

**ORDINANCE**

AN ORDINANCE VACATING A PORTION OF A DRAINAGE EASEMENT AS DEPICTED ON LOT 1 OF THE ARCH AT MANITOU SPRINGS REPLAT, CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

**WHEREAS**, the property owner requested and the Planning Commission recommended the vacation of a portion of a drainage easement platted on Lot 1 Arch at Manitou Springs Replat from 19.5-feet to 5-feet; and

**WHEREAS**, City staff and public utilities providers have found that the drainage easement contains no existing utilities and the development of Lot 1 is accommodating drainage for the proposed construction of a three story mixed use building but the Planning Commission has found that a 5-foot easement is desired for possible future expansion of utilities systems to surrounding properties; and

**WHEREAS**, the City Council finds the existing 19.5-feet is undeveloped and unnecessary for future access to this or surrounding properties however agrees to a 5-foot drainage easement for future utilities access to the area so as to 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 19.5-foot drainage easement as depicted on Lot 1 of the Arch at Manitou Springs Replat is hereby reduced and vacated to a 5-foot drainage 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 21<sup>st</sup> day of November, 2017.

/s/ Donna Kast  
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the December 5, 2017, City Council meeting. The meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: November 22, 2017 (in full)  
*City's Official Website and City Hall*

Passed on second reading and approved by Council this 5<sup>th</sup> day of December, 2017.

/s/ Nicole Nicoletta  
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast  
City Clerk, Donna Kast

Ordinance Published: December 7, 2017 (in full)  
*City's Official Website and City Hall*