



Council Communication

File Number: V24-0001

Agenda Date: 8/19/2024

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

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AN ORDINANCE VACATING RIGHT-OF-WAY COMPRISED OF A PORTION OF SEVENTH AVENUE GENERALLY LOCATED NORTH OF EAST 84th AVENUE BETWEEN ROSEMARY STREET AND ULSTER STREET, COMMERCE CITY, COLORADO

Summary & Background

Mid-Rail Real Estate, LLC, is requesting to vacate Seventh Avenue inactive right-of-way in Irondale, which was dedicated to the City as public right-of-way in 1899 but has never been utilized as such.

The area proposed to be vacated, historically known as Seventh Avenue, was dedicated to the City as right-of-way on the original Irondale plat recorded in 1899. A blanket vacation for the original Irondale plat was processed in 1936, but failed to vacate the thirty foot wide Seventh Avenue right-of-way. This is currently considered inactive right-of-way and there is no evidence that the dedicated right-of-way was ever utilized by the City. There are no plans to utilize this area as right-of-way at any time in the future, nor would there be anywhere for it to go due to development that has occurred over the past 125 years since the original Irondale plat was recorded.

The review process and analysis illustrates that the proposed Vacation of Right-of-Way is consistent with the goals of the Irondale Neighborhood & Infrastructure Plan and Comprehensive Plan. In addition, there are no outstanding comments or concerns from referral agencies for the proposed Vacation of Right-of-Way.

The proposed Vacation of Right-of-Way meets all relevant City standards and Land Development Code (LDC) requirements. A full analysis of the approval criteria is provided in the attached Vacation of Right-of-Way report. Relevant approval criteria are as follows (LDC Sec. 21-3233(3)):

A Vacation of Right-of-Way application may be approved if:

- (i) The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;
- (ii) The land to be vacated is no longer necessary for the public use and convenience;
- (iii) The vacation will not create any landlocked properties;
- (iv) The vacation will not render access to any parcel unreasonable or economically

prohibitive;

(v)The vacation will not reduce the quality of public services to any parcel of land;
and

(vi)A separate plat to replat the vacated area into a larger, usable piece of land
has been submitted.

Staff Responsible (Department Head): Jeff Brasel, Interim Community Development
Director

Staff Presenting: Heather Vidlock, Interim Planning Manager

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On July 2, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 0) to forward the Vacation of Right-of-Way request to City Council with a recommendation for approval.

Action Alternatives:

Approve the application in accordance with the PC recommendation;

Approve the application with conditions; or

Deny the application;