

TOWN OF OAK CREEK

ORDINANCE NO. 640

AN ORDINANCE VACATING A PORTION OF GRANDVIEW AVENUE LOCATED ADJACENT TO LOTS 25-29, BLOCK 6, AMENDED FILING OF THE THIRD ADDITION TO THE TOWN OF OAK CREEK IN SECTION 31, T4N, R85W, 6TH PM, ROUTT COUNTY, COLORADO

WHEREAS, Board of Trustees for the Town of Oak Creek, Colorado (“Town”) has duly received an application from Ted Allen and Mary Alice Page-Allen (“Applicant”) for the vacation of a portion of Grandview Avenue located adjacent to Lots 25-29, Block 6, Amended Filing of the Third Addition to the Town of Oak Creek in Section 31, T4N, R85W, 6th PM, Routt County, Colorado; 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 July 20, 2016 and submitted an advisory report to the Oak Creek Board of Trustees (“Board”) recommending denial of the petition; and

WHEREAS, the Board held a public hearing on the matter on August 11, 2016, 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, the Board continued the public hearing and tabled consideration of the roadway vacation to August 25, 2016 for additional information; and

WHEREAS, the Board continued the public hearing on August 25, 2016 and input was taken from the public; and

WHEREAS, the Board continued the public hearing and tabled consideration of the roadway vacation for additional information; and

WHEREAS, the Board continued the public hearing on September 22, 2016 and input was taken from the public; and

WHEREAS, Mayor Pro-Tem Wisecup moved to approve the vacation of a portion of Grandview Avenue with the finding that it is appropriate to vacate said portion of Grandview Avenue as proposed by the Applicant under C.R.S. § 42-2-303 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. Receipt of payment in the amount of \$4,000 from the Applicant and such shall be restricted to cover the costs associated with subdivision replatting necessary to widen the Grandview Avenue along its northeast line to maintain an appropriate roadway width as such is determined by the Public Works Director and other improvement costs of Grandview Avenue.

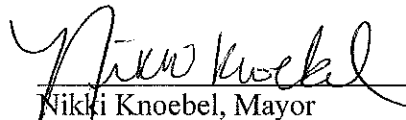
Trustee Gustafson seconded; motion carried by a vote of three (3) in favor and two (2) opposed.

WHEREAS, payment in the amount of \$4,000 has been received and accepted by the Town.

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

1. The portion of Grandview Avenue as depicted on the attached Exhibit A and described on the attached Exhibit B is hereby vacated.
2. This approval is based upon the record presented at the public hearing and the findings made by 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 13th day of October, 2016.



Nikki Knoebel, Mayor

ATTEST:


Alison Moore, Deputy Clerk



Exhibit "A"

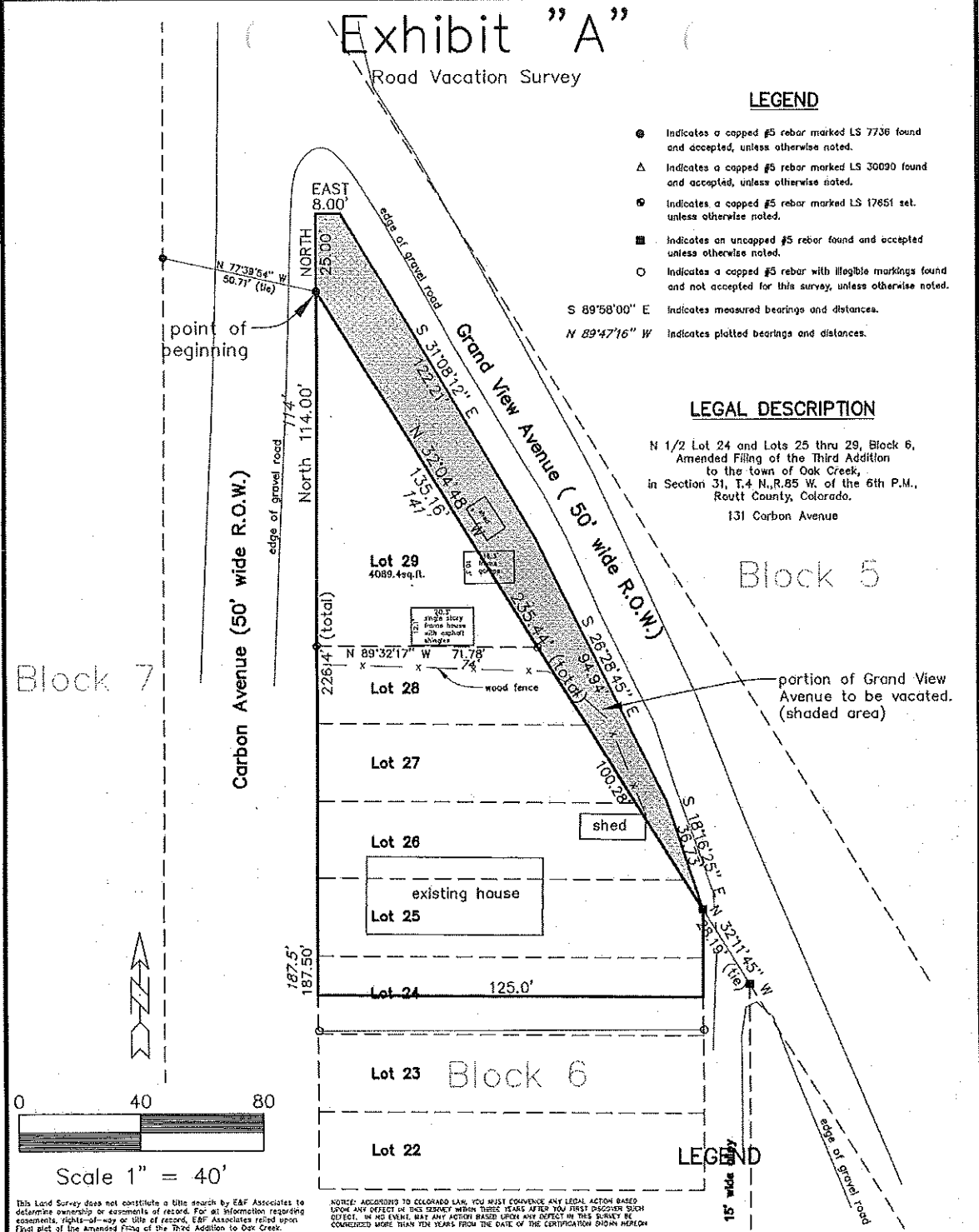
Road Vacation Survey

LEGEND

- Indicates a capped #5 rebar marked LS 7736 found and accepted, unless otherwise noted.
- △ Indicates a capped #5 rebar marked LS 30090 found and accepted, unless otherwise noted.
- ⊙ Indicates a capped #5 rebar marked LS 17651 set, unless otherwise noted.
- Indicates an uncapped #5 rebar found and accepted unless otherwise noted.
- Indicates a capped #5 rebar with illegible markings found and not accepted for this survey, unless otherwise noted.
- S 89°58'00" E Indicates measured bearings and distances.
- N 89°47'16" W Indicates plotted bearings and distances.

LEGAL DESCRIPTION

N 1/2 Lot 24 and Lots 25 thru 29, Block 6, Amended Filing of the Third Addition to the town of Oak Creek, in Section 31, T.4 N., R.85 W. of the 6th P.M., Routt County, Colorado.
131 Carbon Avenue



This Land Survey does not constitute a title search by E&F Associates to determine ownership or encumbrances of record. For all information regarding easements, rights-of-way or title of record, E&F Associates relied upon exact plat of the Amended Filing of the Third Addition to Oak Creek.

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



LAND SURVEYOR'S CERTIFICATE

I, Thomas H. Effinger Jr., being a Registered Land Surveyor in the State of Colorado, do hereby certify that this Road Vacation Survey Exhibit was prepared by me and under my supervision and that it is correct to the best of my knowledge.

Dated this 28th day of September, AD, 2016.

Thomas H. Effinger Jr.
Colorado Professional Land Surveyor
No. 17651

Surveyed by: TE

Drawn by: TE Date: 9-28-16

E&F Associates

P.O. Box 771965 Steamboat Springs, CO. 80477 970-879-5977

Surveyors

EXHIBIT B

E&F Associates

Surveyors

PO Box 771965 Steamboat Springs, CO 80477 970-879-5977

LEGAL DESCRIPTION

A parcel of land lying in a portion of the right-of-way for Grand View Avenue bordering Block 6, Amended Filing of the Third Addition to the Town of Oak Creek, Routt County, Colorado described as follows:

BEGINNING at the North corner of Lot 29, said Block 6, being a capped #5 rebar monument marked LS 17651,

thence North 25.00 feet,

thence East 8.00 feet,

thence S 31°08'12" E 122.21 feet,

thence S 26°28'45" E 94.94 feet,

thence S 18°16'25" E 36.73 feet to a point on the East line of Lot 25, said Block 6, being an uncapped #5 rebar monument,

thence N 32°04'48" W 235.44 feet along the westerly right-of-way line of said Grand View Avenue to the point of BEGINNING.

All in accordance with Exhibit "A" attached hereto.

Containing 0.084 acres, more or less in
Routt County, Colorado.

All bearings based on the monumented west line of Lot 29, Block 6,
Amended Filing of the Third Addition to the town of Oak Creek, Colorado
considered to be North.

Prepared by:

Thomas H. Effinger Jr.

Licensed Land Surveyor

Colorado Reg. No. 17651