

**ORDINANCE NO. 10
SERIES 2015**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, VACATING A UTILITY EASEMENT WITHIN BOUNDARY LINE ADJUSTMENT – SALMON PROPERTY, TRACT B AND D, WEST GUNNISON AMENDED, RECEPTION #631561, CITY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicant, Salmon Rentals, LLC., submitted an application on June 24, 2015, requesting the City of Gunnison to vacate a utility easement within Boundary Line Adjustment – Salmon Property, Tract B and D, Reception #631561 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 August 12, 2015, and made a recommendation to the City Council to approve the requested easement vacation; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public meeting on the requested utility easement vacation on August 25, 2015;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for an easement 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 to vacate a portion of a 25 foot north/south utility easement within Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended, Reception #631561.
- B. The 25 foot utility easement was originally recorded in Gunnison County Clerk and Recorder in 1962 (as a power line easement) and was amended as a utility easement in 1975 at Book 437, Page 394.
- C. Utilities are not located within the north/south utility easement nor are any utilities planned at this location in the future.
- D. The site contains two east/west easements with one a centralized 20 foot easement providing access and utility extensions for tracts A through D and the other a northern 25 foot utility easement adjacent to Tracts B and C.
- E. Vacation of portions of the north/south 25 foot utility easement will allow for reasonable utilization of Tract B.
- F. The vacation of the easement will not be a detriment to the health, safety and welfare of the community.

Section 2. Vacation. The easement which is vacated by this ordinance is located in a portion of Boundary Line Adjustment – Salmon Property, Tract B and D, West Gunnison Amended, Reception #631561, as described in Exhibit 1.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED, this 25th day of August, 2015, on first reading, and introduced, read, and adopted on second and final reading this 8th day of September, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

A tract of land within vacated Ninth Street, according to the Amended Plat of the Town of West Gunnison, City of Gunnison, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the northeast corner of Block 21, according to said Amended Plat, thence South 00°00'00" East 25.00 feet along the west boundary of said Ninth Street, to the POINT OF BEGINNING, thence the following courses:

1. South 00°00'00" East 226.71 feet along said west boundary to the northerly boundary of U.S. Highway No. 50;
2. 50.26 feet along the arc of a curve to the right, said curve having a radius of 774.10 feet, and a long chord bearing North 29°50'07" East 50.25 feet, along said boundary to a point which is 25.00 feet east of said west boundary of Ninth Street;
3. North 00°00'00" East 183.12 feet along a line which is 25.00' east and parallel to said west boundary, to point which is 25.00 feet south of the south boundary of Tomichi Avenue, according to said Amended Plat;
4. North 90°00'00" West 25.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of the above described tract which lies within that tract labeled "Easement for access and public utilities" on the plat of Boundary Line Adjustment - Salmon Property, recorded at Reception No. 631561, in the records of Gunnison County.

Timothy E. Pearson

8-25-15



MAP OF VACATED EASEMENT
 WITHIN PORTIONS OF NINTH STREET
 ADJACENT TO BLOCK 21, WEST GUNNISON AMENDED
 CITY OF GUNNISON, GUNNISON COUNTY, COLORADO

