

RESOLUTION NO. 23-2019

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 Town of Redvale Plat, which document is filed of record with the Montrose County Clerk and Recorder at Book O, Page 68 and 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, on April 16, 2012, the Montrose County Board of Commissioners adopted Resolution #26-2012 vacating portions of the streets and alleys shown on the Town of Redvale Plat; and

WHEREAS, the Montrose County Public Works Department has requested the Board to consider vacating an additional 30 foot portion of roadway located between Block 30 and Block 31, of the Town of Redvale Plat, south of the Highway 141 right of way and north of the II Road right of way, as shown on Exhibit A; and

WHEREAS, the Board of County Commissioners finds that the street requested to be vacated has never been built or used by the public as a public right of way and as such exists only as laid out on the Town Plat; and

WHEREAS, notice of the proposed vacation 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

WHEREAS, on this date, May 1, 2019, a public hearing on the proposed vacation of the designated street 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 a road right of way described in the resolution and that the Board does not anticipate any future public need to such segment of road right of way.

NOW, THEREFORE, IT IS HEREBY RESOLVED:


1. That the street described on the Exhibit A attached hereto for vacation is 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;
3. That, subject to the easement for carrying and conducting water preserved in this Resolution, title to real property comprising the said vacated street described in Exhibit A shall vest with the property owner of Lot 8, Block 30, of the Town of Redvale, County of Montrose, State of Colorado;

BE IT FURTHER RESOLVED that the vacation 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 adjacent property, 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 19<sup>th</sup> day of June 2019.

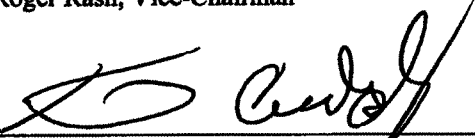
MONTROSE COUNTY BOARD OF COMMISSIONERS




Sue Hansen, Chair

RECEPTION#: 910176, Date: 6/19/2019 2:27 PM,  
Pages: 3 of 4 , RES  
Montrose County, CO. Tressa Guynes, Clerk and Recorder

  
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Roger Kash, Vice-Chairman

  
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Keith Caddy, Commissioner

ATTEST: 

  
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Eloise Lentz, Clerk to the Board



