

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 1-R-2005**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, REGARDING THE
REVIEW OF THE REQUEST TO VACATE A PORTION OF THE UTILITY
AND DRAINAGE EASEMENT ALONG THE NORTHERLY LINE OF LOT 92,
MARGIL FARMS SECOND FILING.**

WHEREAS, Joy A. Bloom, 3597 Calico Court, Mead, Colorado, by petition dated December 27, 2004, has requested the vacation of a portion of the utility and drainage easement along the northerly line of Lot 92, Margil Farms Second Filing as depicted in Exhibit A, attached hereto; and

WHEREAS, the purpose of said vacation is to correct the encroachment on the utility and drainage easement by the home constructed on Lot 92 and to allow the replatting of Lot 92 and the adjacent Outlot F; and

WHEREAS, the blanket open space, recreation and access uses, irrigation, utility, drainage, and sign easement covering Outlot F is sufficiently broad in scope to negate the need for a complementary utility and drainage easement on Lot 92; and

WHEREAS, the vacation of public utility easements is subject to the statutory authority granted to municipalities by C.R.S. 43-2-303 to vacate roadways and their appurtenances; and

WHEREAS, the Board of Trustees of the Town of Mead held a public hearing on the requested vacation on January 10, 2005; and

WHEREAS, notice of a public hearing to consider the request for the vacation was published in the Longmont Daily Times-Call on December 26, 2004, and posted as required on December 23, 2004; and

WHEREAS, notice of the public hearing to consider the request for the vacation was mailed by certified mail, return receipt requested, on December 23, 2004, to the owner of Lot 92, the owners of adjacent property, and to all utility companies and franchise holders operating within the Town;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF MEAD, WELD COUNTY, COLORADO; THAT:**

Section 1. The following findings are hereby made in support of the vacation of that portion of the platted utility and drainage easement lying on the northern portion of Lot 92, Margil Farms Second Filing, and lying between the easterly 8 feet, designated as a "C" drainage and utility easement, and the westerly 15 feet, designated as an "A" utility easement, as depicted on the recorded plat of the Margil Farms Second Filing.

- a. No utilities occupy the platted easement.
- b. The purpose of the vacation of this easement is to correct the encroachment on the easement of the home constructed on Lot 92.
- c. The requirements of C.R.S. 43-2-303, have been met.

- d. The owners of more than 50 percent of the area abutting the easement proposed to be vacated have signed the petition for the vacation of the utility and drainage easement.
- e. The utility easement to be vacated is entirely on Lot 92, Margil Farms Second Filing and said vacation will not result in a transfer of ownership in the underlying property.
- f. The Town has not received any objection to the proposed vacation from the utility providers, nor the holders of franchises who may make use of this easement.
- g. Vacation of the utility easement shall be by ordinance separately adopted.

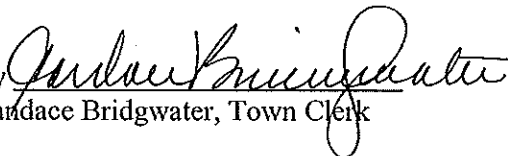
Section 2. Effective Date. This resolution shall be become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

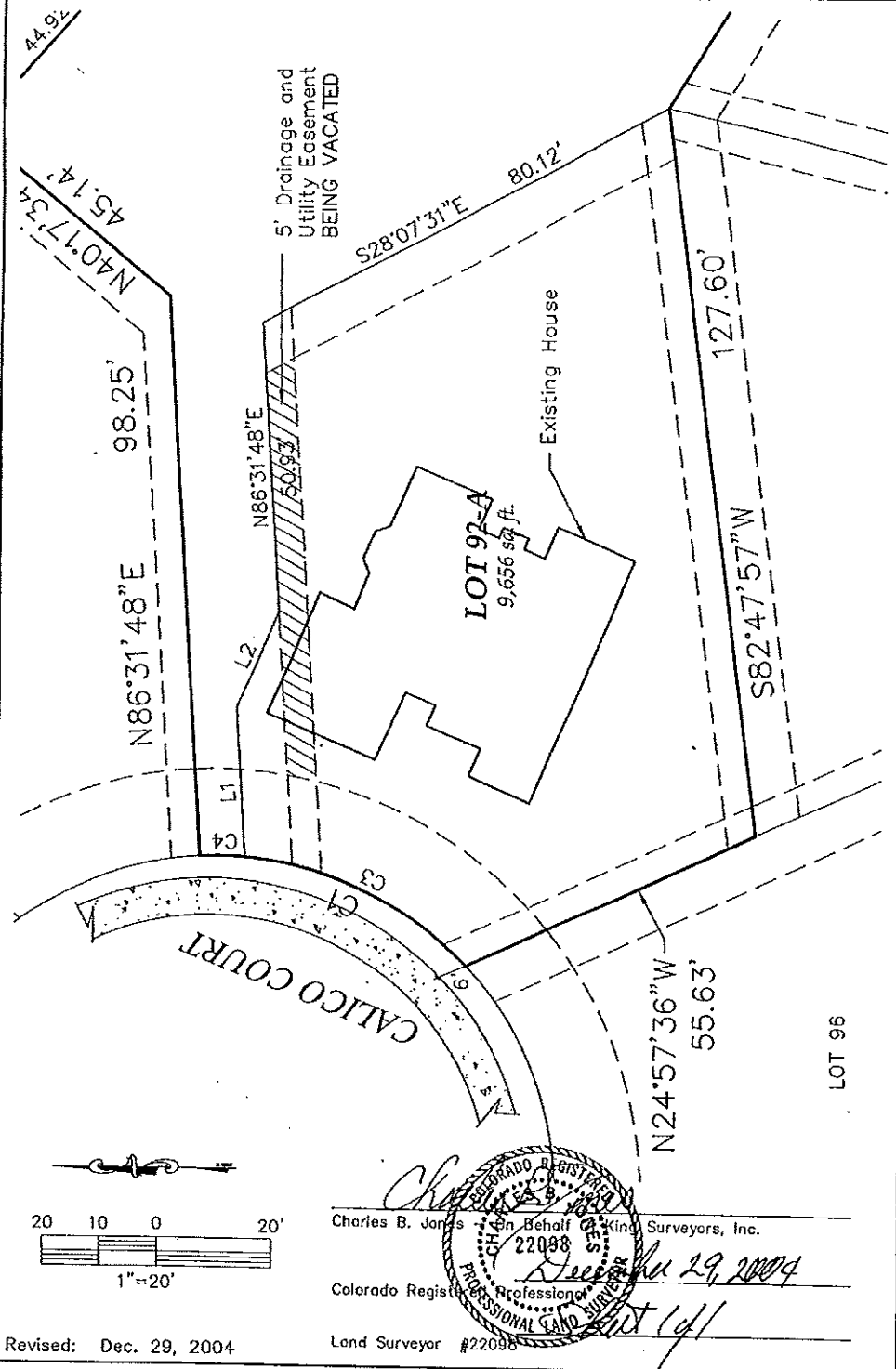
INTRODUCED, READ, PASSED, AND ADOPTED THIS 10th DAY OF January , 2005 .

ATTEST:

By 
Candace Bridgewater, Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor



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PROJECT NO: 2004526
 DATE: 12-28-04
 CLIENT: WILLOWBROOK
 DWG: 2004526replat-A.dwg
 DRAWN: CBJ CHECKED: C.R.I