SAN MIGUEL COUNTY, CO
GAY CAPPIS CLERK-RECORDER
05/04/2001 02:21 PM Recording Fee $0.00

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO VACATING A PORTION OF THE ROADWAY FOR COUNTY ROAD K69 AND ACCEPTING THE DEDICATION OF A NEW, RELOCATED, ROADWAY FOR COUNTY ROAD K69, AUTHORIZING THE REMOVAL OF THE VACATED ROADWAY FROM AND THE ADDITION OF THE NEWLY DEDICATED ROADWAY TO THE COUNTY ROAD MAINTENANCE SYSTEM

Resolution # 2001-25

WHEREAS, the Idarado Mining Company, P.O. Box 584, Ouray, CO 81427, ("Idarado") has submitted an application to vacate and remove from the County Road Maintenance System a portion of San Miguel County Road (C.R.) K69, as located on the legal description prepared by J. David Foley, LS, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A", which County roadway is adjacent to land owned by Idarado, to be replaced by a relocated portion of C.R. K69 that Idarado proposes to dedicate by deed to San Miguel County for public road purposes, as located on the legal description prepared by J. David Foley, LS, a copy of which is attached hereto and incorporated herein by reference as Exhibit "B"; and,

WHEREAS, Idarado has represented in its application that the requested vacation and relocation of the specified portion of C.R. K69 is needed in order for it to comply with certain obligations and requirements set forth in the Consent Decree and Remedial Action Plan entered into with the State of Colorado in 1992 in settlement of Civil Action No. 83-C-2385, United States District Court for Colorado; and,

WHEREAS, the portion of the C.R. K69 roadway that is the subject Idarado's road vacation application does not provide direct access to any parcels of property other than those owned by Idarado and the vacation of the subject roadway will not leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another public road as required by Section 43-2-303(2), C.R.S.; and,

WHEREAS, the San Miguel County Planning Commission ("CPC"), pursuant to Section 30-28-110, C.R.S., and LUC section 3-601 J., considered Idarado's application to vacate and relocate that specified portion of C.R. K69, as legally described in Exhibits "A" and "B" at a regular meeting on March 14, 2001, at which a majority of the CPC voted to recommend to the Board of County Commissioners ("BOCC") that the application be approved; and,

WHEREAS, the BOCC - Commissioners, Ebert, Goodtimes, and Fischer, being present, conducted a duly noticed public hearing on the Idarado application concerning the vacation and relocation of a specified section of C.R. K69 on April 18, 2001 at 10:35 AM in Telluride, Colorado, at which public hearing the BOCC received and considered evidence and testimony presented by the applicant and its legal counsel, regarding the appropriateness of vacating that portion of the C.R. K69 roadway that is subject of the application, removing that section of C.R. K69 from the County Road Maintenance System, and accepting the dedication by Idarado of a new, relocated, section of roadway as a replacement for the vacated portion of C.R. K69; and,

WHEREAS, the BOCC does further find and determine, based upon the evidence received at the public hearing on Idarado's application, that the vacation and removal from the County Road Maintenance System of the section of the C.R. K69 roadway which is the subject of the application, as legally described in Exhibit "A", is reasonable, appropriate, and in the public interest, as is the acceptance of Idarado's offer to dedicate a replacement for such vacated portion of C.R. K69, to be located as legally described in Exhibit "B.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. Idarado's application to vacate the roadway for, and remove from the County Road Maintenance System, that specific section of C.R. K69 as legally described in Exhibit "A" attached hereto, is hereby granted and approved pursuant to Section 43-2-303, C.R.S. The legal effectiveness of such public road vacation is expressly subject to and conditioned upon Idarado dedicating to San Miguel County, for the use and benefit of the public, a replacement for the Section of C.R. K69 being vacated, such relocated section of C.R. K69 to be constructed by Idarado, at its sole expense, in the area legally described in Exhibit "B", and further, the effectiveness of such vacation of the designated section of C.R. K69 is expressly subject to the BOCC accepting such dedication of the relocated roadway for C.R. K69 in writing, which acceptance shall not be unreasonably withheld.

2. Pursuant to Section 43-2-302, C.R.S., all of San Miguel County's right, title, and interest in the vacated portion of the C.R. K69 roadway does hereby vest in the Idarado Company, as the current owner of the land abutting such vacated portion of County road roadway, to be effective upon the BOCC's written acceptance of Idarado's dedication of the replacement section for the relocation of C.R. K69, as legally described in Exhibit "B".

3. The Chair of the BOCC is expressly authorized to accept Idarado's Deed of Dedication for the relocated replacement section of C.R. K69 as legally described in Exhibit "B".

4. The San Miguel County Road and Bridge Superintendent is hereby authorized and directed, pursuant to Section 43-2-110, C.R.S., to exclude the vacated portion of the C.R. K69 roadway, as legally described in Exhibit "A", from the County Road Maintenance System and to revise the official County road map and road inventory report submitted to the Colorado Department of Transportation accordingly.

5. The San Miguel County Road and Bridge Superintendent is hereby authorized and directed, pursuant to Section 43-2-110, C.R.S., to add the relocated replacement portion of the C.R. K69 roadway, as legally described in Exhibit "B", to the County Road Maintenance System and to revise the official County road map and road inventory report submitted to the Colorado Department of Transportation accordingly, upon the BOCC's written acceptance of Idarado's Deed of Dedication for that section of C.R. K69.

Done and approved at Telluride, Colorado, on ~~April~~ May 2, 2001.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: _____
Vern Ebert, Chair

ATTEST:

_____
Marie Thomas, Chief Deputy Clerk to the Board

ROAD&BRIDGE\K69 Resolution #2001-25 Vacation & Dedication

COUNTY CLERK SEAL SAN MIGUEL COUNTY COLORADO

EXHIBIT "A"

FOLEY ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
P. O. BOX 1385, TELLURIDE, CO 81435
970-728-6153

EXHIBIT "A"

LEGAL DESCRIPTION

The old existing alignment of County Road K69, located within portions of the Gold Run Placer, Mineral Survey No. 554, the P&O Placer, Mineral Survey No. 2346, the Lucille Placer, Mineral Survey No. 12289 and the Newport Placer, Mineral Survey No. 2167, Upper San Miguel Mining District, Section 5, Township 42 North, Range 8 West, New Mexico Principal Meridian, the centerline of which is described as follows:

Beginning at a point in the centerline of the existing County Road K69 from which Corner 1 of said P&O Placer bears S 13°28'52" W, 309.34 feet;
Thence S 48°14'07" E, 73.18 feet;
Thence 81.50 feet along a tangential curve concave to the southwest with a radius of 175.00 feet and a delta angle of 26°40'58";
Thence S 21°33'09" E, 37.26 feet;
Thence 86.02 feet along a tangential curve concave to the west with a radius of 500.00 feet and a delta angle of 09°51'28";
Thence S 11°41'41" E, 174.31 feet;
Thence 117.84 feet along a tangential curve concave to the northeast with a radius of 175.00 feet and a delta angle of 38°34'57".
Thence S 50°16'38" E, 169.91 feet;
Thence 91.04 feet along a tangential curve concave to the northeast with a radius of 300.00 feet and a delta angle of 17°23'13".
Thence S 67°39'51" E, 112.93 feet;
Thence 112.37 feet along a tangential curve concave to the southwest with a radius of 250.00 feet and a delta angle of 25°45'15",
Thence S 41°54'36" E, 29.12 feet;
Thence 51.71 feet along a tangential curve concave to the southwest with a radius of 500.00 feet and a delta angle of 05°55'33";
Thence S 35°59'03" E, 125.47 feet;
Thence 38.86 feet along a tangential curve concave to the northeast with a radius of 150.00 feet and a delta angle of 14°50'36";
Thence S 50°49'39" E, 13.91 feet;
Thence 81.81 feet along a tangential curve concave to the north with a radius of 50.00 feet and a delta angle of 93°44'56";
Thence N 35°25'25" E, 2.42 feet to the centerline of the existing County Road K69 from which Corner 6 of said Newport Placer bears N 30°33'42" E, 205.47 feet,
County of San Miguel, State of Colorado.

COLORADO REGISTERED
J. DAVID FOLEY
12/8/00
24554
PROFESSIONAL LAND SURVEYOR

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EXHIBIT "B"

EXHIBIT "B"

FOLEY ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
P. O. BOX 1385
TELLURIDE, CO 81435
970-728-6153

LEGAL DESCRIPTION

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Beginning at a point in the centerline of the existing County Road K69 from which Corner 1 of said P&O Placer bears S 13°28'52" W, 309.34 feet;
Thence S 59°05'22" E, 91.59 feet;
Thence 23.26 feet along a tangential curve concave to the southwest with a radius of 100.00 feet and a delta angle of 13°19'44";
Thence S 45°45'38" E, 139.25 feet;
Thence 24.02 feet along a tangential curve concave to the southwest with a radius of 100.00 feet and a delta angle of 13°45'45";
Thence S 31°59'53" E, 216.84 feet;
Thence 23.24 feet along a tangential curve concave to the northeast with a radius of 100.00 feet and a delta angle of 13°19'02";
Thence S 45°18'55" E, 119.22 feet;
Thence 39.39 feet along a tangential curve concave to the northeast with a radius of 200.00 feet and a delta angle of 11°17'06";
Thence S 56°36'02" E, 104.12 feet;
Thence 18.17 feet along a tangential curve concave to the southwest with a radius of 200.00 feet and a delta angle of 05°12'19";
Thence S 51°23'42" E, 130.69 feet;
Thence 51.88 feet along a tangential curve concave to the southwest with a radius of 100.00 feet and a delta angle of 29°43'34";
Thence S 21°40'08" E, 271.26 feet;
Thence 100.54 feet along a tangential curve concave to the north with a radius of 54.00 feet and a delta angle of 106°40'27" to the centerline of the existing County Road K69 from which Corner 6 of said Newport Placer bears N 30°33'42" E, 205.47 feet,
County of San Miguel, State of Colorado.

COLORADO REGISTERED J. DAVID FOLEY 12/8/00 24954 PROFESSIONAL LAND SURVEYOR

J. David Foley, P.L.S. #24954

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