

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 04
ORDINANCE NO. 1594
Series of 2016**

TITLE: AN ORDINANCE VACATING THE WESTERN 19 FEET OF MARSHALL STREET, ADJACENT TO 4901 MARSHALL STREET WITHIN THE CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO (CASE NO. WV-16-01 / MARSHALL STREET VACATION)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for right-of-way vacation; and,

WHEREAS, the subject right-of-way lies within the City of Wheat Ridge, County of Jefferson, State of Colorado,

WHEREAS, the subject right-of-way is not needed for any public purpose; and,

WHEREAS, no land adjoining the subject right-of-way will be left without access to the public street system as a consequence of its vacation.

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

Section 1. The following portion of Marshall Street, a dedicated street within the City of Wheat Ridge, County of Jefferson, State of Colorado, is hereby vacated:

A portion of the Southwest One-Quarter of Section 13, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 13, and considering the South Line of said Southwest Quarter to bear S89°59'56"W, with all bearings herein relative thereto;

Thence N76°54'30"W, a distance of 1679.09 feet to a point of curvature, the East Line of Lands described at Reception No. 452756 and the West Right-of-Way Line of Marshall Street; said point also being the Point of Beginning;

Thence along said East Line and West Right-of-Way Line of Marshall Street along the arc of said curve to the right, 478.51 feet, having a radius of 919.44 feet, through a central angle of 29°49'08" and which chord bears N17°20'36"W, a distance of 473.13 feet to the Northeast Corner of said Lands described at Reception No. 452756,

Thence N87°33'58"E, a distance of 19.00 feet;

Thence along the arc of a non-tangent curve to the left, 468.62 feet, having a radius of 900.44 feet, through a central angle of 29°49'08" and which chord bears S17°20'36"E, a distance of 463.35 feet;

Thence S57°44'50"W, a distance of 19.00 feet to the Point of Beginning whence the South Quarter of said Section 13 bears S76°54'30"E, a distance of 1679.09 feet.

Containing 8998 square feet or 0.207 acres, more or less.

Section 2. Conditions. A utility easement shall be reserved over the property hereby vacated.

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 15 days 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 22nd day of February, 2016, ordered it published with Public Hearing and consideration on final passage set for **Monday, March 28, 2016 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 28th day of March, 2016.

SIGNED by the Mayor on this 28th day of March, 2016.



ATTEST:

Janelle Shaver

Janelle Shaver, City Clerk

Joyce Jay

Joyce Jay, Mayor

Approved as to Form:



Gerald Dahl, City Attorney

1st publication: February 25, 2016

2nd publication: March 31, 2016

Wheat Ridge Transcript:

Effective Date: April 15, 2016