

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 18
SERIES OF 2022**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE
VACATION OF A PORTION OF RIGHT OF WAY ADJACENT TO 236 EAST
1ST STREET IN THE CITY.

WHEREAS, Michael Langhorne (hereinafter "Owner") owns certain real property located at 236 East 1st Street within the City of Rifle (hereinafter the "Property"); and

WHEREAS, Owner filed a Petition with the City of Rifle, Colorado, requesting that it vacate a portion of the White River Avenue right-of-way adjacent to the Property as depicted on Exhibit A attached hereto and incorporated herein by this reference (hereinafter "right-of-way vacation"); and

WHEREAS, the City constructed improvements to Whiteriver Avenue that included a retaining wall after which the right-of-way vacation serves no public transportation purpose; and

WHEREAS, the City installed a fire hydrant on the southeast corner of the Property and Owner is willing to convey that area also shown on Exhibit A (the "Fire Hydrant Area") to the City to square off the Property; 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 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. Acceptance of Fire Hydrant Area. The City Council hereby accepts the conveyance of the Fire Hydrant Area from Owner to the City which will occur by separate quit claim deed and recorded with the Office of the Clerk and Recorder of Garfield County by the City.

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 September 7, 2022, 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 September 21, 2022, passed without amendment, approved and ordered published in full as required by Charter.

Dated this 21 day of September, 2022.

CITY OF RIFLE, COLORADO

By:

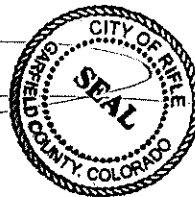


Mayor


ATTEST:



City Clerk



OWNER:

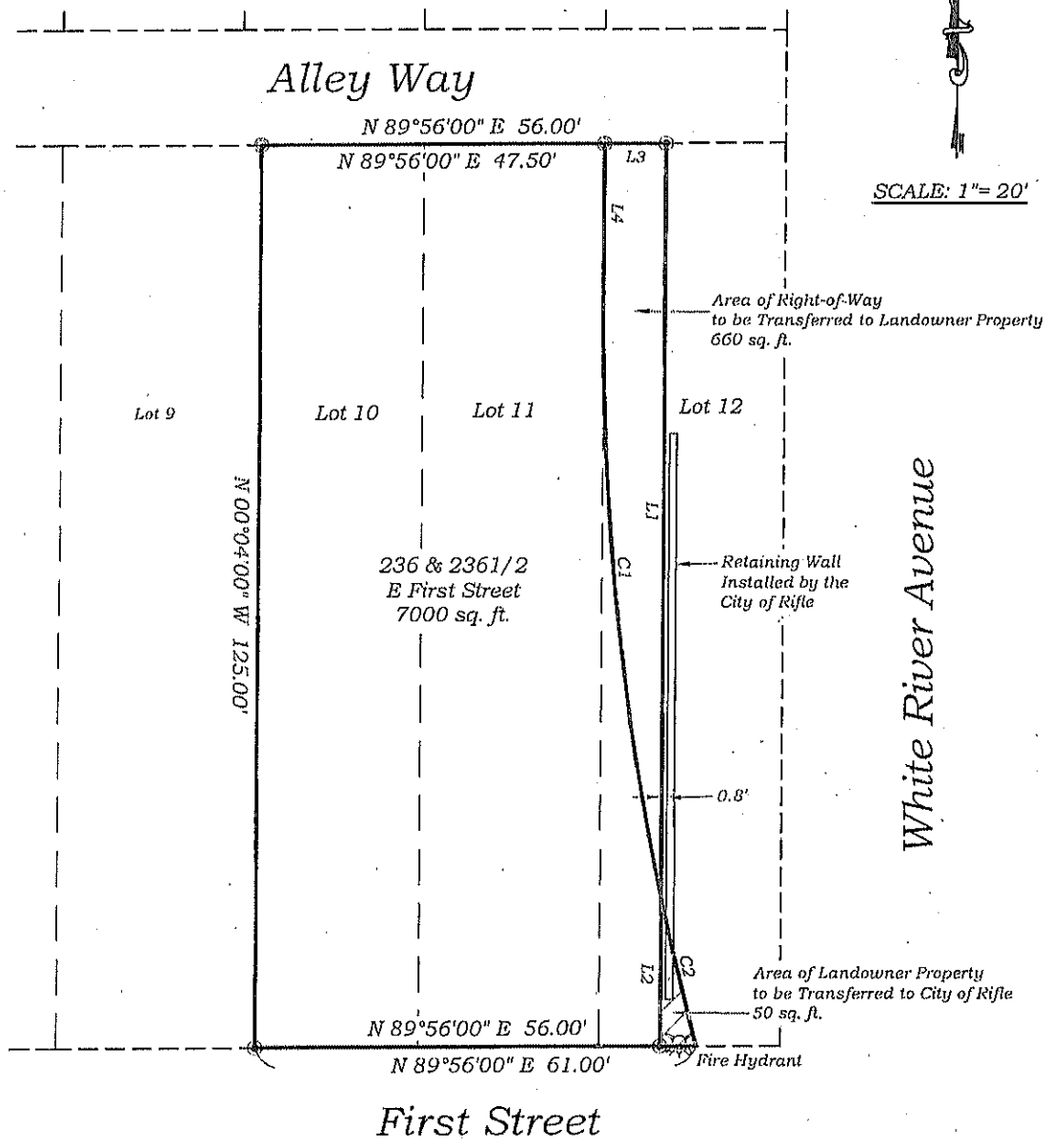


Michael Langhorne

EXHIBIT A



SCALE: 1" = 20'



First Street

LEGEND

Found #5 Rebar ○

Set 18" #5 Rebar and
1-1/4" Orange Plastic Cap
Stamped "PROP CORNER PLS 36572" ●

LINE	BEARING	DISTANCE
L1	N 00°04'00" W	104.33'
L2	N 00°04'00" W	20.67'
L3	S 89°56'00" W	8.50'
L4	S 00°04'00" E	19.30'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	388.10'	85.63'	85.45'	S 05°46'31" E	12°38'29"
C2	388.10'	21.27'	21.27'	S 13°39'57" E	3°08'23"

136 East Third Street
Rifle, Colorado 81650
Ph. (970) 625-1330
Fax (970) 625-2773

BOOKCLIFF
Survey Services, Inc.

DATE: AUGUST 30, 2022

JOB NO: 236 E 1ST

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EXHIBIT A