

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 07
ORDINANCE NO. 1462
Series 2010

TITLE: AN ORDINANCE APPROVING THE SALE OF DESIGNATED PARK LAND NEAR THE INTERSECTION OF WEST 38TH AVENUE AND KIPLING STREET AND, IN CONNECTION THEREWITH, APPROVING AN AGREEMENT

WHEREAS, the City of Wheat Ridge, Colorado ("City") owns certain real property within the City near the intersection of West 38th Avenue and Kipling Street that is designated as park land; and

WHEREAS, a portion of said park land is adjacent to private property owned by John Athanasopoulos, upon which a café business is currently located; and

WHEREAS, in 2008, the City approved a master park plan for said park property that includes a pedestrian/bicycle trail along Kipling Street and recognizes the need to address the parking and access difficulties currently experienced by Mr. Athanasopoulos' café property; and

WHEREAS, in furtherance of both of these goals, the City and Mr. Athanasopoulos have negotiated an agreement under which Mr. Athanasopoulos conveys property to the City suitable to locate the pedestrian/bicycle trail and the City conveys property to Mr. Athanasopoulos suitable to address his parking and access issues; and

WHEREAS, the property the City proposes to convey to Mr. Athanasopoulos is designated park land; and

WHEREAS, pursuant to the Wheat Ridge City Charter Section 16.5, the unanimous approval of the entire City Council, by ordinance, is necessary to sell or dispose of designated park land; and

WHEREAS, the City Council finds and determines that the sale of a portion of the park land located at West 38th Avenue and Kipling Street, under those terms and conditions set forth in the agreement concerning the same, promotes the public health, safety and welfare by removing access to the private café property through the Kipling deceleration lane and by allowing the continuation of pedestrian and bicycle access along Kipling Street to West 38th Avenue; and

WHEREAS, the City Council therefore desires to approve the sale of said park property and, in connection therewith, to approve an agreement concerning the same.

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

Section 1. Sale of Park Property Approved. Pursuant to Charter Section 16.5, the City Council hereby approves the sale of certain City-owned property designated as park land, more particularly described in **Exhibit 1**, attached hereto and incorporated herein by this reference.

Section 2. Agreement Approved. In connection with the sale of park land approved by Section 1 above, the City Council hereby approves the Agreement Concerning the Conveyance, Improvement and Development of Properties Adjacent to W. 38th Avenue and Kipling Street ("Agreement"), attached hereto as **Exhibit 2** and incorporated herein by this reference. The Mayor and City Clerk are hereby authorized and directed to execute the Agreement.

Section 3. Condition of Approval of Sale of Property. The sale of property approved by Section 1 above is expressly contingent upon the satisfaction of the condition precedent set forth in Section II.A. of the Agreement: subdivision of the property subject to sale in accordance with the Wheat Ridge Code of Laws. Should this condition precedent fail to occur, the approval set forth in Section 1 above shall never become effective.


Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this 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 fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by the unanimous approval of the entire membership of the City Council this 26th day of April, 2010, ordered published in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **Monday, May 10, 2010 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by the unanimous approval of the entire membership of the City Council this 10th day of May, 2010.

SIGNED by the Mayor on this 10th day of May, 2010.



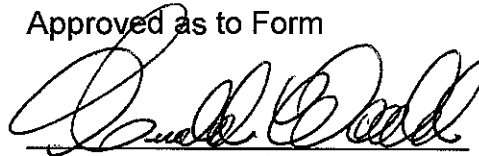
Jerry D. Tullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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