

STATE OF COLORADO }

COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at 215 Comanche Street, Kiowa, Colorado on Wednesday, the 6th day of July, 2016, there were present:

Larry Ross	County Commissioner and Chairman
Kelly Dore	County Commissioner and Vice-Chair
Robert Rowland	County Commissioner
Dallas Schroeder	Clerk to the Board

When the following proceedings, among other, we had and done, to wit:

RESOLUTION 16- 22

RESOLUTION TO GRANT EXEMPTION FROM SUBDIVISION TO MARY SLADE FOR 5 ACRE PARCEL, STATE PARCEL NUMBER: 8325300116, AKA 14018 STATE HIGHWAY 86, KIOWA, COLORADO

WHEREAS, the Elbert County Board of County Commissioners (the Board) heard a request at a public meeting on May 25, 2016 to exempt a 5.0-acre parcel located at: 14018 State Highway 86, Kiowa, Colorado owned by Mary Slade from subdivision; and

WHEREAS, the Board understands under normal circumstances the legal creation of this 5-acre parcel in 1984 would have required the owner to adhere to an adopted land use and subdivision process; and

WHEREAS, the Board finds that the authority granted them by C.R.S § 30-28-101(10)(d), as amended, allows them to grant an exemption from subdivision. C.R.S. § 30-28-101(10)(d) states as follows: "(d) The board of county commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the board of county commissioners determines that such division is not within the purposes of this part 1." ; and

WHEREAS, the Board finds that the current land owner, Mary Slade was unaware that the subject parcel was created without following adopted County procedure at the time; and.

WHEREAS, the Board finds that owner Mary Slade thought her parcel had legal zoning until recently; and.

WHEREAS, the Board finds that the parcel has been in notorious existence in its current shape and size since 1984; and.

WHEREAS, the Board finds that despite the lack of following adopted zoning and subdivision procedures Elbert County issued building permits for the subject parcel in or around 1984; and.

WHEREAS, the Board finds that the Colorado State Department of Natural Resources decreed water rights in two aquifers to the parcel in 2011; and

WHEREAS, the Board finds that a well permit was issued for the parcel by the Colorado State Water Wells Division in 2012.

WHEREAS, the Board finds that the notorious existence of the subject parcel has posed no risk to the health, welfare and safety of the citizens of Elbert County; and.

WHEREAS, the Board of County Commissioners finds that it is reasonable and equitable, based on the unique set of circumstances surrounding this particular parcel from its creation, and based on the issuance of permits to the granting of water rights, for the parcel owned by Mary Slade, located at 14018 State Highway 86, Kiowa, CO 80117 to be granted an exemption from subdivision,

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners do hereby grant Mary Slade an exemption from subdivision for her 5-acre parcel located at 14018 State Highway 86, Kiowa, Colorado, Parcel Number 8325300116.

This resolution shall be effective immediately upon adoption.

Upon a motion duly made and seconded, the forgoing Resolution was adopted by the following vote:



LARRY ROSS, CHAIR

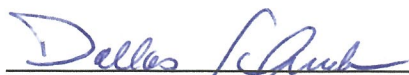


KELLY DORE, VICE-CHAIR



ROBERT ROWLAND, COMMISSIONER

ATTEST: DALLAS SCHROEDER
COUNTY CLERK

BY: 

DALLAS SCHROEDER, CLERK TO THE BOARD

