

**RESOLUTION NO. \_\_\_\_\_, SERIES OF 2024**

**RESOLUTION GRANTING AN EXEMPTION FROM THE SUBDIVISION REGULATIONS FOR TWO TRACTS OF LAND IN FREMONT COUNTY**

WHEREAS, the Fremont County Board of County Commissioners has received a request from the Canon City Area Metropolitan Recreation and Park District, a Colorado Special District, and Richard B. Whitney and Tonya L. Whitney (collectively “Property Owners”) for an exemption from the county subdivision requirements regarding two parcels of land described as:

**RECREATION DISTRICT PARCEL:**

A parcel of land lying within the southeast ¼ of Section 6, T.19S, R.70W of the 6th P.M., and being more particularly described as follows:

Commencing at the southeast corner of Section 6; thence along the east line of said Section 6 N 0°30’00” W a distance of 1336.19 feet, this being the true point of beginning;

Thence S 89°40’25” W a distance of 796.89 feet to a point on the easterly right-of-way of CR-3;

Thence along a curve to the right a distance of 137.90 feet to a point; said curve having a central angle of 9°26’50” and a radius of 836.31;

Thence N 64°58’38” E along the easterly right-of-way for CR-3 a distance of 637.45 feet to a point;

Thence N 89°38’15” E a distance of 96.76 feet to a point on the east line of Section 6;

Thence S 0°30’00” E a distance of 334.05 feet to the true point of beginning, said parcel containing 3.51 acres more or less.

Said parcel is a portion of RO 29073 as shown in the official records of Fremont County, Colorado.

**WHITNEY PARCEL:**

A parcel of land lying within the southeast ¼ of Section 6, T.19S, R.70W of the 6th P.M. and being more particularly described as follows:

Commencing at the southeast corner of said Section 6; thence S 89°48'55" W along the south section line a distance of 787.74 feet to the true point of beginning;

Thence continuing along the south line of said Section 6 S 89°48'55" W a distance of 658.45 feet to a point on the easterly right-of-way for CR-3;

Thence along said right-of-way N 11°06'18" E a distance of 403.83 feet to a point;

Thence S 57°04'38" E a distance of 269.59 feet to a point;

Thence S 01°39'31" E a distance of 27.03 feet to a point;

Thence S 65°01'27" E a distance of 340.17 feet to a point;

Thence S 30°50'32" E a distance of 88.93 feet to the true point of beginning, said parcel containing 3.12 acres more or less.

WHEREAS, pursuant to §30-28-101 (10)(d), C.R.S., the Board possesses the authority to grant a subdivision exemption if it determines that the division of land is not within the purposes of the subdivision requirements and the exemption is not intended to evade the subdivision requirements; and

WHEREAS, the Board has considered the request and all attendant circumstances regarding the intent of the Property Owners, which is to exchange the parcels, after which each Property Owner's parcel will be contiguous to, or a part of, a parcel larger than 35 acres;

WHEREAS, the Property Owners have requested a subdivision exemption to allow the lawful conveyance of the parcels; and

WHEREAS, the Board is persuaded that the request for the subdivision exemption is meritorious and that a grant of the request would not evade or defeat the purpose of the subdivision statutes and regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Fremont County hereby grants the request for an exemption from the requirements of county subdivision regulations with respect to the following property in Fremont County, Colorado:

**RECREATION DISTRICT PARCEL:**

A parcel of land lying within the southeast ¼ of Section 6, T.19S, R.70W of the 6th P.M., and being more particularly described as follows:

Commencing at the southeast corner of Section 6; thence along the east line of said Section 6 N 0°30'00" W a distance of 1336.19 feet, this being the true point of beginning;

Thence S 89°40'25" W a distance of 796.89 feet to a point on the easterly right-of-way of CR-3;

Thence along a curve to the right a distance of 137.90 feet to a point; said curve having a central angle of 9°26'50" and a radius of 836.31;

Thence N 64°58'38" E along the easterly right-of-way for CR-3 a distance of 637.45 feet to a point;

Thence N 89°38'15" E a distance of 96.76 feet to a point on the east line of Section 6;

Thence S 0°30'00" E a distance of 334.05 feet to the true point of beginning, said parcel containing 3.51 acres more or less.

Said parcel is a portion of RO 29073 as shown in the official records of Fremont County, Colorado.

**WHITNEY PARCEL:**

A parcel of land lying within the southeast ¼ of Section 6, T.19S, R.70W of the 6th P.M. and being more particularly described as follows:

Commencing at the southeast corner of said Section 6; thence S 89°48'55" W along the south section line a distance of 787.74 feet to the true point of beginning;

Thence continuing along the south line of said Section 6 S 89°48'55" W a distance of 658.45 feet to a point on the easterly right-of-way for CR-3;

Thence along said right-of-way N 11°06'18" E a distance of 403.83 feet to a point;

Thence S 57°04'38" E a distance of 269.59 feet to a point;

Thence S 01°39'31" E a distance of 27.03 feet to a point;

Thence S 65°01'27" E a distance of 340.17 feet to a point;

Thence S 30°50'32" E a distance of 88.93 feet to the true point of beginning, said parcel containing 3.12 acres more or less.

BE IT FURTHER RESOLVED that the Board specifically finds that the equities of the circumstances warrant the grant of an exemption in this case. The parcel described herein is deemed by the Board to be a lawfully-created parcel. Any future division of the property shall fully comply in all respects with all applicable subdivision laws and regulations.

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

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin J. Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

Date: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board