

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 31, SERIES 2024**

**A RESOLUTION VACATING A CERTAIN TRAIL EASEMENT IN THE RIVERBEND
SUBDIVISION KNOWN AS TIMNATH TRAIL AT RIVERBEND**

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 March 19, 2024, 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 April 9, 2024 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:

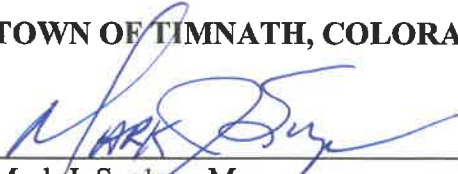
Section 1. Approval

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 APRIL 9, 2024.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



VACATION OF EASEMENT

This Vacation of Easement is made effective as of this 9th day of April, 2024, (the “**Effective Date**”) by Town of Timnath, Colorado, a Colorado municipal corporation (the “**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 is the beneficiary under that certain Trail Easement recorded June 23, 2015, at Reception No. 20150039320 in the Official Records of Larimer County, Colorado and (collectively, the “**Easement**”); and

WHEREAS, the Town desires to release, relinquish, vacate, abandon, and quit claim all its right, title and interest in and to Easement insofar and only insofar as the Easement apply to the real property legally described on Exhibit A which is attached hereto and incorporated herein by reference (collectively, the “**Vacation Area**”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, from and after the Effective Date, the Town hereby releases, relinquishes, vacates and abandons all of its right, title and interest in and to the Easements as to the Vacation Areas and such Easements are deemed terminated and of no further force and effect as to the Vacation Areas.

[Signature Page Follows]

EXHIBIT A

Legal Description of Subject Easement

A 30' TRAIL EASEMENT DESCRIBED WITHIN LOTS 1, 2, & 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND, RECORDED AT LARIMER COUNTY, STATE OF COLORADO, CLERK AND RECORDER AT RECEPTION NUMBER 20210027708, 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 WEST LINE OF LOTS 1 AND 2, OF THE AFOREMENTIONED REPLAT OF TIMNATH TRAIL AT RIVERBEND, AS BEARING SOUTH 09°54'16" EAST, MONUMENTED BY A NO. 4 REBAR AT THE NORTH, AND MONUMENT BY A NO. 4 REBAR, WITH AN ILLEGIBLE 1" RED PLASTIC CAP, AT THE SOUTH, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO,

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE ALONG THE NORTH LINE OF SAID LOT 1, NORTH 79°00'11" EAST, 30.01 FEET;
THENCE SOUTH 09°54'16" EAST, 669.96 FEET, TO A POINT ON THE SOUTH LINE OF LOT 3, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, SAID POINT ALSO LYING ON A CURVE WITH A CENTRAL ANGLE OF 05°59'53", A RADIUS OF 305.00 FEET, AND A CHORD WHICH BEARS SOUTH 60°09'01" WEST, 31.91 FEET;
THENCE ALONG THE ARC OF SAID CURVE 31.93 FEET;
THENCE NORTH 09°54'16" WEST, 131.36 FEET, TO A POINT ON THE WEST LINE OF LOT 2, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND;
THENCE ALONG THE WEST LINE OF SAID LOTS 2 & 1, NORTH 09°54'16" WEST, 578.91 FEET, TO THE POINT OF BEGINNING,

SAID PARCEL OF LAND CONTAINS 21,142 SQUARE FEET, OR 0.485 ACRES, MORE OR LESS.

TIMNATH TRAIL AT RIVERBEND EASEMENT VACATION

BENING TRAIL EASEMENT VACATION WITH LOTS 1, 2, 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND, LOCATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 63 WEST OF THE 6TH P.M., TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO

OWNER: TIMNATH TRAIL, LLC, A WISCONSIN LIMITED LIABILITY COMPANY
 1310 COUNTY HIGHWAY 40
 CHIPPENHALL, WISCONSIN 53015
 ATTORNEY: MICHAEL DAVID LANG
 541 E. GARDEN DRIVE
 VENTNOR, CO 80550

CERTIFICATE OF OWNERSHIP:

THE COUNTY OF LARIMER, COLORADO, HAS BEEN ADVISED BY THE COUNTY CLERK OF THE COUNTY, AND THERE ARE NO MORTGAGES OR HOLDERS OF INTERESTS IN THE PROPERTY AND EACH AND ALL HEREBY CONSENT TO THIS PLAT.

OWNER: TIMNATH TRAIL, LLC, A WISCONSIN LIMITED LIABILITY COMPANY

BY: _____
 NAME: _____
 TITLE: _____
 STATE OF COLORADO _____
 COUNTY OF LARIMER _____
 BY _____
 AS _____
 WITNESS MY HAND AND OFFICIAL SEAL

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____.

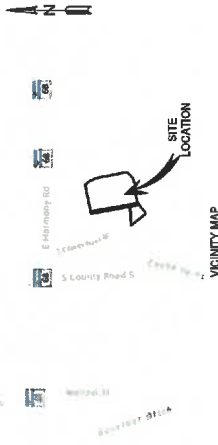
REGISTERED BY
 MY COMMISSION EXPIRES: _____

SURVEY NOTES:

1. RECORD ENGINEERING AND SURVEYING DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE CLIENT CONSULT WITH AN APPROPRIATE PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, RECORD ENGINEERING AND SURVEYING RELIES ON THE TITLE RECORDS MAINTAINED BY THE COUNTY CLERK OF LARIMER COUNTY, COLORADO, AND THE COUNTY ENGINEER'S OFFICE, TOWN OF TIMNATH, COLORADO.
2. THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RECORD ENGINEERING AND SURVEYING. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, RECORD ENGINEERING AND SURVEYING RELIES ON THE TITLE RECORDS MAINTAINED BY THE COUNTY CLERK OF LARIMER COUNTY, COLORADO, AND THE COUNTY ENGINEER'S OFFICE, TOWN OF TIMNATH, COLORADO.
3. ACCORDING TO COLORADO LAW YOU MUST COMMERCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT, AND EVENT MAY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE BARRED BY THE STATUTE OF LIMITATIONS. THIS SURVEY IS THE PROPERTY OF RECORD ENGINEERING AND SURVEYING, INC. ANY REUSE OF THIS SURVEY WITHOUT THE WRITTEN PERMISSION OF RECORD ENGINEERING AND SURVEYING, INC. IS STRICTLY PROHIBITED.
4. THE LEGAL JURY IN THE JURISDICTION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL BUREAU OF STANDARDS AND TECHNOLOGY.
5. BARS OF BEARINGS: CONSIDER THE WEST LINE OF LOTS 1 AND 2, REPLAT OF TIMNATH TRAIL AT RIVERBEND, RECORDED AT THE LARIMER COUNTY STATE OF COLORADO, CLERK AND RECORDS, AT RECEPTION NUMBER 000000001, AS BEARING SOUTH 09° 04' 14" WEST 120.00 FEET, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERE TO.
6. THE TOTAL AREA EQUALS 21.146 SQ. FT. OR 0.48 ACRES, MORE OR LESS.

FLOODPLAIN NOTE:

THE SUBJECT PROPERTY IS LOCATED IN ZONE X OF THE FEMA FLOOD INSURANCE RATE MAP, DATED 1/19/2006 AND LARIMER COUNTY MAP, DATED 11/16/2006. ZONE X DESIGNATION REPRESENTS AREAS DETERMINED TO BE OUTSIDE THE CHANNEL OF A PERMANENT CHANNEL.



VICINITY MAP
 GRAPHIC SCALE
 1" = 100'

LEGAL DESCRIPTION:

A 37' TRAIL EASEMENT DESCRIBED WITHIN LOTS 1, 2, 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND, RECORDED AT RECEPTION NUMBER 000000001, LARIMER COUNTY, COLORADO, AND THE COUNTY ENGINEER'S OFFICE, TOWN OF TIMNATH, COLORADO, PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE ALONG THE WEST LINE OF LOTS 1 AND 2, OF THE FOREGOING REPLAT OF TIMNATH TRAIL AT RIVERBEND, A DISTANCE OF 120.00 FEET, TO A POINT ON THE SOUTH LINE OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE SOUTH 09° 04' 14" WEST, 120.00 FEET, TO A POINT ON THE WEST LINE OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE SOUTH 09° 04' 14" WEST, 120.00 FEET, TO A POINT ON THE WEST LINE OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE SOUTH 09° 04' 14" WEST, 120.00 FEET, TO A POINT ON THE WEST LINE OF LOT 1, OF SAID REPLAT OF TIMNATH TRAIL AT RIVERBEND, THENCE SOUTH 09° 04' 14" WEST, 120.00 FEET, TO THE POINT OF BEGINNING.
 SAID PARCEL OF LAND CONTAINS 21.146 SQUARE FEET, OR 0.48 ACRES, MORE OR LESS.

BENING TRAIL EASEMENT VACATION WITH LOTS 1, 2, 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND, LOCATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 63 WEST OF THE 6TH P.M., TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO

RECORDED AT RECEPTION NUMBER 000000001, LARIMER COUNTY, COLORADO, AND THE COUNTY ENGINEER'S OFFICE, TOWN OF TIMNATH, COLORADO.

PLANNING COMMISSION CERTIFICATE:

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOWN PLANNING COMMISSION, TIMNATH, COLORADO.

CHIEF CLERK: PHEL GRAYBETH

TOWN COUNCIL CERTIFICATE:

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOWN COUNCIL, TIMNATH, COLORADO.

MAYOR: MARK J. SCORUP

TOWN CLERK: _____

SURVEYOR'S CERTIFICATE:

I, MICHAEL DAVID LANG, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE EXHIBIT FOR THE PURPOSE OF RECORDING THIS INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT. I HEREBY CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT. I HEREBY CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT. I HEREBY CERTIFY THAT THE INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT.

DATED THIS _____ DAY OF _____, 20____.

DRAFT

MICHAEL DAVID LANG
 REGISTERED LAND SURVEYOR
 COLORADO REGISTRATION NO. 12963

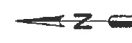
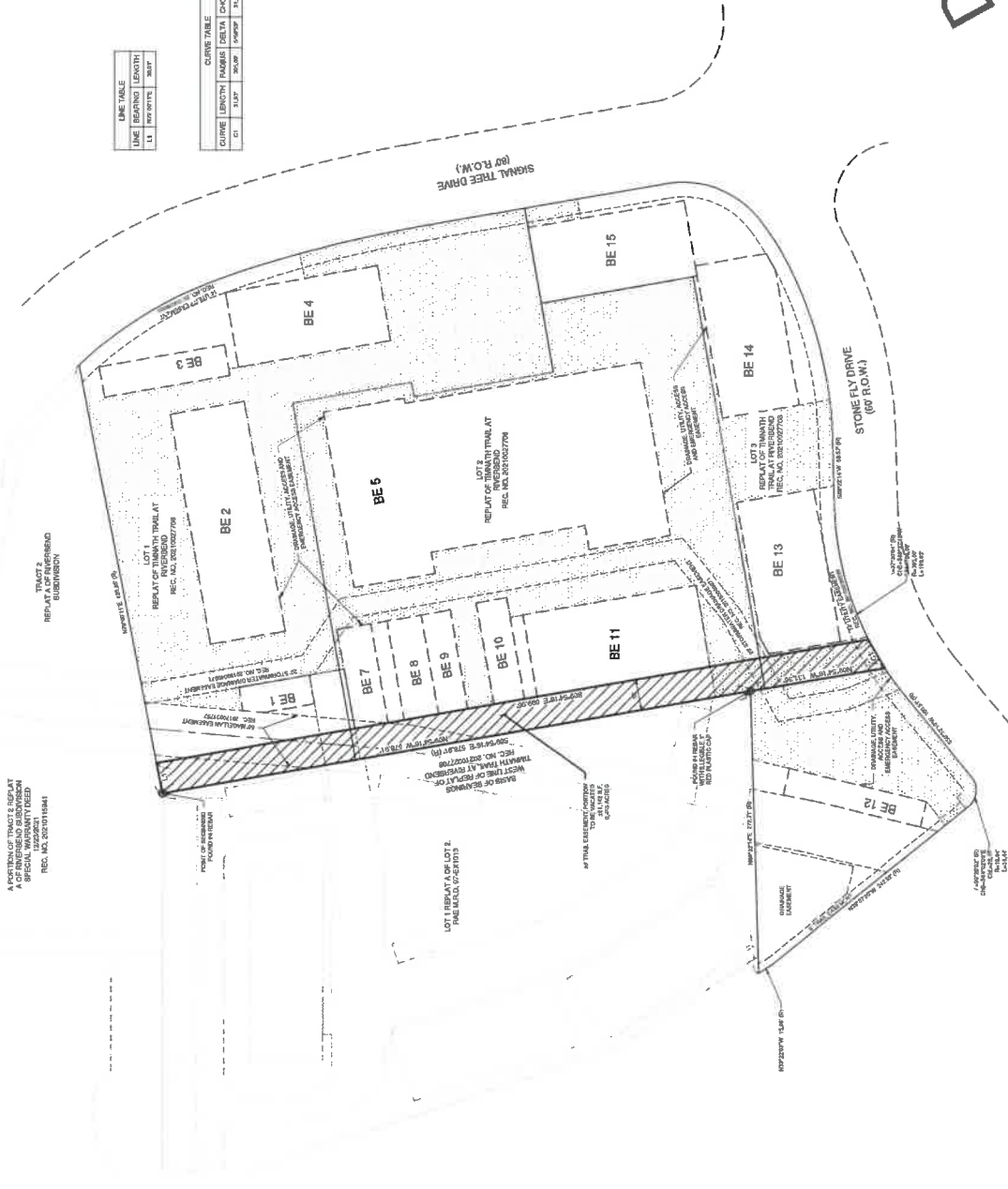
TIMNATH TRAIL AT RIVERBEND EASEMENT VACATION
 BEING TRAIL EASEMENT VACATION WITHIN LOTS 1, 2, & 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND,
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
 TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO

APPROVED FOR RECORD BY THE
 A.C.F. REGISTERED SUBDIVISION
 SPECIAL WARRANTY DEED
 REC. NO. 20210116484

TRACT 2
 REPLAT OF RIVERBEND
 SUBDIVISION

LINE TABLE	
LINE	LENGTH
1	100.00 FT.
2	300.00 FT.

CURVE TABLE					
CURVE	LENGTH	PI	DELTA	CH BEARING	CH BEARING
1	100.00	300.00	30.00	S 112.00° E	S 112.00° E
2	300.00	300.00	30.00	S 112.00° E	S 112.00° E



LEGEND

- WATERWAY AREA
- EXISTING PROPERTY LINE
- EXISTING BUILDING ENVELOPE
- PROPOSED PROPERTY LINE
- PROPOSED BUILDING ENVELOPE
- CONCRETE EASEMENT
- DRAINAGE UTILITY, ACCESS, AND EASEMENT ACCESS EASEMENT

DRAFT

DATE	REVISION

Project: 22-021-002
 Date: 1/10/2023
 Drawn By: BBA
 Checked By: VACB
 Title: RESUBMIT 87

TIMNATH TRAIL AT RIVERBEND EASEMENT VACATION
 BEING TRAIL EASEMENT VACATION WITHIN LOTS 1, 2, & 3, REPLAT OF TIMNATH TRAIL AT RIVERBEND,
 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, P.C.
 441 E. GARDEN DRIVE
 LINCOLN, WYOMING 82003
 307-653-6522

2 / 2