

**ORDINANCE NO. 4-2008
TOWN OF MOFFAT, COLORADO**

**AN ORDINANCE VACATING A PORTION McPHERSON AVENUE AND A PORTION OF
FOURTH STREET IN THE TOWN OF MOFFAT, COLORADO**

WHEREAS, at the regular board meeting on May 6, 2008, the Moffat School District approached the Board of Trustees requesting a vacation of portions of certain public roads in order to allow the Moffat School District more room for recreational facilities, and

WHEREAS, the Board of Trustees has determined that such vacation will put that portion of the vacated public roads to the highest and best use of the public roads subject to vacation, and

WHEREAS, pursuant to C.R.S. § 43-2-303 the Board of Trustees has the power and authority to vacate public streets, so long as such vacation does not have the effect of leaving any land adjoining the vacated streets without an established access, and

WHEREAS, this vacation does not deny access to any land adjoining the vacated streets and alleys;

NOW THEREFORE, Be it hereby ordained by the Board of Trustees of the Town of Moffat, Colorado:

1. The portions of McPherson Avenue and Fourth Street, more particularly described as follows, are hereby vacated:

McPHERSON AVENUE:

THAT PORTION OF McPHERSON AVENUE EXTENDING FROM THE FROM THE SOUTHERN EDGE OF FIFTH STREET TO NORTHERN EDGE OF THIRD STREET.

FOURTH STREET:

THAT PORTION OF FOURTH STREEET EXTENDING FROM THE FROM THE WESTERN EDGE OF GARFIELD AVENUE TO EASTERN EDGE OF THE ALLEY RUNNING NORTH/SOUTH BETWEEN BLOCKS 152 AND 158.

2. The Board of Trustees hereby reserves the entire width of said public roads for utility easements in said vacated public roads to the Town of Moffat.
3. Fee ownership of the vacated street shall revert to the property owner(s) holding fee title to the property adjacent to the vacated street. Ownership shall vest to the centerline of said public roads with all lot owners adjacent to the public roads taking to the center.
4. The Town Clerk is hereby instructed to record this Ordinance in the office of the Saguache County Clerk and Recorder after such Ordinance is published.

INTRODUCED AND READ IN FULL this 3rd day of June 2008;

DONE and SIGNED this 1st day of July 2008.

Signed this 5th day of May 2009, *nunc pro tunc*.



Earl LeRoy, Mayor

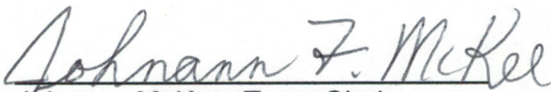
ATTEST:



Johann McKee, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full on June 3, 2008, and read in full, approved, and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 1st day of July, 2009 and published by posting in the designated locations in the Town of Moffat on May 6, 2009.



Johann McKee, Town Clerk

