

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 09 – SERIES 2017**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO VACATING A PORTION OF EAGLE STREET
RIGHT OF WAY OCCUPIED BY A PRIVATELY-OWNED
COMMERCIAL STRUCTURE LOCATED AT 102 MAIN
STREET.**

WHEREAS, the Town of Minturn (the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Minturn Home Rule Charter; and

WHEREAS, the Town is authorized by Sections 31-15-702 and 43-2-303, C.R.S., Title to vacate all or any portion of municipal rights-of-way by ordinance; and

WHEREAS, on June 1,1977, Minturn Realty Inc. acquired the property located at 101 Main Street and identified as Eagle County Assessor’s Parcel No. 2103-263-07-010 by warranty deed bearing the property description on the attached **Exhibit A**, incorporated herein by this reference; and

WHEREAS, Minturn Realty, Inc. parcel and the physical structure located thereon encompass and overlay a portion of the Eagle Street Right-of-Way as depicted on the attached **Exhibit B**, incorporated herein by this reference; and

WHEREAS, on September 20, 2017, the Town and Minturn Realty, Inc entered into a stipulation under which the Town agreed to vacate that portion of the Eagle Street Right-of-Way encompassing and overlaying the legal description of the Eagle River Properties, LLC parcel; and

WHEREAS, the Minturn Town Council finds and declares that it is necessary and proper to vacate that portion of the Eagle Street Right-of-Way encompassing and overlaying the Minturn Realty parcel; and

WHEREAS, the portion of the Eagle Street Right-of-Way hereby vacated is entirely within the corporate limits of the Town, does not comprise a boundary line between two counties or between the Town and another municipality, and has not been used by the Town as a public street, park, or for any other governmental purpose; and

WHEREAS, by vacating the relevant portion of Eagle Street Right-of-Way, property interest in the Town will better reflect historical uses and current “as-built” conditions, and a potential title encumbrance on the property located at 101 Main Street will be removed; and

WHEREAS, on June 28, 2017, the Town of Minturn Planning Commission voted unanimously to recommend that the Town Council approve the vacation contemplated herein.

Eagle County, CO
Regina O'Brien
Pgs: 8
REC: \$48.00
DOC: \$0.00

201720945
11/02/2017
08:51:49 AM

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Town of Minturn hereby vacates all right, title, and interest to that portion of the Eagle Street Right-of-Way depicted on **Exhibit A**, all interest in the same to revert to the parcel located at 101 Main Street.

SECTION 3. The foregoing vacation is subject to any and all utilities easements, previously constructed and currently in place, whether above or below ground.

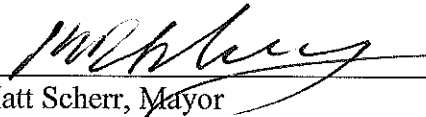
SECTION 4. The Town of Minturn shall execute and record a quitclaim deed to Minturn Realty Inc. for the property described on the attached **Exhibit A**, incorporated herein by this reference.

SECTION 5. There are no other interested parties for which quitclaim deeds are required to be recorded in compliance with the provisions of Section 17-9-10 of the Minturn Municipal Code.

SECTION 6. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.


INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 20TH DAY OF SEPTEMBER 2017. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF SEPTEMBER, 2017 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

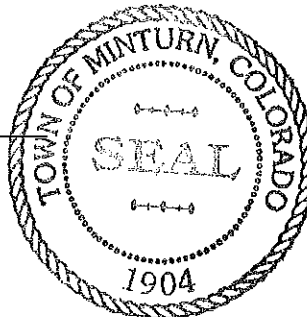


Matt Scherr, Mayor

ATTEST:

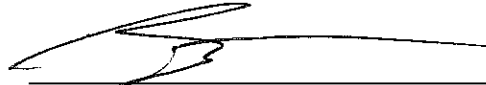
By: 

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 4TH DAY OF OCTOBER, 2017.

TOWN OF MINTURN, COLORADO



Earle Brice, Mayor Pro Tem

ATTEST:

By: 

Jay Brunvand, Town

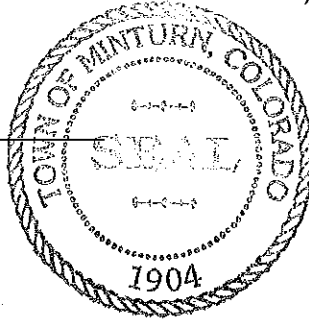


Exhibit A

Quit Claim Deed from Town of Minturn to Minturn Realty, Inc.

(Eagle Street ROW to be vacated in favor of Lot 1)

A portion of Lot 1, Eagle Street of Booco's Addition to the Town of Minturn according to the plat thereof recorded at Book 18, page 1 in the office of the Clerk and Recorder, County of Eagle, State of Colorado, with all bearings hereon based on a bearing of N23°26'55"W between a found illegible 2" brass Cap at the southwest corner of Lot 18, Block C, Booco's Addition to the Town of Minturn and a found iron pipe on a retaining wall that bears N29°26'21"E 8.76 feet from the northeast corner of Lot 4, Block A of The Mackedon & Rathburns Subdivision of the Town of Minturn.

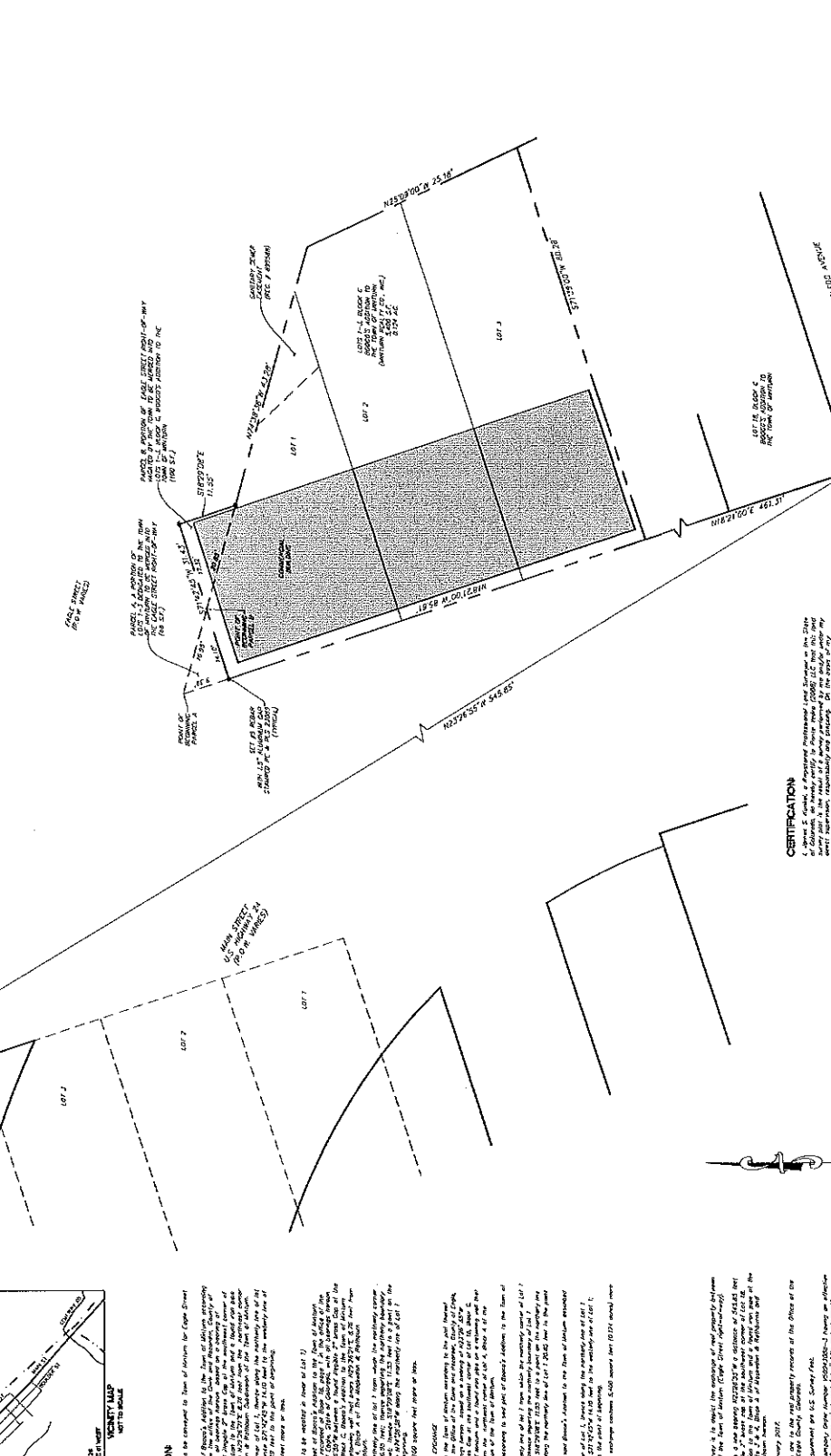
Beginning at point on the northerly line of lot 1 from which the northerly corner of lot 1 bears N74°38'38"W 16.95 feet; thence departing the northerly boundary of lot 1 N71°42'45"E 17.32 feet; thence S18°29'08"E 11.55 feet to a point on the northerly line of lot 1; thence N74°38'38"W along the northerly line of Lot 1 20.85 feet to the point of beginning.

Said parcel of land contains 100 square feet more or less.

LAND SURVEY PLAT
LOTS 1-3, BLOCK C
BOOCO'S ADDITION TO THE TOWN OF MINTURN
LOCATED IN A PORTION OF SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 81 WEST, OF THE 6TH P.M.
TOWN OF MINTURN,
COUNTY OF EAGLE, STATE OF COLORADO

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| <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> | <p>Inter-Mountain ENGINEERING Civil Engineers & Surveyors</p> <p>REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS STATE OF COLORADO LICENSE NO. 10000 EXPIRES 12/31/2024</p> | <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> |
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| <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> | <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> | <p>TO THE PUBLIC: This plat was prepared by the undersigned in accordance with the provisions of the laws of the State of Colorado, and the same is hereby certified to be correct and true.</p> |
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LEGAL DESCRIPTION

Parcel 1 (Lot 1) is a portion of the new addition to the town of Minturn, located in a portion of section 26, township 5 south, range 81 west, of the 6th p.m. town of Minturn, county of eagle, state of colorado, as shown on the plat of the same addition to the town of minturn, county of eagle, state of colorado, recorded in public records of eagle county, colorado, book 100, page 100.

Parcel 2 (Lot 2) is a portion of the new addition to the town of Minturn, located in a portion of section 26, township 5 south, range 81 west, of the 6th p.m. town of Minturn, county of eagle, state of colorado, as shown on the plat of the same addition to the town of minturn, county of eagle, state of colorado, recorded in public records of eagle county, colorado, book 100, page 100.

Parcel 3 (Lot 3) is a portion of the new addition to the town of Minturn, located in a portion of section 26, township 5 south, range 81 west, of the 6th p.m. town of Minturn, county of eagle, state of colorado, as shown on the plat of the same addition to the town of minturn, county of eagle, state of colorado, recorded in public records of eagle county, colorado, book 100, page 100.

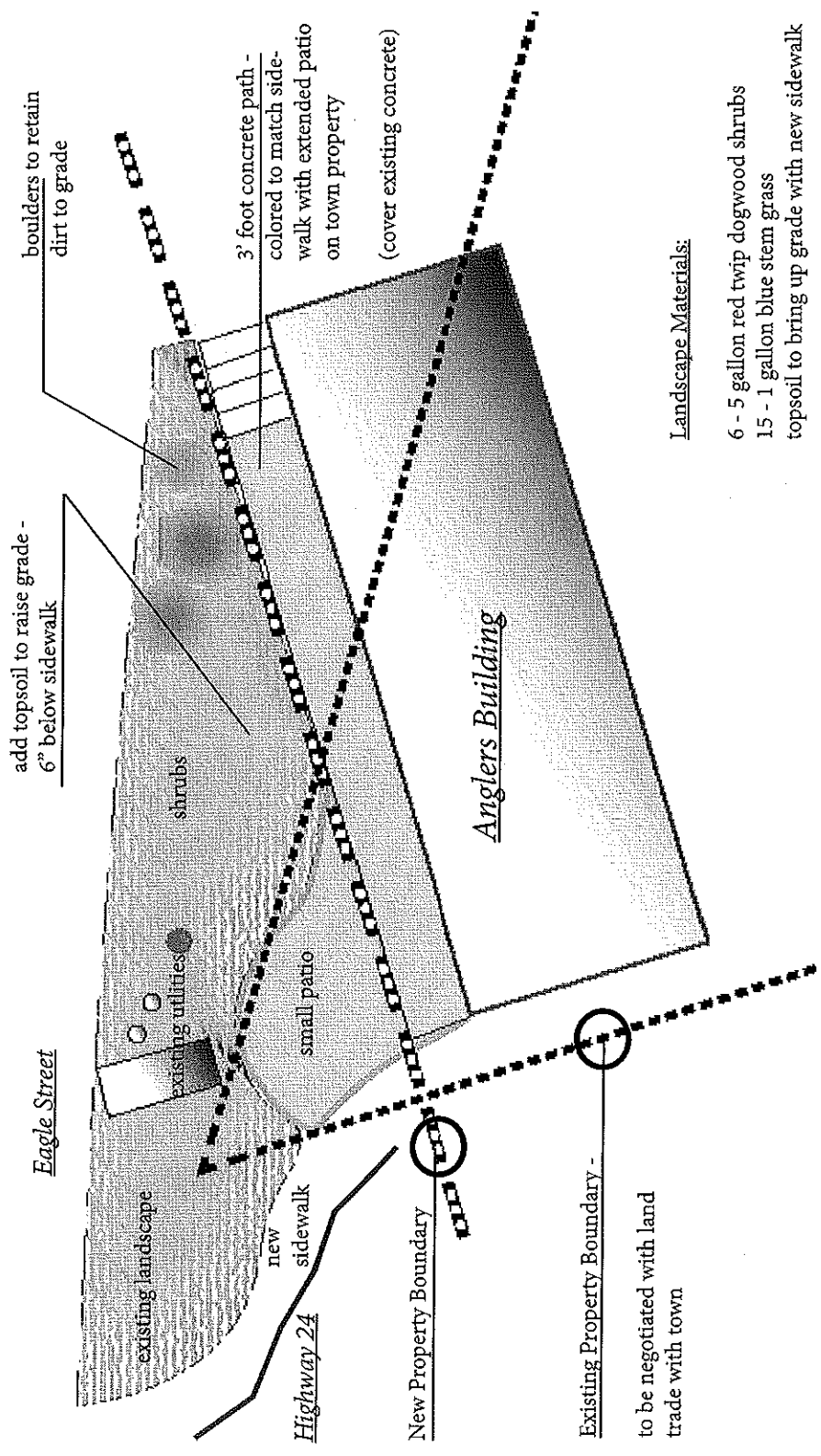
NOTES

- The plat of this survey, as shown on the plat of the same addition to the town of minturn, county of eagle, state of colorado, recorded in public records of eagle county, colorado, book 100, page 100, is hereby certified to be correct and true.
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- The plat of this survey, as shown on the plat of the same addition to the town of minturn, county of eagle, state of colorado, recorded in public records of eagle county, colorado, book 100, page 100, is hereby certified to be correct and true.

CERTIFICATION


I, James S. Conner, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Colorado, and that the above plat is a true and correct representation of the facts as shown on the ground.

(Signature)
 JAMES S. CONNER
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF COLORADO
 LICENSE NO. 10000
 EXPIRES 12/31/2024



Landscape Materials:

- 6 - 5 gallon red twig dogwood shrubs
- 15 - 1 gallon blue stem grass
- topsoil to bring up grade with new sidewalk

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|  | <p>Town of Minturn RFP - Welded Steel Turntable 302 Pine Street - Minturn, CO</p> | <p>10-25-2016</p> | <p>Design: Planning Department 970-827-5645 ext.3 planner@minturn.org</p> | <p><u>Landscape Plans for</u> <u>Corner Property</u></p> |
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QUITCLAIM DEED

THIS DEED is dated _____, 2017, and is made between THE TOWN OF MINTURN, COLORADO, a home-rule municipal corporation whose address is 302 Pine Street, Minturn, CO 81645 ("Grantor"), and MINTURN REALTY INC., a Colorado corporation whose address is 109 Williams Street, Minturn, CO, 81645 ("Grantee").

WHEREAS, the Town of Minturn passed Ordinance No. 9, Series of 2017 vacating a portion of the Eagle Street right-of-way; and

WHEREAS, as depicted on the attached Exhibit A (Land Survey Plat), the property conveyed by this deed shall be merged with the title to Parcel Identification No. 2103-263-07-010 also known as 102 Main Street in Minturn, Colorado.

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell, convey, and quitclaim unto Grantee, and Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the Town of Minturn, County of Eagle, and State of Colorado:

TO WIT:

A portion of Lot 1, Eagle Street of Booco's Addition to the Town of Minturn according to the plat thereof recorded at Book 18, page 1 in the office of the Clerk and Recorder, County of Eagle, State of Colorado, with all bearings hereon based on a bearing of N23°26'55"W between a found illegible 2" brass Cap at the southwest corner of Lot 18, Block C, Booco's Addition to the Town of Minturn and a found iron pipe on a retaining wall that bears N29°26'21"E 8.76 feet from the northeast corner of Lot 4, Block A of The Mackedon & Rathburns Subdivision of the Town of Minturn, described as follows:

Beginning at point on the northerly line of lot 1 from which the northerly corner of lot 1 bears N74°38'38"W 16.95 feet; thence departing the northerly boundary of lot 1 N71°42'45"E 17.32 feet; thence S18°29'08"E 11.55 feet to a point on the northerly line of lot 1; thence N74°38'38"W along the northerly line of Lot 1 20.85 feet to the point of beginning. Said parcel of land contains 100 square feet more or less.

also known as a portion of the Eagle Street right-of-way.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its authorized representative, and its corporate seal to be affixed, attested by its secretary or other appropriate officer, on the date set forth above.

Signed and delivered as of the 26 day of October, 2017.

TOWN OF MINTURN, COLORADO.

By: [Signature]

STATE OF Colorado)
COUNTY OF Eagle) ss.

The foregoing instrument was acknowledged before me this 26 day of OCTOBER, 2017, by MATT SCHELL, Mayor, as authorized representative of Town of Minturn, Colorado.

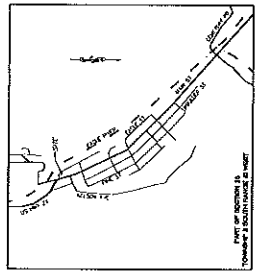
Witness my hand and official seal. My commission expires 4/29/18.

Jay Brunvand
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19884012019
MY COMMISSION EXPIRES APRIL 29, 2018

[Signature]
Notary Public

LAND SURVEY PLAT
BOCCO'S ADDITION TO THE TOWN OF MINTURN
LOCATED IN A PORTION OF SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 81 WEST, OF THE 6TH P.M.,
TOWN OF MINTURN,
COUNTY OF EAGLE, STATE OF COLORADO

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|--|--|---------------|
| Inter-Mountain ENGINEERING Civil Engineers & Surveyors 2850 W. 130th Street, Suite 100 Denver, Colorado 80232 Phone: (303) 755-1100 Fax: (303) 755-1101 www.intermountain-engineering.com | LAND SURVEY PLAT LOTS 1-3, BLOCK C BOCCO'S ADDITION TO THE TOWN OF MINTURN TOWN OF MINTURN, EAGLE COUNTY, COLORADO | 1 OF 1 |
|--|--|---------------|



LEGAL DESCRIPTION

PARCEL A: A portion of Lot 1 in the northeast 1/4 of Section 26, Township 5 South, Range 81 West, of the 6th P.M., Town of Minturn, Eagle County, Colorado, containing 0.0000 acre, more or less, as shown on the plat hereto annexed, and as more fully described in the plat hereto annexed.

PARCEL B: A portion of Lot 2 in the southeast 1/4 of Section 26, Township 5 South, Range 81 West, of the 6th P.M., Town of Minturn, Eagle County, Colorado, containing 0.0000 acre, more or less, as shown on the plat hereto annexed, and as more fully described in the plat hereto annexed.

PARCEL C: A portion of Lot 3 in the southwest 1/4 of Section 26, Township 5 South, Range 81 West, of the 6th P.M., Town of Minturn, Eagle County, Colorado, containing 0.0000 acre, more or less, as shown on the plat hereto annexed, and as more fully described in the plat hereto annexed.

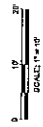
PARCEL D: A portion of Lot 4 in the northwest 1/4 of Section 26, Township 5 South, Range 81 West, of the 6th P.M., Town of Minturn, Eagle County, Colorado, containing 0.0000 acre, more or less, as shown on the plat hereto annexed, and as more fully described in the plat hereto annexed.

NOTES

1. The survey of this plat was made in accordance with the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.
2. The plat hereto annexed is a true and correct copy of the original plat on file in the office of the County Clerk, Eagle County, Colorado.
3. The plat hereto annexed is subject to the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.
4. The plat hereto annexed is subject to the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.
5. The plat hereto annexed is subject to the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.
6. The plat hereto annexed is subject to the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.
7. The plat hereto annexed is subject to the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.

CERTIFICATION

I, **Inter-Mountain Engineering**, a duly licensed professional engineering firm, certify that the foregoing plat is a true and correct copy of the original plat on file in the office of the County Clerk, Eagle County, Colorado, and that the same was prepared and filed by me or under my direct supervision and control in accordance with the provisions of the Colorado Survey Act, Chapter 106, Title 10, of the Colorado Revised Statutes.



County of Eagle, State of Colorado
Plat No. 12345
Date of Survey: 05/12/07
Surveyor: Inter-Mountain Engineering, Inc.
Eagle County, Colorado

DEED IN LIEU OF CONDEMNATION

THIS DEED is dated October 24, 2017 and is made between MINTURN REALTY INC., a Colorado corporation whose address is 109 Williams Street, Minturn, Colorado 81645 ("Grantor"), and the TOWN OF MINTURN, COLORADO, a home-rule municipal corporation whose address is 302 Pine Street, Minturn, CO 81645 ("Grantee").

WHEREAS, Grantee is a home-rule municipal corporation organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter; and

WHEREAS, Article II, Section 15 of the Colorado Constitution provides for the taking of property for public use with just compensation to the owner thereof; and

WHEREAS, as depicted on the attached Exhibit A (Land Survey Plat), Grantor and Grantee have entered into an agreement to exchange real property in the Town of Minturn in order to better reflect "as built" conditions and in lieu of Grantee's condemnation of the real property of Grantor conveyed herein; and

WHEREAS, the real property conveyed herein shall be merged into the Town of Minturn's Eagle Street right-of-way.

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell, convey, and quitclaim unto Grantee and Grantee's heirs and assigns, forever, all the right, title, interest, claim, and demand which Grantor has in and to the following real property, together with any improvements thereon, located in the Town of Minturn, County of Eagle, and State of Colorado:

TO WIT:

A portion of Lot 1, Block C of Booco's Addition to the Town of Minturn according to the plat thereof recorded in the office of the Clerk and Recorder, County of Eagle, State of Colorado, with all bearings hereon based on a bearing of N23°26'55"W between a found illegible 2" brass Cap at the southwest corner of Lot 18, Block C, Booco's Addition to the Town of Minturn and a found iron pipe on a retaining wall that bears N29°26'21"E 8.76 feet from the northeast corner of Lot 4, Block A of Mackedon & Rathburns Subdivision of the Town of Minturn, described as follows:

Beginning at the northerly corner of Lot 1, thence along the northerly line of lot 1 S74°38'38"E 16.95 feet; thence S71°42'45"W 14.10 feet to the westerly line of lot 1; thence N18°21'00"W 9.39 feet to the point of beginning. Said parcel of land contains 66 square feet more or less.

also known by street address: 102 Main Street, Minturn, CO 81645; and a portion of assessor's schedule or parcel number 2103-263-07-010.

TO HAVE AND TO HOLD the same, with all appurtenances thereunto belonging or in any way appertaining, and all the estate, right, title, interest, and claim whatsoever of Grantor, either in law or equity, to the only proper use, benefit, and behoof of Grantee, and the Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be hereunto scribed by its authorized representative.

Signed and delivered as of the 24th day of October 2017.

MINTURN REALTY CO INC.

By Kristen Tarrin
Kristen Tarrin

Eagle County, CO **201720946**
Regina O'Brien 11/02/2017
Pgs: 1 08:51:49 AM
REC: \$13.00
DOC: \$0.00

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 24th day of October 2017 by Kristen Tarrin as authorized representative of Minturn Realty Inc.

Witness my hand and official seal.

[Signature]
Notary Public

