

ORDINANCE NO. 2017-007

**AN ORDINANCE VACATING
A PORTION OF A PUBLIC ALLEY LOCATED IN THE NW QUARTER OF SECTION
11, TOWNSHIP 8 SOUTH, RANGE 67 WEST, TOWN OF CASTLE ROCK
(SOUTH PORTION)**

WHEREAS, it is appropriate to vacate a portion of the public alley as more particularly described in the attached *Exhibit 1* (the “Vacated Area”) in conjunction with the planned construction of the Riverwalk development project, and

WHEREAS, the Vacated Area has existing public and private utility facilities, which may include water, sewer, electrical, natural gas and cable television (“Existing Utilities”) 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.

WHEREAS, the recordation and effect of this Ordinance shall be conditioned on the replatting of the lots adjacent to the Vacated Area into a single lot.

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.

Section 2. Reservation of Easement for Utilities. Pursuant to §43-2-303(3), C.R.S., the Town, for itself and providers of the Existing Utilities in the Vacated Area, reserves a 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 and alternative access is provided. The temporary reserved easement will expire upon relocation of all of the Existing Utilities.

Section 3. 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 4. Effective Date. The vacation shall take effect upon the recordation in the Douglas County public records of the following: (i) this Ordinance, and (ii) the replat of the lots adjacent to the Vacated Area into a single lot.

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.

APPROVED ON FIRST READING this 28th day of March 2017 by a vote of 7 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 4th day of April 2017, 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

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

David L. Corliss, Town Manager