

ORDINANCE NO. 2016-025

**AN ORDINANCE VACATING
PORTIONS OF VALLEY VIEW DRIVE AND ROCKY VIEW ROAD;
AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL
READING**

WHEREAS, it is appropriate to vacate a portion of Valley View Drive as described in the attached *Exhibit 1*, and a portion of Rocky View Road as described in the attached *Exhibit 2* (collectively, the “Vacated Area”), with the reservation of certain continued use and occupancy rights over the Vacated Area; and

WHEREAS, the Vacated Area is currently needed for public access, and accordingly, the Town will reserve temporary access rights over the Vacated Area to permit public use of the Vacated Area until the new alignments for Valley View Drive and Rocky View Road are constructed and accepted by the Town; and

WHEREAS, the Vacated Area has existing public and private utilities (including but not limited to water, wastewater, storm water drainage, natural gas, electricity cable television, telephone/fiber and related appurtenances (“Existing Utilities”), and accordingly, the Town reserves access and use rights over the Vacated Area to permit the ongoing access and maintenance of the Existing Utilities until such time as all Existing Utilities facilities have been relocated; and

WHEREAS, in order to meet construction schedules and timely construct the relocated portions of Valley View Drive and Rocky View Road, it is necessary to adopt this ordinance on an emergency basis on second and final reading.

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

Section 1. Vacation. The existing platted right-of-way within the Vacated Area is vacated pursuant to Part 3, Chapter 2, Title 43, C.R.S., subject to all matters of record and the reservations set forth in Sections 2 and 3. The vacation shall take effect upon the concurrent recordation of this Ordinance in the Douglas County public records.

Section 2. Reservation of Easement for Temporary Public Access. The Town reserves a temporary access easement over the entirety of the Vacated Area, for public access, to remain in place until the new alignments for Valley View Drive and Rocky View Road are constructed and accepted by the Town. Once the easement is terminated, the Town shall convey its interest in the easement by quit claim deed to the owner of the fee state encumbered by the temporary access easement.

Section 3. Reservation of Easement for Utilities. Pursuant to §43-2-303(3), C.R.S., the Town, for itself and other utility providers for the Existing Utilities in the Vacated Area, reserves a

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temporary utility easement over the entirety of the Vacated Area, for access, maintenance, repair, and replacement of the Existing Utilities until such time that the Existing Utilities are relocated. The temporary utility easement will expire upon relocation of all of the Existing Utilities.

Section 4. Vesting of Ownership. Ownership of the vacated roadway right of way shall vest in accordance with the provisions of §43-2-302, C.R.S.

Section 5. 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 6. 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.

Section 7. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016, by the Town Council of the Town of Castle Rock by a vote of 6 for and 0 against.

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this 6th day of September, 2016, by the Town Council of the Town of Castle Rock, Colorado by a vote of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney
Services

Bill Detweiler, Director of Development