AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Resolution; Vacating the Alley, Block and Lots 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

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:
A RESOLUTION VACATING THE ALLEY, BLOCK AND LOTS 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

Fiscal Impact: none

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

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

ok db 6/25/13

Reviewed by: DBaumgarten Discharge Date: 6/25/2013 Certificate of Insurance Required Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: MBirnie Discharge Date: 6/27/2013

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

Agenda Date: 7/2/2013 Follow Up Agenda Date: N/A

Revised April 2013

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2013-___

A RESOLUTION VACATING THE ALLEY, BLOCK AND LOTS 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

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 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 alley, block, lots and streets 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

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the alley, block and lots 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 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 resolution of the Board of County Commissioners of the County of Gunnison, Colorado, of RMBL's request for the vacation of the following streets, alleys, blocks and lots:

   ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,

   County of Gunnison,
   State of Colorado.

2. Approval by resolution of the Board of County Commissioners of the County of Gunnison, Colorado, of the request by RMBL and the Spanns for a subdivision exemption pursuant to C.R.S. §30-28-101(10)(d), for the parcels identified in the respective parties Land Exchange Agreement dated February 6, 2013. And all terms and conditions of said approval are satisfied.

3. By no later than September 4, 2013, a Final Plat will be received and approved by the Office of the Gunnison County Attorney 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.

4. 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. 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.

   B. Final Plats identifying this street, alley, block and lot vacation and the subdivision exemption identified above.

   C. The resolution of the Board of County Commissioners of the County of Gunnison, Colorado approving RMBL's request for the vacation of the following streets, alleys, blocks and lots:

      ONLY WITH REGARD TO THAT PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY RMBL, all those streets, alleys, blocks and lots within the original Plat of Gothic City, recorded on September 22, 1879 at Reception No. 1365, the First Addition to the City of Gothic recorded July 3, 1880 at Reception No. 2676, Plat of Gothic City and First Addition to the City of Gothic recorded July 29, 1880 at Reception No. 3495, and the L.A. Waits 2nd Addition to the Town of Gothic recorded November 1, 1881 at Reception No. 19799, EXCEPT Gunnison County Road 317, a 75' right-of-way labeled "Main Street" per said Plats, also known as the Gothic Road, located and situate in the North Half (N1/2), Section Three (3), Township Thirteen (13) South, Range Eighty-Six (86) West, Sixth Principal Meridian, AND EXCEPT THAT NO BLOCK OR LOT NOT OWNED BY RMBL, OR THAT PORTION OF A BLOCK OR LOT NOT OWNED BY RMBL, SHALL BE VACATED,

      County of Gunnison,
      State of Colorado.

   D. The Resolution of the Board of County Commissioners of the County of Gunnison, Colorado, approving the request by RMBL and the Spanns for a subdivision exemption pursuant to C.R.S. §30-28-101(10)(d), for the parcels identified in the respective parties Land Exchange Agreement dated February 6, 2013.

5. 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.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this 2nd day of July, 2013.

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