

**ORDINANCE NO. 22**

**SERIES 2011**

**AN ORDINANCE VACATING SOPRIS AVENUE BETWEEN BLOCKS 51 AND 52, TOWN OF CRESTED BUTTE EAST TO THE WEST PROPERTY LINE OF LOT 26, BLOCK 52 AND WEST TO THE COLORADO HIGHWAY 135 RIGHT OF WAY, WHITEROCK AVENUE BETWEEN BLOCKS 50 AND 51, TOWN OF CRESTED BUTTE AND WEST TO THE COLORADO HIGHWAY 135 RIGHT OF WAY, BELLEVIEW AVENUE BETWEEN BLOCKS 49 AND 50, TOWN OF CRESTED BUTTE AND WEST TO THE COLORADO HIGHWAY 135 RIGHT OF WAY; VACATING THE ALLEYS IN BLOCKS 49, 50 AND 51, TOWN OF CRESTED BUTTE; VACATING THAT CERTAIN PARCEL OF LAND IN BLOCK 52, TOWN OF CRESTED BUTTE NORTH OF SOPRIS AVENUE, WEST OF LOT 17**

**WHEREAS**, the Town of Crested Butte, Colorado ("**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

**WHEREAS**, the official plat of the Town of Crested Butte dated September 7, 1964 and recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado on September 25, 1964 at Reception No. 260766 depicts all of the lands located in Crested Butte, including, in pertinent part, all blocks and the lots located therein, as well as all streets and alleys;

**WHEREAS**, much of Blocks 49, 50, 51 and 52 are zoned "P" Public, as reflected on the Town's official zone district map pursuant to Section 16-3-30 of the Crested Butte Municipal Code ("**Code**");

**WHEREAS**, the Town staff expects that the Town will utilize portions of Whiterock Avenue between Block 50 and 51 for the construction of improvements of a public nature on such lands;

**WHEREAS**, the Town staff expects that it will not at any time require the use of Sopris Avenue between Blocks 51 and 52 west of the west property line of Lot 26, Block 52, Whiterock Avenue between Blocks 50 and 51, Belleview Avenue between Blocks 49 and 50, the alleys in Blocks 49, 50 and 51 and that certain parcel of land in Block 52 north of Sopris Avenue, west of Lot 17 as dedicated public rights of way or the like;

**WHEREAS**, the Town staff has recommended that the Town vacate as dedicated public rights of way Sopris Avenue between Blocks 51 and 52 east to the west property line of Lot 26,

Block 52 and west to the Colorado Highway 135 right of way, Whiterock Avenue between Blocks 50 and 51 west to the Colorado Highway 135 right of way, Belleview Avenue between Blocks 49 and 50 west to the Colorado Highway 135 right of way, the alleys in Blocks 49, 50 and 51 and that certain parcel of land in Block 52 north of Sopris Avenue, west of Lot 17; and

**WHEREAS**, the Town Council has received and reviewed the Town staff's recommendation that the Town vacate as dedicated public rights of way Sopris Avenue between Blocks 51 and 52 east to the west property line of Lot 26, Block 52 and west to the Colorado Highway 135 right of way, Whiterock Avenue between Blocks 50 and 51 west to the Colorado Highway 135 right of way, Belleview Avenue between Blocks 49 and 50 west to the Colorado Highway 135 right of way, the alleys in Blocks 49, 50 and 51 and that certain parcel of land in Block 52 north of Sopris Avenue, west of Lot 17; and

**WHEREAS**, the Town Council hereinbelow vacates as dedicated public rights of way Sopris Avenue between Blocks 51 and 52 east to the west property line of Lot 26, Block 52 and west to the Colorado Highway 135 right of way, Whiterock Avenue between Blocks 50 and 51 west to the Colorado Highway 135 right of way, Belleview Avenue between Blocks 49 and 50 west to the Colorado Highway 135 right of way, the alleys in Blocks 49, 50 and 51 and that certain parcel of land in Block 52 north of Sopris Avenue, west of Lot 17, the Town Council finding that such vacation is in the best interest of the health, safety and general welfare of the residents and visitors of Crested Butte.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Vacation of Certain Streets, Alley and Lands.** The Town Council hereby vacates as public rights of way the following streets, alleys and lands as reflected on the official plat of the Town of Crested Butte dated September 7, 1964 and recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado on September 25, 1964 at Reception No. 260766 ("**Plat**"):

- (1) Sopris Avenue between Blocks 51 and 52, Town of Crested Butte east to the west property line of Lot 26, Block 52 and west to the Colorado Highway 135 right of way;
- (2) Whiterock Avenue between Blocks 50 and 51, Town of Crested Butte west to the Colorado Highway 135 right of way;
- (3) Belleview Avenue between Blocks 49 and 50, Town of Crested Butte west to the Colorado Highway 135 right of way;
- (4) alleys in Blocks 49, 50 and 51, Town of Crested Butte; and
- (5) that certain parcel of land in Block 52, Town of Crested Butte north of Sopris Avenue, west of Lot 17.

**Section 2. Amending the Official Plat of the Town of Crested Butte.** The Plat shall be amended so as to reflect the vacation as public rights of way the streets, alleys and lands set forth in Section 1 hereof. Following the effective date of this Ordinance, the Plat and the Town's official zone district map shall be amended accordingly. Following approval of the amended plat by the Town Attorney, the Town Clerk shall cause the Mayor to execute such amended plat and cause such plat to be recorded in the official real property records of the Clerk and Recorder of Gunnison County, Colorado.

**Section 3. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 7<sup>th</sup> DAY OF NOVEMBER, 2011.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21<sup>st</sup> DAY OF NOVEMBER, 2011.**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_

Aaron J. Huckstep, Mayor

ATTEST: \_\_\_\_\_

Eileen Hughes, Town Clerk

