# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:**

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

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

**Summary:**

Attached please find A Resolution Ratifying and Reaffirming A Previous Resolution Involving The Vacation Of Certain Portions Of Main Street Within The Townsite Of White Pine, 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 9/20/17

Reveiwed by: Discharge Date: 9/21/2017 Certificate of Insurance Required Yes ○ No ◉

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/22/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 10/17/2017

*Revised April 2015*

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2017-___

A RESOLUTION RATIFYING AND REAFFIRMING A PREVIOUS RESOLUTION INVOLVING THE VACATION OF CERTAIN PORTIONS OF MAIN STREET AND ROAD WHITE PINE TO NORTH STAR MINING CAMP WITHIN THE TOWNSITE OF WHITE PINE, COUNTY OF GUNNISON, 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 alleys and roads lying within the County of Gunnison; and

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

WHEREAS, on September 6, 1974, pursuant to Colo. Rev. Stat. §139-19-101, *et seq*., the Colorado Secretary of State determined that the town of White Pine was an abandoned town and Gunnison County acquired all the real property owned by the town including the roads and alleys; and

WHEREAS, that Colorado Secretary of State determination is titled: *Findings of Fact and Determination* which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 23, 1974 in Book 476 at page 234, bearing Reception No: 302811; and

WHEREAS, prior to September 6, 1974 certain portions of Main Street and Road White Pine to North Star Mining Camp lying within White Pine were vacated by the Board by the resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 8, 1959 in Book 344 at page 171, bearing Reception No: 243314 attached hereto and incorporated herein by reference as Appendix "A"; and

WHEREAS, the Board would like to ratify and reaffirm the above referenced resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on December 8, 1959 in Book 344 at page 171, bearing Reception No: 243314 attached hereto as Appendix "A" shall be and hereby is ratified, reaffirmed and effective nunc pro tunc September 6, 1974.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this 17th day of October, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

By: _____
Jonathan Houck, Vice Chairperson

By: _____
John Messner, Commissioner

ATTEST:

_____
Deputy County Clerk

Filed for record the 7th day of Dec. A. D. 19 59 at 2:40 o'clock P. M. ETHEL A. GUNNISSON, RECORDER.
Reception No. 243314 By Ethel A. Gunnisson DEPUTY.

# R E S O L U T I O N

WHEREAS Pinnacle Exploration, Inc., is the owner of Lots 24 to 43, both inclusive, in Block 1; Lots 24 to 37, both inclusive, and Lots 39 to 54, both inclusive, in Block 2; and Unsubdivided Blocks Numbers 3 and 6; and Bessie K. Stitzer is the owner of Lot 38 in Block 2; all in the Townsite of White Pine, Gunnison County, Colorado, according to the approved Plat of the Survey of said Townsite on file in the Bureau of Land Management and in the office of the County Clerk and Recorder of Gunnison County, Colorado, and

WHEREAS Pinnacle Exploration, Inc. and Bessie K. Stitzer have requested the Board of County Commissioners of the County of Gunnison, Colorado, to vacate the following: (a) The Easterly five (5) feet of Main Street lying and situate between the South boundary line of Lot 25, in Block 1, as extended, on the North and the South boundary line of Block 5 on the South, the same being the South boundary line of the Townsite of White Pine, (b) The Westerly five (5) feet of Main Street adjacent to Lots 28 to 54, both inclusive, in Block 2, and (c) The road designated "Road White Pine to North Star Mining Camp" lying and situate between the Easterly boundary line of Main Street and the East boundary line of Block 5, the same being the East boundary line of the Townsite of White Pine.

WHEREAS it appears to this Board that the portions of Main Street and the road designated "Road White Pine to North Star Mining Camp" as above mentioned, should be closed and vacated unless it should be made to appear by some interested party that some valid reason exists for keeping said property open to public use,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO, that (a) The Easterly five (5) feet of Main Street lying and situate between the South boundary line of Lot 25, in Block 1, as extended, on the North and the South boundary line of Unsubdivided Block 5 on the South, the same being the South boundary line of the Townsite of White Pine, (b) The Westerly five (5) feet of Main Street adjacent to Lots 28 to 54, both inclusive, in Block 2, and (c) The road designated "Road White Pine to North Star Mining Camp" lying and situate between the Easterly boundary line of Main Street and the East boundary line of Unsubdivided Block 5, the same being the East boundary line of the Townsite of White Pine, all in the Townsite of White Pine, Gunnison County, Colorado, according to the approved Plat of the Survey of said Townsite on file in the Bureau of Land Management and in the office of the County Clerk and Recorder of Gunnison County, Colorado, be, and the same are hereby ordered closed and vacated from and after sixty (60) days from the date of this Resolution, provided, that should some interested person or persons owning property adjacent to the portions of Main Street and Road White Pine to North Star Mining Camp to be closed and vacated present to said Board of County Commissioners within sixty (60) days from the date hereof valid reason why the same should not be closed and vacated, and the said Board of County Commissioners reserves the right to alter, amend or revoke this Resolution for good cause shown as above provided within said sixty day period.

It is ordered that the Clerk of this Board forthwith cause this Resolution to be published in a Gunnison newspaper

APPENDIX A

of general circulation in Gunnison County, Colorado.

Adoption of the above Resolution moved by Commissioner Slamm, seconded by Commissioner Lund and duly adopted this 7th day of December, 1959.

Board of County Commissioners of the County of Gunnison, Colorado

(SEAL)

ATTEST:

Clerk

INDEXED NO. ____ AND ABSTRACTED ____

PAGES

STATE OF COLORADO, } ss.
County of Gunnison.
I hereby certify that this instrument was filed for record in my office at ____ o'clock ____ M. ____ 19__ and is recorded in Book ____ under Reception No. ____

County Clerk and Recorder.

By ____

Fee $ ____