

ORDINANCE NO. 97-6

AN ORDINANCE VACATING A PORTION OF SECOND AVENUE AND THE ALLEYS WITHIN BLOCKS 75 & 86 NORTH OF THE DITCH.

WHEREAS, application has ben made to vacate the north thirty-five (35) feet of Second Avenue between Elm Street and the Railroad right-of-way, the alley in Block 75, and the alley in Block 86 north of the existing irrigation ditch; and

WHEREAS, the Planning Commission has recommended that the vacation be approved; and

WHEREAS, all notices and hearings have been held as required by law, and there was a Public Hearing before the Board of Trustees on May 14, 1997 as required.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Vacation of Street. The north thirty-five (35) feet of Second Avenue between Elm Street and the Railroad right-of-way in the Town of Hudson (Parcel "A" of Exhibit A) is hereby vacated.

Section 2. Vacation of Alleys. The alley in Block 75 (Parcel "B" of Exhibit A) and the alley in Block 86 north of the irrigation ditch (Parcel "C" of Exhibit A) in the Town of Hudson are hereby vacated.

Section 3. Entitle a Vesting of Roadway. That portion of the platted street and alleys described herein shall vest to the owners of abutting land in the manner provided by § 43-2-302 (1) C.R.S., as amended.

Section 4. Public Access for Adjoining Land. The vacation of a portion of the platted street and alleys described herein shall not leave any land adjoining such street or alley without established public road or private access easement connecting said land with another public road.

Section 5. Reservation of Easements. All rights of way or easements heretofore existing or granted by the Town of Hudson for electricity, cable, gas, sewer, water or similar pipelines and appurtenances, and for ditches or canals, are hereby reserved and preserved for the continued use of any such rights of way or easements for any and all of said purposes.

Section 6. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and

that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED ONCE IN FULL this 14th day of May, 1997.



Judy Larson
Judy Larson
Town Clerk

TOWN OF HUDSON, COLORADO
George Roskop
George Roskop
Mayor

PASSED ON SECOND AND FINAL READING this 28th day of May, 1997.



Judy Larson
Judy Larson
Town Clerk

TOWN OF HUDSON, COLORADO
George Roskop
George Roskop
Mayor

Exhibit A

LEGAL DESCRIPTION: (Parcel A)

That part of the Second Avenue R.O.W. in Hudson, a subdivision of a part of section 10, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado lying west of the Elm Street R.O.W. and east of the Burlington Northern Railroad R.O.W. except the south 25.00 feet thereof and except that part described as: BEGINNING at the point of intersection with the north R.O.W. line of said Second Avenue and the east R.O.W. line of said Burlington Northern Railroad; THENCE S 00°02'12" W a distance of 35.00 feet to a point 25.00 feet north of the south R.O.W. Line of said Second Avenue; THENCE N 89°29'05" W parallel with said south R.O.W. line a distance of 25.03 feet to a point on the east R.O.W. line of said Burlington Northern Railroad; THENCE N 35°45'46" E along said east R.O.W. line a distance of 42.86 feet to the POINT OF BEGINNING.

Contains 0.15 acres more or less

Basis of Bearing:

The east R.O.W. line of the Burlington Northern Railroad is assumed to bear N 35°45'46" E.

LEGAL DESCRIPTION: (Parcel B)

All that part of the alley in Block 75, Hudson, a subdivision of a part of section 10, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado lying south of the Burlington Northern Railroad R.O.W. and north of the Second Avenue R.O.W.

Contains 0.03 acres more or less.

LEGAL DESCRIPTION: (Parcel C)

All that part of the alley in Block 86, Hudson, a subdivision of a part of section 10, Township 1 North, Range 65 West of the 6th Principal Meridian, Weld County, Colorado lying south of the Second Avenue R.O.W. and North of the existing irrigation ditch.

Contains 0.05 acres more or less