

Draft

REPORT FROM REVIEW SUBCOMMITTEE FOR SCHELLENBERG VACATION REQUEST

1. The attached Public Comments/Concerns were reviewed with the following Subcommittee findings
 - a. Proposed vacation will benefit community by contributing to positive growth if done properly.
 - b. Tree removal on River Trail improved switchback traffic movement onto Mesa Street.
 - c. Flood Map Question – FEMA Flood Insurance Rate Map includes mapping of flood prone areas at the lower end of town and does not include the proposed development area.
 - d. The Colorado Geological Survey may be able to complete a landslide/avalanche hazard study upon request for a fee, who pays to be determined.
 - e. Any formal action on the vacation request should be deferred until Town has an attorney. The attorney can advise the Town Council if there is any Town liability if development is approved and future problems arise.
 - f. Numerous comments about bridge access and interior streets resulted in subcommittee consensus that a “Planned Unit Development” (PUD) approach be utilized with owners of property in the development being responsible for construction, operation, snow removal and maintenance of roads and bridges. Developer will prepare legal framework for development. Town will not be responsible for any development costs.
 - g. With PUD approach access from the development to River Trail will be restricted by a locked gate, accessible for use by land owners and Pitkin Volunteer Fire Department.
 - h. Developer will make provisions to reestablish the walking/snowmobile trail up to the campground.
 - i. Comments related to property value should be reviewed by Council with attorney.
2. The Subcommittee suggests that, subject to legal counsel input, the Town Council should determine if, in fact, the Town intends to grant ownership of the subject street and alley rights-of-way to Schellenberg, either through sale or outright vacation.
3. If Council agrees to grant ownership to Schellenberg, prior to legal transfer of property certain conditions should be satisfied, such as:
 - a. Engineer certification that OWTS systems can be constructed in development area.
 - b. Certification that water well installation is possible.
 - c. Corps of Engineers approval of 12th Street crossing of Quartz Creek.
 - d. Other (avalanche/landslide hazard? GCEA easements??)
 - e. Attorneys for Town and developer shall approve legal agreement to cover transfer conditions and provide for periodic review of progress on development.
4. The Subcommittee agrees that the PUD approach affords the developer flexibility in lot and road design and does not add to the Town’s costs for road and bridge maintenance or snow removal.
5. Future applicants for street and alley vacation may argue that decision on Schellenberg request sets a precedent. Note that there are specific conditions on approval of this request which indicates future requests may be considered similarly.