

RECEPTION#: 858910, 09/16/2014 at
02:13:05 PM, 1 OF 19, RES
FRANCINE TIPTON-LONG, MONTROSE
COUNTY, CO CLERK AND RECORDER

Re-Recorded

No. 30 - 2014

RESOLUTION
OF
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS

CONCERNING:

VACATION OF A PEPPERS GARDENS PLATTED ROAD LOCATED BETWEEN
LOTS 18 AND 19, 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 14, 2014, an application was submitted to the Montrose [*sic* County] Engineering Department by Lois and Darryl Sackmann, landowner adjacent to the subject County Road, Colorado located in Montrose County requesting vacation of the Peppers Gardens Platted Road between Lots 18 and 19 as shown and described on the attached plat of survey, 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, September 15, 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

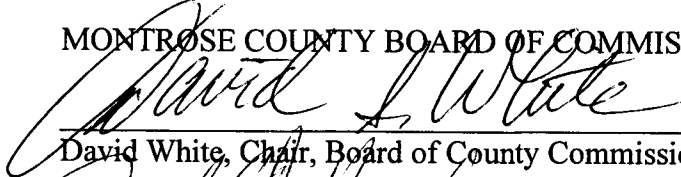
NOW, THEREFORE, IT IS HEREBY RESOLVED That the Peppers Gardens Platted Road located between Lots 18 and 19 as shown and described in the attached plat of survey is hereby vacated,

BE IT FURTHER RESOLVED that the vacation of the portions of the platted roadway under this Resolution set forth in the aforementioned Plat of Survey shall vest, subject to any

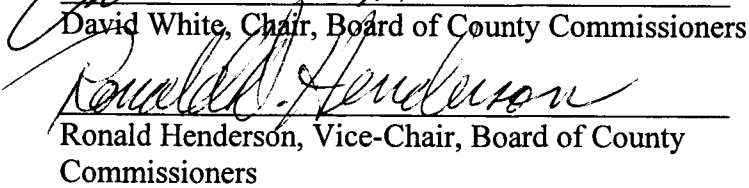
rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances, if any; subject to existing public-access easement or private-access easement, 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 15th day of September, 2014.

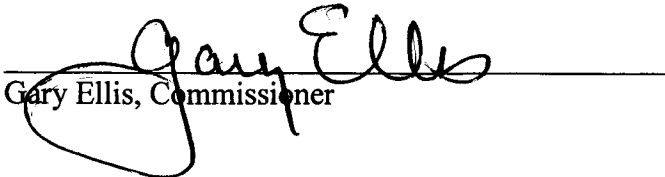
MONTROSE COUNTY BOARD OF COMMISSIONERS



David White, Chair, Board of County Commissioners

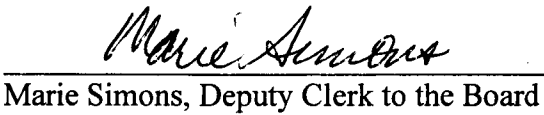


Ronald Henderson, Vice-Chair, Board of County
Commissioners



Gary Ellis, Commissioner

ATTEST:



Marie Simons, Deputy Clerk to the Board

