

**AN ORDINANCE**

**AN ORDINANCE VACATING THE OTTER PATH RIGHT-OF-WAY LYING BETWEEN BLOCKS 14 AND 20, PEAKVIEW ADDITION AND AN UNNAMED ALLEY LYING BETWEEN LOTS 10 AND 11, BLOCK 13, PEAKVIEW ADDITION TO THE TOWN OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.**

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**WHEREAS,** the City Council, upon recommendation by the Planning Commission, finds the proposed utilities easement over the current Otter Path right-of-way will provide adequate access for existing and future utilities; and

**WHEREAS,** the City Council also finds the proposed vacations of Otter Path and the unnamed alley rights-of-way are unnecessary for future public access and will not deprive abutting property owners of adequate, legal access.

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

**SECTION 1:** The rights-of-way described and shown on the attached Exhibit A are hereby vacated.

**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 1<sup>st</sup> day of November, 2011.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance will be held at the November 15, 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: November 3, 2011 (in full).  
*City's Official Website and at City Hall*

Passed on Second Reading and Ordered Published this 15th day of November 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: November 17, 2011(in full)  
*City's Official Website and at City Hall*

# VACATION EXHIBIT

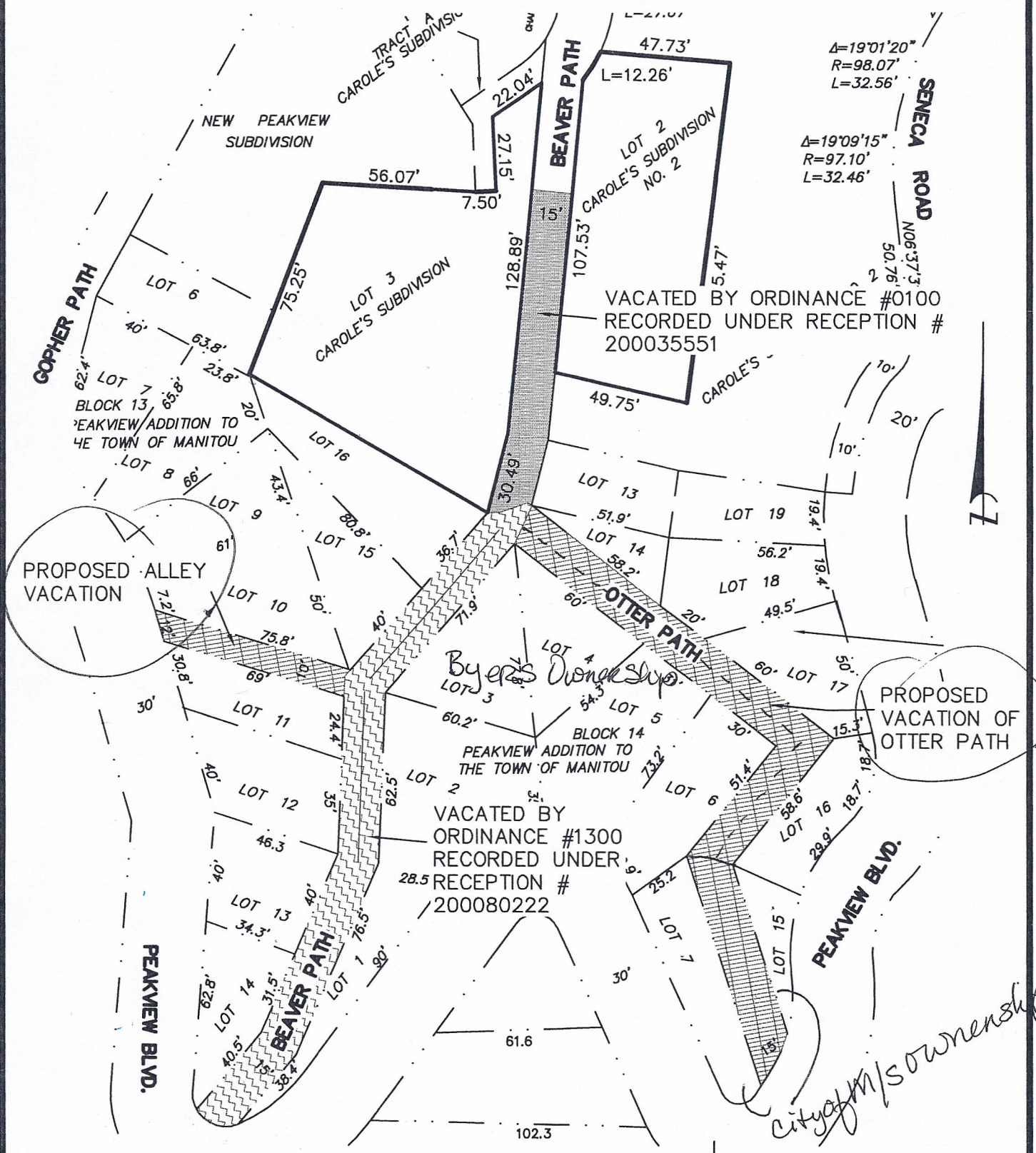


Exhibit A

Brewer Consulting, Inc.  
2610 Northridge Dr.  
Colorado Springs, Colorado  
(719) 271-1601