COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES OFFICE
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STAFF REPORT DATE: September 21, 2018
BOCC HEARING DATE: October 10, 2018
TO: Elbert County Board of County Commissioners
FROM: Vince Hooper, PMP, Senior Planner
APPROVED: Christina Stanton, AICP, Director of Community Development Services
Vince Harris, AICP, Planning Director, Baseline Corporation

RE: **INDIAN ROCK CIRCLE ROW VACATION VC-18-0026**
A request to vacate the Indian Rock Circle right-of-way and associated easements within the Blackfoot Minor Residential Development.

APPLICANT: Elisabeth ML Kime Family Trust
7611 East Parker Road
Parker, CO 80134

APPLICANT REPRESENTATIVE: Tom Maroney
PO Box 902
Elizabeth, CO 80107

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SUMMARY OF REQUEST

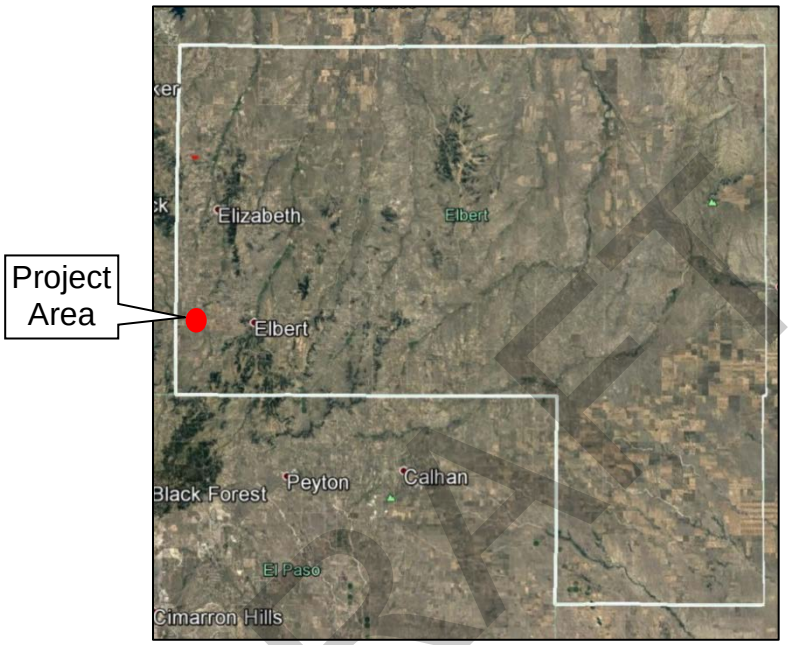
The applicant, Elisabeth ML Kime Family Trust, has submitted an application requesting the vacation of the right-of-way (ROW) and associated easements of the Indian Rock Circle located within the Blackfoot Minor Residential Development.

Indian Rock Circle was originally dedicated as the ROW access from Cave Springs Trail Road for the Blackfoot Minor Residential Development approved on January 3, 2007. Blackfoot was approved as 4 residential lots. Each lot is approximately 10 acres in size. The applicant, Kime Family Trust, is the original owner of land from which the Blackfoot plat was created. A separate ownership group secured approval and recoded the Blackfoot Minor Residential Development plat. However the original ownership group lost ownership as a result of defaulting on their purchase agreement with the Kime Family Trust and the Blackfoot property reverted back to the Kime Family Trust ownership. Subsequent to recording of the Blackfoot plat, the dedication of Indian Rock Circle, and ownership reverting back to Kime Family Trust, the Kime Family Trust has decided to convert the existing four Blackfoot lots into two, 20 acre lots. These 2 lots are proposed to have direct drive-way access off of Cave Springs Trail Road. This would negate the need for Indian Rock Circle. The conversion from four lots to two lots is proposed to be accomplished by vacating the two interior lot lines between Lots 2 and 3, and between Lots 1 and 4. This lot line vacation has been proposed as an Administrative Lot Line Adjustment. As an

administrative action, it will be heard and acted upon by the CDS Director following action on the vacation by the BOCC.

Upon vacation of the Indian Rock Circle ROW the underlying land will be granted back to the applicant/original owner, and then ultimately become part of the re-subdivided 2 lot plat for the Administrative Lot Line Adjustment.

Vicinity Map



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Property Location

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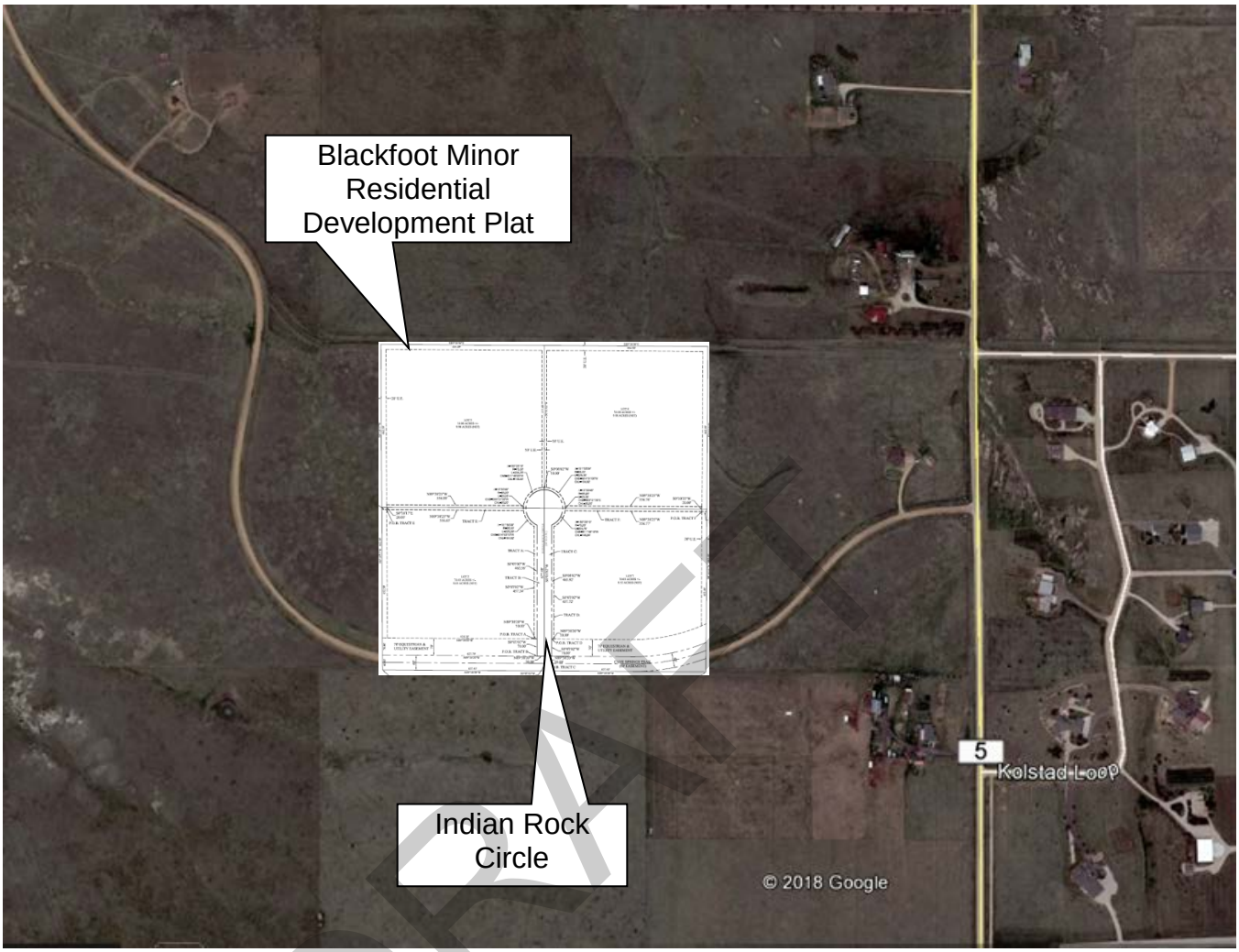
Blackfoot Minor Residential Development Plat
Indian Rock Circle
5
Kolstad Loop
© 2018 Google

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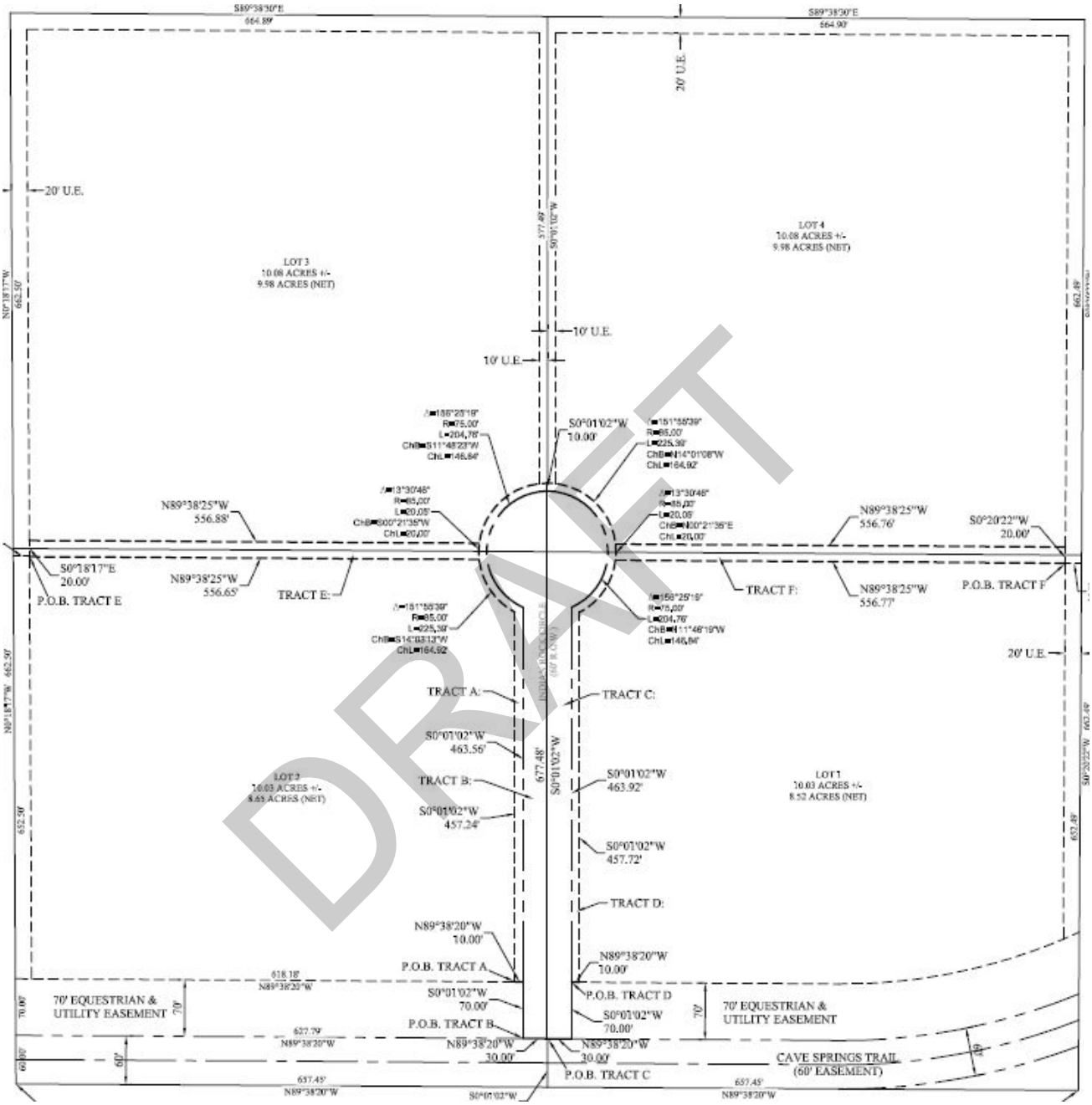
Original Blackfoot Minor Development Plat



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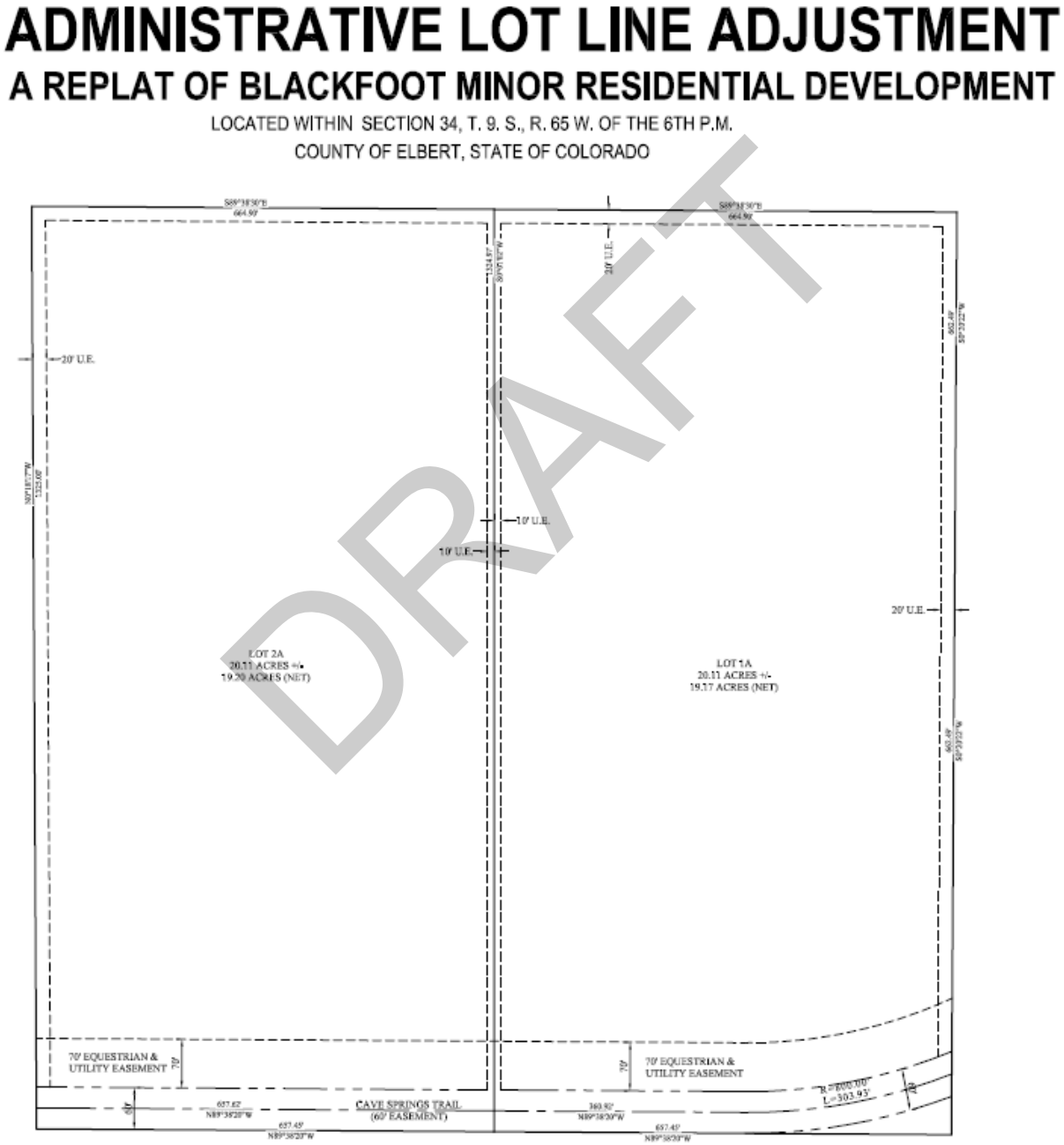
Proposed Blackfoot Administrative Lot Line Adjustment
(Not a part of this ROW vacation application, proposed under separate application.)



EXISTING CONDITIONS

The Blackfoot Minor Residential Development (Blackfoot) property is located west of the intersection of Elbert County Road 5 and Cave Springs Trail Road. The Blackfoot property is currently vacant and is being used for agricultural purposes.

Indian Rock Circle has not been constructed and the property on which the ROW is located remains unimproved lands.

PERTINENT SITE DATA:

Topography: The site is generally flat with sparse vegetative cover and appears to be typical of lands in the area.

Floodplain: There are no designated flood-prone areas on the property.

Existing Zoning: AR – Agriculture Residential

Proposed Zoning: No change is proposed.

Surrounding Zoning / Land Use:
North: A-Agriculture / Agriculture
South: A-Agriculture / Agriculture
East: AR-Agriculture Residential / Residential & Vacant
West: AR-Agriculture Residential & A-Agriculture / Agriculture

MOTIVE FOR REQUEST: Vacation of the Indian Rock Circle ROW will allow the existing 4 lots of Blackfoot Minor Residential Development to be consolidated and replated into 2 lots.

APPLICATION SUBMITTAL: This ROW vacation application was submitted concurrently with the Blackfoot Administrative Lot Line Adjustment on May 3, 2018. Following initial review, additional documentation was requested and submitted on August 9, 2018.

COMPLETENESS REVIEW: CDS reviewed the application to ensure that all required submittal items were included, and considered the application to be complete.

REFERRAL PROCESS: The application was sent to referral agencies per Elbert County regulations on August 14, 2018.

Referral Sent To:

- Elbert School District #200
- Elbert Fire District
- Elbert County Assessor
- Clerk and Recorder

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- Colorado Parks and Wildlife
- Colorado Division of Water Resources
- Kiowa Conservation District
- Mountain View Electric Assn., Inc.
- Intermountain Rural Electric Assn.
- Agate Mutual Telephone
- FairPoint Communications
- Bijou Telephone Company
- Comcast Cable
- Eastern Slope Rural Telephone Association
- CenturyLink
- Elbert County Building Dept.
- Office of Emergency Management
- Elbert County Manager
- County Engineer
- Public Works
- Survey Review
- Department of Health and Human Services
- Department of Health and Human Services
- Treasurer
- Sheriff
- TDS Telecom Network Services

Referral Comments Received From:
- Century Link
- Colorado Department of Natural Resources
- Elbert County Building
- IREA

The received referral comments expressed no objections to the proposed ROW vacation.

COMMUNITY & DEVELOPMENT SERVICES REVIEW: CDS staff reviewed the application in compliance to the Elbert County Subdivision Regulations Section XIII.G - Vacating Streets, Rights-of-Ways, or Public Easements. This Section provides the following review criteria:

> **Condition 1.a** - *The plat, right-of-way or easement, or portions thereof to be vacated, are to be of record with the Elbert County Clerk and Recorder's office.*
>
> The Indian Rock Circle ROW was dedicated with the recording of the Blackfoot Minor Residential Development with the Elbert County Clerk and Recorder's Office at Book 13, Page 33.
>
> **Condition 1.b** - *The vacation of said item will not interfere with development of, nor deny access via a public thoroughfare, to existing structures, within the recorded plat, adjoining properties, utilities, or other improvements.*
>
> Indian Rock Circle is a cul-de-sac accessing off of Cave Springs Trail, only serving the plated lots of Blackfoot and does not provide access to any lands outside of Blackfoot.

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There are no existing structures within Blackfoot. The local utility companies were provided the opportunity to review and comment on the vacation of the associated easements and have no objections to the proposed vacation.

Condition 1.c – *Notification of the request to vacate said item is sent to all affected parties, by the applicant.*

The applicant is the owner of all affected properties.

BOCC HEARING DATE CONFIRMED: Once referral agency and CDS comments were received and reviewed, the case was confirmed for the October 10, 2018 Board of County Commissioners hearing.

PUBLIC NOTICE: Proper notice of the hearing was given per Elbert County Resolution 17-36, including posting a notice in the Ranchland News, posting a sign on the property and mailing a notice to adjacent property owners.

FINDINGS & RECOMMENDATION
Staff recommends that the Board of County Commissioners find that:

1. The proposal is in general conformance with the Elbert County Comprehensive Plan; and
2. The Elbert County Zoning Regulations are not applicable; and
3. The proposal meets all the criteria in the Elbert County Subdivision Regulations; and
4. The proposal is compatible with existing and allowable land uses in the surrounding area; and
5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.
6. The Indian Rock Circle ROW was approved on January 3, 2007 and dedicated with the recording of the Blackfoot Minor Residential Development with the Elbert County Clerk and Recorder's Office at Book 13, Page 33.
7. Indian Rock Circle is a cul-de-sac accessing off of Cave Springs Trail, only serving the plated lots of Blackfoot and does not provide access to any lands outside of Blackfoot. There are no existing structures within Blackfoot. The local utility companies were provided the opportunity to review and comment on the vacation of the associated easements and have no objections to the proposed vacation.
8. The applicant is the owner of all affected properties.

AND

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is that the Board of County Commissioners approve **INDIAN ROCK CIRCLE ROW VACATION VC-18-0026 SUBJECT TO THE FOLLOWING CONDITIONS**:

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1. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners.

2. The Blackfoot Administrative Lot Line Adjustment is approved by the Elbert County Community and Development Services Director and the plat is recorded concurrently with this Indian Rock Circle ROW Vacation Exhibit.

3. The vacation will not become effective until all fees are paid, conditions of approval are met, and the vacation exhibit is recorded.

4. Recordation of all appropriate documentation including the ROW Vacation Exhibit to occur within 180 days of Board of County Commissioners' approval.

5. Title to the land vacated by this Resolution shall vest in the current owners of the land abutting such vacated portion of the roadway as provided in C.R.S. 43-2-302(1).

Respectfully submitted to and on behalf of Elbert County,

Vincent Hooper, PMP, Senior Planner
Baseline Corporation

CC. Christina Stanton, AICP, Director of Community Development Services
Vince Harris, AICP, Planning Director, Baseline Corporation

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