

RESOLUTION NO. R-020- 056

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION VACATING THE EASTERN MOST PORTION OF BIRCH AVENUE
LOCATED IN THE SE ¼ OF SECTION 7,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
DOUGLAS COUNTY, COLORADO

WHEREAS, the Board of County Commissioners desires to vacate the eastern most portion of Birch Avenue right-of-way located in the SE1/4 of Section 7, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, and more specifically described on Exhibit A attached hereto and incorporated herein; and

WHEREAS, Section 43-2-303, C.R.S., authorizes the Board of County Commissioners to vacate roadways, easements, rights-of-way, and other public ways located within the unincorporated area of the County; and

WHEREAS, the Planning Commission held a public hearing concerning the road vacation on June 15, 2020; and

WHEREAS, the Board of County Commissioners held a public hearing concerning the road vacation on June 23, 2020; and

WHEREAS, written notice of said hearing was mailed by first-class postage to each abutting landowner on May 15, 2020; and

WHEREAS, notice of said public hearing was published in the Douglas County News-Press on May 28, 2020; and

WHEREAS, notice of said public hearing was posted on May 29, 2020; and

WHEREAS, all required notices of said hearing were given as required by section 710B of the Douglas County Subdivision Resolution; and

WHEREAS, the vacated portion of Birch Avenue is located entirely within the unincorporated area of Douglas County; and

WHEREAS, the vacated portion of Birch Avenue does not constitute the boundary line between two counties; and

WHEREAS, the vacated portion of Birch Avenue does not constitute the boundary of a city or town; and

WHEREAS, the vacation of a portion of Birch Avenue, as depicted on Exhibit A, will not leave any land adjoining this portion of Birch Avenue without an established public road or private access easement connecting said land with another established public road; and

WHEREAS, the vacation of a portion of Birch Avenue is in keeping with the spirit and intent of the Douglas County Subdivision Resolution and the Douglas County Master Plan and Transportation Plan; and

WHEREAS, the vacation of a portion of Birch Avenue will not adversely affect the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Douglas, Colorado, that:

- The eastern most portion of Birch Avenue right-of-way, located in the SE ¼ of Section 7, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, more particularly shown and described on Exhibit A attached hereto and incorporated herein, is hereby vacated; and
- A blanket utility easement for continued use of existing utilities is reserved within the vacated portion of Birch Avenue.

PASSED AND ADOPTED this 23rd day of June, 2020, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

DocuSigned by:
Roger A. Partridge
By: _____
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Roger A. Partridge, Chair

ATTEST:

DocuSigned by:
Kristin Randlett
By: _____
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~~Emily Wrenn~~, Deputy Clerk to the Board
Kristin Randlett

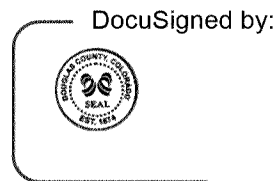


EXHIBIT A

RIGHT-OF-WAY VACATION LEGAL DESCRIPTION - BIRCH AVENUE

That portion of Birch Avenue right-of-way which has directly east of the easterly right-of-way line of Sixth Street and between Lot 1 Block 25 and Lot 5 Block 24 as shown on the Plat of Grand View Estates, recorded under Reception No. 1955096880 and 1957101740 in the Douglas County Clerk and Recorder's office, State of Colorado, being more particularly described as follows:

Commencing at the Southeast Corner of Section 7, Township 6 South, Range 66 West of the 6th P.M., thence N21°01'30"W a distance of 992.20 feet to a point on the easterly right-of-way line of Sixth Street, said point also being the Northwest Corner of Lot 1 Block 25 Grand View Estates and said point also being the TRUE POINT OF BEGINNING;

1. Thence along said easterly right-of-way line of Sixth Street N00°12'37"W a distance of 50.00 feet to the Southwest corner of Lot 5 Block 24 Grand View Estates;
2. Thence along the south line of said Lot 5 Block 24, N89°22'23"E a distance of 353.05 feet, to the Southeast corner of said Lot 5 Block 24;
3. Thence S00°12'37"E a distance of 50.00 feet to the Northeast corner of said Lot 1 Block 25.
4. Thence along the north line of said Lot 1 Block 25, S89°22'23"W a distance of 353.05 feet, to the TRUE POINT OF BEGINNING;

The above described parcel contains 17.643 sq. ft. (0.405 acres), more or less

Basis of Bearings: Bearings are based upon a grid bearing of N00°12'13"W from the Southeast Corner of Section 7, Township 6 South, Range 66 West of the 6th P.M., (a found 3.25" diameter aluminum cap stamped 1985 LS 12405) to the Northeast Corner of said Section 7, (a found 3.25" diameter aluminum cap stamped 1997 LS 12405).



