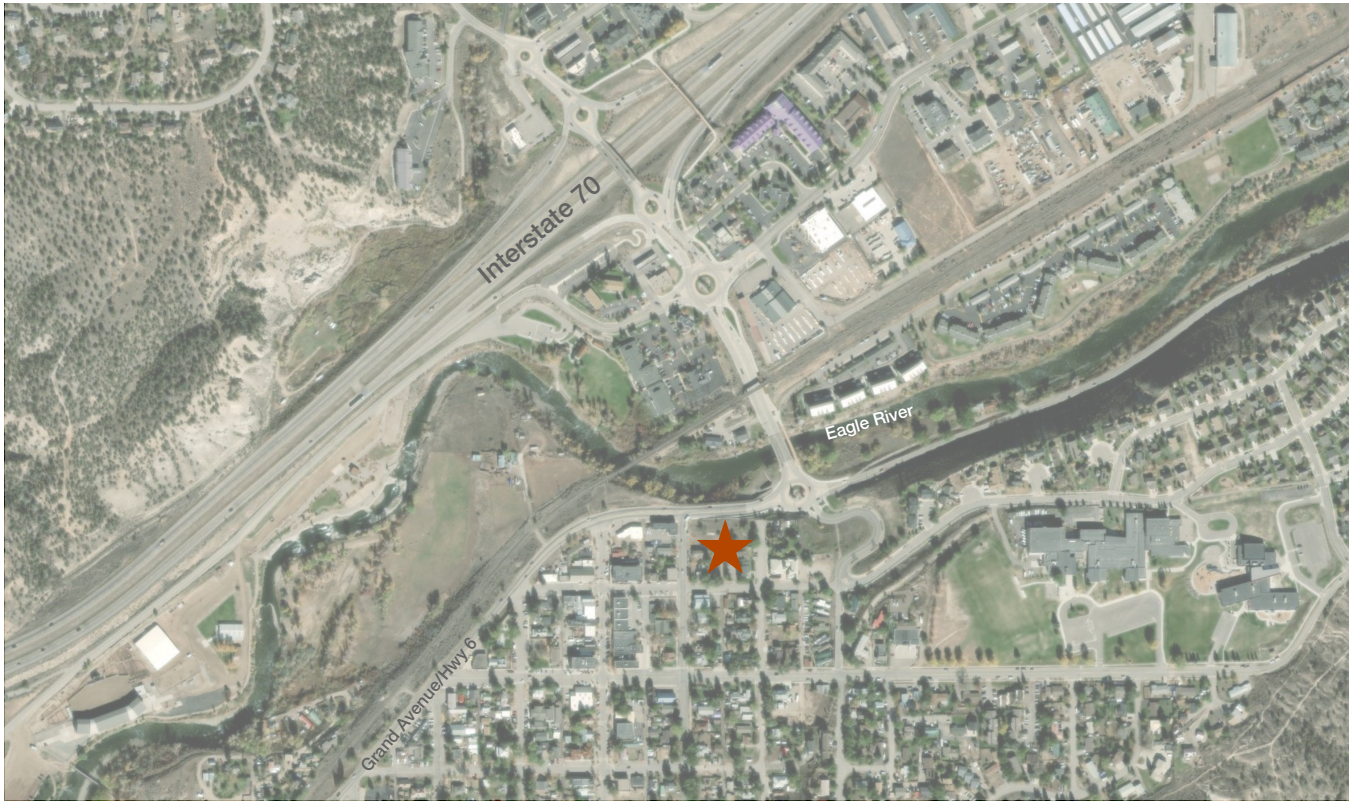


# CAPITOL FLATS

Area Orientation Map:



Properties subject to Applications:



# CAPITOL FLATS

## Right of Way Vacation Application



**TOWN OF EAGLE**  
 COMMUNITY DEVELOPMENT  
 200 BROADWAY • PO BOX 609 • EAGLE, CO 81631  
 PHONE: 970-328-9655 • FAX: 970-328-9656  
 EMAIL: PLANNING@TOWNOFEAGLE.ORG  
 www.townofeagle.org

File #

Date Received

### LAND USE & DEVELOPMENT APPLICATION

*Pursuant to the Land Use & Development Code, Title 4*

<p><b>ZONING REVIEW</b></p> <p><input type="checkbox"/> Special Use Permit</p> <p><input type="checkbox"/> Zoning Variance</p> <p><input type="checkbox"/> Rezoning</p> <p><input type="checkbox"/> Temporary Use Permit</p> <p><input type="checkbox"/> Encroachment Permit</p> <p><input type="checkbox"/> Wireless Communications Facility</p>	<p><b>DEVELOPMENT REVIEW</b></p> <p><input type="checkbox"/> Minor Development Permit</p> <p><input type="checkbox"/> Major Development Permit</p> <p><b>PLANNED UNIT DEVELOPMENT (PUD) REVIEW</b></p> <p><input type="checkbox"/> PUD Zoning Plan</p> <p><input type="checkbox"/> PUD Development Plan</p>	<p><b>SUBDIVISION REVIEW</b></p> <p><input type="checkbox"/> Concept Plan</p> <p><input type="checkbox"/> Preliminary Plan</p> <p><input type="checkbox"/> Final Plat</p> <p><input type="checkbox"/> Lot Line Adjustment</p> <p><input type="checkbox"/> Condominium / Townhouse</p> <p><input type="checkbox"/> Minor Subdivision</p>
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If permit type not specified above, fill in here Right-Of-Way Vacation

**PROJECT NAME** Capitol Flats

**PRESENT ZONE DISTRICT** CMU1 **PROPOSED ZONE DISTRICT** \_\_\_\_\_  
 (if applicable)

**LOCATION**

**STREET ADDRESS** 104, 110, 124, 130 Capitol, 217 E Second St, 103, 123, 137 Howard

**PROPERTY DESCRIPTION** \_\_\_\_\_  
 1, 2, 3, 4, 5,  
 11, 12, 13, 14,  
**SUBDIVISION** Eagle **LOT(S)** 15, 16, 17, **BLOCK** 13  
 (attach legal description if not part of a subdivision) \_\_\_\_\_  
 18, 19, 20,  
 Parcel A,  
 Parcel B

**DESCRIPTION OF APPLICATION/PURPOSE** \_\_\_\_\_  
Alley abandonment to allow for combination of all lots on the block into one property.

**APPLICANT NAME** Eagle Multifamily LLC **PHONE** 970/328-0403

**ADDRESS** PO Box 421 Gypsum, Colorado 81637-421 **EMAIL** perry@vailland.com

**OWNER OF RECORD** Eagle Multifamily LLC **PHONE** 970/328-0403

**ADDRESS** PO Box 421 Gypsum, Colorado 81637-421 **EMAIL** perry@vailland.com

**REPRESENTATIVE\*** Alison Perry, Vail Land Company **PHONE** 970/306-2264

**ADDRESS** PO Box 4691 Eagle, Colorado 81631-4691 **EMAIL** perry@vailland.com

\*A representative must submit an affidavit or power of attorney signed by the property owner of record authorizing the representation.

**APPLICATION SUBMITTAL ITEMS:**

The following submittal materials must be submitted in full before the application will be deemed complete per Chapter 4.17.030 of the Eagle Municipal Code (pg. 236) (please check all items that are being submitted):

- Applicable fees and deposits.
- Project Narrative, describing the project, its compliance with any applicable review criteria, any impacts to the surrounding area, and any other relevant information.
- Surrounding and interested Property Ownership Report (see project specific checklist for more information).
- Proof of Ownership (ownership & encumbrance report, title report, or other acceptable forms of proof) for subject property.
- Site Plan, drawn to scale and depicting the locations and boundaries of existing and proposed lots and structures.
- Project specific checklist.

**FEES AND DEPOSITS:**

See Eagle Municipal Code Section 4.17.030 (pg. 239)

I have read the application form and certify that the information contained herein is correct and accurate to the best of my knowledge. I understand that it is my responsibility to provide the Town with accurate information related to this application. I UNDERSTAND THAT FILING AN APPLICATION IS NOT A GUARANTEE THAT THE APPLICATION WILL BE APPROVED.

  
Signature

October 30, 2024  
Date

# CAPITOL FLATS

## Right of Way Vacation Exhibit and Legal Description

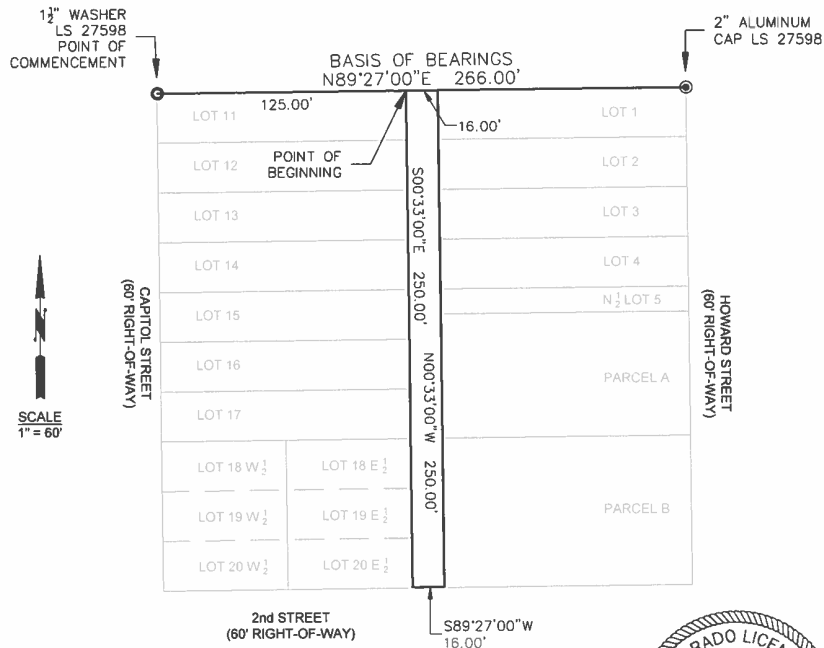
### EXHIBIT A SHEET 1 OF 1

#### LEGAL DESCRIPTION

A parcel of land for the purposes of a 16-foot alley situated in Section 32, Township 4 South, Range 84 West of the 6th Principal Meridian, being more particularly described as follows:

Commencing at a point marking the northwest corner of Lot 11, Block 13, Town of Eagle according to the plat thereof monumented by a found 1½-inch diameter brass washer in a wall LS 27598, thence N 89°27'00"E a distance of 125.00 feet to the northeast corner of Lot 11, Block 13, Town of Eagle, the true point of beginning. Thence S 00°33'00"E a distance of 250.00 feet to the southeast corner of Lot 20, Block 13, Town of Eagle. Thence, N 89°27'00"E a distance of 16.00 feet to the southwest corner of Parcel B, Town of Eagle, A Resubdivision of the southerly one-half of Lot 5 and Lots 6 thru 10, Block 13 according to the plat thereof recorded October 2, 1997 in Book 739 at Page 307, Clerk and Recorder's Office, County of Eagle, State of Colorado. Thence N 00°33'00" W a distance of 250.00 to the northwest corner of Lot 1, Block 13, Town of Eagle. Thence S 89°27'00"W a distance of 16.00 feet to the northeast corner of Lot 11, Block 13, Town of Eagle, the true point of beginning; containing 0.092 acres more or less.

Bearings are based upon a point marking the northwest corner of Lot 11, Block 13, Town of Eagle monumented by a found 1½-inch diameter brass washer in wall LS 27598 and a point marking the northeast corner of Lot 1, Block 13, Town of Eagle monumented by a found 2-inch diameter aluminum cap on number 5 rebar LS 27598, as shown hereon and according to the plat thereof, the bearing being N 89°27'00"E a distance of 266.00 feet.



#### CERTIFICATION

I, John R. Curran, a Professional Land Surveyor in the State of Colorado, do hereby certify that this Exhibit was prepared by me or under my direct supervision, responsibility and checking. I further certify this is not a monumented land survey, Land Survey Plat, Improvement Survey Plat, or an Improvement Location Certificate.

John R. Curran, PLS 28267



23095 - Alley Vacation

Exhibit.dwg

MARCIN ENGINEERING LLC

P.O. Box 1062  
AVON, CO 81620  
(970) 748-0274  
(970) 748-9021 FAX

NOTICE: According to Colorado law you MUST commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

February 12, 2026

Via E-Mail

Tez Hawkins, Planner  
Town of Eagle, Community Development  
200 Broadway  
PO Box 609  
Eagle, CO 81631

Re: Right-of-Way Vacation Supplemental Narrative for Town Right-of-Way running north-south through the block bound by Capitol Street, Grand Avenue, Howard Street, and East Second Street (the “**ROW**”) (originally associated with Companion Project Number: SS24-02-Capitol Flats Sketch Plan)

Dear Tez:

This firm represents Eagle Multifamily LLC (the “**Applicant**”), with respect to certain real property located at 104 Capitol Street, 110 Capitol Street, 124 Capitol Street, 130 Capitol Street, 217 East Second Street, 103 Howard Street, 123 Howard Street, and 137 Howard Street (the “**Lots**”) in the Town of Eagle (the “**Town**”). This Supplemental Narrative is submitted in addition to the original narrative dated December 13, 2024 (the “**Original Narrative**”) in support of the Applicant’s request to vacate the ROW running north-south through the central land area between the Lots, pursuant to the Town’s Land Use and Development Code (“**LUDC**”) (this “**Application**” or the “**ROW Vacation**”).

As you are aware, a separate Rezoning application and Preliminary Plan application are being processed concurrently with this Application in furtherance of the Project (defined below). The Preliminary Plan requests consolidation of the Lots and ROW (the “**Property**”) into a single lot, which necessitates the ROW Vacation. The Applicant intends to develop the Property as a multi-family residential infill development that will provide an activated entry to Town from Grand Avenue, significant affordable and resident-occupied housing and underground parking in support of a pedestrian-focused community asset just one block from Historic Downtown Eagle (the “**Project**”).

This Supplemental Narrative is provided in order to ensure the Application narrative, including this Supplemental Narrative and the Original Narrative, provides an up-to-date analysis of the LUDC Applicability and Review and Decision Making provisions at LUDC Section 4.17.100.G in connection with the Project, as revised since the Original Narrative submittal.

*LUDC Section 4.17.100.G.2.*

Applicability - A request for Vacation may be filed when:

- a. The street or alley:
  - i. Has never been, or is not anticipated to be formally opened or used;

- ii. Is no longer needed because of design changes made by the Town;
- iii. Has never been used for public purposes, or
- iv. Has been abandoned and removed.

**The Original Narrative references subsection iv. as the relevant condition. Additionally, though, subsection ii. is a relevant condition. The subsection ii. and iv. conditions are each met in connection with the concurrently requested Preliminary Plan approval, which would consolidate the Lots and ROW. The Preliminary Plan approval would constitute a design change made by the Town which permits lot consolidation to support the Project's underground garage and renders the ROW unnecessary. As provided in further detail in the ROW Application Response Letter, prior to the Town's relinquishment of access to and use of the ROW, the alley would be abandoned and all utilities relocated.**

- b. All portions of the street or alley to be vacated are within the Town; and

**See Original Narrative.**

- c. No portion of the street or alley to be vacated constitutes a boundary line between two counties or the boundary of the Town.

**See Original Narrative.**

*LUDC Section 4.17.100.G.5.*

Review and Decision Making:

- a. The Planning and Zoning Commission shall review and recommend and the Town Council shall review and decide on an application for Vacation based on the following criteria:
  - i. Comprehensive Plan. The vacation is consistent with the Comprehensive Plan;

**See Original Narrative, which provides an accurate analysis of the Comprehensive Plan with the following minor revisions:**

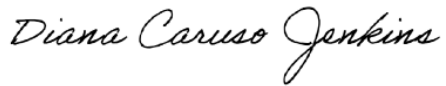
- **Regarding Goal 1-1, in addition to underground garage parking being provided, the Project will maintain on-street parking as requested by public feedback.**
- **Regarding Goal 1-1.3, due to the Project's reduction in dwelling unit count, the Project will provide 15 restricted AMI units and 35 resident-occupied units.**
- **Regarding Goal 1, generally, the Project as revised does not support a roof deck, understanding the Town's height restrictions on the required elevator infrastructure, nor space for an interior gym. Instead, a vastly expanded outdoor space (a 7,140 square foot courtyard) is now provided.**
- **Regarding Goal 2-1.5, the Project is now comprised of eight buildings and adheres to the maximum building footprint and building spacing requirements added to the CMU.1 zone district since the Original Narrative was submitted.**

- **Regarding Goal 2-1.8, as noted above, the roof deck is no longer viable, but the ground level 7,140 square foot courtyard now provides the central gathering space for the Project.**
  - **Regarding Goal 2-2, as noted above, the Project is now comprised of eight buildings.**
  - **Regarding Goal 5-3, as noted above, there will be street parking as requested by public feedback.**
  - **Regarding Goal 5-5, as noted above, the Project as revised does not support a roof deck, understanding the Town's height restrictions on the required elevator infrastructure.**
- ii. Land Use and Development Code standards. The vacation will comply with the applicable standards of this LUDC.
- See Original Narrative.**
- iii. Public purpose. The street or alley is no longer needed for transportation, public utility, or drainage purposes;
- See Original Narrative and ROW Response Letter.**
- iv. Property access. No land adjoining the street or alley to be vacated shall be left, as a result of the vacation, without adequate public services or vehicular access.

**See Original Narrative and ROW Response Letter.**

The Applicant team appreciates the opportunity to provide this further information. We look forward to working with the Town on this Application.

Sincerely,



Diana Caruso Jenkins  
For the Firm