

No. 40 - 2010

RESOLUTION
OF
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS

CONCERNING:
VACATION OF DESIGNATED PUBLIC ROADWAY AND ALLEYWAY IN
UNINCORPORATED TOWN OF BEDROCK LOCATED IN MONTROSE COUNTY,
COLORADO

WHEREAS, pursuant to Colorado Revised Statutes, C.R.S. 43-2-301, *et seq.* a Board of County Commissioners may vacate public roadways, including streets, in accordance with requirements set forth in such statutes; and

WHEREAS, on April 5, 2004, the Montrose County Board of Commissioners adopted Resolution #14-2004, *as amended* in Resolution #59-2009 adopted on July 6, 2009; and

WHEREAS, on April 9, 2010, an application was submitted to the Montrose [*sic* County] Engineering Department by Sarah Henry, landowner in the unincorporated, platted town of Bedrock, Colorado located in Montrose County requesting vacation of certain platted roadways adjoining her property within the town for the purpose of increasing the property's useable area; and

WHEREAS, said application contained a plat of the proposed vacation which has been reviewed by Montrose County Public Works and found to accurately described the right of way proposed for vacation; and

WHEREAS, following receipt of such application, notice of the application was provided to the public and adjoining landowners pursuant to the requirements set forth in C.R.S. 43-2-303 (2) (b) and Resolution #59-2009 (5); and

WHEREAS, on this date, July 19, 2010, a public hearing on the vacation petition was held before the Board of County Commissioners to take public comments regarding such road right of way vacation petition; and

WHEREAS, the Board of County Commissioners hereby finds that the County has no interest in or need for maintaining the segment of road right of way described in the resolution and that the Board does not anticipate any future public need for such segment of road right of way; and

WHEREAS, that the following easement is necessary and shall not be vacated by this proceeding: County maintained Y9 Road, 30 feet each side of centerline; no other easements are affected by this Right of Way Vacation.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

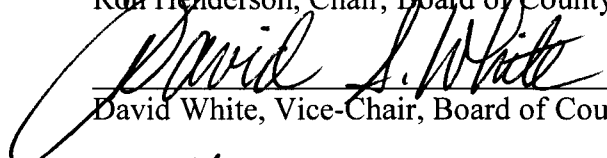
1. That the road as described in the plat and consisting of the south half (50 Feet) of 8th Street is hereby vacated, subject to the easement described above;
2. That title to the entire south ½ of 8th Street to the centerline shall vest in the petitioners, the vacated right of way being described as the south 50 feet of 8th Street adjacent to Block 32, and being further described in the Plat of Vacation referenced in this resolution;
3. That in accordance with CRS 43-2-302(1)(f), it is the recommendation of this Board of County Commissioners that in the event that the north 50 feet of said 8th Street adjacent to Block 25 is petitioned to be vacated and same is vacated in accordance with law, title to such entire segment should vest in the owner of Block 25 who is adjacent to the north half of said 8th Street.

BE IT FURTHER RESOLVED that the vacation of the portions of the platted roadway and alleyway under this Resolution set forth in the aforementioned Plat of Survey shall vest, subject to any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, if any; subject to existing public-access easement or private-access easement, if any, to benefit designated properties, and subject to the retention of access and utility easements within the exception areas as noted on the aforementioned Plat of Survey.

ADOPTED this 2nd day of August, 2010.

MONTROSE COUNTY BOARD OF COMMISSIONERS


Ron Henderson, Chair, Board of County Commissioners


David White, Vice-Chair, Board of County Commissioners

absent
Gary Ellis, Commissioner

ATTEST:


Marie Simons, Deputy Clerk to the Board

