

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 2 OF 2018**

**ORDINANCE VACATING ALL THAT PART OF THAT PUBLIC RIGHT OF WAY LYING BETWEEN LOT 12, BLOCK 23 AND LOT 22 BLOCK 33, GLEN PARK, TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO**

WHEREAS, PURSUANT TO SECTION 43-2-303, C.R.S., THE TOWN HAS THE AUTHORITY TO VACATE ANY ROADWAY WITHIN ITS JURISDICTION BY ORDINANCE; AND

THE TOWN OF PALMER LAKE HAS RECEIVED A REQUEST FROM AN OWNER OF PROPERTY ON BOTH SIDES OF THE PLATTED 20' RIGHT OF WAY BETWEEN VERANO AVENUE AND LARGO AVENUE TO VACATE THAT UNNAMED 20' RIGHT OF WAY IN PALMER LAKE, COLORADO; AND

THE TOWN HAS DETERMINED THAT THE RIGHT OF WAY SOUGHT TO BE VACATED HAS NEVER BEEN USED AS PUBLIC RIGHT OF WAY AND IS NOT NEEDED OR DESIRED FOR PUBLIC RIGHT OF WAY PURPOSES NOW DUE TO THE SLOPE AND WIDTH OF THE PLATTED ROADWAY; AND

WHEREAS, THE VACATION EFFECTED HEREBY WILL NOT RESULT IN LEAVING ANY LAND ADJOINING SAID ROADWAYS WITHOUT AN ESTABLISHED PUBLIC ROAD OR PRIVATE ACCESS EASEMENT CONNECTING SAID LAND WITH ANOTHER ESTABLISHED PUBLIC ROAD; AND

WHEREAS THE TOWN OF PALMER LAKE HAD DETERMINED THAT NO SIGNIFICANT PUBLIC IMPROVEMENTS LIE WITHIN THE PROPOSED VACATED RIGHT OF WAY.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:


Section 1. Pursuant to applicable state statute as shown on Attachment A, the Town of Palmer Lake hereby vacates:

- a. All that part of that public right of way lying between Lot 12, Block 23 and Lot 22 Block 33, Glen Park, Town of Palmer Lake, El Paso county, Colorado

Section 2. Pursuant to state statute, upon the effective date of this Ordinance, the title to the property vacated hereby shall vest one half to each of the adjoining property owners at the centerline of each of the two vacated roadways.

Section 4. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. Publication. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only. This ordinance shall become effective thirty (30) days after the date of publication. PASSED AND ADOPTED THIS 8<sup>th</sup> DAY OF JANUARY 25, 2018 by a vote of     for and     against. *all aye.*



JOHN CRESSMAN, MAYOR

ATTEST:



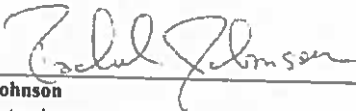
CATHERINE GREEN, ACTING TOWN CLERK

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

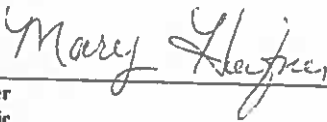
I, Rachel Johnson, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/04/2018

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

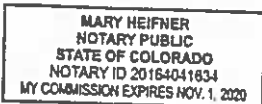


Rachel Johnson  
Sales Center Agent

Subscribed and sworn to me this 03/06/2018, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires November 1, 2020.



Mary Heifner  
Notary Public  
The Gazette



**Ordinance no. 1 of 2018**  
An Ordinance of the Board of Trustees of the Town of Palmer Lake amending Chapter 1.50 of the municipal code governing elections to conform to State Statute and declaring an emergency

**Ordinance no. 2 of 2018**  
Ordinance vacating all that part of that public right of way lying between lot 12, block 23 and lot 22 block 13, Glen Park, Town of Palmer Lake, El Paso County, Colorado

**Ordinance 3 of 2018**  
An Ordinance approving a loan from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the aggregate principal amount not to exceed \$1,100,000; authorizing the forms and execution of the loan agreement and governmental agency bond to evidence such loan; authorizing the construction of a project; prescribing other details in connection therewith; and declaring an emergency

Published In Colorado Springs Gazette  
March 4, 2018

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 1 OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AMENDING CHAPTER 1.50 OF THE MUNICIPAL CODE GOVERNING ELECTIONS TO CONFORM TO STATE STATUTE AND DECLARING AN EMERGENCY**

WHEREAS, THE TOWN OF PALMER LAKE, COLORADO (THE "TOWN"), IS A MUNICIPAL CORPORATION DULY ORGANIZED AND OPERATING AS A STATUTORY MUNICIPALITY UNDER THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO; AND

WHEREAS, CHAPTER 1.50 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE GOVERNS ELECTIONS WITHIN THE TOWN BUT IS INCONSISTENT WITH STATE STATUTES GOVERNING MUNICIPAL ELECTIONS AS A RESULT OF CHANGES IN STATEWIDE LEGISLATION GOVERNING MUNICIPAL ELECTIONS; AND

WHEREAS, A REGULAR ELECTION OF THE TOWN SHALL BE HELD ON APRIL 3, 2018 IN ACCORDANCE WITH STATE LAW, NECESSITATING AMENDMENTS TO CHAPTER 1.50 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE TO AVOID VOTER AND CANDIDATE CONFUSION ON APPLICABLE DEADLINES AND TO CONFORM TO STATE LAW; AND

WHEREAS, DUE TO THE PENDING ELECTION AND THE DISCREPANCY BETWEEN STATE STATUTE AND THE TOWN CODE PROVISIONS SET FORTH IN CHAPTER 5.10 OF THE PALMER LAKE MUNICIPAL CODE, THE TOWN BOARD FINDS THAT AN EMERGENCY EXISTS AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

**Section 1.** Chapter 1.50 entitled "Elections" is repealed and readopted with a new title to read as follows in its entirety:

**CHAPTER 1.50  
ELECTIONS**

**Sections:**

1.50.010 Cancellation of Election  
1.50.020 Write-In Candidate Affidavit

**Sec. 1.50.010. Cancellation of election.**

(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the deadline before the election as set forth in applicable

state statute, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in section 1.50.020, the Town Clerk, if instructed by resolution either before or after such date, shall cancel the election and such candidates shall be deemed elected.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

**Sec. 1.50.020. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent with the Clerk prior to the deadline as set forth in applicable state statute indicating that such person desires the office and is qualified to assume the duties of that office if elected.

**Section 2. Severability.** It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 3. Emergency Declared, Effective Date and Publication.** The Town Board finds that an emergency exists in that the public health safety and welfare requires the immediate effectiveness of this Ordinance. This ordinance shall become effective upon its adoption and the Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted by title only.

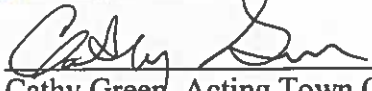
PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF JANUARY, 2018 BY A VOTE OF \_\_ FOR AND    AGAINST. *All/Agree*

\_\_\_\_\_  
JOHN CRESSMAN, MAYOR

ATTEST:

*Cathy Green*  
\_\_\_\_\_  
CATHY GREEN, ACTING TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of Jun 11, 2018, and ordered published by title only by Clarette newspaper on MARCH 6, 2018.

  
\_\_\_\_\_  
Cathy Green, Acting Town Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

I, Rachel Johnson, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/04/2018

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

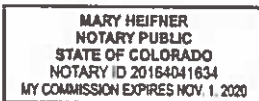


Rachel Johnson  
Sales Center Agent

Subscribed and sworn to me this 03/06/2018, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires November 1, 2020.



Mary Heifner  
Notary Public  
The Gazette



**Ordinance no. 1 of 2018**  
An Ordinance of the Board of Trustees of the Town of Palmer Lake amending Chapter 1.50 of the municipal code governing elections to conform to State Statute and declaring an emergency

**Ordinance no. 2 of 2018**  
Ordinance vacating all that part of that public right of way lying between lot 12, block 23 and lot 22 block 33, Glen Park, Town of Palmer Lake, El Paso County, Colorado

**Ordinance 3 of 2018**  
An Ordinance approving a loan from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the aggregate principal amount not to exceed \$1,100,000; authorizing the forms and execution of the loan agreement and governmental agency bond to evidence such loan; authorizing the construction of a project; prescribing other details in connection therewith; and declaring an emergency

Published in Colorado Springs Gazette  
March 4, 2018