STATE OF COLORADO }
} ss
COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Tuesday, the 24th day of October, 2018, there were present:

Danny Willcox	Chair
Christopher Richardson	Vice Chair
Grant Thayer	Commissioner
Dallas Schroeder	Clerk to the Board

When the following proceedings, among others were had and done, to wit:

APPROVE
RESOLUTION 18-_____

<u>RZ-18-0063 & RZ-18-0065 ELBERT FIRE COUNTY INITIATED REZONE</u>. A REQUEST TO REZONE AN APPROXIMATELY 2.3 ACRE PROPERTY FROM XX DESIGNATION TO RESIDENTIAL ONE (R-1) AND AN APPROXIMATELY 3.0 ACRE PROPERTY FROM XX DESIGNATION TO RESIDENTIAL AGRICULTURE TWO (RA-2).

WHEREAS, pursuant to Part I, Section of the Elbert County Zoning Regulations, the Elbert County Board of County Commissioners directed Community & Development Service to start a county-initiated rezoning of that certain properties owned by the Elbert Fire Protection District at 23990 CR 69, Elbert and 700 CR 98, Elbert; and

WHEREAS, the applicant, Elbert County Board of County Commissioners has submitted an application (Case No. RZ-18-0063 & RZ-18-0065) requesting approval to rezone approximately 2.3 acres from the XX designation to Residential One (R-1) zone district and rezone approximately 3.0 acres from the XX designation to Residential Agriculture-Two (RA-2); and

WHEREAS, the subject properties are located in Section 4, Township 10 South, Range 62 West of the 6th Principal Meridian in Elbert County and Section 3, Township 10 South, Range 65 West of the 6th Principal Meridian in Elbert County, respectively described in Exhibit A attached; and

WHEREAS, the subject properties are currently designated XX under the County Assessor Records; and

WHEREAS, on October 16, 2018 the Planning Commission held a public hearing on the application. At the hearing there were presentations by Staff. On a vote of 6 to 0 the Planning Commission forwarded their recommendation to the Board of County Commissioners for their

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consideration; and
WHEREAS, the Community and Development Services Department and the Planning Commission made the following Findings related to the application:

1. The proposal in general conformance with the Elbert County Comprehensive Plan; and
2. The proposal meets the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to this project; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed per Part I, Section 6, C of the Elbert County Zoning Regulations, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve **RZ-18-0063 & RZ-18-0065 ELBERT FIRE COUNTY INITIATED REZONING** to rezone approximately 2.3 acres from the XX designation to Residential One (R-1) zone district and rezone approximately 3.0 acres from the XX designation to Residential Agriculture-Two (RA-2) described in attached Exhibit A with conditions of approval to include:

1. The Rezoning will not become effective until all fees are paid, conditions of approval are met, and County required documents are recorded.

2. Recordation of all appropriate documentation to occur within 10 days of Board of County Commissioners' approval.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

_____
CHRISTOPHER RICHARDSON

_____
DANNY WILLCOX

_____
GRANT THAYER

ATTEST: DALLAS SCHROEDER
COUNTY CLERK

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BY:

Clerk to the Board

EXHIBIT A

LEGAL DESCRIPTION – 23990 CR 69, PARCEL NUMBER 0204200186 (ZONE R-1)

A PARCEL OF LAND LOCATED WITHIN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 62 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE N 90°00’00” E ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER, A DISTANCE OF 250.00 FEET; THENCE S 00°21’13” W ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 400 FEET; THENCE S 90°00’00” W, PARALLEL WITH THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 250.00 FEET TO INTERSECT WITH THE WEST LINE OF SECTION 4; THENCE N 00°21’13” E ALONG THE WEST LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION – 700 CR 98, PARCEL NUMBER 0503100112 (ZONE RA-2)

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE N 89°36’13” W ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1323.61 FEET TO THE POINT OF BEGINNING; THENCE S 00°05’43” E, A DISTANCE OF 661.60 FEET; THENCE N 89°36”13 W, A DISTANCE OF 192.65 FEET; THENCE N 00°56’27” W, A DISTANCE OF 661.76 FEET TO INTERSECT WITH THE NORTH LINE OF SAID SECTION 3; THENCE S 89°36’13” E ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 202.42 FEET TO THE POINT OF BEGINNING.

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