



Board Summary Report

Date: January 31, 2018
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Molly Orkild-Larson, Senior Planner
Subject: Case No. V17-006, Montclair Gardens, 2nd Filing - Vacation of Right-of-Way

Request

The applicant, PCY Holdings, LLC, on behalf of Arapahoe County, has submitted an application Case No. V17-006 requesting approval of the vacation of:

- A portion of the remaining 30 foot right-of-way located in the Montclair Gardens, 2nd Filing.

Background

The subject right-of-way was platted as part of the Montclair Gardens, 2nd Filing plat.

Discussion

Land Development Code Review:

Per Section 14-702 of the Land Development Code, "A vacation (of right-of-way) may be approved upon finding that:

- A. The vacation is in accordance with any original conditions of approval for a plat, preliminary development plan, final development plan, or other applicable documents;
- B. The vacation is in keeping with the spirit and intent of the County Subdivision Regulations;
- C. Platted or deeded roadways or portions thereof, or unplatted or undefined roadways which have arisen by public usage do not leave any land adjoining said roadways without an established public road or private access easement connecting said land with another established public road.
- D. If it is a State Highway, the Transportation Commission approves."

The County staff has determined the attached easement vacation documents meet the applicable technical requirements stated in Section 14-702 of the Arapahoe County Land Development Code.

Accompanying this vacation request are Specific Development Plan and Final Plat applications that propose 506 single family detached lots and tracts for a wastewater treatment plant, parks, open space, trails and detention facilities.

Referral Comments:

Comments received during the referral process are as follows:

Referral Agency	Comments
Arapahoe County Engineering Services Division	Recommends this case favorably.
Arapahoe County Mapping	Staff is working with applicant to address comments.
Arapahoe County Open Spaces	No comments.
Arapahoe County Zoning	No comments.
Bennett Fire Protection District	No comments received.
Century Link	No comments.
Xcel Energy	No apparent conflict.
Abutting Land Owners	Bradley Hill on behalf of the Hollidays (property owner to the north) does not object to the ROW vacation request.

Staff Findings

Staff has visited the site and has reviewed the plans, supporting documentation, and referral comments. Based upon review of applicable development regulations, and analysis of referral comments, our findings include:

1. The application complies with the submittal requirements and approval standards for a Vacation of Roadways as stated in Chapter 14, Section 702 of the Arapahoe County Land Development Code.

Recommendations

The staff recommends approval of this vacation request. No objections were raised by the outside referral agencies or the entities to which the right-of-way was granted. See staff's recommended draft motions.

The Planning Commission does not hear vacation of right-of-way applications. No Planning Commission recommendation is available.

Links to Align Arapahoe

If approved, this request may "improve the County's economic environment" by making efficient use of land being vacated to become a part of a residential lot and tract.

Fiscal Impact

This request may have some positive fiscal impact on the County, if additional structures are added to the property, the County would benefit from increased property tax revenue.

Concurrence

The Arapahoe County Public Works and Development Department staff recommends approval of the vacation of easements.

Reviewed By:

Molly Orkild-Larson, Senior Planner

Jason Reynolds, Current Planning Program Manager

Jan Yeckes, Planning Division Manager

Dave Schmit, Director of Public Works and Development

Todd Weaver, Budget Manager, Finance Department

Bob Hill, Senior Assistant County Attorney



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Board of County Commissioner's Summary Report

DAVID M. SCHMIT, P.E.
Director

Date: January 11, 2018

To: Arapahoe County Board of County Commissioners

Through: Molly Orkild-Larson, Planning Division
Planning Division

Through: Chuck Haskins, PE
Engineering Services Division, Manager

From: Sue Liu, PE
Engineering Services Division

Case name: V17-006 Montclair – Sky Ranch ROW Vacation

Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application(s) identified above.

Scope/Location:

Pure Cycle Corporation proposes to vacate a portion of the road (unnamed) in Montclair Gardens, Filing 2. This portion of the right-of-way is no longer needed due to the site layout of the Sky Ranch Filing No. 1.

Engineering Services Staff has reviewed the land use application(s) and has the following findings and comments:

1. The site lies within the First Creek basin and its tributary.
2. This site lies within the Southeast Metro Stormwater Authority (SEMSWA) service area.

Engineering Services Staff is recommending the land use application favorably.

DRAFT MOTIONS – V17-006, MONTCLAIR GARDENS, 2ND FILING – VACATION OF RIGHT-OF-WAY

APPROVE

In the case of V17-006, Montclair Gardens, 2nd Filing – Vacation of Right-of-Way, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to approve this application based on the findings in the staff report, subject to the following conditions:

1. Prior to the recording of the Vacation of Right-of-Way, the applicant shall address the Public Works Staff comments and concerns.

DENY

In the case of V17-006, Montclair Gardens, 2nd Filing – Vacation of Right-of-Way, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to deny this application based on the following findings:

Findings:

1. *State new or amended findings to support "Denial" as part of the motion.*
2. ...

CONTINUE

In the case of V17-006, Montclair Gardens, 2nd Filing – Vacation of Right-of-Way, I move to continue the decision on this request to [DATE], 2018, date certain, at 9:30 a.m., at this same location [to receive further information] [to further consider information presented during the hearing].

RESOLUTION NO. _____ It was moved by Commissioner ____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Arapahoe County is the owner of the property located within unincorporated Arapahoe County, to wit:

A portion of the remaining street (unnamed) in Montclair Gardens, 2nd Filing in the SE¼, Section 4, T4S, R65W.

WHEREAS, said property owners have petitioned the Board of County Commissioners of Arapahoe County, in Case No. V17-006, for vacation of the following described right of way:

A portion of the remaining 30 foot right-of-way located in Montclair Gardens, 2nd Filing as recorded in Book A2, Page 50, not previously vacated per reception no. B4039072 and B30210792, records of Arapahoe County, State of Colorado.

and

WHEREAS, it appears that the above described right-of-way sought to be vacated lies entirely within the County of Arapahoe and that said right-of-way does not constitute the boundary line of any city or town and unincorporated Arapahoe County within Arapahoe County; and

WHEREAS, it appears that there are no right-of-way or easements presently in use across the same which need be reserved except as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. That the following described right of way on real property situate in the unincorporated portion of Arapahoe County and State of Colorado are hereby vacated, to-wit:

30 Foot Right-of-Way:

A PARCEL OF LAND BEING A PART OF THE 30-FOOT RIGHT OF WAY OF AN UNNAMED STREET AS DEDICATED BY THE PLAT OF MONTCLAIR GARDENS 2ND FILING, AS RECORDED IN BOOK A2, PAGE 50 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, SAID PARCEL BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 4, AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4, BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT, TO BEAR SOUTH 89°25'33" WEST WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 89°25'33" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 266.88 FEET TO A POINT OF NON-TANGENT CURVATURE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 290.00 FEET, A CENTRAL ANGLE OF 16°10'21", AN ARC LENGTH OF 81.86 FEET,

THE CHORD OF WHICH BEARS SOUTH 67°51'02" WEST, 81.59 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID 30-FOOT RIGHT OF WAY;

THENCE SOUTH 89°25'33" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 268.03 FEET TO A POINT ON THE EASTERLY LINE OF THAT RIGHT OF WAY VACATION AS RECORDED AT RECEPTION NO. B4039072 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, SAID POINT BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 394.00 FEET, A CENTRAL ANGLE OF 08°21'14", AN ARC LENGTH OF 57.45 FEET, THE CHORD OF WHICH BEARS NORTH 57°54'43" EAST, 57.40 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 89°25'33" EAST ALONG SAID NORTH LINE, A DISTANCE OF 294.97 FEET TO THE PPOINT OF BEGINNING,

SAID PARCEL CONTAINING A CALCULATED AREA OF 8,328 SQUARE FEET OR 0.191 ACRE, MORE OR LESS.

2. Said portions of easements are vacated, subject to the following conditions:
 - a. Prior to the recording of the Vacation of Right of Way, the applicant shall address the Public Works Staff comments and concerns.
3. That the Arapahoe County Clerk and recorder is hereby directed to record this vacation resolution.
4. That the Board of County Commissioners hereby directs that a copy of this resolution be delivered to the Arapahoe County Assessor and the Support Services Division of the Public Works and Development Department for appropriate action as required.

The vote was:

Commissioner Baker, ____; Commissioner Conti, ____; Commissioner Holen, ____; Commissioner Jackson, ____; Commissioner Sharpe ____.

The Chair declared the motion carried and so ordered.