AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Public Hearing; Request for Vacation of a Certain

Action Requested: Motion

Parties to the Agreement: Bert Johnson and Gunnison County

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

Summary:

Applicant has applied for the vacation of a portion of Washington Street that is not used as a street, and likely will not ever be used as a street.

Fiscal Impact: Applicant will pay costs

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 9/15/17 Note: Please open and continue the public hearing. We are preparing "cluster agreements" cluster the to-be-vacated road with the appropriate adjacent lots.

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/15/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\jost Discharge Date: 9/15/2017

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 9/19/2017

Revised April 2015

LAW OF THE ROCKIES

Members
Rufus O. Wilderson
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943 | jwith@lawoftherockies.com

August 23, 2017

VIA HAND DELIVERY

Gunnison County Public Works Department
c/o Marlene Crosby, Director of Public Works
195 Basin Park Drive
Gunnison, CO 81230

Re: ***Application for street vacation: Request for vacation of that certain portion of Washington Street, Town of Tincup, County of Gunnison, State of Colorado identified more precisely herein.***

Dear Public Works Department,

I represent Bert Johnson, trustee of the Johnson Colorado Trust, the applicant.

Pursuant to your information sheet, the applicant submits the following information:

1. A notarized letter authorizing me to submit this application.
2. The applicant's legal name is Bert Johnson as trustee of the Johnson Colorado Trust.
3. The applicant's address is P.O. Box 77, Midland, Texas 79702.
4. The applicant's phone number is 432-553-4555.
5. My contact information is above. Please direct all communications to me.
6. A map showing the location of the section to be vacated is enclosed. Because of the size of the map, I am providing the addresses in this letter rather than on the map:
    a. Pat J Corrigan Family Limited Partnership: 7150 20th St, STE E, Verobeach, FL 32966;
    b. Johnson Colorado Trust and Scharbauer Colorado Trust: see above;
    c. Kevin G. Fredrickson and Donna D. Fredrickson; 4408 Sandia Court, Farmington, NM 87401;
    d. Hugh Corrigan, IV and Patrick Edward Corrigan:3809 Shenandoah St., Dallas Texas 75205
    e. Eleanor Christie Corrigan: P.O. Box 63839, Colorado Springs, CO 80962.
7. The street is not within a subdivision nor adjacent to a subdivision.

8. The legal description is also enclosed.

As you may recall, we conferred with you some time ago regarding vacating this alleway. My recollection is that you performed a site visit and believed vacation of the street was appropriate. The street is not complete where the vacation is requested. Rather the portion where the vacation is requested turns into a number of driveways.

We've contacted the adjacent owners and received support for the vacation.

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

cc: Bert Johnson
Enclosures (3)

Property description of newly vacated portions of Washington and Alder Streets, within the Town of Tincup

A tract of land within the Town of Tincup, Gunnison County, Colorado, according to the official plat thereof, on file in the records of Gunnison County, more particularly described as follows:

Commencing at the southeast corner of Block 25, said Town of Tincup, the POINT OF BEGINNING, thence the following courses:

1. North 00°00'00" East 105.00 feet along the east boundary of Lot 20, said Block 25, to the northeast corner of said Lot 20;

2. North 90°00'00" East 30.00 feet to the centerline of Alder Street as platted;

3. South 00°00'00" East 185.00 feet along said centerline to the easterly extension of the north boundary of Block 34;

4. South 90°00'00" West 280.00 feet along said boundary to the northwest corner of said Block 34;

5. South 90°00'00" West 60.00 feet along the westerly extension of said boundary to the northeast corner of Block 33;

6. South 90°00'00" West 75.00 feet along the north boundary of said Block 33 to the northwest corner of Lot 3 of said Block;

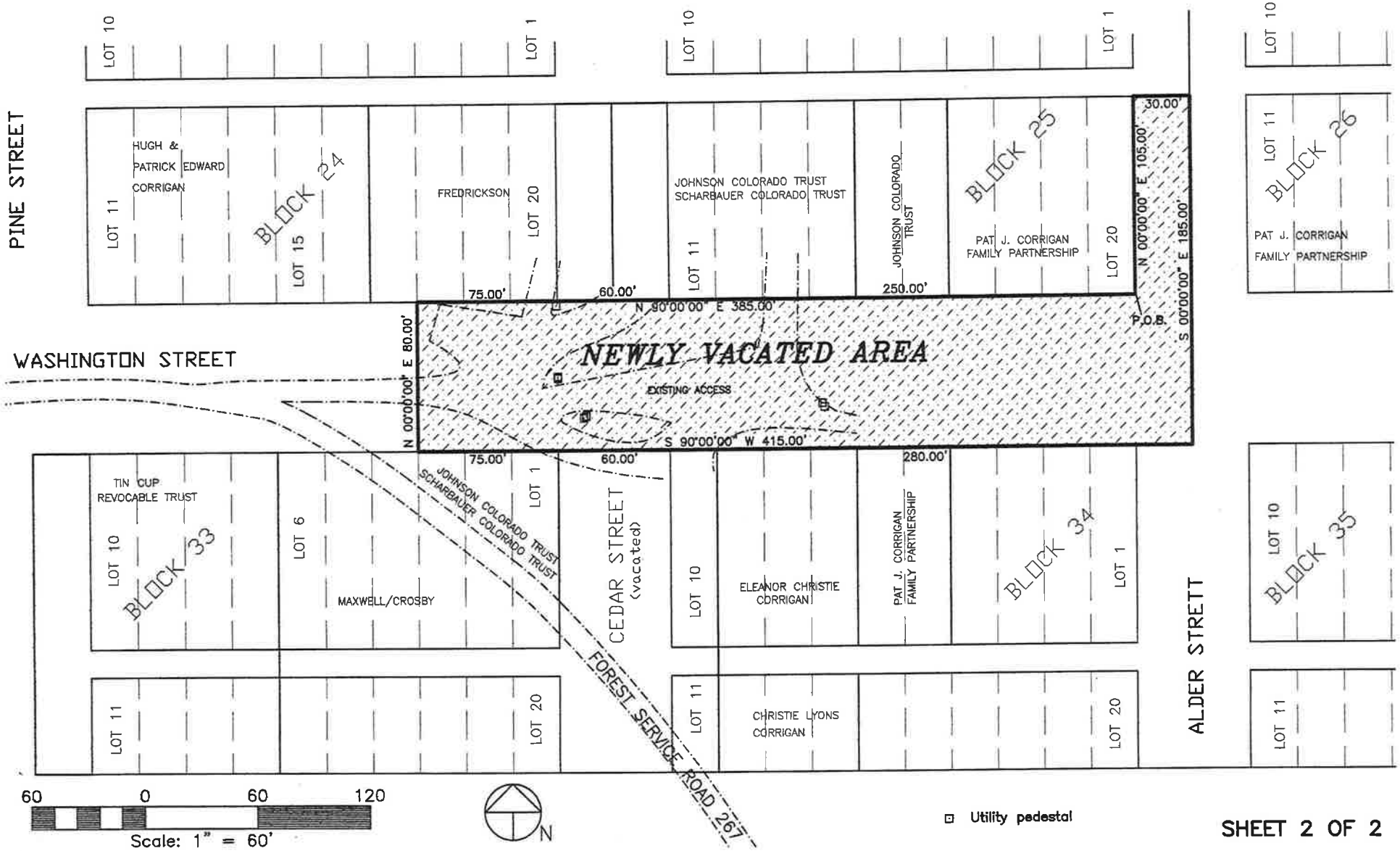
7. North 00°00'00" East 80.00 feet to the south boundary of Block 24;

8. North 90°00'00" East 75.00 feet along said boundary to the southeast corner of said Block 24;

9. North 90°00'00" East 60.00 feet along the easterly extension of said boundary to the southwest corner of Block 25;

10. North 90°00'00" East 250.00 feet along the south boundary of said Block 25 to the POINT OF BEGINNING.

NEWLY VACATED PORTIONS OF WASHINGTON STREET & ALDER STREET
TOWN OF TINCUP, GUNNISON COUNTY, COLORADO



SHEET 2 OF 2

Johnson Colorado Trust
Bert Johnson, Trustee
P.O. Box 77
Midland, Texas 79702

June 29, 2017

Gunnison County Public Works Department
195 Basin Park Drive
Gunnison, CO 81230

Gunnison County Community Development Department
221 N. Wisconsin St., Ste. #D
Gunnison, CO 81230

Dear Gunnison County,

Jacob A. With and his law firm, Law of the Rockies, are authorized on behalf of the Johnson Colorado Trust to pursue vacating Washington Street in Tincup, Gunnison County, Colorado and any portion thereof, and any necessary lot line adjustments resulting from such vacation. They are authorized to file applications relating to the same, to appear on my behalf and to otherwise pursue the vacation and lot line adjustment.

Sincerely,

Johnson Colorado Trust

Bert Johnson

Bert Johnson, Trustee

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing was acknowledged before me this 29th day of June, 2017 by Bert Johnson as Trustee of the Johnson Colorado Trust.

My commission expires: 6/25/2017.

Seal

AGNES KRONERAFF
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20134039223
My Commission Expires June 25, 2021

Notary Public