

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** August 27, 2024

**ITEM NUMBER:** 12.D

**SECOND READING:** September 10, 2024

{{customfields.ResoOrdNumber}}

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

**Molly Day, Planning & Development Services, [molly.day@longmontcolorado.gov](mailto:molly.day@longmontcolorado.gov)**

## **SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Conditionally Approving The Vacation Of A Thirty-Foot-Wide Access Easement Across The North Side Of The CR5 Storage SP, LLC Property Generally Located South Of State Highway 119 And East Of Weld County Road 5

## **EXECUTIVE SUMMARY:**

City of Longmont Parks Department has requested to vacate an existing 30-foot-wide access easement located on the north side of CR5 Storage SP, LLC property (Lot B, Recorded Exemption No. 1313-9-2 RE-3232) which grants access from Weld County Road 5 (WCR5) to the City of Longmont's Boulder Creek Estates Open Space (Lot C, Recorded Exemption No. 1313-9-2 RE-3232). In support of the St. Vrain Greenway, Phase 13 project, CR 5 Storage SP, LLC has agreed to grant a permanent trail easement to the City for the placement, construction, and maintenance of the greenway trail and a temporary construction easement for activities associated with trail construction. With the granting of the permanent access easement, the current easement is no longer needed. Dedication of new easements will be completed through separate instrument.

## **COUNCIL OPTIONS:**

1. Approve the ordinance, finding the vacation in compliance with the Longmont Municipal Code.
2. Approve the ordinance with conditions that would make the vacation in compliance with the Longmont Municipal Code.
3. Do not approve the ordinance, finding the vacation not in compliance with the Longmont Municipal Code.

## **RECOMMENDED OPTIONS:**

Staff recommends that the City Council approve the ordinance, finding the easement vacation in compliance with the Longmont Municipal Code.

## **FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:**

N/A

## **BACKGROUND AND ISSUE ANALYSIS:**

Sarah Krejca, Senior Project Manager for City of Longmont Parks & Natural Resources has petitioned the City of Longmont to vacate a 30-foot-wide access easement located on the north side of the CR 5 Storage SP, LLC property (Lot B, Recorded Exemption No. 1313-9-2 RE-3232). The subject easement is located south of State Highway 119, and parallels the northern property line of the CR 5 Storage SP, LLC property and was created in 2002 by Recorded Exemption No. 1313-9-2 (Reception No. 2942710). A vicinity map showing the general location of the subject easement is included as Attachment 1. As shown in the provided Parcel Description—Easement Vacation, which was provided by the applicant, the subject easement is 30-feet wide and runs north-west to south-east.

The City of Longmont Parks Department is completing the design phase of the St. Vrain Greenway, Phase 13 project. This project will extend the greenway trail approximately 2.2 miles from Sandstone Ranch Nature Area to St. Vrain State Park. CR 5 Storage SP, LLC has agreed to grant the City a permanent trail easement for the placement, construction, and maintenance of the greenway trail. They are also granting a temporary construction easement for activities associated with the trail construction. The permanent easement will provide better access, therefor causing the current easement to be redundant and no longer necessary.

The Development Review Committee (DRC) has reviewed this request and finds the vacation is in compliance with the review criteria for easement vacations found in Sections 15.02.055 & 15.02.060.H.2 of the Longmont Land Development Code.

**Section 15.02.055**—No major, minor, or administrative development application shall be approved unless it meets the following review criteria, except that individual types of applications described in this land development code specifically may include exceptions to these criteria or impose additional criteria:

1. **The application is consistent with the comprehensive plan and the purpose of the code and zoning district; conforms to any previously approved concept plan, preliminary plat, or PUD overall development plan; and complies with all applicable statutes, codes, ordinances and regulations.**

The proposed easement vacation is located on property in unincorporated Weld County. It does not propose changes to the approved land use, and complies with all applicable statutes, codes, ordinances, and regulations.

2. **The application complies with applicable city standards, including for street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services.**

The proposed vacation complies with all applicable City standards, and will not negatively impact required street and utility access to this site or adjacent properties, nor will urban-level services be impacted.

3. **The application proposes development compatible with surrounding properties in terms of land use, site and building layout and design, and access.**

The application does not propose new development. Vacation of this easement will support the development and construction of the new St. Vrain Greenway Trail.

4. **The application will not adversely affect surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities, or the adverse impacts of the use will be mitigated to the maximum extent feasible.**

The proposed vacation will not adversely affect the surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities.

5. **The application, where required, complies with the sustainability evaluation system requirements to mitigate impacts of development within the city's riparian areas, and as applicable to other projects as determined by separate agreement.**

The proposed vacation does not propose development within or adjacent to a City riparian area.

6. **The application includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through-street connections, sidewalks, trails and similar features.**

The proposed vacation will not impact multimodal transportation in the area.

**Section 15.02.060.H.2**—Review Criteria for Vacations. Vacations shall also comply with the following additional review criteria:

- a) **The right-of-way or easement will not be used in the short or long term, or the city receives conveyance or dedication of substitute easements or rights-of-way appropriate to satisfy the continuing municipal need.**

The existing 30-foot-wide access easement is being vacated and replaced with a permanent access easement by separate instrument.

- b) **The vacation does not create an irregular right-of-way or easement configuration which could create difficulty in the provision of services or installation of public improvements.**

The proposed vacation does not create an irregular right-of-way or easement that would create any difficulty for public services or installation of improvements.

- c) **The public benefits and utility of the vacation request outweigh any adverse impacts of the vacation.**

The DRC has not identified any adverse impacts resulting from the proposed vacation of this easement. The proposed vacation will allow for a permanent easement to be granted to the City.

- d) **The applicant will relocate, if necessary, the public facilities located within the right-of-way or easement.**

There are no public facilities to relocate within the easement.

## **ATTACHMENTS:**

1. Ordinance
2. Vicinity Map
3. Parcel Description – Easement Vacation (Exhibit A)