

ORDINANCE

AN ORDINANCE VACATING A RIGHT OF WAY KNOWN AS ROSEMARY LANE THE PLAT OF RED CRAGS, SECOND FILING, LYING WITHIN THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 67 WEST, 6TH P.M. AND ACCEPTING A 15-FOOT UTILITY EASEMENT, CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

WHEREAS, the property owner requested and the Planning Commission recommended the vacation of a platted but undeveloped right-of-way known as Rosemary Lane at 320 Manitou Avenue; and

WHEREAS, City staff and public utilities providers have found that the right-of-way contains no existing utilities but has found that an easement is desired for possible future expansion of utilities systems to surrounding properties; and

WHEREAS, the City Council finds the existing right-of-way is undeveloped and unnecessary for future access to this or surrounding properties however agrees to a 15-foot 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 5,383 square foot (0.124 acre) right-of-way known as Rosemary Lane described and shown on the attached exhibit titled “VACATED RIGHT OF WAY DESCRIPTION” by Huffman Surveying and shown on the plat of Red Crag, Second Filing, is hereby vacated.

SECTION 2: A 15-foot wide utility easement for the use and benefit of the City of Manitou Springs, El Paso County Colorado is hereby dedicated and illustrated on Exhibit A of the Deed of Easement signed by David Harold Hill and Janice Leigh Woodward dated respectively 10/12/17 and 10/5/2017.

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 21st 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 5th 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