

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER DAVIS  
COUNCIL BILL NO.17-2014  
ORDINANCE NO. 1565  
Series 2014**

**TITLE: AN ORDINANCE OF THE CITY OF WHEAT RIDGE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF 44<sup>TH</sup> AVENUE, A PUBLIC ROADWAY**

**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, due to a potentially inaccurate legal description, certain property lying immediately north of 44<sup>th</sup> Avenue may be subject to a dedication as a part of the 44<sup>th</sup> Avenue right-of way; 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 44<sup>th</sup> Avenue 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 B Y 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 44<sup>th</sup> Avenue 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 shown 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 Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections,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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 upon closing of the pending sale of the property to the Fruitdale Building corporation, as permitted by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 5 to 1 on this 8th day of December, 2014, 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 January 12, 2015 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado, **continued to January 26, 2015.**

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 26th day of January, 2015.

SIGNED by the Mayor on this 26th day of January, 2015.



*Janelle Shaver*  
Janelle Shaver, City Clerk  
*Kelly K. Stevens*  
Kelly K. Stevens, Deputy City Clerk

*Joyce Jay*  
\_\_\_\_\_  
Joyce Jay, Mayor

Approved as to Form  
*Gerald E. Dahl*  
\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication: December 11, 2014: January 15, 2015  
Second Publication: January 29, 2015  
Wheat Ridge Transcript  
Effective Date As provided in Section 4.

Published:  
Wheat Ridge Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)

*Exhibit A*

PROPERTY DESCRIPTION

A portion of the North One-half of Section 21, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado more particularly described as follows:

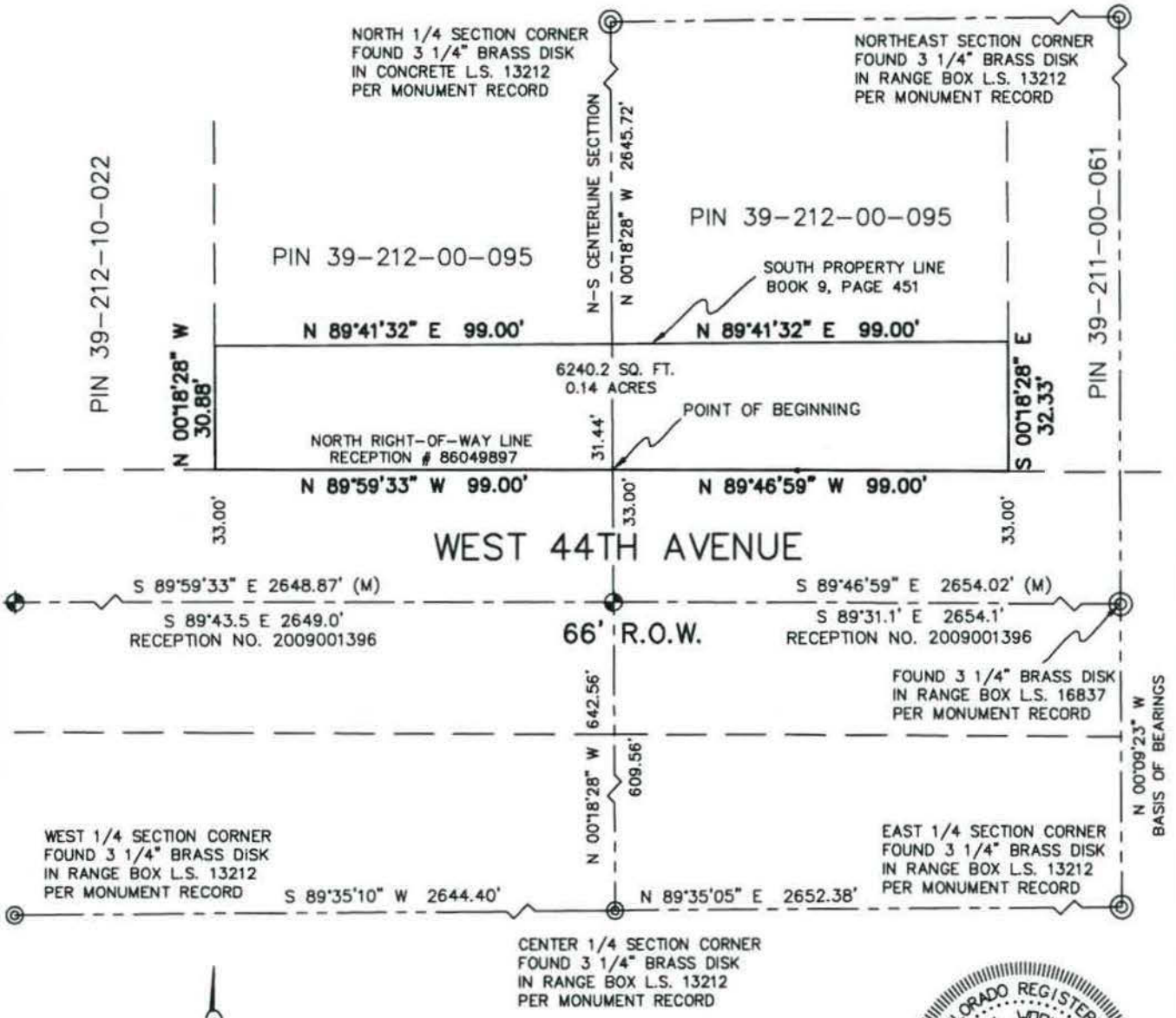
Beginning at a point on the North Line of that certain property described in Reception No. 86049897 being the North Right-Of-Way Line of West 44th Avenue, said point also lying 642.56 feet North of the Center of Section on the North-South Centerline of said Section 21; Thence N 89°59'33" W along said North Right-Of-Way Line, a distance of 99.00 feet to the Southerly extension of the Westerly Line of that certain property described in Book 9, Page 451, Thence N 00°18'28" W along said Southerly extension of the Westerly Line, a distance of 30.88 feet to the Southwest Comer of said property; Thence N 89°41'32" E along the South Line of said property, a distance of 99.00 feet to a point on said South Line also being a point on the said North-South Centerline of said Section 21, Thence N 89°41'32" E continuing along said South Line, a distance of 99.00 feet to the Southeast Comer of said property; Thence S 00°18'28" E along the Southerly extension of the Easterly Line of said property, a distance of 32.33 feet to a point on said North Right-Of-Way Line of said West 44th Avenue; Thence N 89°46'59" W along said North Right-Of-Way Line, a distance of 99.00 feet to the Point Of Beginning and containing 6240.2 square feet or 0.14 acres more or less.

Basis of bearings:

The Basis of Bearings for the above described parcel of land platted on Fruitdale Patio Homes to be N 00°09'23" W from the East 1/4 of Section 21, Township 3 South, Range 69 West of the 6th P.M to the Northeast Comer of said Section, said East 1/4 being a 3 1.4" brass cap and post set in range box stamped LS 13212 per monument record and the NE Comer being stamped 13212 1984 per the monument record.

**EXHIBIT A**

**A PORTION OF THE N 1/2 OF SECTION 21, T. 3 S., R. 69 W. OF THE 6TH P.M.,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO**



1 inch = 40 ft.

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED DESCRIPTIONS

JAMES M. WOOLDRIDGE P.L.S. 28669 FOR AND ON BEHALF OF CROSSROADS SURVEYING, INC.

⊕ = FOUND #6 REBAR/RANGE BOX SHEET 2 OF 2



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