

Commissioner Odom moved that the following Resolution be adopted:

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF JEFFERSON  
STATE OF COLORADO  
RESOLUTION NO. CC12-127**

Case No. 11-134696VA	Right of Way Vacation
Owner:	Jefferson County
Applicant:	Martha J. Eastman
Location:	Right-of-way adjacent to 3195 Piney Ridge Road
Approximate Area:	.011 Acre
Purpose:	To vacate a portion of Piney Ridge Road.
Case Manager:	Ross Klopff

WHEREAS, Martha J. Eastman filed an application with the Planning and Zoning Division of Jefferson County to vacate a portion of Piney Ridge Road over which a portion of her existing home located at 3195 Piney Ridge Road, Evergreen, CO 80439 encroaches as more particularly described on Exhibit A;

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on April 4, 2012 at which time the Planning Commission, by formal resolution, recommended approval with conditions of the proposed vacation;

WHEREAS, Jefferson County has acquired a public roadway over, through and on the lands described herein;

WHEREAS, the right-of-way described below is not being used by the public due to the encroachment of the home;

WHEREAS, said right-of-way is not within the limits of any city or town and does not form the boundary line of a city, town or county;

WHEREAS, by a vacation of said right-of-way no land would be left without an established public street or road or private access easement connecting it with another established public street or road; and

WHEREAS, the Applicant also desires permission to enter into the County's right-of-way for purposes of maintaining the existing home as more particularly described in the Easement Agreement attached hereto as Exhibit B; and

WHEREAS, there are other areas where the County's right-of-way encroaches onto the Applicant's property and the County desires to obtain a dedication of that property to the County as more particularly described on Exhibit C.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County, Colorado, that Vacation Case Number 11-134696VA is APPROVED subject to the following conditions:

- a. Submission of a completed Easement Agreement granting an easement to the Applicant as more particularly described on Exhibit B, which will be recorded in the Jefferson County real property records immediately following the completion of the vacation;
- b. Recordation of Deed (D 12-103200DE) dedicating the right-of-way indentified on Exhibit C; and
- c. Submission of a completed property merger agreement that merges the vacated right-of-way with the adjoining lots 94 and 95 of Meadow Mountain Heights plat with the remainder of the property commonly known as 3195 Piney Ridge Road, Evergreen, CO 80439, which will be recorded in the Jefferson County real property records immediately following the completion of the vacation.

BE IT FURTHER RESOLVED, pursuant to Section 43-2-303, C.R.S as amended, all rights, titles or interests of the County of Jefferson, State of Colorado described on Exhibit A are hereby vacated subject to a reservation of easements for the continued use of the existing sewer, gas, water or similar

pipe lines and appurtenances, existing ditches or canals and appurtenances, and existing electric, telephone, cable television, and similar lines and appurtenances, if any.

BE IT FURTHER RESOLVED, that pursuant to the authority granted in C.R.S. 43-2-302(1)(f) the vacated right-of-way shall vest to the Applicant whose property abuts the vacated right-of-way.

BE IT FURTHER RESOLVED, that the Chairman is authorized to sign the Easement Agreement in substantially the form attached hereto as Exhibit B, and the Chairman is authorized to accept the dedication of right-of-way as described on Exhibit C.

Commissioner Griffin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner John Odom	Aye
Commissioner Faye Griffin	Aye
Commissioner Donald Rosier, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: April 17, 2012

EXHIBIT A

Vacation Description

See attached.

EXHIBIT B

Easement Agreement

See attached.

EXHIBIT C

Dedication of Rights of Way to the County

See attached.