AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Providing Formal Notice Memorializing

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Attached please find a Resolution Providing Formal Notice Memorializing the Acceptance of Maintenance and Vacating Certain Temporary Construction Easements and Reversion Areas Associated with the Realignment and Construction of Taylor River Road, A/K/A County Road 742.

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:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/21/2016

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

Agenda Date: 11/22/2016

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2016-___

A RESOLUTION PROVIDING FORMAL NOTICE MEMORIALIZING THE ACCEPTANCE OF MAINTENANCE AND VACATING CERTAIN TEMPORARY CONSTRUCTION EASEMENTS AND REVERSION AREAS ASSOCIATED WITH THE REALIGNMENT AND CONSTRUCTION OF TAYLOR RIVER ROAD, A/K/A COUNTY ROAD 742, WITHIN *WILDER ON THE TAYLOR*, COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, during the realignment and construction of Taylor River Road, a/k/a County Road 742, certain temporary construction easements were conveyed to the Board of County Commissioners of the County of Gunnison, Colorado ("Gunnison County") within the subdivision *Wilder on the Taylor* as identified in the *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 8, 2013, bearing Reception No: 617846 and in the *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 22, 2013, bearing Reception No: 619125 ("Temporary Construction Easements"); and

WHEREAS, the Temporary Construction Easements state that "*The Temporary Easement shall be in effect upon granting a contract by FHWA for construction on that portion of the Project lying within Grantor's real property identified above and shall exist until Grantee's acceptance of maintenance of the Public Highway*"; and

WHEREAS, during the application process for the development of *Wilder on the Taylor,* an *Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road* was entered into by and between Gunnison County and Jackson-Shaw/Taylor River Ranch, L.L.C. recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949 ("Agreement"); and

WHEREAS, the Agreement at paragraph 2.2 states: *"By execution and delivery of this Agreement, Jackson-Shaw hereby grants to the County temporary construction easements over and across the Temporary Construction Area associated with the Taylor River Road realignment as identified on the Road Plat for its use in the construction and realignment of the Taylor River Road. Such temporary construction easements (i) shall become effective upon the County's approval of any bid for the realignment of the Taylor River Road, over the Property and (ii) shall terminate immediately upon acceptance of maintenance of the realigned road by Gunnison County*."; and

WHEREAS, the Agreement at paragraph 3.1 states: "*Upon completion of the construction and realignment of the Taylor River Road, the County agrees to….. (ii) vacate the Reversion Areas associated to the Taylor River Road realignment*."; and

WHEREAS, the construction and realignment of Taylor River Road a/k/a County Road 742 have been completed and Gunnison County has accepted and does maintain the public highway, Taylor River Road, a/k/a County Road 742, within the subdivision, *Wilder on the Taylor.* The location of *Wilder on the Taylor* is identified 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; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that formal notice memorializing the acceptance of maintenance of Taylor River Road a/k/a County Road 742 within the subdivision, *Wilder on the Taylor,* shall be and hereby is given and the following Temporary Construction Easements shall be and hereby are vacated:

1. *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on January 8, 2013, bearing Reception No: 617846; and

2. *Grant of Temporary Construction Easement* recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on March 22, 2013, bearing Reception No: 619125.

FURTHERMORE, pursuant to the *Agreement Concerning the Taylor River Road and Jack's Cabin Cut Off Road* entered into by and between the Board of County Commissioners of the County of Gunnison, Colorado and Jackson-Shaw/Taylor River Ranch, L.L.C. recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 4, 2009, bearing Reception No: 594949, any and all Reversion Areas located within the subdivision, *Wilder on the Taylor*, shall be and hereby are vacated. The location of *Wilder on the Taylor* is identified 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.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this 15th day of November, 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