

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-06**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, DEDICATING AS PUBLIC RIGHT-OF-WAY A PARCEL OF LAND LOCATED ALONG THE WEST SIDE OF BLOCK 1, TOWN OF SEVERANCE PLAT, BETWEEN E. HARMONY ROAD AND THIRD AVENUE, COMMONLY KNOWN AS RAILROAD AVENUE

WHEREAS, the Town of Severance is the owner of a certain parcel of land located along the western side of Block 1, Town of Severance plat,¹ between East Harmony Road (WCR 74) and Third Avenue, which parcel is legally described and depicted on **Exhibit A**, “Right-of-Way Dedication,” attached to this ordinance and incorporated herein by this reference (the “Parcel”); and

WHEREAS, the Parcel is a portion of certain real property acquired by the Town of Severance in 1979 via quitclaim deed recorded in the records of Weld County, State of Colorado, on May 11, 1979, under reception no. 1790339; and

WHEREAS, the Parcel is currently being used as public right-of-way and is commonly known as “Railroad Avenue” in the Town of Severance, but the Parcel has not been formally dedicated as public right-of-way; and

WHEREAS, the Town of Severance, as the owner of the Parcel, desires to formally designate such parcel for use as public right-of-way; and

WHEREAS, the Town Council finds that the proposed dedication of the Parcel as public right-of-way conforms with the requirements of Section 16.19.180(c)(1) of the Severance Municipal Code as follows:

- a. The Town of Severance owns the Parcel free and clear of any encumbrances;
- b. The right-of-way to be dedicated is consistent with the goals of the Town's Comprehensive Plan, transportation plan, and/or all other adopted plans or policies of the Town; and
- c. The dedication of the Parcel will help meet a Town goal, as determined by recommendation from Town staff to the Town Council, because the Parcel is already being utilized as public right-of-way, commonly known as Railroad Avenue in the Town of Severance.

WHEREAS, the Town Council finds and determines that the proposed dedication of the Parcel as public right-of-way is necessary for the public use and convenience.

¹ Specifically, the Town of Severance plat recorded in the records of Weld County, State of Colorado, on December 31, 1906, under reception no. 115520.

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

Section 1. The Parcel of land legally described and depicted on **Exhibit A**, titled “Right of Way Dedication,” which is attached hereto and incorporated herein by this reference, which is generally located along the western side of Block 1 of the Town of Severance town plat between East Harmony Road (WCR 74) and Third Avenue, and which is commonly known as Railroad Avenue, is hereby dedicated for use as public right-of-way.

Section 2. The Town Clerk is directed to record this Ordinance No. 2024-06 with the Weld County Clerk and Recorder’s Office, which shall indicate the effective date of the dedication of the Parcel described and depicted on **Exhibit A** for use as public right-of-way.

Section 3. Town Council directs that a certified copy of this Ordinance No. 2024-06 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 9th day of April, 2024.



ATTEST:

Leah Vanarsdall

Leah Vanarsdall, MMC, Town Clerk

TOWN OF SEVERANCE, COLORADO

Matthew Fries
Matthew Fries, Mayor

EXHIBIT A

PARCEL DESCRIPTION

Right-of-Way Dedication

A parcel of land, being part of Quit Claim Deed as recorded May 11, 1979 as Reception No. 1790339 of the Records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Severance, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest Corner of Block 2, Map of the Town of Severance, as recorded December 31, 1906 as reception number 115520 of the records of the Weld County Clerk and Recorder, and assuming the west line of Block 1 of said Town of Severance as bearing South $06^{\circ}22'10''$ West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 302.30 feet, monumented by a #4 rebar with a red plastic cap on the north end and monumented by a #4 rebar with a red plastic cap on the south end and with all other bearings contained herein relative thereto;

THENCE South $06^{\circ}22'10''$ West, along the West line of Block 1 and the projection thereof, a distance of 385.47 feet to the north Right-of-Way line of Weld County Road 74;

THENCE South $89^{\circ}03'24''$ West, along said north line, a distance of 29.41 feet to the East line of that Right-of-Way granted to the Great Western Railroad by Warranty Deed recorded May 22, 1905 in Book 221 at Page 49 as reception number 103006 of the records of the Weld County Clerk and Recorder;

THENCE North $06^{\circ}13'15''$ East, along said east line, a distance of 385.35 feet to a point on the extension of the south line of Block 2;

THENCE North $89^{\circ}04'40''$ East, along said south line extended, a distance of 30.42 feet to the POINT OF BEGINNING.

Said described parcel of land contains 11,438 Square Feet or 0.263 Acres, more or less (\pm).

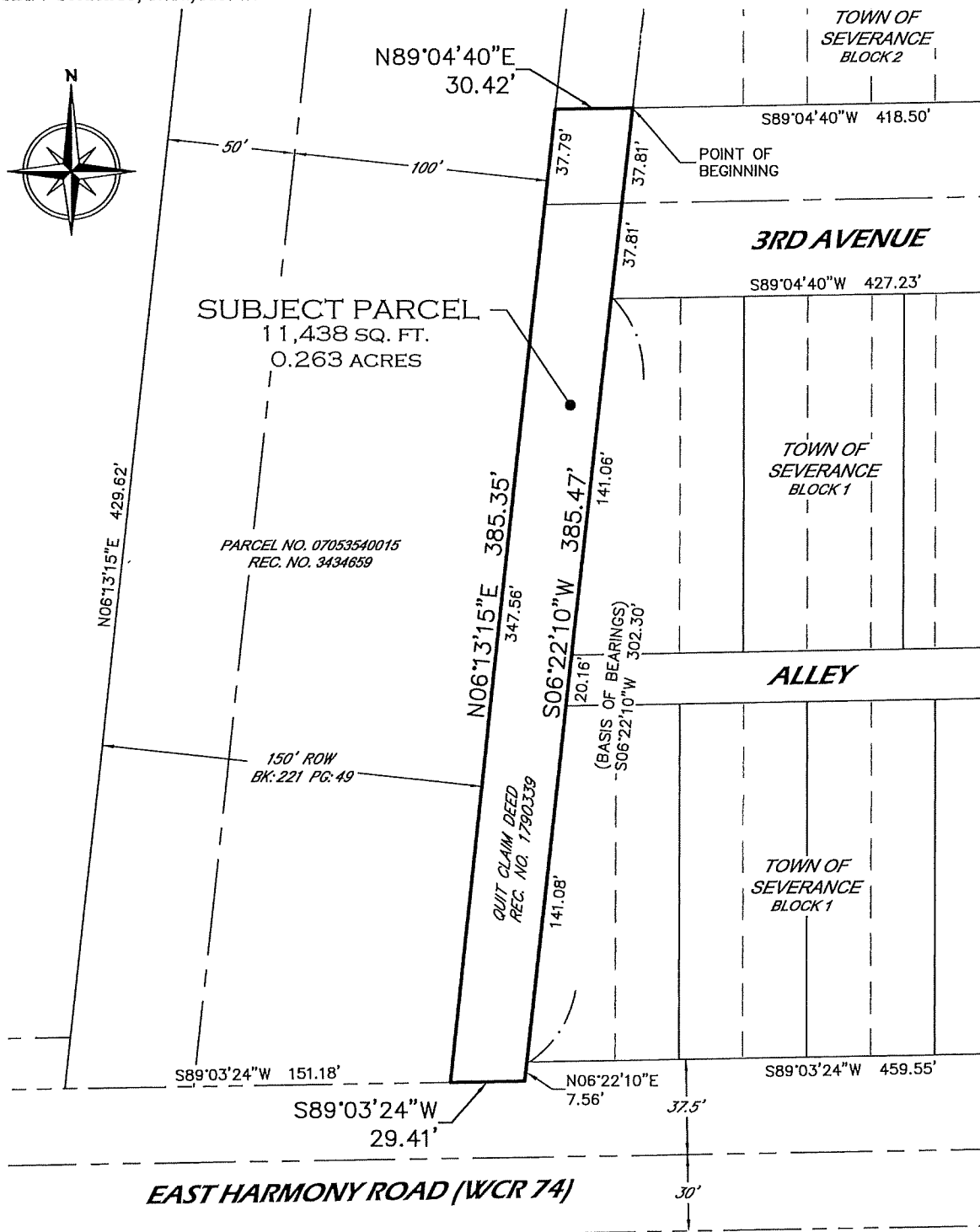
SURVEYORS STATEMENT

I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Matthew A. Kramer - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38844





Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)

