



ORDINANCE NO. 330

ORDINANCE VACATING A PORTION OF EIGHTH STREET AND NINTH STREETS AND TRACT 51, 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 a portion of Eighth Street, Ninth Street and Tract 51, 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 Eighth Street in Block 25, and Ninth Street in Block 30, and Tract 51 lying between Block 25 and Block 30, South Creede, have not been used as a roadway or for railroad purposes for more than twenty years, and;

WHEREAS, the City of Creede needs to reserves the right of way across the vacated property for utility and access to the flume

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, Eighth Street in Block 25 described in paragraph (a) below and that portion of Ninth Street in Block 30 described in paragraph (b) below, and that portion of Tract 51 lying between Block 25 and Block 30, South Creede, be and the same are hereby vacated and closed:

- a. That portion of Eighth Street in Block 25, South Creede, from the east side Highway 149 to the Willow Creek Flume;
- b. That portion of Ninth Street in Block 30, South Creede, from the east side of Highway 149 to the Willow Creek Flume;
- c. That portion of Track 51 lying between Block 25 and Block 30, South Creede, from the east side of Highway 149 to the Willow Creek Flume
- d. No structure shall be placed on or across the above described Property which would prevent the removal, replacement, maintenance or installation of utilities on the Property.

Section 2. The City reserves such portion of the above described streets and tract as may be needed for the location and maintenance of existing and future utilities including sewer, gas, water or similar pipelines or structures as may be determined by the City to be necessary for ditches or canals, and for access to the Willow Creek Flume together with a space occupied by the Flume and fifteen feet either side of the willow Creek Flume perpendicular to the Flume. The reservation in and adjacent to the Flume shall be fore the use of the City or its designees to remove, repair, maintain, remodel or change the use or purpose of the Flume as the City determines to be appropriate. No structures or impediments shall be constructed on the reserved space which would prevent access or use of the space occupied by the Flume or the fifteen foot reservation on either side for such purposes.

Section 3. 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 streets and portion of Tract 51 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 streets or tract.

Section 4. 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 is not contrary to the public interest.



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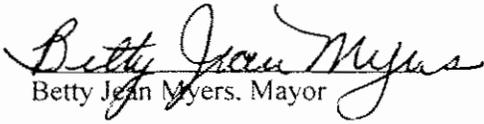
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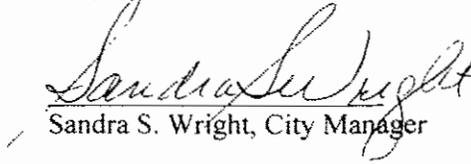
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INTRODUCED, read in full, passed and approved at a regular meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held on the 12th day of November 2002.

CREEDE, COLORADO

ATTEST:


Betty Jean Myers, Mayor


Sandra S. Wright, City Manager