AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Gregory Subdivision

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

At your April 2, 2019 meeting the request for a Waiver was approved. The Resolution was not done at that time.

Fiscal Impact: All fees have been paid

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 db 1/16/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/16/2020 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/16/2020

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: DCM Report

Agenda Date: 1/21/2020

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2019-____

A RESOLUTION WAIVING CERTAIN PROVISIONS OF THE GUNNISON COUNTY STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, REQUESTED BY JOHN & MARY LOU GREGORY FOR GREGORY SUBDIVISION

WHEREAS, a written petition by John and Mary Lou Gregory, was filed with the Board of County Commissioners of Gunnison County, Colorado, requesting a waiver of the Gunnison County Standard Specifications For Road and Bridge Construction ("Standards and Specifications") and

WHEREAS, the request is to waive the "Standards and Specifications" for the road right of way for the access road extension into the Gregory Subdivision from sixty (60) feet to forty (40) feet.

WHEREAS, the Board has conducted a duly noticed public hearing regarding that petition.

THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO FINDS that John and Mary Lou Gregory for Gregory Subdivision has established by clear and convincing evidence that::

1. The waiver is warranted by site specific conditions that make compliance with the Standards and Specifications technically unfeasible; and

2. The waiver will not adversely affect the safe, efficient and orderly movement of motorized and non-motorized traffic; and

3. The waiver will not adversely affect health and safety; and

4. The waiver will not cause substantial injury to the owner or occupant of adjacent land(s); and

5. The waiver will not cause substantial injury to the environment; and

6. The waiver will provide the functional equivalent of the Standards and Specifications.

THEREFORE, the Board of County Commissioners of Gunnison County, Colorado resolves as follows:

1. Width of the right-of-way:

   A reduction of the width of the right-of-way on the access road extension into the Gregory Subdivision from sixty (60) feet to forty (40) feet is approved.

INTRODUCED by Commissioner Mason, seconded by Commissioner Messner, and adopted this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Jonathan Houck, Chairperson

By _____
John Messner, Vice Chairperson

By _____
Roland Mason, Commissioner

ATTEST:

_____
Deputy County Clerk

termination of the lease agreement on Gold Basin Industrial Park lease hold two. Motion carried.

2. **Agreement for Professional Services; Gothic Road Bridge Evaluation:**
   DCM Crosby presented the agreement with Short Elliott Hendrickson, Inc. (SEH) for the Gothic Road bridge evaluation which includes field work and an engineering review for a preliminary assessment. DCM Crosby indicated that there is more federal funding available for bridge rehabilitation versus replacement.
   Moved by Commissioner Mason, seconded by Commissioner Messner to authorize the County Manager's signature on the agreement for professional services with Short Elliott Hendrickson, Inc. for the Gothic Road bridge evaluation. Motion carried.

COMMISSIONER ITEMS: This item occurred earlier in the meeting due to being ahead of schedule.
John Messner-
1. Commissioner Messner attended the morning portion of the Energy Transition Conference in Denver on 4/1/19. Rachel Sabbato, Planner II from Community Development also attended the conference.
2. Commissioner Messner testified at the Capitol in Denver regarding two debrucing bills.
3. Commissioner Messner will be on a panel that is meeting with the chief of the U.S. Forest Service to discuss sustainable tourism and outdoor recreation and collaboration with the U.S. Forest Service.

Roland Mason-
1. Commissioner Mason discussed a Region 10 meeting he attended on 3/28/19.

Commissioner Messner noted for the record that Chairperson Houck is not in attendance because he is currently in Washington, DC testifying for the Colorado Outdoor Recreation & Economy (CORE) Act.

Continued Public Hearing; Request for Waiver of Gunnison County Standard Specifications for Road & Bridge Construction; Gregory Subdivision:
Marlene Crosby, Deputy County Manager, was present for the hearing. The property owners, John & Mary Lou Gregory were also present.

The continued hearing began at 8:58 am.

1. Public Notice Confirmation: DCM Crosby confirmed that the public hearing was publicly noticed in the newspaper and that adjacent property owners have been notified via certified mail. All noticing requirements have now been met.

2. Identify Ex Parte Communications: There were no ex parte communications identified.

3. Staff Presentation: DCM Crosby explained that the Gregory's will be applying for a land use change and need to know the configuration of the lots before they apply. Gunnison County Standards require a 60 foot easement, however the existing access is only 40 foot, therefore they are requesting approval of the 40 foot access versus the 60 foot requirement. Both DCM Crosby and Sparky Casebolt, Public Works Operations Manager, have inspected the property and are supportive of the request.

4. Applicant Presentation: N/A.

5. Board Questions: There were no questions from the Board.

6. Public Comments: Commissioner Messner opened the public hearing to public comments at 9:02 am. Elaina Jauregui made comments on the snow storage and drainage easement portion of the plan that is located on her property. Terry Zerger who drew the plans stated that was an administrative error, the snow storage and drainage will be located on the Gregory property. Pete Glatiotis inquired about the right-of-way and road width.

7. Acknowledge Correspondence Received: The email correspondence received on 4/1/19 from Elaina Jauregui was acknowledged and entered into the record.

8. Applicant Response: N/A.

9. Close Public Hearing: Commissioner Mason closed the Public Hearing at 9:08 am.

Moved by Commissioner Mason, seconded by Commissioner Messner to approve the request for waiver of Gunnison County Standard Specifications for Road & Bridge Construction for the Gregory Subdivision contingent upon the land use change. Motion carried.

Energy Performance Grant; Investment Grade Audit; Colorado Energy Office:
John Cattles, Sustainable Operations Director and Rowena Adams from Johnson Controls, Inc. were present for the discussion.

GUNNISON COUNTY PUBLIC WORKS DEPARTMENT

195 Basin Park Drive
Gunnison, CO 81230
Ph: (970) 641-0044
Fax: (970) 641-8120

NOTICE OF PUBLIC HEARING
REQUEST FOR WAIVER OF
GUNNISON COUNTY STANDARD SPECIFICATIONS
FOR ROAD AND BRIDGE CONSTRUCTION

HEARING DATE, TIME AND LOCATION: The Gunnison County Board of Commissioners will conduct a public hearing, **March 19, 2019 at 8:45 a.m.,** in the Board of County Commissioners Meeting Room in the Gunnison County Courthouse, to hear public comment concerning an application for a waiver of the Gunnison County Standard Specifications for Road and Bridge Construction for the reduction of the right-of-way width on the access road extension into the Gregory Subdivision. A copy of the petition and supporting documentation can be reviewed at the Gunnison County Public Works Department at 195 Basin Park Drive, Gunnison, Colorado from 7:00 a.m. to 4:30 p.m. weekdays.

ROAD LOCATION: Gregory Subdivision, 1445 Highway 135, Gunnison, CO, more specifically, 3.42 acres in NW4SW4, Section 25, Township 50 North, Range 1 West, N.M.P.M., County of Gunnison, State of Colorado.

PROPOSAL: The waiver requests permission to reduce the width of the right-of-way on the access road extension into the Gregory Subdivision as required by the County Standards.

POSSIBLE ACTION Formal action may be taken on the waiver request at this meeting.

PUBLIC PARTICIPATION: The public is invited to submit verbal or written comments at the hearing, or to submit written comments by FAX (970) 641-8120, by letter to the Gunnison County Public Works Department, 195 Basin Park Drive, Gunnison, CO 81230, or by email to mcrosby@gunnisoncounty.org so long as they are received by 5:00 p.m. the evening before the date of the meeting so that they may be submitted for the public record during the hearing. Additional information may be obtained by calling the Public Works Department office at (970) 641-0044).

ADA ACCOMMODATIONS: Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Public Works Department prior to the day of the meeting.

/s/ Marlene Crosby
Public Works Director

To be published as a Legal Advertisement in the Gunnison Country Times editions of February 28th and March 7th, 2019.

John & Mary Lou Gregory
P.O. Box 81
Crawford, Colorado 81415
jsjgregory@msn.com
970.921.5190

January 24, 2019

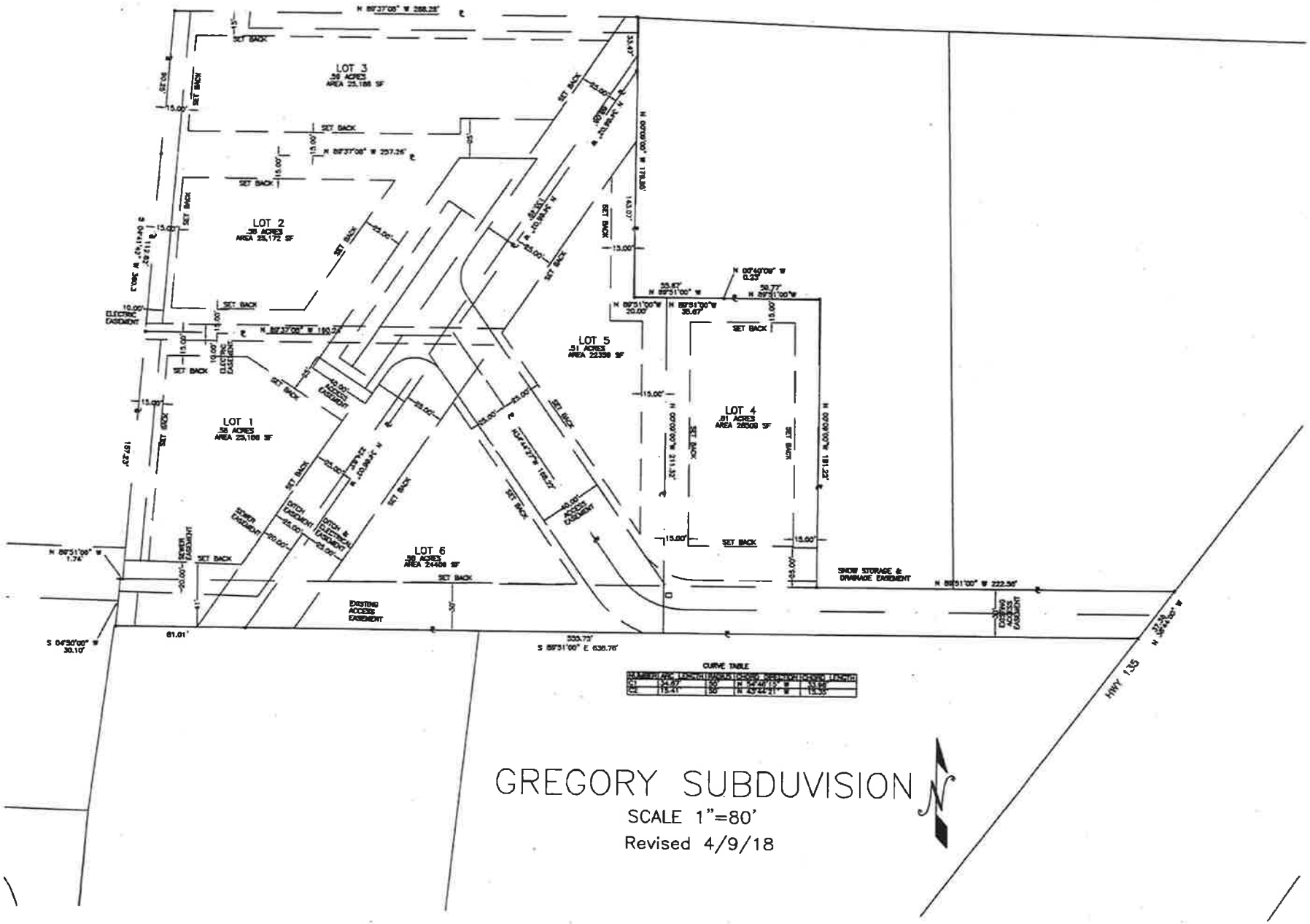
Dear Marlene,

Mary Lou and I are working on a subdivision project north of Gunnison. The address is 1445 Hwy. 135 and has a parcel number #370125000108. We have owned this land for 25 years and have one easement attached to our property for the radio station (Tarpon Towers) and there are currently no structures.

Prior to submitting our package to county planning department we are trying to assemble all of the requirements to make our project work. Terry has contacted you on our behalf regarding a waiver on ROW width for the access driveway/road as it enters the subdivided lots.

Please find attached the proposed plat, project location, and our CDOT permit for the project describing use and access from Hwy 135 on our existing 30 ft. easement. Terry mentioned this needs to be reviewed by the county commissioners prior to a waiver being issued. We appreciate your presenting the above request when you have an opportunity in an upcoming session. If there is additional information needed or questions, please contact us at the above, and Terry is always available. We appreciate your help with this matter.

John & Mary Lou Gregory


LOT 1
.58 ACRES
AREA 23,166 SF
LOT 2
.58 ACRES
AREA 23,172 SF
LOT 3
.58 ACRES
AREA 23,166 SF
LOT 4
.61 ACRES
AREA 26509 SF
LOT 5
.51 ACRES
AREA 22358 SF
LOT 6
.58 ACRES
AREA 24408 SF
SET BACK
ELECTRIC EASEMENT
SEWER EASEMENT
DITCH EASEMENT
DITCH & ELECTRICAL EASEMENT
ACCESS EASEMENT
EXISTING ACCESS EASEMENT
SNOW STORAGE & DRAINAGE EASEMENT
HWY 135
CURVE TABLE
GREGORY SUBDUVISION
SCALE 1"=80'
Revised 4/9/18