

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** August 27, 2024

**ITEM NUMBER:** 9.C

**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 Five-foot-wide Utility Easement And A Portion Of A Five-foot-wide LPC Easement Generally Located South Of 9th Ave Along The Northern Boundary Of Lot 1 Trinity Subdivision

## **EXECUTIVE SUMMARY:**

This request is to vacate a five-foot-wide utility easement and a portion of a five-foot-wide LPC easement currently located on the north side of Lot 1 Trinity Subdivision Plat. The vacation is part of a proposal for a minor subdivision plat of the Trinity Subdivision. The Trinity Subdivision Replat A is dedicating new right-of-way which is approximately 20-feet wide and 203-feet long, comprising roughly 0.09 acres. The five-foot-wide utility easement is located along the northern portion of the new right-of-way and extends 20-feet along the eastern portion of the property. The LPC easement is five-feet-wide and extends along the entire length of the western property line. A 20-foot portion of the LPC easement is being vacated, running north to south. The utility easement and LPC easement are no longer necessary due to the future improvements along 9<sup>th</sup> Avenue in the newly dedicated right-of-way.

## **COUNCIL OPTIONS:**

Approve the ordinance, finding the vacation in compliance with the Longmont Municipal Code.

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

## **RECOMMENDED OPTIONS:**

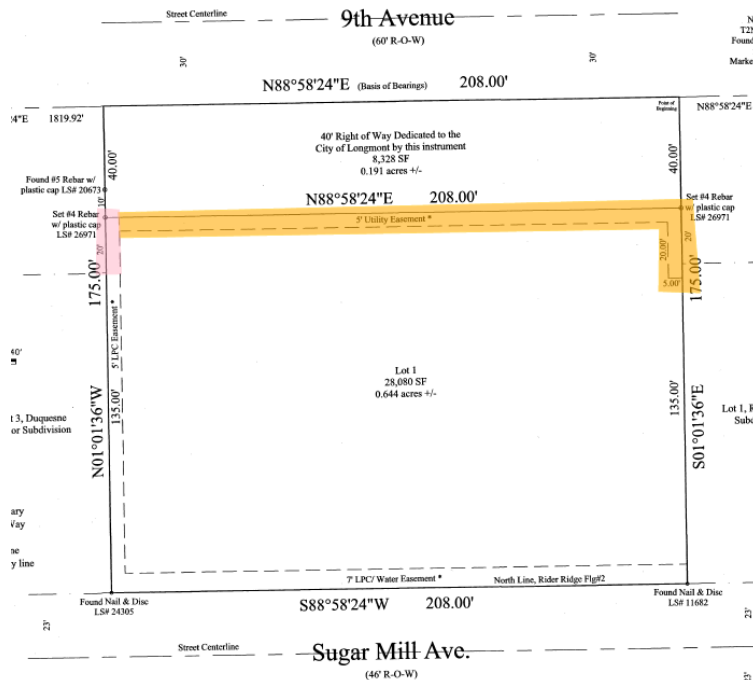
Staff recommends that the City Council approve the ordinance, finding the easement vacation in compliance with the Longmont Municipal Code.

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

None

**BACKGROUND AND ISSUE ANALYSIS:**

The property owner is 901 E 9<sup>th</sup> Ave has petitioned the City of Longmont to vacate a five-foot-wide utility easement that runs along the northern property line of Lot 1, Trinity Subdivision in its entirety. A portion 20-foot-long, five-foot-wide portion of an LPC easement is also being petitioned for vacation. The subject property, Lot 1, Trinity Subdivision, is currently being subdivided as part of the Trinity Subdivision Replat A minor subdivision plat. As part of this replat, 20-feet of right-of-way is being dedicated to the City. The utility easement, and a portion of the LPC easement, are located in the newly dedicated right-of-way, and are not necessary for the development; any required easements will be provided with the approval of the plat. The subject property is generally located due south of 9<sup>th</sup> Avenue, west of Pace Street, north of Sugar Mill Avenue, and east of Brookside Drive. A vicinity map showing the general location of the subject easements is included as Attachment 1. As shown in the provided Parcel Description—Easement Vacation, which was provided by the applicant, the subject utility easement is approximately 5-feet wide, runs east to west for 203-feet, and extends south along the eastern and western property lines for 20-feet. The portion of LPC easement to be vacated is approximately 5-feet wide, and runs north to south for 20-feet. In the below image, the 5-foot-wide utility easement to be vacated in its entirety is highlighted in yellow, and the portion of the 5-foot-wide LPC easement to be vacated is highlighted in pink. A larger, and more detailed vicinity map is attached.



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 does not change any of the approved land uses for this property, is consistent with the comprehensive plan (Envision Longmont), and will comply 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 request complies with all applicable city standards, and it will not negatively impact required street and utility design and layout. The property can be served with urban-level services.

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

The proposed vacation does not propose additional development. It will allow for future public improvements in the right-of-way adjacent to 9<sup>th</sup> Avenue.

- 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.**

A transportation plan was not required for the proposed easement vacation because no additional development is proposed. Multimodal transportation development will be possible in the newly dedicated right-of-way with the approval of this easement vacation.

**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 proposed development will provide replacement easements, where necessary that will satisfy the needs of the community with the approval of the plat.

- 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 any irregular right-of-way or easement configuration that would create difficulty in providing public services or installing public improvements.

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

The DRC did not identify any adverse impacts associated with the proposed easement vacation.

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

As part of the development of the site, the public facilities will be relocated, as needed, by the developer and placed in new easements that meet the standards in the Longmont Land Development Code.

**ATTACHMENTS:**

- 1 - Ordinance
- 2 - Vicinity Map
- 3 - Parcel Description