

**TOWN OF RED CLIFF, COLORADO
ORDINANCE NO. 1, SERIES 2019**

**AN ORDINANCE OF THE TOWN OF RED CLIFF, COLORADO,
BOARD OF TRUSTEES VACATING A PORTION OF THE RIGHT
OF WAY FOR EAGLE STREET.**

WHEREAS, Ruby and Gloria Medina (“Owners”) are the owners of certain real property in the Town of Red Cliff (“Town”) described as Lot 58, Block B, and a Lots 1-3, Block C, according to the Plat of The Town of Red Cliff, Eagle County, Colorado, recorded at Reception No. 874 (the “Property”); and

WHEREAS, the home located on the Property is within a portion of the right-of-way for Eagle Street, which is owned by the Town; and

WHEREAS, the Town has agreed to vacate approximately 279 square feet (.007 acres) of the Eagle Street right-of-way legally described and shown on Exhibit “A” attached hereto and incorporated herein by reference to reconcile the existing use on the Property; and

WHEREAS, Owners have submitted a lot line adjustment application (“Application”) to the Town to combine the lots that compose the Property with the right-of-way to be vacated by the Town; and

WHEREAS, pursuant to C.R.S. § 43-2-303, the Town Board of Trustees (“Board”) has the authority to vacate, by ordinance, any roadway or part thereof located within the corporate limits of the Town; and

WHEREAS, the Board finds and determines that the portion of the right-of-way requested to be vacated is not presently needed, nor will it be needed in the future, for any municipal purpose, and that the land adjoining the vacated portion of the right-of-way has an established public road or private-access easement connecting said land with another established public road; and

WHEREAS, the Board now desires to vacate that portion of Eagle Street described herein subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town of Red Cliff Board of Trustees.
2. Right-of-Way Vacation. The Board hereby approves the vacation of that portion of the Eagle Street right-of-way described and depicted on Exhibit A. This vacation shall be effective on the date this fully-executed Ordinance and Exhibit A are

recorded, and title to the property vacated hereby shall vest in the Owners. Once title to the vacated right-of-way area vests in Owners, the Town will process and review Owners' the pending Application.

3. Reserved Easements. Notwithstanding the vacation approved by Section 2 of this Ordinance, the Town reserves for itself a five-foot wide utility and maintenance easement as shown on the proposed plat submitted as part of the Application. The Owners shall dedicate such easement to the Town on said plat, which shall be recorded upon final approval of the Application.

4. Agreement. The Owners' signatures below shall constitute their agreement with the foregoing conditions and the findings, terms, and provisions of this Ordinance.

5. Repeal. Any ordinance of the Town of Red Cliff or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

6. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, and the remainder of this Ordinance shall continue in full force and effect.

7. Effective Date. Pursuant to C.R.S. § 31-16-105, this Ordinance shall become effective thirty (30) days after publication following final passage hereof.

INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED POSTED IN FULL THIS 7th DAY OF MAY, 2019. A public hearing on the SECOND READING of this Ordinance No. 1, Series 2019, will be held at the regular meeting of the Board of Trustees of the Town of Red Cliff on the 21st day of May, 2019, at 7:00 p.m. in the Town Hall of the Town of Red Cliff.

BOARD OF TRUSTEES OF TOWN OF
RED CLIFF, COLORADO



Duke Gerber, Mayor

ATTEST:



Barb Smith, Town Clerk

ADOPTED AND ORDERED PUBLISHED by a vote of 6 to 0 at a duly noticed public meeting held by the Town of Red Cliff Board of Trustees this 14th day of May, 2019.



BOARD OF TRUSTEES OF THE TOWN
OF RED CLIFF, COLORADO

Duke Gerber, Mayor

ATTEST:

Barb Smith, Town Clerk

AGREED:

Ruby Medina

Gloria Medina

LEGAL EXHIBIT
LEGAL DESCRIPTION FOR A PORTION
OF EAGLE STREET RIGHT-OF-WAY

A portion of the Eagle Street right-of-way according to the Plat of the Town of Red Cliff recorded December 18, 1883 under Reception No. 874 in the Office of the Clerk and Recorder, County of Eagle, State of Colorado and more particularly described as follows.

Commencing at the Town of Red Cliff Town Site Corner #3 being a found 2" pipe 0.4' above the ground from which Town of Red Cliff Town Site Corner #2 being a 2" pipe 0.9' above the ground bears N09°53'51"W a distance of 1066.98 feet; thence N67°57'27"W a distance of 88.05 feet to the southwest corner of Lot 58, Block B and the True Point of Beginning;

Thence S85°01'30"W a distance of 34.09 feet along the north line of the Bridge Street right-of-way; thence departing the north line of the Bridge Street right-of-way N09°06'19"E a distance of 7.97 feet to a point on the extension of the property line between Lot 57 and Lot 58; thence N79°57'20"E a distance of 31.34 feet to the northwest corner of Lot 58; thence S10°02'40"E a distance of 10.55 feet along the west line of Lot 58 to the True Point of Beginning.

Parcel A contains 297 square feet (0.007 acres) more or less.

VAIL VALLEY OFFICE

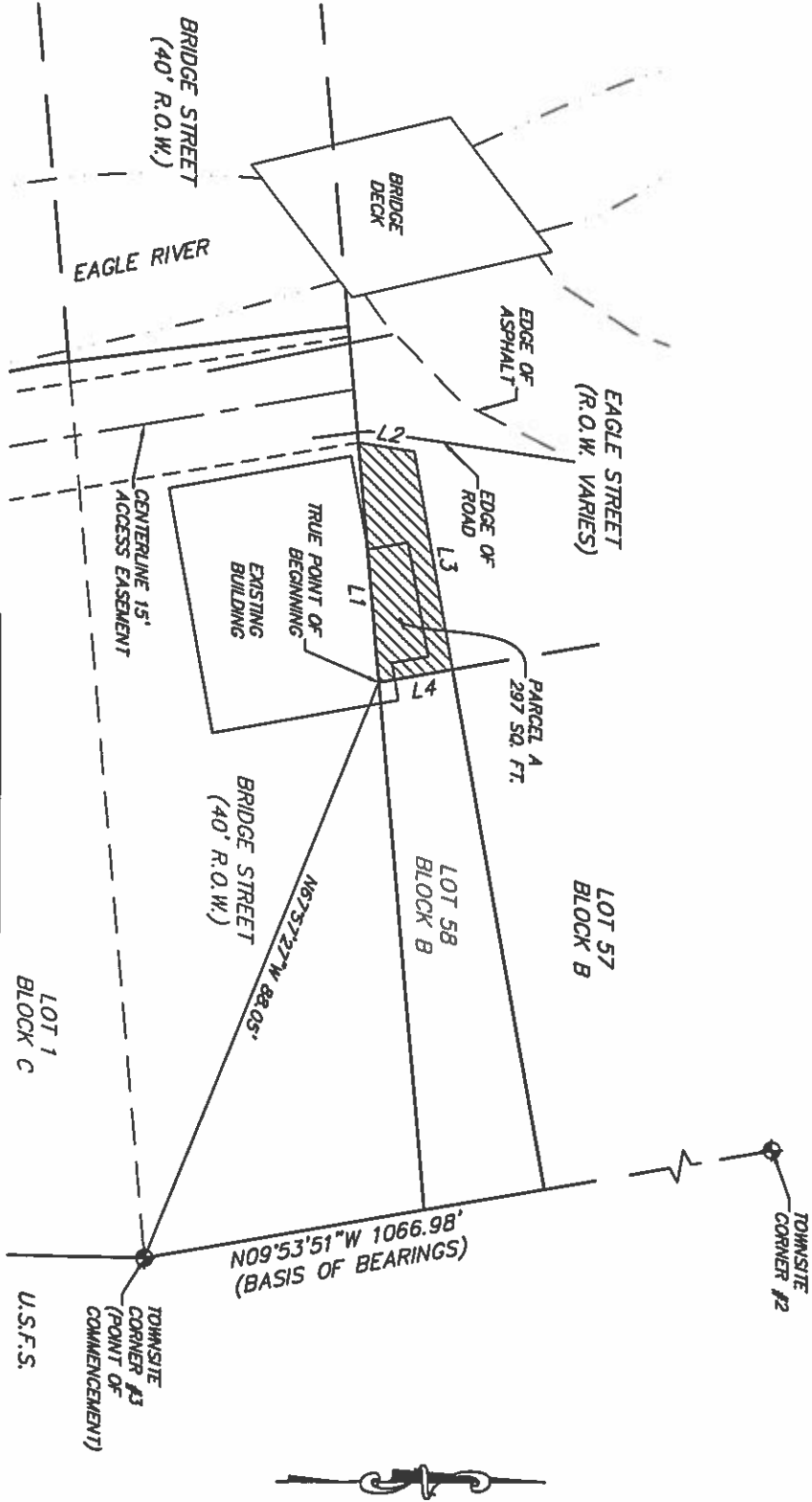
30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | info@inter-mtn.net

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



LINE TABLE		
LINE	BEARING	LENGTH
L1	$S85^{\circ}01'30''W$	34.09'
L2	$N9^{\circ}06'19''E$	7.97'
L3	$N79^{\circ}57'20''E$	31.34'
L4	$S10^{\circ}02'40''E$	10.55'

NOTE: THIS DOCUMENT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

PROJECT NO.	18-0094
DATE SURVEYED	1-30-18
SCALE	1"=20'
GRAPHIC	SP7
PROJECT	A

LEGAL EXHIBIT
 EAGLE STREET RIGHT-OF-WAY
 TOWN OF RED CLIFF
 COUNTY OF EAGLE, STATE OF COLORADO

Inter-Mountain ENGINEERING
 Civil Engineers & Surveyors
 P.O. BOX 978, AVON, CO 81620 P.H. (970)945-8772 FAX: (970)945-8239
 6011 BROOK HILL LANE, LONG TREK, CO 80134 EMAIL: INFO@INTERMOUNTAIN-ENG.COM