

ORDINANCE NO. 699

AN ORDINANCE VACATING THE EASEMENTS FOR WATER AND SEWER UTILITY EASEMENTS WITHIN BLOCKS 16 & 17, AND A PORTION OF THE PLATTED WEST JEFFERSON AVENUE ROAD RIGHT-OF-WAY AS DESCRIBED IN EXHIBIT A, ALL LOCATED IN THE FIRST ADDITION OF THE WEST HAYDEN TOWNSITE COMPANY PLAT, FILE #1386; PROVIDING AN EFFECTIVE DATE

RECITALS

WHEREAS, certain water and sewer line easements were reserved in Blocks 16 & 17, First Addition of the West Hayden Townsite Company plat when the roads and alleys in said Blocks 16 & 17, among others, were vacated by Ordinance No. 51 recorded in the official records of the Routt County Clerk and Recorder at Book 456 at Page 447 and at Book 207 at Page 516 (the "Easements"); and

WHEREAS, a portion of West Jefferson Avenue, platted when the First Addition of the West Hayden Townsite Company plat was approved and filed at File #1386, has never been developed or used as a road right-of-way; and

WHEREAS, the Hayden School District RE-1 (the "District") has requested that the Town of Hayden (the "Town") vacate the Easements in Blocks 16 & 17, and that portion of West Jefferson Avenue as described in Exhibit A attached hereto, all located in the First Addition of the West Hayden Townsite Company plat, (the "Vacated Areas"); and

WHEREAS, the Hayden Town Council (the "Council") held a public hearing on the request to vacate the Vacated Areas on October 15, 2020; and

WHEREAS, the Council found that the approval of the vacation of the Vacated Areas is not contrary to the applicable provisions of Hayden Development Code or Section 43-2-301, et seq, Colorado Revised Statutes; and,

WHEREAS, the Council found that the approval of the vacation of the Vacated Areas will not leave any adjoining land without established public road access and it is appropriate to proceed with the vacation of the Easements in Blocks 16 & 17 and the portion of West Jefferson Avenue as proposed subject to conditions; and

WHEREAS, the Hayden Development Code requires that any ordinance vacating a right-of-way shall authorize the Mayor or other designee to execute quit claim deeds on behalf of the Town, which quit claim deeds shall reference any exceptions, easements or reservations of the vacation and such quit claim deeds shall be recorded in the office of the Routt County Clerk and Recorder.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THE FOLLOWING:

**Section 1. Vacation.** The water and sewer line easements reserved in Blocks 16 & 17, First Addition of the West Hayden Townsite Company plat by Ordinance No. 51 recorded in the official records of the Routt County Clerk and Recorder at Book 456 at Page 447 and at Book 207 at Page 516 and the portion of West Jefferson Avenue as described in Exhibit A attached hereto are hereby vacated.

**Section 2. Authorized Execution of Quit Claim Deeds.** The Mayor is authorized to execute a quit claim deed on behalf of the Town and the Applicants and such quit claim deed shall be recorded in the office of the Routt County Clerk and Recorder.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Effective Date.** This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect immediately after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 5. Public Hearing.** A public hearing on this Ordinance will be held on the 3rd day of December, 2020, at the regular meeting of the Hayden Town Council beginning at 7 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 19<sup>TH</sup> DAY OF NOVEMBER, 2020.

  
\_\_\_\_\_  
Zachary Wuestewald, Mayor

ATTEST

  
\_\_\_\_\_  
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 3RD DAY OF DECEMBER, 2020.

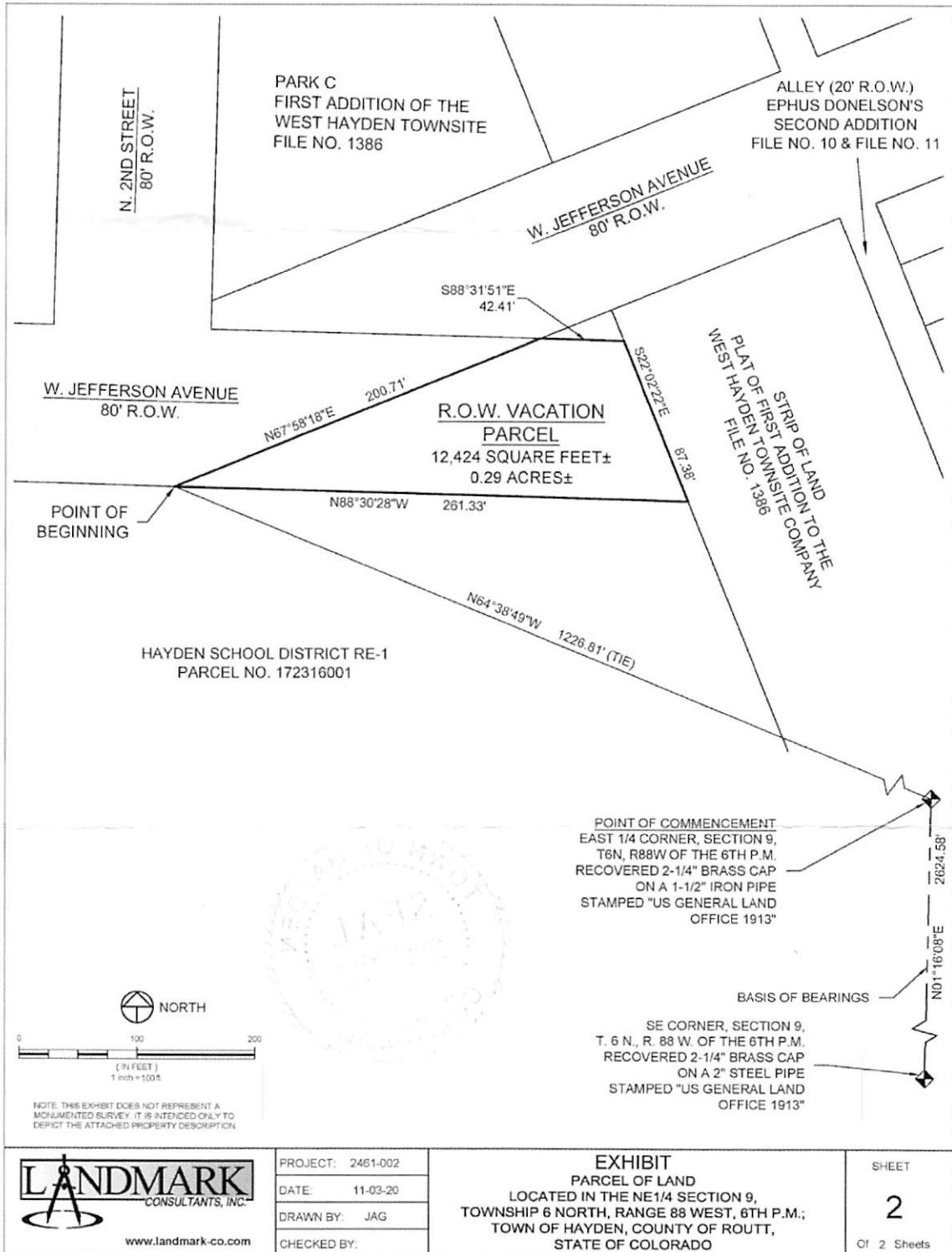
  
\_\_\_\_\_  
Zachary Wuestewald, Mayor

ATTEST

  
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Sharon Johnson, Town Clerk



EXHIBIT A



PROJECT: 2461-002  
 DATE: 11-03-20  
 DRAWN BY: JAG  
 CHECKED BY:

**EXHIBIT**  
 PARCEL OF LAND  
 LOCATED IN THE NE1/4 SECTION 9,  
 TOWNSHIP 6 NORTH, RANGE 88 WEST, 6TH P.M.;  
 TOWN OF HAYDEN, COUNTY OF ROUNT,  
 STATE OF COLORADO

SHEET  
**2**  
 Of 2 Sheets