

**RESOLUTION OF THE TOWN OF RICO CLARIFYING AND CONFIRMING ZONING CLASSIFICATION FOR LOTS 5-10, BLOCK 11, TOWN OF RICO**

**Resolution #2009- 01**

**WHEREAS**, Scott Livesay (“**Owner**”) is the current record owner of certain property known and legally described as Lots 5-10, Block 11, Town of Rico (“**Property**”) located in the Town of Rico, Dolores County, Colorado (“**Town**”);

**WHEREAS**, the Property was originally classified in the Commercial Zone by Ordinance No. 274, including the 1987 Town of Rico Zoning Map (“**Original Official Rico Zoning Map**”), duly adopted by the Town Board of Trustees of the Town of Rico (“**Town Board**”);

**WHEREAS**, subsequent to the adoption of the Original Official Rico Zoning Map, the Town has modified the Original Official Rico Zoning Map from time to time to reflect certain duly reviewed and adopted rezonings of property located in the Town in the manner prescribed by applicable law;

**WHEREAS**, subsequent to the adoption of the Original Official Rico Zoning Map, the Town has not formally initiated or duly completed an action to rezone the Property to any zone classification other than the Commercial Zone assigned to the Property in the Original Official Rico Zoning Map;

**WHEREAS**, Owner has advised the Town that an updated version of the Official Rico Zoning Map, adopted by the Town in Ordinance No. 1999-7, has erroneously depicted the Property as being classified in the Residential Zone, even though the Property has not been duly rezoned by the Town;

**WHEREAS**, the Town has reviewed these premises and concurs that the version of the Official Rico Zoning Map adopted by the Town in Ordinance No. 1999-7 incorrectly classifies that Property in the Residential Zone and constitutes a clerical error that must be corrected; and

**WHEREAS**, this Resolution is intended to clarify and confirm that the Property is duly classified in the Commercial Zone and to correct the Official Rico Zoning Map to reflect the proper Commercial Zoning for the Property.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The recitals set forth hereinabove are incorporated herein as substantive provisions of this Resolution.
2. Notwithstanding the information contained in the Official Rico Zoning Map adopted by the Town in Ordinance No. 1999-7, the true and correct zone classification for Lots 5-10, Block 11, Town of Rico is the Commercial Zone. The Owner may rely upon this Resolution to evidence the correct zone classification for the Property until such time as the Town has corrected Official Rico Zoning Map.
3. The Official Rico Zoning Map is hereby corrected to reflect that Lots 5-10, Block 11, Town of Rico is properly classified in the Commercial Zone.

**DONE AND APPROVED** by the Town Board of Trustees of the Town of Rico at Rico, Colorado on August 19, 2009.

**TOWN BOARD OF TRUSTEES OF THE TOWN OF RICO**

*Barbara R. Betts*



*Linda Yellowman*

APPROVED AS TO FORM:

*[Signature]*