

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

**RE: Paving Width of Canyon Road within the Loghill Village Local Improvement District**

**WHEREAS**, the Ouray County Board of Commissioners adopted Resolution 2004-022 creating the Loghill Village Improvement District on May 17, 2004; and

**WHEREAS**, Canyon Road from its intersection with Ponderosa to its intersection with Juniper had not been surveyed at the time of the passage of Resolution No. 2004-022; and

**WHEREAS**, C.R.S. § 30-11-107 (1)(h) provides the Board of County Commissioners the power to lay out, alter or discontinue any road running through the county; and

**WHEREAS**, representatives of the Citizens' Road Committee of the Loghill Village Home and Property Owners Association have submitted a request to the Board of County Commissioners to lay out the aforesaid portion of Canyon Road to authorize paving of said road segment to twenty-two feet (22'); and

**WHEREAS**, the language in Resolution No. 2004-022 pertaining to the width could be interpreted to allow a change in the paving width, when considered in the context that a survey had not been completed at the time of the passage of such Resolution; and

**WHEREAS**, the Board of County Commissioners finds that a twenty-four foot (24') paving width for the above-stated portion of Canyon Road is physically impracticable; and

**WHEREAS**, the Board of County Commissioners finds that a twenty-two foot (22') paving width for the above-stated portion of Canyon Road protects the health, safety and welfare of the citizens and that such width will maintain the ability to provide essential government services including the provision of fire, ambulance and other emergency services; and

**WHEREAS**, the Board of County Commissioners finds that an alteration in the paving width of the aforesaid segment of Canyon Road is a *de minimis* change and is in substantial compliance with the various resolutions adopted by the Board regarding the Loghill Village Local Improvement District.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Ouray County as follows:

1. The paving width of the segment of Canyon Road from its intersection with Ponderosa to its intersection with Juniper within the Loghill Village Local Improvement District shall be twenty-two feet (22').
2. If any provision of this resolution, or if the application of this resolution to any person, entity or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this resolution which can be given effect without the invalid

provision or application, and to this end, the provisions of this resolution are to be severable.

3. The Board of County Commissioners of Ouray County hereby declares that this resolution is necessary for the preservation of the public peace, health, safety and welfare and that it therefore shall become effective immediately.
4. In passing this Resolution, the Board of County Commissioners has made every effort to comply with the requirements of the statutory provisions authorizing the formation of a local improvement district. In the event, despite such effort, this Resolution fails to comply in any non-substantive or technical way with any requirements of the law, such noncompliance may be corrected by supplemental Resolution adopted by the Board of County Commissioners. In the event such a supplemental Resolution is adopted, this Resolution shall be read as though such changes had been incorporated in its original text.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of June, 2005 by the Board of County Commissioners of Ouray County, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Don Batchelder, Chair

\_\_\_\_\_  
Michelle Nauer, Clerk and Recorder

\_\_\_\_\_  
Tom Hollenbeck, Vice-Chair

By:

\_\_\_\_\_  
Linda Munson-Haley,  
Deputy Clerk of the Board

\_\_\_\_\_  
Heidi Albritton, Member