

Reception No. \_\_\_\_\_ Recorder.

Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. \_\_\_\_\_

ORDINANCE NO. 1988- 3

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 3 OF THE BRAIDEN SUBDIVISION IN THE TOWN OF LA JARA.

DECLARATION OF PURPOSE:

WHEREAS, the Plat of the Braiden Subdivision in the Town of La Jara was filed for record on October 11, 1909, under Reception No. 31871 in Book 1 of Plats at Page 32 in the office of the Clerk and Recorder of Conejos County, and

WHEREAS, in accordance with said Plat, Block 3 consists of 47 lots -- 1 through 23, inclusive, lying east of a north-south alley right-of-way and lots 24 through 47, inclusive, lying west of said north-south alley, all as more particularly shown on said Plat, and

WHEREAS, in the 1950's, title to lots 13 through 23, inclusive, on the east side of said alley, and to lots 24 through 34, inclusive, on the west side of said alley in said Block 3 was acquired by The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter Day Saints, a Utah corporation sole, hereinafter, " L. D. S. Church" and,

WHEREAS, subsequent to the acquisition of said title, the L. D. S. Church erected on said lots its church building, also known as the San Luis Valley Stake House and The La Jara Ward Chapel, and,

WHEREAS, said building and appurtenant parking lots as erected and as presently maintained are situate on the dedicated north-south alley right-of-way between lots 13 through 23, inclusive, and lots 24 through 34, inclusive, and,

WHEREAS, a careful and diligent search and examination of the Conejos County Courthouse records has failed to disclose the recordation of a document by which the Town of La Jara vacated the portion of the alley above-described so as to vest the title thereto in the L. D. S. Church as provided by law upon such a vacation and,

WHEREAS, the apparent failure to execute such documents, or if ever executed, but never recorded, was an inadvertent oversight on the part of the town and/or L. D. S. Church officials, and

WHEREAS, the Town of La Jara, realizes the impracticability and impossibility of claiming an alley right-of-way through presently-existing L. D. S. Church buildings situate on and over said lot and alley rights-of-way as above described and,

WHEREAS, for the purpose of "setting the record straight," the Town of La Jara and L. D. S. church officials are desirous of correcting said apparent oversights;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section 1. Vacation of a portion of alley: -- Pursuant to Colo. Rev. Stat. §43-2-303, as amended, the Board of Trustees of the Town of La Jara hereby vacates only that portion of the north-south alley of Block 3 of the Braiden Subdivision in the Town of La Jara referenced above that abutts the entire width of lots 13 through 23 inclusive lying on the east side of said alley right-of-way, and that abutts the entire width of lots 24 through 34, inclusive, lying on the west side of said alley right-of-way and no more.

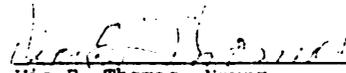
Section 2. Vesting of title upon vacation: -- That it is the intent of the Board of Trustees of the Town of La Jara that, pursuant to Colo. Rev. Stat. §43-2-302 (1)(c) all of its right, title, and interest in and into the portion of the alley above-described vest in fee simple absolute in the L. D. S. Church its successors and assigns forever.

Section 3. Repeal. -- Any and all ordinances or parts of ordinances of the Town of La Jara in conflict or inconsistent therewith are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara shall not revive any other sections of any ordinance or ordinances heretofore repealed or superceded.

Section 4. -- The town clerk shall certify to the passage of this ordinance and shall cause notice of its contents and passage to be published and recorded with such offices or agencies as prescribed by law.

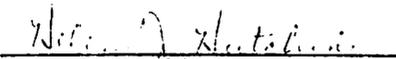
Section 5. Effective date: -- This ordinance shall be in full force and effect thirty days after its final passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AND SIGNED THIS 10th DAY OF Aug. 1988.

  
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Vic E. Thomas, Mayor

(S E A L)

ATTEST:

  
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Helen J. Hutchins  
La Jara Town Clerk