



**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 2013-32

**A RESOLUTION VACATING THE ALLEY, BLOCK AND LOTS, IF ANY, WITHIN
BLOCK 37 AND THOSE PORTIONS OF SMELTER STREET, GOTHIC STREET AND
CLIFF STREET ADJACENT TO BLOCK 37, WITHIN THE TOWNSITE OF GOTHIC
AND RESCINDING AND REPEALING RESOLUTION NO: 2013-16**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority over certain lands and has become the owner of certain platted streets and alleys within the unincorporated Townsite of Gothic; and

WHEREAS, the Board has determined that not all of said streets and alleys are necessary for public access to privately owned property within the Townsite of Gothic, Colorado; and

WHEREAS, The Corporation of the Rocky Mountain Biological Laboratory at Gothic (herein "RMBL") and Lee and Polly Spann (herein "Spanns") have made a request to the Board to vacate the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic as identified on the Plat of Gothic City and First Addition to the City of Gothic recorded on July 29, 1880 at Reception No. 3495, and in Book 358 at page 198 in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado; and

WHEREAS, this vacation request is in conjunction with the vacation request made by RMBL for the vacation of all streets, alleys, blocks and lots within that portion of the Townsite of Gothic, Colorado owned by RMBL and the subdivision exemption request made by RMBL and the Spanns; and

WHEREAS, the vacation of the above described streets, alley, block and lots, if any, will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes or changed or anticipated conditions in traffic or development patterns; and

WHEREAS, there will be no adverse impact to the natural environment, community needs or public health, safety and welfare from the vacation of the above described alley, block, lots and streets; and

WHEREAS, the notices required by Colorado law for such vacation have been given and a public hearing on such vacation has been conducted; and



WHEREAS, on July 2, 2013 the Board approved Resolution No: 2013-16 vacating the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic described herein. However, references in Resolution No: 2013-16 have since changed and for the sake of clarity Resolution No: 2013-16 should be rescinded, repealed and replaced with the resolution herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the alley, block and lots, if any, within Block 37 and those portions of Smelter Street, Gothic Street and Cliff Street adjacent to Block 37, within the Townsite of Gothic, County of Gunnison, State of Colorado as identified on the Plat of Gothic City and First Addition to the City of Gothic recorded on July 29, 1880 at Reception No. 3495, and in Book 358 at page 198 in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado shall be and hereby are vacated.

APPROVAL OF THE VACATION OF THE ABOVE ALLEY, BLOCK AND LOTS, IF ANY, WITHIN BLOCK 37 AND THOSE PORTIONS OF SMELTER STREET, GOTHIC STREET AND CLIFF STREET ADJACENT TO BLOCK 37, TOWNSITE OF GOTHIC, COUNTY OF GUNNISON, STATE OF COLORADO SHALL BE CONTINGENT ONLY UPON THE FOLLOWING TERMS AND CONDITIONS:

1. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-31, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.
2. Approval by the Board of County Commissioners of the County of Gunnison, Colorado of Resolution No: 2013-30, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spans and Rescinding and Repealing Resolution No: 2013-09.
3. This Resolution shall not become effective until after it has been recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado concurrently with the following:
 - A. The Board of County Commissioners of the County of Gunnison, Colorado, Resolution No: 2013-31, A Resolution Vacating Certain Streets, Alleys, Blocks and Lots Within That Portion of the Townsite of Gothic, Colorado Owned by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Rescinding and Repealing Resolution No: 2013-08.



- B. The Board of County Commissioners of the County of Gunnison, Colorado, Resolution No: 2013- 30, A Resolution Granting An Exemption for a Division of Land from the Definition of the Terms "Subdivision" and "Subdivided Land" for the Land Exchange Between The Corporation of the Rocky Mountain Biological Laboratory at Gothic and the Spanns and Rescinding and Repealing Resolution No: 2013-09.
 - C. The final plats identifying all street, alley, block and lot vacations requested by RMBL and the Spanns along with identification of the subdivision exemption request made by RMBL and the Spanns.
 - D. Any and all conveyances of parcels and easements as agreed upon and identified in the Land Exchange Agreement dated February 6, 2013 by and between RMBL and the Spanns.
4. It is the specific intent of the Board that the vacation of the above described alley and streets shall accrue to and vest in the record owner(s) pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, Resolution 2013-16, previously approved by the Board of County Commissioners of the County of Gunnison, Colorado, shall be and hereby is rescinded, repealed and replaced with the resolution herein.

INTRODUCED by Commissioner Houck, seconded by Commissioner Chamberland, and adopted this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: Paula Swenson
Paula Swenson, Chairperson

By: Phil Chamberland
Phil Chamberland, Vice Chairperson

By: Jonathan Houck
Jonathan Houck, Commissioner

ATTEST:

[Signature]
Deputy County Clerk

