

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 32
ORDINANCE NO. 1784**

Series 2023

TITLE: COUNCIL BILL NO. 32-2023 – AN ORDINANCE VACATING ANY RIGHT-OF-WAY INTEREST HELD BY THE CITY IN A PORTION OF MILLER COURT

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 Miller Court was dedicated to the public; and

WHEREAS, that part of said Miller Court as described herein is not used for roadway purposes 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 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 B Y 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 as described in Exhibit A. Upon the vacation accomplished hereby, title to the property vacated shall revert, by operation of Colorado Law CRS 43-2-302, to Allen Stewart, as the sole abutting landowner.

Section 2. Reservation of Easements. The City hereby reserves an easement across the entirety of the Property for access and maintenance associated with Lena Gulch.

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 Severability, Conflicting Ordinances Repealed.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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 Jefferson 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 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
www.ci.wheatridge.co.us:
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