

TOWN OF OAK CREEK

ORDINANCE NO. 626

AN ORDINANCE VACATING A PORTION OF ALLEY SOUTH OF BLOCK 4, THIRD ADDITION TO THE TOWN OF OAK CREEK, ROUTT COUNTY, COLORADO

WHEREAS, Board of Trustees for the Town of Oak Creek, Colorado ("Town") has duly received an application from William M. Auer ("Applicant") for the vacation of a portion of alley known as South Arthur Avenue-Alley Extension located south of Block 4, Third Addition to the Town of Oak Creek; and

WHEREAS, all necessary data has been submitted and all required fees have been paid on behalf of the Applicant; and

WHEREAS, the proposed alley vacation will not leave any land adjoining said alley without an established public road or private-access easement connecting said land with another established public road; and

WHEREAS, the Oak Creek Planning Commission ("Planning Commission") reviewed the application on April 17, 2013 and submitted an advisory report to the Oak Creek Board of Trustees ("Board") recommending approval of the petition subject to conditions; and

WHEREAS, the Board held a public hearing on the matter on May 9, 2013, notice of said hearing having been advertised in the Steamboat Pilot, a local newspaper of general circulation; and

WHEREAS, input was taken from the public and the Planning Commission's recommendation was considered; and

WHEREAS, Trustee Gustafson moved to approve the vacation of the alley known as South Arthur Avenue-Alley Extension with the finding of fact that it is appropriate to vacate the right-of-way as proposed by the petition and reserve public utility easements for water, sewer, electric, phone and cable and similar lines and appurtenances and a drainage and trail easement subject to the following conditions:

1. An ordinance finalizing the approval given herein shall be submitted for approval to the Board of Trustees and recorded no less than thirty (30) days after publication of said ordinance.
2. The Routt County Board of Commissioner's approval of the proposal shall be obtained and evidenced in writing prior to the approval of any ordinance vacating the road/alley as proposed.
3. The vacation shall not be final until the ordinance has been recorded with the Routt County Clerk & Recorder's Office.
4. The ordinance approving the vacation shall contain language reserving public utility easements including, but not limited to, water, sewer, electric, phone and cable and a drainage easement.

- 5. The ordinance approving the vacation shall contain language reserving a public trail easement of 10 feet in width, and the location of such trail easement shall be determined and legally described prior to finalizing the ordinance required herein.

Trustee Wisecup seconded; motion carried unanimously.

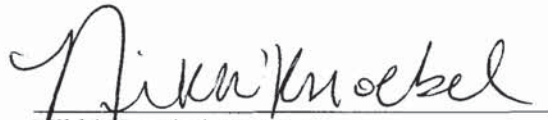
WHEREAS, the location of the trail has been determined and a legal description has been developed and accepted by the Board for the same.

WHEREAS, the Routt County Board of County Commissioners approved the vacation of the alley in accordance with Board's approval pursuant to the requirements of C.R.S. § 43-2-303(d) on September 24, 2013.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:


- 1. The portion of alley known as South Arthur Avenue-Alley Extension as described on the attached Exhibit A is hereby vacated reserving public utility easements including, but not limited to, water, sewer, electric, phone, cable, similar lines and appurtenances, and a drainage easement.
- 2. The easement for a trail and appurtenances as described on Exhibit B is hereby reserved.
- 3. This approval is based upon the record presented at the public hearing and the findings made by the Oak Creek Planning Commission and the Oak Creek Board of Trustees.
- 4. This ordinance shall take effect and be in full force and effect thirty (30) days after publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 26th day of September, 2013.



 Nikki Knoebel, Mayor

ATTEST:



 Mary Alice Page-Allen
 Town Administrator/Clerk

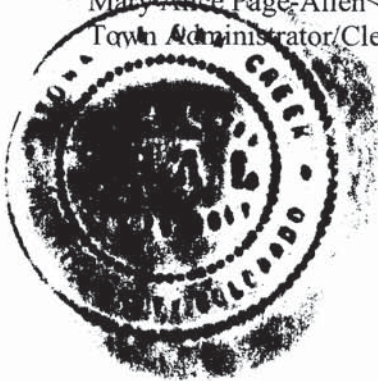


EXHIBIT A

LEGAL DESCRIPTION – Road/Alley Adjacent to 408 Bell Avenue, Oak Creek

Beginning at the Southeast corner of Lot 5, Block 4, THIRD ADDITION TO THE TOWN OF OAK CREEK, County of Routt, State of Colorado and running thence S 0°35' E – 32.4 feet more or less to the northeast corner of the James Addition and a south boundary of the municipal limits of the Town of Oak Creek, State of Colorado; thence along said south boundary - 85.0 feet, more or less; thence north – 32.4 feet more or less to the southwest corner of said Lot 5; thence along the south boundary of said Lot 5 – 85.0 feet, more or less, to the point of beginning.

EXHIBIT B

A legal description of tract of land for a public trail easement and appurtenances located within the South Arthur Avenue-Alley Extension right of way as shown on the plat of the THIRD ADDITION TO THE TOWN OF OAK CREEK, County of Routt, State of Colorado

The Southern 10 feet of the following described parcel: Beginning at the Southeast corner of Lot 5, Block 4, THIRD ADDITION TO THE TOWN OF OAK CREEK, County of Routt, State of Colorado and running thence S 0°35' E – 32.4 feet more or less to the northeast corner of the James Addition and a south boundary of the municipal limits of the Town of Oak Creek, State of Colorado; thence along said south boundary - 85.0 feet, more or less; thence north – 32.4 feet more or less to the southwest corner of said Lot 5; thence along the south boundary of said Lot 5 – 85.0 feet, more or less, to the point of beginning.