

TOWN OF OAK CREEK

ORDINANCE NO. 620

AN ORDINANCE VACATING A PORTION OF LINCOLN AVENUE LOCATED BETWEEN BLOCK 8, ORIGINAL TOWN OF OAK CREEK, AND BLOCK 3, SCHEMPPS ADDITION TO THE TOWN OF OAK CREEK, ROUTT COUNTY, COLORADO

WHEREAS, Board of Trustees for the Town of Oak Creek, Colorado ("Town") has duly received an application from the South Routt Medical Center Health Service District ("Applicant") for the vacation of a portion of Lincoln Avenue located between Block 8, Original Town of Oak Creek, and Block 3, Schempps Addition to the Town of Oak Creek; and

WHEREAS, all necessary data has been submitted and all required fees have been paid on behalf of the Applicant; and

WHEREAS, the proposed roadway vacation will not leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road; and

WHEREAS, the Oak Creek Planning Commission ("Planning Commission") reviewed the application on August 15, 2012 and submitted an advisory report to the Oak Creek Board of Trustees ("Board") recommending approval of the petition subject to conditions; and

WHEREAS, the Board held a public hearing on the matter on September 13, 2012, notice of said hearing having been advertised in the Steamboat Pilot, a local newspaper of general circulation; and

WHEREAS, input was taken from the public and the Planning Commission's recommendation was considered; and

WHEREAS, Trustee Gagne moved to approve the vacation of a portion of Lincoln Avenue as detailed in the application with the finding of fact that it is appropriate to vacate the portion of Lincoln Avenue as proposed by the applicant under C.R.S. § 42-2-303 and to reserve public utility easements for water, sewer, electric, telephone, cable television and similar lines and appurtenances, subject to the following conditions:

1. An ordinance finalizing the approval given herein shall be submitted for approval to the Board of Trustees and recorded no less than thirty (30) days after publication of said ordinance. The road vacation shall not be final until the ordinance has been recorded with the Routt County Clerk & Recorder's Office.
2. The ordinance approving the vacation shall contain language reserving public utility easements including, but not limited to, water, sewer, electric, phone and cable.
3. A copy of the fully executed document reflecting the agreement of Ken Rossi and the South Routt Medical Center Health Service District with regard to the property involved in this vacation shall be submitted to the Town prior to the ordinance finalizing the

vacation of the roadway being considered by the Town Board, and such agreement/document shall be recorded concurrently with said ordinance.

- 4. The South Routt Medical Center Health Service District shall provide recordable documentation for the active Town utility lines located across the south portion of their property prior to the ordinance finalizing the vacation of the roadway being considered by the Town Board, and such documentation shall be recorded concurrently with said ordinance.

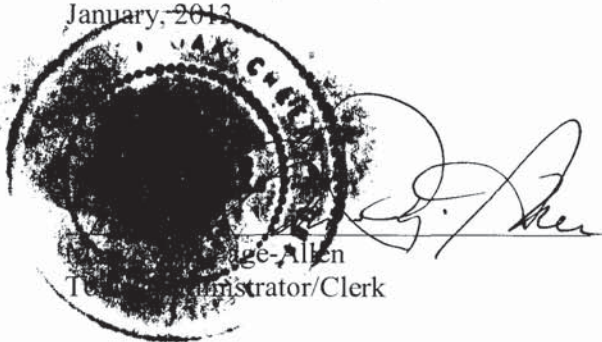
Trustee Lewis seconded; motion carried unanimously.

WHEREAS, a copy of the fully executed document reflecting the agreement of Ken Rossi and the South Routt Medical Center Health Service District has been provided to the Town Board, and a recordable easement document for the utility lines across the south portion of the South Routt Medical Center Health Service District has been provided to and approved by the Town Board.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

- 1. The portion of Lincoln Avenue as described on the attached Exhibit A is hereby vacated and an easement for public utilities including, but not limited to, water, sewer, electric, telephone, cable television and similar lines and appurtenances as described on Exhibit B is hereby reserved.
- 2. This approval is based upon the record presented at the public hearing and the findings made by the Oak Creek Planning Commission and the Oak Creek Board of Trustees.
- 3. This ordinance shall take effect and be in full force and effect thirty (30) days after publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 10th day of January, 2013



Nikki Knoebel

 Nikki Knoebel, Mayor

EXHIBIT A

A legal description of a tract of land located within the Lincoln Avenue right of way as shown on the plat of Schempps Addition to the Town of Oak Creek located in the SW ¼ of Section 32, Township 4 North, Range 85 West of the 6th P.M., Routt County, Colorado

A legal description of a tract of land within the Lincoln Avenue right of way as shown on the plat of Schempps Addition to the Town of Oak Creek per final plat file number 1839 of the Routt County Clerk and Recorder records and the Original Town of Oak Creek final plat.

Beginning at the northwest corner of Lot 32, Block 6, Original Town of Oak Creek thence S 88°45'33" E, 60.00 feet to a point of intersection with the east line of Block 3 of the Schempps Addition to the Town of Oak Creek per final plat number 1839 of Routt County Clerk and Recorder records; thence S01°14'27"W, 55.84 feet to the northwest corner of Lot 9 of said Schempps Addition to the Town of Oak Creek monumented by a 1 ½" orange plastic cap on #5 rebar, PLS 38024; thence continuing along said east line of Block 3 of the Schempps Addition S01°14'27"W, 125.00 feet to the southwest corner of Lot 13, Block 3 of the Schempps Addition to Oak Creek; thence S 87°16'37" W, 60.14 feet to the northeast corner of Lot 1, Block 3, the Second Addition to the Town of Oak Creek; thence N 01°14'27" E, 60.00 feet to the southeast corner of Lot 32, Block 6, Original Town of Oak Creek; thence N 01°14'27" E, 125.00 feet along the east line of said Lot 32, Block 6 to the point of beginning said tract contains 10,975 square feet;

Basis of Bearing: S88°45'33"E, 124.67 feet along the south line of Lot 13, Block 3 of the Schempps Addition to the Town of Oak Creek between two 1 ½" orange plastic caps on #5 rebar, PLS 38024.

Legal Description by:

Walter Magill, PLS 38024
For and on behalf of Four Points Surveying and Engineering

EXHIBIT B

A legal description of a tract of land for a public utility easement located within the Lincoln Avenue right of way as shown on the plat of Schempps Addition to the Town of Oak Creek located in the SW $\frac{1}{4}$ of Section 32, Township 4 North, Range 85 West of the 6th P.M., Routt County, Colorado

A legal description of a tract of land for a public utility easement located within the Lincoln Avenue right of way as shown on the plat of Schempps Addition to the Town of Oak Creek per final plat file number 1839 of the Routt County Clerk and Recorder records and the Original Town of Oak Creek final plat.

Beginning at the northwest corner of Lot 32, Block 6, Original Town of Oak Creek thence S $88^{\circ}45'33''$ E, 60.00 feet to a point of intersection with the east line of Block 3 of the Schempps Addition to the Town of Oak Creek per final plat number 1839 of Routt County Clerk and Recorder records; thence S $01^{\circ}14'27''$ W, 55.84 feet to the northwest corner of Lot 9 of said Schempps Addition to the Town of Oak Creek monumented by a 1 $\frac{1}{2}$ " orange plastic cap on #5 rebar, PLS 38024; thence continuing along said east line of Block 3 of the Schempps Addition S $01^{\circ}14'27''$ W, 125.00 feet to the southwest corner of Lot 13, Block 3 of the Schempps Addition to Oak Creek; thence S $87^{\circ}16'37''$ W, 60.14 feet to the northeast corner of Lot 1, Block 3, the Second Addition to the Town of Oak Creek; thence N $01^{\circ}14'27''$ E, 60.00 feet to the southeast corner of Lot 32, Block 6, Original Town of Oak Creek; thence N $01^{\circ}14'27''$ E, 125.00 feet along the east line of said Lot 32, Block 6 to the point of beginning said tract contains 10,975 square feet; LESS AND EXCEPTING the following tract of land:

Commencing at the southwest corner of Lot 13, Block 3, Schempps Addition to the Town of Oak Creek; thence N $01^{\circ}14'27''$ E, 45.90 feet along the west line of Block 3, Schempps Addition to the Town of Oak Creek to the point of beginning; Thence departing said west line, N $88^{\circ}45'33''$ W, 7.67 feet; thence N $01^{\circ}14'27''$ E, 54.69 feet; thence S $88^{\circ}45'33''$ E, 7.67 feet to a point of intersection with the said west line of Block 3, Schempps Addition to the Town of Oak Creek; thence S $01^{\circ}14'27''$ W, 54.69 feet along the west line of Block 3 to the point of beginning, said exception parcel contains 419 square feet.

Total area of the utility easement is 10,556 square feet more or less.

Basis of Bearing: S $88^{\circ}45'33''$ E, 124.67 feet along the south line of Lot 13, Block 3 of the Schempps Addition to the Town of Oak Creek between two 1 $\frac{1}{2}$ " orange plastic caps on #5 rebar, PLS 38024.

Legal Description by:

Walter Magill, PLS 38024
For and on behalf of Four Points Surveying and Engineering