

ORDINANCE NO. 49A

AN ORDINANCE VACATING A TWENTY (20) FOOT ALLEY RUNNING EAST AND WEST ACROSS THE NORTH TWENTY FEET (N.20') OF LOT SEVEN (7), BLOCK TWO (2), ORIGINAL TOWN OF STRATTON, FORMERLY CLAREMONT, KIT CARSON COUNTY, COLORADO.

Be it Ordained by the Town Council of Stratton, Kit Carson County, Colorado, as follows:

Section 1. That heretofore on August 19, 1919, the Board of Trustees of the Town of Stratton, formerly Claremont, Kit Carson County, Colorado, did attempt to create a Twenty (20) foot alleyway running east and west across the North Twenty feet (N. 20') of Lot Seven (7), in Block Two (2), Original Town of Stratton, formerly Claremont, Kit Carson County, Colorado, by the following Resolution, to-wit:

VACATION OF ALLEY

At a regular meeting of the Mayor and Board of Trustees of the incorporated Town of Stratton, Kit Carson County, Colorado, held August 19, 1919, the following resolution was adopted:

Whereas, the alley between Lots Twenty-two (22) and Twenty three (23), and Lots Eight (8) and Nine (9), Block Two (2), of said Town has become useless and has been abandoned by the public as such alley and whereas, the owners of the abutting lots to such part of said alley desire the same be abandoned, and that the same may be used by said owners for an extension and addition to the garage on Lots Twenty-two (22) and Twenty-three (23), and

Whereas, the owners of said lots have consented and agreed to allow the North Twenty feet (20') of Lot Seven (7), said Block Two (2) to be used for alley and highway purposes in lieu of the regular alley above described;

Now, therefore, Be It Resolved by the Mayor and Board of Trustees of the said Town of Stratton, that the alley between Lots Twenty-two (22) and Twenty-three (23) and Lots Eight (8) and Nine (9), in Block Two (2), in said Town be vacated and annulled and the title thereto reverts to the owners of the above described lots.

Signed: J. E. Holtz, Mayor

Subscribed and sworn to August 19, 1919, before Edward W. Tamant, Notary Public; Commission expires January 26, 1922.

"SEAL"

Section 2. That at the time the "Resolution" was adopted on August 19, 1919, the record shows that lot 7, Block 2, Claremont, now Stratton, Kit Carson County, Colorado, was owned by Glenn Hallaway and James R. Hallaway under that Quit Claim Deed, dated January 28, 1919, and recorded in Book 136 at Page 414 of the Kit Carson County records, on March 31, 1919. Glenn Hallaway and/or James R. Hallaway did not join in the "Resolution", did not execute and/or deliver a "deed of dedication" wherein the twenty (20) foot alleyway running east and west across the North Twenty feet (N. 20') of Lot Seven (7), Block Two (2), Original Town of Stratton, formerly Claremont, was dedicated to the use of the general public.

Section 3. That if indeed a twenty (20) foot alleyway was ever created across the North Twenty feet (N. 20') of said Lot Seven (7), such alleyway was created by prescription and/or acquiescence. This alleyway, if ever created, has nor been abandoned by the Town of Stratton, formerly Claremont, Kit Carson County, Colorado, and the general public, such alleyway having not been used by the general public or maintained as an alleyway by the Town of Stratton, formerly Claremont, for a period of more than twenty (20) years.

Section 4 That if ever an alleyway did exist across the North Twenty feet (N. 20') of said Lot Seven (7), in Block Two (2), Original Town of Stratton, formerly Claremont, Kit Carson County, Colorado, that such alleyway has become useless to the Town of Stratton and to the general public and should be vacated. The full title to the said North Twenty feet (20') of Lot Seven (7) reverting to and becoming the land and real estate of the abutting land owners, free and clear of any right, title, or interest of the Town of Stratton, formerly Claremont, or any right to use the said alley by the general public.

Section 5. That the Stratton Equity Co-operative Co., a Colorado corporation, does own the South Five Feet (S. 5') of Lot Seven (7), and all of Lot Eight (8), in Block two (2), Original Town of Stratton, formerly Claremont, in Kit Carson County, Colorado, under the Commissioner's Deed from the Board of County Commissioners of Kit Carson County, Colorado, record March 4, 1969, in Book 464 at Page 401 of the Kit Carson County, Colorado records. Therefore, upon the vacation of the alleyway, if one did exist across the North Twenty feet (N. 20') of Lot Seven (7), in Block Two (2), Original Town of Stratton, formerly Claremont, Kit Carson County, Colorado, the said North Twenty feet (N. 20') of Lot Seven (7), shall revert to and become the property of the Stratton Equity Co-operative Co., a Colorado corporation, the corporation being the owner in fee simple of the land abutting the said North Twenty feet (N.20') of Lot Seven (7), Block Two (2).

Section 6. The vacation of the alleyway, if one did ever exist, will not in any manner impede travel or damage the abutting owners.

Section 7. The alleyway, if any, over the North Twenty feet (N.20') of Lot Seven (7), in Block Two (2), of the original Town of Stratton, formerly Claremont, created by the previous Resolution of the Board of trustees of the Town of Stratton, formerly Claremont, dated August 19, 1919, in Book 145 at Page 157 of the Kit Carson County, Colorado records, as an alleyway by prescription and/or acquiescence over the said North Twenty feet (N. 20') of said Lot Seven (7), is, by these present, vacated as an alleyway or public thoroughfare. The said alleyway shall no longer be a burden upon the said Lot Seven (7), the title reverting to and becoming the property of the abutting landowner, Stratton Equity Co-operative, a Colorado corporation, free and clear of any right of public travel or use, and therefore, the vacation of such

alleyway is necessary for the immediate protection of the public health and safety.

Section 8. This Ordinance is necessary for the immediate preservation of the public health or safety and shall therefore become effective five (5) days after its adoption and publication, as required by statute.

Passed and adopted at the regular meeting of the Board of Trustees on the tenth day of August, A. D., 1989.

Board of Trustees of the Town of
Stratton, formerly Claremont, Kit
Carson County, Colorado

BY
Mayor

Ray J. Kennerst

ATTEST:

Jackie L. Garrett
Clerk