

RESOLUTION No. 2006-028

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
OURAY COUNTY, COLORADO TO VACATE PORTIONS OF ASPEN DRIVE
AS SHOWN ON THE PLAT OF IDLEWILD ESTATES, SUBDIVISION NO. 4**

WHEREAS, C.R.S. §43-2-301, *et seq.*, provides that a board of county commissioners of any county may vacate any roadway, or part thereof, located entirely within said county if such roadway is not within the limits of any city or town; and

WHEREAS, “Roadway” is defined at C.R.S. §43-2-301(3) as any platted street or road, whether or not it has been used as such; and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) has received a request for the vacation of portions of Aspen Drive, as shown on the plat of Idlewild Estates, Subdivision No. 4 from the Owner of property adjoining such platted street; and

WHEREAS, the Board has sent notices to the property owners who own one acre or more of land adjacent to the portions of Aspen Drive proposed to be vacated; and

WHEREAS, vacating portions of Aspen Drive will not leave any adjoining property without access onto an established public road or private access easement; and

WHEREAS, attorney Mike Hockersmith appeared on behalf of the applicant and submitted for the Board’s review certain maps and photographs of the area to be vacated.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

1. Pursuant to the authority set forth in C.R.S. §43-2-301, *et seq.*, those portions of Aspen Drive (also sometimes referred to as “Reynolds Place”) that adjoin the westerly boundary of Lots 74, 75 and 76 as shown on the plat of Idlewild Estates Subdivision No. 4 filed of record on August 24, 2971 as Reception No. 115407 of record in the Ouray County Clerk and Recorder’s Office (“Subdivision Plat”) and that portion of Aspen Drive that is along the easterly boundary of Lots 77, 78 and 80 as shown on the Subdivision Plat, also known as a portion of the easterly boundary of Lots A, B and C, specifically excluding that portion of Aspen Drive that is adjacent to former Lot 82 (now a portion of Lot A) and Lot 73, as shown on the plat of Idlewild Estates, Replat and Amendment of Lots 77 to 82 of Subdivision No 4, filed of record on June 3, 1980 as Reception No. 128387 in the Ouray County Clerk and Recorder’s Office (“Amended Subdivision Plat”), are hereby vacated.
2. Title to the vacated portions of Aspen Drive shall vest in the abutting landowners, to the center of the Roadway.

3. Easements are reserved over, across and through the course of the existing roadway, the location of which is shown on the Amended Subdivision Plat, for the continued use of any existing sewer, gas, water or similar pipelines or appurtenances, for ditches, canals and appurtenances and for electric, telephone and similar lines and appurtenances, to be used for construction, operation and maintenance activities necessary and appropriate to such uses and purposes.
4. Lots 74, 75 and 76 shall be combined into one parcel and such lots shall not be sold separately and a covenant or other appropriate document reflecting such restriction shall be recorded at the same time as the recordation of this Resolution.

APPROVED AND ADOPTED THIS _____ DAY OF APRIL, 2006.

Board of County Commissioners of
Ouray County, Colorado

Heidi M. Albritton, Chair

Don Batchelder

Kristi R. Westfall

ATTEST:

Michelle Nauer
Ouray County Clerk and Recorder
By: Linda Munson-Haley
Deputy Clerk of the Board