

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 11**  
**(Series of 2020)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
VACATING A PORTION OF THE EAST CRESTONE AVENUE RIGHT OF WAY AT  
THE INTERSECTION WITH WEST THIRD STREET.**

**WHEREAS**, pursuant to C.R.S. § 43-2-301 *et seq.*, the City of Salida (the “City”), acting by and through its City Council (“Council”), possesses the authority to divest the City’s interest in platted or designated public streets, roads, and other public ways by ordinance; and

**WHEREAS**, the vacation and disposition of municipal interests in public rights-of-way and other public property is identified by the appellate courts of the State of Colorado as a legislative and discretionary function of the local governing body; and

**WHEREAS**, an application has been made for the vacation of a portion of East Crestone right-of-way located at West Third Street within the City; and

**WHEREAS**, the City is co-applicant on the vacation request with the Chaffee Housing Trust, a 501(c)3 nonprofit who is in discussions with the City regarding potential affordable housing on the site per direction of the City Council on July 16, 2019 and October 15, 2019; and

**WHEREAS**, said application has been found to be legally sufficient for consideration and action by the Salida Planning Commission and the Council under the City Code (the “Code”); and

**WHEREAS**, the Salida Planning Commission at a duly noticed public hearing on June 22, 2020 found that the application complied with the Code, the Salida Comprehensive Plan, and City plans and policies, and therefore recommended its approval by the Council; and

**WHEREAS**, the Salida Planning Commission, in addition to recommending approval of the vacation application to the Council, made the following additional recommendations: that the resulting site and lots would be subject to the use of affordable housing; that said portion of East Crestone Avenue would remain open until final project and development approval; and that City staff be directed to pursue “Street Configuration Option 2” as identified in the June 22, 2020 staff report (which would enhance and maintain M Street access to/from Crestone Mesa); and

**WHEREAS**, the Council considered the application at a duly noticed public hearing on August 18, 2020, and found that the application complied with the Code and the Salida Comprehensive Plan, and City plans and policies, and concurred with the Salida Planning Commission’s recommendations on the application; and

**WHEREAS**, the subject right of way has not been established as a state highway; and

**WHEREAS**, Council finds that vacating a portion of the right-of-way, as more particularly described in **Exhibit A**, is desirable and appropriate, will not cause harm to the public and will not leave any adjacent properties without access to the public road system; and

**WHEREAS**, the Council therefore desires to vacate that portion of East Crestone right-of-way located at West Third Street, as requested by the applicants, and as further described in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO:**

1. Incorporation of Recitals. The aforementioned recitals are hereby fully incorporated herein.
2. Vacation of Right of Way. City Council hereby vacates, renounces and disclaims an approximate 7,710 square feet of East Crestone Avenue right-of-way more particularly described in **Exhibit A**.
3. Vesting of Title. Upon the recording of this Ordinance and Exhibit, title to the vacated right of way as described in **Exhibit A** shall vest in the City of Salida, the property owner of both abutting land parcels, pursuant to section 43-2-302(l)(c), C.R.S. and the Code. City Council hereby authorizes the Mayor to execute quitclaim deeds to the vacated right-of-way.
4. Recording. Upon the effective date of this Ordinance, the City Clerk is directed to record a copy of this Ordinance and the quitclaim deeds with the Chaffee County Clerk and Recorder's office as required by C.R.S. § 43-1-202.7.
5. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on July 7, 2020, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ~~the~~ <sup>14th</sup> day of July, 2020 and set for second reading and public hearing on the 18<sup>th</sup> day of August 2020.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY by the City Council on this 18th day of August, 2020.



ATTEST:

Erin Kelley  
City Clerk/Deputy City Clerk

City of Salida

[Signature]  
Mayor P.T. Wood