

PALMER LAKE, COLORADO

ORDINANCE NO. 17-2023

**AN ORDINANCE VACATING BIJOU AVE STREET RIGHT OF WAY
WITHIN THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, on February 22, 2023, the Town received an application for Vacation of a street, right of way or easement;

WHEREAS, C.R.S. §43-1-301 *et seq.* permits a municipality, by ordinance, to vacate any roadway or easement or part thereof located within the corporate limits of said municipality;

WHEREAS, the portion of the Right of Way located within the Town's corporate limits is not regularly utilized by the public as and it is not anticipated the right of way will be utilized by the Town for the foreseeable future;

WHEREAS, the Planning Commission held a duly noticed public hearing on June 21, 2023 and recommended approval of the vacation request;

WHEREAS, the Board of Trustees had a duly noticed public hearing on June 22, 2023; and

WHEREAS, the Board of Trustees finds it in the best interest of the citizens of the Town of Palmer Lake to vacate the portion of the right of way within the Town's corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. The Board of Trustees hereby vacates, renounces and disclaims a 7,347 square feet (0.1687 acres) right of way of Bijou Ave., more particularly described in Exhibit A, attached hereto. The Town specifically reserves an identified "utility easement" within the vacated right of way as described in Exhibit A. Upon the recording of this Ordinance and Exhibit, title to the vacated right of way as described in Exhibit A shall vest to the proper two owners abutting the right of way land, pursuant to C.R.S. §43-2-302.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 22nd DAY OF JUNE 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor