day of August, A.D. 2006.

Mayor

ATTEST:

City Clerk