

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER WEAVER
COUNCIL BILL NO. 17
ORDINANCE NO. 1676
Series 2019**

TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF WEST 38th 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, a portion of right-of-way along the southerly side of West 38th Avenue at Youngfield Street is not needed for public roadway purposes; 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 West 38th 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 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 West 38th 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 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 Severability, Conflicting Ordinances Repealed.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 All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 14th day of October, 2019, 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 October 28, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

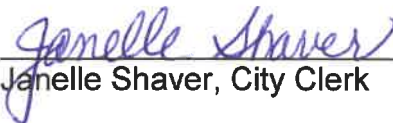
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 28th day of October 2019.

SIGNED by the Mayor on this 28th day of October 2019.




Bud Starker, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: October 17, 2019
Second Publication: October 31, 2019
Wheat Ridge Transcript
Effective Date: November 15, 2019

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



EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON,
STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

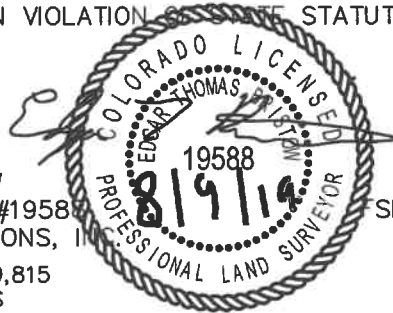
CONSIDERING THE SOUTH LINE OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TO BEAR NORTH 89°29'29" EAST, A DISTANCE OF 1322.31 FEET BETWEEN A FOUND NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP, STAMPED "T3S R69W 1/4 S30 S29 2013 LS 29761" IN RANGE BOX AND A FOUND NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP, STAMPED T3S R69W W 1/16 C-C S29 1995 LS 13155" IN RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29; THENCE NORTH 38°25'46" EAST, A DISTANCE OF 2206.22 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE WESTERLY LINE OF LOT 1, APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2, AS RECORDED AT RECEPTION NO. 2017081101, DATED AUGUST 7, 2017 IN THE RECORDS OF JEFFERSON COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF YOUNGFIELD STREET; THENCE NORTH 02°12'34" WEST, A DISTANCE OF 10.15 FEET; THENCE NORTH 02°07'32" WEST, A DISTANCE OF 40.61 FEET; THENCE NORTH 47°12'57" EAST, A DISTANCE OF 77.77 FEET; THENCE NORTH 76°42'33" EAST, A DISTANCE OF 14.72 FEET; THENCE NORTH 76°13'11" EAST, A DISTANCE OF 31.00 FEET; THENCE NORTH 79°34'48" EAST, A DISTANCE OF 65.43 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE; THENCE ALONG SAID SOUTHERLY & EASTERLY RIGHT-OF-WAY LINES OF WEST 38TH AVENUE AND YOUNGFIELD STREET THE FOLLOWING TWO (2) COURSES:

1. SOUTH 76°32'08" WEST, A DISTANCE OF 37.35 FEET TO A POINT OF CURVATURE;
2. THENCE 181.17 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 178.00 FEET, AN INCLUDED ANGLE OF 58°19'00" AND SUBTENDED BY A CHORD BEARING SOUTH 47°22'39" WEST, A DISTANCE OF 173.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,367 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

I, EDGAR T. BRISTOW, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



EDGAR T. BRISTOW
COLORADO P.L.S. #19588
PRESIDENT, FLATIRONS, INC.

SI JOB NO. 17-69,815

JOB NUMBER: 17-69,815
DRAWN BY: E. DAVIS
DATE: AUGUST 9, 2019

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



655 FOURTH AVE
LONGMONT, CO 80501
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FAX: (303) 776-4355
www.FlatironsInc.com

BY:EDAVIS FILE:69815-VAC ROW (C19).DWG DATE:8/9/2019 9:12 AM

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 2

FOUND 2' WITNESS CORNER, NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP, STAMPED "FLATIRONS SURV 19588, 2' WC"

W. 38TH AVENUE
(64' R.O.W.)
N79°34'48"E
65.43'

N76°42'33"E
14.72'

N76°13'11"E
31.00'

S76°32'08"W
37.35'

N47°12'57"E 77.77'

L=181.17'
R=178.00'
Δ=58°19'00"
CH=S47°22'39"W
173.45'

AREA: 2,367 SQ. FT. OR
0.05 ACRES, MORE OR
LESS

N02°12'34"W
10.15'

POINT OF BEGINNING

10' SEWER EASEMENT
(BK. 1832, PG. 558)

NW 1/16, SEC. 29, T3S, R69W
FOUND NO. 6 REBAR
W/3-1/4" ALUMINUM CAP IN
RANGE BOX, ILLEGIBLE

N00°53'40"W 1322.05'

YOUNGFIELD STREET
(R.O.W. VARIES)

N02°07'32"W
40.61'

N38°25'46"E 2206.22'

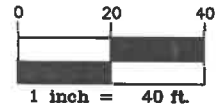
POINT OF COMMENCEMENT
WEST 1/4 COR., SEC. 29, T3S, R69W
FOUND NO. 6 REBAR W/3-1/4" ALUMINUM
CAP, STAMPED "T3S R69W 1/4 S30 S29
2013 LS 29761" IN RANGE BOX

BASIS OF
BEARINGS
N89°29'29"E
1322.31'

C-W 1/16, SEC. 29, T3S, R69W
FOUND NO. 6 REBAR W/3-1/4" ALUMINUM
CAP, STAMPED "T3S R69W W 1/16 C-C
S29 1995 LS 13155" IN RANGE BOX



LOT 1
APPLEWOOD VILLAGE
SHOPPING CENTER FILING NO. 2
(REC. NO. 2017081101)



JOB NUMBER: 17-69,815
DRAWN BY: E. DAVIS
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