

ORDINANCE NO. 2548

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,  
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE VACATING RIGHT-OF-WAY COMPRISED OF A PORTION OF EAST 83RD AVENUE GENERALLY LOCATED EAST OF ROSEMARY STREET IN COMMERCE CITY, COLORADO

WHEREAS, the City Charter at Sec. 4.14 requires the prior approval of the City Council for city owned real property to be transferred or conveyed;

WHEREAS, the City of Commerce (“City”) owns certain right-of-way, more particularly, a portion of E 83<sup>rd</sup> Avenue east of Rosemary Street and west of what was formerly Ulster Street (previously vacated), in the City, as set forth on Exhibit A, attached hereto and incorporated herein;

WHEREAS, the City previously closed the roadway that is the subject of this ordinance in conjunction with the development of property owned by Mid-Rail Real Estate, LLC, and the establishment of Intsel Steel West, LLC;

WHEREAS, the City has determined, consistent with the terms of the Land Development Code, and the City Charter, that it no longer has a need for the described right-of-way and that vacation of the same will serve the interests of the City;

WHEREAS, the adjacent property owners have no objection to the division of this land and the acceptance of the property a result of this right-of way-vacation;

WHEREAS, the Planning Commission of the City has reviewed the request for the vacation of right-of-way at a public hearing held on October 3, 2023, and recommends approval of the same; and

WHEREAS, the City Council of the City of Commerce City, after being fully advised and after a public hearing, approves of the vacation of the right-of way.

NOW, THEREFORE, 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 existing right-of-way, as more particularly described on attached Exhibit A, consisting of a portion of E. 83<sup>rd</sup> Ave generally located south of 8003 E. 83<sup>rd</sup> Ave, north of 8000 E. 83<sup>rd</sup> Ave, east of Rosemary Street and west of previously vacated Ulster St, Commerce City, Colorado, is hereby vacated.

**SECTION 3. Effective Date.** This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF NOVEMBER 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF DECEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

Exhibit A  
(Legal Description)

**LEGAL DESCRIPTION 83RD AVENUE VACATION**

A PARCEL OF LAND BEING A PORTION OF VACATED DEL NORTE AVENUE AS VACATED IN PLAT BOOK 2 AT PAGE 18 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEING MONUMENTED BY A NO. 5 REBAR IN MONUMENT BOX AT THE CENTER QUARTER CORNER AND A 3-1/4" ALUMINUM CAP STAMPED LS 7735 IN MONUMENT BOX AT THE SOUTH QUARTER CORNER, BEING ASSUMED TO BEAR N00°06'30"E.

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN:

THENCE ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, S00°06'30"W A DISTANCE OF 636.21 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID EAST LINE, S00°06'30"W A DISTANCE OF 60.00 FEET;

THENCE ON A LINE BEING 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, S89°32'34"W A DISTANCE OF 808.68 FEET;

THENCE DEPARTING SAID PARALLEL LINE, N00°28'14"W A DISTANCE OF 60.00 FEET;

THENCE ON A LINE BEING 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, N89°32'34"E A DISTANCE OF 809.28 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 48,539 SQUARE FEET OR 1.1143 ACRES.