

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 14-2024**

**A RESOLUTION DENYING THE REQUEST TO VACATE PETITE AVENUE  
RIGHT-OF-WAY**

**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; and

**WHEREAS**, Colorado statutes, including Sections 43-2-302 and 43-2-303, C.R.S., authorize the Board of Trustees, to vacate, by ordinance, a roadway, including a dedicated or platted right-of-way, within the Town when (1) such roadway is not currently needed for municipal purposes and it is not anticipated that such roadway will be needed by the Town for the foreseeable future, and (2) vacation of such roadway will not leave any land adjoining the roadway without access to an established public road or a private-access easement connecting said land with an established public road; and

**WHEREAS**, Section 43-2-302(1), C.R.S., provides generally, that title to vacated roadways vests in abutting lands; and

**WHEREAS**, Section 43-2-302(1)(e), C.R.S., provides that no portion of a roadway upon vacation shall accrue to an abutting roadway; and

**WHEREAS**, the Town is the owner of a certain right-of-way within the Town's boundaries known as Petite Avenue right-of-way, which has been platted and dedicated to the Town but has not been constructed, and which is depicted on Exhibit A, attached; and

**WHEREAS**, the Board of Trustees has received a request from an abutting landowner to vacate Petite Avenue right-of way, as depicted on Exhibit A;

**WHEREAS**, the Board has considered the request to vacate and the matters presented to it and finds that the Petite Avenue right-of-way may be needed for municipal purposes in the foreseeable future and vacating Petite Avenue right-of-way as depicted on Exhibit A will leave adjoining land without access to an established public road or to a private-access easement connecting with an established public road.

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

1. The request that Petite Avenue right-of-way depicted on Exhibit A be vacated is denied for the reasons set forth above.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution 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 Resolution. The Board of Trustees hereby declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution 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 resolution hereby repealed prior to the effective date of this Resolution.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25<sup>th</sup> DAY OF JANUARY, 2024.**

**ATTEST:**

**TOWN OF PALMER LAKE, COLORADO**

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY: \_\_\_\_\_  
Glant Havenar  
Mayor