

ORDINANCE

AN ORDINANCE VACATING A RIGHT OF WAY KNOWN AS ROSEMARY LANE ADJACENT TO THE PROPERTY KNOWN AS 320-326 MANITOU AVENUE, 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 Council approved Ordinance 4817 vacation the right-of-way on December 5, 2017; and

WHEREAS, the El Paso County Assessor notified the City that the legal description and vacation information provided for Ordinance 4817 was for a 20' right-of-way, but the correct width was 30 feet wide; and

WHEREAS, the Planning Department contacted the applicant and advised new information would be required in order to correctly vacate the undeveloped right-of-way and the information was subsequently provided; and

WHEREAS, City Council, upon the recommendation of the Planning Department, finds it was the intent of the 2017 vacation action that the entire right-of-way be vacated and approval of an ordinance correcting the vacation is warranted.

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

SECTION 1: The 7,704 square foot (0.177 acre) right-of-way known as Rosemary Lane described and shown on the attached exhibit titled "VACATED RIGHT OF WAY DESCRIPTION" and "VACATED RIGHT OF WAY SKETCH" by Huffman Surveying is hereby vacated.

SECTION 2: There is no alteration to and the City retains the 15-foot wide utility easement as provided in the Deed of Easement executed and filed with the El Paso County Clerk and Recorder on December 7, 2017, under Reception #217148126.

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 hereto 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 5th day of June, 2018.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the June 19, 2018, City Council meeting. The Council 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 19th day of June, 2018.

/s/ Ken Jaray
Mayor, Ken Jaray

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

Published: June 21, 2018 (in full)
City's Official Website and City Hall