

Map Attached

ORDINANCE NO. 11
Series 2021

November 2, 2021: Introduced as Council Bill 11, Series 2021 by Mayor Pro Tem Katy Brown, seconded by Councilor Dan Sheldon and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

November 16, 2021: Considered in full text on second reading. Passed by a vote of 4 yes and 1 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE VACATING THE CITY'S INTEREST, IF ANY, IN
CERTAIN BRIDLE PATH EASEMENTS LOCATED ON TRACT 6 OF THE CANTITOE PLAT
AND LOT 3 OF THE LAKE CANTITOE PLAT, ALL LOCATED WITHIN THE CITY OF
CHERRY HILLS VILLAGE, ARAPAHOE COUNTY, STATE OF COLORADO**

WHEREAS, Article V of Chapter 11 of the Cherry Hills Village Municipal Code ("Code") sets forth a uniform procedure for the vacation of interests in right-of-way owned or held by the City of Cherry Hills Village ("City"), including equestrian trail easements, and supplements the procedures for vacation of rights-of-way provided by Title 43, Article 2, Part 3 of the Colorado Revised Statutes; and

WHEREAS, the Thiry-O'Leary Living Trust, Dated March 8, 1990 ("Petitioner"), the owner of properties within the City known as 2 Cantitoe Lane and 4 Cantitoe Lane (the "Properties"), submitted to the City a petition to vacate the City's interests, if any, in certain bridle path easements located on those Properties, as further described herein; and

WHEREAS, at its regular meeting on August 18, 2020, City Council determined that the preliminary petition submitted by Petitioner possessed sufficient merit to justify Petitioner's submission of a formal petition for processing in accordance with Article V, Chapter 11 of the Code; and

WHEREAS, that certain plat for the Cantitoe Subdivision recorded on March 5, 1964 at Reception No. 902057 in the real property records of Arapahoe County, Colorado (the "Cantitoe Plat") depicts numerous twenty-foot (20') bridle path easements, including a bridle path easement that runs east/west along the southern property lines of Tracts 5 and 6; and

WHEREAS, that certain plat for the Lake Cantitoe replat of Tracts 4 and 5, Cantitoe recorded on July 1, 1996 at Reception No. A6083448 in the real property records of Arapahoe County, Colorado (the "Lake Cantitoe Plat") depicts twenty-foot (20') bridle path easements on the Properties that run: (1) east/west along the northern property line of Lot 3; and (2) east/west along the southern property line of Lot 3; and two ten-foot (10') bridle path easements that run north/south on the eastern and western sides of the property line between Lot 3, Lake Cantitoe and Tract 6, Cantitoe; and

WHEREAS, 2 Cantitoe Lane is identified in the real property records of Arapahoe County, Colorado as Lot 3, Lake Cantitoe (and formerly as Tract 5, Cantitoe), and 4 Cantitoe Lane is identified in the real property records of Arapahoe County, Colorado as Tract 6, Cantitoe; and

WHEREAS, on December 1, 2020, Petitioner submitted a formal petition to vacate those bridle path easements specified above, as depicted and highlighted on the Land Survey Plat, Cantitoe Lane, prepared by Ehrhart Land Surveying dated September 17, 2020, Sheets 1 and 2, a copy of which is attached hereto as **Attachment A**, and more particularly described as follows:

- The South 20 feet of Tract 6, Cantitoe, County of Arapahoe, State of Colorado;
- The South 20 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The North 20 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The East 10 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The West 10 feet of Tract 6, Lake Cantitoe, County of Arapahoe, State of Colorado;

("Petitioner Bridle Path Easements"); and

WHEREAS, after receiving a recommendation from the Parks, Trails and Recreation Commission, the Planning and Zoning Commission considered the formal petition for vacation and recommended that City Council approve the proposed vacation of the Petitioner Bridle Path Easements; and

WHEREAS, the Petitioner has provided public notice of the public meetings and public hearings regarding the proposed vacation of the Petitioner Bridle Path Easements in accordance with applicable law; and

WHEREAS, City Council conducted a public hearing on the proposed vacation of the Petitioner Bridle Path Easements as required by Section 11-5-50(d) of the Code; and

WHEREAS, City Council has determined that the City does not desire to assert further any public interest that may exist in the Petitioner Bridle Path Easements and desires to approve the vacation of the Petitioner Bridle Path Easements; and

WHEREAS, in accordance with Section 11-5-50(f)(1) of the Code, the City Council has determined that the vacation of the Petitioner Bridle Path Easements serves the public interest.

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

Section 1. The City hereby vacates any City interest that may exist in the Petitioner Bridle Path Easements, being those certain bridle path easements depicted and highlighted on Attachment A, located entirely within the boundaries of the City of Cherry Hills Village, and more particularly described as follows:

- The South 20 feet of Tract 6, Cantitoe, County of Arapahoe, State of Colorado;
- The South 20 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The North 20 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The East 10 feet of Lot 3, Lake Cantitoe, County of Arapahoe, State of Colorado;
- The West 10 feet of Tract 6, Lake Cantitoe, County of Arapahoe, State of Colorado.

Section 2. In accordance with Section 11-5-60(2) of the Code, ownership of the Petitioner Bridle Path Easements shall vest with the then-current owners of the Properties, as their ownership interests may appear.

Section 3. Following the effective date of this Ordinance, the City Clerk shall file a certified copy of this Ordinance in the real property records of Arapahoe County, Colorado.

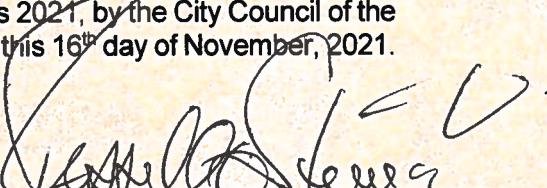
Section 4. **Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 5. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 6. **Effective Date.** This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 11, Series 2021, by the City Council of the City of Cherry Hills Village, Colorado this 16th day of November, 2021.

(SEAL)


Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney

Published in *The Villager*

Published: 11-25-21

Legal #: 10531

CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 11, SERIES 2021

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE VACATING THE CITY'S
INTEREST, IF ANY, IN CERTAIN
BRIDLE PATH
EASEMENTS LOCATED ON
TRACT 6 OF THE CANTTOE
PLAT AND LOT 3 OF THE LAKE
CANTTOE PLAT, ALL LOCATED
WITHIN THE CITY OF CHERRY
HILLS VILLAGE, ARAPAHOE
COUNTY, STATE OF
COLORADO

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

Published in *The Villager*
Published: November 25, 2021
Legal # 10513

ATTACHMENT A

**Land Survey Plat, Cantitoe Lane, prepared by Ehrhart Land Surveying,
dated September 17, 2020, Sheets 1 and 2**

