

ORDINANCE NO. 2429  
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE RIGHT-OF-WAY VACATION FOR AN APPROXIMATELY 0.084 ACRE PORTION OF RIGHT-OF-WAY GENERALLY LOCATED TO THE NORTH OF EAST BRIDGE STREET AND SOUTH OF THE INTERSECTION OF NORTH 18<sup>TH</sup> AVENUE AND NORTH 19<sup>TH</sup> AVENUE, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, the City of Brighton (the “City”) is the owner of right-of-way consisting of approximately 0.084-acres, generally located to the north of East Bridge Street and south of the intersection of North 18<sup>th</sup> Avenue and North 19<sup>th</sup> Avenue, and as more particularly described in EXHIBIT A, attached hereto (the “Right-of-Way”); and

WHEREAS, Melanie Bagley (the “Applicant”) has requested approval of the Edgemark Subdivision Filing No. 2 Right-of-Way Vacation, attached hereto as EXHIBIT B and incorporated herein (the “Right-of-Way Vacation”); and

WHEREAS, City staff used the criteria outlined in Section 2.13 of the *Land Use & Development Code* for its review and procedures for vacation of rights-of-way; and

WHEREAS, the City Council opened a hearing on August 1, 2023, where it conducted its review and considered the Right-of-Way Vacation; and

WHEREAS, notice of the City Council hearing to review the Right-of-Way Vacation has been published and sent to adjacent property owners; and

WHEREAS, at the hearing, the City Council received and considered all relevant evidence and testimony from City staff, the Applicant, and other interested parties, including the public at large; and

WHEREAS, City Council hereby finds and determines that: (i) there is no public purpose for the Right-of-Way; (ii) the Right-of-Way is not necessary to meet the intent or standards of the *Land Use & Development Code*; (iii) the Right-of-Way Vacation does not adversely impact adjacent landowners or remove any necessary access to property; and (iv) the Right-of-Way Vacation meets the requirements of the Colorado Statutes, the Colorado Constitution, and the Brighton City Charter.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The Right-of-Way Vacation, as more particularly described in attached Exhibit B is hereby approved, the Right-of-Way, as more particularly described in attached Exhibit A, is hereby vacated, and title to such vacated lands is hereby vested in the abutting landowners pursuant to C.R.S. § 43-2-303.

Section 2. As provided in City Charter Section 5.9(A), this Ordinance either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED  
THIS 1<sup>st</sup> DAY OF AUGUST 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 15<sup>th</sup> DAY OF AUGUST, 2023.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: August 10, 2023

Final Publication: August 24, 2023

APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney

**EXHIBIT A**  
**LEGAL DESCRIPTION OF RIGHT-OF-WAY**

**LAND DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE 15' RIGHT-OF-WAY DEDICATED IN EDGEMARK SUBDIVISION FINAL PLAT RECORDED AT RECEPTION NO. C0752367 OF ADAMS COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 5, AS MONUMENTED BY A FOUND 3-1/2" ALUMINUM CAP STAMPED "PLS 23519" IN RANGE BOX, WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 5, AS MONUMENTED BY A FOUND ALUMINUM CAP, ILLEGIBLE, BEARS S 00°23'23"E, A DISTANCE OF 2630.17 FEET, FORMING THE BASIS OF BEARINGS USED IN THIS DESCRIPTION;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 5, S 00°23'23"E, A DISTANCE OF 1681.77 FEET;  
THENCE DEPARTING SAID EAST LINE, S 89°18'37"W, A DISTANCE OF 12.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH 19TH AVENUE AND THE POINT OF BEGINNING;  
THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S 00°23'23"E, A DISTANCE OF 15.00 FEET;  
THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, S 89°18'37"W, A DISTANCE OF 249.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF NORTH 18TH AVENUE;  
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, AND ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 06°27'48", A RADIUS OF 180.92 FEET, AN ARC LENGTH OF 20.41 FEET AND A CHORD BEARING AND DISTANCE OF N 41°58'27"E, 20.40 FEET;  
THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, N 89°18'37"E, A DISTANCE OF 236.17 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 3,649 SQUARE FEET OR 0.084 ACRES.

ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY FEET.

**EXHIBIT B**  
RIGHT-OF-WAY VACATION

[Plan begins on next page]

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY OF BRIGHTON, COUNTY OF ADAMS,  
STATE OF COLORADO

A PARCELS OF LAND BEING A PORTION OF THE 15<sup>TH</sup> RIGHT-OF-WAY DEDICATED IN EDEMARK SUBDIVISION FINAL PLAT RECORDED AT REC'DITION NO. 002397 OF THE PLAINS COUNTY RECORDS, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, T42N, R10E, S4E, PLAINS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION, THE SOUTH QUARTER OF CORNER S 1/2<sup>ND</sup> 34<sup>TH</sup> AND 35<sup>TH</sup> RANGES, T42N, R10E, S4E, PLAINS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

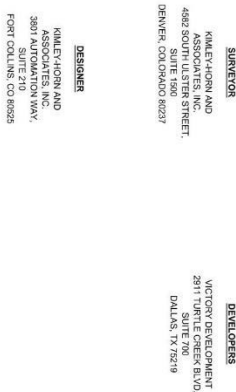
ADJACENT TO SAID STAMPED "S 23.3317" IN RANGE BOX, WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE DISTANCE OF BEARINGS USED IN THIS DESCRIPTION.

ALONG THE EAST SIDE OF SECTION 9, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING; N 87°33'37"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; S 87°33'37"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; S 87°33'37"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 3,649 SQUARE FEET OR 0.084 ACRES

1 ACCORDING TO CALIFORNIA LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY  
2 EVENT, IF ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY, BE COMMENCED MORE THAN  
3 TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.  
4 ANY PERSON, JOHN KIMMICK, RENEE'S ALTRIS OR DEFENSES ANY PUBLIC LAND SURVEY  
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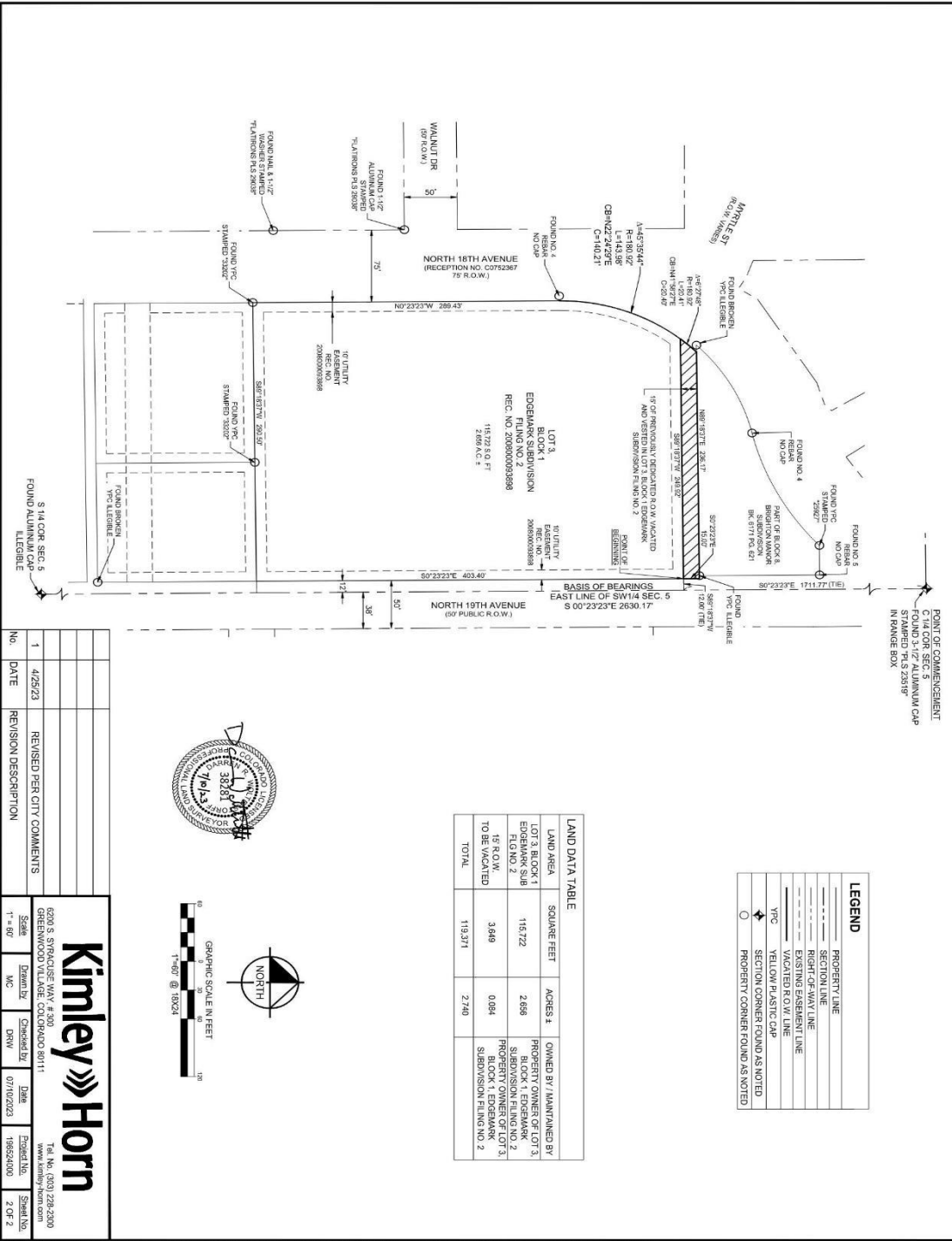
I, DARREN R. WOODSTORFF, A FULLY LICENSED PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THERE ARE NO RODS, PINELENS, IRRIGATION DITCHES OR OTHER EMBLEMENTS IN EVIDENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREIN BEFORE DESCRIBED PROPERTY EXCEPT AS SHOWN ON THIS PLAN. I FURTHER CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



DARREN R. WOLTERSTORFF, P.L.S. 3828  
FOR AND ON BEHALF OF:  
KIMLEY-HORN AND ASSOCIATES, INC.  
4582 SOUTH ULSTER STREET,  
SUITE 1500, DENVER, COLORADO 80237

DWG NAME: C:\USERS\MELISSA CLARKE\ONE DRIVE - KHCALIBER BRIGHTON\196324000\_VICTORY CALIBER BRIGHTON PLAT.DWG PLOTTED BY: CLARKE, MELISSA 10/11/2022 12:10 PM LAST SAVED: 1/30/2023 7:34 AM

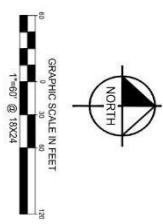
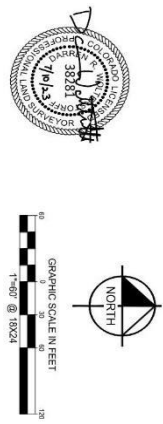
# **EDGE MARK SUBDIVISION FILING NO. 2, VACATION MAP** SITUATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO



POINT OF COMMENCEMENT  
 C 1/4 COR. SEC. 5  
 T1S R66W  
 STAMPED T.L.S. 22519'  
 IN RANGE BOX

LEGEND	
—	PROPERTY LINE
- - -	SECTION LINE
- - -	RIGHT-OF-WAY LINE
- - -	EXISTING EASEMENT LINE
- - -	VACATED R.O.W. LINE
—	YELLOW PLASTIC CAP
+	SECTION CORNER FOUND AS NOTED
○	PROPERTY CORNER FOUND AS NOTED

LAND DATA TABLE		
LAND AREA	SQUARE FEET	ACRES ±
LOT 3, BLOCK 1, EDGE MARK SUB	115,722	2.68
1/4 SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST	3,849	0.084
TOTAL	119,571	2.740



No.	DATE	REVISION DESCRIPTION
1	4/25/23	REVISED PER CITY COMMENTS

**Kimley-Horn**

1624 S. STENOGRAPH AVENUE  
 GREENWOOD LAKE, COLORADO 80111

WE NO. 0301226-200  
 11/11/2022  
 195524000  
 2 OF 2