ORDINANCE NO. V25-0001

AN ORDINANCE VACATING A PERPETUAL EASMENT COMMONLY KNOWN AS EAST 103RD PLACE AND GENERALLY LOCATED WEST OF PEORIA PARKWAY AND SOUTH OF EAST 104TH AVENUE, COMMERCE CITY, COLORADO.

WHEREAS, the City of Commerce City ("City") was granted a perpetual easement (the "Easement"), as legally described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein, for the use and benefit of the City, for the installation, operation, maintenance, repair and replacement of access, together with appurtenances related thereto to, on, along, over, under, through and across a parcel of property generally located west of Peoria Parkway and south of East 104th Avenue;

WHEREAS, the Easement was recorded with the Adams County Clerk and Recorder on December 5, 2007 at Reception No. 2007000111534;

WHEREAS, the City had determined that is has no ongoing or future need for the Easement because a replacement access easement has been granted to the City to service this property;

WHEREAS, the Planning Commission of the City has reviewed the request for the vacation of easement at a public hearing held on March 4, 2025, and recommends approval of the same; and

WHEREAS, the City Council, after being fully advised and after a public hearing, finds that all requirements for vacation of easements contained in Section 21-3233(3) and applicable state statutes have been met.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Vacation. The Easement located within the City of Commerce City and legally described in Exhibit A and depicted in Exhibit B is hereby vacated, subject to the condition that the Turnberry Filing 2, 1st Amendment subdivision plat is recorded with the Adam's County Clerk and Recorder.

SECTION 3. Repealer. 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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF APRIL 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF MAY 2025.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

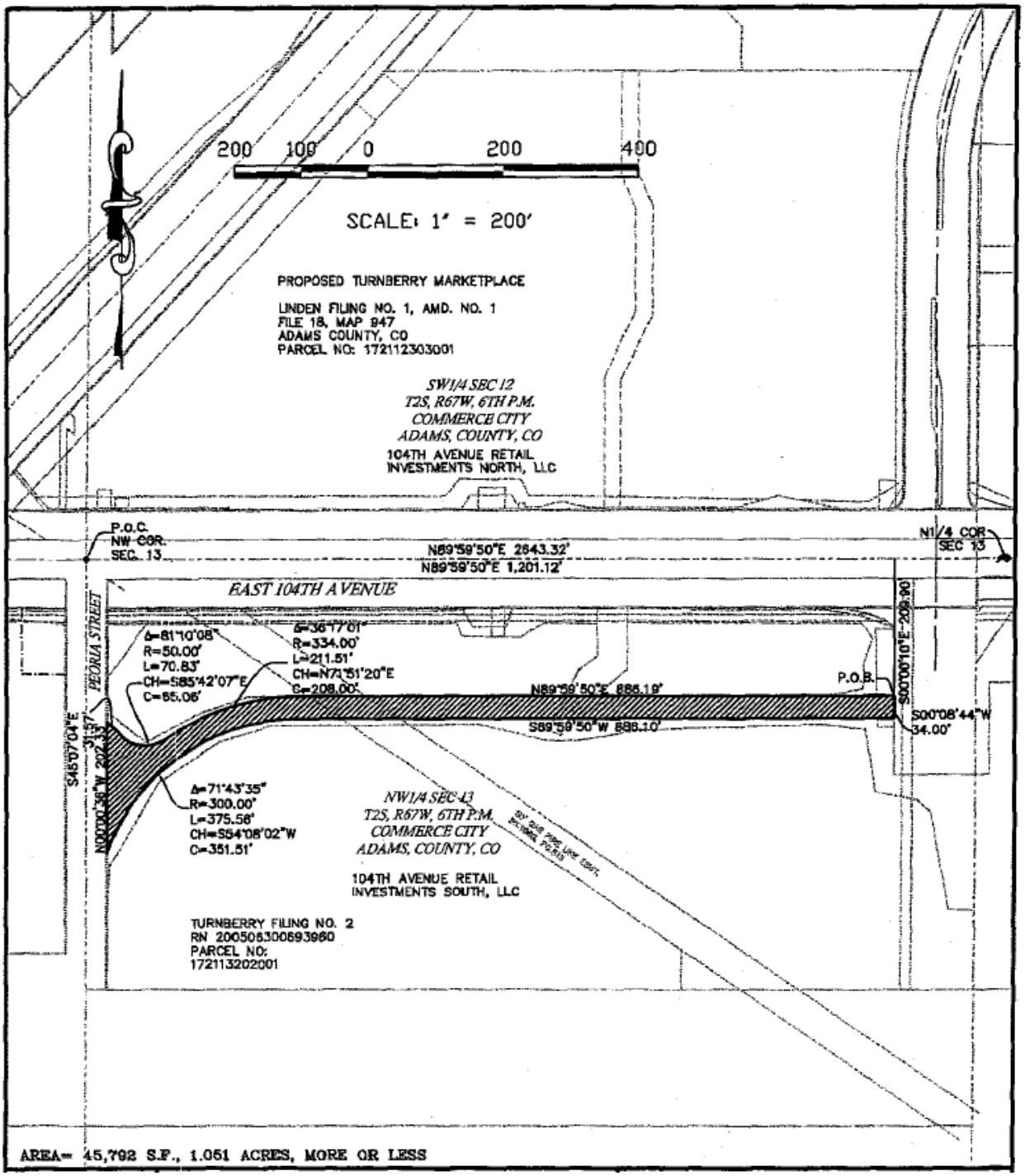
Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)

LEGAL DESCRIPTION
PEORIA STREET ACCESS EASEMENT NO.1
OWNER: 104TH AVE. RETAIL INVESTMENTS SOUTH, LLC

A PARCEL OF LAND BEING A PORTION OF TURNBERRY FILING NO. 2, RECEPTION NUMBER 200506300693960, PARCEL NUMBER 172113202001, RECORDED IN ADAMS COUNTY CLERK AND RECORDERS OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13, WHENCE THE NORTH QUARTER CORNER BEARS NORTH 89°59'50" EAST A DISTANCE OF 2643.32 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION;
THENCE NORTH 89°59'50" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1201.12 FEET TO A POINT;
THENCE SOUTH 00°00'10" EAST A DISTANCE OF 209.90 FEET TO THE **POINT OF BEGINNING**;
THENCE SOUTH 00°08'44" WEST A DISTANCE OF 34.00 FEET TO A POINT;
THENCE SOUTH 89°59'50" WEST A DISTANCE OF 886.10 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 71°43'35", A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 375.56 FEET AND A CHORD BEARING SOUTH 54°08'02" WEST A DISTANCE OF 351.51 FEET TO A POINT ON THE EAST LINE OF PEORIA STREET;
THENCE NORTH 00°00'36" WEST, ALONG SAID EAST LINE, A DISTANCE OF 202.33 FEET TO A POINT;
THENCE SOUTH 45°07'04" EAST A DISTANCE OF 31.57 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 81°10'08", A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 70.83 FEET AND A CHORD BEARING SOUTH 85°42'07" EAST A DISTANCE OF 65.06 FEET TO A POINT OF REVERSE CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 36°17'01", A RADIUS OF 334.00 FEET, AN ARC LENGTH OF 211.51 FEET AND A CHORD BEARING NORTH 71°51'20" EAST A DISTANCE OF 208.00 FEET TO A POINT OF TANGENCY;
THENCE NORTH 89°59'50" EAST A DISTANCE OF 886.19 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 45,792 SQUARE FEET OR 1.051 ACRES, MORE OR LESS.

Exhibit B

(Visual Representation)