AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Ratifying and Reaffirming Previous Vac

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

There are certain road and alley vacation resolutions that were approved prior to the disincorporation of certain townsites wherein, pursuant to Colorado statutes, Gunnison County was given ownership and authority over the roads and alleys in those abandoned and disincorporated townsites.

Fiscal Impact:

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 3/31/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/31/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 4/4/2017

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2017-___

A RESOLUTION RATIFYING AND REAFFIRMING PREVIOUS VACATION RESOLUTIONS WITHIN THE COUNTY OF GUNNISON, STATE OF COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board"), by virtue of Colorado law, has authority and is the owner of certain alleys and roads lying within the County of Gunnison; and

WHEREAS, the Board has determined that not all platted alleys and roads are necessary for public access to privately owned property; and

WHEREAS, on September 6, 1974, pursuant to Colo. Rev. Stat. §139-19-101, *et seq*., the Colorado Secretary of State determined that the town of Ohio City was an abandoned town and Gunnison County acquired all the real property owned by the town including the roads and alleys; and

WHEREAS, that Colorado Secretary of State determination is titled: *Findings of Fact and Determination* which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 23, 1974 in Book 476 at page 234, bearing Reception No: 302811; and

WHEREAS, prior to September 6, 1974 certain roads and alleys within Ohio City were vacated by the Board by the following resolutions:

1. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on February 3, 1965 in Book 378 at page 378, bearing Reception No: 262169; and

2. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 20, 1966 in Book 392 at page 22, bearing Reception No: 269013; and

WHEREAS, on November 14, 1980, pursuant to Colo. Rev. Stat. §31-3-201, *et seq*., the Colorado Secretary of State determined that the town of Tincup was an abandoned town and Gunnison County acquired all the real property owned by the town including the roads and alleys; and

WHEREAS, that Colorado Secretary of State determination is titled: *Findings of Fact, Conclusions, and Determination* which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 24, 1980 in Book 559 at page 263, bearing Reception No: 355300; and

WHEREAS, prior to November 14, 1980 certain roads and alleys within Tincup were vacated by the Board by the following resolutions:

1. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 5, 1957 in Book 330 at page 389, bearing Reception No: 235884; and

2. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 27, 1958 in Book 337 at page 234, bearing Reception No: 239763; and

3. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 27, 1958 in Book 337 at page 236, bearing Reception No: 239764; and

4. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 10, 1958 in Book 337 at page 320, bearing Reception No: 239876; and

5. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 26, 1960 in Book 348 at page 138, bearing Reception No: 246356; and

6. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on August 28, 1961 in Book 355 at page 94, bearing Reception No: 249289; and

WHEREAS, the Board would like to ratify and reaffirm the above referenced resolutions;

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

A. The following resolutions for vacations within Ohio City shall be and hereby are ratified, reaffirmed and effective nunc pro tunc September 6, 1974:

1. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on February 3, 1965 in Book 378 at page 378, bearing Reception No: 262169; and

2. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 20, 1966 in Book 392 at page 22, bearing Reception No: 269013; and

B. The resolutions for vacations within Tincup shall be and hereby are ratified, reaffirmed and effective nunc pro tunc November 14, 1980:

1. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on September 5, 1957 in Book 330 at page 389, bearing Reception No: 235884; and

2. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 27, 1958 in Book 337 at page 234, bearing Reception No: 239763; and

3. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 27, 1958 in Book 337 at page 236, bearing Reception No: 239764; and

4. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on November 10, 1958 in Book 337 at page 320, bearing Reception No: 239876; and

5. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on October 26, 1960 in Book 348 at page 138, bearing Reception No: 246356; and

6. A Resolution recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on August 28, 1961 in Book 355 at page 94, bearing Reception No: 249289.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Phil Chamberland, Chairperson

By: _____
Jonathan Houck, Vice Chairperson

By: _____
John Messner, Commissioner

ATTEST:

_____
Deputy County Clerk