

ORDINANCE NO. 2016-036

AN ORDINANCE VACATING  
A PORTION OF FIRST STREET AND ALLEY IN BLOCK 29, NORTHWEST  
QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST, TOWN OF  
CASTLE ROCK

**WHEREAS**, it is appropriate to vacate portions of First Street and Alley in Block 29 as more particularly described in the attached *Exhibit 1* (collectively, the “Vacated Area”) in conjunction with the planned construction of new municipal facilities,

**WHEREAS**, the Vacated Area has existing public and private utility facilities and accordingly, the Town will permit continued access to and the right to maintain all existing public and private utilities therein until relocated by mutual agreement.

**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. The vacation shall take effect upon the recordation of this Ordinance in the Douglas County public records.

**Section 2. 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 3. 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 4. 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 4<sup>th</sup> day of October, 2016 by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON FINAL READING** this 18th day of October, 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.

**ATTACHMENT A**

**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

\_\_\_\_\_  
Bill Detweiler, Director of Development Services