

RETURN TO:
CITY OF CHERRY HILLS VILLAGE
2450 E. QUINCY AVENUE
CHERRY HILLS VILLAGE, COLORADO 80110

ORDINANCE NO. 15

Series 2002

August 20, 2002: Introduced as Council Bill No. 9, Series 2002 by Doug Tisdale, seconded by Bonnie Blum, and considered by the title only on first reading. Passed with a vote of 5 yes and 1 no.

September 17, 2002: Considered in full text on second reading. Passed with a vote of 3 yes and 1 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE VACATING THE CITY'S INTEREST, IF ANY, S. HARRISON STREET NORTH OF E. MANSFIELD AVE.

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 3875 S. Harrison Street applied for the City's vacation of approximately four hundred feet (400') of S. Harrison Street adjacent to his property; and

WHEREAS, this portion of S. Harrison Street is a publicly improved and maintained dirt road, and

WHEREAS, S. Harrison Street provides access to only one parcel—3875 S. Harrison Street, 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 road is no longer necessary for use by the public and that the proposed vacation would serve the public interest; and

WHEREAS, City Council has given special consideration to the significant value to the community of eliminating one developable lot, which elimination will reduce the overall density of the City and help to maintain the semi-rural atmosphere of the Village, therefore justifying waiving all but a very nominal charge for the South Harrison Street right of way, charging \$2,500.00 rather than the appraised value of \$87,900;

WHEREAS, the City desires to vacate that portion of S. Harrison adjacent to the property addressed as 3875 S. Harrison Street in accordance with Chapter 4 of Title 8 of the City Code and Part 3, Article 2, Title 43, C.R.S.

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

Section 1. The City Council finds that the portion of S. Harrison Street described in Exhibit A is no longer necessary for use by the public and that the vacation of this right of way 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 right-of-way is hereby vacated:

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. 15 Series 2002, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of September, 2002.



Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:

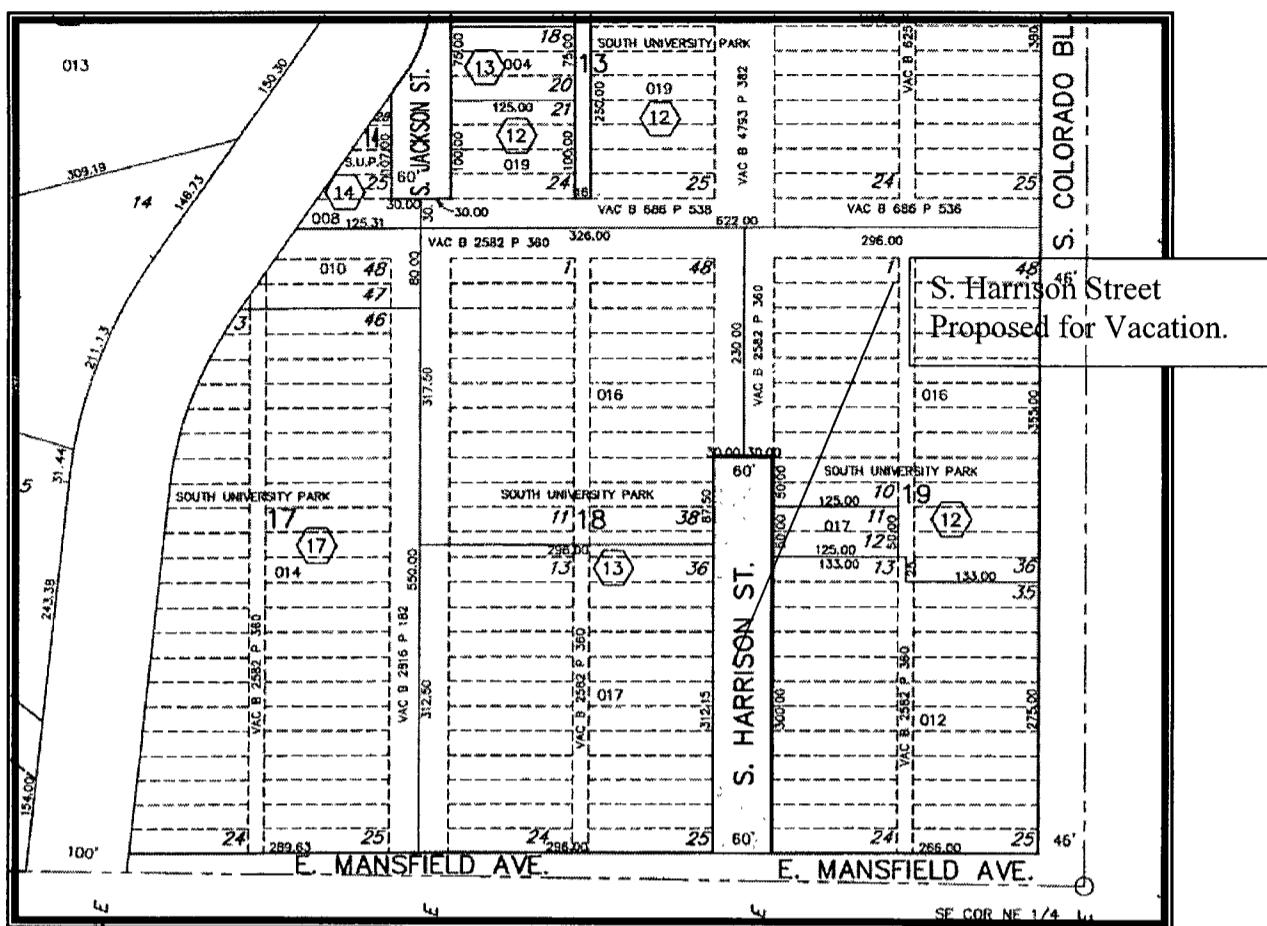


Robert C. Widner, City Attorney

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Legal #4683



Exhibit A



ABJ053

