

ORDINANCE NO. V-093-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS DUKES, FORD, KIM, MADERA,  
NOBLE, TETER

AN ORDINANCE VACATING RIGHT-OF-WAY COMPRISED OF A PORTION OF HIMALAYA STREET, APPROXIMATELY 3,286 FEET IN LENGTH, EXTENDING SOUTH OF EAST 88<sup>TH</sup> AVENUE IN COMMERCE CITY, COLORADO.

WHEREAS, the City of Commerce City (“City”) Charter Section 4.14 requires the approval of the City Council for City owned real property to be transferred or conveyed;

WHEREAS, the City owns certain right-of-way, more particularly, a portion of Himalaya Street, extending south of East 88<sup>th</sup> Avenue, as set forth in Exhibit A, attached hereto and incorporated herein;

WHEREAS, the City has not used this right-of-way as a public roadway in the past and the right-of-way is not shown as being needed on the City Master Transportation Plan;

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 vacation of the same is in the City’s best interest;

WHEREAS, the adjacent property owners have no objection to the division of this land and the acceptance of the property as 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 June 4, 2024, and recommends approval of the same, subject to one condition, which is stated in Section 2, below; and

WHEREAS, the City Council, after being fully advised and after a public hearing, approves, subject to one condition, 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 to be in the public interest.

**SECTION 2. Vacation.** The existing right-of-way described on attached Exhibit A, consisting of a portion of Himalaya Street, extending south of East 88<sup>th</sup> Avenue, Commerce City, Colorado is, by this ordinance, vacated subject to the recordation of a Memorandum of Agreement between the applicant and the City and County of Denver evidencing that the City and County of Denver has alternate legal access to Parcel #172300000258.

**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 5TH DAY OF AUGUST, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF SEPTEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

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Steven J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk