

**TOWN OF GRAND LAKE
ORDINANCE NO. 9 – 2012**

**AN ORDINANCE VACATING CERTAIN MUNICIPAL RIGHT OF WAYS LOCATED WITHIN
THE LEMMON LODGE SUBDIVISION EXEMPTION, RECEPTION NO. 167077**

WHEREAS, Chapter 11, Article 2, Vacation Request and Procedure of the Municipal Code indicate on occasion vacation of Town Streets or various easements may be warranted, due to particular circumstances or changes in the overall development patterns; and

WHEREAS, Chapter 11, Article 2, Vacation Request and Procedure of the Municipal Code states the Board of Trustees may vacate any Town Street or any portion thereof after receiving a recommendation from the Planning Commission; and

WHEREAS, Chapter 11, Article 2, Vacation Request and Procedure of the Municipal Code states vacations shall be reviewed by the Board of Trustees at a Public Hearing; and

WHEREAS, Chapter 11, Article 2, Vacation Request and Procedure of the Municipal Code states vacations shall be done in accordance with CRS 43-2-303; and

WHEREAS, CRS 43-2-303 requires roadway vacation by ordinance of the governing body; and

WHEREAS, the Lemmon Lodge Subdivision Exemption located in the Town of Grand Lake and platted in 1979 does describe vacation of the right of ways; and

WHEREAS, the Lemmon Lodge Subdivision Exemption, Reception No. 167077, located in the Town of Grand Lake and platted in 1979 does require vacation of the right of ways for the platting of the proposed units.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the review of the vacation of the right of ways was conducted at a Public Hearing; and

THAT, the Planning Commission forwarded a favorable recommendation by Resolution 14-2012; and

THAT, the vacation of the right of ways is necessary do to unique circumstances arising from the 1979 Lemmon Lodge Subdivision Exemption; and

THAT, the property described in the attached Exhibit A is hereby vacated as intended on the 1979 Lemmon Lodge Subdivision Exemption, Reception No. 167077, subject to the following condition(s):

1. the Board of Trustees recognizes that there is an unresolved issue as to whether the Sunnyside Addition plat dedicated or intended to dedicate to the public and/or the Town of Grand Lake a strip of land along

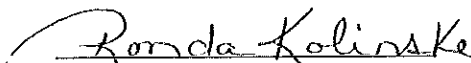
the shore of Grand Lake and along the North Inlet to Grand Lake. Therefore, any provision of this resolution or the attached Vacation Plat to the contrary notwithstanding, and despite any quiet title action that may have been undertaken by the Applicant or others purporting to affect the area along the shore of Grand Lake and along the North Inlet, the Town does not vacate any right of way, nor waive, relinquish, release, or weaken in any manner any claim the public, the Town of Grand Lake, the State of Colorado or any other governmental entity may have of an interest in or relating to property depicted on Exhibit A adjacent to the North Inlet or the shore of Grand Lake, or the authority or ability of the Town to regulate Grand Lake or the North Inlet.

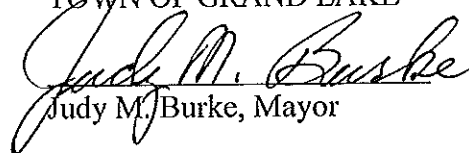
DULY MOVED, SECONDED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO THIS 10th DAY OF DECEMBER, 2012.

(SEAL)

Votes Approving:	6
Votes Opposed:	0
Absent:	1
Abstained:	0

ATTEST:


Ronda Kolinske, CMC, Town Clerk

TOWN OF GRAND LAKE

Judy M. Burke, Mayor

TIM SHENK LAND SURVEYING, INC.
P.O. BOX 1670
GRANBY, CO. 80446
PHONE: 970-887-1046
FAX: 970-887-1048

EXHIBIT A

VACATION PLAT FOR
LEMMON LODGE SUBDIVISION EXEMPTION, RECEPTION NO. 167077

Sheet 1 of 2

First Area

A legal description of the streets to be vacated situated in Lemmon Lodge Subdivision Exemption, Reception No. 167077, in a portion of Section 5, Township 3 North, Range 75 West, 6th P.M., Town of Grand Lake, Grand County, Colorado, said streets being more particularly described as follows;

Commencing at the northwest corner (P.O.C.) of said Lemmon Lodge Subdivision Exemption (aluminum cap PLS #31942);
Thence S 12°42'00" W, along the west line of said property, a distance of 113.40' to the true POINT OF BEGINNING (P.O.B.) situated on the north right of way line of Lake Avenue;
Thence South 77°18'00" East, along said north line, a distance of 157.62' to the west right of way line of an unnamed street as depicted on the plat of Sunnyside Addition to the Town of Grand Lake, Reception No. 15299;

Thence North 12°42'00" East, along said west right of way line, a distance of 175.22' +/- to the north line of Lemmon Lodge Subdivision Exemption;

Thence North 81°17'00" East, along said north line, a distance of 26.85' to the east right of way line of said unnamed street;

Thence South 12°42'00" West a distance of 396.41';

Thence North 77°18'00" West a distance of 25.00';

Thence North 12°42'00" East a distance of 186.38';

Thence North 77°18'00" West a distance of 27.72';

Thence North 12°42'00" East a distance of 12.50';

Thence North 77°18'00" West a distance of 129.90';

Thence North 12°42'00" East a distance of 12.50' back to the point of beginning.

Second Area

Any and all rights of way situated within Lemmon Lodge Subdivision Exemption that are depicted on said Sunnyside Addition plat.

Prepared by Timothy R. Shenk on behalf of Tim Shenk Land Surveying, Inc. on
December 7, 2012.

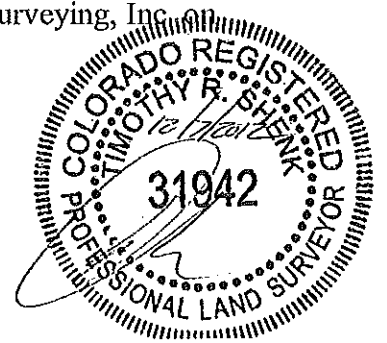
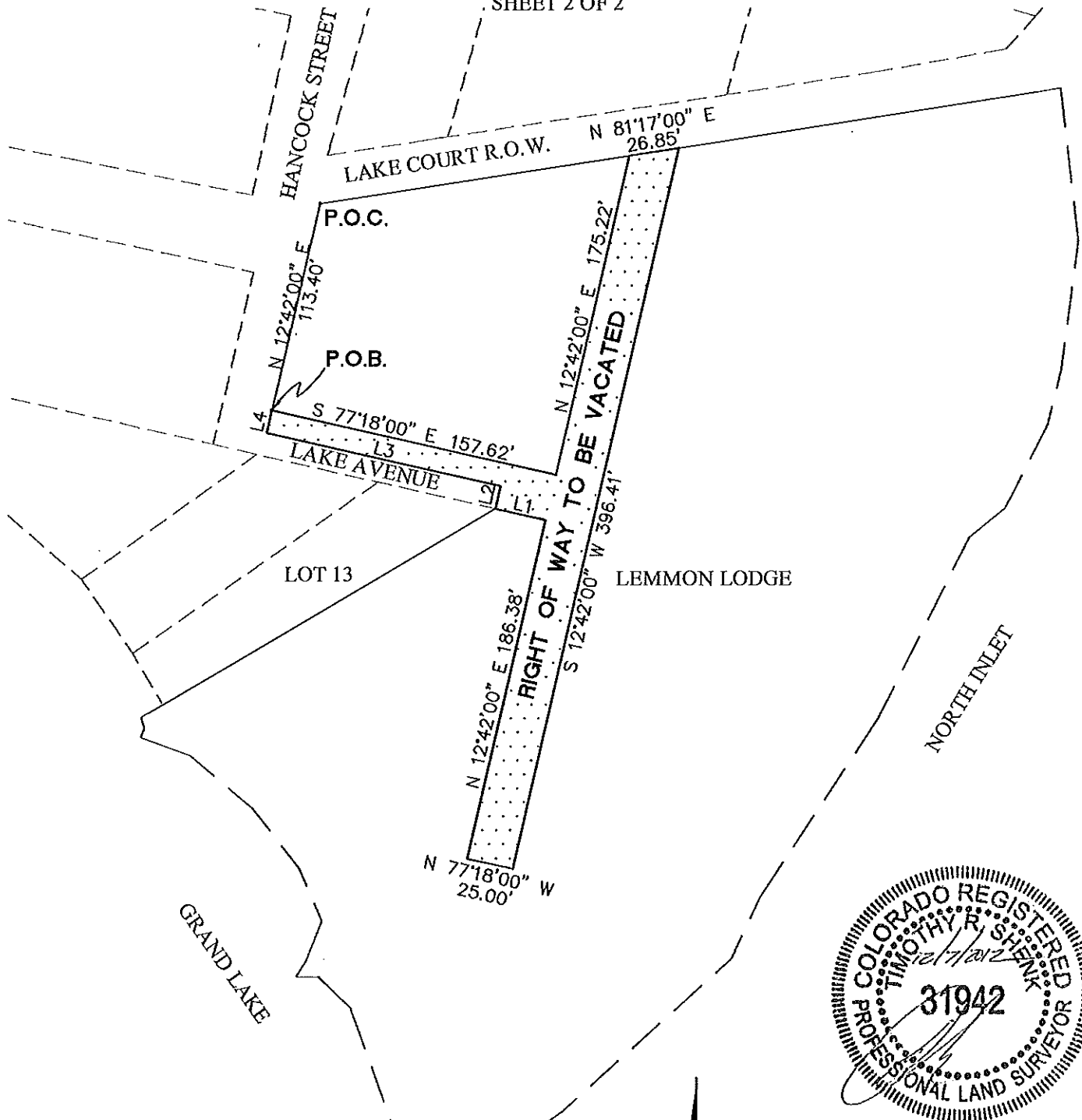


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LEMMON LODGE SUBDIVISION EXEMPTION, RECEPTION NO. 167077
TOWN OF GRAND LAKE
GRAND COUNTY, COLORADO

SHEET 2 OF 2



LINE	BEARING	DISTANCE
L1	N 77°18'00" W	27.72'
L2	N 12°42'00" E	12.50'
L3	N 77°18'00" W	129.90'
L4	N 12°42'00" E	12.50'



TIM SHENK
LAND SURVEYING, INC.
 P.O. BOX 1670
 GRANBY, CO 80448
 (970) 887-1046

SCALE: 1" = 80'