

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 16-2023**

**AN ORDINANCE VACATING A PORTION OF EL MORO STREET 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**, in November of 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 June 21, 2023 and recommended approval of the vacation request;

**WHEREAS**, the Board of Trustees had a duly noticed public hearing on June 22, 2023; 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 9,865 square feet (0.2265 acres) right of way of El Moro, more particularly described in Exhibit A, attached hereto. The Town specifically reserves an identified 10 foot "trail easement" with the vacated right of way as described in Exhibit A. Upon the recording of this Ordinance and Exhibit, title to the vacated right of way as described in Exhibit A shall vest to the two applicants.
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.

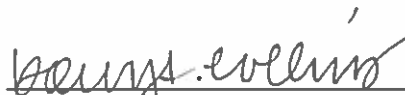
The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

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 22nd DAY OF JUNE 2023.**

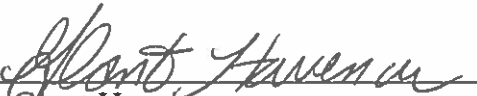
ATTEST:

TOWN OF PALMER LAKE, COLORADO



Dawn A. Collins  
Town Administrator/Clerk

BY:



Grant Havenar  
Mayor

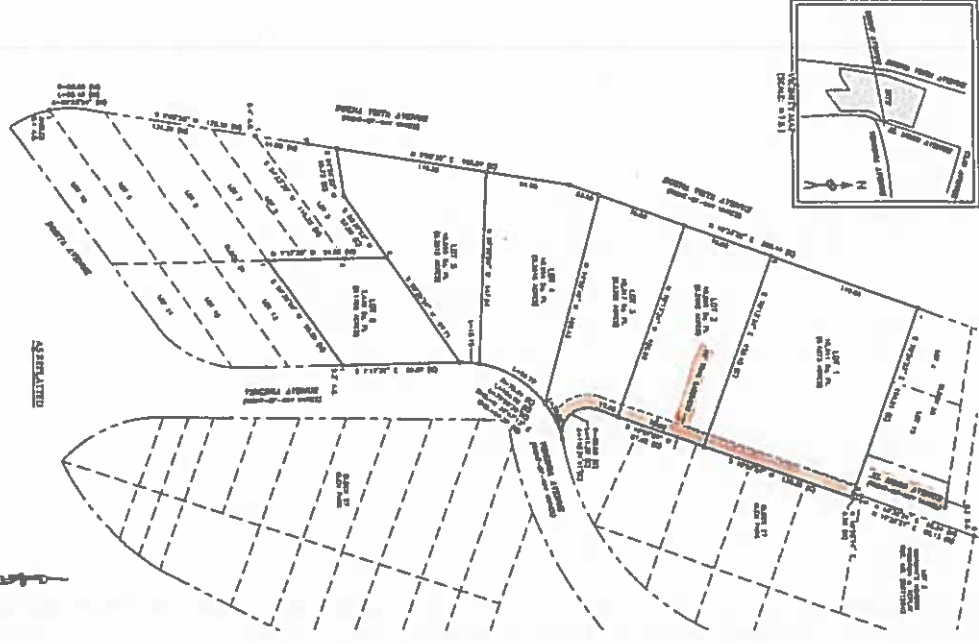
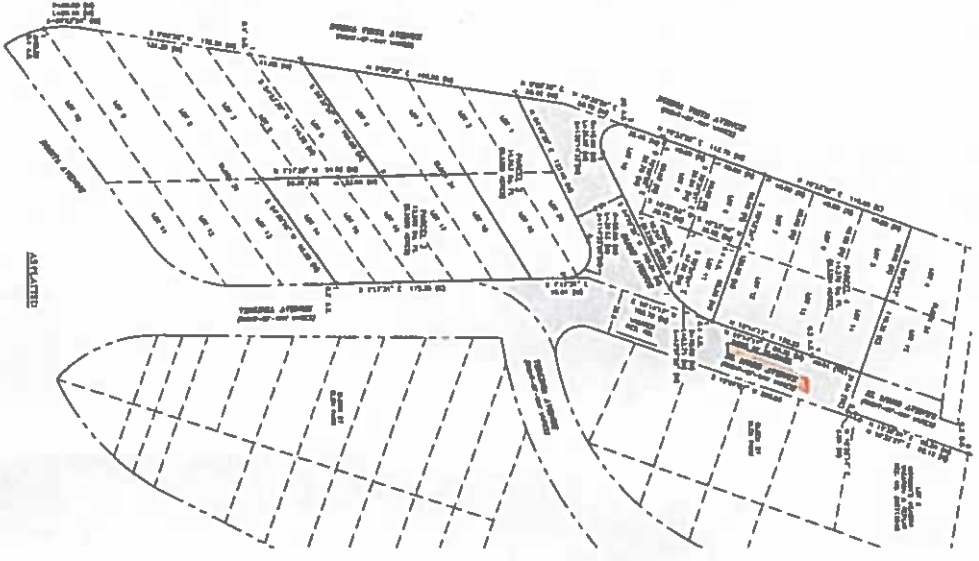
**MEMORANDUM FOR THE RECORDS:**  
 This plan shows the proposed layout of the proposed subdivision and the proposed plat of the same. The proposed subdivision is located in the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado. The proposed subdivision is shown on the attached map and is bounded by the following: North by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; East by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; South by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; and West by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado.

**GENERAL NOTES:**  
 1. The proposed subdivision is shown on the attached map and is bounded by the following: North by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; East by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; South by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; and West by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado.

**LEGAL DESCRIPTION:**  
 A portion of the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado.

**PLAT:**  
 The proposed subdivision is shown on the attached map and is bounded by the following: North by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; East by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; South by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado; and West by the Northwest Quarter of Section 6, Township 11 South, Range 67 West of the 4th P.M., County of El Paso, State of Colorado.

**PRELIMINARY**



**PLANNING COMMISSION APPROVAL:**  
 The plan was approved by the Planning Commission on this day of \_\_\_\_\_, 2011.

**STATE ENGINEER CERTIFICATE:**  
 I, the undersigned, being a duly licensed Professional Engineer in the State of Colorado, do hereby certify that this is a true and correct copy of the original plan as filed in my office.

**DATE:** \_\_\_\_\_, 2011

**ENGINEER:** \_\_\_\_\_

**GOULD LAND SURVEYING**  
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 info@goULD.com  
 www.GoULDandSurveying.com

**DURAN-WALTON-POWELL VACATION AND REPLAT**

**A PORTION OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 4TH P.M., COUNTY OF EL PASO, STATE OF COLORADO**

Project No. 22524  
 May 17, 2011