

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 31
ORDINANCE NO. 1783
Series 2023

**TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY
IN A PORTION OF CLEAR CREEK DRIVE, A PUBLIC ROADWAY**

WHEREAS, pursuant to C.R.S. § 31-15-702(1) and § 43-2-301, et seq., a petition has been filed by Evergreen – 40th & Clear Creek Crossing Apartments, L.L.C. (“Petitioner”) for the vacation of a portion of Clear Creek Drive, a public roadway within the City; and

WHEREAS, a portion of sidewalk along Clear Creek Drive was originally constructed within an easement and has since been reconstructed in a different alignment; and

WHEREAS, the sidewalk easement is no longer necessary and should be vacated; and

WHEREAS, the portion of Clear Creek Drive easement requested to be vacated and which is the subject of this ordinance (the “Property”) is more fully described on **Exhibit A** attached hereto and fully incorporated herein by this reference; 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 described below.

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

Section 1. Vacation. The following Property is hereby vacated, the same being no longer required for public use and the public interest will be served by such vacation as described in **Exhibit A**.

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 Severability, Conflicting Ordinances Repealed.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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

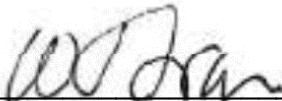
Section 3. Recording. This Ordinance shall be filed for record with the office of the Jefferson County Clerk and Recorder.

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 27th day of November 2023, 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 December 11, 2023, at 6:30 p.m., as a virtual meeting and 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 11th day of December 2023.


SIGNED by the Mayor on this 12th day of December 2023.



Bud Starker, Mayor

ATTEST: -


Steve Kirkpatrick, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: November 28, 2023
Second Publication: December 12, 2023
Effective Date: December 12, 2023

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