

**ORDINANCE 94-8
TOWN OF OPHIR**

AN ORDINANCE VACATING A PORTION OF EIGHTH STREET

WHEREAS, the General Assembly finds that the future transportation and access demands of the Town of Ophir will not include the portion of the Eighth Street platted street right of way lying south of the south side of the Aurum Street platted right of way and lying north of the north side of the Porphry Street right of way (hereinafter "Eighth Street Vacation");

WHEREAS, the General Assembly desires to dispose of certain land which includes the land subject to the Eighth Street Vacation with the intention and understanding that the land may be used for future development;

WHEREAS, the General Assembly finds that the Eighth Street Vacation will not leave any land adjoining the vacated portion of Eighth Street without an established public road or private access easement connecting said land with another established public road; and,

WHEREAS, the General Assembly finds that the Eighth Street Vacation is necessary for the promotion and preservation of the health, safety and general welfare of the Town of Ophir community;

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO, the following:

SECTION 1: A PORTION OF EIGHTH STREET IS VACATED

The General Assembly of the Town of Ophir hereby vacates the portion of the Eighth Street road right of way lying south of the south boundary of the Aurum Street right of way and north of the north boundary of the Porphry Street right of way. No rights of way or easements within the vacated portion of Eighth Street as described in this section are reserved by the Town of Ophir.

SECTION 2: TOWN OF OPHIR OWNS THE VACATED PORTION OF EIGHTH STREET

Pursuant to Colorado Revised Statute section 43-2-302, title to the vacated portion of Eighth Street vests in the Town of Ophir as the owners of land abutting both sides of the vacated portion of Eighth Street.

SECTION 3: CONFLICTS WITH OTHER LAWS

The Town of Ophir Land Use Code shall supersede any existing laws of the Town of Ophir or existing or future laws of the State of Colorado or of the United States of America, to the maximum extent permissible by homerule communities, that are in conflict with the provisions of this Ordinance or Town of Ophir Land Use Code.

SECTION 4: SEVERABILITY

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.


SECTION 5: EFFECTIVE DATE

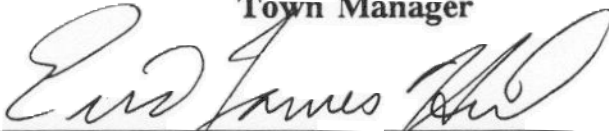
This Ordinance shall take effect immediately upon passage and adoption of the Second Reading by the General Assembly.

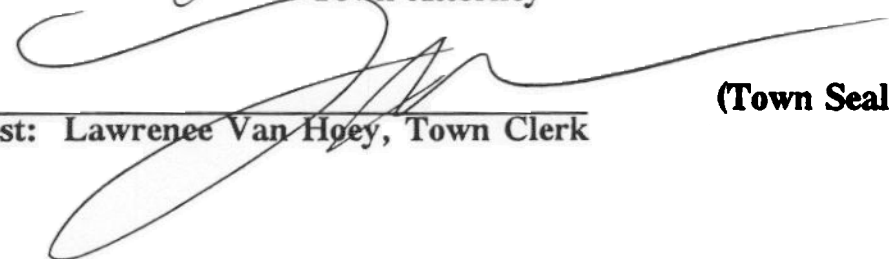
SECTION 6: ORDINANCE RECORDED WITH COUNTY

After passage and adoption of second reading by the General Assembly, the Town Clerk of the Town of Ophir shall cause a copy of this ordinance to be recorded with the County Clerk and Recorder.

FIRST READING OF THIS ORDINANCE HEARD, APPROVED AND ADOPTED BY THE OPHIR GENERAL ASSEMBLY this 7th day of June, 1994.


Town of Ophir, by: Paul Machado
Town Manager


Approved as to Form: Eric James Heil
Town Attorney


Attest: Lawrence Van Hoey, Town Clerk

(Town Seal)