

RESOLUTION NO. 2007-029

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO WAIVE THE COUNTY ROAD MAINTENANCE IMPACT FEE
FOR EDWARD A. AND DOROTHY L. WOFFORD**

WHEREAS, Section 23.5 of the Ouray County Land Use Code (“Code”) is entitled “Impact Fees for Roads”; and

WHEREAS, Section 23.5 B. (6) states that “To the extent that... development in the County places demands upon Ouray County Roads in excess of the basic level of road maintenance... provided to current residents... those demands should be satisfied by shifting the responsibility for financing the provision of such maintenance... from the public at large to the development or building actually creating the demands;” and

WHEREAS, Section 23.5 B. (8) states that: “The Board... finds and declares that ‘impact fees’ imposed upon residential and non-residential development in order to finance County Road maintenance... the demand for which is created by such development... is equitable and does not impose an unfair burden on such development and building”; and

WHEREAS, Edward A. Wofford and Dorothy L. Wofford (“Wofford”) own real property that is located in Ouray County and Montrose County, and the Ouray County property is bordered on the north by the Montrose County line and on the south by national forest; and

WHEREAS, the only means of access to the Wofford property is from Montrose County via 90 Road in Montrose County; and

WHEREAS, given that the property is located at the northwest corner of Ouray County and borders Montrose County on the north and has national forest to its south and is bordered on its east and west by private property, there are no Ouray County roads in the vicinity of the property and there is no means of access from the property to any Ouray County roads;

WHEREAS, Woffords are in the process of building a home on a portion of the property which is located in Ouray County; however, there are no Ouray County roads that provide any access to the Wofford property and the only access to the Wofford property is via Montrose County roads. Therefore, the construction of the Wofford home will not add to the road maintenance demands in Ouray County as described in Section 23.5 of the Code.

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

1. As set forth above, the construction of the Wofford residence will not create demands on the Ouray County road system as there are no roads within Ouray County that provide any access to the Wofford property and the Ouray County Maintenance Impact Fee is waived for the construction of the Wofford residence.

APPROVED AND ADOPTED THIS ____ DAY OF JUNE, 2007.

Board of County Commissioners of
Ouray County, Colorado

Don Batchelder, Chair

Heidi M. Albritton

K. Keith Meinert

ATTEST:

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