

AN ORDINANCE

AN ORDINANCE VACATING A 30 FOOT UTILITY EASEMENT LOCATED ON THE NORTHERN END OF THE SUBJECT PROPERTY AT 16 EAGLE AVENUE, PLATTED AS LOT 2 MEESE SUBDIVISION NO. 2, A VACATION AND REPLAT OF A PORTION OF BLOCK A OF SHIFFER & FREDRICKS RESUBDIVISION OF A PORTION OF MANITOU TERRACE, IN THE CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

WHEREAS, the property owner requested and the Planning Commission recommended the vacation of a 30 foot utility easement at 16 Eagle Avenue; and

WHEREAS, City staff and public utilities providers have found that the easement contains no existing utilities and found that this easement is unnecessary for future expansion of utilities systems to surrounding properties; and

WHEREAS, the City Council finds the existing utility easement is unnecessary and infeasible for future utilities access due to topography of the land and will not deprive abutting property owners of essential utility services in the future.

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

SECTION 1: The 30 foot utility easement described and shown on the attached exhibit titled “Meese Subdivision No. 2 A Vacation and Replat of a Portion of Block A of Shiffer & Fredricks Resubdivision of a Portion of Manitou Terrace”, dated March 10, 1999, and as additionally shown on the attached survey “Exhibit B” titled Mena Residence Parking Addition, prepared by Tremmel Design Group, LLC and 12/4/2014, 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 3rd day of February, 2015.

/s/Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the February 17, 2015 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: February 5th, 2015 (in full)
City's Official Website and in City Hall

Passed on Second Reading and Ordered Published this 17th day of February, 2015.

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

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: February 19, 2015 (in full)
City's Official Website and City Hall