

STATE OF COLORADO )  
 ) ss. Resolution No. 2003-018  
COUNTY OF OURAY )

At a regular meeting of the Board of County Commissioners for Ouray County, Colorado held at the Courthouse in Ouray, Colorado on the 14th day of April, 2003, and at the continuation of the hearing on April 24, 2003 which was rescheduled for May 5, 2003 and final hearing on July 7, 2003 there were present:

- Don Batchelder, Chairman
- Bill Ferguson, Commissioner
- Tom Hollenbeck, Commissioner
- Connie Hunt, County Administrator
- Shelli Banks, Deputy Clerk

when the following proceedings, among others, were had and done, to-wit:

**WHEREAS**, the County has been requested by End of the Road Ranch, LLC to vacate a portion of Ouray County Road 906A located in Sections 20, 28, 29, and 33, Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado, including a public road known as The End of the Road Ranch Road, more particularly described in Exhibit A and depicted in Exhibit B , both attached hereto and incorporated herein; and

**WHEREAS**, the Ouray County Commissioners held a public meeting/hearing at 1:30 p.m. on Monday, April 14, 2003, notice of which was sent to each landowner who owns one acre or more of land adjacent to the proposed vacated portion of said County roads and to all known users of said County roads; and

**WHEREAS**, the public hearing was continued to April 24, 2003, which was rescheduled for and held on May 5, 2003 with a final hearing on July 7, 2003; and

**WHEREAS**, the Board of County Commissioners finds that the proposed vacation of all portions of County Road 906A, including the End of the Road Ranch Road, more particularly described in Exhibit A and depicted in Exhibit B, both attached hereto and incorporated herein, is the best interest of the County and is consistent with the stated purposes and objectives of the 1999 Ouray County Master Plan and the 2001 Ouray County Land Use Code; and



COUNTY OF OURAY, COLORADO  
BOARD OF COUNTY COMMISSIONERS

---

**FINDINGS OF FACT AND DECISION**

---

In re Road Vacation Request for:

A portion of Ouray County Road 906A located in Section 20, Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado and a portion of a public road located in Sections 20, 28, 29, and 33, Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado

Applicant: End of the Road Ranch, LLC

---

**Background**

The public hearing on this matter initially came before the Board of County Commissioners ("BOCC") on April 14, 2003 at approximately 1:33 p.m. The public hearing was continued to April 24, 2003 and then rescheduled for May 5, 2003 at which item was tabled for a period not to exceed two (2) months. The item was next heard on July 7, 2003. Present were: Don Batchelder ("Batchelder"), Chairperson of the BOCC; Tom Hollenbeck ("Hollenbeck"), Commissioner; and Bill Ferguson ("Ferguson"), Commissioner.

At issue is the request by End of the Road Ranch, LLC, Applicant, for the vacation of portion of Ouray County Road 906A located in Section 20, 28, 29, and 33 Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado, including a public road also known as The End of the Road Ranch Road, more particularly described in Exhibit A attached hereto and incorporated herein and as depicted in Exhibit B attached hereto and incorporated herein, pursuant to C.R.S. 43-2-303 and Section 23.1F(3) of the Ouray County Land Use Code. Objections to a gate installed by or on behalf of the applicant to restrict access to the portions of the road to be vacated precipitated this request for road vacation. If the petition to vacate is approved by the County, title to the vacated portions of the county roads would vest, by operation of law, according to the provisions of C.R.S. 43-2-302.

This matter had been previously reviewed by the Ouray County Planning Commission on March 18, 2003, pursuant to C.R.S. 30-28-110. The Planning Commission recommended approval of the Applicant's request conditioned as follows:

1) submittal of a complete and accurate legal description of the road to be vacated; 2) the construction of a cul-de-sac at the entrance to the property, at the new end of County Road 906A; 3) a public hearing by the BOCC; and 4) the preservation of historic access for active agricultural uses.

### **Summary of Evidence**

At the beginning of the hearing, Commissioner Batchelder announced that the public meeting was being considered a public hearing on the matter at hand. Next, Commissioner Batchelder disclosed that he had received a telephone call from an anonymous person, who requested that the road remain public. Commissioner Batchelder stated that the contact would not affect his decision and that he would be able to make a fair decision based upon the evidence presented only during the hearing. Commissioner Hollenbeck also disclosed that he had been contacted by various individuals with differing positions on the matter. He stated that the contacts would not affect his decision and that he would be able to make a fair decision based upon the evidence presented only during the hearing. Commissioner Ferguson disclosed similar contacts and stated that his decision would be unaffected by the contacts and that he would also be able to make a fair decision in this matter based solely upon the evidence presented during the hearing.

Mike Hockersmith, Esq. ("Hockersmith"), appearing on behalf of the Applicant, End of the Road Ranch, LLC, and Dave and Sylvia Bethune, principals in the applicant corporation, provided a brief statement regarding the purpose of the Petition for Vacation and procedure. The following documents were submitted by Hockersmith and were admitted into the record without objection: A copy of a warranty deed dated March 26, 2001 between Leonard Durrance, Grantor, and End of the Road Ranch, LLC, Grantee (Applicant Exhibit 1); a copy of a Policy of Title Insurance issued by First American Title Insurance Company, Policy No. J1135606 (Applicant Exhibit 2); a copy of an unexecuted Agreement for Easement (Applicant Exhibit 3); an original, handwritten List of People with Key Pad Access (Applicant Exhibit 4); a copy of an enlarged map depicting the portions of road in the Colona Quad for which the petition to vacate has been filed (Applicant Exhibit 5); a map prepared by Mesa Surveying with approximate center line of the existing road (Applicant Exhibit 6); a typed report signed by Max Brown, ranch manager, accompanied by a map and a copy of a report made to the Ouray Sheriff Department related to a criminal mischief incident on September 16, 2003

(Applicant Exhibit 7); an e-mail letter from Lizzi Blackburn to Hockersmith dated 4/10/03 (Applicant Exhibit 8).

Hockersmith referred to Applicant Exhibit 5 and explained that the two portions of roads, which are the subject of the Petition, enter the Applicant's property from the north. County Road 906A is marked in orange and it dead ends at the Applicant's house. He stated that this road appears on County Road maps. The other road, marked in yellow on Applicant Exhibit 5, is an undesignated road and does not appear on County Road maps. Hockersmith stated that until recently improved by the applicant, the yellow road was simply a track and virtually inaccessible by vehicle. The road marked in yellow leads to the Billy Creek Wildlife area, which is Department of Wildlife ("DOW") property, and to County Road 2. Hockersmith explained that the yellow road was blocked off by DOW between 1995 and 1996. He said that the yellow road is sometimes referred to as the end of the End of the Ranch Road.

Hockersmith stated that his research showed that County Road 906A had been removed from the HUTF list in approximately 1995, but that there was no evidence that this road had been vacated. Additionally, his research showed that the County does not maintain the road and has not maintained it for many years. Hockersmith stated that a gate has been present for many years, but that it has only been locked since about 1990 when Leonard Durrance, the Applicant's immediate predecessor in interest, was the owner. Hockersmith further stated that access to Bureau of Land Management land and DOW property is primarily via County Road 2 and that County Road 2 is closed per an agreement with the County during the winter months. According to Hockersmith, primary access to the Hotchkiss property is Highway 550, although a portion of the road crosses a tip of the Hotchkiss property with the only access to the Hotchkiss property at this point is over a cliff. Hence, the requested vacation would not leave any property without access.

In addition, Hockersmith explained that the vacation of the road followed various government goals and policies, including the 1999 Master Plan, and C.R.S. 30-28-110. He outlined the Ouray County Planning Commission's decision as one of unanimous approval conditioned upon: 1) the provision of a legal description; 2) a turnaround within the County's sixty foot right of way at the terminus of the road; 3) public hearing before the BOCC; and 4) preservation of the historic access.

Referring to Applicant Exhibit 6, Hockersmith explained that the discrepancy between the road locations marked in orange and red was due to a relocation from the

orange-marked road to the red-marked road to accommodate more pasture land and fields and may have resulted from substantial deviations in modern technology used in surveying and old surveying techniques.

At the initial public hearing, Hockersmith addressed the historic access as a condition of approval. He stated that while no written agreement had been reached with the Lazy K-Bar Land and Cattle Company, Carol Hotchkiss, or Theodore Collin, the Applicant was willing to provide them and others, including the Pinion Ditch and Roswell-Hotchkiss users and various utilities, an access easement via the road for a stock driveway, utility maintenance, and ditch and head gate maintenance.

Reference was also made by Hockersmith to Applicant Exhibit 7 pointing out security issues on the Applicant's property.

At the continuation of this item on July 7, 2003, a letter dated June 18, 2003 from Edgar R. Hotchkiss to the BOCC withdrawing his objection and a Quitclaim Deed recorded in the Office of the Ouray County Clerk and Recorder on June 13, 2003, Reception No. 181312, granting a perpetual, non-exclusive easement to Edgar Raymond Hotchkiss and A. Marian Hotchkiss over and across and ten feet on either side of the centerline of the subject road accessing the Hotchkiss property were entered into the record.

Also, at the continuation of this item on July 7, 2003 the following document(s) were entered into the record: A letter received from Vic Roushar, stating that his clients had worked their differences out with the applicant and that the objections of his clients had been withdrawn.

Also, at the initial public hearing, David Bethune ("Bethune"), a principal of the End of the Road Ranch, LLC, owner of the property accessed by the subject roads, stated that the property had been purchased on March 26, 2001. He stated that the title insurance policy did not reveal a public road traversing the property. He further stated that the property would have been of little value to him, if he had known that a County road split his property. He explained that County Road 906A runs within ten feet of his home located on the property. He testified that the gate was locked when he purchased the property and, as a result of the title search and the locked gate, he thought the road was a private driveway. Bethune stated that people who need access through his property have a key to the lock on the gate. He verified that Applicant Exhibits 1 and 2 were true and correct copies of the documents admitted into the record. He stated that when he inspected the property prior to purchase, the road did not provide vehicle

access past the galley and the only pedestrian access was possible to the back of the property. After he purchased the property, he spent \$12,000 to improve the road to provide access to the back of the property. Bethune also expressed concern about poaching on his property in which two elk were killed in 2002 and the impact that shots being fired near the house has on the safety of his family. He stated that the security of the personal effects inside the home as well as equipment on the property was also a concern since break-ins had occurred prior to his purchase of the property. Bethune also stated that access had not been denied to anyone needing access except for a few days when the new gate was being installed; however, this point was contested by other witnesses. Bethune said that he was willing to execute an Agreement for Access, such as the proposed agreement admitted as Applicant Exhibit 3 and that if the gate were locked he would allow access to all of the people listed in Applicant Exhibit 4.

Ron Harthan ("Harthan"), DOW Montrose District Manager, testified at the initial public hearing that County Road 2 was closed from January 1<sup>st</sup> through March 31<sup>st</sup> each year to protect a critical wintering area for animals. He is concerned with the negative impact that opening the subject roads would have on wildlife and is opposed to opening the subject roads on that basis.

At the initial public hearing, Ina Brown ("Brown"), a former employee of Leonard Durrance and current employee of David Bethune, stated she had lived on the property for nine years. She read a letter written by Mrs. Blackburn (Applicant Exhibit 8) into evidence. Mrs. Blackburn stated in her letter that she lives on County Road 906, and that the area in question is generally equestrian and tranquil and, further, that while she recognized the rights of those who used the road (i.e. Jay Jutten and Ted Collin), suspicious vehicles often traveled down the road. She stated that valuable machinery and personal effects should be protected especially during the winter and summer months when the house was unoccupied. She stated that beer cans had been found in the ditch adjacent to the road only since the road had become accessible to the public. It was her belief that opening the road to the public would lead to poaching and littering and jeopardize privacy and safety of the Bethune's. Mrs. Brown recited her personal observation that the gate had been built by the previous owner in 1990 and that it had been locked then, but that the road had continued to be used as a stock driveway.

At the initial public hearing, Max Brown, who has managed the End of the Road Ranch property since 1990, testified that the gate was installed and pad-locked in August, 1990 and that a key had been given to all of the users on the list. He stated that

the keypad used now is much more convenient and does not require people to step in mud. He is concerned about the lack of security if public access is allowed within ten feet of the home and stated that he had prepared a typed report regarding a security incident (Applicant Exhibit 7). He believed that crimes of opportunity would increase with public access since the property is in a fairly remote area. Mr. Brown also observed that four hundred to six hundred elk winter on the property and that public access would threaten their existence and increase problems by forcing them onto neighboring ranches.

Next, Syd Schmid ("Schmid"), who owns property adjacent to the road, testified at the initial public hearing that since 1977, when he acquired his property, hunters have been allowed access via the subject road with permission. Mr. Schmid further testified that he had never considered the road to be public. His concerns focused on safety due to straying bullets discharged by poachers. It was his opinion that public access was not needed since there was no valid reason for members of the general public to have such access.

At the initial public hearing, Jason Millikin ("Millikin"), who is an adjacent property owner, also requested that the BOCC grant the petition to vacate since the general public had no valid need for access via the roads.

Mike McClain ("McClain"), a retired DOW employee, speaking as a private citizen, said at the initial public hearing that access had always been provided to DOW with a key to the lock. His opinion is that the closure of Billy Creek from the public is better for the wildlife. He stated that if the road was re-opened, the elk would leave the Billy Creek area and move down valley leading to the overgrazing of the down valley properties. Mr. McClain was also personally aware of law enforcement issues, particularly with respect to poaching.

The following documents were tendered at the initial public hearing by Hockersmith and admitted into the record: A letter dated April 13, 2003 from Wanda L. Miller to the BOCC (Applicant Exhibit 9); a letter dated April 9, 2003 from John Dix to the BOCC (Applicant Exhibit 10); and a letter dated April 8, 2003 from Edgar Hotchkiss to the BOCC (Applicant Exhibit 11). The Ouray County Staff report and accompanying documents were also entered into the record upon Hockersmith's request. (Exhibit 12).

At the initial public hearing, Victor Roushar, Esq. ("Roushar"), representing Ted Collin, Lazy Bar Ranch/Jutten and Carol Hotchkiss, stated that Ted Collin's family had homesteaded their property in 1882 and that the Hotchkiss and Jutten families had also

homesteaded property in the mid to late 1880s, while the road was not blocked until 1988. Roushar pointed to a Rule and Order recorded with the Ouray County Clerk and Recorder on January 9, 2001, specifically paragraph 11, by which Tri-State Generation and Transmission Association, Inc. ("Tri-State"), obtained a permanent access easement across the Applicant's property. Roushar stated that he believes that the Applicant was put on notice to inquire about the status of the subject roads as either private or public because in paragraph 11 of the Rule and Order, the court recognizes that Tri-State has raised the issue. This Rule and Order was referenced in paragraph 16 of Schedule B, Exceptions, to the Policy of Title Insurance obtained by the Applicant. (Applicant Exhibit 2). Thus, Roushar contends that the Applicant was not an innocent purchaser. Roushar further stated that there was no record that the road had been vacated.

Roushar tendered the following documents which were admitted into the record without objection at the initial public hearing: A copy of a portion of the BOCC minutes dated June 6, 1988 (Opposition Exhibit A); a copy of a portion of the BOCC minutes dated November 2, 1988 (Opposition Exhibit B). Roushar contends that one of the Applicant's predecessors in interest had believed the road was public because abandonment of the dead-end portion of the road had been requested, referencing Opposition Exhibit A. Roushar also contends that the County has considered the road to be public because it cut the chain and removed the lock on the gate as evidenced in Opposition Exhibit B.

At the initial public hearing, Roushar requested on behalf of his clients that the BOCC refrain from affirming Bethune's unlawful blocking of a public road. Roushar stated that no other access is available to the head gates for the Roswell-Hotchkiss Ditch, while an alternative access is available to the Pinion Ditch. Roushar confirmed that County Road 2 to Billy Creek Road is closed by DOW with County permission.

At the final public hearing, Roushar stated through his letter that all of the differences between his clients and the applicant(s) had been resolved and that his clients are withdrawing their objections to the vacation of the road.

Ted Collin ("Collin") presented testimony that his family has occupied the property he now owns since 1881. As a child, he accompanied his father in the 1960s to take backhoe equipment over the subject roads to maintain the ditches. He observed that Rick Swihart had also taken equipment over the road to work on the Pinion Ditch. He stated that there has been no other access to the Roswell-Hotchkiss Ditch since the 1970s. Collin stated that he had traveled over the subject roads to County Road 2 to

haul out wood. He also stated that Jay Jutten and Edgar Hotchkiss had used the roads since the 1950s as a stock driveway. Collin testified that he always believed that the road was public. Historically, before the Billy Creek Bridge was constructed, ranchers used the road marked in yellow on Applicant Exhibit 5 for cattle drives over the Roswell-Hotchkiss ditch. According to Collin, the "yellow" road went all the way through to County Road 5 and was accessible with a two-wheel drive truck. He stated that on July 21, 2002 the first instance occurred in which he could not travel over the subject roads. Prior to that date, he had always been provided a key by Leonard Durrance to unlock the gate. He requests that the BOCC maintain the public status of the road regardless of any agreement reached among the Applicant and the road users. His opinion is that the herds of elk have grown too large for the winter range on DOW land and with the road left unobstructed, the elk may travel to lower elevations. However, at the final public hearing on this matter, Collin withdrew his objection to the vacation of the road through a letter from his attorney, Victor Roushar.

Christine Suppes expressed similar concerns regarding access to the Pinion ditch and expressed an interest in preserving the public right to access. She also stated that neither she nor her husband had been notified of this public meeting/hearing although they are adjacent landowners. She further stated that she had used the road for horseback riding.

Steve Collin stated that he believed that keeping the road open to the public would not impinge on the control of wildlife. He stated that other roads similarly traverse wildlife areas elsewhere. He stated that he believes that a decision to close the road will set the precedent for closing other roads. Steve Collin testified that the ditch owners respect the privacy of the owners of the subject property and that the gate should have never been installed without prior permission from the BOCC. However, at the final public hearing on this matter, Steve Collin withdrew his objection to the vacation of the road through a letter from his attorney, Victor Roushar.

Gary Skoumal, a member of the Ouray County Planning Commission testified that the Planning Commission approved the road vacation provided that the historical users could have access at any time.

At the conclusion of the testimony, Don Batchelder requested that the Planning Commission minutes as approved by the Planning Commission become part of the record. Roushar objected to the inclusion of the Planning Commission meeting tape

since his clients were not notified of the Planning Commission hearing on this matter and his clients were not present at the hearing.

The initial public hearing concluded at 3:19 p.m. on April 14, 2003. Don Batchelder announced that the BOCC would take this matter under advisement and render a decision within three weeks of the hearing. Then, the April 24, 2003 hearing was rescheduled until May 5, 2003, at which time the item was tabled for two (2) months. The final hearing was held on July 7, 2003.

### **Findings of Fact**

1. Colorado Revised Statutes ("C.R.S."), Section 43-2-303 and Section 23.1F(3) of the Ouray County Land Use Code set forth the methods by which roads may be vacated by the Ouray County Board of County Commissioners. Pursuant to C.R.S. 43-2-303 (1)(b), the BOCC of any county may vacate any roadway or any part thereof located entirely within said county if such roadway is not within the limits of any city or town. The Ouray County Board of County Commissioners, therefore, acts on this matter pursuant to C.R.S. 43-2-303 (1)(b) and Section 23.1F(3) of the Ouray County Land Use Code.

2. C.R.S. 43-2-303 (2)(a) limits the power to vacate in that no land adjoining said roadway may be left without an established public road or private-access easement connecting said land with another established public road.

3. In addition, C.R.S. 43-2-303 (2)(b) provides that a roadway may be vacated only by resolution approved by the Board of County Commissioners of the county in which the roadway is located. This subsection also sets forth procedural requirements for notice. The Board of County Commissioners finds that all procedural requirements, including but not limited to notice requirements, have been met. As to Ms. Suppes' claim of lack of notice of the initial public hearing on this matter, the Board specifically finds that her presence and participation at the initial public hearing provided adequate due process.

4. C.R.S. 43-2-303 (3) provides that rights of way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances in the event of the vacation of a road pursuant to C.R.S. 43-2-303 (1).

5. The BOCC finds that the Applicant's Petition to Vacate as to all portions of County Road 906A, which leads in part to the Bethune's home, will not leave any land adjoining this portion of road without an established public road access or private-access easement connecting said land with another established road. The BOCC further finds that the vacation of this portion of road is reasonable based upon the evidence received at the hearing of this matter and determines that its vacation is in the best interest of the County. The road serves no general public purpose; rather, it serves as access solely to the Bethune home and to a ditch head gate. The overwhelming evidence was that its use as a public road is detrimental to the health, safety, and welfare of Ouray County citizens and the general public. The Board finds the testimony of Bethune, Ina Brown, Max Brown, Schmid, and McClain and the letters from Blackburn and Dix compelling with regard to the risk to health, safety, and welfare posed by unfettered public access over this road. Specifically, the Board recognizes the uncontroverted evidence that law enforcement problems had arisen in the past in the form of breaking and entering into the Bethune's home, illegal hunting, the discharge of firearms on the Bethune property, and littering. Evidence of damage to the gate also demonstrates security issues with respect to the home. In addition, the County has not maintained this road for a number of years.

6. The Board of County Commissioners finds that the vacation of all portions of County Road 906A, including the public road know as The End of the Road Ranch Road as described in Exhibit A and as depicted in Exhibit B, both attached hereto, is consistent with the stated purposes and objectives of the 1999 Ouray Master Plan and the 2001 Ouray County Land Use Code. Specifically, the BOCC believes that the vacation is consistent with the Master Plan goal of "...manag[ing]...natural resources in a manner that is both environmentally sound and protects private property rights."

7. The Board also finds that the interests of historical users of the vacated roads are no longer at issue since the major objections have been withdrawn. Access to the Hotchkiss property has been addressed by a Quitclaim Deed recorded in the Ouray County Clerk and Recorder's Office on June 13, 2003, Reception No. 181312.

8. The approved Minutes of the Planning Commission regarding this matter will be included in the record of this matter.

**Decision**


For the foregoing reasons, the Board of County Commissioners, with the adoption of Resolution 2003-018 on July 7, 2003, hereby vacates all portions of County Road 906A including the public road known as The End of the Road Ranch Road as described in Exhibit A and depicted in Exhibit B, conditioned upon the reservation of easements for the continued and future use of utilities and appurtenances, for regulating irrigation and for ditch and head gate maintenance and repair of the Roswell-Hotchkiss Ditch and the Pinion Ditch. (See County's Exhibit C) Title to the vacated County Road 906A including the public road known as The End of the Road Ranch Road shall vest, by operation of law, according to the provisions of C.R.S. 43-2-302.

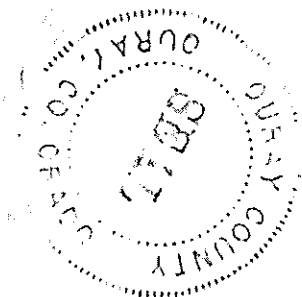
DONE and approved this 7<sup>th</sup> day of July, 2003.

**THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF OURAY, COLORADO**

By:   
Don Batchelder, Chairperson

ATTEST:

  
Shelli Banks  
Ouray County Deputy Clerk and Recorder

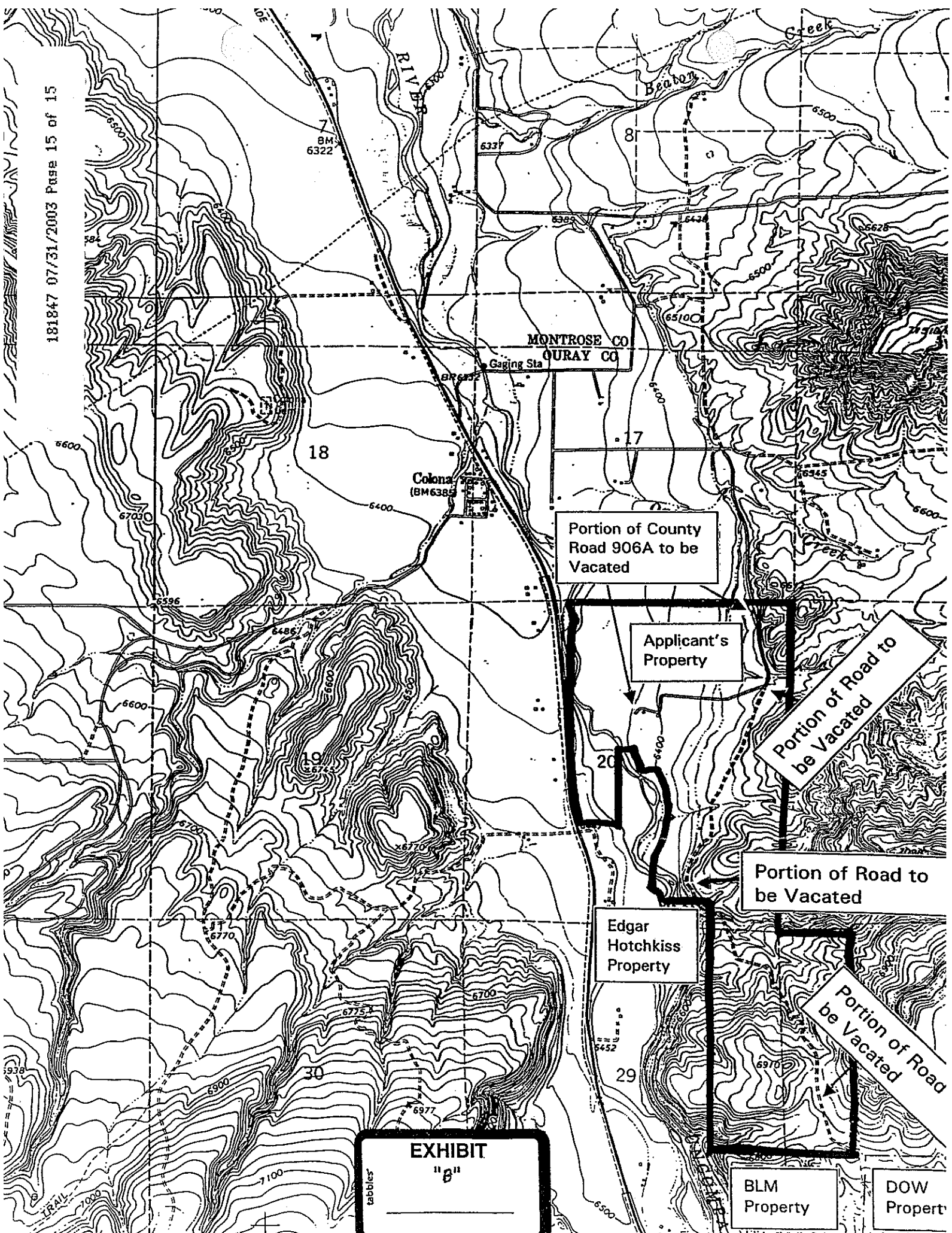


ROAD CENTERLINE DESCRIPTION NO. 1 - ALLEGED OURAY COUNTY ROAD 906A WITHIN END OF THE ROAD RANCH PROPERTY

Situated in Section 20, Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado and being more particularly described as follows: Beginning at a point on the north line of the NE1/4 said Section 20, from whence the northeast corner of said Section 20 bears S89°37'17"E, 635.23 ft.; thence the following courses along the centerline of an existing road: S10°49'42"E, 457.94 ft.; S05°41'36"E, 199.91 ft.; S08°40'26"E, 302.11 ft.; S13°50'14"E, 125.52 ft.; S23°21'28"E, 213.63 ft.; S09°56'06"E, 78.78 ft.; S23°17'55"W, 69.05 ft.; S53°56'03"W, 77.07 ft.; S67°58'35"W, 616.12 ft.; S73°11'37"W, 96.60 ft.; N85°54'04"W, 986.63 ft.; S79°40'21"W, 45.55 ft.; S29°45'58"W, 46.45 ft.; S04°52'30"W, 235.87 ft.; S26°31'55"W, 31.07 ft.; N87°56'50"W, 27.07 ft.; N75°51'22"W, 250.28 ft.; S78°36'18"W, 49.55 ft.; S44°58'33"W, 66.47 ft. to the point of ending.

ROAD CENTERLINE DESCRIPTION NO. 2 - END OF THE ROAD RANCH

Situated in Sections 20, 28 and 29, Township 47 North, Range 8 West, N.M.P.M., Ouray County, Colorado and being more particularly described as follows: Beginning at a point on the north line of the NE1/4 said Section 20, from whence the northeast corner of said Section 20 bears S89°37'17"E, 635.23 ft.; thence the following courses along the centerline of an existing road: S10°49'42"E, 457.94 ft.; S05°41'36"E, 199.91 ft.; S08°40'26"E, 302.11 ft.; S13°50'14"E, 125.52 ft.; S23°21'28"E, 213.63 ft.; S09°56'06"E, 78.78 ft.; S23°17'55"W, 69.05 ft.; S53°56'03"W, 77.07 ft.; S67°58'35"W, 616.12 ft.; S73°11'37"W, 96.60 ft.; S04°52'03"E, 168.86 ft.; S02°22'53"E, 125.64 ft.; S06°18'52"W, 81.58 ft.; S25°45'53"W, 92.37 ft.; S39°02'56"W, 116.74 ft.; S45°40'06"W, 148.84 ft.; S22°47'34"W, 115.35 ft.; S29°40'29"W, 125.67 ft.; S15°52'00"W, 175.99 ft.; S01°51'21"W, 92.55 ft.; S19°16'43"W, 175.24 ft.; S04°27'44"W, 115.56 ft.; S08°13'51"E, 109.70 ft.; S05°33'19"E, 159.98 ft.; S19°03'21"E, 103.69 ft.; S69°38'29"E, 122.79 ft.; S44°32'50"E, 42.01 ft.; S17°17'05"E, 94.57 ft.; S05°40'51"W, 165.69 ft.; S00°55'54"W, 126.29 ft.; S24°31'25"W, 81.38 ft.; S42°53'03"W, 169.35 ft.; S31°53'17"W, 50.01 ft.; S38°52'26"W, 99.11 ft.; S20°23'42"W, 96.82 ft.; S25°45'07"W, 216.59 ft.; S21°51'00"W, 73.39 ft.; S10°50'22"W, 147.48 ft.; S09°14'35"E, 58.77 ft.; S26°42'45"E, 109.08 ft.; S35°44'46"E, 74.80 ft.; S22°46'09"E, 95.63 ft.; S33°29'55"E, 55.96 ft.; S11°47'49"E, 118.53 ft.; S35°30'33"E, 76.06 ft.; S86°13'55"E, 121.87 ft.; S61°17'17"E, 150.18 ft.; N87°12'56"E, 76.94 ft.; S37°12'22"E, 127.08 ft.; S07°05'10"E, 69.20 ft.; S28°09'20"E, 243.08 ft.; S14°12'58"E, 172.51 ft.; S19°57'55"E, 88.17 ft.; S06°50'22"E, 65.25 ft.; S55°31'17"E, 50.06 ft.; S70°36'23"E, 128.07 ft.; S76°47'42"E, 159.20 ft.; S78°26'20"E, 106.45 ft.; S59°06'00"E, 145.44 ft.; S34°33'11"E, 62.90 ft.; S06°39'40"E, 61.34 ft.; S04°42'25"W, 92.14 ft.; S25°02'02"E, 66.57 ft.; S58°11'36"E, 99.86 ft.; S36°17'26"E, 57.33 ft.; S19°00'35"E, 65.37 ft.; S28°24'42"E, 127.60 ft.; S44°43'19"E, 63.65 ft.; S15°34'32"E, 119.99 ft.; S04°10'36"E, 62.71 ft.; S62°13'37"E, 32.38 ft.; N77°25'37"E, 53.85 ft.; S57°00'40"E, 36.75 ft.; S38°49'21"E, 96.80 ft.; S24°37'04"E, 147.47 ft.; S30°25'52"E, 127.76 ft.; S11°09'48"E, 136.03 ft.; S42°22'00"E, 118.25 ft.; S17°57'35"E, 152.17 ft.; S07°04'10"W, 185.21 ft.; S08°05'23"E, 75.22 ft.; S05°56'02"W, 138.87 ft.; S14°32'14"E, 100.78 ft.; S03°59'50"E, 107.09 ft.; S13°37'33"E, 140.22 ft.; S17°22'28"E, 359.74 ft.; S22°53'03"E, 123.27 ft.; S03°36'30"E, 62.76 ft.; S46°43'20"E, 26.50 ft.; S66°48'50"E, 64.47 ft.; S52°14'14"E, 78.05 ft.; S73°54'03"E, 112.80 ft.; S46°28'37"E, 114.22 ft.; S60°22'43"E, 133.21 ft. to a point on the south line of NW1/4SW1/4 said Section 28 from whence the southeast corner of said NW1/4SW1/4 bears N89°13'23"E, 324.72 ft.



MONTROSE CO  
OURAY CO

Portion of County  
Road 906A to be  
Vacated

Applicant's  
Property

Portion of Road to  
be Vacated

Portion of Road to  
be Vacated

Edgar  
Hotchkiss  
Property

Portion of Road  
to be Vacated

**EXHIBIT**  
"g"

BLM  
Property

DOW  
Property