

Ordinance 9, Series 2005

AN ORDINANCE VACATING A PORTION OF ELYSIAN (LOWER TOWN) PARK AND
SETTING ASIDE A PORTION OF THE PARK ADJACENT TO CEMETARY ROAD
AS A PUBLIC THOROUGHFARE AND EMERGENCY VEHICLE TURNOUT

WHEREAS, a portion of Elysian Park (also know as the Lower Park) along Cemetery Street within the Town of Jamestown, County of Boulder, State of Colorado, as shown on the plat recorded in the office of the Boulder County Clerk and Recorder abutting Rose M Lode lot 5 and 6 (Survey 20717), approximately 45 feet by 354 feet in size, 16,269 square feet more or less and has not been used and is not required as a thoroughfare for the public or any other public use.

WHEREAS, none of the said Elysian Park parcel(s) constituted a boundary between two counties, towns or cities and all of it is located within the corporate limits of the Town of Jamestown; and

WHEREAS, no land adjoining the Elysian Park parcel(s) will be left, in the event the parcel is vacated, without an established public road or private access easement connecting such land with another established public road; and

WHEREAS, vacation of the Elysian Park parcel(s) is in accordance with procedures set forth in the Colorado Revised Statutes, Section 43-2-301, et seq., regarding vacation is in the best interest of the Town and its citizens;

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

Section 1. That the Elysian Park parcel (Parcel I on the attached exhibit) is hereby vacated and the title thereto shall vest in the owner of the abutting property in accordance with the law, such parcel more particularly as follows:

A parcel of land being part of Elysian Park, Townsite of Jamestown, Town of Jamestown, County of Boulder, State of Colorado as shown on the plat recorded in the office of the Boulder County Clerk and Recorder and including that portion of the said right of way (Cemetery Street) abutting Rose M Lode lot 5 and 6 (Survey 20717), starting at the northeast corner of lot 6 of the Rose M Lode Subdivision; thence north 19°32'36" east a distance of 5.52 feet; thence north 47°14'31" west a distance of 81.94 feet; thence north 67°27'19" west a distance of 135.26 feet; thence north 52°28'17" west a distance of 55.60 feet; thence south 85°17'37" west a distance of 37.14 feet; thence north 66°08'00" west a distance of 58.43 feet; thence south 18°07'40" west a distance of 60 feet to the northwest corner of lot 5 of said Rose M Lode Subdivision; thence south 71°52'20" east along the north line of said lots 5 & 6, a distance of 354 feet to the point of beginning in accordance with the attached exhibit; said parcel containing 16,269 feet (.037 acres) more or less.

Section 2. All existing easements for public utilities shall not be altered or amended by virtue of this ordinance.

Section 3. In consideration of this vacancy, the owner of the abutting property agrees to pay to the Town the sum of \$4,800.00. In addition, the owner of the abutting property shall reimburse

the Town for the actual cost advertising fees and pay any recording or miscellaneous costs relating to transferring title of the vacated property; except that he may deduct from the sale price survey and recording fees not to exceed \$2,000. The balance owed shall be paid to the town as follows: \$1,400.00 payable upon effect of this ordinance and three equal monthly installments due on the last day of each month following effect of this ordinance. The owner shall submit copies of paid survey and recording fee receipts to offset purchase price.

Section 4. The Town recognizes that Parcel I shall be subdivided between Rose M Subdivision Lots 5 and 6 for the purpose of establishing driveway access for each. Such division is not subject to the Town Subdivision Ordinance.

Section 5. A portion of Elysian Park described as Parcel II on the attached exhibit is hereby dedicated as a public thoroughfare and emergency equipment turn out.

Such parcel is a parcel of land in the northeast $\frac{1}{4}$ of Section 30, Township 2 North, Range 71, west of the 6th P.M. County o Boulder, State of Colorado, being more particularly described as follows:

Commencing at northeast corner of lot 6 of the Rose M Lode Subdivision; thence north 19°32'56" east a distance of 5.52 feet; thence north 47°13'31" west a distance of 81.94 feet; thence north 67°27'19" west a distance of 135.26 feet; thence north 52° 28'17" west a distance of 55.60 feet, to the point of beginning; thence south 85°17'37 west a distance 37.14 feet; thence north 66°08'00" west a distance of 58.43 feet; thence north 09°58'13" west a distance of 20.00 feet; thence north 27°36'48" east a distance 42.19 feet; thence south 43°45'07" east a distance of 107.53 feet to the point of beginning. Said parcel containing 3,523 square feet (0.08 acres) more or less. Rose M. 6, may use the easterly portion of Parcel II, which is public right of way, as driveway access.

Section 6. The Mayor of the Town is hereby authorized to execute such documents as may be necessary to evidence the vacation of the Elysian Park parcels as described in the attached legal description and survey map.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL THIS 5th DAY OF December, 2005.

TOWN OF JAMESTOWN, COLORADO

attest:

KENNETH F. LENARCIC, MAYOR

MARY ELLEN BURCH, TOWN CLERK

CLERK'S NOTE: Ordinance 1, 2006 corrects the legal description in Section 5.

AN ORDINANCE REVISING ORDINANCE 9, SERIES 2005
VACATING A PORTION OF ELYSIAN (LOWER TOWN) PARK AND
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AS A PUBLIC THOROUGHFARE AND EMERGENCY VEHICLE TURNOUT

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WHEREAS, none of the said Elysian Park parcel(s) constituted a boundary between two counties, towns or cities and all of it is located within the corporate limits of the Town of Jamestown; and

WHEREAS, no land adjoining the Elysian Park parcel(s) will be left, in the event the parcel is vacated, without an established public road or private access easement connecting such land with another established public road; and

WHEREAS, vacation of the Elysian Park parcel(s) is in accordance with procedures set forth in the Colorado Revised Statutes, Section 43-2-301, et seq., regarding vacation is in the best interest of the Town and its citizens; and

WHEREAS, the original vacating ordinance contained an error relating to access by lots 5 and 6 to the emergency vehicle turn out area;

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

Section 1. Section 5 of Ordinance 9, Series 2005 is hereby revised as follows:

Section 5. A portion of Elysian Park described as Parcel II on the attached exhibit is hereby dedicated as a public thoroughfare and emergency equipment turn out.

Such parcel is a parcel of land in the northeast $\frac{1}{4}$ of Section 30, Township 2 North, Range 71, west of the 6th P.M. County of Boulder, State of Colorado, being more particularly described as follows:

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Rose M 6, or Rose M 5 may use the easterly portion of Parcel II, which is public right of way, as driveway access.

Section 2. Repeal: All parts of Ordinance #9, Series 2005 in conflict herewith are hereby repealed.

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Section 2. All existing easements for public utilities shall not be altered or amended by virtue of this ordinance.

Section 3. In consideration of this vacancies, the owner of the abutting property agrees to pay to the Town the sum of \$4800.00. In addition, the owner of the abutting property shall reimburse the Town for the actual cost advertising fees and pay any recording or miscellaneous costs relating to transferring title of the vacated property; except that he may deduct from the sale price survey and recording fees not to exceed \$2000. The balance owed shall be paid to the town as follows: \$1400.00 payable upon effect of this ordinance and three equal monthly installments due on the last day of each month following effect of this ordinance. The owner shall submit copies of paid survey and recording fee receipts to offset purchase price.

Section 4. The Town recognizes that Parcel I shall be subdivided between Rose M Subdivision Lots 5 and 6 for the purpose of establishing driveway access for each. Such division is not subject to the Town Subdivision Ordinance.

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TOWN OF JAMESTOWN, COLORADO



KENNETH F. LENARCIC, MAYOR

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MARY ELLEN BURCH, TOWN CLERK