

**ORDINANCE NO. 5
SERIES 2014**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A PORTION OF 10TH STREET, CITY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicant, Gunnison County, submitted an application for vacating a public property on May 6, 2014, requesting the City of Gunnison to vacate that portion of 10th Street as described in Exhibit 1; and

WHEREAS, Section 12.11 of the *City of Gunnison Land Development Code* states that approval of a vacation of a recorded plat, right-of-way or easement may only occur if the application meets all the Review Standards for a Vacation; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on May 28, 2014, and made a recommendation to the City Council that the City Council proceed with the requested street vacation, with certain conditions regarding utility easements; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public meeting on the requested street vacation on June 10, 2014.

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. The applicant requests that a segment of the south 10th Street right-of-way be vacated.
- B. Pursuant to *Colorado Revised Statutes*, upon vacation of the portion of the right-of-way described, the adjoining owners get equal portions and Gunnison County owns property surrounding the vacated right-of-way.
- C. The vacation of the south 10th Street segment is not in conflict with future street extensions as contemplated by the *City of Gunnison Master Plan (2007)*.
- D. The vacation of this ROW segment will not create land-locked parcels or deny legal access to any parcel.
- E. The establishment of a 20-foot wide utility easement within the vacated ROW area will allow for the maintenance of a stormwater drain.
- F. The FAA awarded Gunnison County with grant leveraging entitlement funding to acquire land for protecting approaches to the airport and for the removal of the old Public Works buildings.
- G. The south 10th Street segment is identified as an area that might create an undue risk or interference with the use and operation of the Gunnison-Crested Butte Regional Airport.
- H. A large sewer line that runs east to west is within portions of the Gunnison-Crested Butte Regional Airport. A 20-foot wide utility easement within the airport property will allow for the maintenance of the existing City sewer line.
- I. City Community Development staff will be participating on the steering committee to update the *Gunnison-Crested Butte Regional Airport Master Plan*. Utilities will be part of the discussion to determine the location and extent of

utility line easements within the airport that are necessary to serve the City and the County's interests. As such, some easements granted wherein may need to be relocated.

- J. The vacation of the south 10th Street ROW will protect the health, safety and welfare of the community.

Section 2. Vacation. The street which is vacated by this ordinance is a portion of South 10th Street as specified in Exhibit 1.

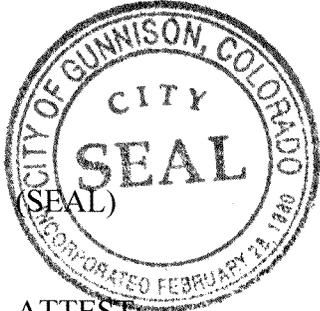
Section 3. Reservation of Easement. There is hereby reserved from the above vacation an easement, being 20 feet in width (10 feet each side from the centerline of the existing stormwater drain), the full length of the vacated portion indicated in Exhibit 1, to the City of Gunnison for the purpose of maintenance of the City's stormwater drain, and for vehicular access for the purpose of utility repair.

Section 4. Grant of Perpetual Easement for Underground Sewer Line. The Board of County Commissioners of the County of Gunnison hereby grants three perpetual easements for an underground sewer line which is in and across real property owned by the Grantor as specified in Exhibit 2.

Section 5. Gunnison County reserves the right to relocate the easements provided the relocation will ensure the same if not better performance of said utility. Gunnison County shall be financially responsible for any costs incurred for any future relocation of easement.

Section 6. Title. The title to such vacated street portions shall vest in accordance with the provisions of C.R.S. 43-2-302.

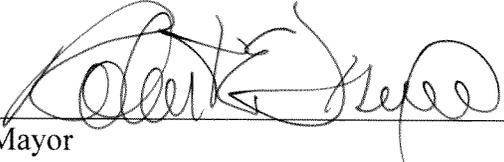
INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED, this 10th day of June, 2014, on first reading, and introduced, read, and adopted on second and final reading this 22nd day of July, 2014.



ATTEST:



City Clerk



Mayor

Published in Full after first reading in
the Gunnison Country Times Newspaper
on Thursday, June 19, 2014; and
Published in Full after amendment on second reading
in the Gunnison Country Times Newspaper
on July 31, 2014.