

AN ORDINANCE

AN ORDINANCE VACATING A PORTION OF THE DEER PATH AVENUE RIGHT-OF-WAY ADJACENT TO PROPERTY KNOWN AS 133 DEER PATH AVENUE AND 220 ELK PATH AS PLATTED IN FRANCISCO'S ADDITION TO THE TOWN OF MANITOU, NOW PART OF THE CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

WHEREAS, an abutting owner requested and the Planning Commission recommended the vacation of a portion of the Deer Path Avenue right-of-way on which there are numerous building and landscape improvements associated with the residence known as 133 Deer Path Avenue; and

WHEREAS, the City Council finds the proposed vacation of this part of the Deer Path Avenue right-of-way is unnecessary and infeasible for future public access due to the private encroachments 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 "Exhibit A" for the vacation of Deer Path Avenue right-of-way and dated October 9, 2013, is hereby vacated, with the area as described and shown on the attached "Exhibit D" retained as a public utilities easement.

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 3rd day of December 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the December 17, 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 December 5, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 17th day of December 2013.

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

Attest: /s/ Donna Kast
City Clerk

Published December 19, 2013 (in full)
City's Official Website and City Hall