

TOWN OF NEDERLAND, COLORADO

ORDINANCE NO. 734

AN ORDINANCE CLARIFYING THE VACATION OF PORTIONS OF WEST 4TH AND NORTH TILDEN STREETS ADOPTED BY ORDINANCE NOS. 704 AND 705

WHEREAS, pursuant to C.R.S. § 43-2-301 *et seq.*, the Town of Nederland, Colorado (“Town”), acting by and through its Board of Trustees (“Board”), possesses the authority to divest the Town’s interest in platted or designated public streets, roads, and other public ways by ordinance; and

WHEREAS, upon the request of certain adjacent property owners and pursuant to this authority, the Board previously acted to vacate portions of West 4th and North Tilden Streets in the vicinity of Lots 9 and 10, Block 29 of the Town, through the adoption of Ordinance Nos. 704 and 705 on January 3, 2012;

WHEREAS, the Town and the owners of said Lots 9 and 10 negotiated a fair market value for the portions of the vacated streets that would vest in those lots by operation of law: C.R.S. § 43-2-302; and

WHEREAS, based on compensation given and received, the intent of all parties involved and operation of state law, it was each party’s understanding and the Board’s intent that, upon the effectiveness of Ordinance Nos. 704 and 705, title to the entire width of the vacated portion of 4th Street lying to the north of Lot 9 would vest in Lot 9, title to the entire width of the vacated portion of 4th Street lying to the north of Lot 10 would vest in Lot 10, title to the west half (the west 30’ of the 60’ wide right-of-way) of the vacated portion of Tilden Street would vest in Lot 10, and title to the east half (the east 30’ of the 60’ right-of-way) of the vacated portion of Tilden Street would vest in Lot 6, Block 26 of the Town; and

WHEREAS, the road vacation plat, attached as Exhibit A to both Ordinance Nos. 704 and 705, properly illustrates the intended portions of the streets to be vacated but it does not, nor is it required to, illustrate the manner in which title will vest by operation of law; and

WHEREAS, the Road Vacation Description, also attached as Exhibit A to both Ordinance Nos. 704 and 705, describes the area of West 4th Street to be vacated and does not describe the area of Tilden Street to be vacated; and

WHEREAS, as a result, the effect of Ordinance Nos. 704 and 705 may be unclear, and staff with the Boulder County Assessor’s Office has expressed a willingness to correct any unintended errors in its property records if the Town provides some clarity on the issue; and

WHEREAS, the Board therefore wishes to clarify the scope and result of the right-of-way vacations intended by Ordinance Nos. 704 and 705.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of

Nederland, Colorado, as follows:

Section 1. The Board hereby ratifies, affirms and wishes to clarify the legal descriptions of the portions of West 4th Street and North Tilden Street originally vacated by Town of Nederland Ordinance Nos. 704 and 705, as follows:

Legal Description of Vacated Portion of West Fourth Street:

Flagstaff Surveying Inc.

Road Vacation Description – West 4th Street

A portion of the West 4th Street road right-of-way in the TOWN OF NEDERLAND, located in the northwest quarter of Section 13, Township 1 South, Range 73 West of the Sixth Principal Meridian, County of Boulder, State of Colorado, more particularly described as follows:

Beginning at the northeast corner of Lot 10,
Block 29, TOWN OF NEDERLAND;

thence West, along the north line of Block 29,
a distance of 120 feet to the northeast corner of Lot 7, Block 29,
TOWN OF NEDERLAND;

thence North, a distance of 60 feet to a point on the south line of
Block 30, TOWN OF NEDERLAND;

thence East, along the south line of Block 30, a distance of 120 feet,
to the southeast corner of Block 30, TOWN OF NEDERLAND;

thence South, a distance of 60 feet to the northeast corner of Lot 10,
Block 29, TOWN OF NEDERLAND, the **Point of Beginning**.

The vacated portion of West 4th Street contains 7200 square feet.

prepared by Lee Stadele
Colorado PLS 26300

11 November 2014

word document – 16105v1.doc

637 South Broadway . Suite C – Table Mesa Shopping Center
Boulder . Colorado . 80305
303.499.9737 LeeStadele@FlagstaffSurveying.com

Legal Description of Vacated Portion of North Tilden Street:

Flagstaff Surveying Inc.

Road Vacation Description – North Tilden Street

A portion of the North Tilden Street road right-of-way in the TOWN OF NEDERLAND, located in the northwest quarter of Section 13, Township 1 South, Range 73 West of the Sixth Principal Meridian, County of Boulder, State of Colorado, more particularly described as follows:

Beginning at the northeast corner of Lot 10, Block 29, TOWN OF NEDERLAND;

thence South, along the east line of Block 29, a distance of 100 feet to the southeast corner of Lot 10, Block 29;

thence East, a distance of 60 feet to the southwest corner of Lot 6, Block 26, TOWN OF NEDERLAND;

thence North, along the west line of Block 26 and Block 26 extended to the north, a distance of 160 feet to the southwest corner of Block 25, TOWN OF NEDERLAND;

thence West, a distance of 60 feet to the southeast corner of Block 30, TOWN OF NEDERLAND;

Thence South, a distance of 60 feet to the northeast corner of Lot 10, Block 29, TOWN OF NEDERLAND, the **Point of Beginning**.

The vacated portion of North Tilden Street contains 9600 square feet.

prepared by Lee Stadele 11 November 2014
Colorado PLS 26300
word document – 16105v1.doc

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Section 2. The manner in which title to the vacated streets described herein vested, as dictated by C.R.S. § 43-2-302, is illustrated in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 3. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of

this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable.

**INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 18th DAY OF NOVEMBER, 2014.**

TOWN OF NEDERLAND, COLORADO



Joe Gierlach, Mayor

ATTEST:

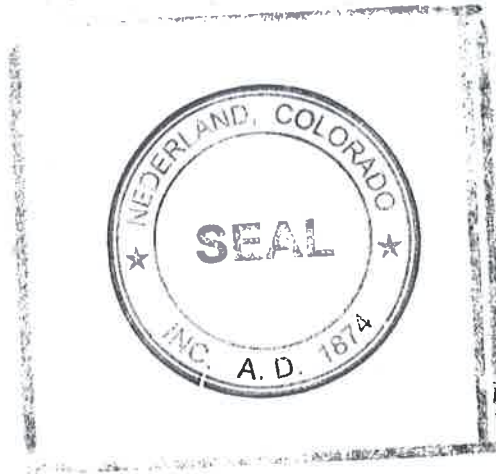


Laura Jane Baur, Town Clerk

APPROVED AS TO FORM:



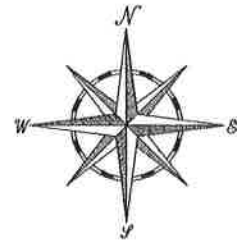
Carmen Beery, Town Attorney



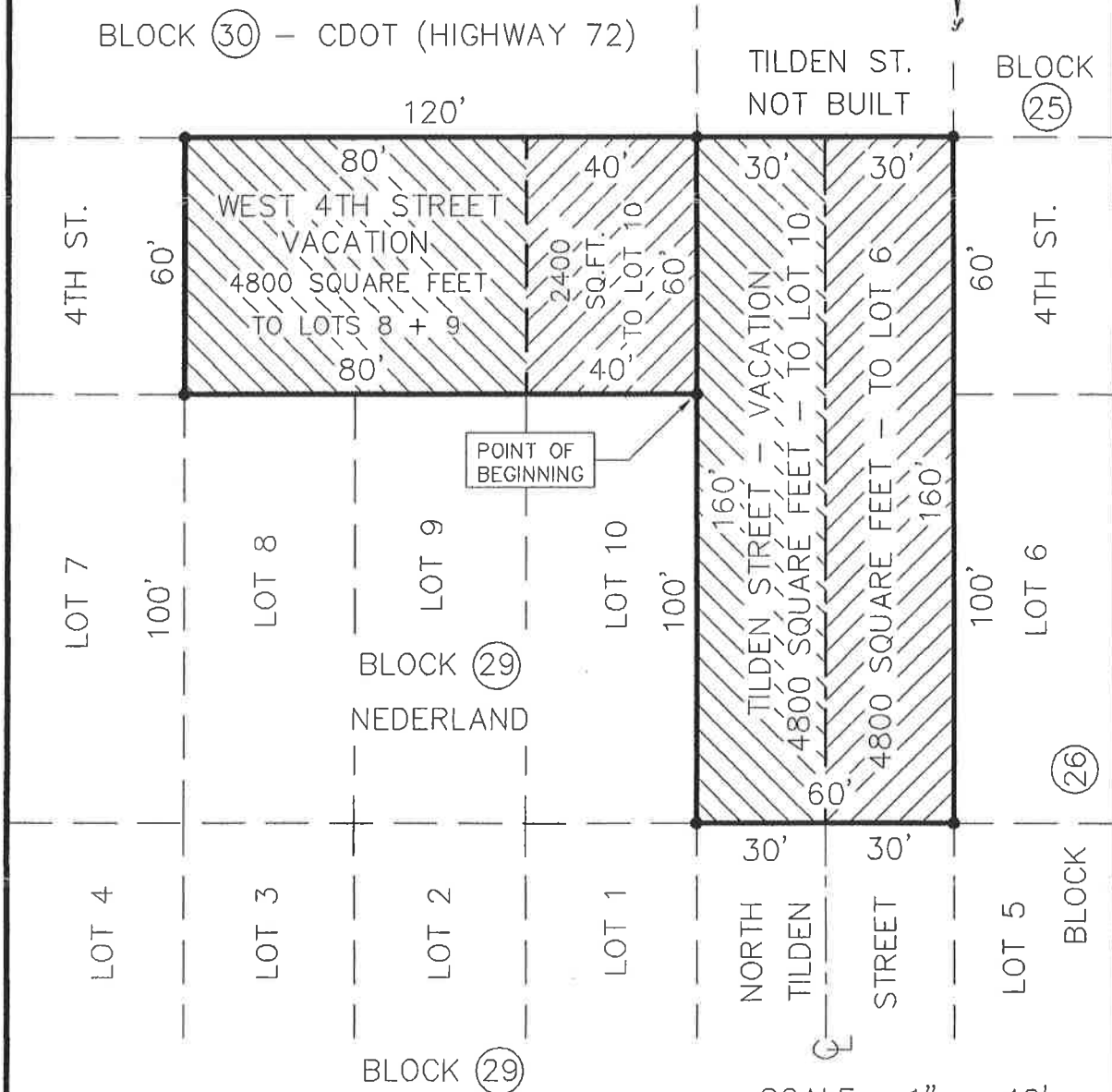
S E A L

- Road Vacation Exhibit -

ADJACENT TO BLOCK 29 . TOWN OF NEDERLAND
BOULDER COUNTY . COLORADO



BLOCK (30) - CDOT (HIGHWAY 72)

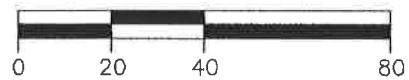


- Flagstaff Surveying Inc. -

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16105b-1.dwg . 11 November 2014

SCALE : 1" = 40'
U.S. SURVEY FEET



PREPARED BY LEE STADELE
COLORADO PLS 26300

