

ORDINANCE NO. 3
Series 2018

February 20, 2018: Introduced as Council Bill 3, Series 2018 by Councilor Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

March 20, 2018: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE VACATING THE BRIDLE PATH EASEMENT
BETWEEN LOTS 3 AND 4 OF THE OLSON SUBDIVISION, ALL LOCATED WITHIN THE
CITY OF CHERRY HILLS VILLAGE, ARAPAHOE COUNTY, STATE OF COLORADO

WHEREAS, a sixteen-foot (16') utility, drainage and bridle path easement between Lot 3 and Lot 4 of the Olson Subdivision, City of Cherry Hills Village ("Existing Easement") was dedicated to and accepted by the City by that certain plat for the Olson Subdivision recorded on April 6, 1979 in Book 38 at Page 24 in the real property records of Arapahoe County, Colorado (the "Olson Subdivision"); and

WHEREAS, Article V of Chapter 11 of the Cherry Hills Village Municipal Code ("Code") sets forth a uniform procedure for the vacation of interests in right-of-way owned or held by the City and supplements the procedures for vacation of rights-of-way provided by Title 43, Article 2, Part 3 of the Colorado Revised Statutes; and

WHEREAS, by Resolution No. 3, Series 2018, approved on January 16, 2018, the City Council approved a City-initiated petition to vacate the bridle path easement component of the Existing Easement (the "Bridle Path Easement"), in accordance with applicable Code and state law requirements; and

WHEREAS, the City has provided public notice of the proposed vacation of the Bridle Path Easement in accordance with applicable law; and

WHEREAS, having received a favorable recommendation from the Parks, Trails and Recreation Commission, the Planning and Zoning Commission considered the City-initiated petition for vacation, found that the vacation will serve the public interest, and recommended that the proposed vacation of the Bridle Path Easement be approved by City Council; and

WHEREAS, City Council conducted a public hearing on the proposed vacation of the Bridle Path Easement as required by Section 11-5-50(d) of the Code; and

WHEREAS, City Council finds that the Bridle Path Easement does not contribute to or enhance the City's existing trail system as such easement has no logical or desirable connection to other trails in the City; and

WHEREAS, in consideration of the City's vacation of the Bridle Path Easement, the owner of Lot 4 of the Olson Subdivision has dedicated and constructed a new sixteen foot (16') bridle trail easement on the east side of Lot 4 ("New Bridle Trail Easement") which makes a more logical connection to E. Belleview Avenue on the south and to the existing 16' bridle trail on Lot 3 to the north; and

WHEREAS, City Council has accepted the New Bridle Trail Easement via adoption of Resolution 6, Series 2018 ("Bridle Easement Dedication Resolution"); and

WHEREAS, City Council finds the goals of the 2008 Master Plan to preserve the existing Village trail system and design and pursue opportunities to enhance and expand the trail system will be upheld through dedication of the New Bridle Trail Easement (defined herein); and

WHEREAS, City Council desires to approve the vacation of the Bridle Path Easement; and

WHEREAS, in accordance with Section 11-5-50(f)(1) of the Code, the City Council has determined that the vacation of the Bridle Path Easement serves the public interest.

NOW, THEREFORE, the Council of the City of Cherry Hills Village, ordains:

MNB050

Section 1. That, contingent upon the Bridle Easement Dedication Resolution being adopted by City Council, the Bridle Path Easement, being that certain sixteen-foot (16') bridle path easement between Lot 3 and Lot 4 of the Olson Subdivision, located entirely within the boundaries of the City of Cherry Hills Village, is hereby vacated.

Section 2. That the utility and drainage components of the Existing Easement shall be retained by the City.

Section 3. In accordance with Section 11-5-60(2) of the Code, ownership of the Bridle Path Easement shall vest with the then-current owners of Lots 3 and 4, Olson Subdivision, as their ownership interests may appear.

Section 4. Following the effective date of this Ordinance, the City Clerk shall file a certified copy of this Ordinance and the Bridle Easement Dedication Resolution in the real property records of Arapahoe County, Colorado.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 3, Series 2018, by the City Council of the City of Cherry Hills Village, Colorado this 20th day of March, 2018.



Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:



Laura Smith, City Clerk



Linda C. Michow, City Attorney

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**CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2018**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE VACATING THE BRIDLE PATH EASEMENT BETWEEN LOTS 3 AND 4 OF THE OLSON SUBDIVISION, ALL LOCATED WITHIN THE CITY OF CHERRY HILLS VILLAGE, ARAPAHOE COUNTY, STATE OF COLORADO

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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