



Real Fun. Real Colorado.

337 E. Bennett Avenue, Cripple Creek, CO 80813

CITY COUNCIL AGENDA TUESDAY, AUGUST 25, 2020

4:00 PM – SPECIAL MEETING ONLINE VIA WEBEX

Webex Meeting Information: [August 25, 2020 Special City Council Meeting](#)

Meeting Number: 126 500 4210

Meeting Password: 5gsRyfMJu77 (54779365 from phones and video systems)

Join By Phone: 1-415-655-0001 US Toll

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. NEW BUSINESS
 - A. CONSIDER REQUEST FOR CITY COUNCIL TO ALLOW A QUASI-JUDICIAL PUBLIC HEARING FOR H.D.M. SUBDIVISION, A MINOR SUBDIVISION; BILL GRAY, PLANNING & COMMUNITY DEVELOPMENT DIRECTOR.
5. CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING(S)
 - A. CONSIDER APPROVAL OF H.D.M. SUBDIVISION, A MINOR SUBDIVISION AND THE VACATION OF 8' OF A PLATTED AND UNIMPROVED ALLEY RIGHT-OF-WAY ADJACENT TO LOT 6, BLOCK 5, DAMON PLACER ADDITION AND THE SOUTH 75' OF LOTS 1-3, BLOCK 12, HAYDEN PLACER; BILL GRAY, PLANNING & COMMUNITY DEVELOPMENT DIRECTOR.
 1. FIRST READING OF ORDINANCE NO. 2020-04 VACATING A PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO THE SOUTH 75' OF LOTS 1-3, BLOCK 12, HAYDEN PLACER WITHIN THE CITY OF CRIPPLE CREEK, DESCRIBED IN THIS ORDINANCE.
 2. RESOLUTION 2012-18 APPROVING THE MINOR SUBDIVISION OF CERTAIN REAL PROPERTY DESCRIBED AS H.D.M. SUBDIVISION NO. 1.
6. ADJOURNMENT.

DUE TO CONTINUED COVID-19 SOCIAL DISTANCING REGULATIONS AND IN THE INTERESTS OF OVERALL PUBLIC HEALTH, SAFETY AND WELFARE, CITIZENS AND OTHER INTERESTED PARTIES ARE ENCOURAGED TO VIEW/PARTICIPATE IN THIS MEETING ONLINE INSTEAD OF APPEARING IN PERSON.

Memorandum

To: City Council and Planning Commission
From: William Gray, Planning and Community Development Director
CC: Ray White, Interim City Administrator and Erin Smith, City Attorney
RE: H.D.M. Minor Subdivision No. 1 and Alley Vacation filed by Robert and Wanda Leech, and Ordinance No. 2020-04 and Resolution No. 2020-18

Robert and Wanda Leech (the “Applicant”) have filed an application for a minor subdivision and a partial vacation of alley (platted and unimproved). The following properties are associated with the application:

PARCEL 1 (P1)	Lot 7, Block 9, Montrose Addition
PARCEL 2 (P2)	Lot 8-9, Block 9, Montrose Addition
PARCEL 3 (P3)	N50 FT Lot 1-3, Block B12 CR CK HAYDEN PL ADD
PARCEL 4 (P4)	L6 B5 CR CK DAMON PL ADD
PARCEL 5 (P5)	S75FT L 1-3 B12 CR CK HAYDEN PLACER ADD
ALLEY	VACATE 8’ OF PLATTED AND UNIMPROVED ALLEY RIGHT-OF-WAY ADJACENT TO P4 AND P5

The application presented a request that the City resubdivide the parcels referenced above into 2 lots to improve their configuration/layout and be better defined than they are presently. The application did not include a land survey when it was originally submitted. Staff accepted the application to help the owner complete the sale of the proposed lots. We did this because it appeared that the application was a simple subdivision of property. However, we discovered a cabin encroachment upon completion of the survey and then had to figure out how water and sanitary sewer service were provided to the properties of this minor subdivision. In the end, this proved to be more challenging and delayed completion of this application.

A part of the subdivision now includes vacating 8' of an existing platted and unimproved alley adjacent to P4 and P5 as describe above. The reason for the alley vacation is the land survey revealed the cabin located on P4 and P5 is encroaching into the alley. For all we know this condition has existed like this for 100 years or more, or it is possible the modern surveying methods have given us a slightly different answer on the location of the cabin. Vacating a portion of the alley is the proper mechanism. If this were a minor encroachment, like a fence or shed, we probably would have recommended an Encroachment Agreement. The minor subdivision is also important because it will create clearly defined legal descriptions for each new parcel.

In our review, we did discover that the lots of this subdivision have shared private water and sanitary sewer laterals. All lines were scoped and physically located in the field. Applicants and all future owners have acknowledged this situation and have agreed that they are solely responsible for this private laterals. In addition, they have also agreed that they understand that the City's responsibility is only with the main lines. We required that this be a note on the final plat. In addition, easements have been laid out to address this as well.

RECOMMENDATION

Staff recommends the approval of the vacation of the North 8' of the Platted and Unimproved Alley adjoining Lots 1 -3, Block 12, Hayden Placer and Lot 6, Block 5, Damon Addition and the minor subdivision titled H.D.M. Subdivision as presented.

Legal Description:

Lots 1, 2 and 3, Block 12, in Hayden Placer Company's Subdivision of the Hayden Placer, County of Teller, State of Colorado.

Lot 6, Block 5, Damon Addition to the City of Cripple Creek, County of Teller, State of Colorado.

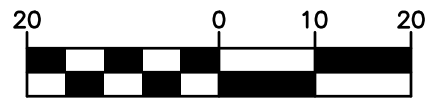
Lot 7, Block 9, Montrose Addition to the City of Cripple Creek, County of Teller, State of Colorado.

Address:

114 & 116 Hettig Avenue, Cripple Creek, CO



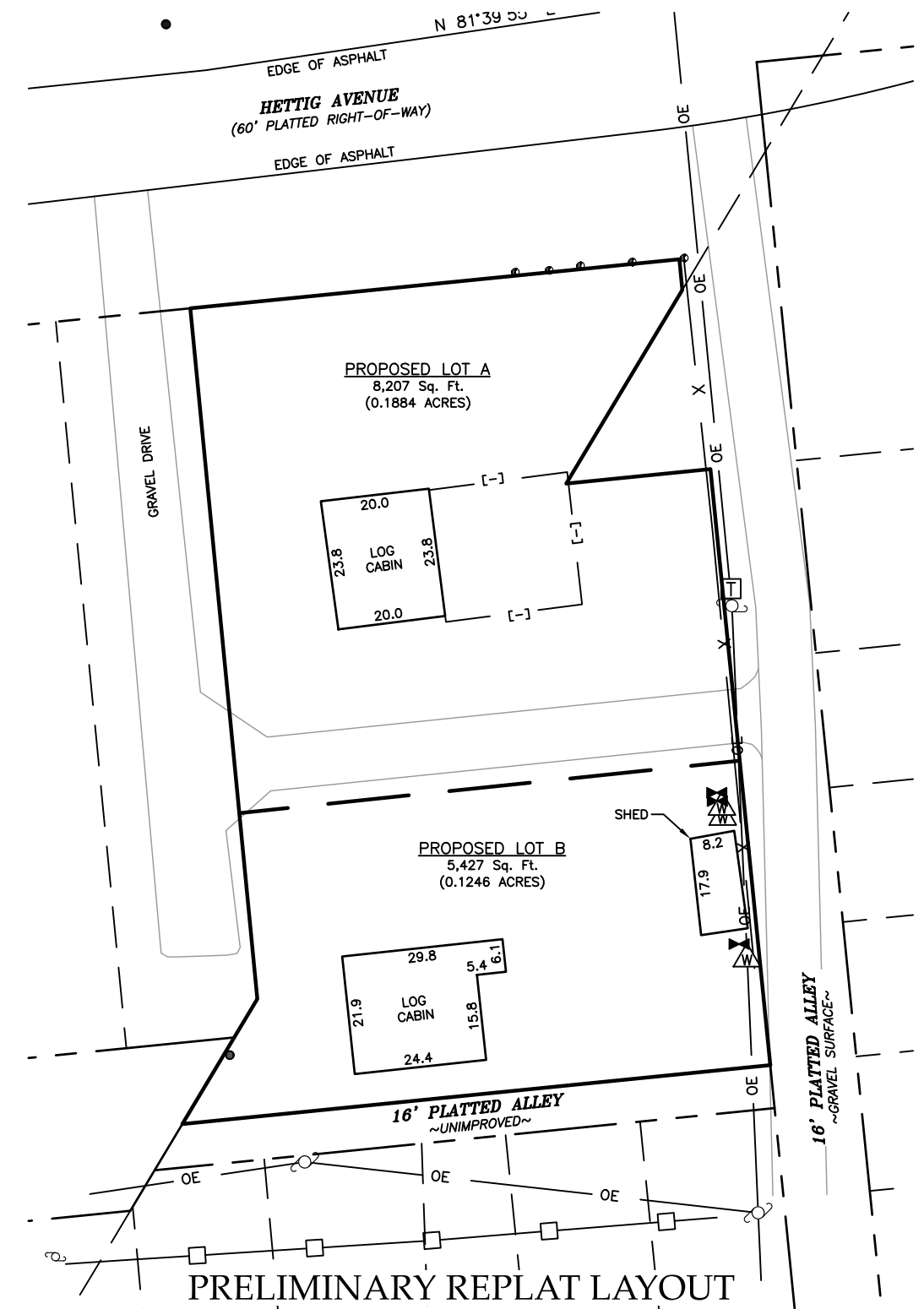
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND:

- Boundary Monument Found
- ⚡ Water Valve
- ⚙ Water Meter
- ☐ Telephone Pedestal
- ⊕ Utility Pole
- OE — Overhead Electric Line
- X — Barbed-Wire Fence
- [-] — Split-Rail Fence
- □ — Chain-Link Fence



P.O. Box 7123
Woodland Park, CO 80863
(719) 687-8385
info@gouldls.com
www.GouldLandSurveying.com

**PROPOSED RESUBDIVISION EXHIBIT
(BASED ON BOUNDARY SURVEY)**

Project No.: 18091
June 30, 2020
Rev.: July 13, 2020

CITY OF CRIPPLE CREEK, COLORADO

ORDINANCE NO. 2020-04

AN ORDINANCE VACATING THE NORTH EIGHT FEET (8') OF A 16' PLATTED ALLEY WITHIN THE CITY OF CRIPPLE CREEK, DESCRIBED IN THIS ORDINANCE AND RESERVING A SIX FOOT (6') UTILITY EASEMENT.

WHEREAS, the City Council for the City of Cripple Creek, Colorado finds no reason to continue the right, title or interest of the City of Cripple Creek, (the "City"), in the portion of Platted Alley described and depicted in Exhibit A hereto; and

WHEREAS, the owner of lots adjacent to the above-described portion of Platted Alley (the "Applicant") has filed an application with the City requesting that the City vacate the north 8' of such right-of-way; and

WHEREAS, based on information submitted by the Applicant, they request the vacation to cure a major structure encroachment into the alley from the adjoining property; and

WHEREAS, the existing single-family home that is located on the adjoining property was determined to be partially located within the Platted Alley by evidence of a land survey performed by Gould Land Surveying; and

WHEREAS, under the circumstances, the City Council for the City of Cripple Creek finds it appropriate to vacate the described portion of the Platted Alley.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, THAT:

Pursuant to C.R.S. § 43-2-301 et seq., the City of Cripple Creek hereby vacates and divests itself of right, title, and interest in and to that portion of the Platted Alley described and depicted in Exhibit A hereto subject to the following conditions:

1. Incorporation. The Cripple Creek City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.
2. Vacation and Merger; Reservation of Utility Easement. The Platted Alley as depicted in Exhibit "A" is hereby vacated, and this vacated right-of-way shall merge with the adjacent property as provided by C.R.S. §42-3-302; provided, however, there is hereby reserved by the City a six foot (6') non-exclusive easement in, over, under and across the real property vacated, including the perpetual right to enter upon said property at a time that it may see fit, and to construct City-owned infrastructure systems in, over, under and across the real property vacated and to repair, replace, relocate, inspect, operate, and maintain said systems (the "Reserved Utility Easement"). As such, no permanent structures shall be placed on the Reserved Utility Easement and Owner

shall be required to remove any temporary structures or fencing in the event the City needs to enter upon and work in the Reserved Utility Easement.

3. Recordation. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Garfield County by the City.

4. Cost Reimbursement. Owner shall reimburse the City for all legal and engineering fees, expenses, and costs incurred in connection with this right-of-way vacation and Ordinance.

5. Waiver of Defects. In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 25th DAY OF AUGUST, 2020.

Janell Sciacca, CMC
City Clerk

PASSED ON SECOND READING AND ADOPTED BY THE CITY COUNCIL
THIS _____ DAY OF _____, 2020.

CITY OF CRIPPLE CREEK, COLORADO

Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, CMC
City Clerk

APPROVED AS TO FORM:

Erin M. Smith
City Attorney

EDGE OF ASPHALT
HETTIG AVENUE
(60' PLATTED RIGHT-OF-WAY)
EDGE OF ASPHALT

GRAVEL DRIVE

LOT 6
BLOCK 9
MONTROSE
ADDITION

LOT 7
BLOCK 9
MONTROSE
ADDITION

LOT 8
BLOCK 9
MONTROSE
ADDITION

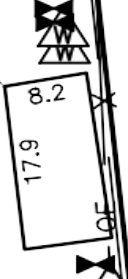
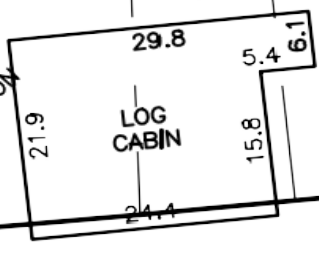
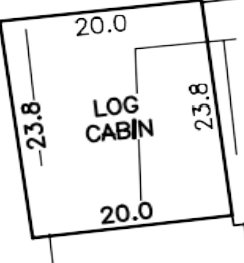
LOT 9
BLOCK 9
MONTROSE
ADDITION

LOT 3
BLOCK 12
HAYDEN
PLACER

LOT 2
BLOCK 12
HAYDEN
PLACER

LOT 1
BLOCK 12
HAYDEN
PLACER

LOT 6
BLOCK 5
DAMON
ADDITION



16' PLATTED ALLEY
~UNIMPROVED~

16' PLATTED ALLEY
~GRAVEL SURFACE~

AS-PLATTED

CITY OF CRIPPLE CREEK, COLORADO

RESOLUTION NO. 2020-18

A RESOLUTION APPROVING THE MINOR SUBDIVISION OF CERTAIN REAL PROPERTY DESCRIBED AS THE H.D.M. SUBDIVISION NO. 1

WHEREAS, the Applicant, Robert Leech and Wanda Leech (the “Applicant”), have applied for a minor subdivision of certain real property described as the H.D.M. Subdivision No. 1 (the "Property"); and

WHEREAS, a public meeting on the application was held before the City Council of the City of Cripple Creek at their special meeting on August 25, 2020, as required by Section 17-4-20 of the Cripple Creek Municipal Code; and

WHEREAS, at the public meeting of the Cripple Creek City of Council, the Council reviewed the application and all supporting documentation, the recommendation of Planning Commission, the Planning and Community Development Department, and heard evidence from interested parties and considered the factors for approval of a minor subdivision set forth in Sec. 17-4-20 of the Cripple Creek Municipal Code; and

WHEREAS, the City Council finds and determines that the proposed minor subdivision satisfies the criteria set forth in the Cripple Creek Municipal Code; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, THAT:

1. Approval and waiver. The application for subdivision of the Property as depicted in the final plat is hereby approved.
2. Safety Clause. The City Council hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the City of Cripple Creek, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.
3. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

4 . Effective Date. This Resolution shall become effective upon its adoption date.

RESOLVED, APPROVED AND ADOPTED by the City Council of the City of Cripple Creek on the 25th day of August, 2020.

Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, CMC
City Clerk

APPROVED AS TO FORM:

Erin M. Smith
City Attorney