

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 13-R-2004**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, REGARDING THE
REVIEW OF THE REQUEST TO VACATE A PORTION OF THE UTILITY
EASEMENT ON THE EAST SIDE OF LOT 9, BLOCK 2, NORTH CREEK AT
MEAD.**

WHEREAS, Julie A. Knutson, 2664 Serena Drive, Mead, Colorado, by letter dated March 23, 2004, has requested the vacation of a portion of the utility easement on the east side of her property, Lot 9, Block 2, North Creek at Mead; and

WHEREAS, the purpose of said vacation is to allow the construction of a single-car detached garage on the east side of the house located at 2664 Serena Drive without encroaching upon the utility easement; 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 April 26, 2004; and

WHEREAS, notice of a public hearing to consider the request for the vacation was published in the Longmont Daily Times-Call on April 10, 2004, and posted as required on April 9, 2004; and

WHEREAS, notice of the public hearing to consider the request for the vacation was mailed by certified mail, return receipt requested, to the affected property owner 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 easement on the east side of Lot 9, Block 2, North Creek at Mead, lying between the northern utility easement and the southern utility easement on said lot, as depicted on the recorded plat of North Creek at Mead.

- a. No utilities occupy the platted utility easement. There is adequate space within the right-of-way for North Creek Way to accommodate any new utilities.
- b. A United Power electric line is located in the western portion of the adjacent right-of-way for North Creek Way, but is located outside of this easement.
- c. The purpose of the vacation of this easement is to allow the construction of a single-car detached garage on the east side of the existing residence. Without the vacation of the easement, the structure would encroach on the utility easement.
- d. The requirements of C.R.S. 43-2-303, have been met.

- e. 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 easement.
- f. The utility easement to be vacated is entirely on Lot 9, Block 2, North Creek at Mead and said vacation will not result in a transfer of ownership in the underlying property.
- g. A building permit for the single-car detached garage must be obtained and the structure shall be required to conform to all setback requirements for the property.
- h. 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.
- i. Vacation of the utility easement shall be by ordinance separately adopted.


Section 2. Effective Date. This resolution shall 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.

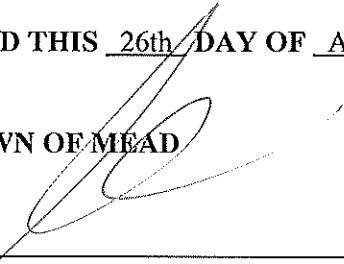
Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26th DAY OF April, 2004.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor