

ORDINANCE NO. 2019-

AN ORDINANCE VACATING
A PORTION OF SECOND STREET; AND PROVIDING FOR ITS EMERGENCY
ADOPTION ON FIRST READING

WHEREAS, it is appropriate to vacate a portion of the Second Street right of way, as more particularly described in the attached *Exhibit 1* (the “Vacated Area”) to accommodate certain improvements related to the Riverwalk development project;

WHEREAS, it is necessary to adopt this ordinance on an emergency basis reading in order to complete construction of the improvements located in the Vacated Area as soon as possible to avoid disruption to the summer community events planned for the downtown.

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 other utility providers with facilities in the Vacated Area, reserves a permanent easement over the entirety of the Vacated Area, for access, maintenance, repair, and replacement of water, wastewater, storm water drainage, natural gas, electricity, cable television, telephone/fiber and/or any other similar lines or appurtenances.

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 of this Ordinance in the Douglas County public.

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. 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.

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.

ATTACHMENT A

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this _____ of _____, 2019, by a vote of the Town Council of the Town of Castle Rock, Colorado 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

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

David L. Corliss, Town Manager