

**ORDINANCE NO. 3
SERIES 2008**

AN ORDINANCE VACATING THE NORTH-SOUTH ALLEY WITHIN BLOCK 2, ISLAND ADDITION TO THE CITY OF GUNNISON, ACCORDING TO THE RECORDED PLAT THEREOF, AND THE SOUTHERN-MOST FIFTEEN FEET OF TOMICHI AVENUE ADJACENT TO SAID NORTH-SOUTH ALLEY, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicants, Brad and Cheryl Coffey, David and April Dannell, and Gary Powers, submitted an application for vacating public property, dated August 18, 2008, requesting the City of Gunnison to vacate the north-south alley within Block 2, Island Addition to the 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 September 9, 2008, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation;

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 Commission of the City of Gunnison, the City Council hereby finds as follows:

- a. That the applicants, Brad and Cheryl Coffey, David and April Dannell, and Gary Powers, are the owners of all the property which is adjacent to the alley requested to be vacated.
- b. That no properties, other than those of the applicants, would be denied access by the proposed alley vacation.
- c. That the alley as currently platted terminates at private property owned by some of the applicants.
- d. That the applicants have extended utility service lines serving portions of the properties owned by the applicants with utility service within the alley alignment.
- e. That no publicly-owned utility lines exist within the alley sought to be vacated.
- f. That the Building Official, Fire Marshal, and Chief of Police have no objection to the proposed alley vacation.
- g. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan nor the West Gunnison Neighborhood Plan.
- h. That the alley to be vacated may, in the future, be used for a public non-motorized trail.

Section 2. Vacation. The public rights-of-way which are vacated by this ordinance are described as follows: The north-south alley within Block 2, Island Addition to the City of Gunnison, according to the recorded plat thereof, and the southern-most fifteen feet of Tomichi Avenue adjacent to said north-south alley, City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Reservation of Easement. There is hereby reserved to the City of Gunnison over and across the area vacated hereby a non-exclusive easement for the installation and maintenance of underground utilities and for a public trail to be utilized for pedestrians, bicyclists, skiers, and other non-motorized modes of travel.

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

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 28th day of October, 2008, on first reading, introduced, read, and adopted on second and final reading this 11th day of November, 2008.

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(SEAL)

Mayor

ATTEST:

City Clerk