

V-03-003

562.04

**VACATION
UNNAMED ROADS IN FOUNTAIN VALLEY LAND AND
IRRIGATION COMPANY SUBDIVISION NUMBER 1**

A request by Jack Buhl to vacate unused 40-foot wide road rights-of-way lying between Tracts 23, 24, 27 and 28 of Fountain Valley Land and Irrigation Company Subdivision Number 1. One road runs North-South from Squirrel Creek Road to Kane Road and the other runs East-West from Link Road to Shumway Road. The rights-of-way have no Tax Schedule numbers.

APPLICABLE RESOLUTIONS

Approval Page 15
Disapproval Page 16

PLANNING DEPARTMENT RECOMMENDATIONS: The Planning Department recommends denial. Should the Planning Commission find for approval, staff recommends the following conditions and notations:

CONDITIONS

1. The vacation drawing of the area shall be recorded with the approval Resolution.
2. Applicant shall be responsible for relocating any utilities as a result of this Vacation.

NOTATION

1. Pursuant to C.R.S. 43-2-302 (1) (c and d) title to the vacated portion of ~~Templeton Gap Road~~ ^{of R.O.W.} shall vest with the owners of land on either side of the vacated road.

PUBLIC NOTICE: The property was posted by May 6, 2003.

PUBLIC NOTIFICATION: The Planning Department notified adjoining property owners of the applicant's intent by May 6, 2003. A summary of their responses will be given at the meeting.

ADJOINING PROPERTY OWNER RESPONSES: All of the property owners adjoining the roads in question are petitioners for the vacation.

ADJOINING LAND USE AND ZONING: Except for one parcel, the adjoining properties are zoned A-1 (Agricultural) District and have single-family residences on 40 and 20 acre tracts. The exception is a ten acre square parcel adjacent to Squirrel Creek Road, east of a road requested for vacation, that is zoned M (Industrial) District. The M zoned parcel also has a single-family residence on it.

SUMMARY OF THE PROPOSAL: The applicant and his neighbors have requested that the roads that border and divide their properties be vacated. That would be vacating those roads internal to the square created by Squirrel Creek Road, Shumway Road, Kane Road and Link Road.

HISTORY: These roads were platted within Fountain Valley Land and Irrigation Company's Subdivision No. 1, in 1909. That plat divided approximately 1,600 acres into square tracts, just smaller than 40 acres, with 40 foot wide roads in a grid pattern between the tracts. Some of these roads have been improved to current standards, some have been vacated, and some, such as the ones in this request, have not been improved, and are mostly unused.

AGENCY COMMENTS

EL PASO COUNTY DEPARTMENT OF TRANSPORTATION: This Department does not support the proposed vacation of the Unnamed Roads in Fountain Valley Land and Irrigation Company Subdivision No.1. The properties affected by this vacation are bordered by Link Road which is classified as a major arterial and Squirrel Creek Road, which is being evaluated as an expressway by the MTTF. This right-of-way may be necessary for access to the properties in the future due to upgrade of the existing roadways where direct lot access may not be allowed.

MOUNTAIN VIEW ELECTRIC: MVEA presently has no existing facilities in these platted road right of ways. MVEA has no objections to the vacation of the platted road right of ways.

Other agencies notified, their comments will be provided at the meeting if available:

El Paso County Attorney's Office
Regional Building Department
City Of Fountain
911

PLANNING DEPARTMENT COMMENTS:

- 1) The owners of Tracts 23, 24, 27 and 28, all properties adjacent to the roads, have signed the petition requesting vacation of the roads.
- 2) The Department of Transportation has objected to this vacation on the grounds that these roads may be needed in the future. Squirrel Creek Road and Link Road could be improved to standards that would not allow direct lot access. These roads, now proposed for vacation, would then be needed to provide access to the lots that now directly access Squirrel Creek Road and Link Road.
- 3) Link Road is shown on the Major Transportation Corridors plan as a major arterial. Squirrel Creek Road is not a major road on the plan in this location. East of this area, Squirrel Creek Road is an expressway. The County is currently in the process of developing an updated Major Transportation Corridors plan and DOT is uncertain about the future classification of Squirrel Creek Road. Staff recommends that the applicant monitor the progress of the new plan and if Squirrel Creek Road is not a major road in the new plan, then the vacation request could be re-evaluated.

ENCLOSURES

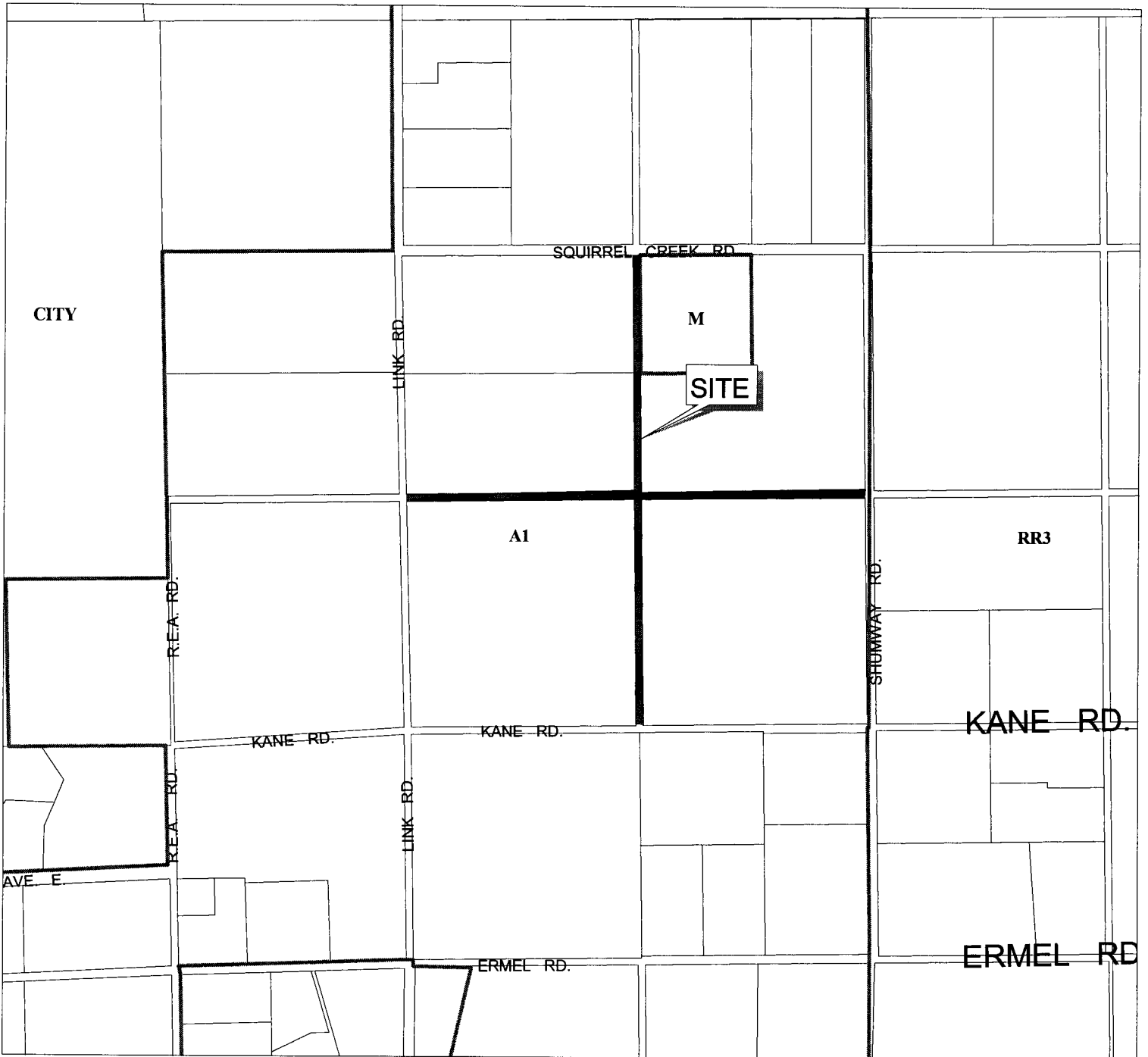
Vicinity Map
Letter of Intent
Vacation Drawing
Petition

Prepared by
Barry Holmes
5/3/03

El Paso County Parcel Information

Parcel Number:
Parcel Address:
Parcel Owner: EL PASO COUNTY

File Name: V-03-003
Zone Map No.: 562.04



N



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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-153-

March 20, 2003



LETTER OF INTENT

APPLICANT

Owner, Tract 24: Jack Buhl; 82 Byron Place; Colorado Springs, CO 80911-2007;
719-390-9009

SUPPORTER

Owner, Tract 23: Michael & Joanie McNiece; P.O. Box 361; Fountain, CO 80817-0361;
719-473-8195

LEGAL SITE LOCATION

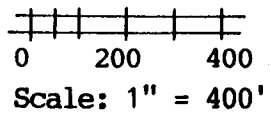
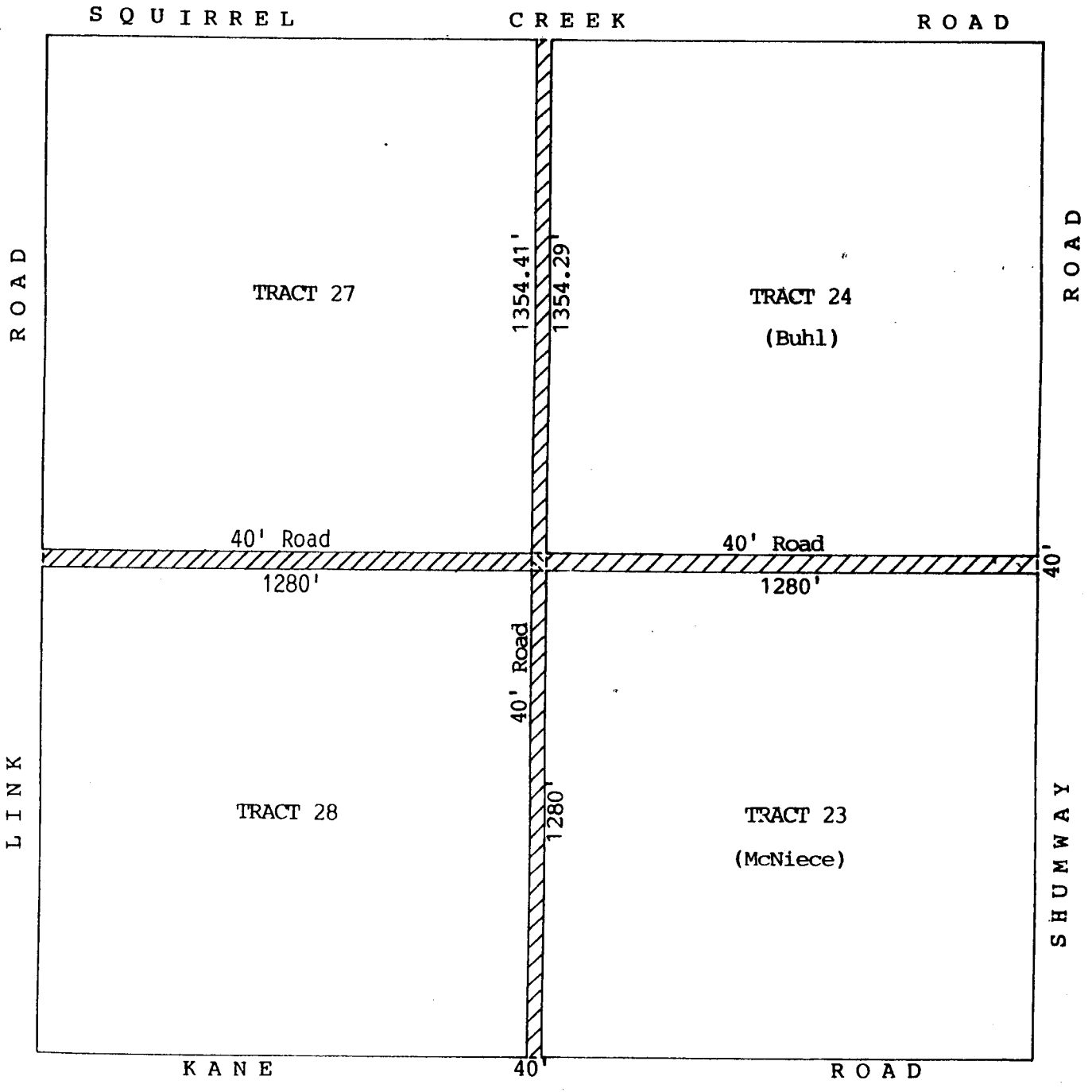
Tract 24, in Fountain Valley Land & Irrigation Company, Subdivision No. 1, County of El Paso, State of Colorado (Assessors Parcel #56040-00-001); 39.74 acres).

Tract 23, in Fountain Valley Land & Irrigation Company, Subdivision No. 1, County of El Paso, State of Colorado (Assessors Parcel #56040 00 008; 37.61 acres).

Zoning: A-1

REQUESTED ACTION, RATIONAL, NOTATIONS

- Vacation of the recorded north-south 40' public right-of-way (unconstructed), on the west side of Tracts 23 and 24.
- Vacation of the recorded east-west 40' public right-of-way (unconstructed), on the north side of Tracts 23 and 28.
- The roadways to be abandoned pass through federally-protected wetland, watershed, existing wells, utility lines and irrigation and drainage ditches.
- The north-south right-of-way has previously been vacated to the south of Tract 23.
- No public monies have been spent on such portion of roadway (the roads have not been constructed) and no properties will be left without proper access due to this vacation.
- Vacation by resolution is requested. The plat submission regulation is waived due to the expense involved.



DWG. NO. X - 030301

Zephyr Surveying Co.
-155- Colorado Springs, Colorado

The undersigned, being the adjoining property owner, has read the above petition. I understand the petition and hereby indicate approval, disapproval, or comments. I understand I may appear in person at the advertised public hearing to further express my comments.

ADJOINING PROPERTY OWNERS

OWNER Yes or No	FOR OR AGAINST	NAME AND ADDRESS	COMMENT
yes	For	Walter Allen 4411 Lorraine Larkspur	Owner of Tract 28 and South half of Tract 27.
yes	For	Lilabel Rodriguez 333 Mt. View Ct. Fountain Co: 80817	Contract Purchaser of North half of Tract 27 Ms. Rodriguez is granddaughter of Inez Kane, an incapacitated person, Owner of North half of Tract 27.
yes	For	Joanie McNie P.O. Box 361 Fountain, CO 80817	Owner of Tract 23
yes	For	Jack Buhl 82 Byron Pl. Colorado Spgs., CO 80911	Owner of Tract 24

(For additional space, attach a separate sheet of paper.)

Above are the view of the adjoining property owners who own the property described after their names or who are located as indicated (e.g. north of the subject property). Each has indicated his preference as being for or against the Petition or has refused to do so and has been advised that an announced public hearing will be held on the Petition.

Submission of this Petition and signature of the owner(s) noted below authorizes the Planning Department and applicable review agencies right of entry onto the property for purposes of processing this request.

I hereby acknowledge that the information provided within this application is correct, and any incomplete and/or incorrect submittal may cause a delay in review.

Jack Buhl
 Signature of Petitioner or Owner

 Signature of Petitioner or Owner

If Petitioner is not the owner, actual owner must also sign.