AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Public Hearing; Petition to Vacate Certain Streets

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Law of the Rockies on behalf of Robert Carver have requested the vacation of a portion of First Street in Ohio City

Fiscal Impact: Applicant pays application fee and costs

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:
ok for BOCC review. db 11/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/15/2019 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 11/15/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 15

Agenda Date: 11/19/2019

Revised April 2015

GUNNISON COUNTY PUBLIC WORKS DEPARTMENT

195 Basin Park Drive
Gunnison, CO 81230

NOTICE OF PUBLIC HEARING
REGARDING PETITION TO VACATE CERTAIN STREETS & ALLEYS IN THE TOWNSITE OF OHIO CITY, COLORADO

The Board of County Commissioners of Gunnison County, Colorado, will hold a public hearing regarding the petition filed by Robert Lyle Carver to vacate a portion of a certain street in the Townsite of Ohio City, Colorado. The portion of the street that the petitioner seeks to have vacated is described as follows:

> That portion of First Street from the intersection with County Road 771, Gold Creek Road (aka Broadway Street) towards the west adjacent to Lots 12-15, Block 11 and Lots 1, 41-43, Block 16 including adjacent north/south alleys.

The public hearing will be held on **November 19, 2019, at 9:00 a.m. in the Commissioners Room, Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, Colorado.** The public is invited to attend and participate.

/s/ Marlene Crosby
Public Works Director

Gunnison Country Times: Publish as a Legal Notice for the weeks of 10/28/19 and 11/4/19.

LAW OF THE ROCKIES

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: achambers@lawoftherockies.com

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associates
Austin J. Chambers
William P. Edwards*
*Licensed only in Utah

October 3, 2019

VIA ELECTRONIC MAIL

Gunnison County Public Works Department
c/o Marlene Crosby, Director of Public Works
mcrosby@gunnisoncounty.org

Re: ***Application for street vacation: Request for vacation of that certain portion of First Street, Town of Ohio City, County of Gunnison, State of Colorado identified more precisely herein.***

Dear Public Works Department,

I represent Robert Lyle Carver, the applicant.

Pursuant to your information sheet, the applicant submits the following information:

1. A notarized letter authorizing me to submit this application.
2. The applicant's legal name is Robert Lyle Carver.
3. The applicant's address is 1307 W. Cucharras St., Colorado Springs, CO 80904.
4. The applicant's phone number is (719) 640-8616.
5. My contact information is above. Please direct all communications to me.
6. A map showing the location of the section to be vacated is enclosed. Because of the size of the map, I am providing the addresses in this letter rather than on the map:
    a. Robert Lyle Carver: see above;
    b. Steve C. Smith and Jennifer R. Smith: 56 Overlook Dr., Gunnison, CO 81230;
    c. Mark W. Donovan and Diedra M. Donovan: 7927 Myrtle Ln., Missouri City, TX 77459.
7. The street is not within a subdivision nor adjacent to a subdivision.
8. The legal description is also enclosed.

The street is not complete where the vacation is requested. Rather the portion where the vacation is requested is open space between the properties.

We've contacted the adjacent owners and received support for the vacation.

Sincerely,

Austin J. Chambers
LAW OF THE ROCKIES

Enclosures (2)

NEWLY VACATED PORTION OF FIRST STREET

TOWN OF OHIO CITY
GUNNISON COUNTY, COLORADO

Property description of newly vacated portion of First Street, Ohio City

A tract of land within the Town of Ohio City, Gunnison County, Colorado, according to the Map of Ohio City, prepared by Robert F. Harrison, dated December 1958,, and filed at Reception Number 292878 in the records of Gunnison County, Colorado, more particulalrly described as follows:

Commencing at the southeast corner of Lot 12, Block 11, the POINT OF BEGINNING, thence the follwing courses:

1. South 11°43'00" West 60.00 feet along the east boundary of said Lot 12 extended to the northeast corner of Lot 1, Block 16;

2. North 78°17'00" West 195.00 feet along the north boundary of said Block 16 to the northwest corner of Lot 41, said Block 16;

3. North 11°43'00" East 60.00 feet along the west boundary of said Lot 41 extended to the southwest corner of Lot 15, said Block 11;

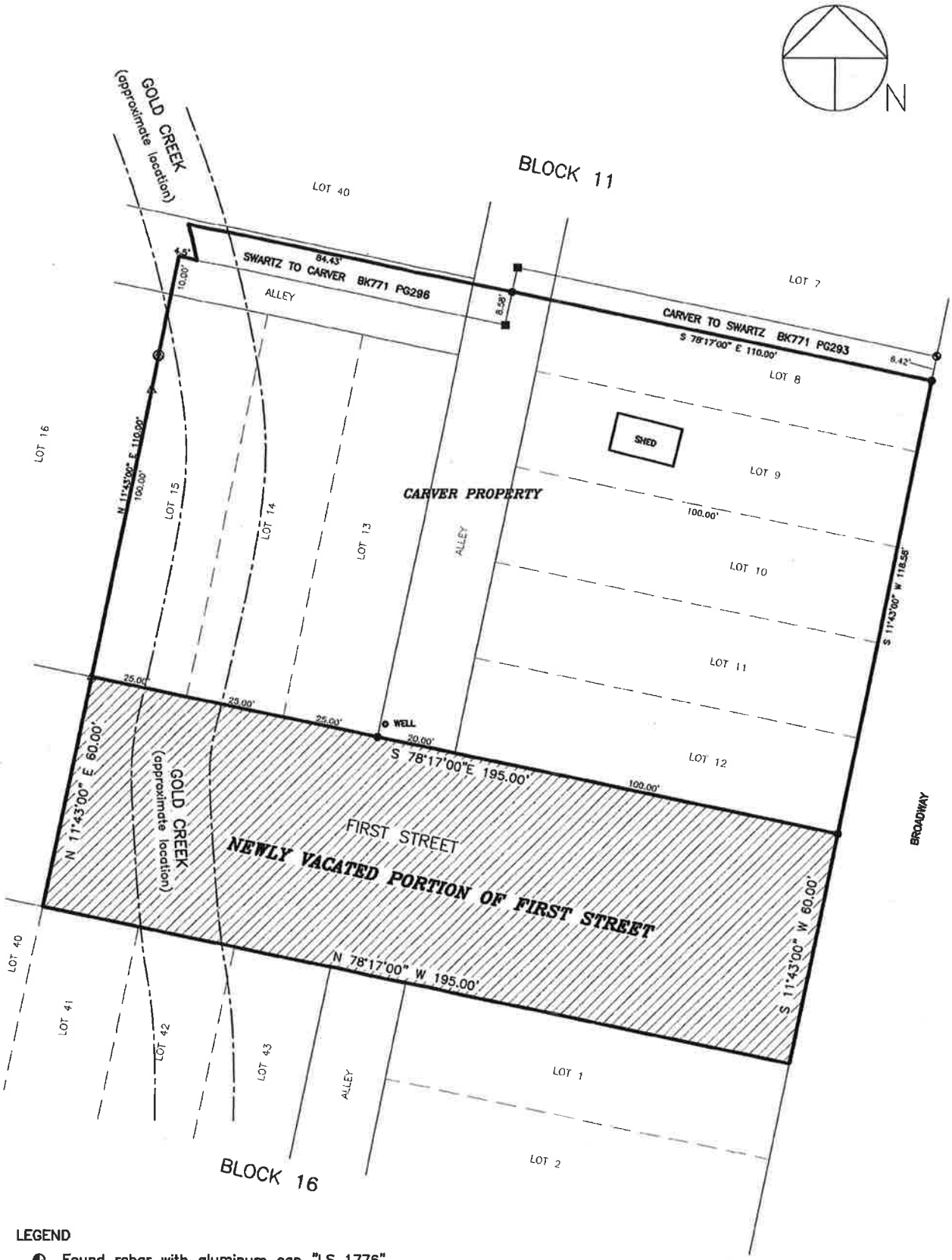
4. South 78°17'00" East 195.00 feet along the south boundary of said Block 11 to the POINT OF BEGINNING.

This tract contains 0.27 acres more or less.

JOB NO. 19-2-14
PEARSON SURVEYING
GUNNISON, CO 81230
970-641-2910

NEWLY VACATED PORTION OF FIRST STREET

TOWN OF OHIO CITY
GUNNISON COUNTY, COLORADO



LEGEND

- Found rebar with aluminum cap "LS 1776"
- Set rebar with plastic cap "LS 34979"
- Found rebar with no cap
- Found copperweld monument "LS 11250"
- Found rebar with washer "LS 6753"

30 0 30 60

Scale: 1" = 30'

JOB NO. 19-2-14
PEARSON SURVEYING
GUNNISON, CO 81230

SHEET 2 OF 2

Robert Lyle Carver
1307 W. Cucharras Street
Colorado Springs, Colorado 80904

March 7, 2019

Gunnison County Public Works Department
195 Basin Park Drive
Gunnison, CO 81230

Gunnison County Community Development Department
221 N. Wisconsin St., Ste. #D
Gunnison, CO 81230

Dear Gunnison County,

Austin J. Chambers and his law firm, Law of the Rockies, are authorized on my behalf to pursue vacating the East-West Alley adjacent to Lots 8-15, Block 11 in Ohio City, Gunnison County, Colorado and any portion thereof, and any necessary lot line adjustments resulting from such vacation. They are authorized to file applications relating to the same, to appear on my behalf and to otherwise pursue the vacation and lot line adjustment.

Sincerely,

Robert Lyle Carver

STATE OF Colorado)
) ss.
COUNTY OF El Paso)

The foregoing was acknowledged before me this 8th day of March, 2019 by Robert Lyle Carver.

My commission expires: Oct 19, 2022.

Seal

Notary Public

MIGUEL A CEJA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184041154
My Commission Expires October 19, 2022

Corner Street Vacation

Adjacent Property Owners

1. Terry Stallard
   Terry Stallard Smith
   13 N Skimmer St
   La Marque TX 77568-6541

2. Same as #1

3. Steve & Jennifer Smith
   56 Overlook Drive
   Gunnison CO 81230

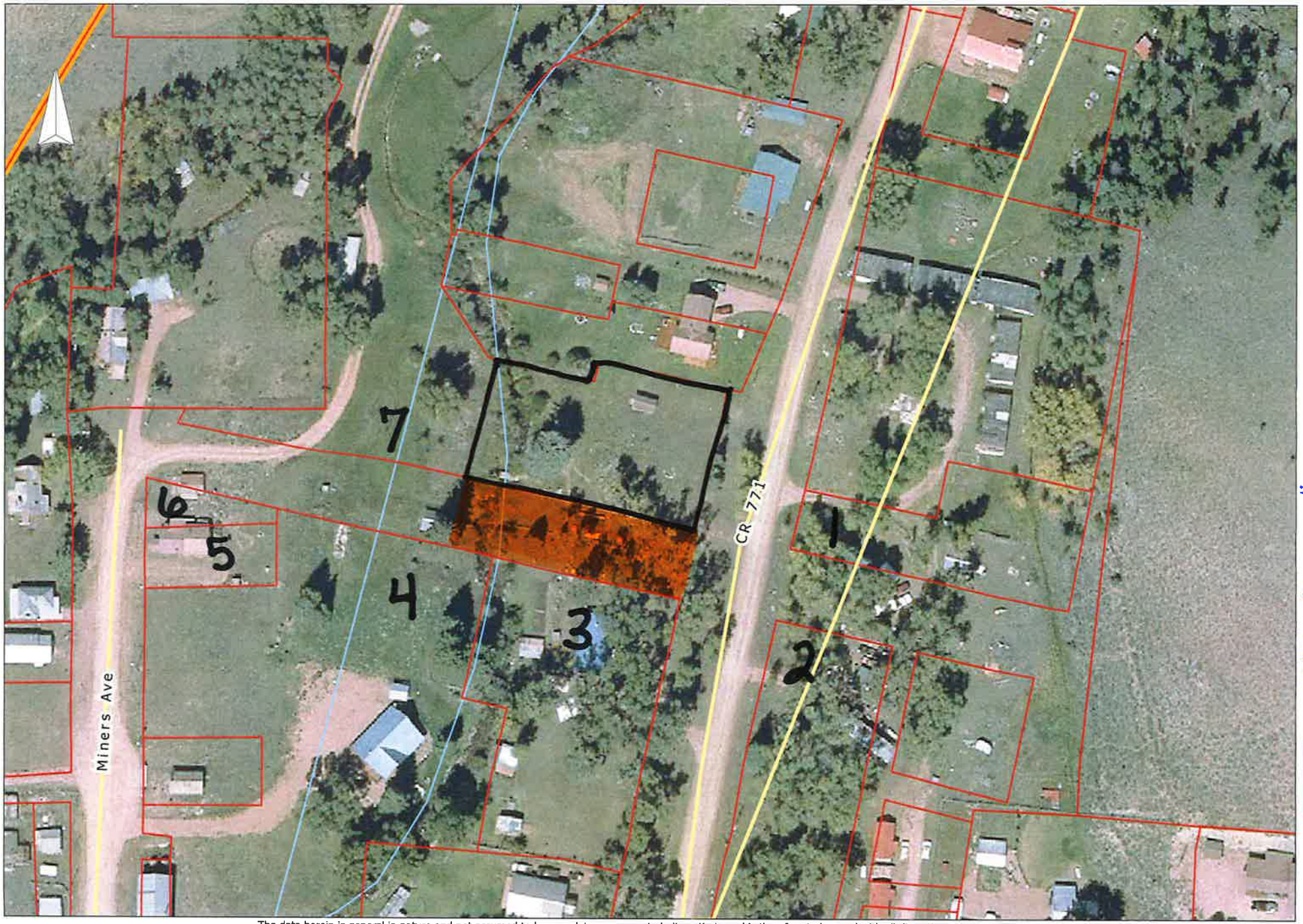
4. Mark & Diedra Donovan
   7927 Myrtle Lane
   Missouri City TX 77459-5748

5. Eric & Cidnee Hoyt
   1039 19 1/2 Road
   Fruita CO 81521-9382

6. Joseph & Stephanie Brady
   P.O. Box 82
   Coaldale CO 81222-0082

7. Charles & Mildred Scherbel
   10064 Calvary Road
   Willis TX 77318-7176

   & 142 Miners Ave
   & Ohio City CO 81237



= Street Vacation Area

Scale = 1:1200

The data herein is general in nature and not assumed to be complete nor accurate in its entirety and is therefore to be used with all discretions necessary.
The data portrayed should not be relied upon to establish legal title, boundary lines, the precise location of improvements, ownership, maintenance, easements or public right-of-ways.

Monday, October 28, 2019

Debbi Ferchau

From: Marlene Crosby
Sent: Monday, November 04, 2019 12:47 PM
To: Debbi Ferchau
Subject: FW: Public Hearing
Attachments: Opposition to Ohio City petition.docx

From: Hoyt, Cidnee <Cidnee.Hoyt@va.gov>
Sent: Monday, November 4, 2019 12:42 PM
To: Marlene Crosby <MCrosby@gunnisoncounty.org>
Cc: echoyt2@aol.com
Subject: Public Hearing

Good Afternoon,

My husband and I own property in Ohio City, CO and we are protesting the petition filed by Robert Lyle Carver. I have attached a letter as a formal opposition to this petition. We will also mail a hard copy of this letter to your office. Eric Hoyt will attend the Public Hearing for November 19th. Thank you and please let me know if there is another process for opposition to a petition that we should follow.

Respectfully,

Cidnee Hoyt

Cidnee Hoyt, MSN RN
Comprehensive Wellness Center Clinic Coordinator/Lead RN
VA Western Colorado Health Care System
2121 North Avenue
Grand Junction, CO 81501
970-244-1326

Eric and Cidnee Hoyt
1039 19 ½ Road
Fruita, CO 81521
970-589-1240

November 4, 2019

Marlene Crosby and Gunnison County Public Works members
Public Works Director
Gunnison County Public Works Department
195 Basin Park Drive
Gunnison, CO 81230

Dear Marlene Crosby and Gunnison County Public Works members:
This letter is in response to a petition filed by Robert Lyle Carver to vacate a portion of a certain street in the Townsite of Ohio City, Colorado. We currently own the properties at 132 and 138 Miners Avenue in Ohio City, CO. We are opposed to this petition as our Public Access to Gold Creek, the Ohio City Fire Department and Gold Camp road that lies to the Northeast will be permanently closed off. This access serves all the Ohio City Residents on the Southwest side of said property that is being petitioned and would close Public Access for these residents. Access to Gold Creek was a major factor in selecting and buying our property in Ohio City and allowing this petition to succeed would devalue our property. The below mentioned Public Access is also utilized by Ohio City Residents that live on the Northeast side of Ohio City to attend events at the Ohio City Town Hall. The section of land mentioned for petition also provides a safe pathway for wildlife to have access to Gold Creek and surrounding areas.

Vacating the alleys will result in denial of Public Access for many of the Ohio City residents, as well as, interfering in the safe crossing/pathway for the wildlife in the Ohio City area.

"That portion of First Street from the intersection with County Road 771, Gold Creek Road (aka Broadway Street) towards the west adjacent to lots 12-15, Block 11 and Lots 1, 41-43, Block 16 including adjacent north/south alleys."

Thank you in advance for your time and attention to this matter.

Sincerely,

Eric and Cidnee Hoyt