

RESOLUTION NO. 2012-025

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
CONCERNING THE VACATION OF
COUNTY ROAD 8C AND ABANDONED PORTION OF COUNTY ROAD 8**

WHEREAS, C.R.S. § 43-2-301 et. seq. vests the Ouray County Board of County Commissioners with authority to vacate public roadways located within the County; and

WHEREAS, Section 23(3) of the Ouray County Land Use Code authorizes the County to vacate public roads located in the County upon certain criteria; and

WHEREAS, on August 28, 2012 the Applicant 7 C's Ranch Ltd and Co-Applicant Big Red Limited Partnership filed their joint application requesting vacation of a public road called CR 8C, located on both their properties as described on Exhibit 1 attached to this Resolution. Applicant 7 C's Ranch Ltd also requests vacation of the abandoned portion of old CR 8 (Owl Creek Pass Road) which is situated solely on its property, and which roadway is described on Exhibit 2 attached to this Resolution; and

WHEREAS, the Ouray County Board of County Commissioners held a public hearing concerning the vacation of said roadway on September 11, 2012 at 11:00 o'clock; and

WHEREAS, written notice of said hearing for the vacation of the said roads was duly mailed ten days before said hearing by first-class mail to all landowners owning an acre or more of land abutting the roads proposed to be vacated and to all known users of said roads; and

WHEREAS, notice of said public hearing was published in the Ouray County Plaindealer on August 30, 2012; and

WHEREAS, the roads proposed to be vacated do not constitute a boundary line between two counties and do not constitute a boundary of a city or town; and

WHEREAS, the vacation of the road described in Exhibit 1 will be in the general interest of the public's health, safety, and welfare, will not leave any land adjoining the vacated road without an established public road or private-access easement connecting said land with another established public road, and will not prevent public access, as said roadway has not been used for such public and is used only to access the main residence and agricultural fields of the Applicant and Co-Applicant; and

WHEREAS, the vacation of the road described in Exhibit 2 will be in the general interest of the public's health, safety, and welfare, will not leave any land adjoining the vacated road without an established public road or private-access easement connecting said land with another established public road, and will not prevent public access, as said road was abandoned upon relocation of new road alignment further to the north of said vacated road, which new alignment provides the continued public access along CR 8; and

WHEREAS, the vacation of the roadways described in Exhibit 1 and 2 is in compliance with and authorized by the County's Land Use Code and by Colorado Revised Statutes 43-2-302 and 303.

NOW, THEREFORE, BE IT RESOLVED by the Ouray County Board of County Commissioners, that:

1. The public roadway described in Exhibit 1 is hereby vacated, and pursuant to C.R.S. § 43-2-302(f), title to the easterly 3420.09 feet of said vacated roadway shall vest in the name of 7 C's Ranch Ltd, and title to the westerly 460.22 feet of said vacated roadway shall vest in the name of Big Red Limited Partnership.

2. The public roadway described in Exhibit 2 is hereby vacated, and pursuant to C.R.S. § 43-2-302(f), title to that roadway shall vest solely in the name of the Applicant 7C's Ranch Ltd.

APPROVED AND ADOPTED THIS 11th DAY OF SEPTEMBER, 2012.

Voting for: Commissioners Fedel, Padgett and Willits
Voting against: None

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Michelle Nauer
Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

F. Mike Fedel
F. Mike Fedel, Chair

Lynn M. Padgett
Lynn M. Padgett, Vice-Chair

Patrick Willits
Patrick Willits, Commissioner

Exhibit 1- Resolution Vacating Roads

LEGAL DESCRIPTION, OURAY COUNTY ROAD 8C

A strip of land 50 feet in width situated in Government Lots II and III, SW1/4NE1/4, and SE1/4NE1/4 Section 5 and the SW1/4NW1/4 of Section 4, Township 45 North, Range 7 West, New Mexico Principal Meridian, Ouray County, State of Colorado, said strip of land being 25' on both sides of the following described centerline:

Beginning at a point at the intersection of the Centerline of the existing Ouray County Road 8B with the Centerline of the existing Ouray County Road 8C from which the North 1/4 Corner of said Section 5 bears N25°55'26"E 1034.11 ft.;

Thence the following 13 courses along the Centerline of said Ouray County Road 8C:

Thence S71°45'24"E 56.21 ft.;

Thence S58°49'57"E 233.10 ft.;

Thence S87°11'23"E 170.91 ft. to a point on the East line of said Government Lot III;

Thence N66°57'01"E 175.54 ft.;

Thence S80°16'58"E 373.98 ft.;

Thence N78°41'33"E 225.68 ft.;

Thence S83°05'19"E 157.98 ft.;

Thence N72°41'23"E 197.78 ft.;

Thence S21°58'08"E 275.05 ft.;

Thence S33°08'09"E 86.56 ft.;

Thence S51°29'17"E 95.82 ft.;

Thence S80°02'50"E 93.29 ft.;

Thence S88°18'42"E 1738.41 ft. to a Point of Terminus from which the North 1/4 Corner of said Section 5 bears N65°13'28"W 3439.89 ft.

Basis of Bearings is the North-South Centerline of said Section 5 being N01°31'10"E.

Exhibit 2 – Petition to Vacate dated August 28, 2012

LEGAL DESCRIPTION – Old Owl Creek Pass Road (CR 8)

That portion of the Old Owl Creek Pass Road as conveyed to Ouray County in deeds described below which is situated in the SW $\frac{1}{4}$ Section 33, Township 46 North, Range 7 West, New Mexico Principal Meridian, and Government Lots II & III, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 45 North, Range 7 West, New Mexico Principal Meridian, Ouray County, State of Colorado, more particularly described as follows:

According to the Deed recorded in Book 156 Pages 196-200 in the Ouray County Recorder's Office Tract B an Easement and right-of-way for a public road and highway, Sixty (60) feet in width, being thirty (30) feet on each side of the center line thereof, and the center line thereof being described as follows:

Beginning at Station P.C. 55+57.7 at the centerline intersection of the Old Owl Creek Pass Road and the New Owl Creek Pass Road also known as Ouray County Road 8 whence the South Quarter Corner of said Section 32 bears South 66 Deg. 36' West, a distance of 3876.1 feet; and thence on:

Course No. 29:- Thence on the arc of a curve to the right, the radius of which is 106.1 feet and the central angle or which is 50 Deg. 30', a distance of 93.5 feet;

Course No. 30:- Thence South 19 Deg. 58' West a distance of 4.3 Feet and thence on the arc of 'a curve to the left, the radius or which is 81.9 feet and the central angle of which is 81 Deg. 45', a distance of 116.8, feet;

Course No. 31:- Thence South 61 Deg. 47' East a distance of 196.6 feet and thence on the arc or a curve to the right, the radius of which is 382.0 feet and the central angle of which is 7 Deg. 36' a distance of 50.7 feet to Station 60+19.6 on the South boundary of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, Township 46 North, Range 7 West N.M.P.M. at which point the South Quarter Corner of Section 32 bears South 71 Deg. 04' West a distance of 4002 feet;

Thence Continuing from Station 60+19.6 on the South boundary of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 33 South 40 Deg. 06' East a distance of 290.0 feet to Station 63+38.5 on the West boundary line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$)of said Section 33;

Thence Continuing according to the Deed recorded in Book 156 Pages 201-203 in the Ouray County Recorder's Office an Easement and right-of-way for a public road and highway, Sixty (60) feet in width, being thirty (30) feet on each side of the center line thereof, and the center line thereof being described as follows:

Beginning at Station 63+38.5 on the West boundary line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, Township 46 North, Range 7 West N.M.P.M., whence the South Quarter Corner of Section 32 Township 46 North,

Range 7 West N.M.P.M. bears South 74 Deg. 44' West, 4121 feet, and running:

Course No. 1:- Thence South 40 Deg. 44' East, a distance of 41.1 feet and thence on the arc of a curve to the right, the radius of which is 191.0 feet, and the central angle of: which is 31 Deg. 25', a distance of 104.7 feet;

Course No. 2:- Thence South 9 Deg. 19' East, a distance of 247.6 feet, and thence on the arc of a curve to the left, the radius of which is 81.9 feet and the central angle of which is 97 Deg. 12', a distance of 138.9 feet;

Course No.3:- Thence North 73 Deg. 29' East, a distance, of 184.2 feet, and thence on the arc of a curve to the right, the radius of which is 191.0 feet and the central angle of which is 43 Deg. 07', a distance of 143.7 feet;

Course No. 4:- Thence South 63 Deg. 24' East a distance: of 406.4 feet, and thence on the arc of a curve to the right, the radius of which is 184.8 feet and the central angle of which is 44 Deg.: 59', a distance of 145.1 feet;

Course No. 5:- Thence South 18 Deg. 25' East a distance of 200.2 feet, and thence on the arc of a curve to the right, the radius of which is 573.0 feet and the centra1 angle of which is 8 Deg. 10', a distance of 81.7 feet;

Course No. 6:-. Thence South 10 Deg. 15' East a distance of 463.4 feet, and thence on the arc of a curve to the left, the radius of which is 382.0 feet and the central angle of which is 15 Deg. 54', a distance of 106.0 feet;

Course No. 7:- Thence South 26 Deg. 09' East a distance of 57.1 feet, and thence on the arc of a curve to the right, the radius of which is 191.0 feet and the central angle of which is 33 Deg. 08' a distance of 110.4 feet;

Course No. 8:- Thence South 6 Deg. 59' West a distance of 67.4 feet, and thence on the arc of a curve to the left, the radius of which is 238.8 feet and the central angle of which is 20 Deg. 27', a distance of 85.2 feet;

Course No. 9:- Thence South, 13 Deg. 28' East a distance of 67.7 feet, and thence on the arc of a curve to the right, the radius of which is 1146.0 and the central angle of which is 5 Deg. 03', a distance of 101.0 feet;

Course No. 10:- Thence South 8 Deg. 25' East a distance of 199.5 feet, and thence on the arc of a curve to the left, the radius of which is 573.0 feet and the central angle of which is 10 Deg. 08', a distance of 101.3 feet;

Course No. 11:- Thence South 18 Deg. 33' East, a distance of 216.6 feet, and thence on the arc of a curve to the left, the radius of which is 286.5 feet, and the central angle of which is 19 Deg. 25', a distance of 97.1 feet;

Course No. 12:- Thence South 37 Deg. 58' East, a distance of 249.5 feet, and thence on the arc of a curve to the right, the radius of which is 716.3 feet and the central angle of which is 8 Deg. 40', a distance of 108.3 feet;

Course No. 13:- Thence South 29 Deg. 18' East, a distance of 85.0 feet and thence on the arc of a curve to the left, the radius of which is 286.5 and the central angle of which is 21 Deg. 18', a distance of 106.5 feet;

Course No. 14:- Thence South 50 Deg. 36' East a distance of 216.6 feet;

Course No. 15:- Thence South 53 Deg. 23' East a distance of 159.4 feet, and thence on the arc of a curve to the right, the radius of which is 184.8 feet, and the central angle of which is 31 Deg. 40', a distance of 102.2 feet;

Course No. 16:- Thence South 21 Deg. 43' East a distance of 9.1 feet, and thence on the arc of a curve to the right, the radius of which is 191.0 feet and the central angle of which is 30 Deg. 17', a distance of 100.9 feet;

Course No. 17:- Thence South 8 Deg. 34' West a distance of 92.9 feet, and thence on the arc of a curve to the left, the radius of which is 955.0 feet and the central angle of which is 6 Deg. 33', a distance of 109.2 feet; and

Course No.18:- Thence South 2 Deg. 01' West, a distance of 92.0 feet to Station 111+37.0 on the South boundary of the Southwest Quarter of the Northeast Quarter (SW¼NE¼) of Section 4, Township 35 North, Range 7 West N.M.P.M., whence the North Quarter Corner of Section 5, Township 45 North, Range 7 West N.M.P.M., bears North 66 Deg. 30' West 6620 feet distant.

Thence Continuing according to the Deed recorded in Book 156 Pages 196-200 in the Ouray County Recorder's Office Tract C an Easement and right-of-way for a public road and highway, Sixty (60) feet in width, being thirty (30) feet on each side of the center line thereof, and the center line thereof being described as follows:

Beginning at Station 111+37.0 on the North boundary line of the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 4 Township 45 North, Range 7 West N.M.P.M. whence the North Quarter Corner of Section 5, Township 45 North, Range 7 West N.M.P.M. bears North 66 Deg. 30' West a distance of 6620 feet and thence on:

Course No.1:- Thence South 2 Deg. 01' West a distance of 139.8 feet and thence on the arc of a curve to the left, the radius of which is 114.6 and the central angle of which is 31 Deg. 25', a distance of 62.8 feet;

Course No. 2:- Thence South 29 Deg. 24' East a distance of 2.5 feet, and thence on the arc of a curve to the left, the radius of which is 191.0 feet and the central angle of which is 23 Deg. 10', a distance of 77.2 feet;

Course No. 3:- Thence South 52 Deg. 34' East a distance of 151.8 feet, and thence on the arc of a curve to the left, the radius of which is 220.4 feet and the central angle of which is 10 Deg. 39', a distance of 41.0 feet;

Course No. 4:- Thence South 63 Deg. 13' East a distance of 1.1 feet, and thence on the arc of a curve to the left, the radius of which is 114.6 feet and the central angle of which is 57 Deg. 04', a distance of 114.1 feet;

Course No. 5:- Thence North 59 Deg. 43' East a distance of 117.7 feet and thence on the arc of a curve to the right, the radius of which is 114.6 feet and the central angle of which is 55 Deg. 30', a distance of 111.0 feet;

Course No. 6:- Thence South 64 Deg. 47' East a distance of 50.8 feet;

Course No. 7:- Thence South 62 Deg. 05' East a distance of 197.8 feet and thence on the arc of a curve to the right, the radius of which is 1146.0 feet and the central angle of which is 4 Deg. 17', a distance of 85.7 feet;

Course No. 8:- Thence South 57 Deg. 48' East a distance of 87.9 feet and thence on the arc of a curve to the left, the radius of which is 382.0 and the central angle of which is 14 Deg. 48', a distance of 98.7 feet;

Course No. 9:- Thence South 72 Deg. 36' East a distance of 126.7 feet and thence on the arc of a curve to the left, the radius of which is 573.0 feet and the central angle of which is 9 Deg. 32', a distance of 95.3 feet;

Course No. 10:- Thence South 82 Deg. 08' East a distance of 39.7 feet, and thence on the arc of a curve to the right, the radius of which is 143.2 feet and the central angle of which is 37 Deg. 28', a distance of 93.7 feet;

Course No. 11:- Thence South 44 Deg. 40' East a distance of 200.0 feet and thence on the arc of a curve to the left, the radius of which is 382.0 feet and the central angle of which is 12 Deg. 00', a distance of 80.0 feet;

Course No. 12:- Thence South 56 Deg. 40' East a distance of 46.0 feet, and thence on the arc of a curve to the left, the radius of which is 955.0 feet and the central angle of which is 4 Deg. 55', a distance of 819 feet;

Course No. 13:- Thence South 61 Deg. 35' East a distance of 25.9 feet and thence on the arc of a curve to the left, the radius of which is 382.0 feet and the central angle of which is 15 Deg. 21', a distance of 102.3 feet;

Course No. 14:- Thence South 76 Deg. 56' East a distance of 18.3 feet, and thence on the arc of a curve to the right, the radius of which is 114.6 feet and the central angle of which is 48 Deg. 30', a distance of 97.0 feet;

Course No. 15:- Thence South 28 Deg. 26' East a distance of 30.5 feet, and thence on the arc of a curve to the left, the radius of which is 191.0 feet and the central angle of which is 11 Deg. 51', a distance of 39.5 feet to Station 135+53.5 on the East boundary line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4 Township 45 North, Range 7 West N.M.P.M. whence the North Quarter Corner of Section 5 Township 45 North, Range 7 West N.M.P.M. bears North 64 Deg. 54' West a distance of 8788 feet,

AND together with as much additional ground and width along and adjacent to said above described rights-of-way tracts as may be reasonably required for the construction of adequate cuts and fills.