

## ORDINANCE NO. 490

### **An Ordinance Providing for the Vacation of Certain Streets and Alleys Inside the Collateralized Boundary of the Holly RE-3 School District Pre-K to 12 New School Construction Project Within the Town of Holly, Colorado**

WHEREAS, The Holly School District RE-3, a political subdivision of the State of Colorado, whose address is 206 North 3<sup>rd</sup> Street, Holly, CO 81047, comes now by petition to the Board of Trustees of the Town of Holly, Colorado to vacate certain streets and alleys; and

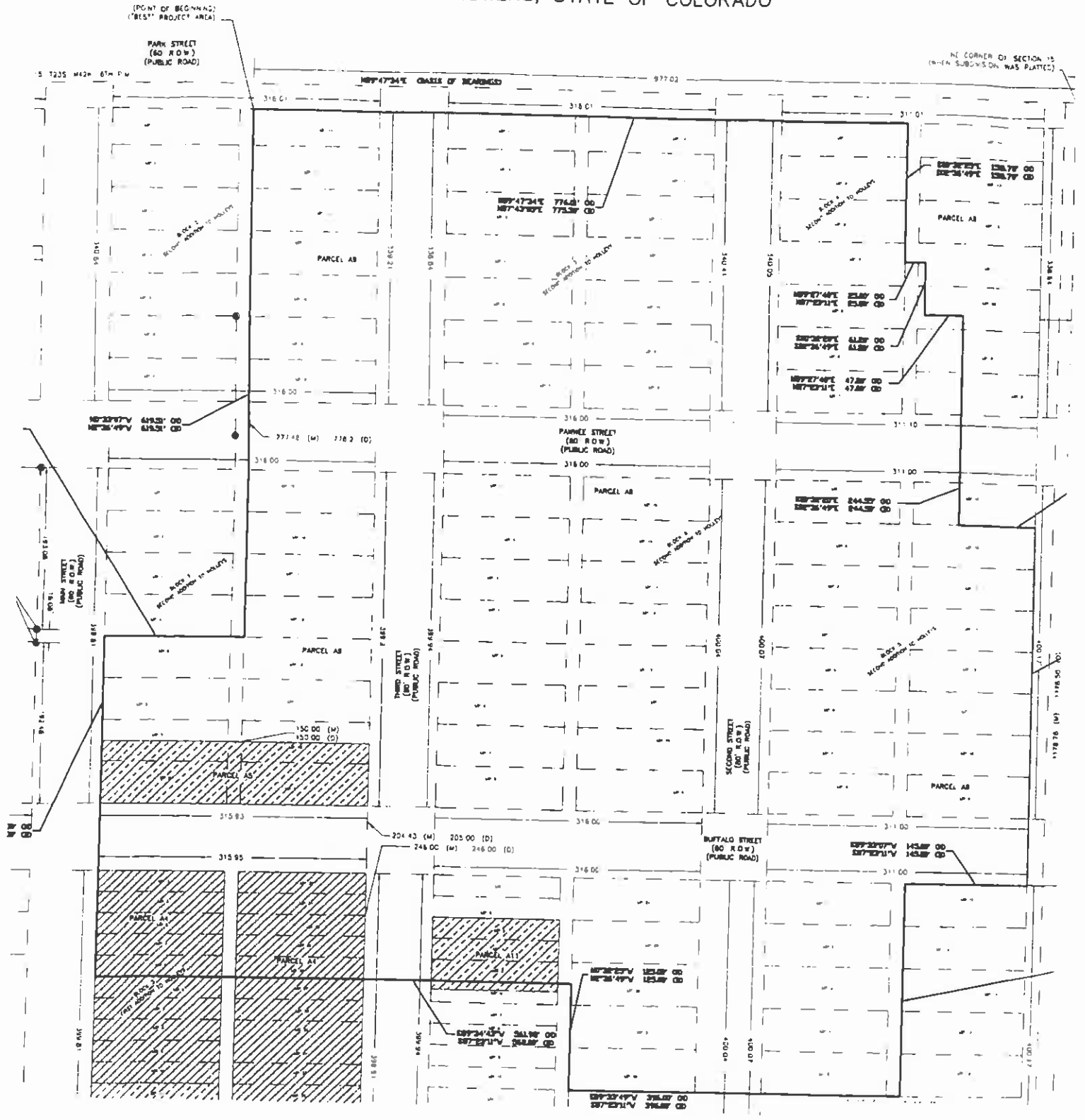
WHEREAS, Petitioner is the owner of property within the Town of Holly, Colorado, which said premises are described in the following Legal Description:

A parcel of land located in the NE  $\frac{1}{4}$ , Section 15, Township 23 south, Range 42 west, of the 6<sup>th</sup> P.M. County of Prowers, State of Colorado, being more particularly described as follows. Beginning at the northwest corner of Lot 14, Block 1, plat of Blocks 1 and 2, Meadow Lark Subdivision of the Town of Holly; thence south 619.5 feet, more or less to the southwest corner of Lot 11, Block 2, plat of Blocks 1 and 2, Meadow Lark Subdivision; thence west a distance of 166 feet, more or less to the east right-of-way line of Main Street, (AKA Fourth Street); thence south along said east right-of-way line, a distance of 405 feet, more or less to the southwest corner of Lot 5, Block 3, plat of First Addition to Holleys; thence east along the south line of Lots 5 and 28, said Block 3, and along the south line of Lot 5, Block 4, plat of First Addition to Holleys, a distance of 562 feet more or less, to the east right-of-way line of the north-south alley in Block 4, plat of First Addition to Holleys; thence south along said easterly right-of-way, a distance of 125 feet more or less to the southwest corner of Lot 20, Block 4, Plat of First Addition to Holleys; thence east along the south line of said Lot 20, and the south line of Lot 5, Block 5, plat of First Addition to Holleys, a distance of 396 feet more or less, to the southwest corner of Lot 12, Block 5, plat of First Addition to Holleys; thence north, 250 feet more or less to the northwest corner of Lot 16, Block 5, plat of First Addition to Holleys; thence east along the north line of said Lot 16, a distance of 145.00 feet more or less, to the west right-of-way line of First Avenue (AKA Prowers County Road 35); thence north along said westerly right-of-way, a distance of 430 feet more or less to the northeast corner of Lot 15, Block 5, plat of Second Addition to Holleys; thence west along the north line of said Lot 15, Block 5, a distance of 87 feet more or less; thence north 244.5 feet more or less; thence west 47 feet more or less; thence north, 61.2 feet more or less; thence west, 25 feet more or less; thence north 158.7 feet more or less to the south right-of-way line of Park Street; thence west along said south right-of-way line a distance of 775.3 feet more or less to the point of beginning, containing 1,000,539 sq ft more or less.

Basis of bearings. Bearings shown hereon are measured and based on the south line of Park Street.

WHEREAS, said premises include a portion of Second Street, Third Street, Pawnee Street, Buffalo Street and alleys as portrayed in the following survey of collateralized boundaries; and

TOWN OF HOLLY, COUNTY OF PROWERS, STATE OF COLORADO



WHEREAS, Petitioner believes that most of the streets and alleys above described have been previously vacated, however Petitioner does not have sufficient recorded information to verify whether all of these streets and alleys have been vacated; and

WHEREAS, as a result, Petitioner requests that the Town of Holly, Colorado vacate said streets and alleys within the premises; and

WHEREAS, this vacation will not apply to any streets or alleys previously vacated, and will also reserve to the Town of Holly, Colorado any existing easements for utilities such as water, sewer, electricity, natural gas, telephone and other utilities which may be in existence; and

WHEREAS, pursuant to C.R.S. 43-2-303, Petitioner states that Petitioner is the owner of property which is adjacent to both sides of the parcels requested to be vacated herein, and that title to the land so vacated shall vest in Petitioner; and

WHEREAS, Petitioner states that this Petition, if granted, will not leave any land adjoining said streets without an established public road or private-access easement connecting said land with another established public road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO, a municipal corporation, that the streets and alleys herein described are vacated and granted to the Petitioner, subject to the terms and conditions hereinafter set forth:

1. All that portion of Second Street, Third Street, Pawnee Street, Buffalo Street and alleys located within that tract of land described as portrayed in the collateralized boundaries and by this reference made a part hereof are hereby vacated; provided, however, that this vacation does not apply to any portion of said streets and alleys which have been previously vacated.
2. A survey of the premises is made a part of this Ordinance.
3. The Town of Holly, Colorado reserves and excepts all existing easements for utilities such as water, sewer, electricity, natural gas, telephone and other utilities which may be in existence.

APPROVED, ADOPTED, AND ORDERED PUBLISHED THIS 1<sup>st</sup> DAY OF FEBRUARY, 2012.

/s/ Viola Melcher, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer