

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 23
ORDINANCE NO. 1654
Series 2018

TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY OF WHEAT RIDGE IN A PORTION OF MILLER STREET, A PUBLIC ROADWAY, ADJACENT TO 5185 MILLER STREET (CASE NO. WV-18-01/ROUSH INDUSTRIES)

WHEREAS, the City of Wheat Ridge holds public rights-of-way in trust for the public and the landowners abutting such rights-of-way; and

WHEREAS, the Miller Street right-of-way between Ridge Road and West 52nd Avenue was realigned pursuant to dedication on the Arvada Ridge plat recorded on December 14, 2004; and

WHEREAS, Miller Street between Ridge Road and West 52nd Avenue was reconstructed to the new alignment in 2006; and

WHEREAS, a portion of right-of-way from the now obsolete Miller Street alignment is unneeded for public roadway purposes; and

WHEREAS, a drainage and utility easement shall be retained by the City of Wheat Ridge over the entirety of the right-of-way proposed for vacation; and

WHEREAS, pursuant to the authority granted by C.R.S. §§ 31-15-702(1)(a)(I) and 43-2-301 et seq., the Council of the City of Wheat Ridge, Colorado, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of this area; and

WHEREAS, the portion of the Miller Street right-of-way to be vacated and which is the subject of this ordinance is more fully described on **Exhibit A** attached hereto and fully incorporated herein by this reference; and

WHEREAS, no property abutting said public roadway will be left without an established public road or private-access easement connecting said land with another established public road.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Vacation. To the extent of any City interest therein, the following portion of the Ridge Road right-of-way is hereby vacated, the same being no longer required for public use and the public interest will be served by such vacation, as more particularly described on the attached **Exhibit A**.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Recording. This Ordinance shall be filed for record with the office of the Jefferson County Clerk and Recorder.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 13th day of August, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for September 10, 2018 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 10th day of September, 2018.

SIGNED by the Mayor on this 10th day of September, 2018.



Bud Starker, Mayor

ATTEST:


Janelle Shaver, City Clerk
Robin Eaton, Deputy City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: August 16, 2018
Second Publication: September 13, 2018
Wheat Ridge Transcript
Effective Date: September 28, 2018

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us

Exhibit A

Legal description:

A PORTION OF MILLER STREET RIGHT-OF-WAY TO BE VACATED, A PORTION OF LAND BEING IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16, WHENCE THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16 BEARS S 00°12'11" E, FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE S 00°12'11" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 72.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°12'11" E A DISTANCE OF 146.55 FEET TO A POINT OF THE NORTH LINE OF THE ROCKY MOUNTAIN BOTTLING SUBDIVISION; THENCE S 89°33'02" W ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET; THENCE N 00°12'11" W A DISTANCE OF 219.20 FEET; THENCE N 00°12'53" W A DISTANCE OF 119.50 FEET; THENCE 195.14 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 17°44'49", A RADIUS OF 630.00 FEET AND A CHORD WHICH BEARS S 09°05'23" W A DISTANCE OF 194.36 FEET TO THE POINT OF BEGINNING,

SAID PARCEL OF LAND CONTAINING 6299.7 SQ.FT. \ 0.14 ACRES MORE OR LESS

EXHIBIT RIGHT OF WAY TO BE VACATED

N 714994.36
E 109156.25

NE COR

SE 1/4, NE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" BRASS CAP
IN RANGE BOX PLS 19003

EAST LINE SW 1/4, NE 1/4
SEC. 16, T3S, R69W
1.00" 50712537
1315.92

119.50' N00°12'53"W

72.51' S07°12'11"E

148.55' S00°12'11"E

219.20' N00°12'11"W

589°33'02"W
30.00'

117.86' S07°12'11"E
BASIS OF BEARING

EAST LINE NW 1/4, SE 1/4
SEC. 16, T3S, R69W

SE COR
NW 1/4, SE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" ALUM. CAP
IN RANGE BOX PLS ILLEGIBLE
N 712360.80
E 109165.85

R=630.00'
L=195.14'
CD=194.36'
CB=N9°05'23"W
Δ= 17°44'49"

P.O.C.

NE COR
NW 1/4, SE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" ALUM. CAP
IN RANGE BOX PLS 22584

REC.# F1466962

NOTE:
THE CITY OF WHEAT RIDGE HEREBY
RESERVES A DRAINAGE AND UTILITY
EASEMENT OVER THE ENTIRETY OF THE
PORTION OF MILLER STREET
RIGHT-OF-WAY PROPOSED
FOR VACATION.

PORTION OF MILLER STREET TO BE VACATED
0.14 ACRES \ 6286.7 SQ.FT.

LOT 5A
ROCKY MOUNTAIN BOTTLING SUB.
REC.# 20061515

MILLER STREET
F1414343696

7-
100517800.00
10051722.60
1005171.00
100517.00

