

RESOLUTION NO. 2016-13
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, APPROVING STADTMAN MESA TOWER
SPECIAL USE PERMIT PSUP-0010-16, IN RIO BLANCO COUNTY, COLORADO**

WHEREAS, Rio Blanco County ("Applicant") is requesting a Special Use Permit located on land owned by The Bureau of Land Management (BLM) in Rio Blanco County, Colorado as described by the legal description on Exhibit A attached hereto; and

WHEREAS, the subject property is located in Section 12, Township 2 North, Range 99 West of the 6 Principal Meridian, specifically PIN#113536100002; and

WHEREAS, the Applicant has proposed to construct a broadband telecommunication site, which includes a 115' tower with one equipment shelter and room for 3 future shelters within a 100 ft. x 100 ft. fenced compound; and

WHEREAS, the Planning Commission, at its April 28, 2016 meeting, voted 4 for/ 0 against to recommend to the Board of County Commissioners of Rio Blanco County, Colorado (Board) approval of the Special Use Permit PSUP-0010-16; and

WHEREAS, the Board of County Commissioners of Rio Blanco County, Colorado has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Resolution (LUR), the materials submitted by Rio Blanco County (Applicant), the materials submitted by members of the public at the hearing, the Planning Commission recommendations, and upon notice duly given conducted its own hearing on the Application in Meeker, Colorado on May 16, 2016;

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 record is complete;
- D. The proposed Special Use Permit 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:

- A. The Stadtman Mesa Tower Special Use Permit PSUP-0010-16, is hereby approved.
- B. 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.
- C. Approval of this Special Use Permit constitutes approval of a site specific development plan which establishes a vested property right, as provided by CRS 24-68-101 et.seq. This vested right is valid for a period of 3 years from the date of publication of this approval. The Planning Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 16th DAY OF MAY 2016.



BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:


Boots Campbell
Clerk and Recorder


Shawn J. Bolton, Chairman


Jon D. Hill, Commissioner


Jeffrey D. Eskelson, Commissioner

EXHIBIT "A"

LEGAL DESCRIPTION **STADTMAN MESA**

A PARCEL OF LAND LYING IN SECTION 12, T2N, R99W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12 (BLM BRASS CAP) WHENCE THE NORTHEAST CORNER OF SECTION 1 (BLM BRASS CAP) T2N, R99W BEARS N02°00'33"5255.14 FEET;
THENCE S70°13'26"W, 801.54 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S48°02'29"W, 11.14 FEET;
THENCE N71°36'25"W, 149.22 FEET;
THENCE N12°27'48"E, 48.39 FEET;
THENCE N86°37'08"E, 115.57 FEET;
THENCE S17°45'27"W, 21.14 FEET;
THENCE S25°02'29"E, 86.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,200 SQUARE FEET OR 0.23 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

(LEGAL DESCRIPTION IS BASED UPON CONSTRUCTION PLANS FOR STADTMAN MESA SUPPLIED BY CENTERLINE SOLUTIONS)