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 Wednesday, the 10th 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>VC-18-0026 INDIAN ROCK CIRCLE RIGHT OF WAY VACATION</u>. A REQUEST TO VACATE THE INDIAN ROCK CIRCLE RIGHT-OF-WAY AND ASSOCIATED EASEMENTS WITHIN THE BLACKFOOT MINOR RESIDENTIAL DEVELOPMENT.

WHEREAS, the applicant, Elisabeth ML Kime Family Trust, has submitted an application (VC-18-0026) requesting the vacation of the right-of-way (ROW) and associated easements of the Indian Rock Circle located within the Blackfoot Minor Residential Development.

WHEREAS, the proposed project is located in Section 34, Township 9 South, Range 65 West of the 6th Principal Meridian in Elbert County; and

WHEREAS, the Community and Development Services Department suggests the following Findings related to the application:

1. The proposal is in general conformance with the Elbert County Comprehensive Plan; and
2. The Elbert County Zoning Regulations are not applicable; and
3. The proposal meets all the criteria in the Elbert County Subdivision Regulations; and
4. The proposal is compatible with existing and allowable land uses in the surrounding area; and
5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.
6. The Indian Rock Circle ROW was approved on January 3, 2007 and dedicated with the recording of the Blackfoot Minor Residential Development with the Elbert County Clerk and Recorder's Office at Book 13, Page 33.
7. Indian Rock Circle is a cul-de-sac accessing off of Cave Springs Trail, only serving the plated lots of Blackfoot and does not provide access to any lands outside of Blackfoot. There are no existing structures within Blackfoot. The local utility companies were provided the

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opportunity to review and comment on the vacation of the associated easements and have no objections to the proposed vacation.

8. The applicant is the owner of all affected properties.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, 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 **VC-18-0026 INDIAN ROCK CIRCLE RIGHT OF WAY AND ASSOCIATED EASEMENTS VACATION** with conditions of approval to include:

1. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners.

2. The Blackfoot Administrative Lot Line Adjustment is approved by the Elbert County Community and Development Services Director and the plat is recorded concurrently with this Indian Rock Circle ROW Vacation Exhibit.

3. The vacation will not become effective until all fees are paid, conditions of approval are met, and the vacation exhibit is recorded.

4. Recordation of all appropriate documentation including the ROW Vacation Exhibit to occur within 180 days of Board of County Commissioners' approval.

5. Title to the land vacated by this Resolution shall vest in the current owner of the land abutting such vacated portion of the roadway as provided in C.R.S. 43-2-302(1).

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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

BY:

Clerk to the Board