

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 792
(SERIES 2013)

4

5

AN ORDINANCE VACATING THE EASTERN 15 FEET OF TRACT A
ALONG THE 4/5TH ALLEY IN BLOCK 68
WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAGOSA SPRINGS

WHEREAS, The Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended in 2012 ("Charter"); and

WHEREAS, On March 3, 1998, a Special Warranty Deed conveying to the Town a 30 foot wide tract along the Lots now known as Lots 1-A, Lots 2A-1, 2A-2, 2A-3, 2A-4 and 2A-5 in Block 68 was recorded under reception # 98001787 (the "1998 Special Warranty Deed"), that included a 10 foot wide utility easement along the eastern edge of such 30 foot wide tract; and

WHEREAS, At their regular meeting on February 6, 2007, The Town Council unanimously approved returning to the original Grantors the eastern 15 feet of the 30 foot wide tract which was originally conveyed to the Town by the 1998 Special Warranty Deed, but no vacation ordinance or deed transferring title was ever approved by the Town Council; and

WHEREAS, On May 17, 2007, the Town approved the recordation of Plat #845 under reception #20704374, a subdivision plat titled Town of Pagosa Springs Block 68, Tract A and B, A Replat of Block 68, Lot IX, which included into the newly platted Tract A the western 15 feet of the original 30 foot wide tract that had been conveyed to the Town by the 1998 Special Warranty Deed and a 15 foot wide tract along Apache Street; the 15 foot wide tract along Apache Street was intended to be conveyed to the Town, but no deed was ever recorded; and

WHEREAS, On July 18, 2013, the Town Council approved the second reading of Ordinance No. 789, vacating easements in Block 68 including the 10 foot wide public utility easement along the original eastern boundary of Tract A in Block 68 as documented on a special warranty deed dated May 09, 1998 and recorded under reception # 98001787; and

WHEREAS, the Town wishes to formally and expressly vacate such eastern 15 foot portion of the 30 foot wide tract conveyed to the Town by the 1998 Special Warranty Deed as approved at the February 6, 2007 Town Council meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

SECTION 1 – Incorporation of Recitals and Findings. The above Recitals and Findings of the Town Council are hereby incorporated into this Ordinance.

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1 of 5 ODC RS\$31.00 DS\$0.00
June Madrid
Archuleta County

RE RECOMMEND TO ADD EXHIBIT



SECTION 2 – Vacation of the eastern 15 foot portion of Tract A in Block 68.

Pursuant to Sections 43-2-302(1)(a) and (b), and 43-2-303(2)(c), C.R.S., the Town hereby divests itself of all of its right or interest of the eastern 15 foot portion of the 30 foot wide tract that had been conveyed to the Town by the 1998 Special Warranty Deed along the 4/5th Streets Alley, within the corporate limits of the Town of Pagosa Springs, see Exhibit A.

SECTION 3 – Vesting of Title. In accordance with the provisions of Section 43-2-302(1)(a) and (b), C.R.S., title to the lands included within the roadway hereby vacated shall vest in the owner of the abutting property or properties, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.

SECTION 4 – Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

SECTION 5 – Effective Date. This Ordinance shall become effective and be in force immediately after final passage at second reading and upon receiving a quit claim deed for the 15 foot portion of Tract A in Block 68 along Apache Street within Block 68 of the Town of Pagosa Springs.

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3 of 4 ODC RS26.00 DS0.00

June Madrid
Archuleta County

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 18th DAY OF JULY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor



Attest:

April Hessman
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 6 DAY OF August, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: Ross Aragón
Ross Aragón, Mayor



Attest:

April Hessman
April Hessman, Town Clerk



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3 of 5 ODC RS31.00 DS0.00

June Madrid
Archuleta County



CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 792 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 18th day of July, 2013, and was published by title only, along with violations and a statement that the full text of the Ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall, on the Town's official website, on July 19, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 30 day of July, 2013.

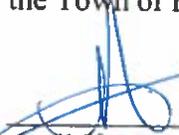

April Hessman, Town Clerk



(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 792 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 6 day of Aug, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Aug 12, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 12 day of Aug, 2013.


April Hessman, Town Clerk

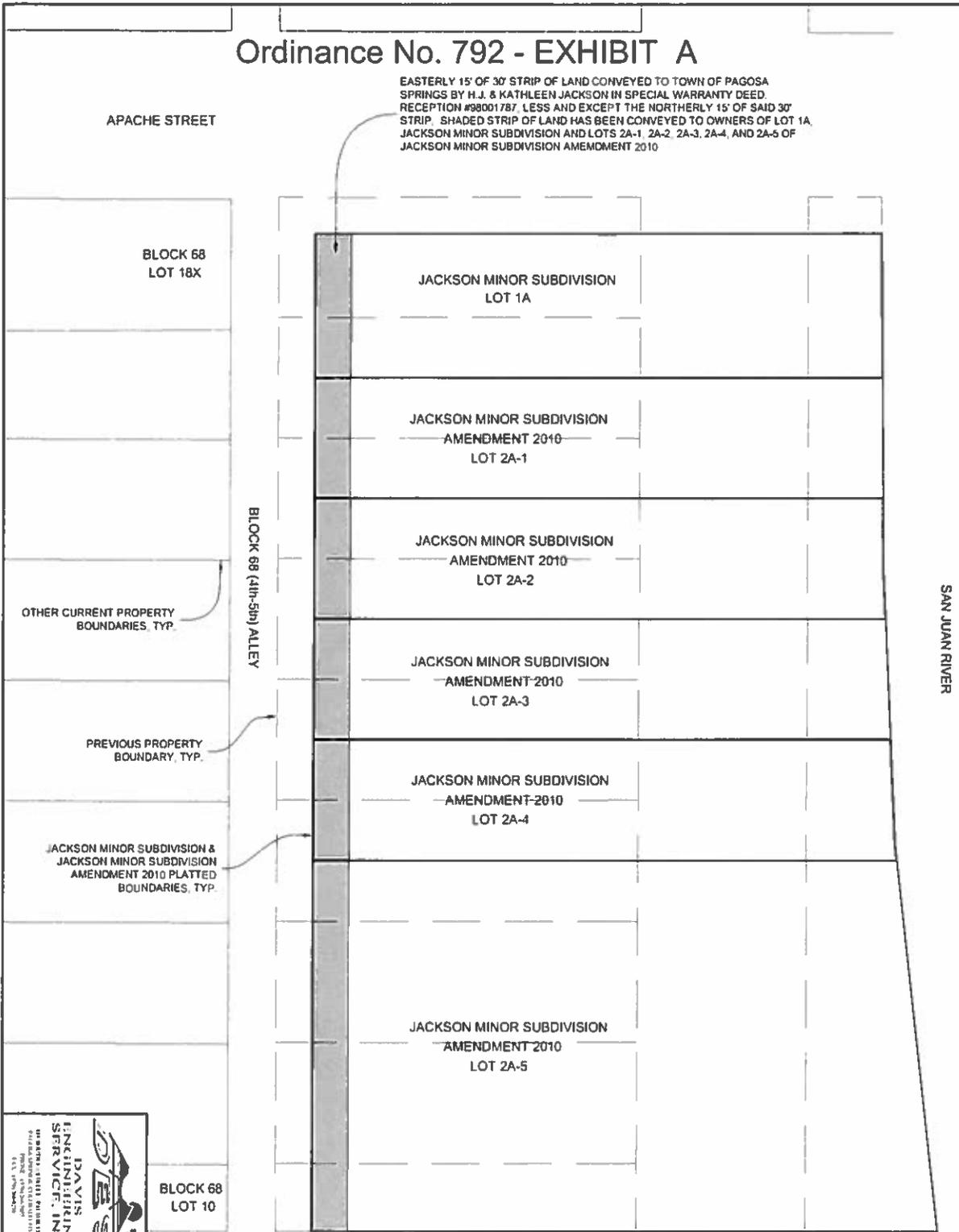


Rtrv:
Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147



Ordinance No. 792 - EXHIBIT A

EASTERLY 15' OF 30' STRIP OF LAND CONVEYED TO TOWN OF PAGOSA SPRINGS BY H.L. & KATHLEEN JACKSON IN SPECIAL WARRANTY DEED RECEPTION #98001787 LESS AND EXCEPT THE NORTHERLY 15' OF SAID 30' STRIP. SHADED STRIP OF LAND HAS BEEN CONVEYED TO OWNERS OF LOT 1A, JACKSON MINOR SUBDIVISION AND LOTS 2A-1, 2A-2, 2A-3, 2A-4, AND 2A-5 OF JACKSON MINOR SUBDIVISION AMENDMENT 2010



DAVIS ENGINEERING SERVICE, INC.
 1000 S. 10TH ST. SUITE 100
 PUEBLO, CO 81001
 TEL: 719.247.8888
 FAX: 719.247.8889

LOT	OWNER	DATE	REMARKS
1	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
2	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
3	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
4	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
5	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
6	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
7	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
8	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
9	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS
10	Jack Seale	8/27/2013	CONVEYED TO TOWN OF PAGOSA SPRINGS

