

**ORDINANCE NO. 10
SERIES 2004**

AN ORDINANCE VACATING ALL THAT PORTION OF WEST VIRGINIA AVENUE LYING WITHIN THE INTERSECTION OF PREVIOUSLY VACATED 6TH STREET AND DESCRIBED AS THE 14 FOOT WIDE PARCEL ADJACENT ON THE WEST TO THE CENTERLINE OF VACATED 6TH STREET, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING UTILITY EASEMENTS THEREIN.

WHEREAS, the applicant, Perry Anderson and Wildwood Townhomes Homeowner's Association, submitted an application for vacating public right-of-way requesting the City of Gunnison to vacate all that portion of West Virginia Avenue lying within the intersection of previously vacated 6th Street and described as the 14 foot wide parcel adjacent on the west to the centerline of vacated 6th Street, according to the official amended plat of Town of West Gunnison, City of Gunnison; and

WHEREAS, the subject street has not been developed, not been used as a public thoroughfare, and has not 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 July 14, 2004, and has made a recommendation to the City Council that the City Council proceed with the requested street vacation, while reserving utility easements therein.

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, the City Council hereby finds as follows:

- a. That the applicant, Wildwood Townhomes Homeowner's Association and Perry Anderson, are the owners of the property adjacent to the street requested to be vacated.
- b. That no properties, other than those of the applicant, would be denied access by the proposed street vacation.
- c. That the Building Official, Fire Marshal, and Chief of Police have no objection to the proposed street vacation.
- d. That no public comment was received at the public hearing in opposition to the requested street vacation.
- e. That the remainder of Virginia Avenue west of the proposed vacation has previously been vacated.
- f. That the Department of Public Works has requested that easements for the installation and maintenance of utilities be reserved.

Section 2. Vacation. The street which is vacated by this ordinance is all that portion of Virginia Avenue lying within the intersection of previously vacated 6th Street and described as the 14 foot wide parcel adjacent on the west to the centerline of vacated 6th Street, according to the official amended plat of Town of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado.

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Section 3. Reservation of Easements. There are hereby reserved from the above vacation easements for the purpose of installation and maintenance of utilities, which easements are more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

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 August, 2004, on first reading, and introduced, read, passed and adopted on second and final reading this 24th day of August, 2004.

Mayor

(SEAL)

ATTEST:

City Clerk