

RESOLUTION NO. 2014- 08
BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO, EXEMPTING FROM THE DEFINITION OF THE
TERM "SUBDIVISION" A PARCEL OF LAND PRESENTLY OWNED BY COAL CREEK
PARTNERSHIP, AND LOCATED AT 438 MARKET STREET, MEEKER, COLORADO**

WHEREAS, Coal Creek Partnership is the owner of property located at 438 Market Street, Meeker, Colorado, in Sections 23, 24, 25 and 26, T1N, R94W, 6th P.M., which is depicted in attached Exhibit A (the "Coal Creek Partnership Property"); and

WHEREAS, the Coal Creek Partnership Property is approximately 291.47 acres, with an existing residence; and

WHEREAS, in 1960, the Colorado Department of Transportation commenced reconstruction and realignment of the segment of State Highway 13 adjacent to the Coal Creek Partnership Property; and

WHEREAS, the realignment of State Highway 13 physically severed 7.46 acres on the northeast corner of the Coal Creek Partnership Property; and

WHEREAS, Coal Creek Partnership wishes to convert the property into two separate parcels; and

WHEREAS, dividing the Coal Creek Partnership Property will create two tracts of land of approximately 7.46 acres ("Lot 1") and 284.01 acres ("Remainder Parcel"); and

WHEREAS, Colorado Revised Statutes § 30-28-101(10)(c)(II) provides that divisions of land which "could be created by any court in this state pursuant to the law of eminent domain" are exempt from the definition of the terms "subdivision" and "subdivided land"; and

WHEREAS, Colorado Revised Statutes § 30-28-101(10)(d) provides that "the Board of County Commissioners may, pursuant to rules and regulations or resolution, exempt from the definition of the terms 'subdivision' and 'subdivided land' any division of land if the Board of County Commissioners determines that such division is not within the purposes of this part 1"; and

WHEREAS, Coal Creek Partnership requests that the Board of County Commissioners of Rio Blanco County, Colorado, exempt from the definition of "subdivision" the Coal Creek Partnership Property so that the division can legally occur without proceeding through subdivision review; and

WHEREAS, the Rio Blanco County Planning Department recommends exempting the creation of the 7.46 acre parcel from the definition of "subdivision" because the 7.46 acre parcel is physically and functionally separated from the Remainder Parcel by the new alignment of State Highway 13; and

WHEREAS, the creation of the 7.46 acre parcel is a division of land that could be created by a court pursuant to the law of eminent domain as provided for by Colorado Revised Statutes § 30-28-101(10)(c)(II); and

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado, held a duly noticed public hearing on the 24th day of March, 2014, to consider whether to approve Coal Creek Partnership's request to exempt the Coal Creek Partnership Property from the definition of subdivision and from Rio Blanco County's subdivision rules and regulations.

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. The parcel is appropriately zoned;
- D. The record is complete;
- E. The proposed division of land is a division of land that could be created by a court pursuant to the law of eminent domain as provided for by Colorado Revised Statutes § 30-28-101(10)(c)(II).
- F. The proposed division of land not within the purposes of Part 1 of Title 30, Article 28, Colorado Revised Statutes.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO, AS FOLLOWS:

1. The division of the Coal Creek Partnership Property for the purpose of creating the 7.46 acre parcel and the Remainder Parcel as signified in Exhibit A, is approved as an exemption from the definition of subdivision pursuant to C.R.S. § 30-28-101(10)(c)(II) and C.R.S. § 30-28-101(10)(d).

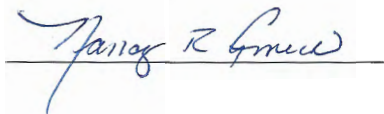
2. Nothing herein is intended to exclude the 7.46 acre parcel or the Remainder Parcel from future land use review or building review that may be required on the Coal Creek Partnership Property.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0 AGAINST, THIS

24th DAY OF MARCH 2014.


BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:



Nancy R. Amick
Clerk and Recorder




Jon D. Hill, Chairman

Jeffrey D. Eskelson, Commissioner


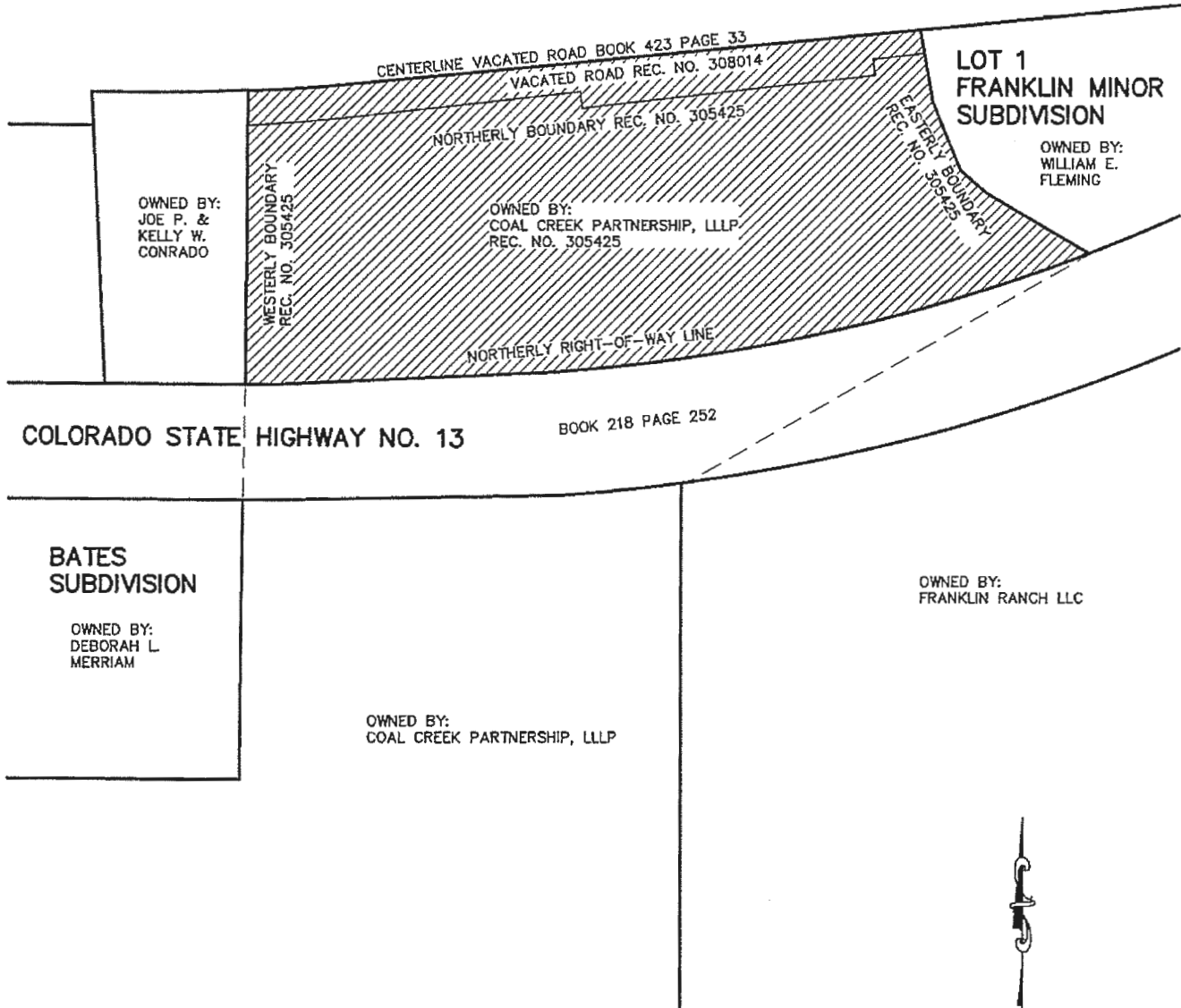

Shawn J. Bolton, Commissioner

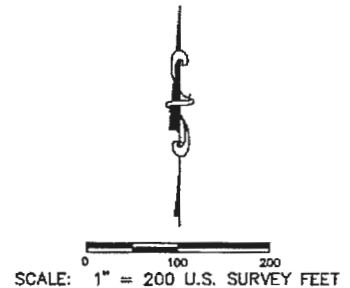
EXHIBIT A

TRACT 71, SECTION 24, T1N, R94W OF THE 6TH P.M.

OWNED BY:
SHERIDAN RANCHES, LLC



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



COAL CREEK PARTNERSHIP

LYING IN SECTION 24, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

JSC, INC.

P.O. BOX 1153 MEEKER, CO 81641
PHONE: (970) 878-5292 FAX: 878-5392

DRAWN BY	SEC
DATE	3-5-2014
JOB NO.	407-03
CHECKED BY	JLJ

JSC, INC.

P.O. Box 1153

Meeker, CO 81641

Phone (970)-878-5292 Fax (970)878-5392

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN TRACT 71 OF THE 1908 GOVERNMENT LAND OFFICE RESURVEY, IN SECTION 24, T1N, R94W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 305425 LYING NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 13; TOGETHER WITH A PORTION OF VACATED ROAD AS DESCRIBED IN RECEPTION NO. 308014.

CONTAINING 7.46 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.