

ORDINANCE NO. 2021-__

**AN ORDINANCE VACATING A PORTION OF JERRY STREET
LOCATED IN THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 8 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, TOWN OF CASTLE ROCK**

WHEREAS, the Town Council finds that it is necessary to vacate the easterly fifteen feet of Jerry Street from the south property line of Lot 7, Block 3, Town of Castle Rock to the south property line of Lot 10, Block 3, Town of Castle Rock, as more particularly described in the attached ***Exhibit I*** (the “Vacated Property”) in conjunction with the planned construction of the View mixed-use project, and

WHEREAS, the Vacated Property is not a component of any current or planned transportation network, and

WHEREAS, the Town has no active utilities located in the Vacated Property; and

WHEREAS, the Town will reserve a temporary access and utility easement in the Vacated Property to ensure continued access to and the right to maintain any other existing utilities until such time as a plat is completed and permanent easements are defined.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Vacation. The Vacated Property is hereby vacated pursuant to the authority granted by Section 43-2-303(1)(a), C.R.S., subject to all matters of record. The vacation shall take effect upon the recordation of this Ordinance in the Douglas County public records.

Section 2. Reservation of Easement. Pursuant to Section 43-2-303(3), C.R.S., the Town, for itself and the providers of any existing utilities in the Vacated Property, reserves a temporary access and utility easement over the entirety of the Vacated Property, for access, maintenance, repair, and replacement of the existing utilities until such time that a plat is completed and permanent easements are defined. The temporary access and utility easement over the Vacated Property will expire upon the recordation of a plat for the Vacated Property in the Douglas County public records.

Section 3. Vesting of Ownership. Ownership of the vacated roadway right of way shall vest in accordance with the provisions of Section 43-2-302, C.R.S.

Section 4. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 5. Safety Clause. The Town Council finds and declares that this ordinance is

promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of December, 2021 by a vote of 4 for and 3 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 4th day of January, 2022, by the Town Council of the Town of Castle Rock by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager