

No. 28 - 2014

RESOLUTION
OF
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS

CONCERNING:
VACATING A PORTION OF BOSTWICK PARK ROAD (EAST) RIGHT-OF-WAY
LOCATED IN MONTROSE COUNTY, COLORADO

WHEREAS, pursuant to Colorado Revised Statutes, C.R.S. 43-2-303, *et seq.* a Board of County Commissioners may vacate public roadways, including streets, in accordance with requirements set forth in that statute; 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 1, 2014, an application was submitted to the Montrose County Engineering Department by CL and Rachel Werner of Werner Farms LLC, landowner adjacent to the subject County Road, requesting vacation of Bostwick Park Road east of Highway 347, as described in the legal description attached here to as Exhibit A and incorporated herein for all purposes, for the non-use of this roadway, and

WHEREAS, the right-of-way is located entirely within Montrose County and no portion is located within a City or Town,

WHEREAS, said application contained a plat of the proposed vacation, which has been reviewed by Montrose County Public Works and found to accurately describe 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 7/21/2014, 2014, 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO, AS FOLLOWS:

1. That Bostwick Park Road east of Highway 347, as described in the attached legal description is hereby vacated.
2. That the vacation of the described roadway under this Resolution 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 irrigation ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, if any; subject to existing public-access easements or private-access easement, if any, to benefit designated properties.

ADOPTED this 21st day of July, 2014.

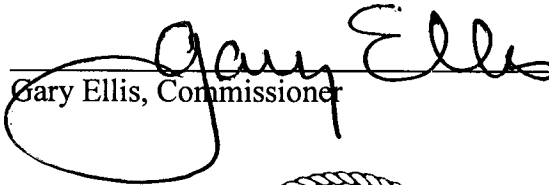
MONTROSE COUNTY BOARD OF COMMISSIONERS



David White, Chair



Ronald Henderson, Vice-Chair



Gary Ellis, Commissioner

ATTEST:



Marie Simons, Deputy Clerk to the Board





DEL-MONT CONSULTANTS, INC.
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Description of Vacation

Any and all portions of County Road as may be claimed by fee simple right-of-way, easement or road petition located East of the existing Highway 347 East Right-of-Way line located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 49 North, Range 8 West, New Mexico Principal Meridian, County of Montrose, State of Colorado.

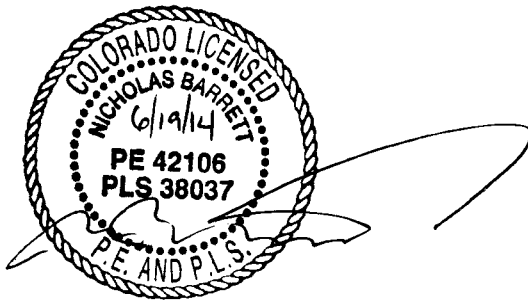


EXHIBIT A