

**TOWN OF TIMNATH, COLORADO  
RESOLUTION NO. 58, SERIES 2023**

**A RESOLUTION VACATING A CERTAIN TRAIL 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 1<sup>st</sup> 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 August 15, 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 September 12, 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:**

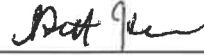
**Section 1. Approval**

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 SEPTEMBER 12, 2023.**

**TOWN OF TIMNATH, COLORADO**



\_\_\_\_\_  
Brett Hansen, Mayor Pro Tem

**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 1<sup>st</sup> Filing Final Plat recorded in the real property records of the Larimer County Clerk and Recorder at Reception Number 20150039320; (“**Existing Easement**”); and

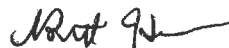
**WHEREAS**, the Town has determined that a portion of the Existing Easement, as described in **Exhibit A**, attached hereto and incorporated herein, (the “**Vacated Easement**”) is no longer useful and/or not required in the operations of the Town;

**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 No. 57, 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 No. 57, Series 2023.

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

**TOWN OF TIMNATH, COLORADO,**



\_\_\_\_\_  
Brett Hansen, Mayor Pro Tem

**ATTEST:**



\_\_\_\_\_  
Milissa Peters-Garcia, CMC  
Town Clerk

## EXHIBIT A

### Legal Description of Subject Easement

A PORTION OF THE EASEMENT DESCRIBED WITHIN REPLAT A OF RIVERBEND SUBDIVISION, RECORDED AT LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 20170017459, BEING A PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHICH BEARS SOUTH 89°56'19" EAST, MONUMENTED BY A 3-1/4" ALUMINUM CAP, LS 10734 IN RANGE BOX, AT THE WEST, AND MONUMENTED BY A 2-1/2" ALUMINUM CAP, LS 16404 IN RANGE BOX, AT THE EAST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE AFOREMENTIONED NORTHWEST CORNER OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 2, SOUTH 89°56'19" EAST, 1,148.47 FEET; THENCE SOUTH 00°03'41" WEST, 70.00 FEET, TO THE NORTHEAST CORNER OF TRACT 2, REPLAT A OF RIVERBEND SUBDIVISION, RECORDED AT LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 20170017459, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4, RIVERBEND 1ST FILING, RECORDED AT LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 20150039320, THENCE ALONG THE WEST LINE OF LOT 4 OF SAID RIVERBEND 1ST FILING, AND THE PROJECTION THEREOF, SOUTH 04°51'10" WEST, 648.03 FEET, TO THE SOUTH LINE OF SAID TRACT 2, REPLAT A OF RIVERBEND SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID TRACT 2, SOUTH 79°00'11" WEST, 33.43 FEET, TO THE POINT OF BEGINNING.

THENCE CONTINUING ALONG THE SOUTH LINE OF THE AFOREMENTIONED TRACT 2, REPLAT A OF RIVERBEND SUBDIVISION, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 79°00'11" WEST, 30.00 FEET;
2. THENCE NORTH 89°56'36" WEST, 406.93 FEET, TO THE EAST LINE OF A 40' UTILITY EASEMENT, RECORDED AT LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 20170017459,

THENCE ALONG THE EAST LINE OF THE AFOREMENTIONED 40' UTILITY EASEMENT, NORTH 15°50'21" WEST, 31.19 FEET;

THENCE SOUTH 89°56'36" EAST, 440.66 FEET;

THENCE SOUTH 09°54'09" EAST, 24.62 FEET, TO THE POINT OF BEGINNING.



Project	24-15-402
Check By	REK/2024
Checked By	REK/2024
Drawn By	REK/2024
Date	10/20/24
Request By	

TRAIL EASEMENT VACATION  
 BEING A PART OF TRACT 2, BEING A OF RIVERBEND SUBDIVISION  
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
 TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO

**RIDGE TOP**  
 ENGINEERING & SURVEYING  
 341 E. GARDEN DRIVE  
 SUITE 100  
 WINDSOR, CO 80550  
 970-683-0522

Sheet 2  
 of 2

