

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER LARSON**  
**COUNCIL BILL NO. 02**  
**ORDINANCE NO. 1787**  
**Series 2024**

**TITLE: COUNCIL BILL NO. 02-2024 – AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF W 46<sup>th</sup> AVENUE LOCATED BETWEEN EVERETT AND ESTES STREETS**

**WHEREAS**, the City of Wheat Ridge holds public rights-of-way in trust for the public and the landowners abutting such rights-of-way; and

**WHEREAS**, a certain street known as W 46<sup>th</sup> Avenue was dedicated to the public as a partial cul-de-sac by the 1955 Clearvale Subdivision plat; and

**WHEREAS**, the cul-de-sac portion of W 46<sup>th</sup> Avenue as described herein was never built as a cul-de-sac and is no longer necessary for use by the public; and

**WHEREAS**, pursuant to the authority granted by C.R.S. §§ 31-15-702(1)(a)(I) and 43-2-301 et seq., the Council of the City of Wheat Ridge, Colorado, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of the Property; and

**WHEREAS**, the property to be vacated and which is the subject of this ordinance is more fully described as Tract A and Tract B of the Clearvale Subdivision as shown on **Exhibit A** and **Exhibit B** attached hereto and fully incorporated herein by this reference; and

**WHEREAS**, no property abutting the Property will be left without an established public road or private-access easement connecting said land with another established public road.

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

**Section 1. Vacation.** The following Property held as right-of-way by the City is hereby vacated, the same being no longer required for public use and the public interest will be served by such vacation described as Tract A and Tract B of the Clearvale Subdivision, according to the plat recorded at Book 15, Page 37. Upon the vacation accomplished hereby, title to the property vacated shall revert, by operation of Colorado Law CRS 43-2-302, to Michael Childers and William Gryder Childers, as the abutting landowners.

**Section 2. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections,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 3. Recording.** This Ordinance shall be filed for record with the office of the Jefferson County Clerk and Recorder.


**Section 4. 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 8<sup>th</sup> day of January 2024, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for Monday, February 12, 2024 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 12th day of February 2024.

SIGNED by the Mayor on this 14th day of February 2024.

  
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Bud Starker, Mayor

ATTEST:  
  
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Steve Kirkpatrick, City Clerk

Approved as to Form

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Gerald E. Dahl, City Attorney

1<sup>st</sup> publication: January 9, 2024  
2<sup>nd</sup> publication: February 13, 2024  
Jeffco Transcript:  
Effective Date: February 13, 2024