AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Public Hearing; Resolution Vacating Certain Portions of Right of Ways Associated with the Realignment of Taylor River Road, a/k/a County Road 742, County of Gunnison, State of Colorado

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Attached for the public hearing scheduled for April 21st, please find "A Resolution Vacating Certain Portions of Right of Ways Associated with the Realignment of Taylor River Road, a/k/a County Road 742, County of Gunnison, State of Colorado

Fiscal Impact: 0

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

ok db 4/14/15

Reviewed by: GUNCOUNTY1\dBaumgarten Discharge Date: 4/14/2015 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\khaase Discharge Date: 4/14/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 4/21/2015 Follow Up Agenda Date:

Revised April 2013

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2015-___

A RESOLUTION VACATING CERTAIN PORTIONS OF RIGHT OF WAYS ASSOCIATED WITH THE REALIGNMENT OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (herein "Board"), by virtue of Colorado law, has authority and is the owner of certain roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted roads are necessary for public access to privately owned property; and

WHEREAS, the Board has been informed that as a result of the realignment of Taylor River Road a/k/a County Road 742 certain portions of right of ways, as identified in Appendix "A" attached hereto and incorporated herein by reference, are no longer utilized nor will be utilized in the future and therefore are not necessary for public access; and

WHEREAS, the vacation of those portions of right of ways as identified in Appendix "A" will not hinder any property owners of any lands from having access to their respective land nor disrupt existing travel modes 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 those right of ways identified in Appendix "A"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that those portions of right of ways as identified in Appendix "A" shall be and hereby are vacated.

It is the specific intent of the Board that the vacation of those portions of right of ways identified in Appendix "A" shall accrue to and vest in the record owner(s) of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this 21st day of April, 2015.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

By: _____
Phil Chamberland, Vice Chairperson

By: _____
Jonathan Houck, Commissioner

ATTEST:

_____
Deputy County Clerk

APPENDIX "A"

LEGAL DESCRIPTIONS OF CERTAIN PORTIONS OF RIGHT-OF-WAYS

LYING WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO

1. A Certain Portion of Gunnison County Highway No. 19 lying within White Water Estates:

That certain portion of Gunnison County Highway No. 19, a 60 foot right of way, as described in the Quit Claim Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on May 11, 1961 in Book 352 at page 360 lying across Lots 14, 15, 16, 17, 18 and 19, White Water Estates Subdivision as identified on the plat titled "White Water Estates" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on April 16, 1968 bearing Reception No: 273535.

Not to effect and with reservation of the Permanent Maintenance Easement across Lot 19 recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 19, 2011, bearing Reception No: 603332.

2. The Proposed Realignment of Jack's Cabin Cut-off Road a/k/a Jack's Cabin Road Right of Way located within Wilder on the Taylor Subdivision, Phase 1.

The proposed realignment of Jack's Cabin Cut-off Road a/k/a Jack's Cabin Road, a 100 foot right of way, located across Lots 2 and 3, Phase 1, Wilder on the Taylor Subdivision, as identified and dedicated on the plat titled "Final Plat Wilder on the Taylor – Phase 1 Situated in the W1/2E1/2, E1/2SE1/4 and the W1/2, Section 28, E1/2NE1/4 and the SE1/4 of Section 29, NE1/4NE1/4, NW1/4NE1/4, W1/2NW1/4 and a portion of the SE1/4NW1/4 of Section 33, all in Township 15 South, Range 84 West of the 6th Principal Meridian, Gunnison County, Colorado" recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594948.

Any conveyed Temporary Construction Easement over and across the Temporary Construction Area associated with the proposed realignment of Jack's Cabin Cut-off Road a/k/a Jack's Cabin Road right of way, for its use in the construction and realignment of the Jack's Cabin Cut-Off Road as identified in paragraph 2.3 of the "Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road" by and between the Board of County Commissioners of the County of Gunnison, Colorado and Jackson-Shaw/Taylor River Ranch, L.L.C., dated November 3, 2009 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949.

3. Right of Ways Located in the Vicinity of Harmels' Ranch Resort Area:

A. That certain portion of right of way located within the E1/2NE1/4, Section 28 and the W1/2NE1/4 of Section 27, T15S, R84W, 6th P.M. and as described in that certain Right-of-Way Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado in Book 274 at page 346 as it crosses the following real property:

1. That real property described in the Special Warranty Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 496917; and

2. That real property identified as the "Meissner Parcel" identified on the plat titled "Plat of Meissner Boundary Line Adjustment Gunnison County, Colorado Located Within The SE1/4NE1/4 Section 28, T15S, R84W of the 6th P.M." recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 627856.

B. That certain portion of Taylor River Road identified on Map 59 dated 1922, in the Road Plat Book located in the Office of the Clerk and Recorder of Gunnison County, Colorado and that certain portion of right of way as described in the Right of Way Deed recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado in Book 274 at page 346 as it crosses the real property described in the Quit Claim Deed recorded in the records of the Office of Clerk and Recorder of Gunnison County, Colorado bearing Reception No: 521258.