

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER NOSLER BECK
COUNCIL BILL NO. 11
ORDINANCE NO. 1763
Series 2023**

TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF SIMMS STREET, A PUBLIC ROADWAY

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, the City owns certain real property as right-of-way pursuant to conveyance to the City from Jefferson County via a Commissioners Deed dated July 3, 2021; (the Property"), 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 on **Exhibit A** 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:

The West 24 feet of the East 25 feet of the North 165 feet of Lot 13, Lee Subdivision, according to the plat recorded at Book 2, Page 23A, Reception No. 35400, County of Jefferson, State of Colorado and the East one foot of the North 165 feet of Lot 13, Lee Subdivision, according to the plat recorded at Book 2, Page 23A, Reception No. 35400, County of Jefferson, State of Colorado.

Section 2. Reservation of Easements. The City hereby reserves an easement across the entirety of the Property for underground utilities of all types, for use by the City or by utility providers with City permission.

Section 3. Severability, Conflicting Ordinances Repealed.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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 4. Recording. This Ordinance shall be filed for record with the office of the Clear Creek County Clerk and Recorder.

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 6 to 0 on this 8th day of May 2023, 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 May 22, 2023, at 6:30 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 22nd day of May, 2023.

SIGNED by the Mayor on this 22nd day of May, 2023.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

First Publication: May 11, 2023

Second Publication: May 25, 2023

Effective Date: May 25, 2023

Published: Jeffco Transcript and www.ci.wheatridge.co.us

COMMISSIONER'S DEED
(Transferring ROW)

THIS COMMISSIONER'S DEED is made this 23rd day of June, 2021, between the **COUNTY OF JEFFERSON, STATE OF COLORADO**, a body politic and corporate (the "County"), whose legal address is 100 Jefferson County Parkway, Golden, Colorado 80419, and the **CITY OF WHEAT RIDGE, STATE OF COLORADO**, a home rule municipality, (the "Grantee") whose address is 7500 W. 29th Avenue, Wheat Ridge, Colorado 80033.

RECITALS

A. In 1955 the County accepted two deeds for property which is now located within the city limits of Wheat Ridge, one was a one foot strip of land as described in the deed recorded at Book 899, Page 598 of the Jefferson County Real Property Records, and the second is an adjacent 24 foot strip of land as described in the deed recorded at Book 899, Page 599 of the Jefferson County Real Property Records (collectively referred to herein after as the "1955 Deeds").

B. The 1955 Deeds do not specifically state the property was transferred for right of way purposes, as a result, upon the incorporation of the City of Wheat Ridge in 1969, the property described in the 1955 Deeds remained under the ownership of the County.

C. Both the City of Wheat Ridge as evidenced by their designation of the property described in the 1955 Deeds as shown on the 2003 Fightmaster Subdivision recorded at Reception No. F1693798 which describes the parcel as Simms Street, and the County believe the property was intended to be utilized for right-of-way purposes.

D. The Board of County Commissioners of the County of Jefferson, State of Colorado, did at a regular meeting of said Board held at the Administration and Courts Facility in said County on the 18th day of May, 2021, duly adopt and pass a resolution authorizing the quitclaim of the hereinafter described real property to Grantee for right-of-way purposes and did by said Resolution appoint and constitute the undersigned as Commissioner to quitclaim and execute a deed for said real property to Grantee for and on behalf of the County, and did further authorize the undersigned to execute this deed and to affix the seal of said County hereto.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by Grantee to the County, receipt of which is hereby confessed and acknowledged, the undersigned, acting as Commissioner aforesaid, does by these presents remise, release, sell, and quitclaim unto Grantee, its successors and assigns all the right, title, interest, claim and demand which said County has in and to the real property situate, lying and being in the County of Jefferson, State of Colorado and described as follows:

The West 24 feet of the East 25 feet of the North 165 feet of Lot 13, Lee Subdivision, according to the plat recorded at Book 2, Page 23A, Reception No. 35400, County of Jefferson, State of Colorado.
and

The East one foot of the North 165 feet of Lot 13, Lee Subdivision, according to the plat recorded at Book 2, Page 23A, Reception No. 35400, County of Jefferson, State of Colorado.

The parties acknowledge and agree that the square footage contained in this deed was erroneously included in Lot 2 of the Fightmaster Subdivision recorded March 7, 2003 at Reception No. F1693798, and should have been excluded thereby reflecting that Lot 2 contains approximately 15,243 square feet.

TO HAVE AND TO HOLD the same, together with all and singular appurtenances and privileges thereunto belonging or in any way thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of said County, either in law or equity.

[SEAL]

De L
Deputy Clerk & Recorder



COUNTY OF JEFFERSON,
STATE OF COLORADO

By [Signature]
Lesley Dahlkemper, Chairman
Board of County Commissioners

STATE OF COLORADO
COUNTY OF JEFFERSON

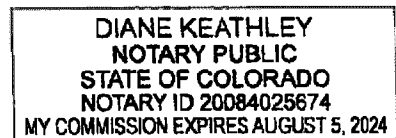
June The foregoing Commissioner's Deed was acknowledged before me this 23rd day of July, 2021 by Lesley Dahlkemper, Chairman of the Board of County Commissioners, County of Jefferson, State of Colorado.

WITNESS my hand and official seal.

[Signature]
Notary Public

APPROVED AS TO FORM:

[Signature]
Assistant County Attorney



[Additional Signature Page Follows]

Commissioner Kerr moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC21-134

RE: Deputy County Manager - Facilities Management - Commissioner's
Deed - City of Wheat Ridge for a Strip of Land Located East of 4455
Simms Street

WHEREAS, the Board of County Commissioners finds that the strip of right-of-way located east of the property at 4455 Simms Street, Wheat Ridge, Colorado, will not be useful or necessary to County functions presently or in the future for public projects; however, the property being in the City of Wheat Ridge does serve a public purpose for the City;

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby approves and authorizes the conveyance of the certain right-of-way consisting of the strip of land adjacent to 4455 Simms Street to the City of Wheat Ridge.

Commissioner Kraft-Tharp seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Andy Kerr	Aye
Commissioner Tracy Kraft-Tharp	Aye
Commissioner Lesley Dahlkemper, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: May 18, 2021

CONVEYED AND ACCEPTED FOR MUNICIPAL RIGHT OF WAY PURPOSES:

City of Wheat Ridge:

By: WJH
Name: Bud Strickland
Title: Mayor
Date: August 9, 2021