



ORDINANCE NO. 339

ORDINANCE VACATING THE ALLEY IN BLOCK 8 OF SOUTH CREEDE

WHEREAS, pursuant to CRS § 31-15-101(1)(d) Creede has the authority to dispose of property as it deems appropriate and in accordance with CRS §43-2-303(1)(a), a municipality has the power to vacate any roadway or part thereof within its jurisdiction, and;

WHEREAS, Creede has determined that the portion of the existing alley east of Main Street and west of Willow Creek Flume in Block Eight, South Creede, has not been used as a roadway for more than twenty years, and;

WHEREAS, Creede has determined that there is no foreseeable possibility that the subject property will be used as a road in the future; and

WHEREAS, the City of Creede needs to reserve a right of way across the vacated property for City and public utility easements and access to the flume, and;

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 CRS § 31-15-101(1)(d) and CRS § 43-2-303(1)(a), the alley east of Main Street and west of Willow Creek Flume in Block Eight, South Creede is and the same is hereby vacated.

Section 2. The City reserves a perpetual easement and right of way across the entire alley to be vacated as may be required for the location and maintenance of existing and future utilities including, but not limited to, water, sewer, electric, phone and 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 for 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 or impede the reasonable 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 declares that it is within the best interests of the City of Creede, Colorado and its residents that this alley be vacated, that under the Statutes of the State of Colorado such vacation may take place, and the City's interest, with the exception of the reservation, in the vacated alley thereby being vested one half to the property owners adjacent on each side of the vacated alley.

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.

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 8th day of August 2006.

CREEDE, COLORADO

ATTEST:


Eldon M. Seime Mayor


Pamela J. Wilson Clerk/Treasurer

