

ORDINANCE NO.   34B  

**AN ORDINANCE OF THE TOWN OF STRATTON, COLORADO VACATING A PORTION OF ARKANSAS AVENUE IN THE TOWN OF STRATTON, COLORADO, BETWEEN 1<sup>ST</sup> STREET AND MAIN STREET.**

WHEREAS, the Town of Stratton has the authority to vacate streets, pursuant to §43-2-303, Colorado Revised Statutes.

AND WHEREAS, the Town Council of Stratton, Colorado desires to vacate a portion of Arkansas Avenue between 1<sup>st</sup> Street the north side of the east-west 20 foot alley, pursuant to §43-2-303(1)(a), Colorado Revised Statutes.

AND WHEREAS, the vacation of said street does not leave any land adjoining said street without an established public road or private-access easement connecting said land with another established public road, pursuant to §43-2-303(2)(a), Colorado Revised Statutes.

AND WHEREAS, the vacation of said street is determined to be in the best interests of the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO as follows:**

**Section 1.**

Arkansas Avenue from 1<sup>st</sup> Street to Main Street, EXCEPT 160 feet of Arkansas Avenue from the centerline of Main Street north to the north side of the east-west 20 foot alley, is hereby vacated.

**Section 2.**

The Town of Stratton hereby EXCEPTS and RESERVES rights-of-way and easements through such street for existing and future telephone lines, television cable lines, fiber-optic lines, electric lines and similar lines and appurtenances; water, sewer and gas or similar pipelines and appurtenances.

**Section 3.**

This Ordinance shall be recorded in the records of the Clerk and Recorder of Kit Carson County, Colorado.

**Section 4.**

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

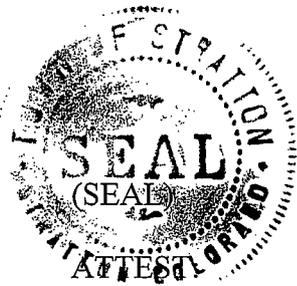
**Section 5.**

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Stratton.

**Section 6.**

Pursuant to §31-15-103, Colorado Revised Statutes, the municipality declares that the immediate passage and effectiveness of this ordinance is necessary to protect the public health and welfare of the citizens of the Town of Stratton, and orders that this Ordinance shall take effect immediately and shall be published as soon as possible.

PASSED BY THE TOWN COUNCIL AFTER A PUBLIC HEARING AND SIGNED  
THIS 11<sup>th</sup> DAY OF December, 2008.



Larry Shutte  
LARRY SHUTTE, Mayor Protem

TOWN OF STRATTON

Paula McConnell  
PAULA McCONNELL, Town Clerk