

**AN ORDINANCE**

**AN ORDINANCE VACATING THE WESTERLY 5 FEET OF THE 25 FOOT PUBLIC UTILITY AND PRIVATE ACCESS EASEMENT ALONG THE EASTERN PROPERTY LINE OF LOT 9 KEITHLY SUBDIVISION, CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.**

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**WHEREAS,** the City Council, upon recommendation by the Planning Commission, finds that the proposed 20 foot utility and private access easement will provide adequate access for future utilities, physical access to the subject property, and meets the required front yard setback in the Low Density Residential zoning district; and

**WHEREAS,** that the vacated portion of the easement is unnecessary for future public use and that the vacation will not deprive abutting property owners of adequate, legal access to existing or proposed public utilities or drainage installations.

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

**SECTION 1:** The area described and shown on the attached Exhibit A and Exhibit B is hereby vacated.

**SECTION 2:** 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.

**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 take effect five (5) days after final approval and adoption on second reading.

EXHIBIT A

THE WESTERLY 5 FEET OF THE 25 FOOT PUBLIC UTILITY AND PRIVATE ACCESS  
EASEMENT ALONG THE EASTERN PROPERTY LINE OF LOT 9 KEITHLY SUBDIVISION, CITY  
OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO

Passed on First Reading and Ordered Published this 17th day of May, 2011.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance will be held at the June 7, 2011 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: May 19, 2011.  
*Pikes Peak Bulletin*

Passed on Second Reading and Ordered Published this 7<sup>th</sup> day of June 2011.

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

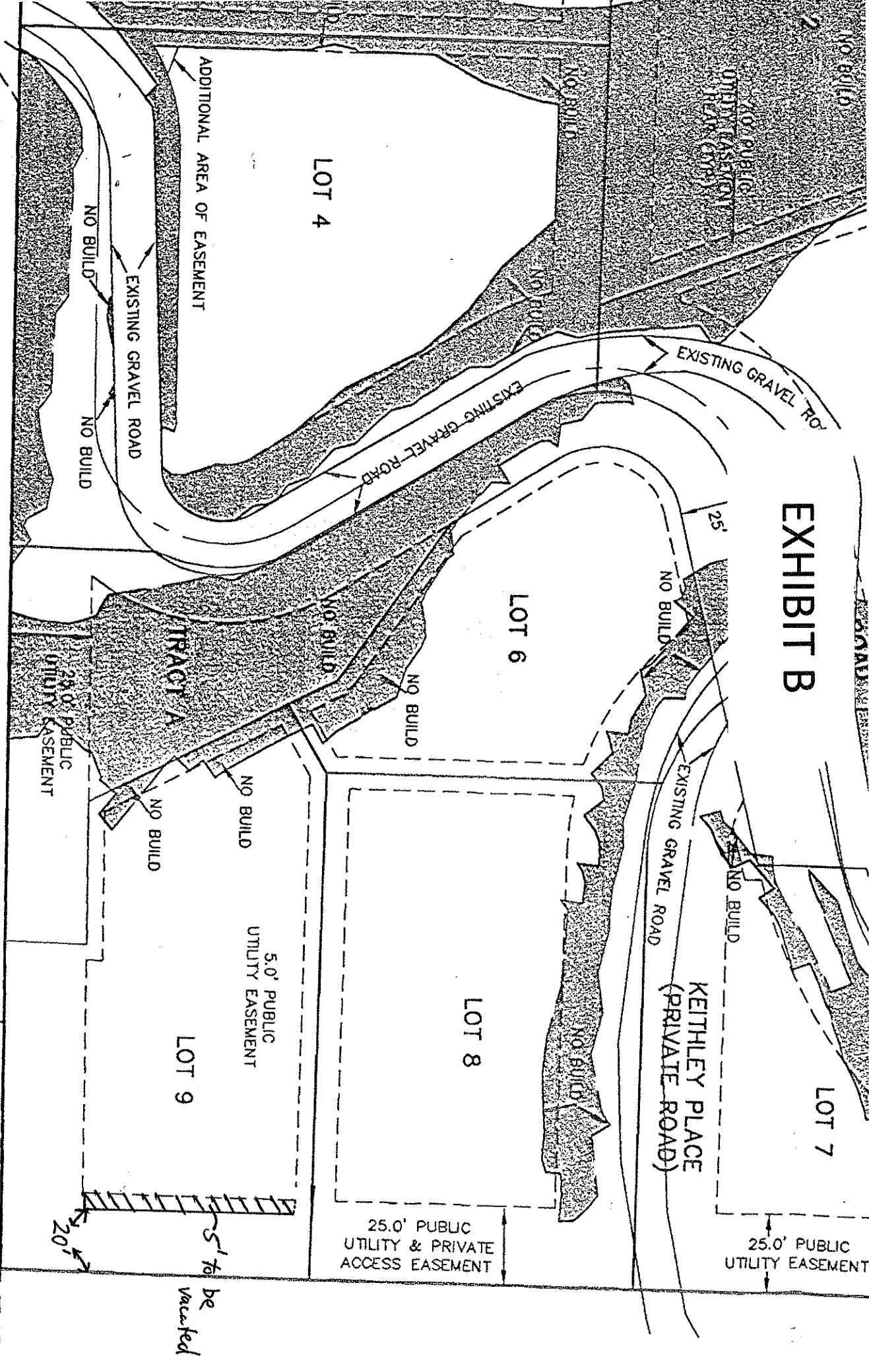
Attest: /s/ Donna Kast  
City Clerk

Approved for Council Action: /s/ Jack Benson  
City Administrator

Approved as to form: /s/ Jeff Parker  
City Attorney

Published: June 9, 2011  
*Pikes Peak Bulletin*

# EXHIBIT B



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