

AN ORDINANCE

AN ORDINANCE VACATING 10 FOOT UTILITY EASEMENTS LOCATED ON THE NORTHERN AND WESTERN SIDES AND A 10 FOOT PUBLIC UTILITY AND PUBLIC ACCESS EASEMENT ON THE EASTERN SIDE OF THE SUBJECT PROPERTY AT 56 PARK AVENUE, PLATTED AS LOT 1 CHAMBERS SUBDIVISION IN THE CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

WHEREAS, the property owner requested and the Planning Commission recommended the vacation of a 10 foot utility and a 10 foot utility and access easement at 56 Park Avenue; and

WHEREAS, City staff and public utilities providers have found that the easements are not placed correctly to contain the existing public utilities and new easements are proposed that will be sited over the electrical and sewer lines currently on the property; and

WHEREAS, the new, relocated easements make the retention of the existing easements unnecessary for future expansion of utilities systems to surrounding properties; and

WHEREAS, the City Council finds the existing 10 foot utility easement on the west and north sides of the property will be replaced with a new easement and is unnecessary for future utilities as it does not cover the existing utility facilities and vacation will not deprive abutting property owners of essential utility services in the future; and

WHEREAS, the City Council finds the existing 10 foot utility easement on the eastern side of the property will also be replaced with a new easement that provides access to the existing utilities installation and retention of the existing easement is unnecessary and will not deprive the public of access as there are no access easements on abutting properties.

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

SECTION 1: The 10 foot utility easement described and shown on the attached exhibit titled “Existing – Easement Vacation Exhibit #1” is hereby vacated.

SECTION 2: The 10 foot utility and access easement described and shown on the attached exhibit titled “Existing – Easement Vacation Exhibit #2” is hereby vacated.

SECTION 3: 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 4: 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 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

SECTION 6: 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 March, 2015.

/s/Donna Kast
City Clerk

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

A postponed Public Hearing on this ordinance was held at the June 2, 2015 City Council meeting. The Council Meeting was held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Passed on Second Reading and Ordered Published this 2nd day of June, 2015.

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

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: June 2, 2015 (in full)
City's Official Website and in City Hall