

No fee

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

Resolution No. 2022-18

A RESOLUTION VACATING COUNTY-OWNED RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.35 ACRES IN THE SEVENTH STREET RIGHT-OF-WAY, BETWEEN PINE AND SPRUCE STREETS, COMO, LOCATED IN SECTION 33, TOWNSHIP 8 SOUTH, RANGE 76 WEST OF THE 6TH P.M., PARK COUNTY, COLORADO.

WHEREAS, the Applicant, Andrew Zimmerman, has filed an application to vacate the portion of County right-of-way described above; and

WHEREAS, the Board of County Commissioners is authorized to vacate County rights-of-way by resolution pursuant to C.R.S. § 43-2-301 *et seq.*; and

WHEREAS, at a regularly scheduled meeting of the Park County Board of County Commissioners, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for vacation at which it reviewed the application and supporting documentation, the recommendations of the Planning Department and the Park County Planning Commission, and considered the testimony of the Applicants and patrons, and was presented with no information to justify denial or rejection of the application, and found that said application complies with Article VI, Section 6-1003 of the Park County Land Use Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

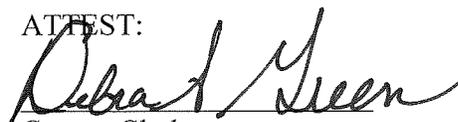
The portion of County right-of-way described herein is hereby vacated. Title to the vacated right-of-way shall vest pursuant to the authority set forth in C.R.S. § 43-2-302(c) in the owners of the land abutting the vacated roadway as shown in the Right of Way Vacation and Lot Consolidation Plat attached as Exhibit A to this Resolution and incorporated into this Resolution by this reference.

Moved, seconded, and passed this 26th day of April, 2022.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS


Richard Elsner, Chairperson

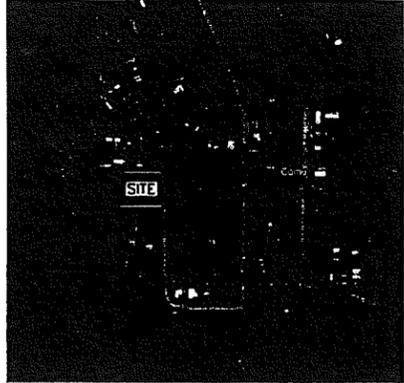
ATTEST:


County Clerk

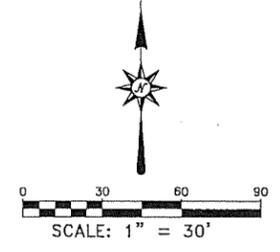


RIGHT-OF-WAY VACATION AND LOT CONSOLIDATION PLAT

LOTS 5 AND 6, BLOCK 16, LOTS 1, 14 AND THE NORTH 10 FEET OF LOTS 2 AND 13, BLOCK 21, AMENDED PLAT OF COMO.
LOCATED IN THE NW1/4 OF SECTION 33, T.8S, R.76S, 6TH P.M.,
COUNTY OF PARK, STATE OF COLORADO

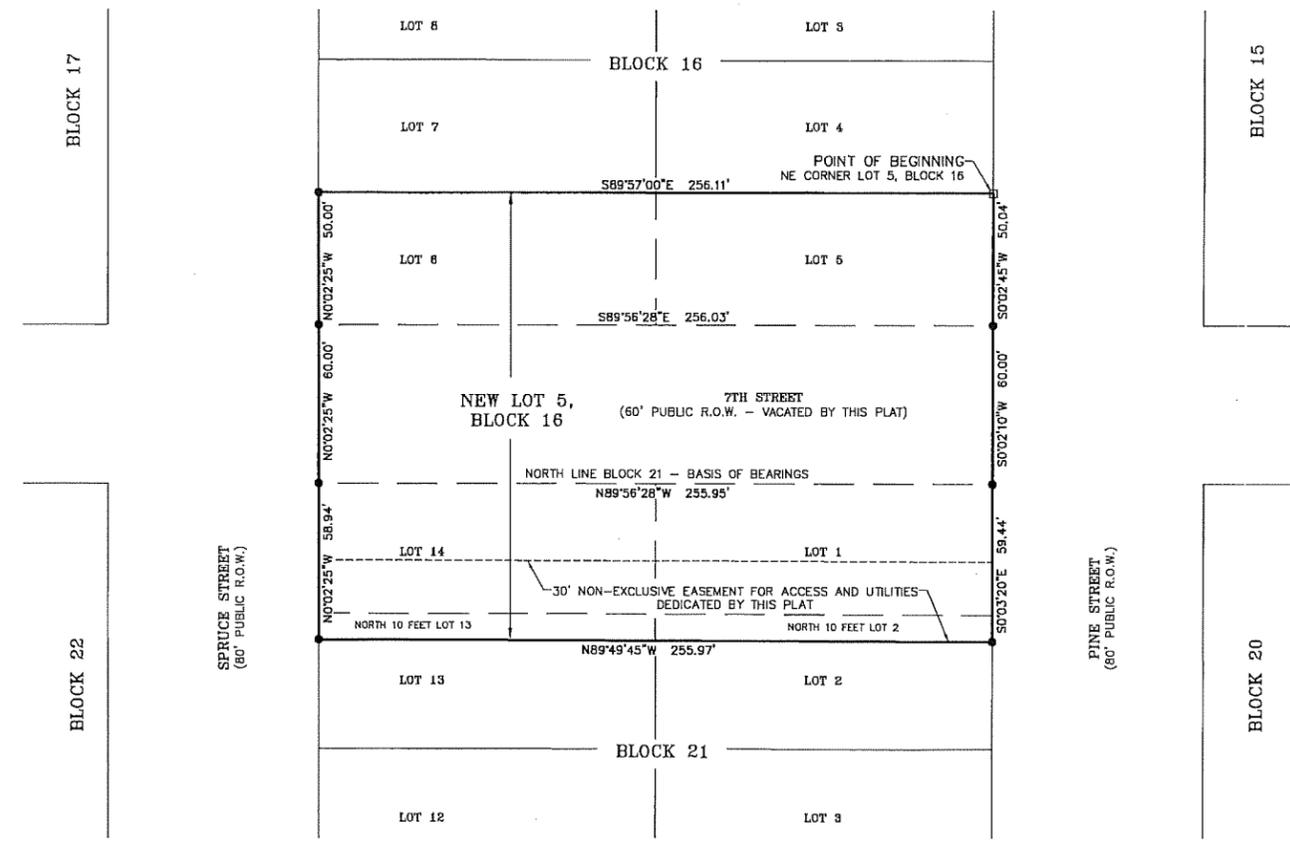


VICINITY MAP
NOT TO SCALE



LEGEND

- SUBJECT PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- - - LOT LINE TO BE VACATED
- FOUND REBAR WITH PLASTIC CAP, L.S.#23041
- FOUND REBAR WITH ALUMINUM CAP, L.S.#11944



LEGAL DESCRIPTION AND CERTIFICATE OF OWNERSHIP AND DEDICATION

CARLE C. ZIMMERMAN, BEING THE OWNER OF THE REAL PROPERTY OF 0.994 ACRE LOCATED IN PARK COUNTY, COLORADO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND, BEING ALL OF LOTS 5 AND 6, BLOCK 16, ALL OF LOTS 1 AND 14, AND THE NORTH 10 FEET OF LOTS 2 AND 13, BLOCK 21, TOGETHER WITH THAT PORTION OF VACATED 7TH STREET LYING ADJACENT TO BLOCKS 16 AND 21, AMENDED PLAT OF COMO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5, BLOCK 16;
THENCE S 0°02'45" W, A DISTANCE OF 50.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, BLOCK 16;
THENCE S 0°02'10" W, A DISTANCE OF 50.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 21;
THENCE S 0°03'20" W, A DISTANCE OF 59.44 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2, BLOCK 21;
THENCE N 89°49'45" E, A DISTANCE OF 255.97 FEET TO A POINT ON THE WEST LINE OF SAID LOT 13, BLOCK 21;
THENCE N 0°02'25" W, A DISTANCE OF 168.84 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, BLOCK 16;
THENCE S 89°57'00" E, A DISTANCE OF 256.11 FEET TO THE POINT OF BEGINNING;
COUNTY OF PARK, STATE OF COLORADO.

THE OWNER DOES HEREBY DEDICATE AND CONVEY TO PARK COUNTY (THE "COUNTY"), FOR PUBLIC USE, FOREVER, THE "EASEMENT" LAID OUT AND DESIGNATED ON THIS PLAT AS A PERMANENT EASEMENT FOR ACCESS ACROSS THE PROPERTY FROM AND BETWEEN SPRUCE STREET AND PINE STREET AND FROM AND BETWEEN PINE STREET AND SPRUCE STREET; PROVIDED, HOWEVER, THAT ACCEPTANCE BY THE COUNTY OF THIS DEDICATION OF EASEMENT DOES NOT IMPOSE UPON THE COUNTY A DUTY TO MAINTAIN THE EASEMENT SO DEDICATED. THE COUNTY'S RIGHTS UNDER THE EASEMENT INCLUDE THE RIGHT, BUT NOT THE OBLIGATION, TO INSTALL, OPERATE, ACCESS, MAINTAIN, REPAIR, RECONSTRUCT, REMOVE AND REPLACE WITHIN THE EASEMENT, PUBLIC IMPROVEMENTS CONSISTENT WITH THE INTENDED PURPOSE OF THE EASEMENT; THE RIGHT, BUT NOT THE OBLIGATION, TO INSTALL, MAINTAIN AND USE GATES IN ANY FENCES THAT CROSS THE EASEMENT; THE RIGHT, BUT NOT THE OBLIGATION, TO MARK THE LOCATION OF THE EASEMENT WITH SUITABLE MARKERS; AND THE RIGHT TO PERMIT OTHER PUBLIC UTILITIES TO EXERCISE THESE SAME RIGHTS. OWNER RESERVES THE RIGHT TO USE THE EASEMENT FOR PURPOSES THAT DO NOT INTERFERE WITH THE FULL ENJOYMENT OF THE RIGHTS HEREBY GRANTED. THE COUNTY IS RESPONSIBLE FOR MAINTENANCE OF ITS OWN IMPROVEMENTS AND FOR REPAIRING ANY DAMAGE CAUSED BY ITS ACTIVITIES IN THE EASEMENT, BUT BY ACCEPTANCE OF THIS DEDICATION, THE COUNTY DOES NOT ACCEPT THE DUTY OF MAINTENANCE OF THE EASEMENT, OR OF IMPROVEMENTS IN THE EASEMENT THAT ARE NOT OWNED BY THE COUNTY. OWNER WILL MAINTAIN THE SURFACE OF THE EASEMENT IN A SANITARY CONDITION IN COMPLIANCE WITH ANY APPLICABLE WEED, NUISANCE OR OTHER LEGAL REQUIREMENTS.

CARLE C. ZIMMERMAN
STATE OF COLORADO)
COUNTY OF _____)SS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY CARLE C. ZIMMERMAN.
WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC
ADDRESS _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WAS MADE BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE.

DALE PETERSEN,
REGISTERED LAND SURVEYOR, COLORADO LICENSE NO. 26603
DATE: _____

TITLE COMPANY CERTIFICATE OF OWNERSHIP

TITLE CERTIFICATE: _____
TITLE INSURANCE COMPANY HEREBY CERTIFIES THAT TITLE TO THE ABOVE DESCRIBED PROPERTY IS VESTED IN THE OWNER.
DATE: _____
(SIGNATURE OF AUTHORIZED AGENT)

COUNTY ADMINISTRATIVE APPROVAL

PARK COUNTY ADMINISTRATIVE APPROVAL:
APPROVED AS A LOT CONSOLIDATION BY THE PLANNING DIRECTOR OF PARK COUNTY COLORADO AND APPROVED FOR RECORDATION WITH THE PARK COUNTY CLERK AND RECORDER'S OFFICE PURSUANT TO THE PARK COUNTY LAND USE REGULATIONS
THIS ____ DAY OF _____, 20____.
ATTEST:

PLANNING DIRECTOR/COUNTY DESIGNEE

APPROVAL BY BOARD OF COUNTY COMMISSIONERS

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIONERS, THIS ____ DAY OF _____, 20____.
ATTEST:

PARK COUNTY CLERK AND RECORDER CHAIRPERSON

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY,
ON THE ____ DAY OF _____, 20____, AND DULY FILED AT RECEPTION NO. _____

PARK COUNTY CLERK AND RECORDER

GENERAL NOTES

1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-50B, C.R.S.
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
3. BEARINGS ARE BASED ON THE NORTH LINE OF BLOCK 21. SAID LINE IS ASSUMED TO BEAR N89°56'28"W AND IS MONUMENTED AS SHOWN HEREON.
4. LINEAR DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
5. DIMENSIONS IN PARENTHESES ARE PLATTED WHERE THEY DIFFER FROM FIELD MEASUREMENT.
6. EXCEPT AS EXPRESSLY PERMITTED IN AN APPROVED PLAN OF DEVELOPMENT OR OTHER WRITTEN AGREEMENT WITH THE COUNTY, OWNER WILL NOT INSTALL ON THE EASEMENT, OR PERMIT THE INSTALLATION ON THE EASEMENT, OF ANY BUILDING, STRUCTURE, IMPROVEMENT, FENCE, RETAINING WALL, SIDEWALK, TREE OR OTHER LANDSCAPING (OTHER THAN USUAL AND CUSTOMARY GRASSES AND OTHER GROUND COVER). IN THE EVENT SUCH OBSTACLES ARE INSTALLED IN THE EASEMENT, THE COUNTY HAS THE RIGHT TO REQUIRE THE OWNER TO REMOVE SUCH OBSTACLES FROM THE EASEMENT. IF OWNER DOES NOT REMOVE SUCH OBSTACLES, THE COUNTY MAY REMOVE SUCH OBSTACLES WITHOUT ANY LIABILITY OR OBLIGATION FOR REPAIR AND REPLACEMENT THEREOF, AND CHARGE THE OWNER THE COUNTY'S COSTS FOR SUCH REMOVAL. IF THE COUNTY CHOOSES NOT TO REMOVE THE OBSTACLES, THE COUNTY WILL NOT BE LIABLE FOR ANY DAMAGE TO THE OBSTACLES OR ANY OTHER PROPERTY TO WHICH THEY ARE ATTACHED. THE RIGHTS GRANTED TO THE COUNTY BY THIS PLAT INURE TO THE BENEFIT OF THE COUNTY'S AGENTS, LICENSEES, PERMITTEES AND ASSIGNS.

DALE PETERSEN, COLORADO PLS126603		
4975 DOVER STREET		
ARVADA, COLORADO 80002		
PH 303-424-9310		
REVISIONS		
1/19/22	24' EASEMENT	File No. 7TH ST VAC
3/18/22	30' ESMT. NOTES	Date Drawn 5/30/21
3/27/22	SCALE	Drawn By TFF
		Checked By DP
		Job No. Z2106-4