

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

RESOLUTION NO: 13-8

**A RESOLUTION VACATING CERTAIN STREETS, ALLEYS, BLOCKS AND LOTS
WITHIN THE PORTION OF THE TOWNSITE OF GOTHIC, COLORADO OWNED BY
THE CORPORATION OF THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT
GOTHIC, COUNTY OF GUNNISON, STATE OF COLORADO**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "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 Board has received a petition from The Corporation of the Rocky Mountain Biological Laboratory at Gothic (hereinafter "RMBL"), an owner of real property in the Townsite of Gothic, for vacation of the streets, alleys, blocks and lots as identified on pages 1 and 2 of the Map titled "Vicinity Map Vacation of Streets, Alleys, Blocks, and Lots Gothic City, 1st Addition to Gothic, L.A. Wait's 2nd Addition to Gothic N1/2 Sec. 3, T13S, R86W, 6th PM Gunnison County, Colorado" and "Exhibit Map After Vacation of Streets, Alleys, Blocks, and Lots Gothic City, 1st Addition to Gothic, L.A. Wait's 2nd Addition To Gothic N1/2 Sec. 3, T13S, R86W, 6th PM Gunnison County, Colorado", created by Stephen Jessoe, P.L.S. of All County Survey, dated _____, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No: _____ and as described as follows:

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; and

WHEREAS, currently there is land within the above described requested vacation that would be impacted which is owned by Lee L. Spann and Polly M. Spann (hereinafter the "Spanns"); and

WHEREAS, on February 6, 2013, RMBL and the Spanns entered into a Land Exchange Agreement to provide for a more appropriate alternate parcel for the Spanns that will be accessible through a grant of easement conveyed by RMBL rather than by platted streets and alleys. In conjunction with the Land Exchange Agreement, a request for a subdivision exemption has been submitted to the Board; and

WHEREAS, in consideration of the Land Exchange Agreement, the vacation of the above described streets, alleys, blocks and lots 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 streets, alleys, blocks and lots; 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, RMBL provides an internationally renowned center for scientific research and education and it is in the best interest of the public to support the endeavors of this institution while also ensuring that the Spanns have an accessible parcel.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following streets, alleys, blocks and lots shall be and hereby are vacated:

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.

The vacated streets, alleys, blocks and lots are also identified on pages 1 and 2 of the Map titled "Vicinity Map Vacation of Streets, Alleys, Blocks, and Lots Gothic City, 1st Addition to Gothic, L.A. Wait's 2nd Addition to Gothic N1/2 Sec. 3, T13S, R86W, 6th PM Gunnison County, Colorado" and "Exhibit Map After Vacation of Streets, Alleys, Blocks, and Lots Gothic City, 1st Addition to Gothic, L.A. Wait's 2nd Addition To Gothic N1/2 Sec. 3, T13S, R86W, 6th PM Gunnison County, Colorado", created by Stephen Jesso, P.L.S. of All County Survey, dated _____, 2013 and recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on _____, 2013, bearing Reception No: _____.

APPROVAL OF THE VACATION OF THE ABOVE STREETS, ALLEYS, BLOCKS AND LOTS 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 the request by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee F. Spann and Polly M. Spann 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.
2. By no later than September 4, 2013, a Final Plat will be received and approved by the Office of the Gunnison County Attorney identifying this street, alley, block and lot vacation.
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. 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 The Corporation of the Rocky

Mountain Biological Laboratory at Gothic and Lee L. Spann and Polly M. Spann.

- 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 the request by The Corporation of the Rocky Mountain Biological Laboratory at Gothic and Lee F. Spann and Polly M. Spann 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.

4. It is the specific intent of the Board that the vacation of the above described streets and alleys shall accrue to and vest in the record owner(s) pursuant to the provisions of C.R.S. § 43-2-302.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and adopted this 4th day of June, 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

