

CITY COUNCIL COMMUNICATION



MEETING DATE: September 24, 2024

ITEM NUMBER: 9.B

SECOND READING: October 08, 2024

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Consent

PRESENTED BY:

Molly Day, Planning & Development Services, molly.day@longmontcolorado.gov

SUBJECT/AGENDA TITLE:

A Bill For An Ordinance Conditionally Approving The Vacation Of A Twenty-five-foot-wide Drainage Easement Generally Located South Of Great Western Drive And West Of Clara Court In The Sugarmill Paired Homes Development

EXECUTIVE SUMMARY:

This request is to vacate a twenty-five-foot-wide drainage easement (Rec. No. 2778440) which is located south of Great Western Drive and runs north to south for approximately 333.98 feet along the eastern side of the Sugarmill Paired Homes pocket park (Outlot F, Sugarmill Paired Homes Final Subdivision Plat). During the subsequent design, review, and construction of the Sugarmill Paired Homes development, the storm sewer was rerouted through the site, resulting in no need for the dedicated drainage easement in the pocket park.

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

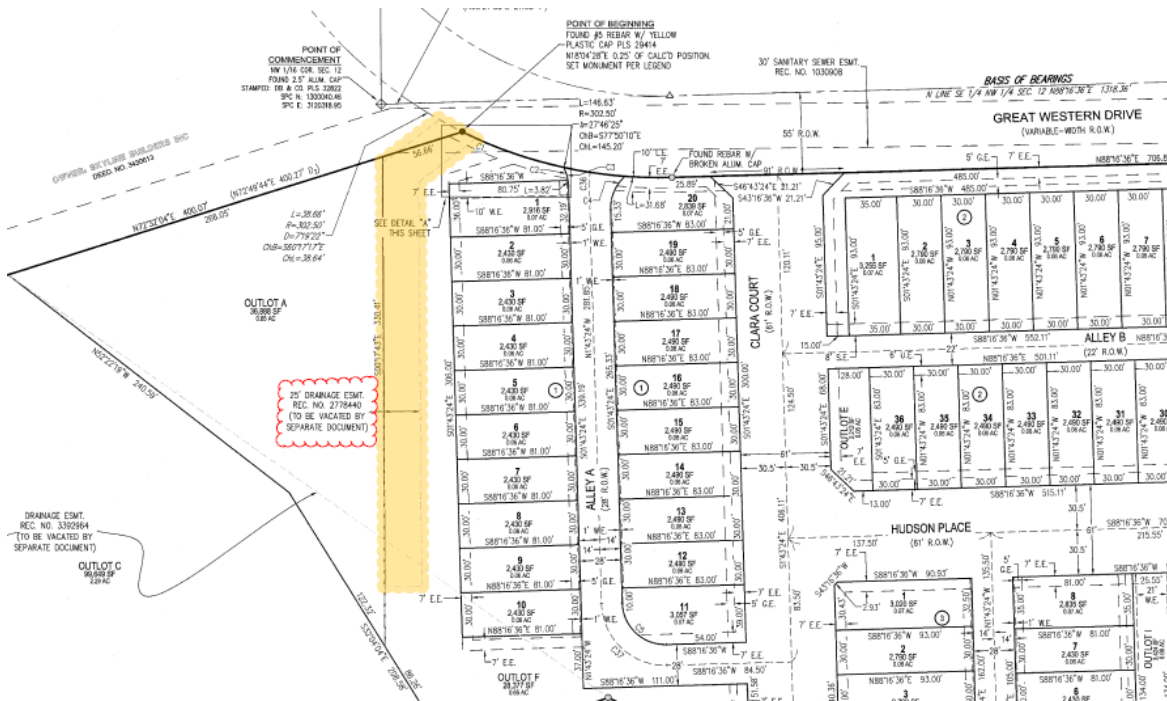
BACKGROUND AND ISSUE ANALYSIS:

Harris Kocher Smith has petitioned the City of Longmont to vacate the entirety of a 25-foot-wide drainage easement currently located in the pocket park (Outlot F, Sugarmill Paired Homes Final Subdivision Plat) of the Sugarmill Paired Homes development. The subject

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property is generally located south of Great Western Drive and west of Clara Court. The storm sewer for this development has been rerouted and the drainage easement is no longer needed to accommodate drainage on the site. The drainage easement is highlighted in yellow in the below image. 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 any change to the current development on the subject property; it is in response to the rerouting of the storm sewer which negates the need for the existing drainage easement.

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 does not impact the multi-modal transportation access of the site, nor does it impact the current development of the pocket park. A transportation plan was not required for this proposed 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 easement will not be used in the short or long term; if necessary, replacement easements will be provided.

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.

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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:

Ordinance

Vicinity Map

Easement Agreement