

Ordinance No. 338

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO APPROVING THE VACATION OF A PORTION OF ELLIOT STREET, A PORTION OF THE ALLEY IN BLOCK 3, A PORTION OF THE ALLEY AND LOT 1 IN BLOCK 11 AND THE VACATION OF UTILITY EASEMENTS SITUATED THEREIN.

WHEREAS, the property described in Exhibit A, which is attached hereto, is comprised of dedicated rights of way and a part of Lot 1, Block 11, Town of Rico and is owned by and located entirely within the incorporated boundaries of the Town of Rico;

WHEREAS, GM Rico LLC is the fee simple owner of certain real property adjacent to the property described in Exhibit A;

WHEREAS, GM Rico LLC has requested the Town of Rico to vacate the property described in Exhibit A;

WHEREAS, there is an underground waterline located within the property described in Exhibit A;

WHEREAS, the request promotes the health, safety, convenience and general welfare of the citizens of Rico;

WHEREAS, GM Rico LLC has agreed to grant certain utility and access easements to the Town of Rico;

WHEREAS, the Board of Trustees of the Town of Rico, upon due notice and public hearing, has considered the vacation request and determined that it complies with applicable law ; and

WHEREAS, the Board of Trustees of the Town of Rico is authorized to adopt this Ordinance vacating the property described in Section 1 pursuant to C.R.S. Section 31-15-702 (1)(a)(I) and C.R.S. Section 43-2-301 et. seq.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AS FOLLOWS:

Section 1

The property described in Exhibit A is hereby vacated.

Section 2

GM Rico LLC shall grant and convey to the Town of Rico the following easements:

1. A 16 foot wide floating vehicular access easement from State Highway 145 to the alley in Block 3, Town of Rico at the north end of the vacated property described in Exhibit A. GM Rico LLC and its successors and assigns may relocate the vehicular access easement from time to time at its sole expense. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of reconstruction. Said vehicular access may, at GM Rico LLC's option, be located on parts of Lots 18, 19 and 20, Block 3, Town of Rico. In the event the Town of Rico or other party undertakes repair or maintenance of said vehicular access easement, the property shall be promptly restored to its prior condition.

2. A 5 foot wide waterline easement within the vacated property described in Exhibit A over the existing waterline. GM Rico LLC and its successors and assigns may relocate the waterline and the waterline easement from time to time at the cost and expense of GM Rico LLC and its successors and assigns. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of reconstruction. Such reconstruction shall be mutually agreed upon between GM Rico LLC and its successors and assigns and the Town of Rico Trustees. GM Rico LLC shall have no responsibility to construct, maintain, inspect or repair any waterlines which have been installed and shall have the right to review and approve the location and type of any water lines proposed by the Town of Rico or other party. In the event the Town of Rico or other party undertakes repair or maintenance of the water line, the property shall be promptly restored to its prior condition.

3. A 5 foot wide floating sewer line easement within the vacated property described in Exhibit A. There is no sewer line currently located within the vacated area. GM Rico LLC shall have no responsibility to construct, maintain, inspect or repair any sewer lines which may be installed and shall have the right to review and approve the location and type of any sewer lines proposed by the Town of Rico or other party. GM Rico LLC and its successors and assigns may relocate the sewer line and the sewer line easement from time to time at the cost and expense of GM Rico LLC and its successors and assigns. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of

reconstruction. Such reconstruction shall be mutually agreed upon between GM Rico LLC and its successors and assigns and the Town of Rico Trustees. In the event the Town of Rico or other party undertakes repair or maintenance of the future sewer line, the property shall be promptly restored to its prior condition.

Section 3

The Town of Rico shall execute a quit claim deed conveying any and all rights, title and interest in the property described in Exhibit A to GM Rico LLC in a form similar to the instrument attached as Exhibit B.

Section 4

The Property described in Exhibit A shall become subject to the Rico zoning ordinance and shall be assigned the same zoning as that assigned to the adjacent property owned by GM Rico LLC.

Section 5

The Clerk of the Town of Rico is authorized and instructed to amend the Rico street plan and the designated street use plan to reflect this vacation.

Section 6

GM Rico LLC and the Town of Rico agree to cooperate in implementing all provisions in this ordinance.

Section 7

The provisions of this ordinance shall be made effective as of the 27th day of July, 1998.

TOWN OF RICO

by: _____

Mayor

ATTEST

by: _____

Rico Town Clerk

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

LEGAL DESCRIPTION

A portion of the Alley within Blocks 3 and 11, Town of Rico and a portion of Elliot Street right-of-way, Town of Rico further described as follows:

Beginning at the northwest corner of Lot 18, Block 3, Town of Rico; Thence S 02°06'00" E 75.00 feet to the southwest corner of Lot 20, Block 3, Town of Rico; Thence N 87°54'00" E 33.70 feet along the southern boundary of said Lot 20 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 64.49 feet, being subtended by a chord which bears S 19°23'35" W for a chord distance of 64.48 feet along said westerly right-of-way to the northerly boundary of Lot 1, Block 11, Town of Rico; Thence S 87°54'00" W 10.07 feet to the northwest corner of said Lot 1; Thence S 02°06'00" E 22.81 feet along the westerly boundary of said Lot 1 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 37.23 feet, being subtended by a chord which bears S 23°21'24" W for a chord distance of 37.22 feet along said westerly right-of-way to the easterly boundary of Lot 38, Block 11, Town of Rico; Thence N 02°06'00" W 56.42 feet to the northeast corner of Lot 40, Block 11, Town of Rico; Thence continuing N 02°06'00" W 60.00 feet to the southeast corner of Lot 21, Block 3, Town of Rico; Thence continuing N 02°06'00" W 75.00 feet to the northeast corner of Lot 23, Block 3, Town of Rico; Thence N 87°54'00" E 16.00 feet to the Point of Beginning, containing 4131 square feet, more or less,
County of Dolores, State of Colorado.



J. David Foley,

P.L.S. #24954

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

LEGAL DESCRIPTION

That portion of Lot 1, Block 11, Town of Rico lying west of State Highway 145, further described as follows:

Beginning at the northwest corner of said Lot 1; Thence N 87°54'00" E 10.07 feet along the northerly boundary of said Lot 1 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 24.93 feet, being subtended by a chord which bears S 21°43'55" W for a chord distance of 24.93 feet along said westerly right-of-way to the westerly boundary of said Lot 1; Thence N 02°06'00" W 22.81 feet to the Point of Beginning, containing 116 square feet, more or less,
County of Dolores, State of Colorado.



J. David Foley,

P.L.S. #24954

39712 08/03/1998 02:32P B288 P474 OCD
of 6 R 31.00 D 0.00 N 0.00 DOLORES COUNTY