

RETURN TO:

CITY OF CHERRY HILLS VILLAGE
200 E. QUINCY AVENUE
CHERRY HILLS VILLAGE, COLORADO 80110

1100
ORDINANCE NO. 14
Series 2002

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9/24/2002 15:37:36
PG: 0001-002
11.00 DOC FEE:
TRACY K. BAKER
ARAPAHOE COUNTY

187

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August 6, 2002: Introduced as Council Bill 6, Series of 2002 by Bonnie Blum. Seconded by Cathy Pomeroy, and considered by the title only on first reading. Passed unanimously.

September 4, 2002: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 14, Series 2002.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE VACATING THE CITY'S INTEREST, IF ANY, TO CERTAIN DITCH AND UTILITY EASEMENTS LOCATED WITHIN 6 CHERRY VALE DRIVE

WHEREAS, pursuant to its Home Rule Charter, the City Council of the City of Cherry Hills Village is expressly authorized to own, possess, and hold real property and to sell and dispose of such real property; and

WHEREAS, state law at Title 43, article 2, part 3, C.R.S., authorizes every municipal governing body to divest the municipality's interest in platted or designated public streets, roads, and other public ways in accordance with the municipality's charter and laws; and

WHEREAS, the vacation and disposition of municipal interests in public rights-of-way and other public property is identified by the appellate courts of the State of Colorado as a legislative and discretionary function of the local governing body; and

WHEREAS, pursuant to its Home Rule Charter and state law, the City Council holds the power and authority to specify the terms and conditions under which the City will consider and dispose of public interests in rights-of-way, easements, and other property; and

WHEREAS, the owner of property addressed as 6 Cherry Vale Drive applied for the City's vacation of certain utility easements located within the owner's property; and

WHEREAS, the easements have not been opened or maintained as public utility easements by the City of Cherry Hills Village and the City Council finds that such easements are not necessary to serve the public interest; and

WHEREAS, potential users of the affected ditch and utility easements have by letter consented to the vacation of the easements identified in this ordinance, and

WHEREAS, the City provided notice in accordance with law of the proposed vacation; and

WHEREAS, the Planning and Zoning Commission recommended that the proposed vacation be approved finding that the easements are no longer necessary for use by the public and that the proposed vacation would serve the public interest; and

WHEREAS, the City desires to vacate certain utility easements located within 6 Cherry Vale Drive in accordance with Chapter 4 of Title 8 of the City Code and Part 3, Article 2, Title 43, C.R.S.

ABJ053



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NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

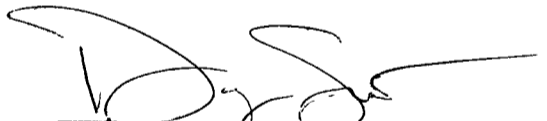
Section 1. The City Council finds that the easements described below are no longer necessary for use by the public and that the vacation of the easements is in the best interest of the City of Cherry Hills Village. Based upon such findings, the City's title to or claim to ownership of the easements described below is hereby vacated:

Ditch and utility easements over and across Plot 5, except the West 12 feet of said Plot 5, Block 6, Cherry Vale Acres, Filing No. 4, Arapahoe County, Colorado, as reflected on the plat of Cherry Vale Acres Filing No. 4, a Re-Subdivision of Cherry Vale Acres Filing No. Three and a Subdivision of the Unplatted Part of the SW ¼ SE¼ Section 11, T. 5 S., R. 68 W. Of the 6th P.M. dated October 24, 1956 and recorded on October 25, 1956 in Plat Book 13, Page 11.

Section 2. In accordance with Section 8-4-6(B) of the City Code for the City of Cherry Hills Village, ownership of the City's vacated interest in utility easements shall vest with the current owner(s) of the underlying fee simple estate, as their ownership interest(s) may appear.

Section 3. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable.

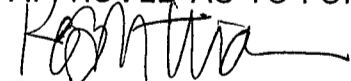
Adopted as Ordinance No. 14, Series 2002, by the City Council of the City of Cherry Hills Village, Colorado this 3rd day of September, 2002.



Douglas Scott, Mayor

ATTEST:


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:


Robert C. Widner, City Attorney

PUBLISHED IN THE VILLAGER
PUBLISHED 9/12/02
Legal # 4653

ABJ053

