

ORDINANCE

**AN ORDINANCE VACATING A PORTION OF THE PROSPECT PLACE RIGHT-OF-WAY ADJACENT TO THE PROPERTY KNOWN AS 901-903 PROSPECT PLACE, CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO**

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**WHEREAS**, the owner of property located at 901-903 Prospect Place requested, and the Planning Commission recommended on May 9, 2018, the vacation of a portion of platted but undeveloped Prospect Place right-of-way; and

**WHEREAS**, City staff and public utilities providers have found that the right-of-way contains no existing utilities and there is no need to retain an easement over the proposed vacated area for future utilities systems to surrounding properties; and

**WHEREAS**, the City Council finds the area of right-of-way is undeveloped and unnecessary for future public access and the vacation would not deprive abutting properties from adequate, legal access.

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

**SECTION 1:** The area as shown on Exhibit A attached to this ordinance and described as follows is hereby vacated:

That portion of Prospect Place adjacent to Lot 21, block 4 of a Subdivision of Part of Blocks D and E, Town of Manitou, according to the Plat thereof recorded in Plat Book F at Page 11 of the records of El Paso County, Colorado, now a part of the City of Manitou Springs, described as follows: Beginning at the Northwest corner of said Lot 21; Thence N36°40'00"E along the West line of said Lot 21 extended, 0.50'; Thence on a curve to the right having a central angle of 14°10'50", a radius of 203.39', a length of 50.34', and whose chord bears N83°42'57"E; Thence on a curve to the right having a central angle of 31°24'21", a radius of 28.55', a length of 15.65', and whose chord bears S68°45'58"E, Thence S48°25'22"E, 11.83'; Thence on a curve to the right having a central angle of 31°46'43", a radius of 25.00', and a length of 13.87'; Thence S16°38'38"E, 61.52'; Thence S73°21'22"W, 11.95'; Thence along the North line of said lot 21 for the following three (3) courses; (1) Thence N08°43'01"W, 20.49'; (2) Thence on a curve to the left having a central angle of 56°16'59", a radius of 45.00', and length of 44.20'; (3) Thence N65°00'00"W, 64.46' to the Point of Beginning, and containing 2192 square feet.

**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:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**SECTION 4:** 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 5<sup>th</sup> day of June, 2018.

/s/ Donna Kast  
City Clerk Donna Kast

A Public Hearing on this ordinance will be held at the July 10, 2018, City Council meeting. The meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: June 7, 2018 (in full)  
*City's Official Website and City Hall*

Passed on second reading and adopted by City Council this 10<sup>th</sup> day of July, 2018.

/s/ Ken Jaray  
Mayor Ken Jaray

Attest: /s/ Donna Kast  
City Clerk Donna Kast

Published: July 12, 2018 (in full)  
*City's Official Website and City Hall*