

ORDINANCE NO. 329 REVISED

ORDINANCE VACATING A PORTION OF NINTH STREET AND ALLEY IN BLOCK 29, SOUTH CREEDE

WHEREAS, pursuant to CRS 43-2-303, a municipality has the power to vacate any roadway within its jurisdiction, and:

WHEREAS, the proposed vacating of the portion of Ninth Street described below and the alley in Block 29, South Creede, does not leave any land adjoining said roadway without an established public road or private access easement connecting said land with other established public road, and;

WHEREAS, the portion of Ninth Street described below and the alley in Block 29, South Creede, have not been used as public roadways for more than twenty years, and;

WHEREAS, the City of Creede, a Colorado Town reserves the right of continued use and repair, maintenance and upgrade of existing sewer, gas, water or similar pipelines and appurtenances, ditches or canals and appurtenances, and electric, telephone and similar lines and appurtenances.

THEREFORE, BE IT ORDAINED by the Board of Trustees of the City of Creede, a Colorado Town, in Mineral County, Colorado:

Section 1. Pursuant to applicable Colorado Statutes, the public alley in Block 29, South Creede described in paragraph (a) below and that portion of Ninth Street between Block 29 and Tract 50, South Creede, described in paragraph (b) below, be and the same are hereby vacated and closed:

- a. That portion of the alley located in Block 29, South Creede, from the west edge of Main Street (formerly San Luis Avenue) to its intersection with Ninth Street;
- b. All of Ninth Street between Block 29 and Tract 50, South Creede, from the west edge of Main Street (formerly San Luis Avenue) to its intersection with the north edge of Tenth Street and the east edge of adjacent property.

Section 2. The Board of Trustees of the City of Creede, a Colorado Town, hereby declare that it is within the best interests of the City of Creede, Colorado and its residents that the street and alley which is herein described be vacated, that the same was considered at two (2) regular meetings of the Board of Trustees in open session; that under the Statutes of the State of Colorado such vacation may take place, the vacated street and alley thereby being vested one half to the property owners adjacent on each side of the vacated street and alley.

Section 3. The Board of Trustees of the City of Creede, Colorado, a Town, hereby finds and determines that the public rights of way herein vacated are not now in public use and have not been in public use for many years; that these vacations will not leave any usable land without an established public access; that these vacations are in the best interest, welfare and safety of the inhabitants of Creede; and that these vacations will not interfere in any way with nor adversely affect the health, safety and convenience of the inhabitants of Creede and is not contrary to the public interest.

INTRODUCED, read in full, passed and approved at a regular meeting of the Board of Trustees of the City of Creede, a Colorado Town, held on the 14 day of MAY 2003.

CREEDE, COLORADO

ATTEST:

Betty Jean Myers, Mayor

Clyde Dooley, City Manager



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WHEREAS, pursuant to CRS 43-2-303, a municipality has the power to vacate any roadway within its jurisdiction, and;

WHEREAS, the proposed vacating of a portion of Ninth Street and alley in Block 29, South Creede, does not leave any land adjoining said roadway without an established public road or private access easement connecting said land with other established public road, and;

WHEREAS, that portion of Ninth Street and alley in Block 29, South Creede, has not been used as a roadway for more than twenty years, and;

WHEREAS, the City of Creede reserves the right of continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

THEREFORE, BE IT ORDAINED by the Board of Trustees of the City of Creede, Colorado, a Town in Mineral County, Colorado:

Section 1. Pursuant to applicable Colorado Statutes, the public alley in Block 29 described in paragraph (a) below and that portion of Ninth Street in Block 29 described in paragraph (b) below, be and the same are hereby vacated and closed:

- a. That portion of the alley located in Block 29, South Creede, from the east side of Main Street to the east intersect with Ninth Street;
- b. The southerly half of Ninth Street in Block 29, South Creede, from the west side of Main Street to its intersection with the north edge of Tenth Street which line is more specifically described on Exhibit A which is attached hereto and made a part hereof by reference.

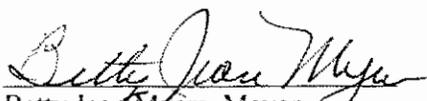
Section 2. The Board of Trustees of the City of Creede, Colorado, a Town, hereby declare that it is within the best interests of the City of Creede, Colorado and its residents that the street and alley which is herein described be vacated, that the same was considered at two (2) regular meetings of the Board of Trustees in open session; that under the Statutes of the State of Colorado such vacation may take place, the vacated street and alley thereby being vested to one half to the property owners adjacent on each side of vacated street and alley.

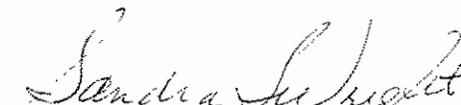
Section 3. The Board of Trustees of the City of Creede, Colorado, a Town, hereby finds and determines that the public rights of way herein vacated are not now in public use and have not been in public use for many years; that these vacations will not leave any usable land without an established public access; that these vacations are in the best interest, welfare and safety of the inhabitants of Creede; and that these vacations will not interfere in any way with nor adversely affect the health, safety and convenience of the inhabitants of Creede and is not contrary to the public interest.

INTRODUCED, read in full, passed and approved at a regular meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held on the 19th day of July 2002.

CREEDE, COLORADO

ATTEST:


Betty Jean Myers, Mayor


Sandra S. Wright, City Manager

BOARD OF COUNTY COMMISSIONERS

MINERAL COUNTY
P.O. BOX 70
CREEDE, COLORADO 81130
(719) 658-2331



July 15, 2002

Board of Trustees
City of Creede
Creede, CO 81130

Dear Trustees:

We recently had some title work done at the County shop and clinic property and have found a couple of problems with our title. Evidently 9th Street, although apparently never built west of San Luis Avenue, was also never vacated. We request that 9th Street from the west edge of San Luis Avenue to its intersection with the north edge of 10th Street and the east edge of Tract 49, South Creede, City of Creede, Mineral County, Colorado be vacated. We also request that the alleyway bisecting Block 29, as shown on the Plat of South Creede, City of Creede, Mineral County, Colorado be vacated by the City. Enclosed is a map showing the street and the alleyway.

Thank you for considering this request by the Board of County Commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Kolisch".

Karl Kolisch, Chairman/ Commissioner

Enclosure

