

**TOWN OF SEVERANCE
ORDINANCE
NO. 2023-16**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
SEVERANCE, COLORADO, VACATING A PORTION OF RUTH
AVENUE AT 4TH STREET**

WHEREAS, TJB Partners, Inc. has requested that the Town Council vacate a portion of Right-of-Way ("ROW") located at the intersection of Ruth Avenue and 4th Street, from the western boundary of Tract A, Tailhold Subdivision 3rd Filing, and the eastern most point of the platted Ruth Street at its terminus with 4th Street; and

WHEREAS, discussion of the requested vacation has occurred before Town Council in a public hearing with input from the general public; and

WHEREAS, the Town Council finds that the vacation request conforms with the requirements of Section 16.19.180(d)(1) of the Severance Municipal Code as follows:

- a. No property would be left without reasonable access or provision of any public facilities or utility services by reason of the vacation;
- b. The public road is no longer necessary for public use or convenience;
- c. The vacation will not restrict access to any parcel so that access is unsafe, unreasonable, or economically prohibitive;
- d. Adequate easements have been reserved for use and/or maintenance by the town or other utility agencies; and
- e. The vacation is consistent with the goals of the Town's Comprehensive Plan.

WHEREAS, the Town Council finds and determines that the ROW for which vacation is requested, as depicted in **Exhibit A**, is no longer necessary for the public use and convenience.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF SEVERANCE, COLORADO:**

Section 1. That certain portion of the Right-of-Way (ROW), as depicted and described in **Exhibit A**, shall be vacated, excepting therefrom and reserving unto the Town that certain 10' utility easement over, under and across those portions of Ruth Avenue and 4th Street rights-of-way to be vacated, previously dedicated to the Town via the Tailholt 3rd Filing final plat, recorded at Reception No. 4539494, and those new blanket easements that are proposed to be dedicated to the Town over, across, and under the vacated ROW and as depicted in the Franklin Place Subdivision Final Plat.

Section 2. The Town Clerk is directed to record this ordinance with the Weld County Clerk and Recorder's Office, which shall indicate the effective date of the vacation of that certain portion of ROW authorized under this Ordinance No. 2023-49R:

Section 3. Town Council directs that a certified copy of this Ordinance be filed with

the Town Clerk and further, the Town Clerk index, file and make the Ordinance available to the public.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 12th day of December, 2023.

TOWN OF SEVERANCE, COLORADO


Matthew Fries, Mayor

ATTEST:

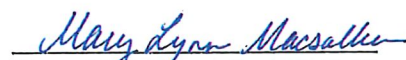


Leah Vanarsdall, MMC, Town Clerk



APPROVED AS TO FORM:

DocuSigned by:



Hayashi & Macsalka, LLC, Town Attorney

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EXHIBIT

A PARCEL OF LAND BEING A PORTION OF RUTH AVENUE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO

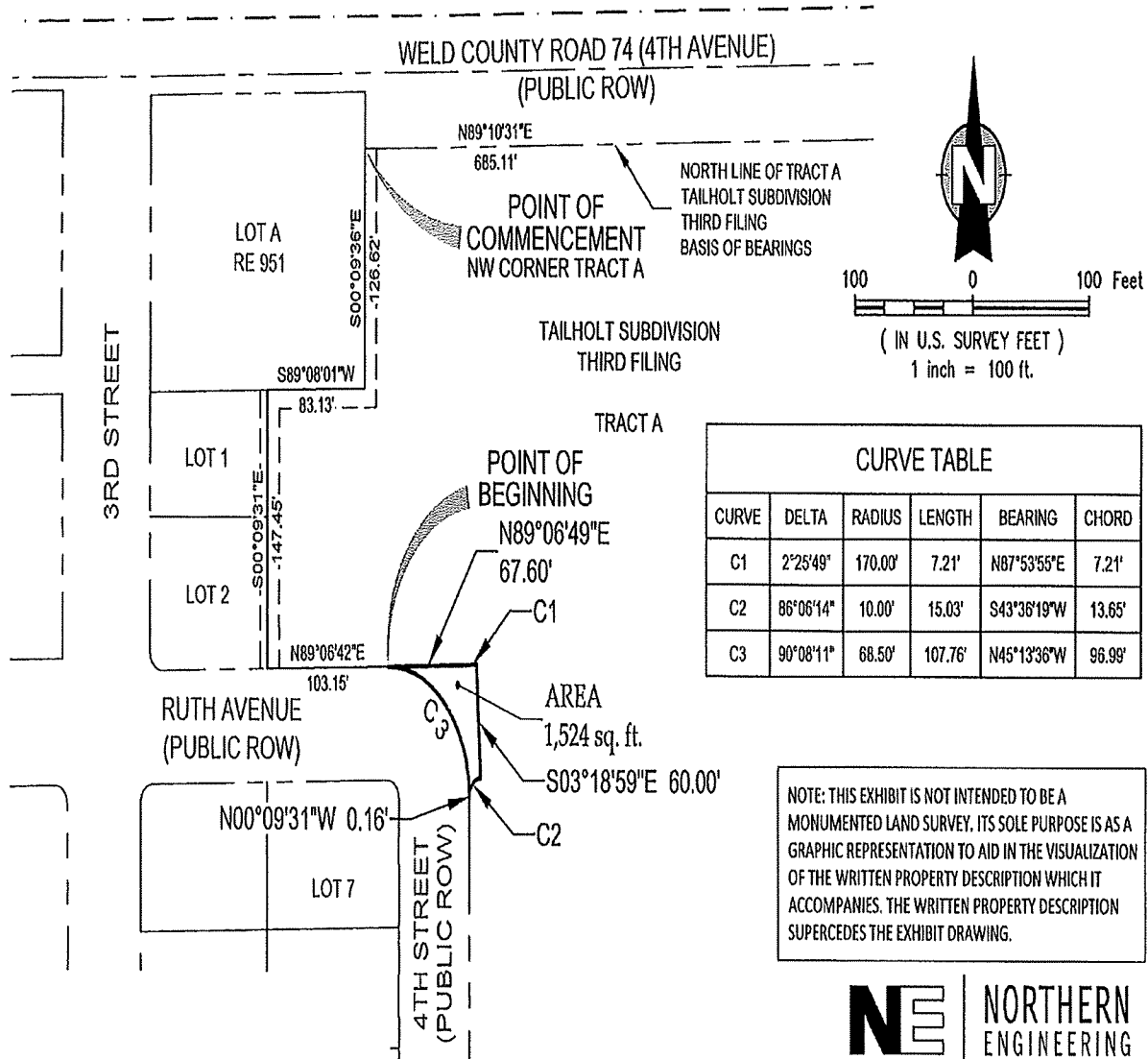


EXHIBIT A

LEGAL DESCRIPTION AND EXHIBIT



DESCRIPTION

A parcel of land being a portion of Ruth Avenue public right-of-way and situate within the Northwest Quarter of Section One (1), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado, being more particularly described as follows;

Considering the North line of Tract A, Tailholt Subdivision Third Filing as bearing North 89° 10' 31" East and with all bearings contained herein relative thereto:

COMMENCING at the Northwest corner of Tract A, Tailholt Subdivision Third Filing, said point also being on the South right-of-way line of Weld County Road 74;

THENCE along the Westerly line of Tract A the following 4 courses and distances:

South 00° 09' 36" East a distance of 126.62 feet;

THENCE South 89° 08' 01" West a distance of 83.13 feet;

THENCE South 00° 09' 31" East a distance of 147.45 feet;

THENCE North 89° 06' 42" East a distance of 103.15 feet to the **POINT OF BEGINNING**;

THENCE continuing along said Westerly line the following 4 courses and distances:

North 89° 06' 49" East a distance of 67.60 feet;

THENCE along the arc of a curve concave to the North a distance of 7.21 feet, said curve has a Radius of 170.00 feet, a Delta of 02° 25' 49" and is subtended by a Chord bearing North 87° 53' 55" East a distance of 7.21 feet;

THENCE South 03° 18' 59" East a distance of 60.00 feet;

THENCE along the arc of a non-tangent curve concave to the Southeast a distance of 15.03 feet, said curve has a Radius of 10.00 feet, a Delta of 86° 06' 14" and is subtended by a Chord bearing South 43° 36' 19" West a distance of 13.65 feet;

THENCE departing said Westerly line North 00° 09' 31" West a distance of 0.16 feet;

THENCE along the arc of a curve concave to the Southwest a distance of 107.76 feet, said curve has a Radius of 68.50 feet, a Delta of 90° 08' 11" and is subtended by a Chord bearing North 45° 13' 36" West a distance of 96.99 feet to the **POINT OF BEGINNING**.

The above-described parcel of land contains 1,524 square feet, more or less (\pm), and may be subject to easements and rights-of-way now on record or existing.

Exhibit attached hereto and made a part hereof.

SURVEYOR'S CERTIFICATE

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Robert C. Tessely – for and on behalf of Northern Engineering
Colorado Registered Professional Land Surveyor #38470

NORTHERN ENGINEERING

301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

August 16, 2023

LMS

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