ORDINANCE NO. 694

AN ORDINANCE VACATING A PORTION OF EAST LINCOLN AVENUE ADJACENT TO 198 E LINCOLN AVENUE AND 200 N WALNUT STREET AS DESCRIBED IN ATTACHMENT 1 ATTACHED HERETO, RESERVING AN OVERHEAD ELECTRIC UTILITY EASEMENT TO THE TOWN OF HAYDEN ON BEHALF OF THE PUBLIC AS DESCRIBED IN QUIT CLAIM DEEDS AND AS SHOWN AND NOTED ON THE HAYDEN GRANARY FINAL PLAT WHICH ARE RECORDED IN THE RECORDS OF THE ROUTT COUNTY CLERK AND RECORDER, AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED ON BEHALF OF THE TOWN, AND PROVIDING AN EFFECTIVE DATE

RECITALS

1. 200 Walnut Granary LLC and Hayden Granary LLC (the “Applicants”) have requested that the Town of Hayden (the “Town”) vacate a portion of E Lincoln Avenue adjacent to 198 E Lincoln Avenue and 200 N Walnut Street as described in Attachment 1 attached hereto (the “Vacated Area”); and

2. The Hayden Town Council (the “Council”) held a public hearing on the request to vacate the Vacated Area on March 5, 2020; and

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

4. The Council found that the approval of the vacation of the Vacated Area will not leave any adjoining land without established public road access and it is appropriate to proceed with the road right-of-way vacation of the proposed portion of E Lincoln Avenue as proposed subject to conditions; and

5. The Council determined there is a need to reserve a 15 foot wide overhead electric utility easement for the maintenance, repair and construction of electric utilities within the Vacated Area; and

6. 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:
Section 1. Vacation. The portion of E Lincoln Avenue as described in Attachment 1 is hereby vacated, subject to and reserving in the Town an overhead electric utility easement as such is described in those Quit Claim Deeds recorded in the records of the Routt County Clerk and Recorder at Reception No. __________ and Reception No. __________ and as shown and noted on the Hayden Granary Final Plat, File No. __________ at Reception No. __________ ____ (the "Easement").

Section 2. Authorized Execution of Quit Claim Deeds. The Mayor is authorized to execute quit claim deeds on behalf of the Town and the Applicants referencing the reservation of the Easement and such quit claim deeds 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 5th day of March, 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 20TH DAY OF FEBRUARY, 2020.

J. Timothy Redmond

Mayor

Sharon Johnson

Town Clerk

ATTEST

SEAL
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 5th DAY OF MARCH, 2020.

Mayor
J. Timothy Redmond

ATTEST

Town Clerk
Sharon Johnson

SEAL
TOWN OF HAYDEN
IN COLORADO
INCORPORATED
MARCH 13, 1908
ATTACHMENT 1

DOWLING LAND SURVEYORS, LLC
P.O. BOX 954
HAYDEN, COLORADO 81639
(970) 276-3613
dowling@plotz.biz

LEGAL DESCRIPTION  LINCOLN AVENUE/GRANARY VACATION  JANUARY 7, 2020

A tract of land located in Lincoln Avenue, adjacent to the South line of the North Hayden Addition to the Town of Hayden, further being portions of the NW1/4 NW1/4 of Section 10 and of the NE1/4 NE1/4 of Section 9, all T6N R88W, 6th P.M., Routt County, Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of said North Hayden Addition, further being on the Easterly line of Walnut Street; thence S 22°03'00" E along the projected East line of Walnut Street a distance of 20.00 feet; thence N 67°57'00" E, parallel and twenty (20) feet distant from said South line of the North Hayden Addition a distance of 393.13 feet, to a point on the Southerly line of a License and Agreement (Town of Hayden/Meacham September 16, 1999); thence N 69°47'43" E along said Southerly line a distance of 136.77 feet, to a point on the projected North line of said North Hayden Addition; thence S 81°30'22" W along said projected line a distance of 104.11 feet, to the Northeast Corner of said Addition; thence S 67°57'00" W along the South line of the North Hayden Addition and the North line of Lincoln Avenue a distance of 428.62 feet, to the POINT OF BEGINNING, containing 9662.6 Sq. Feet or 0.222 Acres, more or less.

Bearings based on the monumented North line of Block 4, Original Town of Hayden, the Northwest Corner being a rebar with plastic cap, TS&T, and the Northeast Corner being a No. 4 rebar, with illegible plastic cap · N 67°57'00" E.