

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE NO. TC 2016-05**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL  
VACATING A PORTION OF THE RIGHT OF WAY FOR N. 7<sup>th</sup>  
STREET.**

WHEREAS, Kenneth C. and Deborah M. Tacker (“Applicants”) are the owners of certain real property in the Town of New Castle described as Lots 1-4 and a portion of Lot 5, Block 41, of the Additional Plat of The Town of New Castle, Garfield County, Colorado, Reception No. 15279 (the “Property”); and

WHEREAS, the home located on the Property is within a right-of-way for N. 7<sup>th</sup> Street which is owned by the Town of New Castle (“Town”); and

WHEREAS, the home has been in the same location since it was constructed in 1938; and

WHEREAS, the Applicant has submitted a vacation application (“Application”) to the Town requesting that the Town vacate approximately 1,889 square feet (.043 acres) of the 7<sup>th</sup> Street right-of-way legally described on the plat attached hereto as Exhibit “A” and incorporated herein by reference to reconcile the existing use on the Property; and

WHEREAS, pursuant to C.R.S. § 43-2-303, the Town Council has the authority to vacate any roadway or part thereof located within the corporate limits of the Town; and

WHEREAS, subject to the easements retained by the Town, the Town Council finds and determines that the portion of the right-of-way requested to be vacated is not presently needed, nor will it be needed in the future, for any municipal purpose; and

WHEREAS, the Town Council desires to grant the vacation request subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Right-of-Way Vacation. The Town Council hereby approves the vacation of the portion of the 7<sup>th</sup> Street right-of-way as described and depicted on Exhibit A. This vacation shall be effective on the date this fully-executed Ordinance and Exhibit A are recorded, and title to the property vacated hereby shall vest in the Applicants. Once title to the vacated right-of-way area vests in Applicants, Applicants shall submit a lot line adjustment application to the Town for administrative review and approval.

3. Reserved Easements. Notwithstanding the vacation approved by section 2 of this Ordinance, the Town reserves for itself a five-foot wide utility and maintenance easement as depicted on Exhibit A. The Town also reserves for itself an easement for access to and maintenance of the fire hydrant located on the Property. Said fire hydrant easement shall be in the dimensions and location depicted on Exhibit A. The Applicants shall execute a quit claim deed to the Town for such easements, which shall be recorded simultaneously with this Ordinance and Exhibit A.

3. Reimbursement. The Applicant shall reimburse the Town for its legal, engineering, surveying, and other expenses incurred in relation to this Ordinance, as well as any costs or expenses that may be incurred by the Town to enforce the conditions of this Ordinance.

4. Representations. All representations of the Applicants in written and verbal presentations submitted to the Town or made at public hearings before the Town Council shall be considered part of the application and binding on the Applicants.

5. Agreement. The Applicants' signatures below shall constitute their agreement with the foregoing conditions and the findings, terms, and provisions of this Ordinance.

INTRODUCED on July 19, 2016, at which time copies of the Application were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

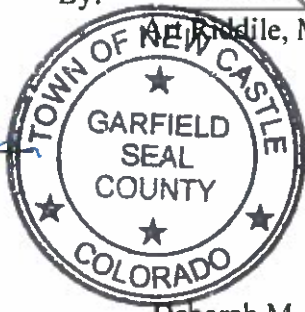
INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on August 2, 2016, read by title and number, passed with amendments, if any, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: [Signature]  
[Signature], Mayor

ATTEST:

[Signature]  
Melody Harrison, Town Clerk



AGREED:

Kenneth C. Tacker

Deborah M. Tacker

[Signature]

[Signature]



Unnamed Street Right of Way as shown on "Additional Plat of the Town of New Castle" recorded Feb. 13th, 1893 under Reception No. 15279. (25' width changing to 35' width.)

# Street Right of Way Vacation

of platted right of way adjacent to

Lots 1-5, Block 41

Additional Plat of the Town of New Castle

SITUATED IN THE NW1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. TOWN OF NEW CASTLE, COUNTY OF GARFIELD, STATE OF COLORADO

## Street Right of Way Vacation Legal Description

A tract of land being situated in the NW1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., Town of New Castle, County of Garfield, State of Colorado, said tract of land lying Northerly of Block 41 in said Town and being described by metes and bounds as follows:

Beginning at a point from whence the Southeast corner of Block 16 in said Town bears S.36°44'14"E. 892.74 feet; thence N.26°08'08"E. 18.23 feet; thence N.61°07'04"W. 27.81 feet; thence 42.48 feet along the arc of a curve to the right having a radius of 177.66 feet, a central angle of 13°42'04" and subtending a chord which bears N.54°16'03"W. 42.38 feet; thence 25.29 feet along the arc of a curve to the right having a radius of 143.72 feet, a central angle of 10°05'02" and subtending a chord of N.42°22'30"W. 25.26 feet; thence S.52°40'01"W. 19.69 feet to a point on the North line of said Block 41; thence along said North line S.46°46'17"E. 64.32 feet; thence continuing along said North line S.64°46'17"E. 40.39 feet to the Point of Beginning.

Said tract of land contains 1,889 square feet or 0.043 acres as described herein.

Bearings as recited in this description are based upon a record bearing of S.89°54'00"E. for the centerline of Main Street in said Town. Monumentation found at the historic Center 1/4 corner of said Section 31 is a No. 5 rebar and at the East 1/4 corner of said Section 31 is a No. 8 rebar.

Line No.	Bearing	Length
L1	N26°08'08"E	18.23'
L2	N61°07'04"W	27.81'
L3	S52°40'01"W	19.69'
L4	S46°46'17"E	64.32'
L5	S64°46'17"E	40.39'

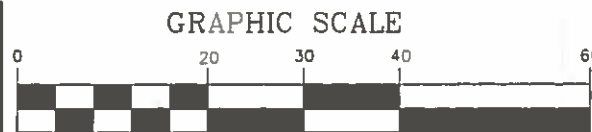
Curve Table

Curve No.	Arc Length	Radius	Central Angle	Chord Bearing	Chord Distance	Tangent Distance
C1	42.48'	177.66'	13°42'04"	S54°16'03"E	42.38'	21.34'
C2	25.29'	143.72'	10°05'02"	S42°22'30"E	25.26'	12.68'

## SurvCo, Inc.

RTK GPS and Conventional Land Surveying Services

826-1/2 Grand Avenue  
Post Office Box 2782  
Glenwood Springs, CO. 81602-2782  
Phone: (970) 945-5945  
Email: survco@gmail.com



All linear dimensions shown hereon are in US Survey feet

Sheet  
1 of 1

Client: Ken Tacker

Drawn By: S. Phelps

Date: 14/March/2016

.dwg file: 16.003.001

Job No.: 16.003

NO.	BY	DATE	REVISION DESCRIPTION
4	sdp	08/02/16	add addl. FH esmt/Final
3	sdp	06/19/16	add 5' utility/maint. easement
2	sdp	05/06/16	add existing fh easement
1	sdp	04/06/16	add utility service lines

Lot 1  
Block 41

Lot 2  
Block 41

Lot 3  
Block 41

Lot 4  
Block 41

Lot 5  
Block 41  
(Balance)

ELK CREEK  
(as relocated circa 1895)

Edge of creek as surveyed 03-02-2016

Town of New Castle, Garfield County, Colorado

5' Utility and Maintenance easement to be retained by Town.

SEVENTH STREET  
(as constructed and in place)

Existing Curb and Sidewalk

Exist. 3' X 7.5' FH Easement. Rec. No. 479420

2.5' X 5' easement around FH

Point of Beginning Right of Way Vacation Parcel

West Line Tract 2 as recited in record legal desc. of subject property.

Adjacent Parcel No. 2123-312-19-006

Reception #: 881340  
08/22/2016 12:54:43 PM Jean Alberico  
3 of 3 Rec. Fee \$26.00 Doc Fee 0.00 GARFIELD COUNTY CO