

RESOLUTION NO. 26-2012

RESOLUTION
OF
MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS

CONCERNING:
VACATION OF CERTAIN DESIGNATED PUBLIC ROADWAYS AND
ALLEYWAYS SHOWN ON THE TOWN PLAT FOR THE UNINCORPORATED
TOWN OF REDVALE 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 or about July 20, 1912, the Redlands Townsite Company laid out the Redvale Town Plat, which document is filed of record with the Montrose County Clerk and Recorder at Book 68, Page 69, and by said Town Plat, the Redlands Townsite Company dedicated for the use of the public the streets and alleys shown thereon; and

WHEREAS, as part of its dedications of such streets and alleys, the Redlands Townsite Company reserved to itself and its grantees forever and perpetually the right and easements to the use of said streets and alleys for carrying and conducting water by means of mains and ditches; and

WHEREAS, the Town of Redvale was never incorporated and does not function as a statutory town or municipality under Colorado law and, as such, the area designated as the Town of Redvale on the Plat, as well as jurisdiction for the management and maintenance of the streets and alleys shown dedicated on such Town Plat, is governed by and under the jurisdiction of Montrose County; and

WHEREAS, the Board of County Commissioners finds that it has jurisdiction to consider the vacation of the streets and alleys shown on the Town Plat and dedicated for the use of the public, as the governmental authority having jurisdiction over such streets and alleys and as representative of the public for this unincorporated area of Montrose County; and

WHEREAS, the Montrose County Public Works Department has requested the Board to consider the vacation of certain designated streets and alleys shown on the Town Plat as not necessary to the county road system and not necessary for use of the

public, such streets and alleys requested to be vacated are show on the attached Exhibit A, which document is incorporated into the Resolution by this reference; and

WHEREAS, the Board of County Commissioners finds that the streets and alleys shown on said Exhibit A for vacation have never been built or used by the public as public rights of way and as such exist only as laid out on the Town Plat; and

WHEREAS, in order to address any discrepancies or inaccuracies in the original Redvale Townsite Plat, the Board of County Commissioners directs the County Surveyor to establish and set a system of survey reference (or control) points within the boundaries of the Redvale Townsite Plat boundaries to establish a consistent standard by which future land surveys are conducted in the area. Said reference points will be located at, or witnessed to, the intersection of prominent streets, roads, and alleys that are NOT vacated by this resolution, AND that a survey be created; and

WHEREAS, notice of the proposed vacation of the streets and alleys shown on said Exhibit A and of the public hearing on this proposed vacation 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), by publication in the Montrose Daily Press and San Miguel Basin Forum, and individual public notices to each property owner and by public outreach meetings held on September 21, 2012 and March 6, 2012 with residents in the area comprised by the lands designated on the Town Plat; and

WHEREAS, on this date, April 16, 2012, a public hearing on the proposed vacation of these certain designated streets and alleys 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 streets and alleys dedicated on the said Town Plat and described on Exhibit A hereto for proposed vacation and that the Board does not anticipate any future public need for such streets and alleys, subject, however, to such easement rights as are specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the streets and alleys described on the Exhibit A attached hereto for vacation, and including only those so designated for vacation, are hereby vacated, subject to the easement described below;
2. That an easement for carrying and conducting water by means of mains and ditches for the benefit of the Redlands Townsite Company and any of its Grantees, if any, is preserved for such vacated streets and alleys;
3. That, subject to the easement for carrying and conducting water preserved in this Resolution, title to real property comprising the said vacated streets and


alleys as designated on the attached Exhibit A shall vest with the property owners as shown on said Exhibit A.

BE IT FURTHER RESOLVED that the vacation of the portions of the platted streets and alleys under this Resolution set forth in the aforementioned Exhibit A shall vest, subject to any other existing 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.


BE IT FURTHER RESOLVED that nothing in this Resolution is intended to affect any State of Colorado Department of Transportation right of way (per reception number 832718) and shall not be interpreted as vacating any such State right of way.

ADOPTED this 16th day of April 2012.

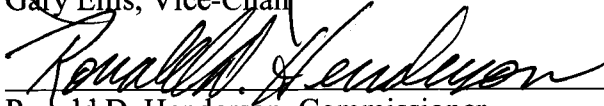
MONTROSE COUNTY BOARD OF COMMISSIONERS



David White, Chair



Gary Ellis, Vice-Chair



Ronald D. Henderson, Commissioner

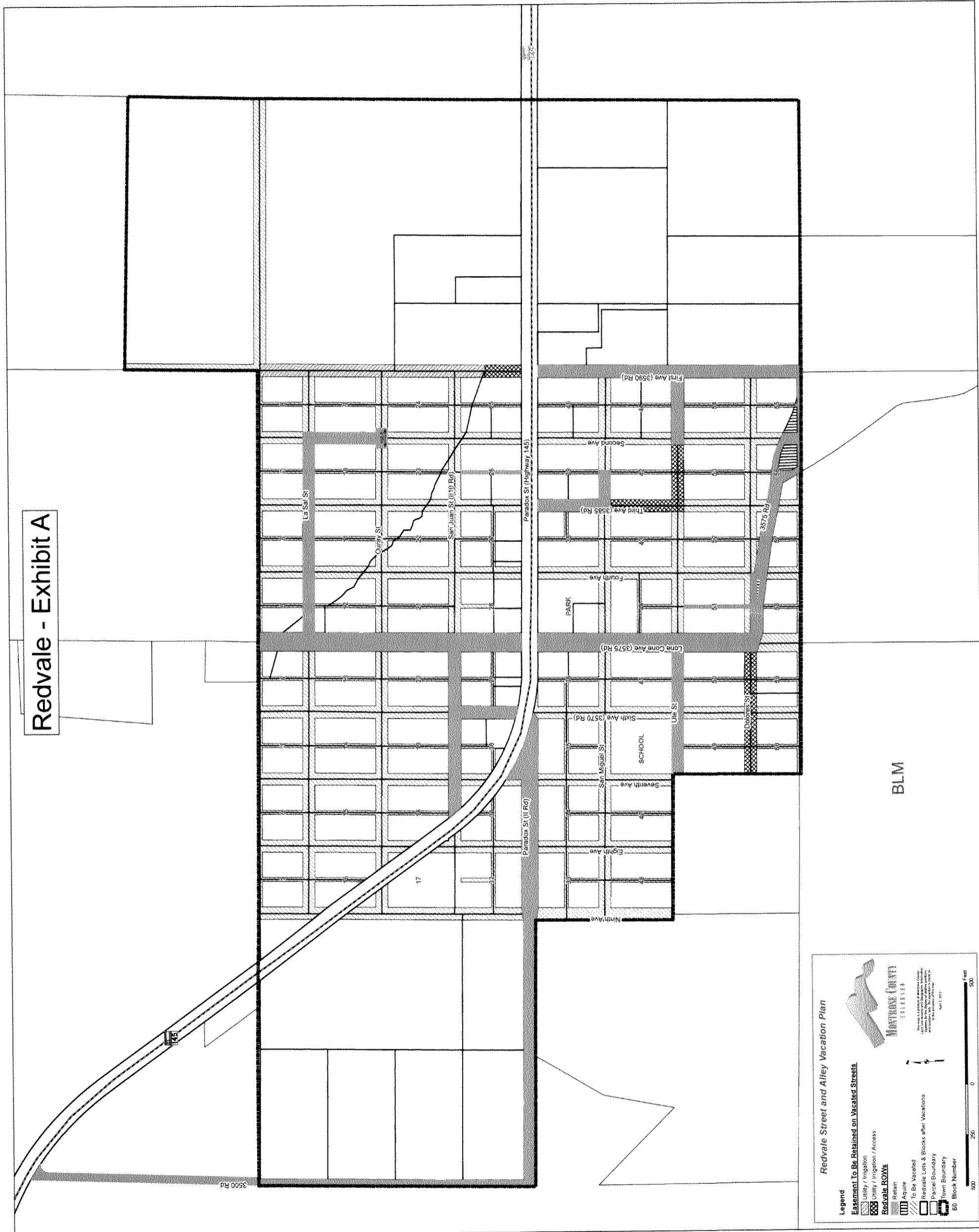
ATTEST:




Marie Simons, Deputy Clerk to the Board



Redvale - Exhibit A



Redvale Street and Alley Vacation Plan



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60

Legend

- Essesment To Be Retained on Vacated Streets
- Utility / Irrigation
- Utility / Irrigation / Access
- Redvale ROWs
- Retain
- Acquire
- To Be Vacated
- Redvale Lots & Blocks after Vacations
- Parcel Boundary
- Town Boundary
- 80 Block Number

0 250 500 Feet

April 2, 2017