

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
ORDINANCE NO. 2026-04**

**AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN LOTS 13-17
OF BLOCK 12 LYING SOUTH AND EAST OF THE SOUTHEAST BOUNDARY OF
COLORADO STATE HIGHWAY 149**

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado, pursuant to Colorado statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

WHEREAS, section 31-15-702(1)(a)(I), C.R.S. grants the Board of Trustees the power to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets and vacate the same; and

WHEREAS, section 43-2-303(1)(a), C.R.S. provides that a town may vacate by ordinance any public roadway or part thereof located within the corporate limits of the town, subject to the state constitution and the statutes of the state of Colorado; and

WHEREAS, section 43-2-301(3), C.R.S. defines “Roadway” to include “any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such” (emphasis added); and

WHEREAS, certain streets and alleyways, including an alley shown on Exhibit A, attached hereto and incorporated herein by this reference, between Lots 13-16 and Lots 17-19 of Block 12(the “Alley”) were established in the Replat of the Town of Lake City recorded March 20, 1967 reception number 59270 with the Hinsdale County Recorder’s office, for public use within the Town of Lake City, Colorado; and

WHEREAS, the Alley consists of a right-of-way extending southeast from the Southeastern border of Colorado State Highway 149 on the north end of block 12 to the southern boundary between Lots 17 and 16 of Block 12; and

WHEREAS, the Board of Trustees desires to vacate the Alley as described and shown on the survey attached hereto as Exhibit A; and

WHEREAS, vacation of the Property will not leave any land adjoining the Property without an established public road or private-access easement connecting said land with another established public road; and

WHEREAS, the Board of Trustees finds that no private rights will be injured or endangered by this vacation, that the public will not suffer loss or inconvenience by this vacation, and that the Property is not presently needed for transportation purposes nor will it need to be used by the Town or the public for the foreseeable future.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, THAT:

1. The Town of Lake City hereby vacates the Alley as shown and described in Exhibit A attached hereto and incorporated herein by this reference, which consists of a right-of-way extending southeast from the Southeastern boarder of Colorado State Highway 119 on the north end of block 12 to the southern boundary between Lots 17 and 16 of Block 12; were established in the Replat of the Town of Lake City recorded March 20, 1967 reception number 59270 with the Hinsdale County Recorder’s office. Title to the Property shall vest pursuant to section 43-2-302, C.R.S. in the owners of land abutting the vacated portion of land and shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues.

2. The Town hereby expressly vacates the Alley and recognizes and affirms that title to the Alley will vest in the abutting land owner, J K M Enterprises, INC., its heirs, successors and assigns, and that by doing so the Town has divested itself of any interest in or liability or responsibility of any kind related to the property and further, that the Town has confirmed with J K M Enterprises, INC., that they are aware of and accept full responsibility for any and all conditions of the Alley, whether known or unknown, including but not limited to the existence of underground fuel tanks and related liabilities.

3. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY THIS 22ND DAY OF APRIL, 2026.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY, COLORADO**

Christina Bowman, Town Clerk

By: _____
Dave Roberts, Mayor

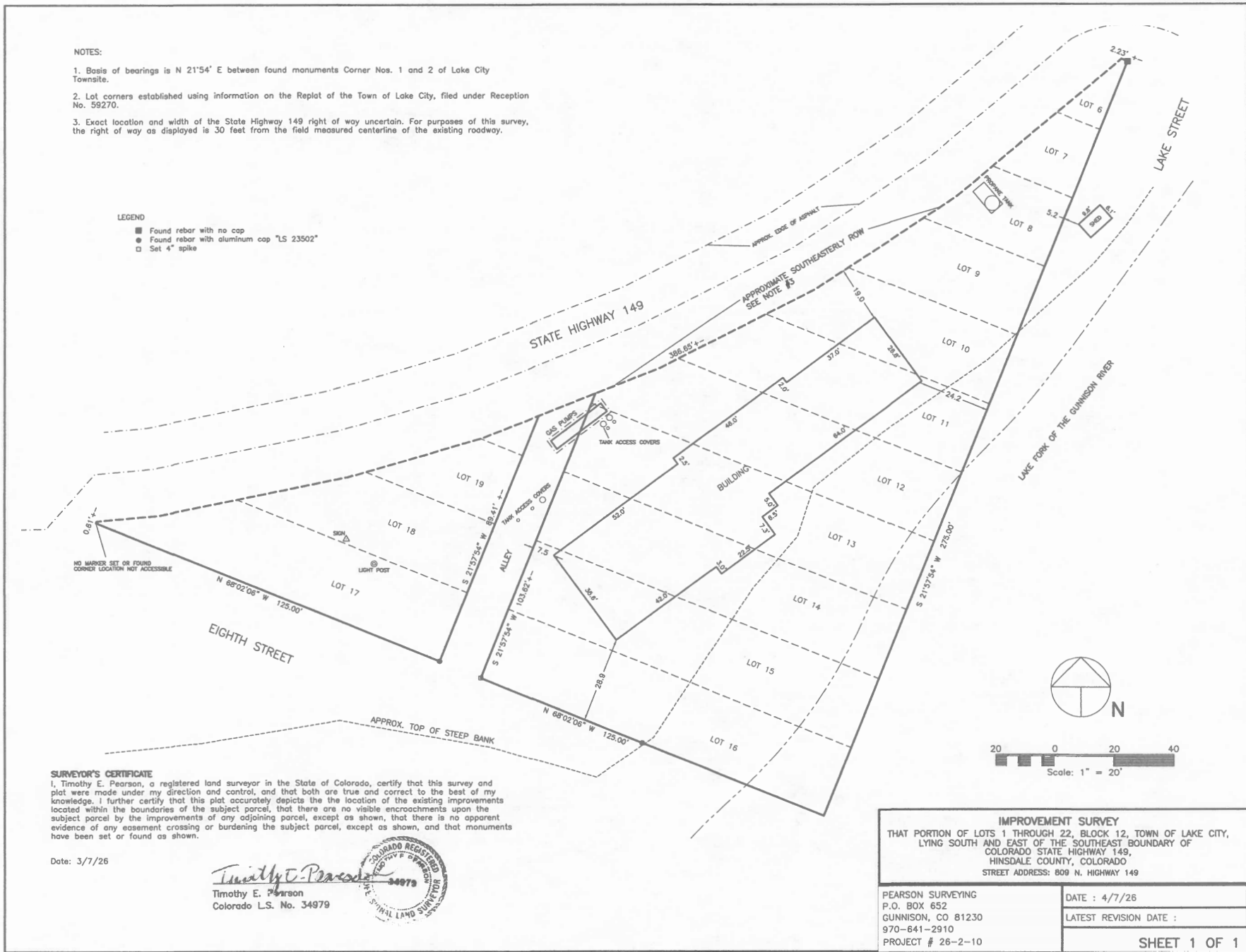
EXHIBIT A

NOTES:

1. Basis of bearings is N 21°54' E between found monuments Corner Nos. 1 and 2 of Lake City Townsite.
2. Lot corners established using information on the Replot of the Town of Lake City, filed under Reception No. 59270.
3. Exact location and width of the State Highway 149 right of way uncertain. For purposes of this survey, the right of way as displayed is 30 feet from the field measured centerline of the existing roadway.

LEGEND

- Found rebar with no cap
- Found rebar with aluminum cap "LS 23502"
- Set 4" spike



SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this survey and plot were made under my direction and control, and that both are true and correct to the best of my knowledge. I further certify that this plot accurately depicts the location of the existing improvements located within the boundaries of the subject parcel, that there are no visible encroachments upon the subject parcel by the improvements of any adjoining parcel, except as shown, that there is no apparent evidence of any easement crossing or burdening the subject parcel, except as shown, and that monuments have been set or found as shown.

Date: 3/7/26

Timothy E. Pearson
 Timothy E. Pearson
 Colorado L.S. No. 34979

IMPROVEMENT SURVEY
 THAT PORTION OF LOTS 1 THROUGH 22, BLOCK 12, TOWN OF LAKE CITY,
 LYING SOUTH AND EAST OF THE SOUTHEAST BOUNDARY OF
 COLORADO STATE HIGHWAY 149,
 HINSDALE COUNTY, COLORADO
 STREET ADDRESS: 809 N. HIGHWAY 149

PEARSON SURVEYING
 P.O. BOX 652
 GUNNISON, CO 81230
 970-641-2910
 PROJECT # 26-2-10

DATE : 4/7/26
 LATEST REVISION DATE :
SHEET 1 OF 1