

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER STARKER
COUNCIL BILL NO. 11
ORDINANCE NO. 1573
Series of 2015

TITLE: AN ORDINANCE VACATING AN EXISTING UTILITY EASEMENT ON PROPERTY ZONED RESIDENTIAL-THREE (R-3) LOCATED AT 3601 EATON STREET (CASE NO. WV-15-01/STRECK)

WHEREAS, the property located at 3601 Eaton Street has R-3 zoning and has an existing 13- unit multi-family structure on it; and,

WHEREAS, West 36th Place dead-ends at the northeast corner of the property; and,

WHEREAS, 50 feet of right-of-way for West 36th Place originally extended along the northern boundary of the property to the western property line and was vacated by Jefferson County in 1958; and,

WHEREAS, the vacation action retained a 50-foot-wide utility easement along the northern portion of the property to the western property line; and,

WHEREAS, in 1961 a building permit was issued by Jefferson County for construction of the building on top of the utility easement; and,

WHEREAS, the subject easement is not needed for utility purposes as provided in writing by the individual utility companies.

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

Section 1. Upon application by Joshua Steck for approval of an easement vacation on property located at 3601 Eaton Street, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a utility easement vacation is approved for the following described land:

Easements to be vacated as reserved in the resolution recorded in the Jefferson County Clerk and Recorder's Office at Reception Number 726619, Book 1137, Page 117 dated 8/18/1958 over, under and across a portion of a parcel of land as described in the Jefferson County Clerk and Recorder's Office at Reception Number F0002636 dated 1/6/1995, located in the Northeast quarter of Section 25, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, being more particularly described as follows:

Considering the west line of the Eaton Street right-of-way assumed to bear south, with all bearings contained herein relative thereto.

The South 40 feet of the North 250 feet of the East 9-1/2 rods of the west 19 rods of the SE1/4 NW1/4 NE1/4 of Section 25, T3S, R69W.

Said vacated easement containing 6270 square feet or .14 acres, more or less.

Section 2. Vested Property Rights. Approval of this vacation does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge 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 objective sought to be attained.


Section 4. Severability; Conflicting Ordinance Repealed . If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect immediately after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of June, 2015, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 22, 2015 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect immediately after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0 , this 22nd day of June, 2015.

SIGNED by the Mayor on this 22nd day of June , 2015.



Joyce Jay, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



Approved as to Form:

Gerald Dahl
Gerald Dahl, City Attorney

1st publication: June 11, 2015
2nd publication: June 25, 2015
Wheat Ridge Transcript:
Effective Date: June 25, 2015

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 2

EASEMENTS TO BE VACATED AS RESERVED IN THE RESOLUTION RECORDED IN THE JEFFERSON COUNTY CLERK AND RECORDERS OFFICE AT RECEPTION NUMBER 726619, BOOK 1137, PAGE 117 DATED 8/18/1958 OVER, UNDER, AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE JEFFERSON COUNTY CLERK AND RECORDERS OFFICE AT RECEPTION NUMBER F0002636 DATED 1/6/1995, LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE EATON STREET RIGHT-OF-WAY ASSUMED TO BEAR SOUTH, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

THE SOUTH 40 FEET OF THE NORTH 250 FEET OF THE EAST 9 1/2 RODS OF THE WEST 19 RODS OF THE SE1/4 NW1/4 NE1/4 OF SECTION 25, T3S, R69W.

SAID VACATED EASEMENT CONTAINING 6,270 SQ.FT. OR 0.14 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 15-65,498

JOB NUMBER: 15-65,498
DRAWN BY: W. BECKETT
DATE: MAY 5, 2015

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.

Surveying, Engineering & Geomatics



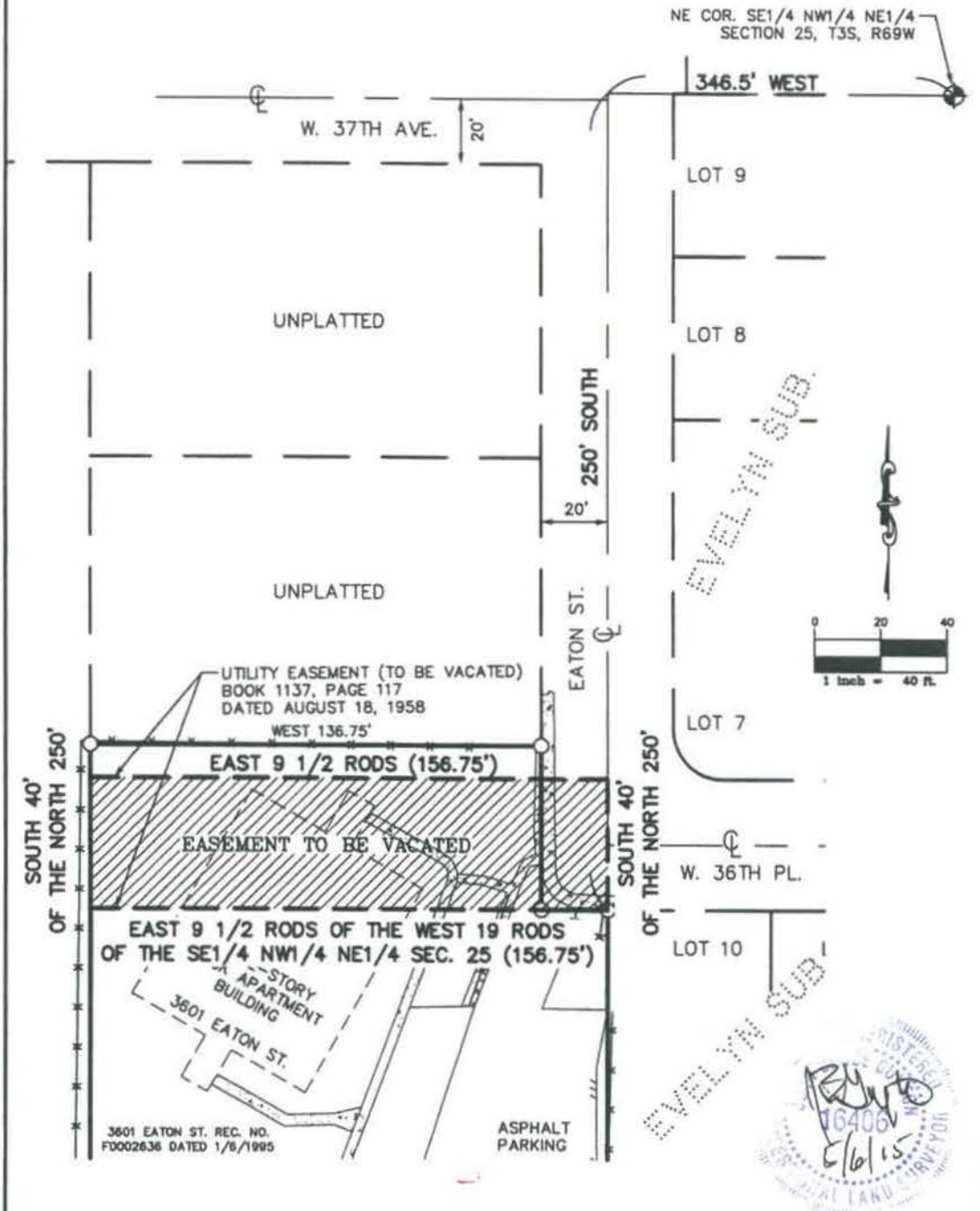
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SHEET 1 OF 1



BY:BBECKETT FILE:65498-ESMT-VACATE.DWG

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5/6/15