

ORDINANCE NO. 19-90

AN ORDINANCE VACATING PORTIONS OF A PUBLIC RIGHT-OF-WAY DESCRIBED AS WEST MORENO AVENUE BETWEEN SOUTH SIERRA MADRE STREET AND SAHWATCH STREET AS WELL AS A 30-FOOT WIDE PORTION OF SAHWATCH STREET BETWEEN WEST CIMARRON STREET AND WEST MORENO AVENUE WITHIN ADDITION #1 TO THE TOWN OF COLORADO SPRINGS CONSISTING OF 0.87 OF AN ACRE

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 a public right-of-way described as West Moreno Avenue between South Sierra Madre Street and Sahwatch Street as well as a 30-foot wide portion of Sahwatch Street between West Cimarron Street and West Moreno Avenue within Addition #1 to the Town of Colorado Springs consisting of 0.87 of an acre, 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 easement set forth in Section 2, below.

Section 2. Council accepts and reserves from this vacation public utility easements over, under and through the vacated portion of right-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, except Dual Easements as defined by City Code section 7.7.607.

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 12th day of November, 2019.

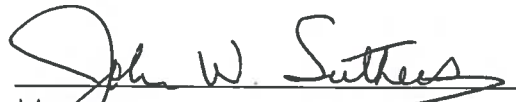
Finally passed: December 5th, 2019



Council President

Mayor's Action:

- Approved on 12/6/2019.
- 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



COS: 
CAO: _____

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE VACATING PORTIONS OF A PUBLIC RIGHT-OF-WAY DESCRIBED AS WEST MORENO AVENUE BETWEEN SOUTH SIERRA MADRE STREET AND SAHWATCH STREET AS WELL AS A 30-FOOT WIDE PORTION OF SAHWATCH STREET BETWEEN WEST CIMARRON STREET AND WEST MORENO AVENUE WITHIN ADDITION #1 TO THE TOWN OF COLORADO SPRINGS CONSISTING OF 0.87 OF AN ACRE” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on November 12th, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 5th day of December, 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 9th day of December, 2019.


Sarah B. Johnson, City Clerk



1st Publication Date: November 15th, 2019

2nd Publication Date: December 13th, 2019

Effective Date: December 18th, 2019

Initial: SBJ
City Clerk



619 N. Cascade Avenue, Suite 200 (719) 785-0790
Colorado Springs, Colorado 80903 (719) 785-0799 (Fax)

LEGAL DESCRIPTION: RIGHT OF WAY VACATION MORENO AVENUE AND SAWATCH STREET

PORTIONS OF MORENO AVENUE AND SAWATCH STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A, AT PAGE 7 RECORDS OF EL PASO COUNTY COLORADO, LYING IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WESTERLY BOUNDARY OF LINVILLE SUBDIVISION FILING NO. 1 RECORDED IN PLAT BOOK Z-2 AT PAGE 38 RECORDS OF EL PASO COUNTY, COLORADO AND THE WESTERLY BOUNDARY OF WHITE, WOLFE & SWEETS SUBDIVISION OF BLOCKS NUMBER 259 AND 260 IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 61 BEING ALSO A PORTION OF THE EASTERLY RIGHT OF WAY LINE OF SIERRA MADRE STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, BEING MONUMENTED AT THE NORTHERLY END AT THE NORTHWESTERLY CORNER OF LOT 16 AS PLATTED IN SAID WHITE, WOLFE & SWEETS SUBDIVISION OF BLOCKS NUMBER 259 AND 260 IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS BY AN ILLEGIBLE 1 1/2" ALUMINUM SURVEYORS CAP FLUSH WITH THE GROUND AND THE SOUTHERLY END, AT THE SOUTHEASTERLY CORNER OF LOT 1 BLOCK 1 AS PLATTED IN SAID LINVILLE SUBDIVISION FILING NO. 1 BY A 1 1/4" YELLOW PLASTIC SURVEYORS CAP PLS 30130 FLUSH WITH THE GROUND IS ASSUMED TO BEAR S01°53'02"W, A DISTANCE OF 338.86 FEET.

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 16 AS PLATTED IN SAID WHITE, WOLFE & SWEETS SUBDIVISION OF BLOCKS NUMBER 259 AND 260 IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS RECORDED IN PLAT BOOK A AT PAGE 61 RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF SIERRA MADRE STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, RECORDED IN PLAT BOOK A AT PAGE 7 SAID POINT BEING THE POINT OF BEGINNING;

THENCE N01°53'02"E, ON THE EASTERLY RIGHT OF WAY LINE OF SAID SIERRA MADRE STREET, A DISTANCE OF 57.00 FEET TO THE SOUTHWESTERLY CORNER OF A RIGHT OF WAY VACATION RECORDED IN BOOK 2726 AT PAGE 996;
THENCE S88°04'14"E, ON THE SOUTHERLY LINE OF SAID RIGHT OF WAY VACATION, A DISTANCE OF 400.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID VACATION;
THENCE N01°55'00"E, ON THE EASTERLY LINE OF SAID RIGHT OF WAY VACATION, THE EASTERLY LINE OF A RIGHT OF WAY VACATION RECORDED IN BOOK 2583 AT PAGE 787 AND THE EASTERLY BOUNDARY OF BLOCK 263 AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS A DISTANCE OF 442.76 FEET TO THE NORTHEASTERLY CORNER OF SAID BLOCK 263, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF CIMARRON STREET AS PLATTED IN SAID ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS;
THENCE N88°02'29"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID CIMARRON STREET A DISTANCE OF 30.00 FEET;
THENCE S01°55'00"W, A DISTANCE OF 499.75 FEET;
THENCE N88°04'14"W, A DISTANCE OF 30.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 9 AS PLATTED IN SAID WHITE, WOLFE & SWEETS SUBDIVISION OF BLOCKS NUMBER 259 AND 260 IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS;
THENCE N88°04'14"W, ON THE NORTHERLY BOUNDARY OF LOTS 9 THROUGH 16 AS PLATTED IN SAID WHITE, WOLFE & SWEETS SUBDIVISION OF BLOCKS NUMBER 259 AND 260 IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS A DISTANCE OF 399.97 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 37,792 SQUARE FEET

LEGAL DESCRIPTION STATEMENT:

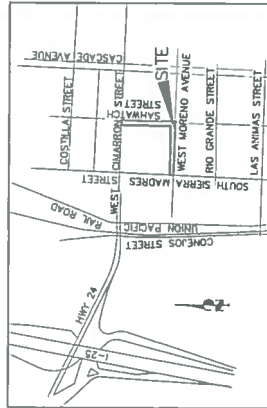
I, DOUGLAS P. REINER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE OF INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINER, LICENSED PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30218
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

MARCH 21, 2019
DATE

MORENO AVENUE AND SAHWATCH STREET VACATION
VACATION PLAT
A VACATION OF A PORTIONS OF MORENO AVENUE AND SAHWATCH STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS
RECORDED IN PLAT BOOK A AT PAGE 7, RECORDS OF EL PASO COUNTY, COLORADO, LOCATED IN SECTION 18
TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



NOTARY MAP
 NOT TO SCALE

LEGAL DESCRIPTION: RIGHT OF WAY VACATION MORENO AVENUE AND SAHWATCH STREET PORTIONS OF MORENO AVENUE AND SAHWATCH STREET AS PLATTED IN ADDITION NO. 1 TO THE TOWN OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, LOCATED IN SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAS BEEN HONORABLY AND SOLELY RESPONSIBLE FOR THE PREPARATION OF THE SURVEY AND DRAWING HEREON. I AM RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING AND DRAWING LAYOUT HAS RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY AND DRAWING. I AM NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING MADE BY OTHER SURVEYORS OR ENGINEERS. I HAVE REVIEWED THE SURVEY AND DRAWING AND BELIEVE IT TO BE CORRECT AND ACCURATE AND THAT THE SURVEY AND DRAWING COMPLY WITH THE REQUIREMENTS OF THE COLORADO SURVEYING AND ENGINEERING ACT, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAS BEEN HONORABLY AND SOLELY RESPONSIBLE FOR THE PREPARATION OF THE SURVEY AND DRAWING HEREON. I AM RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING AND DRAWING LAYOUT HAS RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY AND DRAWING. I AM NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING MADE BY OTHER SURVEYORS OR ENGINEERS. I HAVE REVIEWED THE SURVEY AND DRAWING AND BELIEVE IT TO BE CORRECT AND ACCURATE AND THAT THE SURVEY AND DRAWING COMPLY WITH THE REQUIREMENTS OF THE COLORADO SURVEYING AND ENGINEERING ACT, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAS BEEN HONORABLY AND SOLELY RESPONSIBLE FOR THE PREPARATION OF THE SURVEY AND DRAWING HEREON. I AM RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING AND DRAWING LAYOUT HAS RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY AND DRAWING. I AM NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING MADE BY OTHER SURVEYORS OR ENGINEERS. I HAVE REVIEWED THE SURVEY AND DRAWING AND BELIEVE IT TO BE CORRECT AND ACCURATE AND THAT THE SURVEY AND DRAWING COMPLY WITH THE REQUIREMENTS OF THE COLORADO SURVEYING AND ENGINEERING ACT, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAS BEEN HONORABLY AND SOLELY RESPONSIBLE FOR THE PREPARATION OF THE SURVEY AND DRAWING HEREON. I AM RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING AND DRAWING LAYOUT HAS RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY AND DRAWING. I AM NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING MADE BY OTHER SURVEYORS OR ENGINEERS. I HAVE REVIEWED THE SURVEY AND DRAWING AND BELIEVE IT TO BE CORRECT AND ACCURATE AND THAT THE SURVEY AND DRAWING COMPLY WITH THE REQUIREMENTS OF THE COLORADO SURVEYING AND ENGINEERING ACT, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.

GENERAL NOTES:

1. THE DATE OF PREPARATION IS MARCH 21, 2018.
2. NO PORTION OF THIS SITE, MORENO AVENUE AND SAHWATCH STREET VACATION, IS WITHIN A DESIGNATED F.L.M.A. FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, FLOOD INSURANCE RATE PANEL NUMBER 0700C 0720C, EFFECTIVE DECEMBER 7, 2018. (ZONE X)

SURVEYOR'S STATEMENT:

THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HAS BEEN HONORABLY AND SOLELY RESPONSIBLE FOR THE PREPARATION OF THE SURVEY AND DRAWING HEREON. I AM RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING AND DRAWING LAYOUT HAS RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY AND DRAWING. I AM NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY AND DRAWING MADE BY OTHER SURVEYORS OR ENGINEERS. I HAVE REVIEWED THE SURVEY AND DRAWING AND BELIEVE IT TO BE CORRECT AND ACCURATE AND THAT THE SURVEY AND DRAWING COMPLY WITH THE REQUIREMENTS OF THE COLORADO SURVEYING AND ENGINEERING ACT, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND ENGINEERING.

 DATE _____
 SURVEYOR'S NAME AND ADDRESS

NOTICE:
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON THIS INSTRUMENT WITHIN THE STATUTE OF LIMITATIONS. YOU MUST DECIDE TO SUE OR NOT TO SUE WITHIN THE STATUTE OF LIMITATIONS. IF YOU DO NOT SUE WITHIN THE STATUTE OF LIMITATIONS, YOUR RIGHTS WILL BE BARRED AND YOU WILL NOT BE ABLE TO COMMENCE ANY LEGAL ACTION BASED UPON THIS INSTRUMENT. THE STATUTE OF LIMITATIONS IS TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

BE IT KNOWN BY THESE PRESENTS: MADE AND ADOPTED BY THE CITY COUNCIL PURSUANT TO ORDINANCE NO. 2018-0018, THE CITY OF COLORADO SPRINGS, COLORADO, HAS ADOPTED AND ADOPTS THE ACCOMPANYING VACATION PLAT OF MORENO AVENUE AND SAHWATCH STREET VACATION, EL PASO COUNTY, COLORADO, LOCATED IN SECTION 18, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, AS SHOWN HEREON, BEFORE ME, ON _____ 2018, BY _____ AS CITY CLERK OF THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

CITY APPROVAL: CITY OF COLORADO SPRINGS, THE UNDERSIGNED HEREBY APPROVES FOR THE ACCOMPANYING VACATION PLAT OF MORENO AVENUE AND SAHWATCH STREET VACATION.

MAYOR _____
 ATTEST: _____
 STATE OF COLORADO _____
 COUNTY OF EL PASO _____
 THIS INSTRUMENT IS AS WITNESSED BEFORE ME, ON _____ 2018, BY _____ AS CITY CLERK OF THE CITY OF COLORADO SPRINGS.
 WITNESS MY HAND AND OFFICIAL SEAL.
 NOTARY SIGNATURE _____
 MY COMMISSION EXPIRES _____
 DATE _____
 CITY PLANNING DIRECTOR _____
 DATE _____
 CITY ENGINEER _____
 DATE _____
 UTILITIES EXECUTIVE DIRECTOR _____
 DATE _____

CLERK AND RECORDER:

STATE OF COLORADO }
 COUNTY OF EL PASO }
 I, HERBERT COHEN, THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE OF PUBLIC RECORDS AND INSTRUMENTS ON _____ 2018, AT _____ O'CLOCK _____ M., AND IS NOW RECORDED AT RECEPTION AND INDEXING NUMBER _____ OF _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
 CHUCK BRODHAN, RECORDER
 BY _____ DEPUTY
 FEES: _____
 SURCHARGE: _____

MORENO AVENUE AND
 SAHWATCH STREET VACATION
 JOB NO. 2539.50
 MARCH 21, 2019
 SHEET 1 OF 2

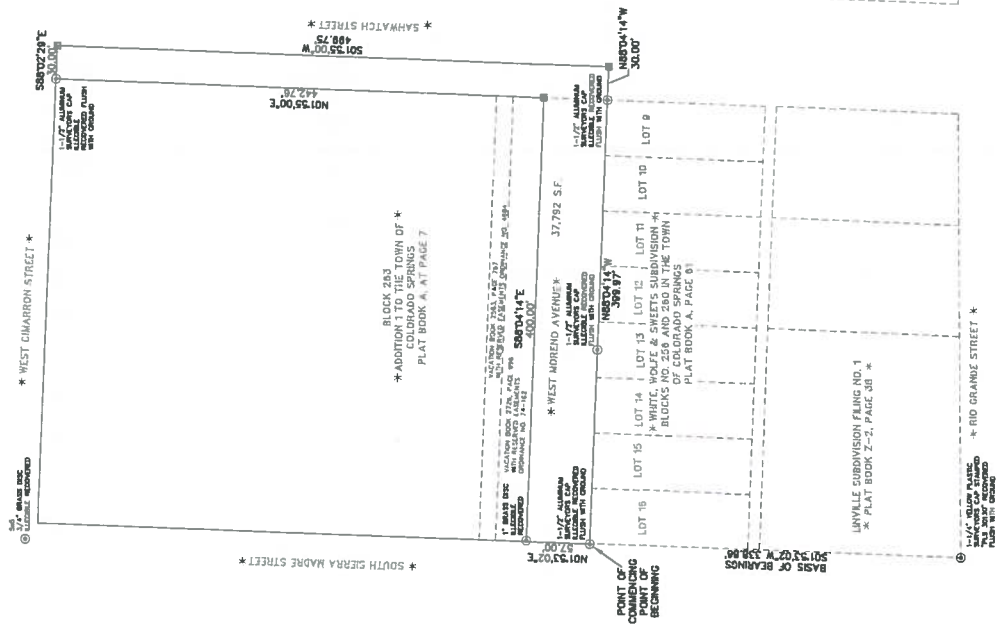
PRELIMINARY
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 PLAT CHECKED



400 N. Colorado Avenue, Suite 1000
 Colorado Springs, Colorado 80903
 (719) 575-4499 (Fax)

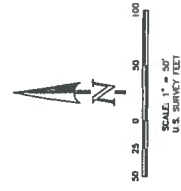
MORENO AVENUE AND SAHWATCH STREET VACATION

VACATION PLAT



LEGEND

- WORKMENT REQUIRED, AS NOTED
- WORKMENT REQUIRED, AS NOTED
- WORKMENT REQUIRED, AS NOTED
- ✕ NOT A PART OF THIS VACATION



MORENO AVENUE AND SAHWATCH STREET VACATION
 JOB NO. 2539 50
 MARCH 21, 2019
 SHEET 2 OF 2

PRELIMINARY
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CLASSIC CONSULTING
 211 N. Santa Ana, Suite 200
 Orange, California 92668
 (714) 951-1111

FIGURE 6