

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 44, SERIES 2023**

**A RESOLUTION VACATING A CERTAIN LANDSCAPE, PEDESTRIAN, AND
UTILITY EASEMENT IN THE RIVERBEND SUBDIVISION**

WHEREAS, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, a public easement was dedicated to the Town on March 24, 2015 by Riverbend 1st Filing Final Plat recorded in the real property records of the Larimer County Clerk and Recorder at Reception Number 20150039320;

WHEREAS, the Town has determined that it no longer has need for a portion of such easement, as shown on **Exhibit A**, attached hereto and incorporated herein (such portion is referred to herein as the “Subject Easement”), and the applicant has applied for vacation of the Subject Easement; and

WHEREAS, the Town of Timnath Planning Commission held a properly noticed public hearing on the proposed vacation of the Subject Easement on June 20, 2023, and the Planning Commission recommended that the Town Council approve vacation of the Subject Easement, by vote of (5-0); and

WHEREAS, the Town Council held a properly noticed public hearing on the proposed vacation on July 11, 2023 and upon hearing the statements of staff, the applicant, and any public comments and giving consideration to the recommendation of the Planning Commission and considering the Review Criteria set forth in Section 2.9.12.9 of the Town’s Land Use Code, the Town Council determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOWS:

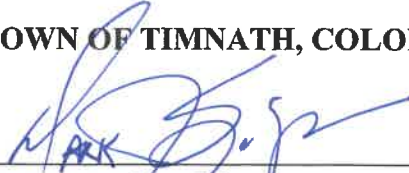
Section 1. Approval

The Town Council hereby approves the application for vacation of the Subject Easement, finding that the review criteria set forth in Section 2.9.12.9 of the Town’s Land Use Code are satisfied. The Town hereby vacates the Subject Easement, effective upon adoption of this Resolution.

The Vacation of Easement is hereby approved in substantially the form as attached hereto, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants. The Mayor or Town Manager are hereby authorized to execute the Vacation of Easement, and staff is directed to record the Vacation of Easement with the County Clerk and Recorder for the County in which the Subject Easement is located.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON JULY 11, 2023.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



VACATION OF EASEMENT

THIS VACATION OF EASEMENT is made and executed by the **TOWN OF TIMNATH**, a Colorado home rule municipality (“**Town**”).

WHEREAS, the Town acquired an easement on March 24, 2015 by Riverbend 1st Filing Final Plat recorded in the real property records of the Larimer County Clerk and Recorder at Reception Number 20150039320; (“**Existing Easement**”); and

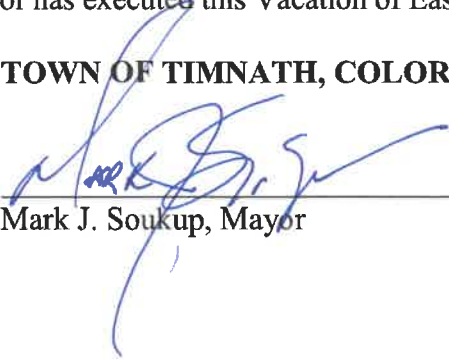
WHEREAS, the Town has determined that a portion of the Existing Easement, as described in **Exhibit A**, attached hereto and incorporated herein, (the “**Vacated Easement**”) is no longer useful and/or not required in the operations of the Town;

WHEREAS, the Town Council approved the vacation of the Vacated Easement and authorized the Mayor or Manager of the Town to sign the vacation, by Resolution 44, Series 2023.

NOW THEREFORE, the Town vacates the Subject Easement Agreement in its entirety and releases all of its right, title and interest in the Subject Easement Agreement, in favor of the **PRESENT OWNER(S)** of the adjacent property, effective upon approval of Resolution 44, Series 2023.

IN WITNESS WHEREOF, the Mayor has executed this Vacation of Easement.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk

EXHIBIT A

Legal Description of Subject Easement

