

**CITY OF RIFLE, COLORADO**  
**ORDINANCE NO. 7**  
**SERIES OF 2020**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE  
VACATION OF A PORTION OF RIGHT OF WAY ADJACENT TO 201  
RAILROAD AVENUE IN THE CITY.

WHEREAS, KMLJ, LLC (hereinafter “Owner”) owns certain real property located at 201 Railroad Avenue within the City of Rifle (hereinafter the “Property”) developed with a building known as the Rifle House; and

WHEREAS, the Rife House was built in 1890 and current survey data shows it encroaching 1.4 to 1.7 feet into the Railroad Avenue right-of-way; and

WHEREAS, Owner filed a Petition with the City of Rifle, Colorado, requesting that it vacate the right-of-way adjacent to the Property as shown on the Amended Final Plat, Rifle House depicted 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; however, in this case, the proposed right-of-way vacation would not jeopardize the public, any public utility, or deny any owner of access to their 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 adjacent to the Property as shown on the Amended Final Plat, Rifle House depicted 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 July 15, 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 August 5, 2020, passed without amendment, approved and ordered published in full as required by Charter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF RIFLE, COLORADO

By: \_\_\_\_\_

Mayor *7/20/20*

ATTEST:

*Kathy Pall*  
City Clerk



OWNER:  
KMLJ, LLC

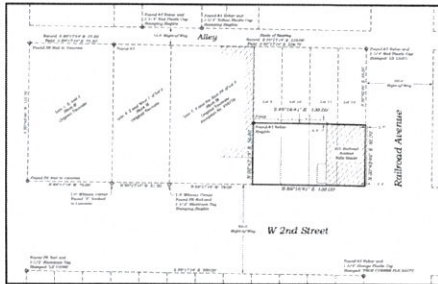
\_\_\_\_\_  
John W. Savage, Authorized Representative

EXHIBIT A

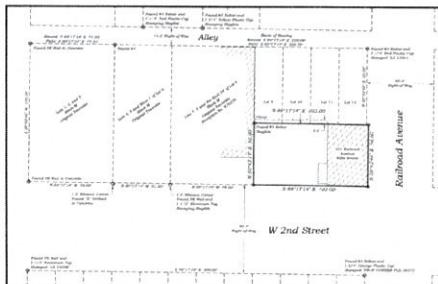
Amended Final Plat  
**RIFLE HOUSE**

The South 56' of Lots 9, 10, 11 and 12, Block M, Town (Now City) of Rifle  
Parcels of Land Situate in the NW1/4 of Section 16, Township 6 South, Range 93 West of the 6th P.M.  
City of Rifle, County of Garfield, State of Colorado

As Platted



As Amended



**CERTIFICATE OF LEGALITY AND CORRECTNESS**  
I, the undersigned, being duly qualified and sworn, do hereby certify that the above and foregoing plat of the RIFLE HOUSE, as amended, is a true and correct copy of the original plat on file in the office of the County Clerk of Garfield County, Colorado, and that the same complies with all the provisions of the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land.

**CITY OF RIFLE, COLORADO**  
I, \_\_\_\_\_, Mayor of the City of Rifle, Colorado, do hereby certify that the above and foregoing plat of the RIFLE HOUSE, as amended, is a true and correct copy of the original plat on file in the office of the County Clerk of Garfield County, Colorado, and that the same complies with all the provisions of the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land.

**STATE OF COLORADO**  
I, \_\_\_\_\_, County Clerk of Garfield County, Colorado, do hereby certify that the above and foregoing plat of the RIFLE HOUSE, as amended, is a true and correct copy of the original plat on file in the office of the County Clerk of Garfield County, Colorado, and that the same complies with all the provisions of the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land, and that the same is in accordance with the laws of the State of Colorado relating to the platting of land.