

**ORDINANCE NO. 9
SERIES 2011**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A TWENTY-FIVE FOOT UTILITY EASEMENT PREVIOUSLY RESERVED IN THAT PORTION OF THE EAST-WEST ALLEY LYING BETWEEN LOTS 13 THROUGH 17, BOTH INCLUSIVE, ON THE SOUTH, AND LOT 18 ON THE NORTH, BLOCK 133, AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY AND COUNTY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicant, Ken Coleman, City Manager of the City of Gunnison, State of Colorado, submitted an application for vacating public property dated August 1, 2011, requesting the City of Gunnison to vacate the utility easement in that portion the east-west alley lying between Lots 13 through 17, both inclusive, on the south, and Lot 18 on the north, Block 133, Amended Plat of Town of West Gunnison, City and County of Gunnison, State of Colorado;

WHEREAS, the subject alley was previously vacated with a reservation of an easement through Ordinance 18, Series 2003, dated December 19, 2003;

WHEREAS, a 30-foot wide utility easement has been established within the vacated ROW portions of South Wisconsin Street, Bidwell Avenue, and South Main Street through Ordinance No. 8, Series 2011; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on August 24, 2011, and has made a recommendation to the City Council that the City Council proceed with the requested utility easement 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 and Zoning Commission of the City of Gunnison, the City Council hereby finds as follows:

- a. That property owners of the vacated easement are Dale Thomas to the south and South Main Studios, LLC to the north.
- b. That no utilities are located in the utility easement that is proposed to be vacated.
- c. That the establishment of a 30-foot wide utility easement within the vacated ROW portions of South Wisconsin Street, Bidwell Avenue, and South Main Street (Ordinance No. 8, Series 2011) allows for the installation and maintenance of a sewer line, water line, and other public utilities.

Section 2. Vacation. The utility easement which is vacated by this ordinance is the twenty-five foot wide utility easement the full width of the previously vacated 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 and County of Gunnison, State of Colorado.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED, this 13th day of September, 2011, on first reading, and introduced, read, passed and adopted on second and final reading this 27th day of September, 2011.



[Handwritten Signature]

Mayor

ATTEST:

Gail A. Davidson

City Clerk

CERTIFICATION

STATE OF COLORADO)
) SS
COUNTY OF GUNNISON)

I, Gail A. Davidson, City Clerk of the City of Gunnison, Colorado, do hereby certify that the above is a true and correct copy of Ordinance No. 9, Series 2011, dated September 27, 2011, and the original remains on file and record in the City Clerk's Office and Records of the City of Gunnison.

WITNESS my hand and seal of said City of Gunnison, Colorado, this 28th day of September, 2011.



Gail A. Davidson

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