

ORDINANCE NO. 18-130

AN ORDINANCE VACATING PORTIONS OF PUBLIC RIGHTS-OF-WAY KNOWN AS MOUNT WASHINGTON AVENUE, SAINT ELMO COURT, AND ADJACENT PUBLIC ALLEYS CONSISTING OF 2.145 ACRES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council hereby finds, determines and declares that it is in the best interest of the City and its citizens to vacate and hereby vacates portions of public rights-of-way known as Mount Washington Avenue, Saint Elmo Court, and adjacent public alleys consisting of 2.145 acres, as described in Exhibit A and depicted in Exhibit B, both of which are attached hereto and made a part hereof, subject to the reservations of easements set forth in Section 2, below.

Section 2. Council excepts and reserves from this vacation public utility easements and public improvement and public access easements over, under and through the vacated portions of rights-of-way described in Exhibit A and depicted in Exhibit B, subject to those terms and conditions as set forth in that certain instrument filed in the public records of El Paso County, Colorado at Reception No. 212112548.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.


Introduced, read, passed on first reading and ordered published this 11th day of December, 2018.

Finally passed: January 8th, 2019


Council President

Mayor's Action:

- Approved on January 10, 2018.
- Disapproved on _____, based on the following objections:


Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

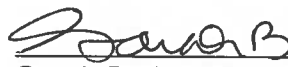

Sarah B. Johnson, City Clerk



TJF

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE VACATING PORTIONS OF PUBLIC RIGHTS-OF-WAY KNOWN AS MOUNT WASHINGTON AVENUE, SAINT ELMO COURT, AND ADJACENT PUBLIC ALLEYS CONSISTING OF 2.145 ACRES” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on December 11th, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8th day of January, 2019, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 10th day of January, 2019.


Sarah B. Johnson, City Clerk



1st Publication Date: December 14th, 2018

2nd Publication Date: January 16th, 2019

Effective Date: January 21st, 2019

Initial: SBS
City Clerk

LEGAL DESCRIPTION:

PARCEL A:

A portion of Mt. Washington Avenue, and the twenty (20') foot public alleys adjacent to Mt. Washington Avenue, as shown upon the plat of Ivywild, recorded under Plat Book A, Page 115 in the Official Records of El Paso County, Colorado, and all of St. Elmo Court as shown upon the Amended Plat of The W.H. Terry's Resubdivision of Lots 4 & 5, Block 4, Ivywild, recorded under Plat Book T, Page 38 of said Official Records, being more particularly described as follows:

BEGINNING at the Southeast corner of that parcel described in Reception No. 217074341 of said Official Records; thence along the Westerly right-of-way line of said Mt. Washington Avenue, N50°46'03"E (Bearings are relative to the South line of Lots 9-12, Block 4, as shown upon the "Plat of Ivywild", recorded at Book A, Page 115 of the El Paso County Official Records, being monumented at the West end by a found No. 4 rebar with an illegible 1-1/4" yellow plastic cap, and at the East end by a found No. 5 rebar with 1-1/4" yellow plastic cap, stamped "ALESSI PLS 30130", and measured to bear N88°50'23"E, a distance of 400.00 feet.), a distance of 227.41 feet; thence N50°39'17"E, a distance of 35.55 feet; thence N49°45'16"E, a distance of 43.95 feet; thence N43°31'29"E, a distance of 153.68 feet, to the most Easterly corner of that parcel described in Reception No. 217026808 of said Official Records; thence along the Southerly right-of-way line of the twenty foot (20') alley adjacent to said parcel, S88°47'35"W, a distance of 142.52 feet; thence S88°42'08"W, a distance of 100.51 feet to the Northeast corner of that parcel described in Reception No. 210016079 of said Official Records; thence leaving said Southerly right-of-way line, N01°17'52"W, a distance of 21.40 feet, to a point lying on the South line of that parcel described in Reception No. 203162086 of said Official Records; thence along the Northerly right-of-way of said alley, N88°49'39"E, a distance of 135.50 feet; thence N88°49'46"E, a distance of 75.00 feet; thence N88°49'39"E, a distance of 51.69 feet, to the Southeast corner of that parcel described in Reception No. 217149462 in said Official Records; thence along the Westerly right-of-way line of said Mt. Washington Avenue, N43°17'36"E, a distance of 168.15 feet; thence N43°17'36"E, a distance of 112.10 feet to the most Easterly corner of that parcel described in Reception No. 217149463 of said Official Records; thence along the Southerly right-of-way line of E. St. Elmo Avenue, as shown upon said Ivywild plat, N88°49'39"E, a distance of 70.06 feet to the most Northwesterly corner of that parcel described in Reception No. 217150967 of said Official Records; thence along the Easterly right-of-way line of said Mt. Washington Avenue, S43°17'36"W, a distance of 349.57 feet, to the most Westerly corner of Lot 6, Block 4, of said Ivywild plat; thence along the Northerly right-of-way line of the twenty foot (20') alley adjacent to said Lot 6, N88°50'23"E, a distance of 275.24 feet to the Southeast corner of that parcel described in Reception No. 217143852 of said Official Records; thence along the Westerly right-of-way line of said St. Elmo Court, thence N00°40'47"W, a distance of 49.95 feet; thence N88°57'13"E, a distance of 20.00 feet; thence N00°40'47"W, a distance of 199.64 feet, to the Northeast corner of that parcel described in said Reception No. 217150967; thence along said Southerly right-of-way line of E. St. Elmo Avenue, N88°49'39"E, a distance of 40.00 feet, to the Northwest corner of that parcel described in Reception No. 210003225 of said Official Records; thence along the Easterly right-of-way line of said St. Elmo Court, S00°40'47"E, a distance of 249.56 feet, to the Southeast corner of that parcel described in Reception No. 216050704 of said Official Records; thence along the Northerly right-of-way line of said adjacent twenty foot (20') public alley, N88°50'23"E, a distance of 80.00 feet; thence N89°02'20"E, a distance of 280.72 feet, to the Southeast corner of that parcel described in Reception No. 1870137 of said Official Records; thence along the Westerly right-of-way line of S. Nevada Avenue as shown upon the plat of Starsmore Subdivision, recorded under Plat Book D4, Page 154 of said Official Records, S00°42'43"W, a distance of 22.02 feet, to the Northeast corner of Lot 1, Block 1 of said Starsmore Subdivision; thence along the Southerly right-of-way line of said adjacent twenty foot (20') public alley, S89°27'08"W, a distance 280.00 feet; thence S88°50'23"W, a distance of 399.99 feet; thence S88°43'22"W, a distance of 34.48 feet, to the Northwest corner of that parcel described in Reception No. 206101026 of said Official Records; thence along the Easterly right-of-way line of said Mt. Washington Avenue, S43°10'56"W, a distance of 144.88 feet; thence S50°48'31"W, a distance of 72.74 feet; thence S00°38'04"E, a distance of 13.86 feet; thence S00°40'09"E, a distance of 88.01 feet, to the Southwest corner of that parcel described in Reception No. 215105064; thence along the Northerly right-of-way line E. Cheyenne Road as shown upon said Ivywild plat, S88°43'08"W, a distance of 211.10 feet, to the POINT OF BEGINNING.

Containing 75,560 S.F. or 1.735 acres, more or less.

PARCEL B:

A portion of Mt. Washington Avenue as shown upon the plat of Ivywild, recorded under Plat Book A, Page 115, along with a portion of right-of-way dedicated by Book 22, Page 78 of the Official Records of El Paso County, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of that parcel described in Reception No. 200135823 of said Official Records; thence along the Westerly boundary line of said parcel, S43°14'00"W (Bearings are relative to the South line of Lots 9-12, Block 4, as shown upon the "Plat of Ivywild", recorded at Book A, Page 115 of the El Paso County Official Records, being monumented at the West end by a found No. 4 rebar with an illegible 1-1/4" yellow plastic cap, and at the East end by a found No. 5 rebar with 1-1/4" yellow plastic cap, stamped "ALESSI PLS 30130", and measured to bear N88°50'23"E, a distance of 400.00 feet.), a distance of 38.78 feet; thence leaving said Westerly boundary line, N46°46'17"W, a distance of 50.02 feet, to the most Easterly corner of that parcel described in Reception No. 215104781 of said Official Records; thence along the Westerly right-of-way line of said Mt. Washington Avenue, N43°14'50"E, a distance of 194.57 feet; thence N43°17'46"E, a distance of 131.56 feet to a point of curvature; thence along the arc of a non-tangent curve, having a radial bearing of N46°41'14"W, a radius of ten feet (10'), a central angle of 132°55'16", and an arc length of 23.20 feet, to the most Northwesterly corner of that parcel described in Reception No. 215131260 of said Official Records; thence along the Southerly right-of-way line of E. Ramona Avenue, as shown upon said Ivywild plat, S89°35'31"E, a distance 52.45 feet, to a point lying on the Westerly right-of-way line of S. Nevada Avenue, being formerly known as Canon City Road, as shown upon said Ivywild plat; thence along said Westerly right-of-way line, S00°40'06"E, a distance of 40.24 feet, to the most Northerly corner of that parcel described in Reception No. 95014947 of said Official Records; thence along the Easterly right-of-way line of said Mt. Washington Avenue, S43°11'08"W, a distance of 301.37, to the POINT OF BEGINNING.

Containing 17,880 S.F. or 0.410 acres, more or less.

EXHIBIT A

