

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 4, 2010**

The May 4, 2010 Gunnison County Board of County Commissioners meeting was held in the Gunnison County Board of County Commissioners' boardroom in the Gunnison County Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Jim Starr, Chairperson
Hap Channell, Vice-Chairperson
Paula Swenson, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Starr called the meeting to order at 8:07 am.

AGENDA REVIEW: The 11:00 am discussion was cancelled due to Housing Authority Director KT Gazunis' unavailability.

CONSENT AGENDA: Chairperson Starr requested that Consent Agenda Item #7 be pulled for further discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the Consent Agenda, excluding Item #7. Motion carried unanimously.

1. Acknowledgment of County Manager Signature; Provider Agreement; Growing, LLC; Professional Services Regarding Case-Specific Child Care Services for Gunnison/Hinsdale County Department of Health and Human Services
2. Acknowledgment of County Manager Signature; Grant Agreement; Community Services Block Grant; State of Colorado Department of Local Affairs; for 2010-2011; \$27,280
3. Acknowledgment of County Manager Signature; Region 10 Area Agency on Aging Funding Application; Information and Assistance Program; 7/1/2010 thru 6/30/2011; \$30,000
4. Acknowledgment of County Manager Signature; Grant Acceptance; Colorado Department of Education; Gunnison/Hinsdale County Early Childhood Council; \$5,873
5. Provider Agreement; Gunnison/Hinsdale Youth Services, Inc.; Professional Services Regarding Mentoring to Individuals and Families Referred from Gunnison County Department of Health and Human Services and Gunnison County Juvenile Services; 6/1/10 thru 5/1/11
6. Work Order; Colorado.gov; Gunnison County Clerks and Cashiers to Accept Payments by Credit Card and Electronic Check
7. **Pulled for Discussion and Separate Action:** Letter of Endorsement; Office for Resource Efficiency Grant Application; Main Street Efficiency Initiative Program (MSEI)
8. Second Addendum to Development Improvements Agreement; Skyland Filing III

CONSENT AGENDA ITEM #7: Chairperson Starr requested that this be pulled for further discussion in order to edit the letter. Modifications were discussed and agreed upon. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Consent Agenda Item #7, including amendments to the endorsement letter. Motion carried unanimously.

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

COUNTY MANAGER'S REPORT AND CORRESPONDENCE: County Manager Birnie was present for discussion.

1. Instrument of Release and Letter of Clarification; Relocation of Gunnison County Public Works Department and the Transfer of Property to the Jurisdiction of the Gunnison-Crested Butte Regional Airport. County Manager Birnie suggested that the Board sign the draft correspondence to request a clarification of terms. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the letter to John Bauer, Manager of the Denver District Office of the Federal Aviation Administration and authorize signatures. Motion carried unanimously.
2. Young at Heart Liability Insurance. County Manager Birnie explained that the Board had previously approved a set amount for this insurance. However, it was later discovered that additional fees and, possibly, taxes were added to that amount. Because of this, he requested a new motion to authorize payment in the amount of \$1,838.55. **Moved** by Chairperson Starr, seconded by Commissioner Swenson to reconsider our vote on allocating funds to the Young at Heart for payment of liability insurance. Motion carried unanimously. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to allocate up to \$1,850 from our discretionary fund for the payment of liability insurance for Young at Heart with a request that the Finance Director identify what the additional money is for to ensure that it needs to be paid. Motion carried unanimously.
3. Mt. Crested Butte Patrol Contract Extension. County Manager Birnie informed the Board that the Sheriff's Office and Mt. Crested Butte had reached financial agreement for the remainder of 2010 and that the contract extension would be available soon. Other details have not been worked out for 2011 and beyond.

ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Assistant County Manager Marlene Crosby was present for discussion.

1. Funding Request; Somerset Park. Assistant County Manager Crosby provided a memo recommending a \$300 annual funding allocation. She requested that the County accept responsibility for the maintenance that would be necessary to protect the County's investment. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to accept the proposed Somerset Park financial arrangements submitted by Assistant County Manager Crosby and ask Clerk to the Board Haase to craft a letter that includes the components of the memo for consideration. Motion carried unanimously.
2. AEC Standard Contract for the Antelope Water Line Extension. Assistant County Manager Crosby stated her hope to begin work on this project in the fall. This contract is required, but was not yet ready for signature by the Board. She requested that the Board grant authority to the County Manager to sign the contract after it has been reviewed by County Attorney David Baumgarten. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize the County Manager's signature on the AEC Standard Contract for the Antelope Water Line Extension after the County Attorney receives and reviews it. Motion carried unanimously. She also requested a decision on who would be chosen to sign the final documents, when ready. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to authorize the County Manager's signature on the final documents with regard to the Antelope Water Extension. Motion carried unanimously.
3. Collection Agreement Between the Gunnison Sage-grouse Conservation Trust Fund, Gunnison County and the USDA, Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests, Gunnison Ranger District. Assistant County Manager Crosby explained that this agreement would be for revegetation and a study to determine what will grow. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve the funding request from the Sage-grouse Strategic Committee and authorize Assistant County Manager Marlene Crosby's signature on the agreement. Motion carried unanimously.
4. Riverland Industrial Park Intersection Update. Assistant County Manager Crosby reminded the Board that the County had received a request for 33 tons of gravel. She explained that she would pay \$10/ton to crush this year, but that this, if approved, would have to wait until 2011 when the price increases to \$12.50/ton. She noted that she wouldn't want to sell gravel when other entities in the valley also sell gravel, especially since this would not benefit a County project and does not interface with any County roads or land. She agreed that the County could provide chip seal and in-kind assistance as long as it would not compete with the private sector. County Manager Birnie felt that the State should provide assistance with the safety issues on this road since the State owns the road. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to authorize the Assistant County Manager to draft a letter to the Riverland Property Association outlining our rationale for declining their request for gravel and authorize signatures with copies to all appropriate entities. Motion carried unanimously.
5. Kebler Pass Update. Assistant County Manager Crosby informed the Board that her department would be handling a maintenance project to replace twin culverts with bridge structure on Kebler Pass prior to opening for the season.

BREAK: The meeting recessed from 9:07 until 9:51 am in order to hold the below Public Hearing.

PUBLIC HEARING; ADOPTION OF REVISED INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS) REGULATIONS: Environmental Health Official Richard Stenson and County Attorney Baumgarten were present for discussion. Environmental Health Board members Anthony Poponi, Steve Glazer, Lucinda Lull and Rodney Due were also present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 9:07 am.
2. Public Notice Confirmation. Environmental Health Official Stenson confirmed that the Public Hearing had been properly noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Environmental Health Official Stenson explained that the EH Board had worked on the ISDS regulations for some time before agreeing to keep them the same as proposed in the 1995 draft approved by County, with the modifications discussed during the original meeting between the Board and the EH board on 3/9/10. The suggested modifications were publicized. County Attorney Baumgarten suggested that the Board suspend further discussion until the actual document were available, which would mean that the Public Hearing would need to be continued until a later date. He also felt that the draft amendments could be discussed and then put on the website for public review.
5. Applicant Presentation. N/A.
6. Board Questions. There was discussion about appeal of any EH Board denial(s) being subject to judicial review. County Attorney Baumgarten explained that a case had been overturned by the

Board in the past, which created authority issues between the two boards. The EH Board felt that it wasn't given the opportunity to voice an opinion prior to the overturn and that political influences should be avoided. The Board explained that it would have final authority since the EH Board is appointed by the Board. The EH Board felt that prior to overturn of any EH recommendation, there could be a work session. Commissioner Swenson explained that the Board could remand any issue back to the EH Board or appeal the decision of the EH Board. The Board agreed that policy should not be based on an anomaly. County Attorney Baumgarten felt that the authority should be the Board's in all cases; special review, technical review or other. County Attorney Baumgarten and the Board agreed to the verbiage in the standards.

Mr. Glazer confirmed that he and Mr. Poponi have a professional relationship in that he is the president of the Coal Creek Watershed Coalition and Mr. Poponi is the Director.

7. Public Comments. There were no members of the public present for comment.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. **Moved** by Commissioner Swenson, seconded by Commissioner Channell to continue the Public Hearing for the adoption of revised Individual Sewage Disposal System Regulations, with adoption scheduled for after the Public Hearing. Motion carried unanimously. The Public Hearing was continued until 6/15/10.

ADOPTION OF REVISED INDIVIDUAL SEWAGE DISPOSAL SYSTEM (ISDS) REGULATIONS: The regulations were not ready for adoption. This discussion was postponed until 6/15/10.

BREAK: The meeting recessed from 9:57 until 10:04 am for a short break and to hold the below Public Hearing.

PUBLIC HEARING; VACATION OF ROADS IN CRYSTAL CREEK SUBDIVISION; CONTINUED FROM 4/20/2010: County Attorney Baumgarten, Assistant County Manager Crosby and attorney Marcus Lock were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 10:00 am.
2. Public Notice Confirmation. This was noticed on 4/20/10 during the Board meeting.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. County Attorney Baumgarten stated his agreement with the language and conceptual changes. He asked that the Board execute the provided resolution to be held and not recorded until all other easement documents are complete. He also asked for authority for County Manager Birnie to execute the easement documents.
5. Applicant Presentation. N/A.
6. Board Questions. Commissioner Channell requested confirmation that the drafted resolution included all necessary conditions. County Attorney Baumgarten confirmed that it did.
7. Public Comments. There were no members of the public present for comment.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 10:04 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

RESOLUTION; VACATING CERTAIN PUBLIC ROADS LYING WITHIN THE CRYSTAL CREEK SUBDIVISION AS PART OF THE TAYLOR RIVER ROAD REALIGNMENT PROJECT: **Moved** by Commissioner Channell, seconded by Commissioner Swenson to approve Resolution #2010-15, a Resolution Vacating Certain Public Roads Lying Within the Crystal Creek Subdivision as Part of the Taylor River Road Realignment Project and authorize the County Manager to execute forthcoming final documents. Motion carried unanimously.

AGREEMENT REGARDING EASEMENTS BY CRYSTAL CREEK HOMEOWNERS ASSOCIATION FOR THE CONSTRUCTION, MAINTENANCE AND USE OF TAYLOR RIVER ROAD: This discussion was unnecessary (see above resolution).

ACCEPTANCE/OR AUTHORIZATION TO ACCEPT EASEMENTS CONVEYED BY CRYSTAL CREEK HOMEOWNERS ASSOCIATION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO: This discussion was unnecessary (see above resolution).

BREAK: The meeting recessed from 10:06 until 10:17 am.

FUNDING REQUEST; GUNNISON ARTS CENTER, POETRY ALLIANCE; GUNNISON VALLEY JOURNAL; \$750: County Attorney Baumgarten and Gunnison Arts Center representatives Virginia Jones and George Sibley were present for discussion.

Ms. Jones asked for financial support since the Journal is distributed at no cost to readers. She hopes to publish 1,500 copies in time for Cattlemen's Days. They have requested funding from other sources, which is similar to past editions. They did not request funding through the CBO process because exact figures were not known at that time. The Board expressed that discretionary funds for 2010 are quickly being allocated and that requesting funds annually instead of every two years would be beneficial. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to fund the Gunnison Valley Journal for 2010 in the amount of \$750 out of our (the Board) contingency fund. Motion carried unanimously.

COLORADO RIVER WATER AVAILABILITY STUDY COMMENTS: County Attorney Baumgarten, citizen George Sibley, Upper Gunnison River Water Conservation District (UGRWCD) Director Frank Kugel, and UGRWCD board member Steve Glazer were present for discussion.

County Attorney Baumgarten explained that the comment period for Phase I of the draft report would end 7/21/10. He read through the study and noted that there is an implication for trans-basin diversion.

Mr. Kugel stated that the Colorado Water Conservation Board allocated \$1,000,000 for Phase I of this study. AECOM was the lead engineering company, but it was done by a consortium of companies.

County Attorney Baumgarten suggested a joint effort between the Colorado River Water Conservation District, the UGRWCD and the County to provide periodic updates to the Board. The Board agreed. A work session was scheduled for 5/11/10 at 4:20 pm.

GUNNISON COUNTY HOUSING AUTHORITY; QUARTERLY PROGRAM UPDATE AND APPROVAL OF NEW DEED RESTRICTIONS: This discussion was cancelled at the beginning of the meeting.

BREAK: The meeting recessed from 11:02 until 11:17 am.

COMMISSIONERS MEETING REPORTS: (This discussion began earlier than scheduled due to a gap in the schedule.)

Commissioner Swenson:

1. Region 10. Commissioner Swenson informed the Board that transportation and State funding were discussed during the recent Region 10 meeting. Region 10 will put together a per-capita rationale for how senior citizen programs are funded across-the-board. Commissioner Swenson agreed to schedule a work session between Region 10 and the Board so that all issues can be discussed. Region 10 is operating as a 501(c)6 entity, but it will be changing to 501(c)3 for better functionality.

Commissioner Channell:

1. Colorado Counties, Inc. Legislative Updates. Commissioner Channell attended a recent legislative session and provided the following updates to the Board.
 - a. SB100 passed.
 - b. HB1348 passed the Senate and is back in the House with suggested amendments.
 - c. HB1293 should be signed, and a task force should be appointed in June.
 - d. HB1284 the Board will ask Senator Gail Schwartz to support the bill as-is.
2. Community Foundation of the Gunnison Valley. Commissioner Channell reported that this group is doing well with an ambitious development plan to increase endowment funds. A part-time consultant has been retained and will begin interviewing the Foundation's board members soon.
3. Health and Human Services Commission Meeting. Senior Resources Coordinator Karin Stewart is the new chairperson for the HHSC. There has been great participation among local entities. The bylaw modifications were discussed during a recent meeting.

BREAK: The meeting recessed from 11:33 until 12:07 pm in order to hold the below Public Hearing.

PUBLIC HEARING; STREET VACATION REQUEST, MICHAEL LANE; CONTINUED FROM 4/20/2010: Assistant County Manager Crosby, Community Development Director Joanne Williams and realtor Sherry Rubin (representing the applicant) were present for discussion.

1. Open Public Hearing. Chairperson Starr opened the Public Hearing at 11:33 am.

2. Public Notice Confirmation. N/A. This Public Hearing was continued from 4/20/10.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. County Attorney Baumgarten explained that four things would need to be accomplished by the Board in order to approve this vacation request. Those being:
 - a. Ensure that no parcel that had been accessed by that road will be landlocked, ensure that there are cross easements, and ensure that the legal description for the easements fit on a map; and
 - b. Ensure that all parcels that are the subject of conversation have been clustered; and
 - c. Demonstrate a public benefit for vacation of a public road; and
 - d. Determine precisely what part of the road is to be vacated.

Community Development Director Williams stated that the lot cluster for Lot 19 is ready to be on a Board agenda.

County Attorney Baumgarten felt that the provided documents needed further clarification because there are legal access inconsistencies. Ms. Rubin asked to excuse herself from the Public Hearing to try to get the inconsistencies cleared up. County Attorney Baumgarten suggested that the other criteria be discussed and that an appropriate resolution be scheduled on a future agenda, if the inconsistency issues can be cleared up.

5. Applicant Presentation. Ms. Rubin made comments throughout the Public Hearing, not necessarily within this established time. Those comments are captured within the rest of the context.
6. Board Questions. Commissioner Channell felt that public benefit could be proven because clustering satisfies previously stated goals. Assistant County Manager Crosby also felt that this would help to minimize the number of local roads. Commissioner Swenson agreed that there was a public benefit to vacating the road.

The layout of the lots, open space and roads were discussed in depth. County Attorney Baumgarten suggested legal description verbiage that could eliminate the need for another survey. He felt that the quit claim deed, as-built description and the plat language need to match. He asked that Ms. Rubin craft an agreement between the property owners.

7. Public Comments. Chairperson Starr opened the Public Hearing to comments at 12:06 pm, but there were no members of the public present for discussion.
8. Acknowledge Correspondence Received. A letter from Bart Weller was received in support of this vacation.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Starr closed the Public Hearing at 12:07 pm and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

Ms. Rubin agreed to complete the documentation by 5/21/10 for County Attorney Baumgarten to review. This was scheduled on the 6/1/10 agenda for finalization, assuming that County Attorney Baumgarten approves of all documentation.

LUNCH BREAK: The meeting recessed from 12:14 until 1:16 pm.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

COMMISSIONERS MEETING REPORTS (continued):

Commissioner Channell (continued):

4. Energy Advisory Council. Commissioner Channell reported that the recent meeting was well attended and productive. The first phase of the hydro-feasibility study for Taylor Reservoir is completed. Results were encouraging, so they will move forward.
5. Pandemic Planning Committee Meeting. Commissioner Channell reported that the Committee is now focusing on transition from the H1N1 virus to pandemic planning, including whether or not this group can be folded into another organization.
6. Carbon Policy Task Force. Commissioner Channell reported that he convened the first meeting on 4/22/10. All eight members plus "staff" Maya Silver were present. The task force's charge was given. Rich Karas was elected Chairperson, and Commissioner Channell turned the meeting over to him and withdrew.

Chairperson Starr:

1. Gunnison River Valley Rural Transportation Authority (RTA). Chairperson Starr reported that the airline contracts were discussed during a recent meeting and that the American Airlines contract is the most advanced.
2. Crested Butte Temporary Animal Shelter. Chairperson Starr informed the Board that surveying is being done. Norm Whitehead is the engineer and the project is ready to move forward.

COLORADO RIVER WATER CONSERVATION DISTRICT REPORT: CRWCD representative Bill Trampe and County Attorney Baumgarten were present for discussion.

CRWCD representative Trampe provided hard copies of the Colorado River District's 2009 Annual Report and a general update on all pending water issues and meetings. He also informed the Board that CRWCD passed a Recreational Use Water Policy. He further indicated that the CRWCD would craft its own response to the Colorado River Water Availability Study as opposed to participating in a joint County/UGRWCD response.

PROGRAM UPDATE; FAIRGROUNDS TASK FORCE: CSU Cooperative Extension Gunnison Director Eric McPhail was present for discussion.

Mr. McPhail informed the Board that the Fairgrounds Master Plan document was being drafted and is expected to meet the established deadline. The plan will include maps for fairgrounds general use, Cattlemen's Days activities, and a utilities map. Other information being included within the document pertains to the Fairgrounds Task Force, current issues and needs, plans for parking, irrigation, landscaping, restrooms, etc. The future of the racetrack, formally utilized only one day per year, is uncertain.

STAFF DIRECTION; COLLECTION OF DAMAGES IN THE AMOUNT OF \$2,855.87 FROM VEHICLE ACCIDENT: Assistant Finance Director Ben Cowan and County Attorney Baumgarten were present for discussion.

Assistant Finance Director Cowan presented the request for direction. The third-party who is at fault has hired legal counsel and has not made any payments to date. He and County Attorney Baumgarten felt that a resolution would require court action. The vehicle was uninsured at the time of the accident and the driver/owner left a note taking responsibility for the accident and providing contact information.

The Board felt that the County should proceed with some sort of action to retrieve these tax-payer funds. County Attorney Baumgarten did not feel that seizing the vehicle would help as the driver is thought to make minimum wage at two different jobs and needs the vehicle to travel to work. Staff was asked to put priority on retrieving the funds, with the flexibility to achieve a solution in another way.

PETITION FOR ABATEMENT OR REFUND OF TAXES; ACCOUNT R031527, LOTS 14 AND 15, THE SUMMIT RESIDENTIAL FILING 2; CY 2008; J. GABRIEL BARBIER MUELLER, ETAL: Moved by Commissioner Channell, seconded by Commissioner Swenson to approve the recommendation of the Assessor's Office and agree to the Petition for Abatement or Refund of Taxes for petitioner J. Gabriel Barbier, etal. Motion carried unanimously.

BREAK: The meeting recessed from 2:53 until 3:01 pm.

JAIL FACILITY DESIGN PRESENTATION: Sheriff Rick Murdie, Undersheriff Rick Besecker, Jail Sergeant Gene Hill, Facilities Maintenance Supervisor Rich Corbett, Assistant County Manager Crosby, Project One Integrated Services representative Mike Mismash, Blythe Group Principal Roy Blythe, and AECOM representatives Andy Cupples and Dave Vora were present for discussion along with many spectators.

Mr. Mismash informed the Board that the architects had embarked on an initial design recommendation that would need approval and authorization to proceed. The construction schedule is being completed. The shortlist of CMGC firms will be completed within a week and he would like to be able to give the completed RFP to the CMGC firms at that time. The CMGC firms will submit proposals by approximately 6/17/10 and the Board will be asked for final approval on or about 7/6/10.

Mr. Cupples presented the proposal for a 52-bed facility with the ability for 78 beds with a maximum overall capacity of 90 beds. The jail portion of the facility will be approximately 37,000 square feet and may be reduced to 30,000. Arrestees will enter the jail through a garage that is not in public view. The entire facility will encompass between 42,000 and 43,000 total square feet, which will include the jail, Emergency Operations Center, Dispatch and kitchen. The footprint will be 22,000 square feet and the roof peak will reach 35 feet in height.

Mr. Cupples provided two potential site layouts for the location with the main entry either on the east or the south side of the building. He stated his preference toward the north-south orientation and neighbor Cathie Pagano expressed her favor toward the north-south orientation as well. Sheriff Murdie agreed

that the north-south layout was the best operational plan while also being attentive to the concerns of the neighbors. Mr. Cupples stated that elevation drawings would be available during the next meeting.

The Board agreed that the north-south orientation was a well-thought plan that should proceed. County Manager Birnie explained that the Board would now need to begin looking at the costs of all options.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:17 pm.

Jim Starr, Chairperson

Hap Channell, Vice-Chairperson

Paula Swenson, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 10-15**

**A RESOLUTION VACATING CERTAIN PUBLIC ROADS
LYING WITHIN THE CRYSTAL CREEK SUBDIVISION AS PART OF THE
TAYLOR RIVER ROAD REALIGNMENT PROJECT**

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado (hereinafter the "Board") by virtue of Colorado law, has the authority to vacate any public road in Gunnison County that is not within the limits of a city or town; and

WHEREAS, Gunnison County is assisting the U.S. Department of Transportation, Federal Highway Administration in the realignment of Taylor River Road also known as County Road 742 (hereinafter the "Public Highway"); and

WHEREAS, the realignment of the Public Highway requires acquiring new easements that conform to the realignment of the Public Highway pursuant to the plans and specifications titled "U.S. Department of Transportation Federal Highway Administration Right of Way Plans for Proposed CO PFH 59-1(4) Taylor River Road Gunnison National Forest Gunnison County Length 21.634" and such further plans and specifications required by the FHWA regarding the Colorado Forest Highway Project No: COPFH 59-(4) Taylor River Road (hereafter "the Project"); and

WHEREAS, having received ownership of new easements for the Public Highway, it is no longer necessary for Gunnison County to retain ownership of certain public roads located within the Crystal Creek Subdivision lying within Tracts 37 and 40, Section 17, T 15S, R83W, 6th P.M., Tract 37, Section 8, T15S, R83W, 6th P.M. and Tract 37, Section 9, T15S, R83W, 6th P.M., County of Gunnison, State of Colorado (hereinafter the "Crystal Creek Subdivision"), and ONLY as specifically and expressly identified below:

1. Roads illustrated, defined or described in Road Plat #59, County Road Plat Book located at the Gunnison County Clerk and Recorder's Office;

2. Right-of-Way Deed recorded in the records of the Gunnison County Clerk and Recorder, on March 2, 1953, in Book 291 at page 224;
3. Memorandum Agreement recorded in the records of the Gunnison County Clerk and Recorder on October 18, 1971, in Book 433 at page 414 (collectively "the Public Roads To Be Vacated"); and
4. Right of Way Deed recorded in the records of the Gunnison County Clerk and Recorder on June 3, 1957, in Book 325 at page 267; and

WHEREAS, the Board has determined that those certain Public Roads To Be Vacated identified above are not necessary for public access to privately-owned property and may be vacated; and

WHEREAS, a public hearing has been held regarding this matter and the Board has found that it would be in the best interest of the public to vacate the Public Roads To Be Vacated identified above.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, contingent to the conditions identified below, that certain public roads located within the Crystal Creek Subdivision lying within Tracts 37 and 40, Section 17, T 15S, R83W, 6th P.M., Tract 37, Section 8, T15S, R83W, 6th P.M. and Tract 37, Section 9, T15S, R83W, 6th P.M., County of Gunnison, State of Colorado, be and the same hereby are vacated ONLY as specifically and expressly identified below:

1. Roads illustrated, defined or described in Road Plat #59, County Road Plat Book located at the Gunnison County Clerk and Recorder's Office;
2. Right-of-Way Deed recorded in the records of the Gunnison County Clerk and Recorder, on March 2, 1953, in Book 291 at page 224;
3. Memorandum Agreement recorded in the records of the Gunnison County Clerk and Recorder on October 18, 1971, in Book 433 at page 414;
4. Right of Way Deed recorded in the records of the Gunnison County Clerk and Recorder on June 3, 1957, in Book 325 at page 267.

This Resolution ONLY vacates those portions of the Public Roads To Be Vacated that are located within the Crystal Creek Subdivision.

FURTHERMORE, it is the specific intent of the Board that the above vacated public roads shall accrue to and vest in the record owners of the adjacent lots pursuant to ' 43-2-302, C.R.S.

This resolution shall not be effective until it has been recorded with the Gunnison County Clerk and Recorder's Office.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 4th day of May, 2010.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Channell – yes; Starr – yes; Swenson – yes.