

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 15
SERIES OF 2018**

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE
VACATION OF A PORTION OF HOSPITAL HILL ROAD RIGHT OF WAY
NEAR THE INTERSECTION WITH ASH AVENUE WITHIN THE CITY.**

WHEREAS, the Grand River Hospital District (hereinafter "Owner") owns certain real property described on Exhibit A attached hereto and incorporated herein by this reference within the City of Rifle, Colorado (hereinafter the "Property"); and

WHEREAS, Owner is in the process of designing a long-term care facility on the Property and filed a Petition with the City requesting that it vacate the right-of-way that bisects the Property as shown on Exhibit B attached hereto and incorporated herein by this reference (hereinafter "right-of-way vacation") so it can more efficiently develop the Property; and

WHEREAS, the City shall not vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public or any public utility, so Owner agrees to dedicate replacement right-of-way through the Property as shown on Exhibit B ("Replacement Right-of-Way"); and

WHEREAS, pursuant to C.R.S. §43-2-303(1)(a), the City Council may vacate any roadway or part thereof located within the corporate limits of the City subject to any provision of the City Charter, the Constitution and the Statutes of the State of Colorado; and

WHEREAS, the City Council finds and determines that the right-of-way vacation is not presently needed for transportation purposes nor will it need to be used by the City or the public so long as the Replacement Right-of-Way is dedicated and a replacement road is constructed as set forth herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Vacation and Merger; Dedication of Replacement Right-of-Way and Construction of Replacement Road. The right-of-way shown on Exhibit B is hereby vacated and this vacated right-of-way shall merge with the adjacent property as provided by C.R.S. §42-3-302; provided, however, the right-of-way vacation shall not be effective until (a) the Replacement Right-of-Way shown on Exhibit B is dedicated to the City with no liens or encumbrances affecting its use as determined by the City in its sole discretion after reviewing a title commitment provided by GRHD at its expense, and (b) a new road is constructed in the replacement right-of-way with two 12 foot travel lanes, curb, gutter and 5 foot sidewalks on each

side, all acceptable to the City of Rifle pursuant to its Public Works Manual (the "Replacement Road") or upon the City and GRHD entering into a mutually agreeable site plan improvements agreement regarding the Replacement Road. GRHD agrees that the Replacement Right-of-Way will be widened in areas where necessary to accommodate the Replacement Road.

3. Recordation. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Garfield County by the City which will occur upon (a) the dedication of the Replacement Right-of-Way shown on Exhibit B, AND (b) the completion of construction of the Replacement Road and acceptance by the City or upon the City and GRHD entering into a mutually agreeable site plan improvements agreement regarding the Replacement Road.

4. Cost Reimbursement. GRHD shall reimburse the City for all legal and engineering fees, expenses, and costs incurred in connection with this right-of-way vacation and Ordinance.

5. Waiver of Defects. In executing this document, GRHD waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances adopting this right-of-way vacation.

INTRODUCED on September 19, 2018, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on October 3, 2018, passed without amendment, approved and ordered published in full as required by Charter.

Dated this 3 day of October, 2018.

CITY OF RIFLE, COLORADO

By: _____

Mayor

ATTEST:


City Clerk



GRAND RIVER HOSPITAL DISTRICT:

Name: _____
Title: _____

EXHIBIT "A"

Parcel 1:

A tract of land situated in the NE¼ of Section 16, Township 6 South, Range 93 West of the 6th P.M., described as follows:

Beginning at the Northwest corner of Block One (1), Kendall Heights Addition to the Town of Rifle, Colorado; thence South 140 feet; thence South 89°42' East 125 feet; thence North 140 feet; thence North 89°42' West 125 feet, more or less to the Point of Beginning.

Parcel 2:

A tract of land situated in the NE¼ of Section 16, Township 6 South, Range 93 West of the 6th P.M., described as follows:

Beginning at the northwest corner of the NE¼NE¼ of said Section 16, thence South 00°07' West along the East boundary of the Rifle Town Limits 328.5 feet; thence South 89°42' East 531.07 feet; thence North 328.5 feet; thence North 89°42' West 530.4 feet to the Point of Beginning.

TOGETHER WITH those parcels described in Quit Claim Deeds recorded February 24, 1966 in Book 374 at Page 264 and in Book 374 at Page 265.

EXCEPTING FROM said Parcel 2 that portion of the property dedicated to the public as streets and avenues in Map of Hospital Addition to the Town of Rifle recorded November 27, 1961 as Reception No. 215773 BUT EXCLUDING from this exception the portion of Ash Avenue lying within the boundaries of the said Hospital Addition vacated by City of Rifle Ordinance recorded February 17, 1966 in Book 374 at Page 170.

ALSO EXCEPTING FROM said Parcel 2 that portion conveyed to State of Colorado, Department of Social Services in Quitclaim Deed recorded July 29, 1985 in Book 673 at Page 68.

Parcel 3:

All that part of Lots 2 and 3 in Block 1 of the Kendall Heights Addition to the City of Rifle, County of Garfield, State of Colorado, described as follows:

Beginning at the Northwest corner of said Lot 3 whence the Northwest Corner of the NE¼NE¼ of Section 16, Township 6 South, Range 93 West of the Sixth Principal Meridian bears: West 159.99 feet and North 329.34 feet; thence South 89°42'00" East 135.00 feet along the Northerly line of said Lot 3; thence South 05°24'00" East 62.77 feet to a point on the Westerly right of way line of a roadway; thence 78.37 feet along the arc of a curve to the left having a radius of 75.00 feet, the chord of which bears South 10°08'00" West 73.83 feet; thence South 19°48'00" East 34.97 feet along the Westerly right of way line of said roadway; thence South 73°20'00" West 103.03 feet; thence West 101.00 feet; thence North 58.47 feet to a point on the Northerly line of said Lot 2; thence South 89°42'00" East 60.00 feet along the Northerly line of said Lot 2 to a point on the Westerly line of said Lot 3; thence North 140.00 feet along the Westerly line of said Lot 3, to the Northwest corner of said Lot 3, the Point of Beginning.