AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Carver Street Vacation

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

At the last Board meeting the Board requested that Mr. Carver pay for the improvement of the trail in exchange for the vacation of a portion of First Street

Fiscal Impact: $1,000

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns, ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 1/30/2020

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 1/30/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 1/30/2020 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 1/31/2020

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: DCM Report

Agenda Date: 2/4/2020

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 20-____

A RESOLUTION VACATING A PORTION OF FIRST STREET IN THE TOWNSITE OF OHIO CITY, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado, ("Board") has the legal authority to regulate and control the use of, and is the owner of, certain highways and roads in Gunnison County, Colorado; and

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

WHEREAS, the Board has received a request to vacate a portion of First Street in the disincorporated townsite of Ohio City, County of Gunnison, State of Colorado, described as follows:

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

WHEREAS, this is a unique roadway that is not anticipated by the Board to have any other public use other than as a trail and the party requesting the vacation has made a donation to the County in an amount estimated by Public Works to be sufficient to improve a trail on the portion that is not to be vacated; and

WHEREAS, the vacation of a portion of the above described portion of First Street will not hinder any property owners from having access to their respective land, nor disrupt existing travel modes or anticipated conditions in traffic or development patterns, nor adversely affect health and safety; and

WHEREAS, the Board believes under these unique circumstances that it is in the best interest of the public to vacate those portions of the roadway described below and improve the trail on the remaining portion; 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 following described portion of First Street shall be and hereby is vacated:

1. Except for the centermost 20 feet, being ten feet on either side of the centerline of First Street, all of First Street from the intersection of County Road 771, Gold Creek Road (also known as Broadway Street) towards the west and only adjacent to Lots 12, 13, 14 and 15, Block 11, of the disincorporated townsite of Ohio City, Colorado, together with immediately adjacent north/south alleys in Block 11; and

2. Except for the centermost 20 feet, being ten feet on either side of the centerline of First Street, all of First Street from the intersection of County Road 771, Gold Creek Road (also known as Broadway Street) towards the west and only adjacent to Lots 1, 41, 42 and 43, Block 16, of the disincorporated townsite of Ohio City, Colorado, together with immediately adjacent north/south alleys in Block 16.

FURTHERMORE, this Resolution is made with the following conditions:

1. 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; and

2. This Resolution shall not be recorded with the records of the Clerk and Recorder of Gunnison County until the vacated portions of First Street have been legally clustered with the immediate adjacent lots as directed by the office of the Gunnison County Attorney; and

3. This Resolution shall not be effective until it has been recorded with the records of the Clerk and Recorder of Gunnison County.

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

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By _____
Jonathan Houck, Chairperson

By: _____
John Messner, Vice Chairperson

By: _____
Roland Mason, Commissioner

ATTEST:

_____

Deputy County Clerk