

ORDINANCE NO. 1242

AN ORDINANCE VACATING THAT PORTION OF THE RIGHT OF WAY OF LINCOLN STREET SOUTH OF EAST BEAVER AVENUE AND NORTH OF EAST KIOWA AVENUE

WHEREAS, the Morgan County School District (District) has requested a vacation of that portion of the right of way of Lincoln Street south of East Beaver Avenue and north of East Kiowa Avenue, further depicted in Exhibit A, that currently exists upon and across District property at Baker School within the limits of the City of Fort Morgan (City); and,

WHEREAS, the City is uncertain as to when the District and Baker School assumed control and built improvements upon the subject right of way; however, City and District staff are certain the intent at that time was to formally vacate the subject right of way and convey ownership of that public property to the District; and,

WHEREAS, a City main waterline exists across the subject right of way and the City has retained and will retain a 20-foot utility easement for the future maintenance and replacement of this infrastructure when necessary; and,

WHEREAS, City staff recommends that the identified section of land be vacated subject to the conditions contained herein; and,

WHEREAS, pursuant with section 20-3-160 of the Fort Morgan Municipal Code and Sec. 43-2-301, *et seq.* of the Colorado Revised Statutes, the Fort Morgan City Council has determined that it is in the best interests of the City and its citizens to vacate that portion of Lincoln Street south of East Beaver Avenue and north of East Kiowa Avenue, further depicted in Exhibit A, located within the corporate limits of the City of Fort Morgan, Colorado.

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

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

SECTION 2. That portion of Lincoln Street south of East Beaver Avenue and north of East Kiowa Avenue, further depicted in Exhibit A, is hereby vacated as a public right of way, the same being no longer needed for a public purpose as a surface thoroughfare, but RESERVING therein and thereon the exclusive right of way and easement for installation, maintenance, repair, replacement and continued use of the City main waterline, and maintaining the existing twenty-foot utility easement to permit ingress and egress thereon and over and across the same.

SECTION 3. That the owner, the Morgan County School District may use the vacated right of way to consolidate the property, subject to the easements described herein.

SECTION 4. A certified copy of this Ordinance shall be recorded by the Office of the Clerk and Recorder of Morgan County, Colorado.

SECTION 5. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 6. 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 7. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 4th day of February, 2020.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

Ronald Shaver
By: Ronald Shaver
Mayor

Attest:

John Brennan

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 18th day of February, 2020.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

Ronald Shaver

By: Ronald Shaver
Mayor

Attest:



John Brennan
City Clerk

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

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1242** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 4th day of February, 2020. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 7th day of, February 2020, 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 18th day of February, 2020. Within five (5) days after its final passage, said **Ordinance No. 1242** 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.



John Brennan
City Clerk

Exhibit A