

PALMER LAKE, COLORADO

ORDINANCE NO. 4 OF 2017

AN ORDINANCE APPROVING THE MINOR SUBDIVISION OF LOTS 5 THROUGH 12, BLOCK 18 AND PORTIONS OF GILLIA STREET AND THE ALLEY FOR BLOCK 18 OF PALMER LAKE, BROWNS FILING, PALMER LAKE, COLORADO

WHEREAS, JIM STILTNER DBA MASTERBILT HOMES ("OWNER"), IS THE OWNER OF PROPERTY DESCRIBED AS LOTS 5 THROUGH 12, BLOCK 18 AND, UPON THE EFFECTIVENESS OF ORDINANCE NO. 3 OF 2017 OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, PORTIONS OF GILLIA STREET AND THE ALLEY FOR BLOCK 18 OF PALMER LAKE BROWNS FILING, PALMER LAKE, COLORADO ("PROPERTY"); AND

WHEREAS THE OWNER HAS APPLIED FOR APPROVAL OF A MINOR SUBDIVISION OF THE PROPERTY TO ALTER THE LOT LINES AND REDUCE THE NUMBER OF LOTS FROM EIGHT LOTS INTO THREE LOTS AS DEPICTED IN VACATION AND REPLAT PLAT ATTACHED HERETO AS EXHIBIT A ("APPLICATION"); AND

WHEREAS, THE APPLICATION METS THE CRITERIA FOR MINOR SUBDIVISION APPROVAL UNDER CHAPTER 16.36 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE; AND

THE TOWN OF PALMER LAKE PLANNING COMMISSION CONDUCTED A PUBLIC HEARING ON FEBRUARY 21, 2017, ON THIS APPLICATION AND MADE A RECOMMENDATION FOR APPROVAL WITH CONDITIONS; AND

WHEREAS, THE BOARD OF TRUSTEES HEREBY DETERMINES THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE TOWN REGULATIONS; AND

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

Section 1. The Town of Palmer Lake Board of Trustees approves the above identified Application.

Section 2. This ordinance will be effective and recorded only upon satisfaction of the following conditions:

(a) Satisfaction to the Town that the surveyed plat complies with the requirements of Section 16.36.020 of the Town of Palmer Lake Municipal Code and shows accurate lot configurations and measurements, and

(b) Submittal and satisfaction to the Town that the submitted engineered drainage plan depicts how non-historic drainage flows will be retained on Owner's property, the Owner agreeing to remediate as required by the plan prior to issuance of any building permits; and

(c) Submittal and satisfaction to the Town that the submitted topographic map provides mathematical calculations and satisfaction of requirements for the Hillside Overlay District zoning as set forth in Chapter 17.50 of the Town of Palmer Lake Municipal Code; and

(d) Owner will, at the time of completion of construction and before any certificates of occupancy will issue, repair Upper Glenway as it abuts the three lots as depicted in vacation and replat plat attached hereto as

Exhibit A and provide to the Town the amount of \$2500 to be used only for road base to repair other segments of Upper Glenway within the Town.

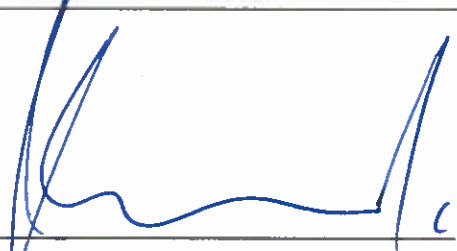
Section 3. The approval is for the Property described in Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 4. 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 5. Publication and Effective Date. 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.


THIS ORDINANCE WAS INTRODUCED, PASSED, APPROVED AND ADOPTED ON 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  newspaper on February, 2017.



Tara Berreth, Town Clerk

EXHIBIT A FOLLOWS

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO


I, Mary Heifner, 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 public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The 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, March 13, 2017**

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.



Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this March 13, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires **October 24, 2020**.



Lori A. Curry
Notary Public

The Gazette

**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

**PALMER LAKE, COLORADO
ORDINANCE NO. 4 OF 2017**
AN ORDINANCE APPROVING THE MINOR SUB-DIVISION OF LOTS 5 THROUGH 12, BLOCK 18 AND PORTIONS OF GILLIA STREET AND THE ALLEY FOR BLOCK 18 OF PALMER LAKE, BROWNS FILING, PALMER LAKE, COLORADO

Published in CS Gazette March 13, 2017

**LORI CURRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164040549
MY COMMISSION EXPIRES 10/24/2020**