



Meeting Date: October 18, 2022

**AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**From:** Tara Vargish, PE Director of Development Services  
TJ Kucewesky, Assistant Director of Development Services

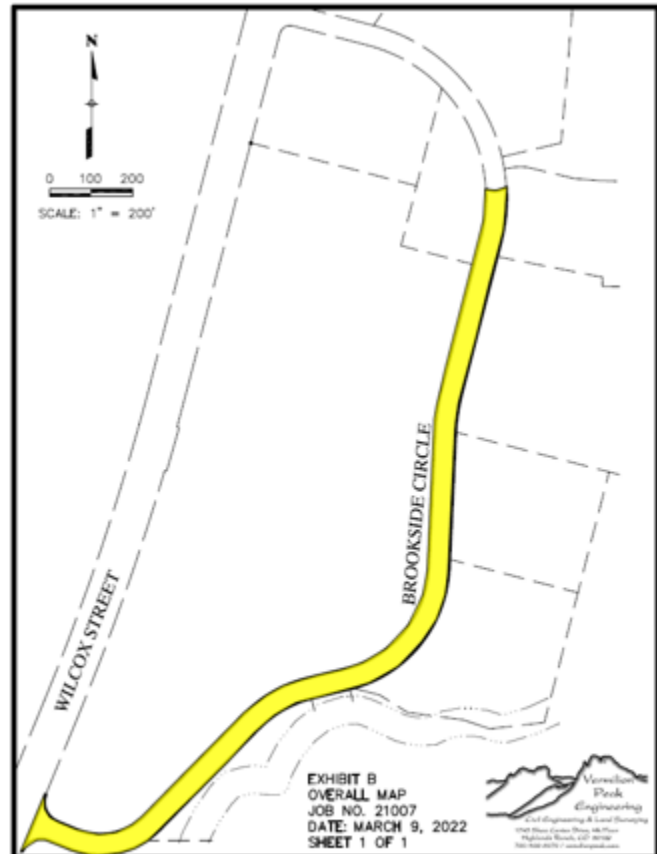
**Title:** **Ordinance Vacating a Portion of Brookside Circle Lying Within the Brookside Business Center Planned Development and Located in the Northeast Quarter of Section 14, Township 8 South, Range 67 West, Town of Castle Rock and a Portion of Brookside Circle as Unplatted Row Located in the Southeast Quarter of Section 15, Township 8 South, Range 67 West, Town of Castle Rock (Second Reading – Approved on First Reading on October 4, 2022 by a vote 6-1)**

**Executive Summary**

Town Council held a public hearing on Tuesday, October 4, 2022 to consider the Brookside Circle ROW Vacaton request. Council voted 6-1 to approve the vacation on 1<sup>st</sup> reading.

Foundation Automotive Group (Applicant) is requesting Town Council consideration to vacate a portion of Brookside Circle right-of-way (ROW), from the southern end of the paved section of Brookside Circle to South Wilcox Street. This area of ROW has not been constructed yet and primarily consists of dirt roadways. If the ROW is vacated, ownership will transfer from the Town to the adjacent private property owner, Foundation Automotive Group.

The proposed vacation area is 50 feet wide, approximately 2.57 acres in area, and located east and south of Castle



**Proposed Brookside Circle ROW Vacation**

Rock Autoplex (Attachment B). There are a number of existing utility facilities in the area; if the vacation is approved, the Town will reserve easements for the existing facilities. The Applicant owns multiple parcels in this area, some of which are separated by the platted right-of-way (ROW) for Brookside Circle. The vacation of this section of Brookside Circle ROW would allow the Applicant to move forward with future development and expansions to the Castle Rock Autoplex business, without being limited by the ROW location. In addition, it would remove this section of future roadway from the Town's future maintenance and snowplow obligations.

Currently, the Town owns and maintains existing water and sanitary sewer infrastructure within the portion of ROW to be vacated. As part of this vacation of ROW, easements will be reserved for the Town to access the Town-owned land, as well as to access and maintain the existing infrastructure that has been installed.

Staff recommends approval of the proposed right-of-way vacation.

### **Discussion**

Currently, Brookside Circle platted ROW surrounds the existing auto dealerships at 1404, 1506, and 1520 S. Wilcox Street, along their eastern boundary. The platted ROW for Brookside Circle is 50 feet in width and is only paved from its northern intersection with South Wilcox Street extending east for the first approximately 690 feet. The remaining ROW contains underground water and sanitary sewer mains, and dirt access roads. The Applicant owns the parcels on both sides of the ROW, except for a parcel that is owned by the Town of Castle Rock on the southeast side. Vacating this undeveloped section of Brookside Circle ROW will allow the Applicant to move forward with expansion of the Castle Rock Autoplex business.

If the vacation is approved, a cul-de-sac will be installed by the Applicant at the end of the existing paved section of Brookside Circle, to allow safe turning movements for



**Ownership Map for Brookside Circle**

vehicles, snowplows, and fire trucks. Future access to the southern tract of land will be provided from S. Wilcox Street when the property develops.

The Applicant will dedicate easements as needed for access and maintenance of the existing utilities in the area. A temporary access and utility easement will be maintained over the vacated portion of ROW until the plat is completed which will provide for permanent easements. Dry utility providers reviewed the proposed ROW Vacation and had no comments or concerns with the vacation and the proposed access and utility easement.

### Public Notice and External Referrals

- *Public Notice:* The ROW vacation was noticed in accordance with the Town of Castle Rock Municipal Code.
- *External Referrals:* Requests for external comments were sent to the various utility service providers and Douglas County Government. All comments have been acknowledged and addressed, if required, by Town staff.

### Analysis of Review and Approval Criteria

Staff analyzed the proposed ROW vacation according to the following review criteria and made the following findings:

- The Town's Transportation Master Plan designates this right-of-way as a local street to provide access to the abutting lots and does not include plans to utilize Brookside Circle for additional access. Public Work's staff has not identified any additional reasons to utilize this 50-foot-wide ROW. An easement for access and utilities shall be maintained over the vacated property. Therefore, the vacation of the ROW is acceptable.
- The ROW vacation contributes to the Town's cost-effective and efficient infrastructure system. This vacation promotes careful planning to accommodate the needs of existing and future residents while preserving and protecting the Town's identity and quality of life. As such, the proposed ROW vacation complies with:
  - The Transportation Master Plan
  - The Vision 2030/Comprehensive Master Plan
  - The authority granted by Section 43-2-303(1)(a), C.R.S. for vacating property

### **Budget Impact**

The proposed ROW vacation will not generate revenue nor impact fees. The vacation will reduce future Town transportation maintenance expenses.

**Recommendation**

Town Council voted 6-1 to approve this ordinance on first reading on October 4, 2022.

**Proposed Motion**

*“I move to approve the Ordinance to vacate a portion of Brookside Circle, as introduced by title, on second and final reading.”*

**Alternate Motions**

*“I move to approve the Ordinance to vacate a portion of Brookside Circle, as introduced by title, on second and final reading, with the following conditions: (list conditions).”*

*“I move to continue this item to the Town Council meeting on (date) to allow additional time to gather the following information: (list information needed).”*

**Attachments**

- Attachment A: Ordinance Brookside Circle Vacation
- Exhibit A: Legal Description
- Exhibit B: Overall Map
- Exhibit C: Utility Map