

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 2
SERIES OF 2020**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE
VACATION OF RIGHT OF WAY BETWEEN LOTS 1, 2, 3, 4, 5 AND 6,
BLOCK C, NORTH ADDITION TO THE TOWN OF RIFLE, WITHIN THE
CITY.

WHEREAS, Clyde R. Christianson (hereinafter “Christianson”) owns certain real property described as Lots 1, 2, 3, and 4, Block C, North Addition to the Town of Rifle, as shown on the plat recorded with the Garfield County Clerk and Recorder as Reception No. 926005, and Cassandra Lynn Ford (hereinafter “Ford”) owns certain real property described as Lots 5 and 6, Block C, North Addition to the Town of Rifle, as shown on the plat recorded with the Garfield County Clerk and Recorder as Reception No. 926005 (hereinafter collectively the “Property”) (Christianson and Ford are hereinafter collectively referred to as “Owner”); and

WHEREAS, Owner filed a Petition with the City of Rifle, Colorado, requesting that it vacate the alley right-of-way adjacent to the Property as shown on Exhibit A attached hereto and incorporated herein by this reference (hereinafter “right-of-way vacation”), which right-of-way vacation serves no public transportation purpose; and

WHEREAS, the City shall not vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public, or any public utility; and, in this case, the proposed right-of-way vacation would not jeopardize the public, any public utility, or deny any owner of legal access to their property; provided, however, there is no improved access to some portions of the Property; and

WHEREAS, pursuant to C.R.S. §43-2-303(1)(a), the City Council may vacate any roadway or part thereof located within the corporate limits of the City subject to any provision of the City Charter, the Constitution and the Statutes of the State of Colorado; and

WHEREAS, the City Council finds and determines that the right-of-way vacation is not presently needed for transportation purposes nor will it need to be used by the City or the public.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Vacation and Merger. The right-of-way containing approximately 2,384 square feet shown on Exhibit A is hereby vacated, and this vacated right-of-way shall merge with the adjacent property as provided by C.R.S. §42-3-302.

3. Recordation. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Garfield County by the City.

4. Cost Reimbursement. Owner shall reimburse the City for all legal and engineering fees, expenses, and costs incurred in connection with this right-of-way vacation and Ordinance.

5. Waiver of Defects. In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

INTRODUCED on February 19, 2020, read by title, passed on first reading without amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on March 4, 2020, passed without amendment, approved and ordered published in full as required by Charter.

Dated this 4 day of March, 2020.

CITY OF RIFLE, COLORADO

By: [Signature]
Mayor

ATTEST:

[Signature]
City Clerk



OWNER:

Clyde R. Christianson

Cassandra Lynn Ford

