

REPORT OF THE CITY ATTORNEY IN THE MATTER OF THE  
PETITION OF HANNAH E. STUVER FOR AN ORDINANCE VA-  
CATING CERTAIN ALLEYS IN BLOCK 272 IN THE WEST SIDE  
ADDITION AS SHOWN IN THE PLAT OF SAID SUBDIVISION  
OF BLOCK 272 FILED IN THE OFFICE OF THE COUNTY CLERK  
AND RECORDER BY EMIGH AND BAIRD APRIL 26, 1892.

To the Honorable City Commissioners sitting in Council.

Gentlemen:-

In the matter of the petition of Hannah E. Stuver for an ordinance vacating certain alleys in Block 272 as shown by a plat of the subdivision filed in the office of the County Clerk and Recorder of Larimer County by Emigh and Baird April 26, 1892, I submit the following report:

1. The petition states that the plat of Emigh and Baird filed in the office of the County Clerk and Recorder of Larimer County on April 26, 1892, which said plat dedicated certain streets and alleys to the City and was accepted by the City; but an examination of the records and proceedings of the City Council does not show that any such plat was presented or any action was ever taken upon said plat of said subdivision of Block 272 by the City Council.

The petition further states that a new plat of said Block 272 was filed with the County Clerk and Recorder by the petitioner on November 1, 1904, and this was described as the Second Subdivision of Block 272 and is so shown upon the official plat book in the office of the County Clerk and Recorder.

The petition further states that this plat was accepted by the City; but an examination of the records and proceedings of the City Council does not show that such plat was presented or any action was ever taken upon the Second Subdiv-

ision of Block 272.

The City Engineer reports, after investigation, that the alleys in Block 272 as made in the Second Subdivision of said block filed November 1, 1904, are not all of them open or in use.

3. I recommend that no ordinance be prepared and adopted by the City Council, vacating the alleys in Block 272 as originally platted and filed on April 26, 1892 for the following reasons:

a. While an attempt was made to dedicate the alleys in Block 272 in the filing of April 26, 1892, as a matter of fact said platting was never accepted or approved by the City Council, nor were the alleys ever opened, accepted and used by the general public.

b. In these circumstances, the City of Fort Collins never acquired any title or interest in the alleys as originally platted and has no title or interest at this time.

c. I suggest and recommend, at this time, the adoption of a resolution by the City Council reciting the facts respecting the failure to open and use the alleys, and of the City to accept or approve the plat and that the City renounces and disclaims any right, title or interest in and to any of the alleys as shown by the original plat of said Block 272.

d. A certified copy of this resolution may be recorded by the petitioner and used to remove any cloud from title concerning said block.

3. I would further recommend that no action be taken as to the said Second Subdivision of Block 272 respecting

the acceptance or approval of the same as such action would involve considerable expense to the City to finish opening the alleys, in securing right of way and also in constructing two bridges where the alley crosses the Arthur Irrigation Company's canal, and thereafter the City would have to assume and maintain the bridges as well as the alleys.

I would further report to the Commissioners that the original platting of the West Side Addition was made in October 1881 by Avery and Yount and was not filed in the office of the County Clerk and Recorder until July 25, 1887, and this plat was never accepted or approved by the City Council.

*W. C. Jones, Jr., 22, 1918,*

Respectfully submitted,

*W. C. Jones, Jr.*  
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City Attorney.

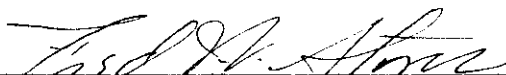
RESOLUTION OF THE CITY COUNCIL IN THE MATTER OF THE PETITION OF HANNAH E. STUVER FOR AN ORDINANCE VACATING CERTAIN ALLEYS IN BLOCK 272 OF THE WEST SIDE ADDITION AS SHOWN IN THE PLAT OF SAID SUBDIVISION OF BLOCK 272 FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER BY ENIGH AND BAIRD APRIL 26, 1892.

WHEREAS, Hannah E. Stuver has duly petitioned the City Council for an ordinance vacating the alleys in Block 272 as shown by a plat of the subdivision of Block 272 which was filed in the office of the County Clerk and Recorder by Enigh and Baird April 26, 1892, and

WHEREAS, it appears from the records and proceedings of the City Council that said plat was never accepted or approved by the City Council of the City of Fort Collins, nor were the alleys in said Block 272, as platted at said time nor since, ever opened, used or enjoyed by the public; and further, that the City of Fort Collins never acquired any title or interest to the alleys as so platted and does not now claim or assert any title or any interest whatever in said alleys as platted and filed on April 26, 1892.

THEREFORE, BE IT RESOLVED by the City Council that the City of Fort Collins hereby renounces and disclaims any right, title or interest in and to any alleys as shown by the platting of subdivision of Block 272 of the West Side Addition as platted and filed by Enigh and Baird on April 26, 1892.

Passed and adopted this 22 day of June, A.D. 1918.

  
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Commissioner of Safety and  
Ex-Officio Mayor.

ATTEST:

  
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City Clerk.