

**ORDINANCE NO. 1  
SERIES 2003**

**AN ORDINANCE VACATING THE NORTHERN MOST FIFTEEN FEET OF WEST VIRGINIA AVENUE LYING ADJACENT TO THE SOUTHERN BOUNDARY OF LOTS 8 THROUGH 12, BOTH INCLUSIVE, BLOCK 106, AND ADJACENT TO THE SOUTHERN BOUNDARY OF THE EAST ONE-HALF OF PREVIOUSLY VACATED SIXTH STREET, ALL ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON.**

**WHEREAS**, the applicant, the City of Gunnison, by its Public Works Department, submitted an application for vacating public property dated February 17, 2002, requesting the City of Gunnison to vacate that portion of West Virginia Avenue lying between the southern boundary of Lots 8 through 12, Block 106, and the northern boundary of Lots 1 through 5, Block 113, all according to the official amended plat of Town of West Gunnison, City of Gunnison, and the eastern fifty feet of West Virginia Avenue within the intersection of previously vacated Sixth Street; and

**WHEREAS**, the subject street has been closed to public traffic by a chain link fence since at least 1992, and is not currently being used as a public street; and

**WHEREAS**, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on April 11, 2002, and has made a recommendation to the City Council that the City Council proceed with the requested street vacation.

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

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

a. That the applicant, the City of Gunnison, and Perry R. Anderson and Teresa A. Anderson, are the owners of all property adjacent to the street originally requested to be vacated.

b. That Mr. Anderson submitted a letter, which was an exhibit in the public hearing, supporting the requested street vacation.

c. That since the date of the public hearing, Mr. Anderson has communicated to the City his desire to retain potential public access in Virginia Avenue to the property which belongs to he and his wife.

d. That the Fire Marshal and Chief of Police have no objection to the proposed street vacation.

e. That no public comment, other than as recited above, was received at the public hearing, or otherwise, in opposition to the requested street vacation.

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

g. That a modification of the requested portion of Virginia Avenue to be vacated will preserve the possible future public street access to the property belong to the Andersons.

h. That the reduced amount of West Virginia Avenue vacated by this ordinance removes the necessity for reservation of any easement for installation and maintenance of utilities.

Ordinance No. 1  
Series 2003  
Page Two

Section 2. Vacation. The portion of the public street which is vacated by this ordinance is that portion of West Virginia Avenue described as being the northern most fifteen feet of West Virginia Avenue lying adjacent to the southern boundary of Lots 8 through 12, both inclusive, Block 106, and adjacent to the southern boundary of the east one-half of previously vacated Sixth Street, all according to the official amended plat of Town of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Preservation of Access. The amended description of the portion of West Virginia Avenue which is being vacated herein preserves future public street access to the property belonging to Perry R. Anderson and Teresa A. Anderson, while meeting the needs of the applicant, the City of Gunnison, by and through its Public Works Department.

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 11<sup>th</sup> day of February, 2003, on first reading, and introduced, read, and adopted on second and final reading this 25th day of February, 2003.

---

Mayor Pro Tem

ATTEST:

---

City Clerk