



Commerce City

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Council Communication

File Number: Ord 2548

Agenda Date: 11/6/2023

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

FIRST READING OF AN ORDINANCE VACATING A PORTION OF E. 83rd AVE RIGHT-OF-WAY GENERALLY LOCATED SOUTH OF 8003 E. 83RD AVE, NORTH OF 8000 E. 83RD AVE AND WEST OF VACATED ULSTER ST, COMMERCE CITY, COLORADO

Summary and Background Information:

Mid-Rail Real Estate, LLC is requesting to vacate a portion of East 83rd Avenue right-of-way in Irondale that is no longer used due to a 2017 vacation of a portion of adjoining Ulster Street.

The portion of East 83rd Avenue proposed to be vacated has not been used for several years. This portion of East 83rd Avenue became effectively unusable when a rail spur was built in 2018, and the adjoining portion of Ulster Street was vacated via ordinance No. V-87-17.

The review process and analysis illustrates that the proposed vacation of right-of-way is consistent with the stated 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. It can be found that all applicable approval criteria from Sec. 21-3233(3) of the Land Development Code have been met as stated in the Vacation of Right-of-Way report.

On October 3, 2023, the City's Planning Commission held a public hearing on this item and voted unanimously (5 - 0) to recommend approval to City Council.

Staff Responsible (Department Head): Tricia McKinnon, Acting Community Development Director

Staff Member Presenting: Jennifer Jones, Planning Manager

Financial Impact: None

Funding Source:

PC Recommendation: Approval of the Vacation of Right-of-Way

Action Alternatives:

Approve the application in accordance with the PC recommendation; Deny the

application;

Continue the application to a subsequent City Council hearing; or Remit the application back to Planning Commission.

Potential Motions:

Approval

I move that the City Council enter a finding that the requested Vacation of Right-of-Way contained in case V-91-23 meets the criteria of the Land Development Code and, based upon such finding, approve the Vacation of Right-of-Way.

Denial

I move that the City Council enter a finding that the requested Vacation of Right-of-Way contained in case V-91-23 fails to meet the criteria of the Land Development Code and, based upon such finding, deny the Vacation of Right-of-Way.

Continuance

I move that the City Council continue the public hearing of the requested Vacation of Right-of-Way for the property contained in case V-91-23 to the next regularly scheduled City Council hearing or A date certain.

Remittance back to Planning Commission

I move that the City Council remit discussion of the requested Vacation of Right-of-Way contained in case V-91-23 back to the Planning Commission for further discussion.