

Ordinance 14, Series 2014

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, Ordinance 9 Series 2005 was adopted on December 5, 2005 and modified by Ordinance 1, Series 2006 which was adopted on January 9, 2006, and

WHEREAS, the ordinances referenced above successfully vacated a portion of Town property which has subsequently been recorded by the County Recorder and is described below; and

WHEREAS, it has been brought to the attention of the Board of Trustees that certain errors in the original ordinances were copied onto the Quit Claim Deed; and

WHEREAS, the Board now wishes to correct the errors and authorize the Town Clerk to issue a corrected Quit Claim Deed; and

WHEREAS, a portion of Elysian Park (also known 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 Lots 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; and

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 Lots 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°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; 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 (.37 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 has paid to the Town the sum of \$4,800.00. In addition the owner of the abutting property has reimbursed the Town for the actual cost of advertising fees an paid recording or miscellaneous costs relating to transferring title of the vacated property; and has deducted from the sale price survey and recording fees as permitted by the original ordinances.

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 X 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:

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

Section 6. All parts of Ordinance 9, 2005 and Ordinance 1, 2006 in conflict herewith are hereby repealed.


Section 7. 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.

Section 8. The Town Clerk is authorized to issue and record a corrected Quit Claim Deed in accordance with the descriptions in this ordinance.


INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY TITLE ONLY THIS 3rd
DAY OF Sept, 2014.

TOWN OF JAMESTOWN, COLORADO

Attest:



MARY ELLEN BURCH, TOWN CLERK



TARA SCHOEDINGER, MAYOR

EXHIBIT

A TRACT OF LAND LOCATED 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

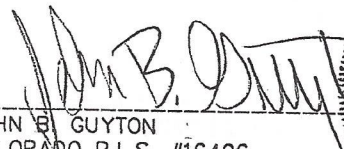
SHEET 1 OF 3

PARCEL II

A PARCEL OF OF LAND LOCATED 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:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 OF THE ROSE M. LODGE 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 OF 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 OF 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 SQ. FT. (0.08 ACRES MORE OR LESS).

I, JOHN B. GUYTON, A REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY
STATE FOR AND ON BEHALF OF FLATIRONS SURVEYING, INC., THAT THIS PARCEL DESCRIPTION AND THE
ATTACHED EXHIBIT BEING MADE A PART HEREOF WERE PREPARED UNDER MY DIRECT SUPERVISION AND
CHECKING, AND ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.


JOHN B. GUYTON
COLORADO P.L.S. #16406
PRESIDENT, FLATIRONS SURVEYING,

DATE 2/2/05
FSI NO. 05-49,582

Flatirons Surveying, Inc.

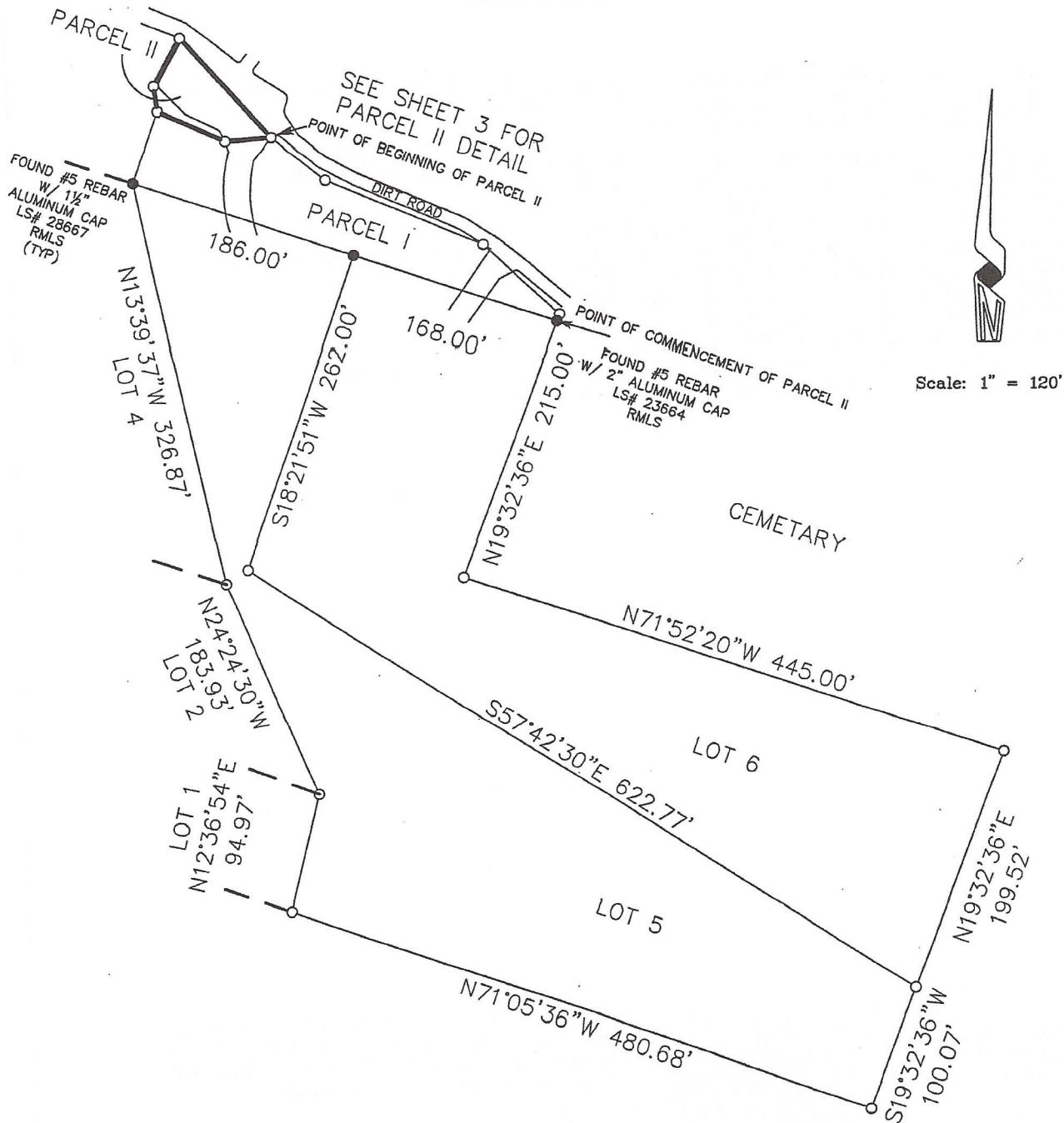
5717 ARAPAHOE RD., BOULDER, CO 80303
(303) 443-7001

FSI JOB NO. 05-49,582

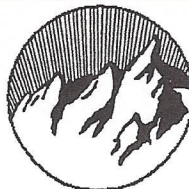
EXHIBIT

A TRACT OF LAND LOCATED IN THE NORTHEAST ¼ OF SECECTION 30,
TOWNSHIP 2 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 3



DATE: 12/01/05
FSI JOB NO. 05-49,582

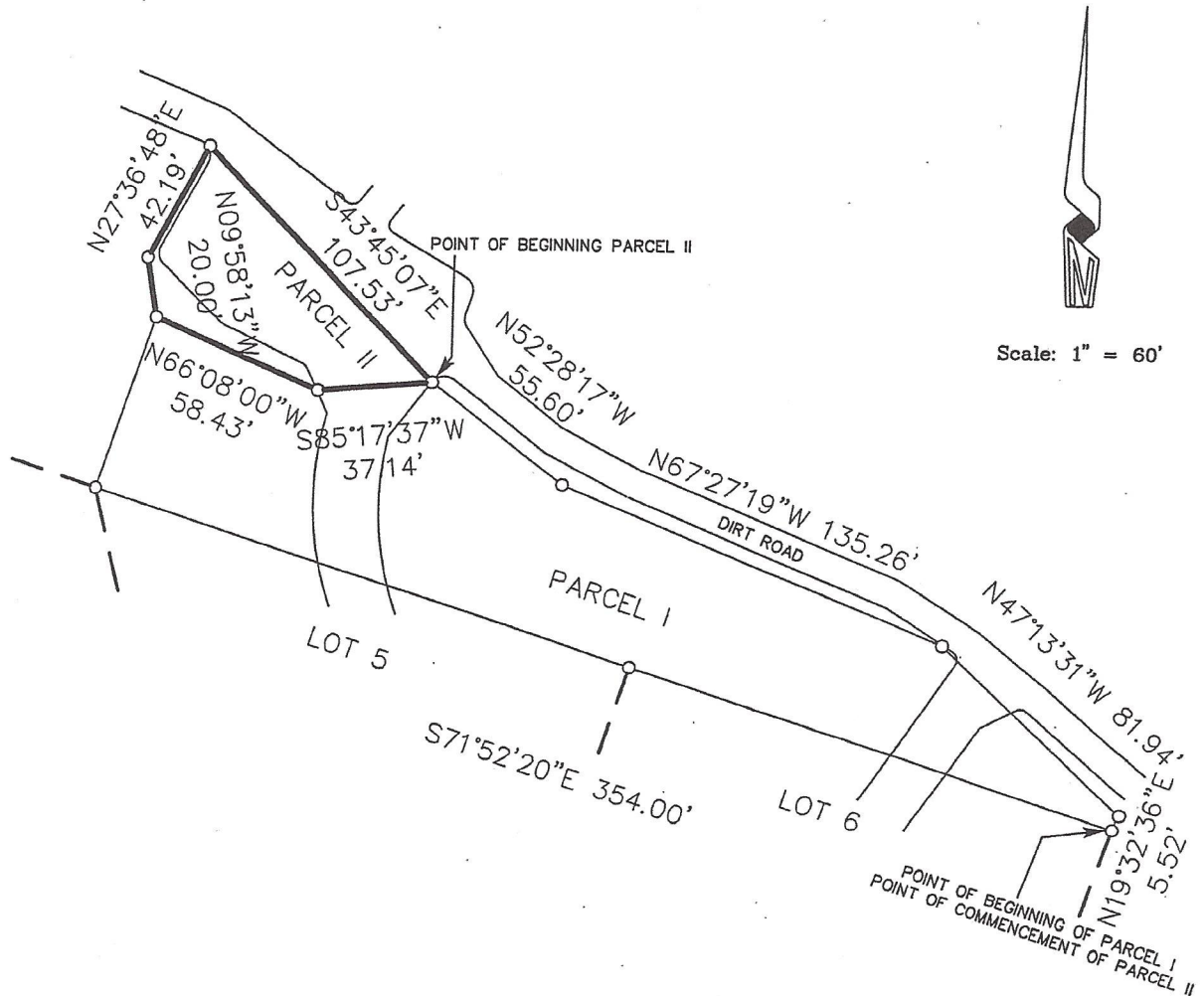


**Flatirons
Surveying, Inc.**

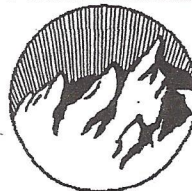
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PHONE: (303) 443-7001
FAX: (303) 443-9830
www.flatsurv.com

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SHEET 1 OF 3

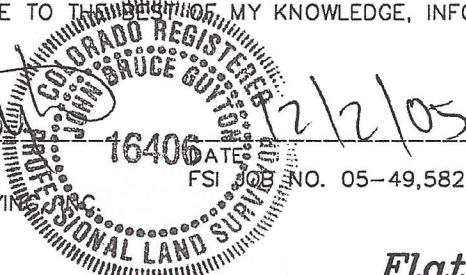
PARCEL I

A PARCEL OF OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 71
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BEGINNING AT THE NORTHEAST CORNER OF LOT 6 OF THE ROSE M. LODE SUBDIVISION;
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THENCE NORTH 66°08'00" WEST A DISTANCE OF 58.43 FEET;
THENCE SOUTH 18°07'40" WEST A DISTANCE OF 60.00 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 AND 6,
A DISTANCE OF 354.00 FEET, TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINING 16,269 SQ. FT. (0.37 ACRES MORE OR LESS).

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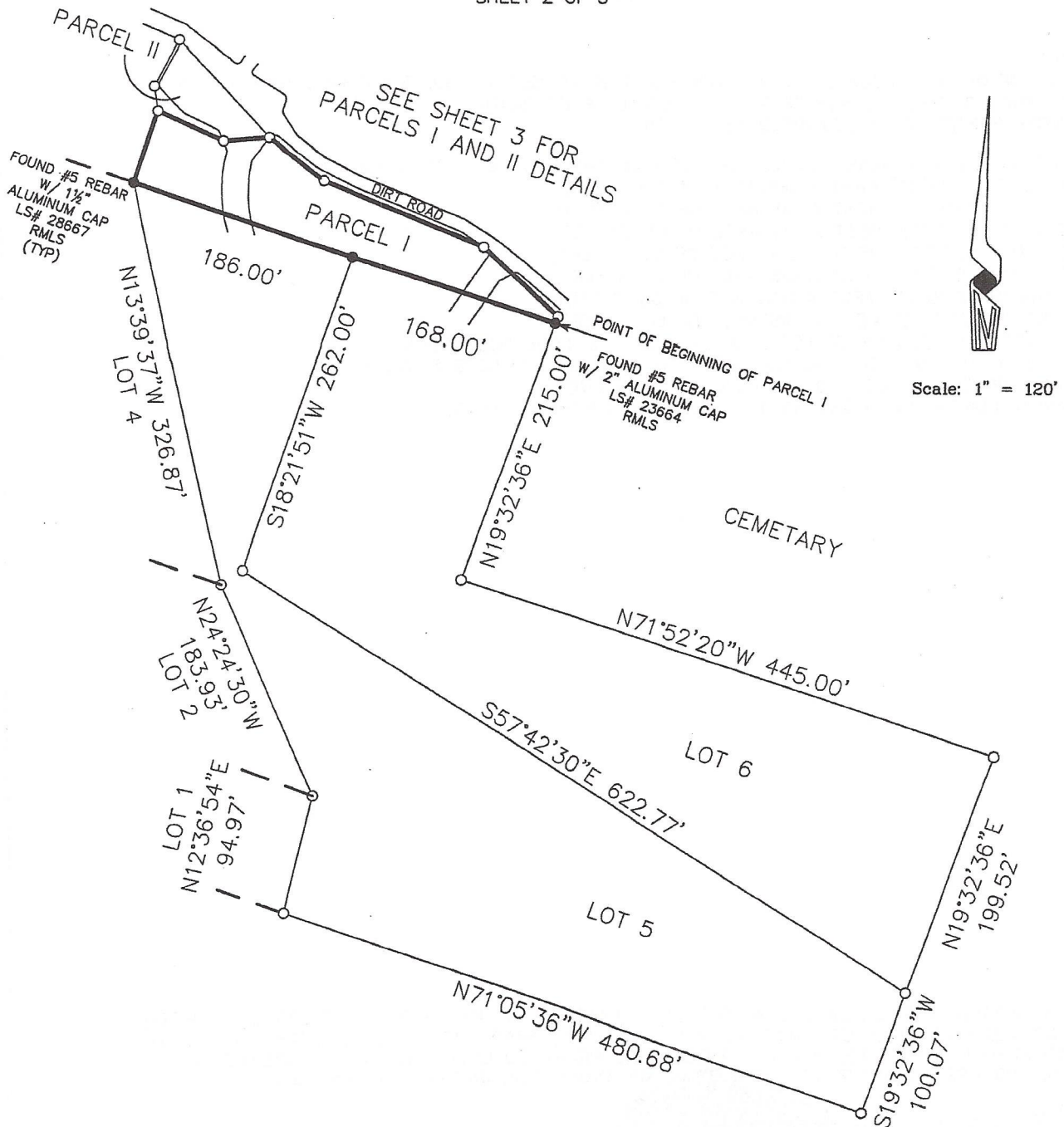
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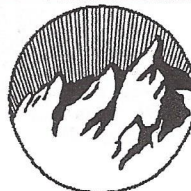
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SHEET 2 OF 3



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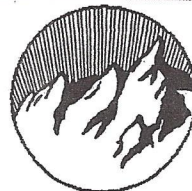
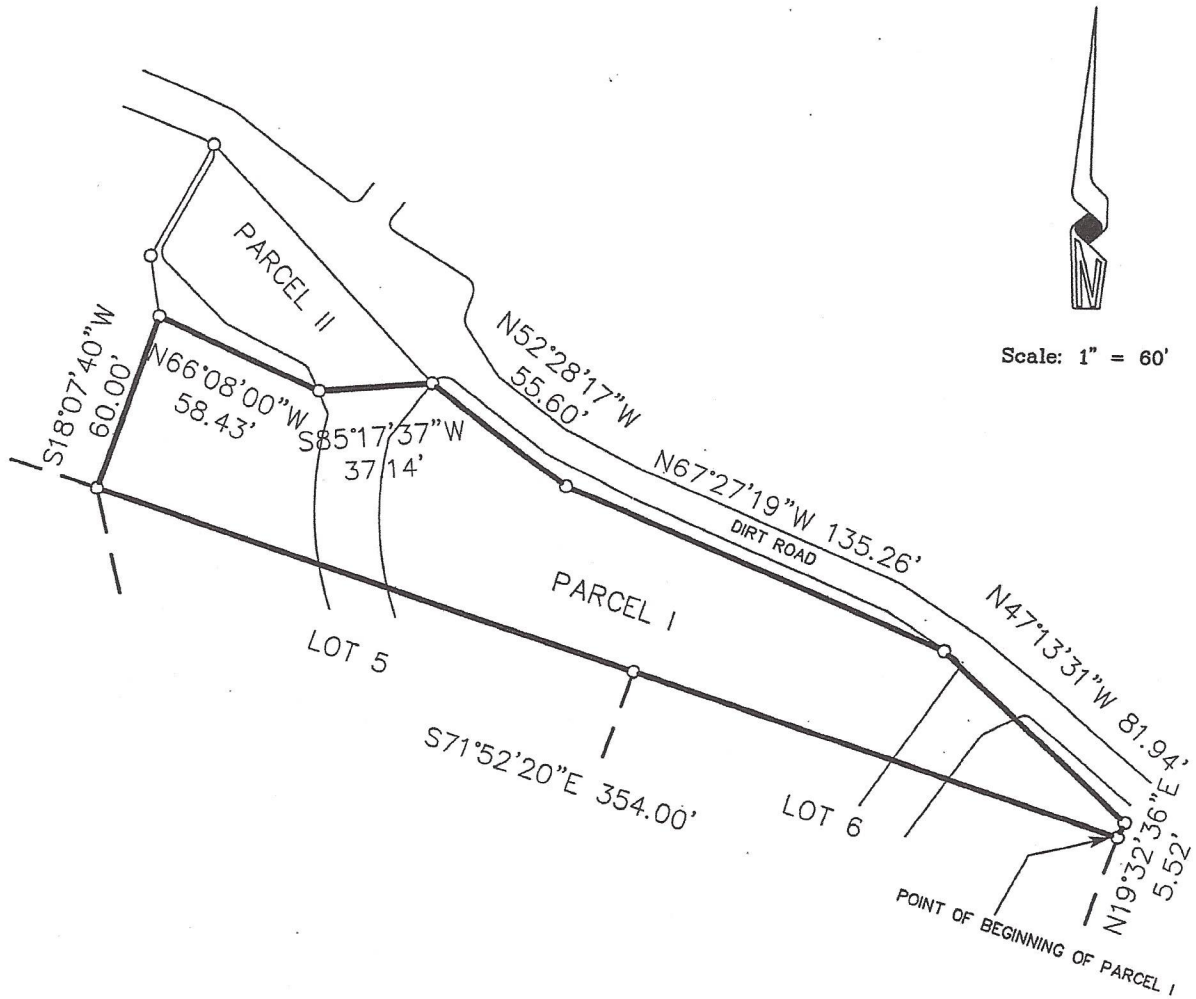
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