

**ORDINANCE NO. 12
SERIES 2004**

AN ORDINANCE VACATING ALL THAT PORTION OF 9TH STREET WHICH IS LOCATED NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF DENVER AVENUE AND ADJACENT TO BLOCKS 94 AND 95, ACCORDING TO THE AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicants, Robert L. Williams, James Pike, James P. O'Connor, and Donna J. O'Connor, submitted an application for vacating public property dated March 23, 2004, requesting the City of Gunnison to vacate that portion of 9th Street which is north of the northerly right-of-way line of Denver Avenue and adjacent to Blocks 94 and 95, according to the amended plat of Town of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado; and

WHEREAS, the subject street 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 April 28, 2004, 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, the City Council hereby finds as follows:

a. That the applicants, Robert L. Williams and James Pike are the owners of the property adjacent on the west to the portion of the street requested to be vacated, and that applicant James P. O'Connor is the owner of the property adjacent on the east to the portion of the street requested to be vacated.

b. That Gunnison Watershed School District RE1J, the owner of property located north of the portion of the street requested to be vacated, presented a letter at the public hearing in support of the requested street vacation.

c. That no properties, other than those of the applicants and Gunnison Watershed School District RE1J, would be denied access by the proposed street vacation.

d. That in order to preserve access to all platted lots within the area, the applicants shall vacate the existing plat of their respective properties.

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

f. That a utility line lies within a portion of the street requested to be vacated, for which Public Works has requested a twenty-foot wide utility easement.

g. That no public comment was received at the public hearing in opposition to the requested street vacation.

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

i. That the applicants have submitted a subdivision exemption plat to vacate the lot lines within their respective properties and to dedicate to the City a twenty-foot wide utility easement in the requested location.

Section 2. Vacation. The street which is vacated by this ordinance is that portion of 9th Street which is north of the northerly right-of-way line of Denver Avenue and adjacent to Blocks 94 and 95, according to the amended plat of Town of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Recording of Ordinance. This ordinance shall be recorded concurrently with the recordation of the applicants' plat vacating the lot lines within their respective properties.

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 12th day of October, 2004, on first reading, and introduced, read, passed and adopted on second and final reading this 26th day of October, 2004.

Mayor

(SEAL)

ATTEST:

City Clerk