

**ORDINANCE NO. 7
SERIES 2002**

AN ORDINANCE VACATING THE EAST-WEST ALLEY LYING BETWEEN THE SOUTHERN BOUNDARY OF LOTS 20 THROUGH 24, BLOCK 31, AND THE NORTHERN BOUNDARY OF LOT 19, BLOCK 31, ALL ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING A FIFTEEN FOOT WIDE EASEMENT THEREIN.

WHEREAS, the applicant, Navid Navidi, submitted an application for vacating public property dated May 1, 2002, requesting the City of Gunnison to vacate that portion of the east-west alley located between the southern boundary of Lots 20 through 24, Block 31, and the northern boundary of Lot 19, Block 31, all according to the official amended plat of West Gunnison, City of Gunnison; and

WHEREAS, the subject alley has never been developed and has never been used as a public thoroughfare; and

WHEREAS, there are present within said east-west alley certain utility distribution lines and service lines; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on July 10, 2002, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation, while reserving an easement therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for alley vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning and Zoning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, Navid Navidi, is the owner of Lots 20 through 24, Block 31, according to the official amended plat of West Gunnison, and Mitchell J. Evans is the owner of Lot 19, Block 31, according to the official amended plat of West Gunnison, the property which is adjacent to the alley requested to be vacated.

b. That Mitchell J. Evans appeared at the public hearing and before the City Council, and now supports the requested alley vacation.

c. That no properties, other than those of the applicant and Mitchell J. Evans, would be denied access by the proposed alley vacation.

d. That the Building Official, Fire Marshal and Chief of Police have no objection to the proposed alley vacation.

e. That no public comment was received at the public hearing in opposition to the requested alley vacation that has not been resolved.

f. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan.

g. That the Department of Public Works, as well as the cable television provider and local telephone provider, have requested that an easement be reserved for all utilities within the alley sought to be vacated.

Section 2. Vacation. The alley which is vacated by this ordinance is that portion of the east-west alley lying between the southern boundary of Lots 20 through 24, Block 31, and the northern boundary of Lot 19, Block 31, all according to the official amended plat of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Reservation of Easement. There is hereby reserved from the above vacation an easement, being fifteen feet in width, that being the width of the east-west alley being vacated herein, to the City of Gunnison for the purpose of installation and maintenance of all utilities therein.

Section 4. Title. The title to such vacated street shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 10th day of September, 2002, on first reading, and introduced, read, passed, and adopted on second and final reading this 24th day of September, 2002.

Mayor

ATTEST:

City Clerk