

RESOLUTION 22-42

RESOLUTION REVOKING AND TERMINATING AGREEMENT FOR RIGHT OF ENTRY – CR73; R62W, T9S, Section 21

THIS REVOCATION AND TERMINATION OF AGREEMENT FOR RIGHT OF ENTRY – CR73; R62W, T9S, Section 21 is made and entered into this 14th day of December 2022, by the **BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, a political subdivision of the State of Colorado**, whose legal address is P.O. Box 597, Kiowa, Colorado, 80117.

WHEREAS a previous right of entry to the property located at CR73; R62W, T9S, Section 21 which was recorded on June 16, 2015 with the owner of the property, Barbara Dart. Such agreement allowed for right of access to the property for the purpose of removing material suitable for road projects. This agreement was recorded with reception number 551699. (See Exhibit 1).

WHEREAS, the County hereby terminates and revokes the agreement granting right of entry for the purpose of removing material suitable for road projects, and any right of entry pertaining to the agreement.

NOW THEREFORE BE IT RESOLVED by the Elbert County Board of County Commissioners as follows:

1. This Revocation and **TERMINATION OF AGREEMENT FOR RIGHT OF ENTRY for the property located at CR73; R62W, T9S, Section 21** shall extend to and be binding upon the legal representatives, heirs, administrators, successors and assigns of the parties hereto.



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



Chris Richardson, CHAIRMAN AYE



Rick Pettitt, COMMISSIONER AYE



Grant Thayer, COMMISSIONER AYE

ATTEST: Dallas Schroeder
COUNTY CLERK

BY: 
~~Amanda Moore~~ DEPUTY CLERK TO THE BOARD Date: 12/14/2022



EXHIBIT 1





Elbert County Road and Bridge Department

809 Ute Ave.
Simla, Colorado 80835
District 2
Shop # 719-541-2818
Cell # 720-951-6486
Fax # 719-541-2826
E-mail: ted.dole@elbertcounty-co.gov

Elbert County proposes testing the material on county road 73; R62W, T9S, Section 21 belonging to Barbara Dart. If the material is suitable for the road projects the county will remove material as needed until hill is gone or no longer needed at which time the county will smooth out whatever is left if any and agrees to haul in top soil to cover the clay and replant back to grass. If there is any hill left we will install a berm to help keep the water from washing ditches.

It was also agreed upon by the Landowner and Elbert County that there would be no charge for the material hauled out.

I have included a map with the location circled.

Elbert County Road and Bridge

I Barbara Dart agree to the terms listed above.

Teddy Dole – Foreman
Elbert County



