

ORDINANCE

**AN ORDINANCE VACATING THE WICHITA WAY RIGHT-OF-WAY LYING BETWEEN LOTS 9 AND 11 BLOCK 2, BUSBY'S SUBDIVISION AND LOT 5 CR STANDISH SUBDIVISION, MANITOU SPRINGS, EL PASO COUNTY, COLORADO.**

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- WHEREAS,** the City of Manitou Spring vacated an undeveloped area of Wichita Way in 2001; and
- WHEREAS,** the abutting owner has requested and the Planning Commission has recommended the vacation of the remaining area of the Wichita Way right-of-way currently utilized as a private driveway; and
- WHEREAS,** the City Council finds the proposed vacation of the remaining portion of Wichita Way is unnecessary for future public access and will not deprive abutting property owners of adequate, legal access.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

- SECTION 1:** The right-of-way described and shown on the attached exhibit titled "Vacation of Wichita Way Right of Way" and received August 8, 2013, is hereby vacated.
- SECTION 2:** 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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- SECTION 3:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.
- SECTION 4:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.
- SECTION 5:** This Ordinance shall be in full force and effect from and after five (5) days of its final passage and publication as provided by law.

Passed on First Reading and Ordered Published this 1st day of October 2013.

/s/ Donna Kast  
City Clerk

A Public Hearing will be held at the October 15, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published October 3, 2013 (in full)  
*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 15th day of October 2013.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Published October 17, 2013 (in full)  
*City's Official Website and City Hall*