

**Ordinance 94-19**  
**Town of Ophir**

**An Ordinance Vacating Street and Alley Rights-of-Way in the Spring Gulch Replat Area**

**WHEREAS**, the General Assembly finds that the future transportation and access demands of the Town of Ophir will not include the street and alley rights-of-way in the Spring Gulch Replat Area;

**WHEREAS**, the General Assembly desires to consolidate the Town owned property in the Spring Gulch Avalanche Hazard Area to the Open Space Zone District;

**WHEREAS**, the General Assembly finds that the Spring Gulch Replat Vacations will not leave any lands adjoining the vacated roadways 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 Spring Gulch Replat Vacations are 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:                    Street and Alleys Spring Gulch Replat Area**

The General Assembly of the Town of Ophir hereby vacates the following streets and alleys:

Aurum Street from the East side of the Fourth Street right-of-way to the West side of the Eight Street right-of-way;

Porphry Street from the East side of the Fourth Street right-of-way to the West side of the Eight Street right-of-way;

Carbonate Avenue from the East side of Lot 4, Block 29, to the West side of Lot 4, Block 20;

The entire length of Fifth Street, Sixth Street, and Seventh Street, not including the Granite Avenue right-of-way;

The entire alley rights-of-way on Blocks 6, 7, 8, 9, U, V, W, X, J, I, H, E, and F;

The alley right-of-way on Block K East of the East side of Lot 6;

The alley right-of-way on Block D East of the East side of Lot 15; and,

The alley right-of-way on Block G West of the West side of Lot 7.

**Section 2: Town of Ophir owns the Vacated Rights-of Way**

Pursuant to Colorado Revised Statute section 43-2-302, title to the vacated street and alley rights-of-way vests in the Town of Ophir as the owners of land abutting both sides of the vacated rights-of-way.

**Section 3: Conflicts with Other Laws**

This Ordinance 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 home rule communities, that are in conflict with the provisions of this Ordinance.

**Section 4: Severability**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment 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**

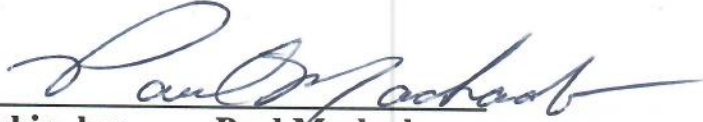
This Ordinance shall take effect immediately upon passage and adoption of the Second Reading by the General Assembly.

**Section 6: Ordinance Recorded with County**

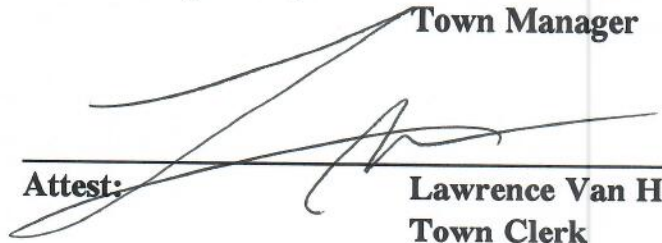
After passage and adoption of second reading by the General Assembly, the Town Clerk of the Town of Ophir shall cause a copy of this ordinance to be recorded with the County Clerk and Recorder.

**FIRST READING OF THIS ORDINANCE INTRODUCED, HEARD, and APPROVED BY THE OPHIR GENERAL ASSEMBLY this 15th day of November, 1994.**

**SECOND READING READ AND ADOPTED BY THE OPHIR GENERAL ASSEMBLY this 20th day of December, 1994.**



**Town of Ophir, by: Paul Machado  
Town Manager**



**Attest: Lawrence Van Hoey,  
Town Clerk**

**(Town Seal)**