ORDINANCE NO. 9
SERIES 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO VACATING PORTIONS OF LEROY AVENUE, CITY OF GUNNISON, STATE OF COLORADO.

WHEREAS, ORDINANCE No. 2 a, Series 1932, by the Board of Trustees of the Town of Gunnison, State of Colorado, which was recorded on May 29, 1956 in Book 297 at Page 244 of the Gunnison County records, purported to vacate a portion of Leroy Avenue which is located between the south boundary of Lot 12, Block 4 on the north and the north boundary of Lot 1, Block 9, on the south, and other lands; and

WHEREAS, said ORDINANCE NO. 2 a, Series 1932, was defective in that the south boundary of said vacated land was described as being located north of a line fixed by surveys by the town engineer which surveys have not been placed in the public records and cannot otherwise be located; and

WHEREAS, the City of Gunnison, Colorado has a storm drain and a sewer line which are installed in the southern portion of said vacated portion of Leroy Avenue; and

WHEREAS, Brandon L. McLeod and Melissa M. McLeod ("McLeod’s"), the owners of Lot 12, Block 4, GILL’S ADDITION to Gunnison, and their predecessors have constructed improvements and paid taxes upon and otherwise utilized as their own a portion of said Leroy Avenue based on the 1932 Ordinance; and

WHEREAS, the City of Gunnison, the McLeod’s and the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation, the owner of Lot 1, Block 9, GILL’S ADDITION to Gunnison, desire to correct the defect in the 1932 Ordinance; and

WHEREAS, Gunnison County Abstract Company through their underwriter, asserts that in order to correct the defect in the 1932 Ordinance and to clear the title to that portion of Leroy Avenue which is located between the south boundary of Lot 12, Block 4 on the north and the north boundary of Lot 1, Block 9, on the south, GILL’S ADDITION to Gunnison should be vacated and subsequent to said vacation quit claim deeds in the form attached hereto as Exhibits A and C, as well as the Grant of Easement to the City of Gunnison in the form attached hereto as Exhibit B, should be executed and recorded.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

That portion of Leroy Avenue which is located between the south boundary of Lot 12, Block 4 on the north and the north boundary of Lot 1, Block 9, on the south, GILL’S ADDITION to Gunnison is hereby vacated upon the condition that subsequent to said vacation quit claim deeds in the form attached hereto as Exhibits A and C, as well as the Grant of Easement to the City of Gunnison in the form attached hereto as Exhibit B, shall be executed by the parties named above and recorded.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 26th day of September, 2017, on first reading, and introduced, read, passed and adopted on second and final reading this 10th day of October, 2017.

Jim Gelwicks, Mayor

ATTEST:

Gail A. Davidson, City Clerk
Published by title in the Gunnison County Times Newspaper
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