

RESOLUTION NO. 2013-30
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF RIO BLANCO, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO, VACATING
THE 50-FOOT DRAINAGE EASEMENT
LOCATED ON LOT 2, BLOCK 1 PETERS SUBDIVISION**

WHEREAS, David and Beth Luzmoor, ("Applicants") have applied for the vacation of the 50-foot drainage easement located on their property at 7400 County Road 7, Meeker, Colorado (Lot 2, Block 1 Peters Subdivision); specifically, PIN#: 136717300042; and

WHEREAS, the Peters Subdivision ("Subdivision"), recorded on December 11, 1981, Reception No. 203938, is a two-lot subdivision and is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T2N, R94W, the 6th Principal Meridian; and

WHEREAS, the Subdivision plat created, in addition to the two lots, a 100-ft wide drainage easement, 50 feet on either side of the dividing lot line between Lot 1 and Lot 2; and

WHEREAS, the location of the 50-foot drainage easement on Lot 2 does not coincide with the actual drainage wash due to the fact the property line is west of the ravine and along a ledge approximately 50 feet vertically up; and

WHEREAS, vacating the drainage easement on Lot 2 will not adversely affect Lot 1 or the ravine since it is located entirely on Lot 1 of the Subdivision, nor will it adversely affect any entity, individual or agency; and

WHEREAS, this Resolution is intended to be in lieu of amending the Subdivision plat and any related Plat Notes recorded thereon; and

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado (Board) conducted a public hearing on the vacating of the drainage easement on Lot 2, Block 1 Peters Subdivision on June 10, 2013 upon notice duly given, and has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Resolution, the previously approved and recorded Plat Notes on the Peters Subdivision Plat (Reception #203938), the conditions and mitigations described in the May 1, 2013 Application and supporting materials, and any conditions of approval listed below;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The application is complete;
- B. The public hearing before the Board was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. David and Beth Luzmoor have paid the appropriate application fee;
- D. The appropriate ad valorem taxes have been paid for the subject property, in

accordance with Section 30-28-110 C.R.S.

- E. The record is complete;
- F. The proposed drainage easement vacation is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.


THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rio Blanco County, Colorado:

1. The 50-foot drainage easement shown on the Plat of Lot 2, Block 1 Peters Subdivision, is hereby vacated.
2. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0 AGAINST, THIS 10TH DAY OF June 2013.

BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO

ATTEST:


Nancy R. Amick *Boots M Campbell*
Clerk and Recorder

By: _____
Shawn J. Bolton, Chairman


Jon D. Hill, Commissioner


Jeffrey D. Eskelson, Commissioner

