

**ORDINANCE NO. 18
SERIES 2003**

AN ORDINANCE VACATING THAT PORTION OF THE EAST-WEST ALLEY LYING BETWEEN LOTS 13 THROUGH 17, BOTH INCLUSIVE, ON THE SOUTH, AND LOT 18 ON THE NORTH, IN BLOCK 133, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING A TWENTY-FIVE FOOT WIDE EASEMENT THEREIN.

WHEREAS, the applicant, Dale B. Thomas, Jr., submitted an application for vacating public property on August 22, 2003, requesting the City of Gunnison to vacate that portion of the east-west alley lying between Lots 13 through 17, both inclusive, on the south, and Lot 18 on the north, in Block 133, according to the official amended plat of West Gunnison, City of Gunnison; and

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

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, held a public hearing upon the proposed vacation on November 12, 2003, 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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, 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 Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, Dale B. Thomas, Jr., is the owner of Lots 13 through 17, Block 133, according to the official amended plat of West Gunnison, which property is adjacent to the alley requested to be vacated on the south.

b. That Thomas J. Pulaski is the owner of Lot 18, Block 133, according to the Official amended plat of West Gunnison, which property is adjacent to the alley requested to be vacated on the north. He has submitted a letter supporting the requested alley vacation.

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

d. That the Building Official, Fire Marshal, and Department of Public Works have no objection to the proposed alley vacation, provided that an easement is reserved in the alley to be vacated sufficient to allow the installation of utilities and access for utility repair.

e. That no public comment was received at the public hearing in opposition to the requested alley vacation.

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

g. That the portion of the east-west alley located to the west of the alley requested to be vacated has previously been vacated by the City of Gunnison.

Section 2. Vacation. The alley which is vacated by this ordinance is that portion of the east-west alley lying between Lots 13 through 17, both inclusive, on the south, and Lot 18 on the north, in Block 133, 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 twenty-five feet in width, the full width of the alley being vacated hereby, to the City of Gunnison for the purpose of installation and maintenance of all utilities, and for vehicular access for the purpose of utility repair.

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 9th day of December, 2003, on first reading, and introduced, read, and adopted on second and final reading this 19th day of December, 2003.

Mayor

(SEAL)

ATTEST:

City Clerk