

PALMER LAKE, COLORADO

ORDINANCE NO. 8-2022

**AN ORDINANCE VACATING LOVELAND SLOPE RIGHT OF WAY WITHIN
THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, on March 2, 2022 the Town received an application for Vacation of a street, right of way or easement;

WHEREAS, C.R.S. §43-1-301 *et seq.* permits a municipality, by ordinance, to vacate any roadway or easement or part thereof located within the corporate limits of said municipality;

WHEREAS, the portion of the Right of Way located within the Town's corporate limits is not regularly utilized by the public as and it is not anticipated the right of way will be utilized by the Town for the foreseeable future;

WHEREAS, the Planning Commission held a duly noticed public hearing on April 20, 2022 and recommended approval of the vacation request;

WHEREAS, the Board of Trustees had a duly noticed public hearing on April 28, 2022 and continued said hearing to May 12, 2022; and

WHEREAS, the Board of Trustees, finds it in the best interest of the citizens of the Town of Palmer Lake to vacate the portion of the right of way within the Town's corporate limits.

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

1. The Board of Trustees hereby vacates, renounces and disclaims a 1,949 square feet right of way of Loveland Slope more particularly described in Exhibit A, attached hereto. The Town specifically reserves an identified "utility and drainage easement" within the vacated right of way as described in Exhibit A. The deed of Block 9 shall hereby be restricted such that the owner, his or her heirs, successors, and assignees, of 179 Shady Lane, also known as Block 9, shall upon the development of Fowler Branch deed up to 974.5 square feet of the corner of Block 9 to the Town as right-of-way at no cost to Town or otherwise. Upon the recording of this Ordinance and Exhibit, title to the vacated right of way as described in Exhibit A shall vest to the proper two owners of the abutting lands, pursuant to C.R.S. §43-2-302.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

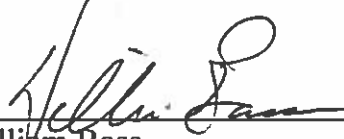
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12TH DAY OF MAY 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO



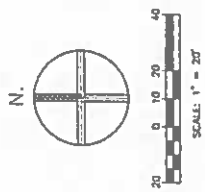
Dawn A. Collins
Town Administrator/Clerk

BY: 

William Bass
Mayor

SURVEY EXHIBIT

Vacation of Loveland Slope



LEGAL DESCRIPTION:

RIGHT OF WAY VACATION

That portion of the 20 foot RIGHT OF WAY known as LOVELAND SLOPE as shown on PINE CREST TRI-DISTRICT ASSEMBLY GROUNDS ADDITION NO. 1, located in Section 8, Township 11 South, Range 67 West, Tenth Principal Meridian, P.M. (Book R at Page 22, Plat received at Pima County, El Paso County, Colorado), described as follows:

That portion of said LOVELAND SLOPE (20 foot Right of Way) being adjacent to Lot 1 in Block 8 and to Block 9 in said PINE CREST TRI-DISTRICT ASSEMBLY GROUNDS ADDITION NO. 1, Containing a Computed Area of 1,988 square feet of Land within this description.

Heard and recommended for approval on the _____ day of _____ by the Planning Commission, Town of Palmer Lake.

(signature line for Chair, Planning Commission)

Heard and approved on the _____ day of _____ by the Board of Trustees for the Town of Palmer Lake.

(signature line for Mayor, Board of Trustees)

Attest by: _____

(signature line for Town Clerk)

SURVEY EXHIBIT



1.	02/17/20	EST. UTILITY EASEMENT	APR
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100.	02/17/20	EST. UTILITY EASEMENT	APR

SURVEYOR'S STATEMENT:

I, James P. Shuman, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached plat was prepared by me or under my direct supervision and to the best of my knowledge, information and belief, is correct.



James P. Shuman,
Professional Land Surveyor
Colorado PLS 10001

COPIED FROM SURVEY EXHIBIT, INC.
CALCULATED BY: JAMES P. SHUMAN
DATE: 02/17/2020