

ORDINANCE NO. 1070

AN ORDINANCE VACATING THE TEN (10) FOOT DEDICATED STREET LOCATED IN THE NW ¼ SE ¼ OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M. OF THE CITY OF FORT MORGAN, COLORADO.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Sec. 1. A parcel of land 10 feet in width located in the NW ¼ SE ¼ of Section 1, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, more particularly described as:

THE WEST 10 FEET OF A PARCEL OF LAND AS SHOWN ON THE MAP OF ANNEXATION TO THE CITY OF FORT MORGAN RECORDED IN PLAT BOOK 4 AT PAGE 57 OF THE MORGAN COUNTY RECORDS, SAID PARCEL HAVING BEEN SHOWN ON SAID MAP OF ANNEXATION AS A DEDICATED STREET.

is hereby vacated as a public street, the same being no longer needed for a public purpose as a surface thoroughfare, but RESERVING therein and thereon an exclusive right of way and easement for installation, maintenance, repair, replacement and continued use of poles, pipes, cables, wires and equipment for lines of communications, electricity, gas, water and sewer and other utilities and services, and a surface access easement to permit ingress and egress thereon and over and across the same.

Sec. 2. Adjoining property owners may use the vacated street to consolidate their property, subject to the easements described herein.

Sec. 3. The owners of the land may, at their election and expense alter the surface of said vacated street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

Sec. 4. The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

Sec. 5. The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Planning and Zoning Department of the City of Fort Morgan; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the City of Fort Morgan by each of the above agencies as needed and approved by the City prior to construction.

Sec. 6. The Street Department of the City shall not cover any expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as specified in Section Three of the Ordinance.

Sec. 7. The present and future owner or owners of the 10 foot dedicated street, according to the recorded plat thereof, shall assume sole and complete financial responsibility for the operation and maintenance of the property.

READ AND PASSED ON FIRST READING AND ORDERED PUBLISHED IN FULL on the 1st day of July, 2008.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED by title only the 15th day of July, 2008.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: */s/ Jack L. Darnell*
Mayor

ATTEST:

/s/ Cheryl Winberg
Deputy City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1070**

was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 1st day of July, 2008. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 5th day of July, 2008, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 15th day of July, 2008. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea J. Strand
City Clerk