

RESOLUTION NO. 3
SERIES 2018

INTRODUCED BY: KATY BROWN
SECONDED BY: AL BLUM

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
INITIATING THE PROCESS TO VACATE THE BRIDLE PATH EASEMENT
BETWEEN LOTS 3 AND 4 OF THE OLSON SUBDIVISION**

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; 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 rights-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, Section 11-5-30(a) of the Code sets forth that the City Council is authorized to vacate all or any portion of a right-of-way upon the petition of any interested person or upon the City's own initiative; and

WHEREAS, Section 11-5-40(b)(4) of the Code authorizes the City to initiate a vacation of public right-of-way by motion or resolution of the City Council; and

WHEREAS, the City Council desires to initiate the process 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 Council desires to retain the utility easement and drainage easement components of the Existing Easement;

WHEREAS, the City Council further desires that this Resolution shall constitute the City-initiated petition for vacation of the Bridle Path Easement; and

WHEREAS, Section 11-5-40(b)(4) of the Code further requires that "[p]rior to processing a City-initiated petition for vacation of a right-of-way, the City Council shall consider and decide the applicability of the requirements of a formal petition [for vacation] as provided in [Section 11-5-40(b)(1) of the Code]"; and

WHEREAS, the City Council desires to waive all requirements of a formal petition for vacation set forth in Section 11-5-40(b)(1) of the Code, including but not limited to an application letter, the application fee of \$100.00 and \$10,000.00 deposit to cover processing fees, and a current boundary survey; and

WHEREAS, Section 11-5-40(b)(4) of the Code states that a City-initiated petition to vacate a right-of-way shall be processed in accordance with specific procedural requirements set forth in Section 11-5-50 of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE THAT:


Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. The City Council of the City of Cherry Hills Village hereby: (a) confirms that adoption of this Resolution shall constitute the City-initiated petition for vacation of the Bridle Path Easement described with specificity above; (b) waives any and all requirements of a formal petition for vacation set forth in Section 11-5-40(b)(1) of the Code; and (c) instructs City Staff to process the petition for vacation of the Bridle Path Easement in accordance with the specific procedural requirements set forth in Section 11-5-50 of the Code.

Section 3. This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 16th day of January, 2018, by a vote of 6 yes and 0 no.

(SEAL)



Laura Christman, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney