

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 2-2024

**AN ORDINANCE VACATING 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 statute, 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 determined that Petite Avenue right-of way, as depicted on Exhibit A, is not needed for municipal purposes now or for the foreseeable future; and

WHEREAS, vacating Petite Avenue right-of-way as depicted on Exhibit A will not leave any adjoining land without access to an established public road or to a private-access easement connecting with an established public road; and

WHEREAS, Section 43-2-202(1), C.R.S., further provides, in part, that the portion of a roadway that is vacated is subject to the same limitations and restrictions as the land to which it accrues.

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

1. The Petite Avenue right-of-way depicted on Exhibit A is hereby vacated.

2. Title to the vacated Petite Avenue right-of-way is vested in the owners of the abutting properties in the manner provided by Section 43-2-302(1), C.R.S.
3. The vacated Petite Avenue right-of-way is subject to the same limitations and restrictions as the abutting land to which it accrued, including but not limited to the zoning of the property.
4. The Town reserves an easement over, across and through the vacated portions of Petite Avenue right-of-way as depicted on Exhibit A, for the continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric telephone and similar lines and appurtenances, to the extent they exist as of the effective date of this Ordinance.
5. This Ordinance and Exhibit A shall be recorded in the records of El Paso County, Colorado to evidence the vacation.
6. 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.
7. 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 AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25th DAY OF JANUARY, 2024.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor