AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Vacating a Portion of Washington and A

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

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

Summary:

Request for Vacation of Certain Streets in Tincup and Resolution to Accomplish the Same.

Fiscal Impact:

Submitted by: Lauren Hibbard **Submitter's Email Address:** lhibbard@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 12/17/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 12/17/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/18/2020

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5

Agenda Date: 12/22/2020

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 20-____

A RESOLUTION VACATING A PORTION OF WASHINGTON AND ALDER STREETS, GUNNISON COUNTY, 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 Washington Street and Alder Street in townsite of Tincup, County of Gunnison, State of Colorado, described as follows:

> **Washington Street**: That portion of Washington Street adjacent to Lots 1-3, Block 33; Lots 18-20, Block 24; All of Blocks 34 and 25 and that section half way into the Alder Street intersection adjacent to Block 25 and 34.
>
> **Alder Street**: Half of that portion of Alder Street adjacent to Lot 20, Block 25.

WHEREAS, this is a unique roadway that is not anticipated by the Board to have any other public use other than as a public trail and the vacation shall be subject to a reservation by the Board of County Commissioners of Gunnison County of a public trail; and

WHEREAS, the vacation of the above described portion of Washington Street and Alder 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 but reserving a public trail as described below; 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 Washington Street and Alder Street shall be and hereby is vacated subject to the easement as set forth below:

Washington Street: That portion of Washington Street adjacent to Lots 1-3, Block 33; Lots 18-20, Block 24; All of Blocks 34 and 25 and that section half way into the Alder Street intersection.

Alder Street: Half of that portion of Alder Street adjacent to Lot 20, Block 25.

RESERVING, HOWEVER, a permanent, irrevocable easement to be held by the Board of County Commissioners of Gunnison County, Colorado for public, non-motorized use over and across all portions of Washington Street and Alder Street vacated herein. This reservation for public, non-motorized use specifically includes without limitation: (i) the right for members of the public to use the easement for public, non-motorized ingress and egress over and across the easement area, (ii) the right of Gunnison County to develop and install a public, non-motorized trail on, over and through the easement area, including such erecting signage and performing site improvement as may be appropriate in the sole discretion of the Board, (iii) the right of Gunnison County to use such machinery, equipment and vehicles in the easement area as may be appropriate in the sole discretion of the Board for the purposes of installing, maintaining and replacing any pedestrian trail within the easement area.

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 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

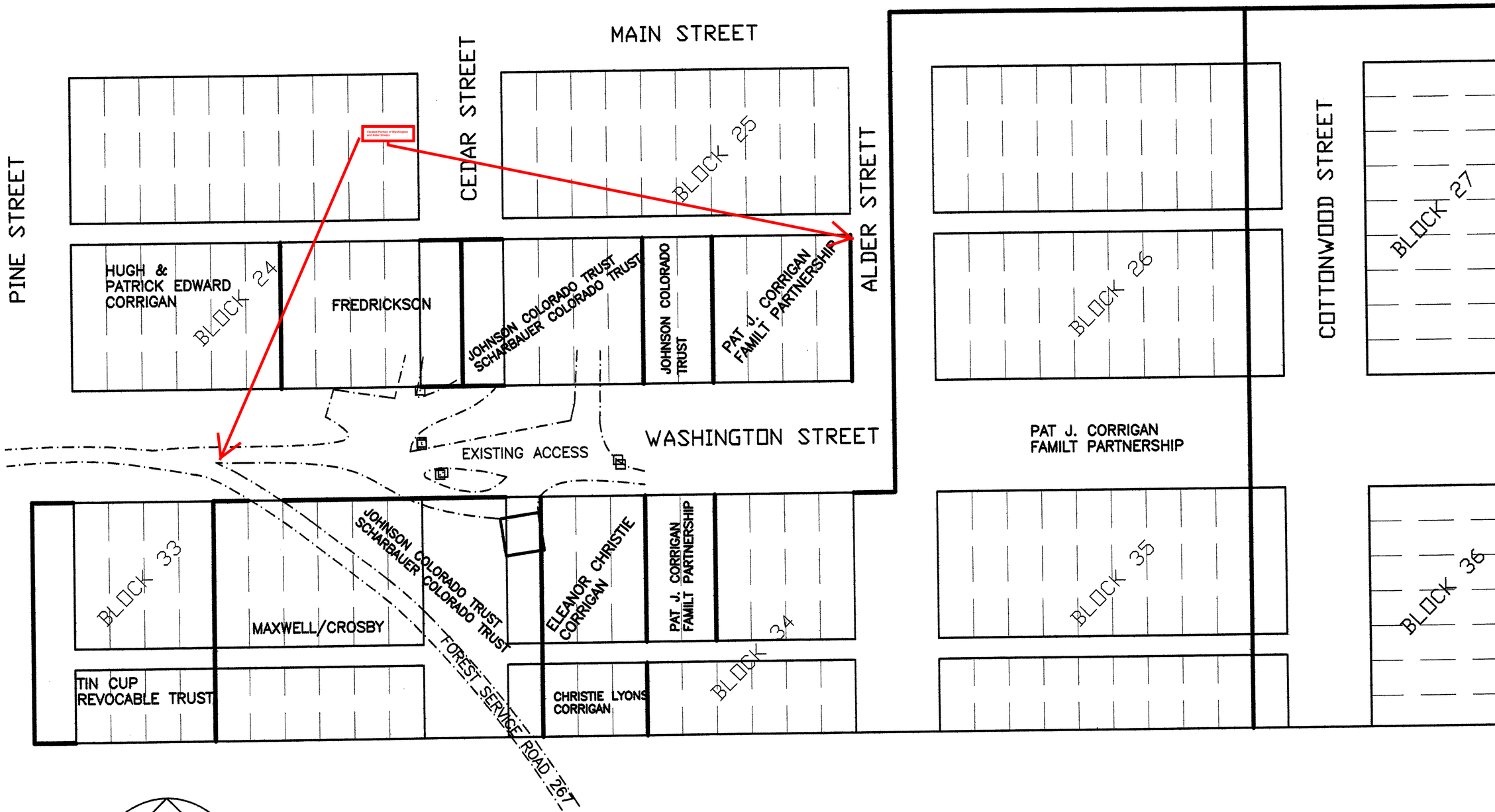
By _____
Jonathan Houck, Chairperson

By: _____
Roland Mason, Commissioner

By: _____
Elizabeth Smith, Commissioner

ATTEST:

_____
Deputy County Clerk



⊡ Utility pedestal