

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 06-25

**AN ORDINANCE VACATING A PORTION OF
THE ESTABROOK STREET 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, rights-of-way within the Town when (1) such right-of-way is not currently needed for municipal purposes and it is not anticipated that such right-of-way will be needed by the Town for the foreseeable future, and (2) vacation of such right-of-way will not leave any land adjoining the right-of-way without access to an established public road or a private-access easement connecting said land with an established public road; and

WHEREAS, the Town is the owner of a certain right-of-way within the Town's boundaries known as Estabrook Street; and

WHEREAS, the Board of Trustees has determined that a portion of the Estabrook Street right-of way east of Bowes Avenue, as depicted in orange on Exhibit A, attached, is not needed for municipal purposes now or for the foreseeable future; and

WHEREAS, vacating the portion of the Estabrook Street right-of-way 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.

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

1. The portion of the Estabrook Street right-of-way depicted in orange on Exhibit A is hereby vacated with the title to such vacated portions to vest in the adjoining land owners as provided in Section 43-2-302, C.R.S., subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.
2. The Town reserves an easement over, across and through the vacated portions of the Estabrook Street 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.

3. This Ordinance and Exhibit A shall be recorded in the records of El Paso County, Colorado to evidence the vacation.
4. 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.
5. 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 ____ DAY OF _____, 2025.

ATTEST: TOWN OF PALMER LAKE, COLORADO

_____ Erica N. Romero, Town Clerk	BY: _____ Amy Hutson, Mayor Pro Tem
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