

RESOLUTION NO. _____

Series of 2026

RESOLUTION FOR VACATION OF RECORDED PUBLIC RIGHT-OF-WAY

DEPARTMENT OF PLANNING AND ZONING

FILE # VPR 25-001 MCKINLEY ELEMENTARY

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”):

WHEREAS, FREMONT RE-1 SCHOOL DISTRICT (hereafter “applicant”) has made application for a Vacation of Public Right-of-Way pursuant to XVI of the Subdivision Regulations of Fremont County for a vacation of recorded public right-of-way, which application has been designated as file #VPR 25-001 MCKINLEY ELEMENTARY to be located on certain real property that the applicant owns, namely: A PORTION OF THE ALLEY BETWEEN LOTS 19, 20, 21, 22, 25, 26, 27, &28, MACONS SUBDIVISION RECORDED UNDER RECEPTION NUMBER 020927, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF FREMONT, STATE OF COLORADO, WITH ALL THE BEARINGS CONTAINED HEREIN BASED UPON A BEARING OF N89°50’34”E, AS MEASURED BETWEEN THE NORTHWEST CORNER OF SAID SECTION 3, BEING MARKED ON THE GROUND BY A FOUND NO. 6 REBAR, WITH A 3-1/4”; ALUMINUM CAP, STAMPED “2024 PLS 38534”, MARKED ACCORDINGLY IN A MONUMENT WELL, FOUND IN PLACE, AND AT THE NORTH QUARTER CORNER OF SAID SECTION 3, BEING MARKED ON THE GROUND BY A 3-1/4”; ALUMINUM CAP, STAMPED “2024 PLS 38534”, MARKED ACCORDINGLY, IN A MONUMENT WELL, FOUND IN PLACE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S72°50’17”E, A DISTANCE OF 1078.93 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 22, BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINES OF SAID LOTS 22, 21, 20, & 19, N89°50’34”E, A DISTANCE OF 520.59 FEET; THENCE LEAVING SAID SOUTH LINE, S39°40’13”E, A DISTANCE OF 20.74 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 28; THENCE ALONG THE NORTH LINE OF SAID LOTS 28, 27, 26, & 25, S89°50’34”W, A DISTANCE OF 533.79 FEET, TO THE NORTHWEST CORNER OF SAID LOT 25; THENCE LEAVING SAID NORTHWEST CORNER, N00°07’54”W, A DISTANCE OF 16.00 FEET, TO THE POINT OF BEGINNING. CONTAINING 8,433 SQUARE FEET OR 0.193 ACRES, MORE OR LESS; and

WHEREAS, pursuant to the Fremont County Subdivision Regulations previously adopted; the Planning Commission of Fremont County reviewed the application at its **December 2, 2025**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter “Department”), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **January 27, 2026**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that a Vacation of Recorded Public Right-of-Way is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Fremont County Board of County Commissioners that:

1. The Board makes the following findings with respect to the application for a Vacation of Recorded Public Right-of-Way to Applicant as follows:
 - a. The procedural requirements of Section XVI of the Fremont County Subdivision Regulations have been met; and
 - b. The proposed use will not have detrimental effects on property values; and
 - c. The Right-of-Way the applicant seeks to vacate was platted for an alleyway which serves no transportation or utility function, is unconnected to any transportation network, and serves no public purpose; and

- d. McKinley Elementary School has been developed on a portion of this alleyway on lots 21, 22, 25 and 26, and the existing and encroaching structures have existed for many years; and
 - e. McKinley Elementary School is integrated into and is a vital component of the neighborhood which surrounds it; and
 - f. The proposed vacation will not impair public health, or the safety and general welfare of the public; and
 - g. The proposed vacation is consistent with the orderly development of Fremont County and the purposes and goals of the Fremont County Zoning Ordinance in that it allows for consolidation of the lot occupied by McKinley Elementary School for efficient use and eliminates an unnecessary Right-of-Way for an unused alleyway; and
 - h. The applicant has paid a fee of \$600.00 with the filing of the application, which includes \$43.00 for the filing of this Resolution; and
 - i. The applicant is a public entity, and the public interest will be served by waiver of that portion of the filing fee in excess of the cost of recording.
2. The Recorded Public Right-of-Way crossing the property of McKinley Elementary School and more particularly described in Fremont County Planning and Zoning file VPR 25-001 and shown and set forth on the plat attached hereto as Exhibit A is hereby vacated.
 3. The application fee paid by the applicant in excess of the cost of recording, namely \$557.00, is waived and shall be refunded to the applicant.

Commissioner _____ moved the adoption of the foregoing Resolution, seconded by Commissioner _____ and approved by roll call vote as follows:

Commissioner Grantham:	Aye / Nay / Abstain / Absent
Commissioner McFall:	Aye / Nay / Abstain / Absent
Commissioner Bell:	Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: _____

Chair, Fremont County Board of County Commissioners

ATTEST: _____
Clerk to the Board

**VACATION OF PUBLIC RIGHT-OF-WAY
MCKINLEY ELEMENTARY SCHOOL
A PORTION OF THE ALLEY BETWEEN LOTS 19,20,21,22,25,26,27, & 28, MACONS SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN**



VICINITY MAP

LEGAL DESCRIPTION:

(VACATION OF PUBLIC RIGHT OF WAY)

A PORTION OF THE ALLEY BETWEEN LOTS 19, 20, 21, 22, & 25, 26, 27, 28, MACONS SUBDIVISION, RECORDED UNDER RECEIPTION NUMBER 020927, LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF FREMONT, STATE OF COLORADO, WITH ALL THE BEARINGS CONTAINED HEREIN BASED UP ON A BEARING OF N89°50'34"E, AS MEASURED BETWEEN THE NORTHWEST CORNER OF SAID SECTION 3, BEING MARKED ON THE GROUND BY A FOUND NO. 6 REBAR, WITH A 3-1/4" ALUMINUM CAP, STAMPED "2024 PLS 38534", MARKED ACCORDINGLY, IN A MONUMENT WELL, FOUND IN PLACE, AND AT THE NORTH QUARTER CORNER OF SAID SECTION 3, BEING MARKED ON THE GROUND BY A 3-1/4" ALUMINUM CAP, STAMPED "2024 PLS 38534", MARKED ACCORDINGLY, IN A MONUMENT WELL, FOUND IN PLACE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S72°50'17"E, A DISTANCE OF 1078.93 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 22, BEING THE **POINT OF BEGINNING**;

THENCE ALONG THE SOUTH LINES OF SAID LOTS 22, 21, 20, & 19, N89°50'34"E, A DISTANCE OF 520.59 FEET;

THENCE LEAVING SAID SOUTH LINE, S39°40'13"E, A DISTANCE OF 20.74 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 28;

THENCE ALONG THE NORTH LINES OF SAID LOTS 28, 27, 26, & 25, S89°50'34"W, A DISTANCE OF 533.79 FEET, TO THE NORTHWEST CORNER OF SAID LOT 25;

THENCE LEAVING SAID NORTHWEST CORNER, N00°07'54"W, A DISTANCE OF 16.00 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 8,433 SQUARE FEET OR 0.193 ACRES, MORE OR LESS.

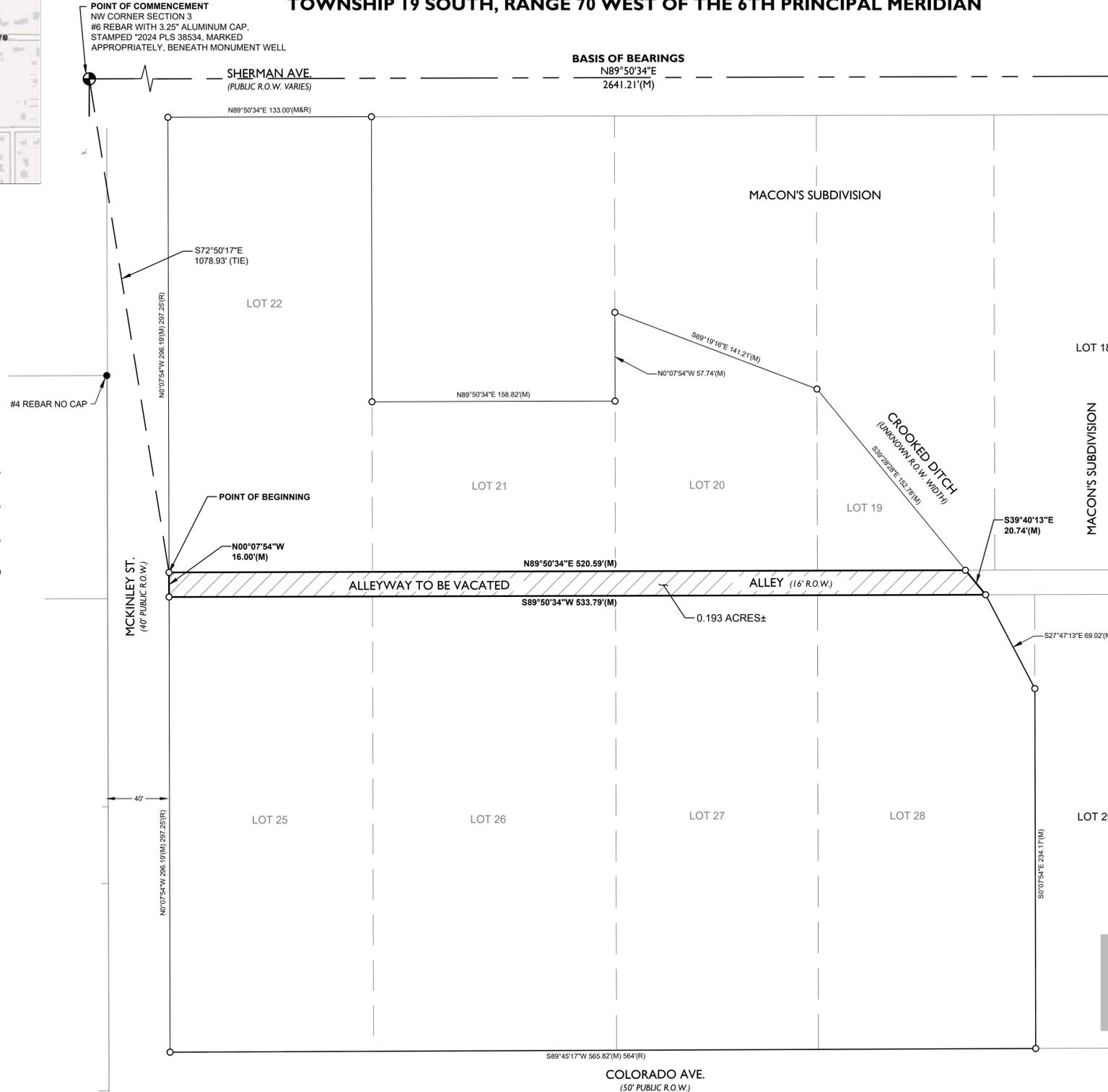
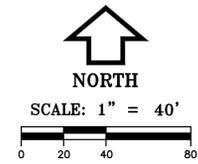


Exhibit A

LEGEND

- FOUND MONUMENT AS NOTED
- ⊙ FOUND ALIQUOT CORNER
- FOUND #5 REBAR AND 1.25" YELLOW PLASTIC CAP, MILES SMALL, PLS 38534
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE
- ▨ AREA TO BE VACATED



 3 ROCKS ENGINEERING & SURVEYING 430 Main Street Calhan City, CO 812212 719.430.5333 www.3rocksengineering.com	SHEET: 1 OF 1
	DATE: 8/28/2025
	DRAWN BY: AB REVIEWED BY: RP/SM
	PROJECT: 24.004