

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER JAY
Council Bill No. 28
Ordinance No. 1529
Series of 2012

**TITLE: AN ORDINANCE APPROVING THE VACATION OF
SIDEWALK AND STREETScape EASEMENTS ADJACENT
TO 5995 WEST 38TH AVENUE**

WHEREAS, the City of Wheat Ridge ("City") possesses sidewalk and streetscape easements along 38th Avenue and Harlan Street at 5995 West 38th Avenue, more particularly described on **Exhibit A, Exhibit B and Exhibit C** attached hereto and fully incorporated herein by this reference; and

WHEREAS, the City has accepted a Warranty Deed for street right-of-way along 38th Avenue and Harlan Street adjacent to 5995 West 38th Avenue; and

WHEREAS, the existing sidewalk and streetscape easements are now redundant; and

WHEREAS, the City wishes to vacate the sidewalk and streetscape easements at 5995 West 38th Avenue; and

WHEREAS, vacation of the easements will further the public health, safety and welfare of the City; and

WHEREAS, Section 16.5 of the Home Rule Charter authorizes disposal of City-owned real property by ordinance when approved by three-fourths of the entire City Council; and

WHEREAS, Section 16.5 of the Charter does not require monetary consideration in connection with such easement vacations.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Easement vacations approved. The City Council hereby approves the vacation of the sidewalk and streetscape easements described on the attached **Exhibit A, Exhibit B and Exhibit C**.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Effective Date. This Ordinance shall take effect upon adoption, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 26th day of November, 2012, ordered it published with Public Hearing and consideration on final passage set for **Monday, December 10, 2012, at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and it take effect upon adoption.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 10th day of December, 2012.

SIGNED by the Mayor on this 12th day of December, 2012.



ATTEST:

Brian Rome, Deputy
Janelle Shaver, City Clerk

Jerry DiTullio
Jerry DiTullio, Mayor

Approved As To Form
Gerald E. Dahl
Gerald E. Dahl, City Attorney

First Publication: November 29, 2012
Second Publication: December 13, 2012
Wheat Ridge Transcript: _____
Effective Date: December 10, 2012

EXHIBIT A

PERMANENT STREETScape EASEMENT VACATION

PARCEL DESCRIPTION

A PARCEL OF LAND AS DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION No F1332966 OF THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, CARTER MINOR SUBDIVISION, RECORDED AT RECEPTION No F0859511 OF SAID CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 24, THENCE SOUTH 89°59'57" EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ OF SECTION 24, A DISTANCE OF 169.85 FEET, THENCE NORTH 00°00'03" EAST A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 38th AVENUE AND THE MOST SOUTH EAST CORNER OF SAID LOT 1, SAID POINT BEING THE POINT OF BEGINNING,

THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 1 THE FOLLOWING THREE (3) COURSES.

1. NORTH 89°59'57" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 125.00 FEET TO A POINT OF CURVE
2. CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°16'34", AND AN ARC LENGTH OF 23.64 FEET (CHORD BEARS NORTH 45°08'23" WEST, 21.26 FEET) TO THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET,
3. THENCE NORTH 00°16'48" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 26.00 FEET, FROM WHENCE THE CENTER OF SAID SECTION 24 BEARS NORTH 00°57'00" WEST, 2566.42 FEET,

THENCE SOUTH 89°59'57" EAST A DISTANCE OF 13.89 FEET,

THENCE SOUTH 00°45'59" EAST A DISTANCE OF 19.00 FEET,

THENCE SOUTH 44°48'57" EAST A DISTANCE OF 7.05 FEET;

THENCE SOUTH 89°59'57" EAST, PARALLEL WITH AND 17.00 FEET NORTHERLY OF WHEN MEASURED PERPENDICULAR TO, SAID SOUTH LINE OF LOT 1 AND SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 121.00 FEET TO THE EAST LINE OF SAID LOT 1,

THENCE SOUTH 00°16'48" EAST, ALONG SAID EAST LINE, A DISTANCE OF 17.00 FEET TO SAID MOST SOUTH, EAST CORNER OF LOT 1 AND THE POINT OF BEGINNING.

CONTAINING 2680 SQUARE FEET (0.061 ACRES) MORE OR LESS



EXHIBIT A

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6th PRINCIPAL MERIDIAN AS BEARING SOUTH 89°59'57" EAST THE SOUTH 1/4 CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 24 ARE MONUMENTED BY A 3-1/4" BRASS CAP IN RANGE BOX, STAMPED "LS 13212", WITH ALL BEARINGS RELATIVE HEREON

ALAN H. BAILEY, PLS
COLORADO PROFESSIONAL LAND SURVEYOR No 38035
FOR AND ON BEHALF OF
BAILEY PROFESSIONAL SOLUTIONS, LLC



EXHIBIT A

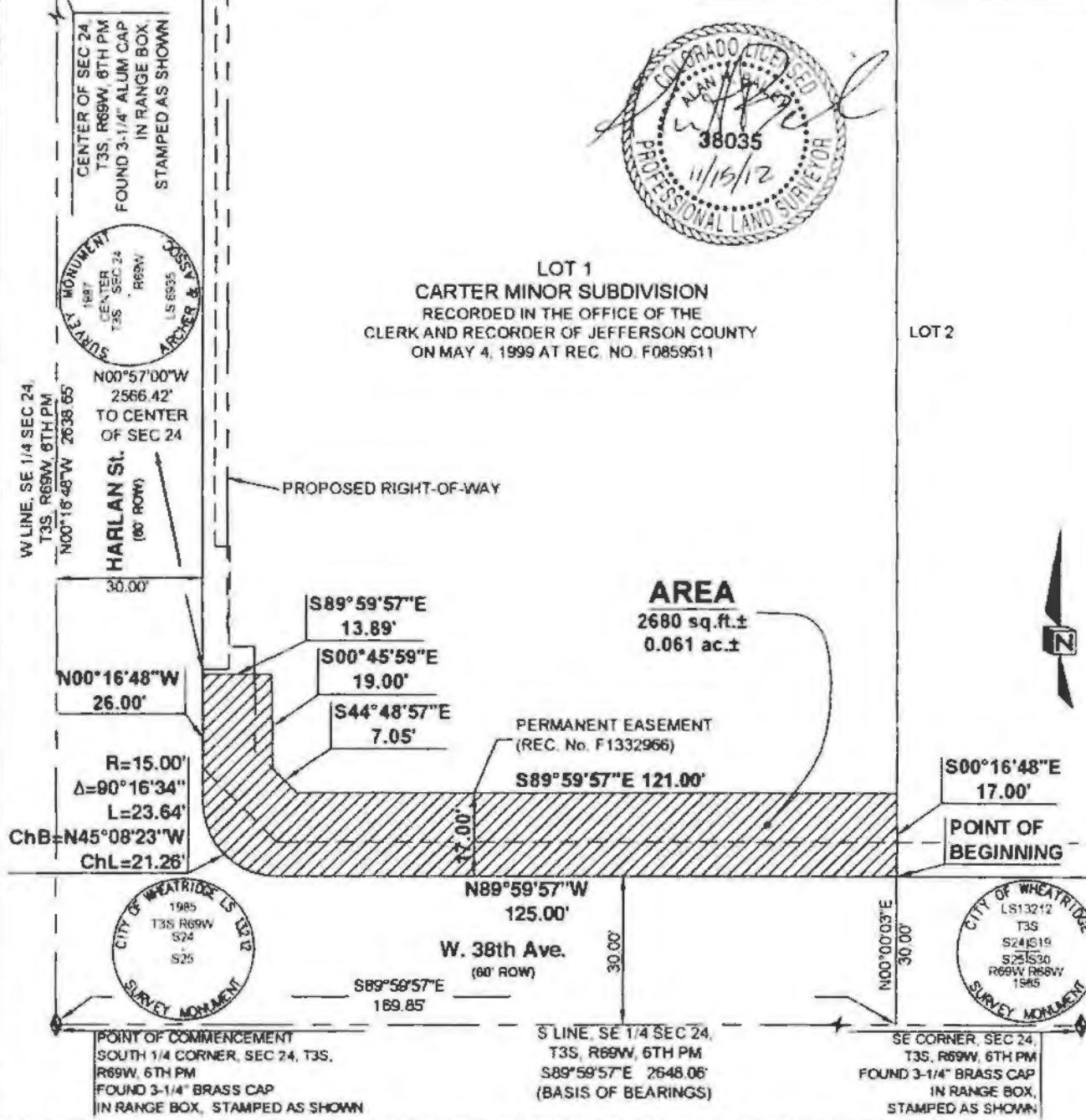
LOT 12 HAHN SUBDIVISION

LOT 3



LOT 1
CARTER MINOR SUBDIVISION
 RECORDED IN THE OFFICE OF THE
 CLERK AND RECORDER OF JEFFERSON COUNTY
 ON MAY 4, 1999 AT REC. NO. F0859511

LOT 2



THIS IS NOT A LAND SURVEY PLAT AND ONLY REPRESENTS THE ATTACHED PARCEL DESCRIPTION.

SCALE:	1"=30'
PROJECT:	HF-12-07
DRAWING FILE:	EASEMENT VACATIONS
DATE:	NOV 2, 2012
DRAWN:	RJE
CHECKED:	AHB



**BAILEY
 PROFESSIONAL
 SOLUTIONS**

BAILEY PROFESSIONAL SOLUTIONS, LLC
 5737 SOUTH KENTON STREET ENGLEWOOD, CO 80111
 303.587.1672 BAILEYPROFESSIONALSOLUTIONS.COM

EXHIBIT B

PERMANENT SIDEWALK EASEMENT VACATION

PARCEL DESCRIPTION

A PARCEL OF LAND AS DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION No 91056581 OF THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, CARTER MINOR SUBDIVISION, RECORDED AT RECEPTION No F0859511 OF SAID CLERK AND RECORDER'S OFFICE SITUATED IN THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 24, THENCE SOUTH 89°59'57" EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ OF SECTION 24, A DISTANCE OF 169.85 FEET; THENCE NORTH 00°00'03" EAST A DISTANCE OF 30 00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 38th AVENUE AND THE MOST SOUTH, EAST CORNER OF SAID LOT 1, SAID POINT BEING THE **POINT OF BEGINNING**,

THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 1 THE FOLLOWING THREE (3) COURSES

1. NORTH 89°59'57" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 125 00 FEET TO A POINT OF CURVE
2. CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°16'34", AND AN ARC LENGTH OF 23 64 FEET (CHORD BEARS NORTH 45°08'23" WEST, 21.26 FEET) TO THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET,
3. THENCE NORTH 00°16'48" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 7 08 FEET, FROM WHENCE THE CENTER OF SAID SECTION 24 BEARS NORTH 00°56'42" WEST, 2585.34 FEET

THENCE SOUTH 67°02'18" EAST A DISTANCE OF 38.65 FEET,

THENCE SOUTH 89°59'57" EAST, PARALLEL WITH AND 7.00 FEET NORTHERLY OF, WHEN MEASURED PERPENDICULAR TO, SAID SOUTH LINE OF LOT 1 AND SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 104.49 FEET TO THE EAST LINE OF SAID LOT 1;

THENCE SOUTH 00°16'48" EAST, ALONG SAID EAST LINE, A DISTANCE OF 7.00 FEET TO SAID MOST SOUTH, EAST CORNER OF LOT 1 AND THE **POINT OF BEGINNING**.

CONTAINING 1200 SQUARE FEET (0.027 ACRES) MORE OR LESS

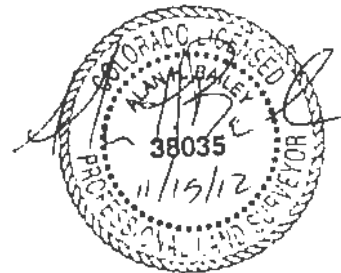


EXHIBIT B

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6th PRINCIPAL MERIDIAN AS BEARING SOUTH 89°59'57" EAST. THE SOUTH 1/4 CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 24 ARE MONUMENTED BY A 3-1/4" BRASS CAP IN RANGE BOX, STAMPED "LS 13212". WITH ALL BEARINGS RELATIVE HEREON.

ALAN H. BAILEY, PLS
COLORADO PROFESSIONAL LAND SURVEYOR No. 38035
FOR AND ON BEHALF OF
BAILEY PROFESSIONAL SOLUTIONS, LLC



EXHIBIT B

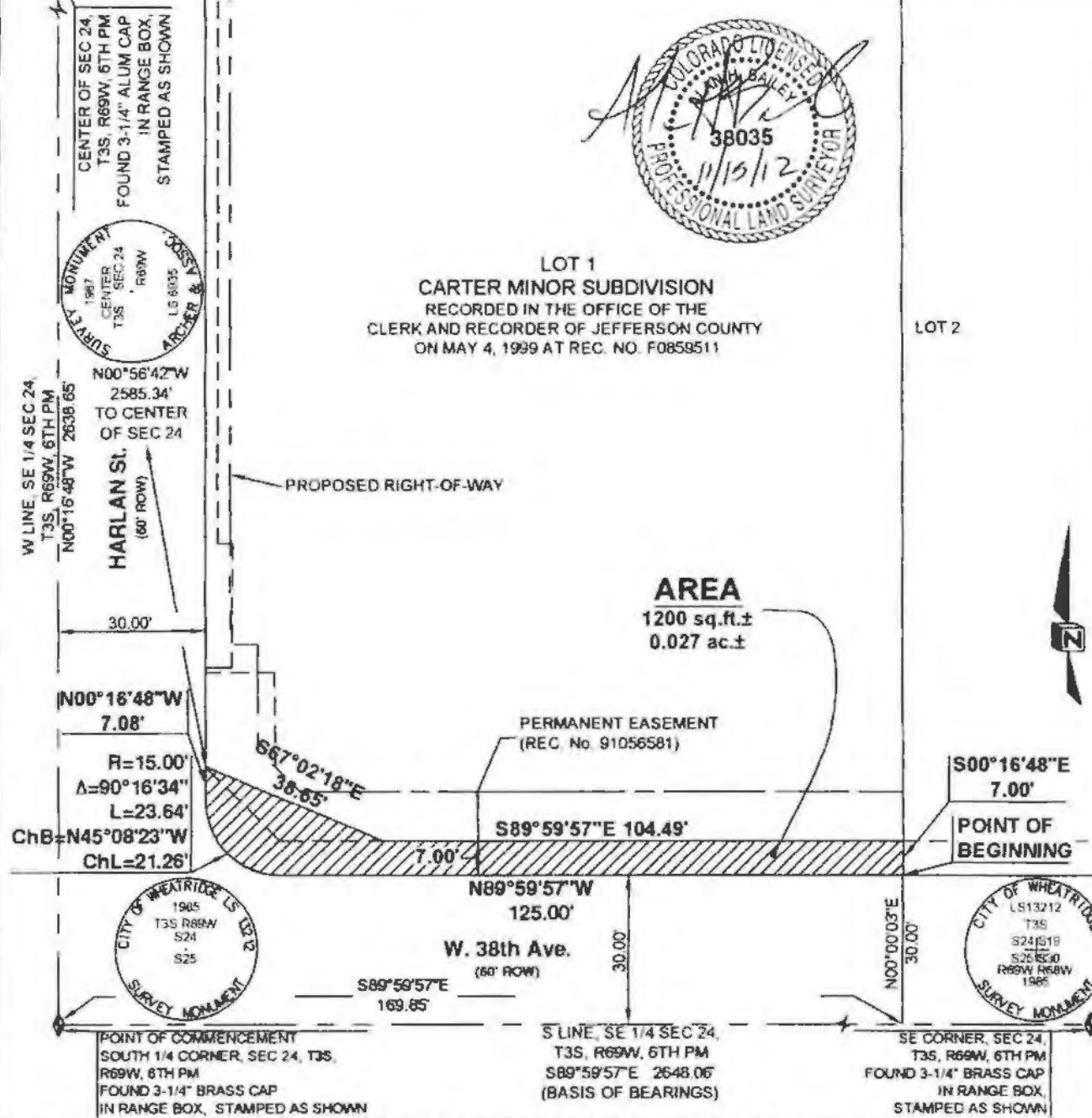
HAHN SUBDIVISION

LOT 3



LOT 1
CARTER MINOR SUBDIVISION
 RECORDED IN THE OFFICE OF THE
 CLERK AND RECORDER OF JEFFERSON COUNTY
 ON MAY 4, 1999 AT REC. NO. F0858511

LOT 2



THIS IS NOT A LAND SURVEY PLAT AND ONLY REPRESENTS THE ATTACHED PARCEL DESCRIPTION.

SCALE:	1"=30'
PROJECT:	HF-12-07
DRAWING FILE:	EASEMENT VACATIONS
DATE:	NOV 2, 2012
DRAWN:	RJE
CHECKED:	AHB

bp BAILEY PROFESSIONAL SOLUTIONS

BAILEY PROFESSIONAL SOLUTIONS, LLC
 5737 SOUTH KENTON STREET ENGLEWOOD, CO 80111
 303.587.1672 BAILEYPROFESSIONALSOLUTIONS.COM

EXHIBIT C

PERMANENT SIDEWALK EASEMENT VACATION

PARCEL DESCRIPTION

A PARCEL OF LAND AS DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION No. F1577001 OF THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, CARTER MINOR SUBDIVISION, RECORDED AT RECEPTION No. F0859511 OF SAID CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 24; THENCE NORTH 00°16'48" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST ¼ OF SECTION 24, A DISTANCE OF 212.32 FEET; THENCE NORTH 89°43'12" EAST A DISTANCE OF 30.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF WEST 38th AVENUE AND THE MOST NORTH, WEST CORNER OF SAID LOT 1, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 89°59'57" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 2.67 FEET;

THENCE SOUTH 00°11'48" EAST A DISTANCE OF 115.16 FEET;

THENCE NORTH 89°45'03" EAST A DISTANCE OF 3.00 FEET;

THENCE SOUTH 00°11'50" WEST A DISTANCE OF 25.05 FEET;

THENCE SOUTH 89°45'03" WEST A DISTANCE OF 5.29 FEET TO THE WEST LINE OF SAID LOT 1 AND SAID EASTERLY RIGHT-OF-WAY LINE, FROM WHENCE THE CENTER OF SAID SECTION 24 BEARS NORTH 00°57'10" WEST, 2565.39 FEET;

THENCE NORTH 00°16'48" WEST, ALONG SAID WEST LINE AND SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 140.22 FEET TO SAID MOST NORTH, WEST CORNER OF LOT 1 AND THE **POINT OF BEGINNING**.

CONTAINING 433 SQUARE FEET (0.010 ACRES) MORE OR LESS.



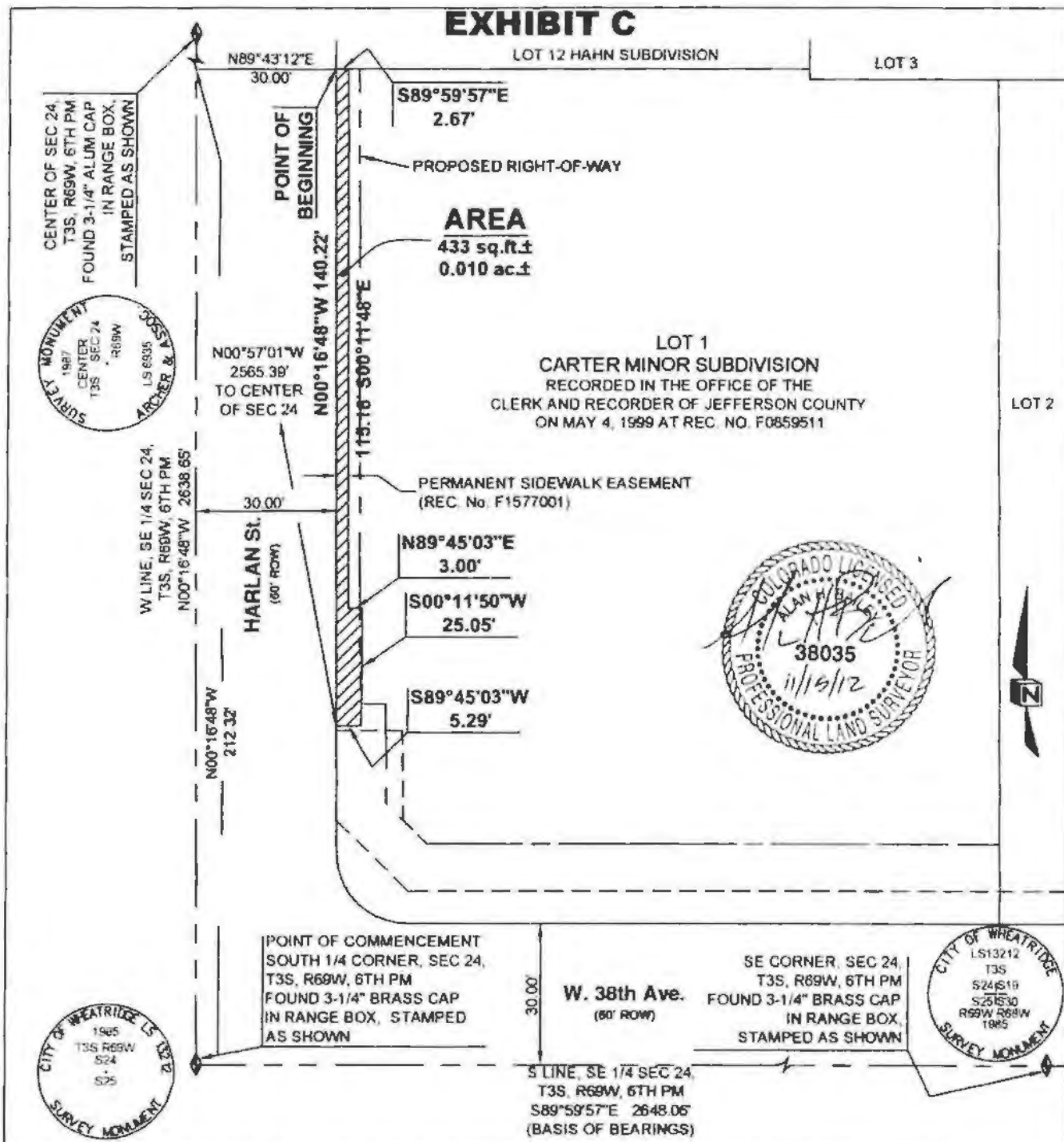
EXHIBIT C

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6th PRINCIPAL MERIDIAN AS BEARING SOUTH 89°59'57" EAST. THE SOUTH 1/4 CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 24 ARE MONUMENTED BY A 3-1/4" BRASS CAP IN RANGE BOX, STAMPED: "LS 13212", WITH ALL BEARINGS RELATIVE HEREON.

ALAN H. BAILEY, PLS
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EXHIBIT C



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