

MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: October 27, 2015
SUBJECT: **Informational Item:**

ACCESS EASEMENT VACATION for the vacation of two public access easements at 901 Pearl Street. The project site is zoned Downtown 2 (DT-2). Case number LUR2015-00054.

This memorandum constitutes official notice as required by Section 79 of the City of Boulder Charter of a request to vacate public access easements.

The applicant and property owner requests vacation of two public access easements at 901 Pearl Street. The easements were originally dedicated to the public by means of two grants of easement recorded April 28, 2009. The building currently under construction was approved per Site Review #LUR2013-00039 on October 1, 2013. The development is a three-story mixed-use building, with the first two stories at a zero lot line. The ground floor restaurant is planned with outdoor seating recessed below the second story, which does not encroach into the public walkway.

A similar project was approved in 2008, but due to the economic downturn, that approval expired. As a condition of this approval, the applicant was required to dedicate the proposed portions of the public sidewalks located on the property. This included an easement beyond the sidewalk limits along 9th Street to maintain a sidewalk width of 8 feet and an easement along Pearl Street to ensure a sidewalk width of 15 feet.

The subject easements are no longer necessary to ensure public access and are located beneath the new building, which is currently under construction. The West Pearl pedestrian and streetscape improvements have been completed and were coordinated with the construction of the new building to provide adequate access on the east and south sides of the building. The subject easements have carried pedestrian traffic and must be vacated by ordinance, with City Council approval. No public need exists for the easements to be vacated. Please refer to the attachments for more information.

Questions about the vacation or decision should be directed to Sloane Walbert at (303) 441-4231 or walberts@bouldercolorado.gov.

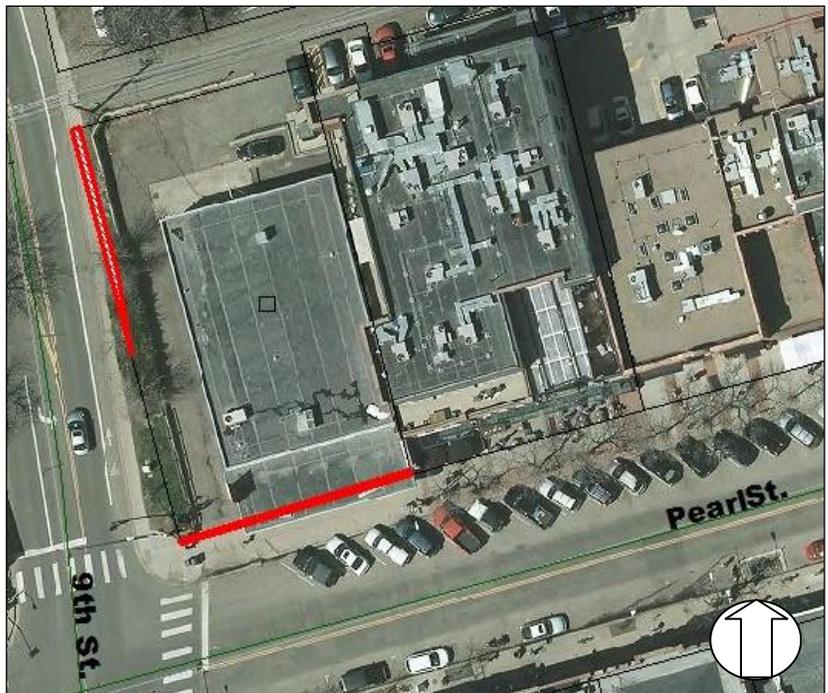
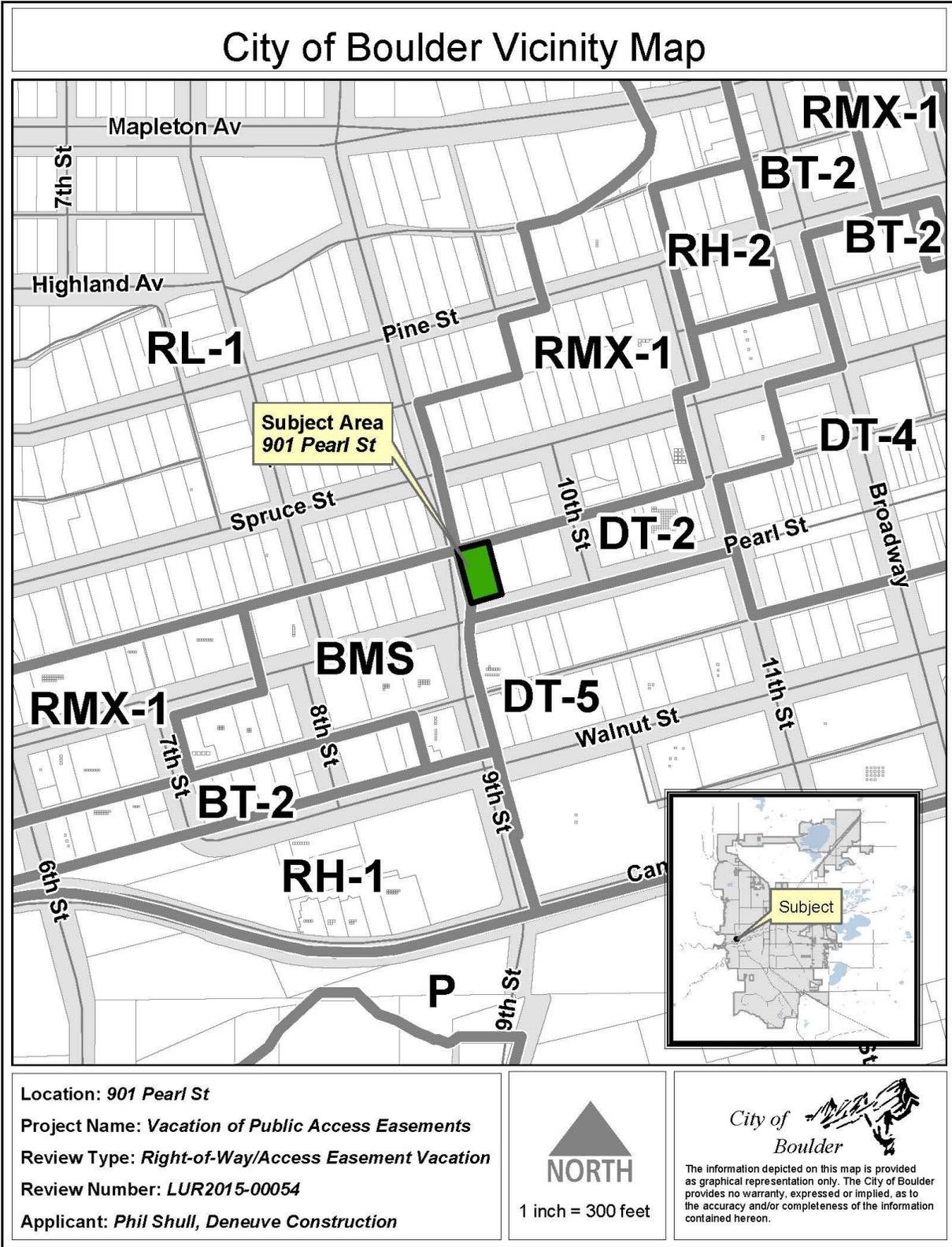


Figure 1: Easements to be Vacated (in red)

Attachments:

- Attachment A: Vicinity Map
- Attachment B: Draft Ordinance
- Attachment C: Draft Deed of Vacation

Attachment A: Vicinity Map with Zoning



Attachment B: Draft Ordinance

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ORDINANCE NO. _____

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS OF VACATION FOR TWO PUBLIC ACCESS EASEMENTS GENERALLY LOCATED AT 901 PEARL STREET, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. 901 Pearl Unit 100, LLC, a Colorado limited liability company, the owner of the property located at 901 Pearl Street, Boulder, CO has requested that the City vacate two public access easements located at 901 Pearl Street; and

B. The City Council is of the opinion that the requested vacations are in the public interest and that said public access easements are not necessary for the public use.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council vacates and authorizes the city manager to execute two deeds of vacation for the public access easements described as follows:

(1) Public Access Easement (96 square feet in size) dedicated to the City of Boulder on April 3, 2009 and recorded in the records of the Boulder County Clerk and Recorder on April 28, 2009 at Reception No. 2995500 and re-recorded on February 6, 2012 at Reception No. 03200945 as more particularly described on **Exhibit A**.

(2) Public Access Easement (26.87 square feet in size) dedicated to the City of Boulder on April 3, 2009 and recorded in the records of the Boulder County Clerk and Recorder on April 28, 2009 at Reception No. 2995501 and re-recorded on February 6, 2012 at Reception No. 03200946 as more particularly described on **Exhibit B**.

C:\Users\walbs1\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\BDT308X5\1st Rdg Ordinance to vacate easement 1-2026.doc

EXHIBIT A

A LEGAL DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT THE 915 PEARL STREET PROPERTY, BOULDER, COLORADO LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

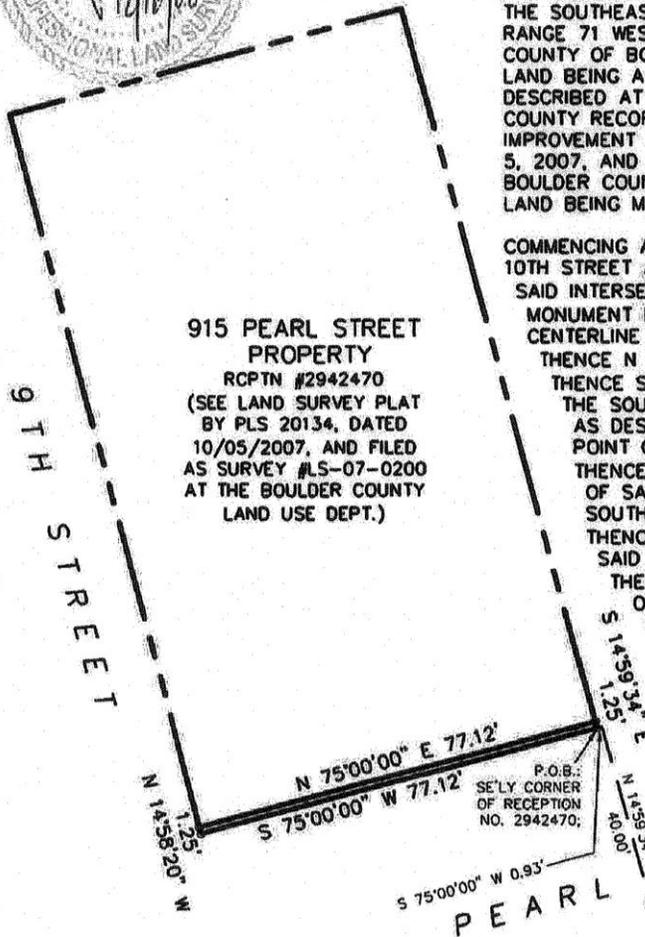


LEGAL DESCRIPTION

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2942470 OF THE BOULDER COUNTY RECORDS AND AS SURVEYED AND SHOWN ON AN IMPROVEMENT SURVEY PLAT BY PLS 20134, DATED OCTOBER 5, 2007, AND FILED AS SURVEY PLAT #LS-07-0200 AT THE BOULDER COUNTY LAND USE DEPARTMENT, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF 10TH STREET AND PEARL STREET IN THE CITY OF BOULDER, SAID INTERSECTION BEING MARKED BY A 2.5" ALLOY CAP IN MONUMENT BOX, THENCE S 75°00'00" W ALONG SAID CENTERLINE OF PEARL STREET, 218.09 FEET, AS SURVEYED; THENCE N 14°59'34" W, 40.00 FEET, AS SURVEYED; THENCE S 75°00'00" W, 0.93 FEET, AS SURVEYED, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2942470 AND THE POINT OF BEGINNING; THENCE S 75°00'00" W ALONG THE SOUTHERLY LINE OF SAID PARCEL, 77.12 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL; THENCE N 14°58'20" W ALONG THE WESTERLY LINE OF SAID PARCEL, 1.25 FEET; THENCE N 75°00'00" E, 77.12 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL; THENCE S 14°59'34" E ALONG SAID EASTERLY LINE, 1.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 96 SQUARE FEET (0.0022 ACRES), MORE OR LESS.



915 PEARL STREET PROPERTY
RCPTN #2942470
(SEE LAND SURVEY PLAT BY PLS 20134, DATED 10/05/2007, AND FILED AS SURVEY #LS-07-0200 AT THE BOULDER COUNTY LAND USE DEPT.)

P.O.B.: SE'LY CORNER OF RECEPTION NO. 2942470;

CENTERLINE INTERSECTION OF PEARL AND 10TH STREETS; FOUND 2.5" ALLOY CAP IN MONUMENT BOX

THIS MAP WAS PREPARED BY

BOULDER LAND CONSULTANTS, INC.
5690 VALMONT RD. BOULDER, CO 80301
(303) 443-3616

NOTE:
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.



SCALE: 1" = 30'

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PROJECT #74207
"74207LDB.DWG"
DATE: 12/16/2008

EXHIBIT B

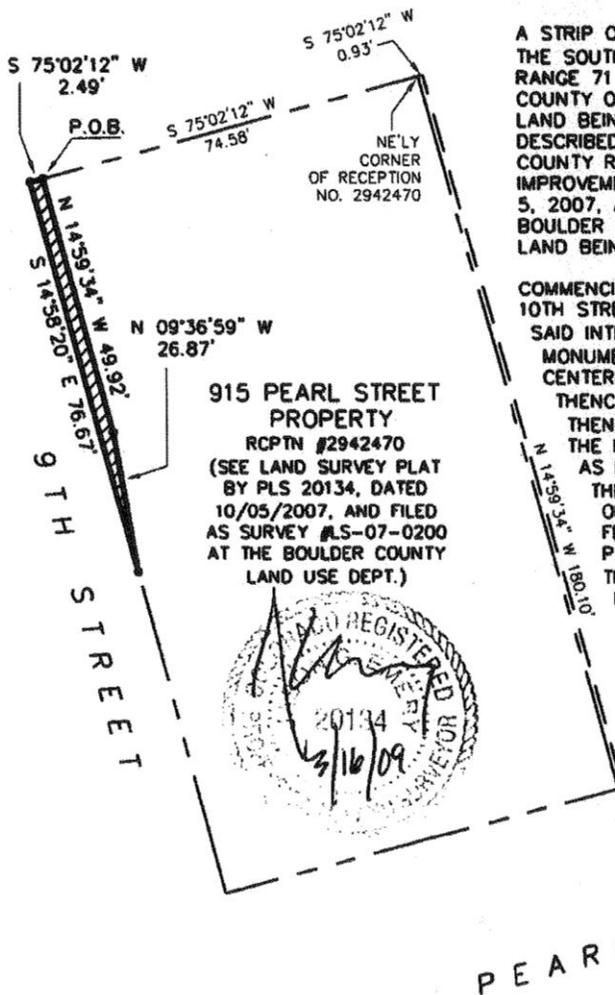
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BOULDER LAND CONSULTANTS, INC.

SCALE: 1" = 30'

PROJECT #74207
 "74207LDA_R1.DWG"
 DATE: 03/16/2009

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Attachment C: Draft Deeds of Vacation

For Administrative Purposes Only
Address: 901 Pearl St. (AKA 915 Pearl St.)
Case No. LUR2015-00054

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., a public access easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 2995501 on the 28th day of April, 2009 and re-recorded at Reception No. 03200946 on the 6th day of February, 2012 located at 901 Pearl Street and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 901 Pearl Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney's Office

Date

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915 PEARL STREET
PROPERTY
RCPTN #2942470
(SEE LAND SURVEY PLAT
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Approved as to form:

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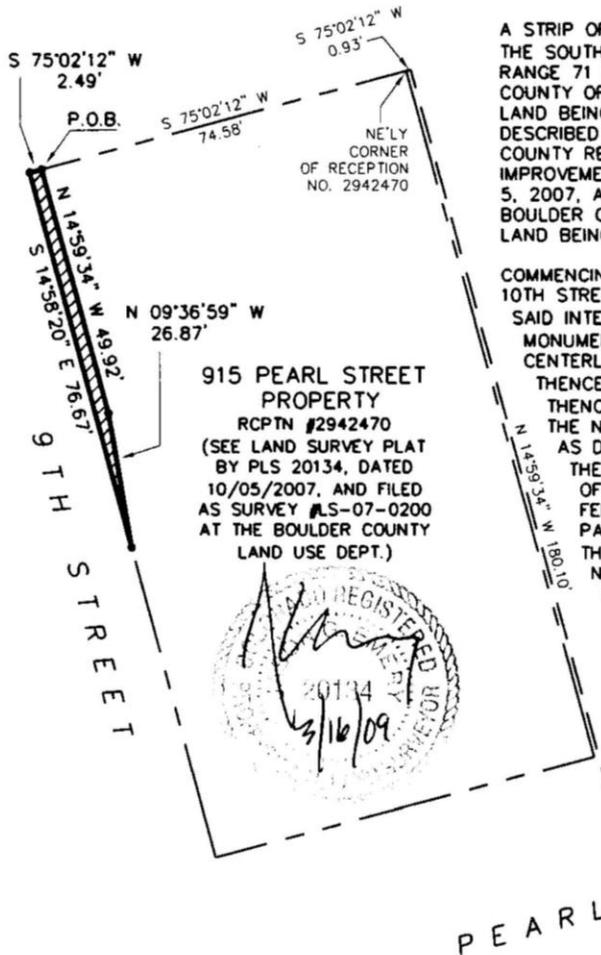
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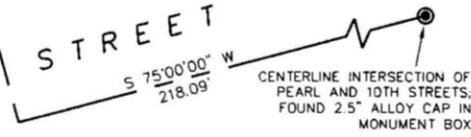
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