AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Public Hearing; Vacation of a Portion of Old Count

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Gunnison County and Larry Darien

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

Summary:

Larry Darien has requested a vacation of a portion of old CR #3 after the road was relocated north during the Marble project in the 1990's.

Fiscal Impact: Under $300.00

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
I shall prepare the necessary Resolution. db 8/31/16

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/31/2016 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/31/2016

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

Agenda Date: 9/6/2016

Revised April 2015

NOTICE OF PUBLIC HEARING

REGARDING THE VACATION OF A PORTION OF OLD COUNTY ROAD 3, LYING WITHIN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M., GUNNISON COUNTY, STATE OF COLORADO

The Board of County Commissioners of Gunnison County, Colorado, will hold a public hearing regarding the vacation of a portion of Old County Road 3 lying within Section 20, Township 11 South, Range 88 West, 6th P.M., Gunnison County, State of Colorado described as follow:

> A 15 foot wide Gunnison County road right-of-way situated in Section 20, Township 11 South, Range 88 West of the 6th Principal Meridian, and lying 7.5 feet on each side of the following described centerline:
>
> > Beginning at a point whence a brass cap found in place and properly marked for the east ¼ corner of said Section 20 bears S 70°06′05″E 1042.27 feet; Thence S 69°51′40″E 90.25 feet; Thence S 69°21′47″E 287.37 feet; Thence S 53°51′39″E 8.49 feet whence said East ¼ corner bears S 70°39′53″E 656.56 feet.

The public hearing will be held on **Tuesday, September 6, 2016, at 8:55 a.m. at the Commissioners Room, Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, Colorado.** The public is invited to attend and participate.

DATED: August 15, 2016

Marlene D. Crosby

Marlene D. Crosby
Gunnison County Public Works Director

Gunnison Country Times: Publish as a Legal Notice in publications of August 18, 2016 and August 25, 2016

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2016-___

A RESOLUTION VACATING A PORTION OF OLD COUNTY ROAD 3, LYING WITHIN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 88 WEST, 6TH P.M., GUNNISON COUNTY, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("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 received a request to vacate a portion of Old County Road 3 lying within Section 20, Township 11 South, Range 88 West, 6th p.m., Gunnison County, State of Colorado described as follows:

> A 15 FOOT WIDE GUNNISON COUNTY ROAD RIGHT-OF-WAY SITUATED IN SECTION 20, TOWNSIP 11 SOUTH, RANGE 88 WEST OF THE 6th PRINCIPAL MERIDIAN, AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
>
> > BEGINNING AT A POINT WHENCE A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE EAST ¼ CORNER OF SAID SECTION 20 BEARS S 70°06'05"E 1042.27 FEET; THENCE S 69°51'40"E 90.25 FEET; THENCE S 69°21'47"E 287.37 FEET; THENCE S 53°51'39"E 8.49 FEET WHENCE SAID EAST ¼ CORNER BEARS S 70°39'53"E 656.56 FEET; and

WHEREAS, the vacation of the above described portion of Old County Road 3 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 the above described portion of Old County Road 3; 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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following described portion of Old County Road 3 shall be and hereby is vacated:

> That portion of Old County Road 3 lying within Section 20, Township 11 South, Range 88 West, 6th p.m., Gunnison County, State of Colorado described as follows:
>
> A 15 FOOT WIDE GUNNISON COUNTY ROAD RIGHT-OF-WAY SITUATED IN SECTION 20, TOWNSIP 11 SOUTH, RANGE 88 WEST OF THE 6th PRINCIPAL MERIDIAN, AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
>
> > BEGINNING AT A POINT WHENCE A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE EAST ¼ CORNER OF SAID SECTION 20 BEARS S 70°06'05"E 1042.27 FEET; THENCE S 69°51'40"E 90.25 FEET; THENCE S 69°21'47"E 287.37 FEET; THENCE S 53°51'39"E 8.49 FEET WHENCE SAID EAST ¼ CORNER BEARS S 70°39'53"E 656.56 FEET.

It is the specific intent of the Board that the vacation of the above described portion of Old County Road 3 shall accrue to and vest in the record owners of adjacent real property pursuant to the provisions of C.R.S. § 43-2-302.

FURTHERMORE, this Resolution is contingent upon and shall not become effective until it is recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this _____ day of _____, 2016.

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

QUITCLAIM DEED

THIS QUITCLAIM DEED, is made this ____ day of _____, 2016 by and between JASON A. DARIEN whose legal address is 141 Bookcliff Avenue, Grand Junction, Colorado 81501 ("Grantor") and LARRY VAUGHN DARIEN, whose legal address is 2880 County Road 3, Marble, Colorado 81623 ("Grantee").

WITNESSETH, that Grantor for and in consideration of Ten Dollars and No/100 U.S. Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and QUITCLAIMED, and by these presents does remise, release, sell, convey and QUITCLAIM unto the Grantee and its successors and assigns forever, any and all right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Gunnison, State of Colorado, described as follows:

> A 7.5 FOOT WIDE STRIP OF LAND SITUATED IN SECTION 20, TOWNSIP 11 SOUTH, RANGE 88 WEST OF THE 6th PRINCIPAL MERIDIAN, AND LYING 7.5 FEET NORTHERLY OF THE FOLLOWING DESCRIBED CENTERLINE:
>
> > BEGINNING AT A POINT WHENCE A BRASS CAP FOUND IN PLACE AND PROPERLY MARKED FOR THE EAST ¼ CORNER OF SAID SECTION 20 BEARS S 70°06'05"E 1042.27 FEET; THENCE S 69°51'40"E 90.25 FEET; THENCE S 69°21'47"E 287.37 FEET; THENCE S 53° 51'39"E 8.49 FEET WHENCE SAID EAST ¼ CORNER BEARS S 70°39'53"E 656.56 FEET.

TO HAVE AND TO HOLD the same, together with all and singular the improvements thereon and the appurtenances and privileges there unto belonging or in anywise there unto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date as set forth above.

GRANTOR:

By: _____
Jason A. Darien

STATE OF COLORADO)
)ss
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this ___ day of _____, 2016 by Jason A. Darien, Grantor herein.

Witness my hand and official seal.
My commission expires: _____.

_____
Notary Public
Address: