

**BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO**

RESOLUTION NO. 5, SERIES 2023

**A RESOLUTION VACATING THE UNDEVELOPED PORTION OF SPRUCE STREET
LOCATED WEST OF PARK STREET AND EAST OF ALPINE STREET IN WADE’S
ADDITION IN UNINCORPORATED HINSDALE COUNTY**

WHEREAS, pursuant to C.R.S. §§ 43-2-301, *et seq.*, the Hinsdale County Board of County Commissioners (“BoCC”) has the legal authority to vacate certain public roadways under its jurisdiction within the unincorporated areas of Hinsdale County; and

WHEREAS, application to Hinsdale County was made requesting that the BoCC vacate the undeveloped portion of Spruce Street between Alpine Street and Park Street within Wade’s Addition in unincorporated Hinsdale County; and

WHEREAS, said portion of Spruce Street is not used by the public, was never developed into an actual and usable public road, and there is no good basis for this portion of Spruce Street between Alpine Street and Park Street in Wade’s Addition to remain platted as a public thoroughfare; and

WHEREAS, there are privately owned properties adjacent to said portion of Spruce Street to be vacated hereby, and the BoCC desires to provide access to said private properties, through a private easement, which is referenced herein below as part of this Resolution; and

WHEREAS, the Hinsdale County Planning Commission reviewed the potential vacation of said portion of Spruce Street located between Alpine Street and Park Street in Wade’s Addition during public meetings held on December 15, 2022, January 19, 2023, and February 16, 2023; and

WHEREAS, during its meeting held on February 16, 2023, the Hinsdale County Planning Commission recommended that the BoCC vacate the subject portion of Spruce Street; and

WHEREAS, the BoCC, by and through this Resolution, desires to vacate the undeveloped portion of Spruce Street located between Alpine Street and Park Street in Wade’s Addition in unincorporated Hinsdale County, and provide a private access easement through said vacated portion of Spruce Street to the owners, guests, tenants, and invitees of the abutting lots and other lots that use said portion of Spruce Street to access said properties; and

WHEREAS, the BoCC deems this Resolution to be in the best interests of the health, safety and welfare of Hinsdale County and its visitors and residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hinsdale County, Colorado (“BoCC”), as follows:

1. Street Vacation. The undeveloped portion of Spruce Street lying east of Alpine Street and west of Park Street within Wade’s Addition in unincorporated Hinsdale County is hereby vacated. Upon the execution and recording of this Resolution, title to said vacated portion of Spruce Street shall vest in the owners of the abutting lands with each abutting owner

taking to the center of the vacated roadway, as set forth in the plat of Wade's Addition. The lands abutting said vacated portion of Spruce Street are legally described as follows:

Lots 16 and 17, Block 20, WADE'S ADDITION, according to the plat thereof, County of Hinsdale, State of Colorado; and

Lots 1, 24, 25, 26, 27, and 28, Block 21, WADE'S ADDITION, according to the plat thereof, County of Hinsdale, State of Colorado.

2. Easement Reservation. Title to the portion of Spruce Street vacated hereby shall vest in the abutting landowners subject to a private easement for ingress and egress to the abutting landowners' properties and to any other private property that must use said vacated portion of Spruce Street for ingress and egress. This easement reservation shall include rights of ingress and egress for said property owners and their guests, tenants, and invitees.

3. Recording. This Resolution shall be recorded in the Hinsdale County real property records following its adoption.

INTRODUCED by Commissioner Robert Hurd, seconded by
Commissioner Greg Levine and passed at a public BoCC meeting on the
3rd day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO

By: [Signature]
Greg Levine, Chair

ATTEST:

[Signature]
Joan Roberts, Hinsdale County Clerk

By [Signature] Deputy Clerk

[County Seal]

