

PALMER LAKE, COLORADO

ORDINANCE NO. 3 OF 2017

AN ORDINANCE VACATING A PORTION OF GILLIA STREET BETWEEN COLUMBINE ROAD AND UPPER GLENWAY, AND A PORTION OF AN ALLEY BETWEEN GILLIA STREET AND PAGE STREET, BETWEEN COLUMBINE ROAD AND UPPER GLENWAY, PALMER LAKE, 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 ADJACENT TO GILLIA STREET BETWEEN COLUMBINE ROAD AND UPPER GLENWAY TO VACATE THAT PORTION OF GILLIA STREET AND A PORTION OF THE ALLEY BETWEEN GILLIA STREET AND PAGE STREET, BETWEEN COLUMBINE ROAD AND UPPER GLENWAY, PALMER LAKE, COLORADO; AND

THE TOWN HAS DETERMINED THAT IT 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 OF THE PLATTED ROADWAY AND ALLEY AND THE ATTENDANT MAINTENANCE ISSUES IF SUCH RIGHT OF WAY WERE TO BE DEVELOPED; AND

WHEREAS, THE VACATIONS 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

THE TOWN SHALL REQUIRE, AS A CONDITION OF THE VACATION EFFECTED HEREBY, THE RECORDING OF A TOWN APPROVED SUBDIVISION PLAT SHOWING THE VACATION OF THE ROADWAYS AND EVIDENCING THE RESERVATION TO THE TOWN OF A THIRTY FOOT WIDE EASEMENT CENTERED ON THE EXISTING CENTERLINE OF GILLIA STREET FOR ANY PUBLIC UTILITIES; 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 and satisfaction of the conditions set forth in Section 3 hereof, as shown on Attachment A, the Town of Palmer Lake hereby vacates:

- a. The entire width of that portion of Gillia Street between the intersection of Upper Glenway and Columbine Road ("Gillia Street"), reserving, a thirty foot, no-build easement for utilities.
- b. The entire width of that portion of an alley between Gillia Street and Page Street between the intersection of Upper Glenway and Columbine Road ("Alley").

Section 2. Pursuant to state statute, upon the effective date of this Ordinance and the satisfaction of all conditions set forth in Section 3, 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 3. This ordinance will be effective and recorded only upon satisfaction of the following condition:

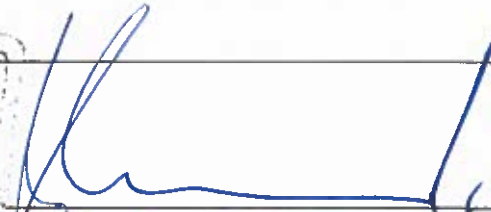
Submittal and recordation with the Clerk and Recorder and with the Assessor for El Paso County of a Town approved surveyed plat showing the Alley and Gillia Street vacated and the title of the vacated property vested in the owners of the land abutting the vacated roadways with a reservation to the Town of a thirty foot (30') no-build utility easement centered on the centerline of the vacated Gillia Street.


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 9th DAY OF FEBRUARY, 2017 by a vote of 7 for and 0 against.




JOHN CRESSMAN, MAYOR

ATTEST:

TARA BERRETH, 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 February 9, 2017, and ordered published by title only by Gazette newspaper on Feb. 9, 2017.


Tara Berreth, Town Clerk