

*Re-recorded to include
the legal description of
the right-of-way being
vacated in "Exhibit A"*

FINDINGS AND RESOLUTION

Approving the Vacation of a Right-of-Way with Reservation for Utilities on a portion of County Road 74E

The request to vacate a Right-of-Way on a portion of County Road 74E as shown on Exhibit "A" has heretofore been filed with the Board of County Commissioners of the County of Larimer.

On November 18, 2024, via video conference and in the County Board Hearing Room of the Larimer County Administrative Services Building, Fort Collins, Colorado, the Board of County Commissioners of the County of Larimer conducted a public hearing on said request. The Board of County Commissioners having heard the testimony and evidence adduced at said hearing, and having considered and carefully weighed the same, and having received the recommendations of the County Planning Staff, now makes the following findings:

1. Notice of this hearing was duly advertised in a local newspaper of general circulation.
2. Notice of this hearing was advertised by posting in the officially designated area at Larimer.gov and in the Larimer County Administrative Services Building no less than twenty-four hours in advance of the hearing.
3. Written notice of this hearing has been delivered or mailed, first class, postage prepaid, to adjoining landowners within 500 feet of the proposed Right-of-Way vacation.
4. The County Planning Staff has made certain recommendations concerning this request, which recommendations are contained in the agenda for the November 18, 2024, meeting of the Board of County Commissioners and are filed with the record of this proposal.
5. In the 1990's, Larimer County realigned a portion of W County Road 74E, east of Red Feather Lakes. The realignment of the curve shown on the attached site map created an unused section of public road right-of-way. An agreement was made with the landowner (Marion Monroe) in 1997 to vacate the unused section of right-of-way upon his written request. In preparation for this request, a legal description of the right-of-way to be vacated was created by the Larimer County surveyor in the Engineering Department. The description assumes the division of the right-of-way between Mr. Monroe and the adjacent owner in the Simmons MLD (Mary and Andrew Torrez). Mr. Monroe has now made his written request for vacating the right-of-way, and Larimer County Engineering is applying through the County's Planning Department to request the right-of-way, as described, to be vacated.
6. The proposed vacation request will not leave any land adjoining the right-of-way without established access connecting the land with another established public road (W County Road 74E); this access is maintained via Deer Meadow Way. The proposed vacation request will

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not leave any land adjoining the right-of-way without utility or drainage services. A utility easement (for existing overhead power facilities managed by Poudre Valley REA within the area of right-of-way to be vacated) will need to be reserved in the Resolution approving the vacation.

7. Based on how it was originally acquired, the right-of-way that is to be vacated should be divided between the lots on each side of the described right-of-way centerline, resulting in the west 50' to Monroe and the east 40' to Torrez. If this cannot be accomplished and the right-of-way that is vacated must be divided equally between the lots, the owners may agree to divide the vacated right-of-way as they see fit but must do so (by signing deeds transferring ownership) after the Board of County Commissioners approves the vacation.

8. The proposed vacation request meets the requirements of C.R.S. § 43-2-303.

9. Notice of this application was sent to property owners within 500 feet of the property. No neighbor comments have been received.

10. The Larimer County Land Use Code (Article 6.5.8.D) allows for the approval of a right-of-way vacation if the following review criteria are met:

A. Approval of the vacation request will not leave any land adjoining the right-of way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.

This proposal to vacate right-of-way will not leave any land without access to an existing right-of-way, utility, or drainage services.

B. The recommendations of referral agencies have been considered.

Poudre Valley REA, Xcel, and CenturyLink/Lumen provided comments on this request via the utility check sheet included in the application. Poudre Valley REA requires that an easement be reserved for the existing power lines within the right-of-way vacation area that is 10 feet wide on each side of the overhead powerline centerline as shown on Exhibit B. Xcel and CenturyLink/Lumen stated that they have no infrastructure in the affected area and had no additional comments.

C. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way

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may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation; and

The proposed vacation of right-of-way is not being divided evenly between the two affected properties because when the right-of-way was originally created, it was created by acquiring 50-feet from the west property owner and 40-feet from the east property owner. Since that's how it was originally acquired that's how it will be distributed back to the property owners.

D. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.

The proposed vacation of right-of-way complies with the requirements of C.R.S. § 43-2-303.

11. Since this is a County application based on a previous agreement only the potential affected utility providers (Poudre Valley REA, Xcel, CenturyLink/Lumen) were notified about the right-of-way vacation.

12. Properties in the area, including the two receiving the vacated right-of-way, are served by an on-site well and on-site septic and are not located in an existing water/sanitation service district, therefore there is no water/sewer infrastructure affected by the proposed vacation.

RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the request to vacate a Right-of-Way on a portion of County Road 74E as shown on Exhibit "A," which findings precede this resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the request, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, adopts the findings of Staff, and is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED That the request to vacate a Right-of-Way on a portion of County Road 74E as shown on Exhibit "A" be and the same hereby is approved subject to the reservation of the utility easement for Poudre Valley REA.


Commissioners Kefalas, Stephens and Shadduck-McNally voted in favor of the Findings

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and Resolution, and the same were duly adopted.

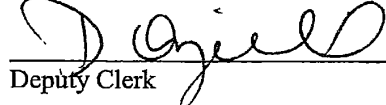
DATED this 18th day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
LARIMER COUNTY, COLORADO

By: 
Chair

(SEAL)

ATTEST:


Deputy Clerk

DATE: November 15, 2024
APPROVED AS TO FORM:


ASSISTANT COUNTY ATTORNEY

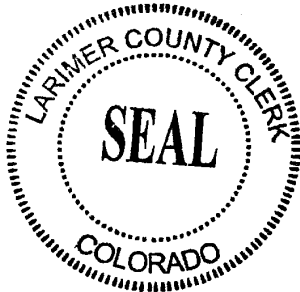


EXHIBIT A

LARIMER COUNTY ROAD RIGHTS OF WAY VACATION

(adjacent Monroe & Simmons MLD)

DESCRIPTION OF VACATION

A portion of that road right of way as shown on the recorded plat of Green Mountain Meadows Second Filing, a portion of that road right of way described in deed recorded in Book 982, Page 338 on file in the Office of the Clerk and Recorder of Larimer County and also a portion of that road right of way as shown on the recorded plat of Simmons M.L.D. no. 97-EX1035. Said portion is located in the northwest quarter of Section 20, Township 9 North, Range 71 West of the Sixth Principal Meridian, Larimer County, Colorado and described as follows.

Considering the North line of the northwest quarter of said Section 20 between the northwest corner of said section 20 (no.6 rebar with 2-1/2" aluminum cap P.L.S.5028) and the North quarter corner of said Section 20 (sandstone marked with 1/4) as bearing South 88°37'31"East, 2760.22 feet and with all bearings contained herein relative thereto.

Commencing at the Northwest corner of said section 20; thence along the North line of said northwest quarter, South 88°37'31"East, 1883.39 feet; thence North 17°28'47"East, 35.86 feet to a point on the North line of that parcel described at reception no. 93012912 records of said county; thence along the northerly and easterly lines of said parcel the following courses; South 87°12'10"East, 37.05 feet to the beginning of a curve concave to the northeast having a central angle of 23°45'57" and a radius of 241.00 feet, a radial line through said point bears South 76°30'20"West; thence southeasterly along the arc of said curve 99.97 feet (the chord of said curve bears South 25°22'39"East, 99.25 feet) to the end of said curve; thence South 37°15'38"East, 20.39 feet to the TRUE POINT OF BEGINNING; thence continuing along the easterly line of said parcel described at reception no. 93012912, South 37°15'38"East, 283.61 feet to the beginning of a curve concave to the northwest having a central angle of 118°12'00" and a radius of 141.00 feet; thence southerly and westerly along the easterly and southerly line of said parcel and the arc of said curve 290.88 feet (the chord of said curve bears South 21°50'22"West, 241.97 feet) to the end of said curve; thence along the southerly line of said parcel South 80°56'22"West, 31.50 feet; thence departing from said southerly line South 09°02'31"East, 92.48 feet to the southerly right of way line of the county road as dedicated by said Simmons M.L.D.; thence along said southerly line North 80°31'13"East, 37.15 feet to the beginning of a curve concave to the northwest having a central angle of 118°12'00" and a radius of 231.00 feet; thence easterly and northerly along the southerly and easterly line of said parcel and the arc of said curve 476.55 feet (the chord of said curve bears North 21°25'13"East, 396.43 feet) to the end of said curve; thence continuing along said easterly line North 37°40'47"West, 286.39 feet; thence departing from said easterly line South 52°19'13"West, 90.32 feet to the TRUE POINT OF BEGINNING;

The above described parcel contains 1.50 acres more or less.

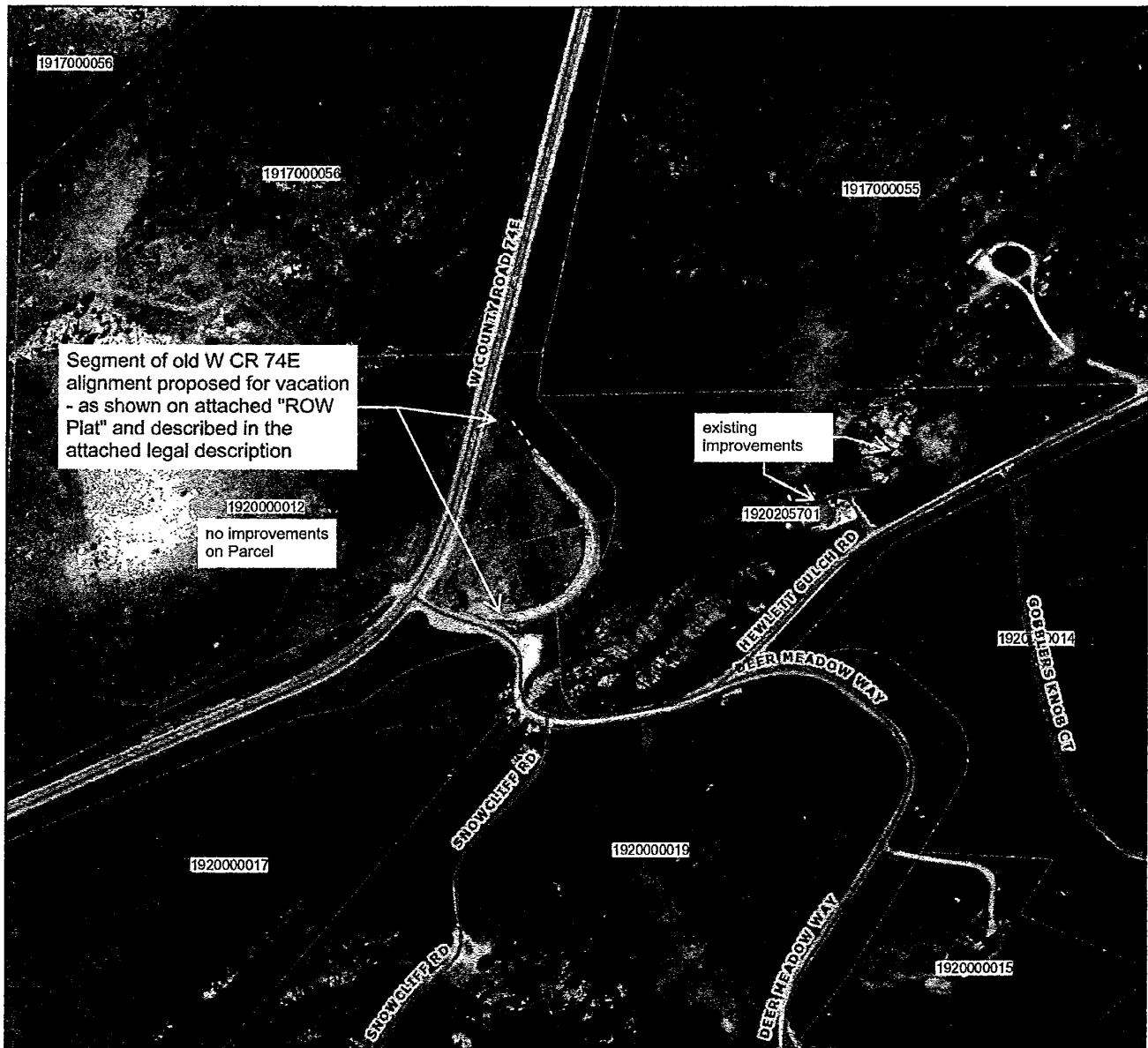
RECEPTION #20250001962, 1/16/2025 10:43:38 AM, 6 of 7,
Tina Harris, Clerk & Recorder, Larimer County, CO

RECEPTION #20240049562, 11/21/2024 3:55:19 PM, 5 of 6, Electronically Recorded
Tina Harris, Clerk & Recorder, Larimer County, CO

Exhibit A



Larimer County Web Map



Legend

<input type="checkbox"/> Cameron Peak Fire Area Fill	— Federal, Other	— Private
<input type="checkbox"/> Cameron Peak Fire Perimeter	— Fort Collins	— Public, General
Road Information	— Johnstown	— SUBDIVISION
08 Owned By	— Larimer County - Natural Reso	— Timnath
New Value	— Larimer County	— U.S. Forest Service

Notes

0.1 0 0.1 Miles

Date Prepared: 8/26/2024 4:11:27 PM

Scale
1: 4,800



This map was created by Larimer County GIS using data from multiple sources for informal purposes only. This map may not reflect recent updates prior to the date of printing. Larimer County makes no warranty or guarantee concerning the completeness, accuracy, or reliability of the content represented on this map.

RECEPTION #20250001962, 1/16/2025 10:43:38 AM, 7 of 7,
Tina Harris, Clerk & Recorder, Larimer County, CO

RECEPTION #20240049562, 11/21/2024 3:55:19 PM, 6 of 6, Electronically Recorded
Tina Harris, Clerk & Recorder, Larimer County, CO

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Exhibit B

