

ORDINANCE NO. 2005-2
TOWN OF LA JARA, COLORADO

**AN ORDINANCE VACATING IN ITS ENTIRETY THE ALLEY IN BLOCK 16
OF THE TOWN OF LA JARA.**

DECLARATION OF PURPOSE:

WHEREAS, the plat of the Town of La Jara in the County of Conejos and state of Colorado was filed for record in the Office of the Clerk and Recorder of Conejos County, Colorado, on October 24, 1887, in Book 7 at Pages 408-409, and

WHEREAS, in accordance with said Plat, Block 16 consists of 11 lots—1 through 6, inclusive, lying south of the east-to-west alley right-of-way and lots 7 through 11, inclusive, lying north of said east-to-west alley, all as more particularly shown on said Plat, and

WHEREAS, in the 1950's, or perhaps even before, the exact date not known nor capable of being ascertained, the predecessors in title to all of said Block 16 constructed on said Block 16, a car dealership, subsequently converted to a food super market with its appurtenant parking lot for its customers, which improvements encompassed all of said Block 16, which resulted in an encroachment of the entire alley as otherwise shown on the record plat as hereinabove referenced, and

WHEREAS, to the best knowledge, information, belief and memory of all the present members of the Board of Trustees of the Town of La Jara, said alley has never been used by any person or entity as a dedicated alley, but has been considered as part and parcel of the land within the exterior boundaries of said Block 16, and

WHEREAS, a careful and diligent search and examination of the Conejos County Courthouse records has failed to disclose the recordation of a document or ordinance by which the Town of La Jara, through its governing body, vacated any part or all of said alley so as to vest the title thereto in the predecessors in title of the present owners of said Block 16 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 the then owners, and

WHEREAS, the Board of Trustees of the Town of La Jara realizes the impracticability of claiming an alley right-of-way over the presently-existing parking lot of the present-day food supermarket, which alley, as aforesaid, has not been historically used as an alley right-of-way, and

WHEREAS, for the purpose of "setting the record straight", the Board of Trustees of the Town of La Jara and the present owners of all of Block 16 are desirous of correcting said apparent oversight;

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

Section 1. – Vacation of Alley: -Pursuant to Colo. Rev. Stat. §43-2-303, as amended, the Board of Trustees of the Town of La Jara hereby vacates the entire portion of the east-to-west alley of Block 16 of the Town of La Jara as referenced above so that thereafter there will not be an alley in any part of said Block 16.

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 the Town's right, title, and interest in and to the entire length of said alley in said Block 16 shall vest in fee simple absolute in the present owners of all of Block 16, such being **WILLIAM E. SOWARDS** and **DANA SOWARDS**, husband and wife, their heirs, successors, personal representatives and assigns forever.

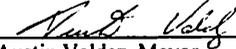
Section 3. Repeal -- Any and all ordinances or parts of ordinances of the Town of La Jara in conflict or inconsistent therewith are hereby repealed, **PROVIDED, HOWEVER**, that the repeal of any ordinance or parts of ordinances of the Town of La Jara shall not revive any other sections of any ordinance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

Section 4. Certification: -- 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.

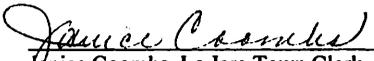
Section 5. Emergency Declaration: By reason of the fact that the vacation of the alley as hereinabove provided is necessary before contemplated new constructions for an incoming retail business establishment may commence to be situate on said Block 16, and by reason of the fact that said

construction must be completed, as contractually provided between the present owners and their proposed purchasers, within the very near future, and by reason of the fact that the Board of Trustees of the Town of La Jara encourages and supports the economic growth of the Town, it is hereby declared that an emergency exists and that this Ordinance is necessary for the preservation of the public peace, economic well-being, health and safety and that it shall become effective upon adoption and publication as by law provided.

INTRODUCED, READ AND PASSED AS AN EMERGENCY ORDINANCE at a special meeting of the Board of Trustees of the Town of La Jara at which a quorum was present this 2nd day of June, 2005, and ordered published in accordance with the provisions of §31-16-105, C.R.S.


Austin Valdez, Mayor

ATTESTED:


Janice Coombs, La Jara Town Clerk

(S E AL)

Date of Publication: _____
The Conejos County Courier

STATE OF COLORADO)
)
COUNTY OF CONEJOS)
)
TOWN OF LA JARA)

The Board of Trustees of the Town of La Jara, Colorado, met in regular session in full conformity with law and the ordinances and rules of the Town, at 221 Broadway, in La Jara, Colorado, on Monday, the 14th day of April, 2005, at 7:00 p.m.

Upon roll call the following were present, constituting a quorum:

Mayor:	Austin Valdez
Mayor Pro Tem:	James De Golyer
Trustees:	Dick Davidson
	Samuel Montoya Jr.
	Arthur "Tom" Rendon
	Henry Schimpf
	Gloria Valdez

Also present: Town Attorney, Ray Valdez; Building Inspector, Joseph Trottnier;
Police Chief, Richard Pena

Town Clerk: Janice Coombs

Absent: Arthur "Tom" Rendon

Janice E Coombs

Thereupon Trustee Dick Davidson introduced, and there was read in full, the following Ordinance: