



**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO**

At a regular meeting of the Board of County Commissioners, Montezuma County, Colorado, duly convened and held the 24<sup>th</sup> day of September, 2018, with the following persons in attendance:

Commissioners Present: James Lambert  
Keenan G. Ertel  
Larry Don Suckla

Commissioners Absent:  
County Attorney: John C. Baxter  
County Administrator: Melissa Brunner  
County Clerk: Kim Percell

The following proceedings, among others, were taken:

**RESOLUTION 11-2018**

**WHEREAS**, the Pleasant View Town Site was created on December 17, 1940, Pleasant View, CO, located in Sec.31, T.39N., R.17W., N.M.P.M; located west of Highway 491;

**WHEREAS**, subdivision lot owners have requested / suggested vacations of certain easements and alleys within the original platted subdivision as lot sizes and property lines have changed whereby making certain easements, roads and alleys cumbersome and unnecessary for property owners;

**WHEREAS**, a Resolution from the subdivision regulations for properties is being requested as provided for in the Montezuma County Land Use Code, Resolution No.: 5-2013 under Section 9103.4;

**WHEREAS**, the Public Notice for said Resolution was as follows:

**MONTEZUMA COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC NOTICE**

Notice is hereby given that the Montezuma County Board of County Commissioners will hold a Public Hearing for the purpose determining proposed vacation of right-of-ways located within the Pleasant View Town Sites, located on the north side of Road CC, west of Highway 491, situated in S.31 T.39N., R.17W., N.M.P.M. The hearing will be held Monday, July 16, 2018, at 1:30 pm, Commissioner's Hearing Room, 109 W. Main, Room 250, Cortez, CO. Interested persons may attend and give input. Information regarding the roads being proposed to vacate may be obtained from the Planning Dept. Room 270, County Administrative Bldg., Cortez, CO, or accessed online at <http://montezumacounty.org/web/departments/planning/>; you may also contact the Planning Dept at (970) 565-2801 with questions. This file can be inspected in the Planning Dept. during regular office hours.

Dated this 7<sup>th</sup> of June, 2018.

/s/ Kim Percell, Clerk,  
Board of County Commissioners  
Montezuma County, CO

Published in the Journal on Tuesday, June 12, 2018.

July 16, 2018 Board of County Commissioner's Minutes

*Re-Recorded to correct map image*



**PUBLIC HEARING:** It being the time set aside a public hearing the purpose determining proposed vacation of right-of-ways located within the **Pleasant View Town Sites**, located on the north side of Road CC, west of Highway 491, situated in S.31 T.39N., R.17W., N.M.P.M Original public hearing was set on Monday June 18, 2018. The roll was called, the public notice read, and the proceedings were recorded for the record. **Planning Director, Lee Ann Milligan** gave an overview of the proposed vacation. Commissioner Lambert opened the hearing to public comment. Public Comment was made by **Howard Drake, Linda Lancaster, GIS Director, Doug Roth and GIS Assistant, Rachel Medina**. Hearing no further public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Ertel moved that the following are vacated: the 20' alley in Block 1, the 20' alley in North 1/2 of Block 2, the 20' alley in Block 4, the 40' unnamed right or way north of Lot 19 Block 1 and north of the East 1/2 of Lot 7 Block 1 of the Pleasant View Townsite. Second by Commissioner Lambert and carried. Commissioner Lambert closed the hearing at this time. (See attached)

**LEGAL DESCRIPTION – Resolution 11-2018 Vacation of Easements is described as follows:**

The following are vacated:

- 20' Alley in Block 1
- 20' Alley in North 1/2 of Block 2
- 20' Alley in Block 4
- 40' Unnamed ROW north of Lot 19 Block 1 and north of the E 1/2 of Lot 7 Block 1 of the Pleasant View Townsite:

**See attached Exhibit “A” and Exhibit “B”**

SUBJECT TO all easements of record or prescriptive.

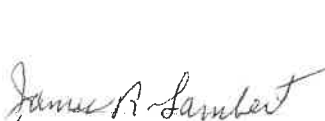
The owner of tracts within the Pleasant View Town Sites described above do hereby retain dedication to public utilities which are labeled and shown as utility easements for the perpetual right of ingress, egress, installation and maintenance of utility equipment and supporting structures, including but not limited to electric, gas, telephone, water, sanitary sewer, communication, cable TV, and other utility lines; together with the right to trim interfering trees and shrubs. Landowner use of said utility easement areas shall be restricted as to maintaining the easement area clear of all buildings or structures. Utility activities, easements and rights shall be utilized in a reasonable and prudent manner.

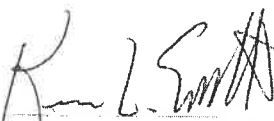
**WHEREAS**, direct access to the property off of Highway 491; and


**WHEREAS**, the landowner(s) have been advised that all fences, stock drives and ditches must be maintained by landowners. This amendment is further subject to all ditch and ditch easements.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners for Montezuma County, Colorado, find that this Exemption request does not create a situation intended to be regulated by the Land Use Code for Montezuma County. The request for Resolution, is hereby GRANTED.

Commissioners voting aye in favor of the Amended Resolution were:

  
James Lambert

  
Keenan G. Ertel

  
Larry Don Suckla



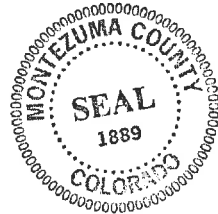
*Kim Percell*

County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above foregoing Amended Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners for Montezuma County, Colorado, and the votes upon same are true and correct.

Dated the 24<sup>th</sup> day of September, 2013.

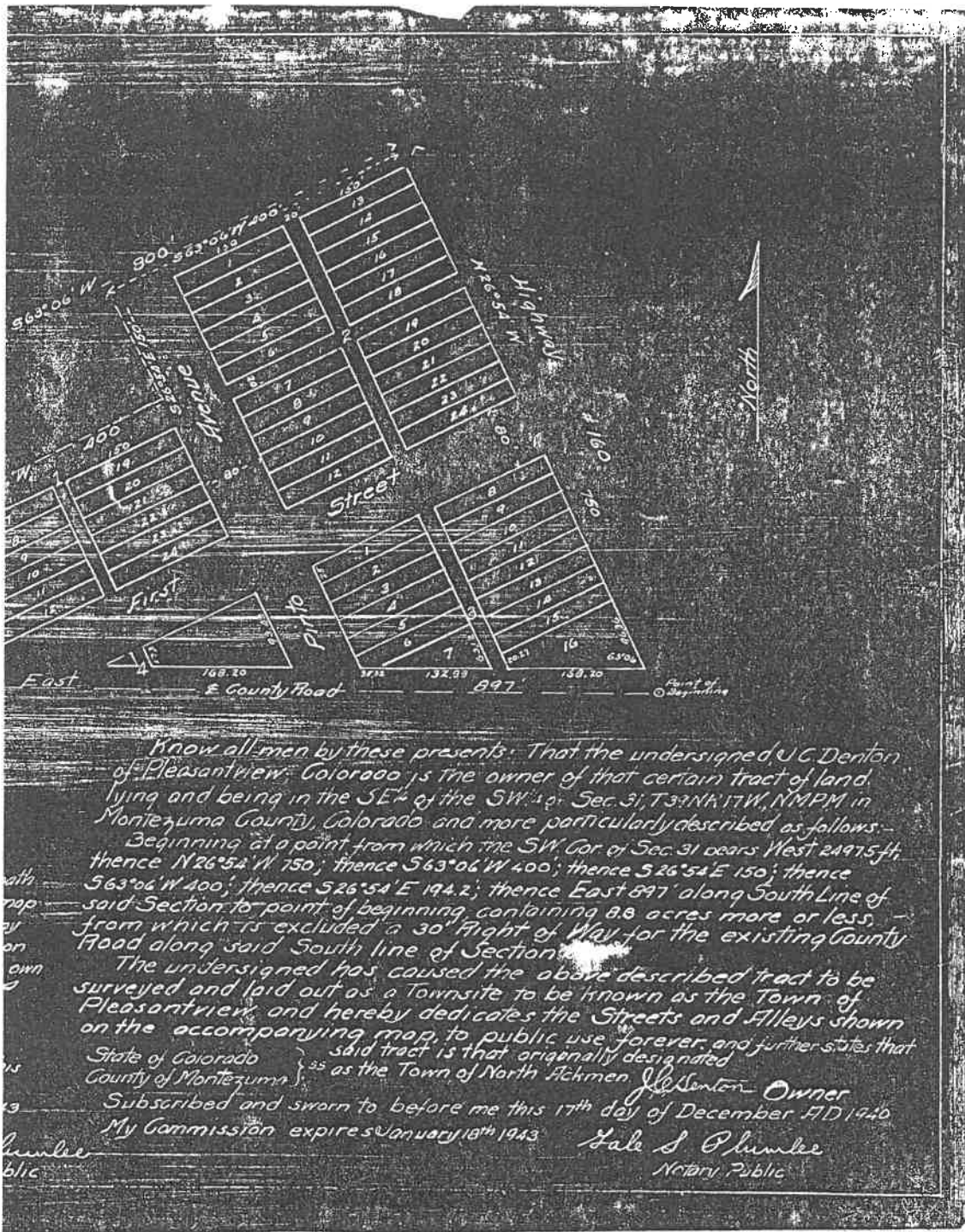
[SEAL]



*Kim Percell*

County Clerk and Recorder, Montezuma  
County, Colorado





Know all men by these presents, That the undersigned J.C. Denton of Pleasantview, Colorado is the owner of that certain tract of land lying and being in the SE<sup>1/4</sup> of the SW<sup>1/4</sup> of Sec. 31, T37N, R17W, NMPM in Montezuma County, Colorado and more particularly described as follows:—  
 Beginning at a point from which the SW. Cor. of Sec. 31 bears West 2497.5 ft, thence N26°54' W 150; thence S63°06' W 400; thence S26°54' E 150; thence S63°06' W 400; thence S26°54' E 194.2; thence East 897 along South Line of said Section to point of beginning containing 8.8 acres more or less, from which is excluded a 30' Right of Way for the existing County Road along said South line of Section.

The undersigned has caused the above described tract to be surveyed and laid out as a Townsite to be known as the Town of Pleasantview, and hereby dedicates the Streets and Alleys shown on the accompanying map, to public use forever, and further states that said tract is that originally designated

State of Colorado }  
 County of Montezuma } as the Town of North Richmen. J.C. Denton Owner

Subscribed and sworn to before me this 17th day of December A.D. 1940  
 My Commission expires January 18th 1943

Gale S. Plummer  
 Notary Public

Exhibit "B"

Plat bk  
 #104130  
 11-21-41

