

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HUTCHINSON
Council Bill No. 22
Ordinance No. 1728
Series 2021

TITLE: AN ORDINANCE APPROVING THE DISPOSITION OF PARK LAND AT STITES PARK AND IN CONNECTION THEREWITH AUTHORIZING AN EXCHANGE OF LAND TO CORRECT THE PROPERTY BOUNDARY

WHEREAS, the City of Wheat Ridge, Colorado (“City”) owns certain real property within the City at the northeast corner of West 29th Avenue and Newland Street that is designated as park land and known as Stites Park (the “Park Property”); and

WHEREAS, a playground and basketball court were constructed at the north end of the Park Property over a 15-foot wide parcel of private property; and

WHEREAS, the fence along the western boundary of the Park Property is not aligned with the parcel line because of the presence of mature trees; and

WHEREAS, the City and the adjacent property owner, James S Muniz, desire to correct these property line discrepancies; and

WHEREAS, the portion of Park Property which the City proposes to convey to James S Muniz 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 disposition of a portion of Stites Park does not impact the use or needs of the adjacent park; and

WHEREAS, the City Council therefore desires to approve the disposition of the Park Property conditioned upon the receipt of the parcel along the north boundary of the park and the consolidation of the same with the Park Property.

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

Section 1. Conveyance of Park Property Approved. Pursuant to Charter Section 16.5, the City Council hereby approves the conveyance to James S Muniz of certain City-owned property designated as park land, which land is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. Conveyance Documents. In connection with the conveyance of park land approved by Section 1 above, the City Council hereby authorizes and directs the Mayor and City Clerk to execute the associated deeds and plat (once approved), in a form approved by the City Attorney.

Section 3. Conditions of Approval of Sale of Property. The conveyance of property and execution of associated documents approved by Sections 1 and 2 above is expressly contingent upon the satisfaction of all of the following conditions precedent: (1) James S Muniz conveys to the City the parcel north of the park, which land is more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference, and (2) James S Muniz completes final approval of a plat which consolidates the Park Property. Should any one of these conditions precedent fail to occur on or before December 12, 2022, the approvals set forth in Sections 1 and 2 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 a vote of 7 to 0 on this 22nd day of November 2021, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for December 13, 2021, at 7:00 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, if allowed to meet in person on that date per COVID-19 restrictions.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 13 day of December, 2021.

SIGNED by the Mayor on this 13 day of January 2022.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: December 2, 2021
2nd publication: December 16, 2021
Jeffco Transcript:
Effective Date: December 31, 2021

