

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 775 (SERIES 2012)

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS ACCEPTING THE QUITCLAIM DEED FOR A PORTION OF ALPHA DRIVE

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, pursuant to Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including streets, and including but not limited to, all power and authority to purchase such property, and section 12.19 of the Charter provides for the acquisition of property by Ordinance; and

WHEREAS, Archuleta County has, pursuant to Section 30-11-107, (1)(h), C.R.S. the power to lay out, alter, or discontinue any road running into or through the county and also to perform such other duties respecting roads as may be required by law; and

WHEREAS, pursuant to Section 43-2-201, C.R.S., public highways include all roads over private lands dedicated to the public use by deed to that effect, filed with the County Clerk and Recorder of the county in which such roads are situate, when such dedication has been accepted by the Board of County Commissioners; all roads over private or other lands dedicated to public uses by due process of law and not vacated by the Board of County Commissioners; and all roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years;

WHEREAS, Archuleta County has, pursuant to Sections 30-11-101, (1)(b), (c) and (d), and 30-11-107, C.R.S., the power to purchase and hold real and personal property for the use of the County, and to sell, convey or exchange any real or personal property owned by the County and make such order respecting the same as may be deemed expedient or conducive to the interests of the inhabitants and to make all contracts and do all other acts in relation to the property and concerns necessary to the exercise of its corporate or administrative power; and

WHEREAS, by plat approved by the Board of County Commissions of Archuleta County on November 6, 1972, and recorded at Reception No. 76769 (the "1972 Plat"),

Eaton International Company, as owner, subdivided and dedicated to the public a portion of property designated on such plat as Alpha Drive ("Alpha Drive"); and

WHEREAS, pursuant to motion approved by the Archuleta County Board of County Commissioners on November 21, 2006 and Annexation Petition signed November 27, 2006, the Board of County Commissioners, requested that the Town of Pagosa Springs annex Alpha Drive; and in the minutes of the November 27, 2006 meeting and the Annexation Petition the members of the Board of County Commissioners indicated their belief that Archuleta County owned Alpha Drive; and

WHEREAS, annexation of Alpha Drive by the Town based on the November 2006 Annexation Petition was not completed, however, on April 7, 2007, the Archuleta County Board of County Commissioners executed a Memorandum of Understanding with the Town of Pagosa Springs, Alpha-Rockridge Metropolitan District and Pagosa Partners I, Inc. ("2007 MOU") which called upon the County to submit a petition for annexation to the Town of Pagosa Springs for annexation of Alpha Drive upon the initial acceptance of roadway improvements by the Town; and

WHEREAS, Alpha Drive is used to access areas within the Town of Pagosa Springs, and the Town has requested that the County convey its rights in Alpha Drive to the Town so that the Town may annex Alpha Drive and ensure its improvement as contemplated by the 2007 MOU;

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to accept the Quitclaim Deed attached hereto as Exhibit A, for that certain real property known as Alpha Drive.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

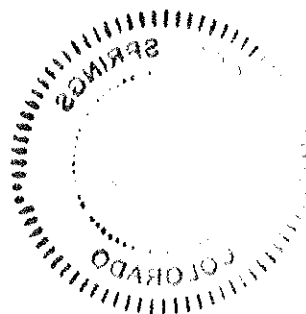
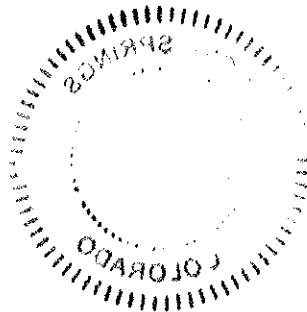
I. Acceptance of Quitclaim Deed. Upon the posting of financial security to ensure the improvement of Alpha Drive to Town standards, the Quitclaim Deed, in the form attached hereto, is in all respects approved and accepted by the Town.

II. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

III. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

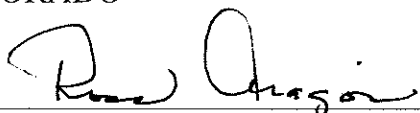
IV. **Second Reading.** Second reading of this Ordinance shall be held on the 6th day of September, 2012, at 5:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

V. **Effective date.** This Ordinance shall become effective and be in force thirty days after final approval.

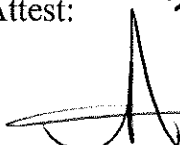


INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 23RD DAY OF AUGUST, 2012.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 
Ross Aragón, Mayor

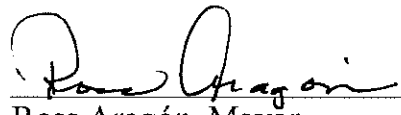
Attest:


April Hessman, Town Clerk

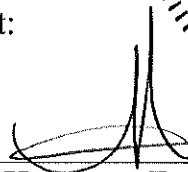


FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 6TH DAY OF SEPTEMBER, 2012.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 
Ross Aragón, Mayor

Attest:



April Hessman, Town Clerk




CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 775 (Series 2012) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 23rd day of August, 2012, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on August 23, 2012, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

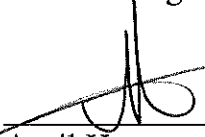
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of Sept, 2012.



April Hessman, Town Clerk
(S E A L) 

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 775 (Series 2012) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 6th day of September, 2012, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Sept 7, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 7 day of Sept, 2012.




April Hessman, Town Clerk
(S E A L) 

EXHIBIT A
QUITCLAIM DEED

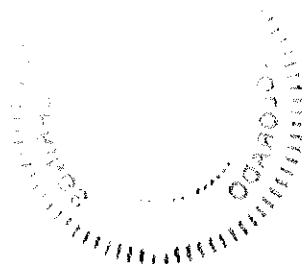
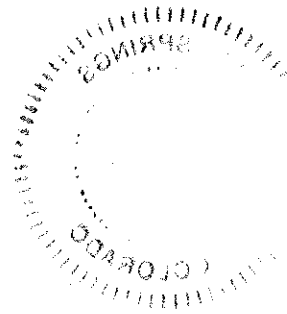


EXHIBIT A

21205175 8/14/2012 3:15 PM June Madrid
1 of 2 QCD R\$0.00 D\$0.00 Archuleta County

QUITCLAIM DEED
(Alpha Drive)

THIS DEED is made this 14th day of August, 2012, between Archuleta County, Colorado, whose address is P.O. Box 1507, Pagosa Springs, CO 81147, hereinafter referred to as "Grantor" and the Town of Pagosa Springs, Colorado, whose address is PO Box 1859, Pagosa Springs, CO 81147, hereinafter referred to as "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, including the right to accept the public dedication thereof, and together with improvements, if any, situate, lying and being in the County of Archuleta and State of Colorado, described as follows (the "Property"):

The road commonly known as "Alpha Drive" located in Section 21, Township 35 North, Range 2 West of the N.M.P.M., as more particularly described on the plat thereof recorded November 6, 1972 at Reception No. 76769 in Archuleta County, and as further described in Exhibit A, attached hereto and incorporated herein.

STATE DOCUMENTARY FEE
DATE 8-14-12
\$ 2

TO HAVE AND TO HOLD the Property, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the date set forth above.

BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO

By: Clifford Lucero
Title: Chairman

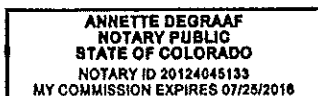
STATE OF COLORADO)
) ss.
COUNTY OF ARCHULETA)

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Clifford Lucero as Chairman of Board of Archuleta County, Colorado.

Witness my hand and official seal.

My commission expires: 07/25/2016

Annette Degraaf
Notary Public



Rtn: ARCHULETA COUNTY ATTORNEY
WILL PICK UP



EXHIBIT A
DESCRIPTION OF PROPERTY

That portion of the North half of the North half of Section 21, Township 35 North, Range 2 West, New Mexico Principal Meridian, County of Archuleta, State of Colorado, within the following described boundaries:

Beginning at a point in the South line of the North half of the North half of said Section 21, said South line being also the North line of Pagosa Alpha Section a plat as recorded June 13, 1969 as Reception Number 72213 in the office of the Recorder of said County, which bears North $88^{\circ} 54' 42''$ West 30.00 feet from the intersection of said South line with the North-South midsection line of said Section 21;

Thence, North $00^{\circ} 08' 58''$ East parallel to said North-South midsection line 1045.91 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 170.00 feet;

Thence, Northwesternly along said curve through a central angle of $33^{\circ} 51' 38''$ a distance of 100.47 feet to a point of compound curve with a curve concave to the South and having a radius of 20.00 feet;

Thence, Westerly along said last mentioned curve through a central angle of $90^{\circ} 00' 00''$ a distance of 31.42 feet to its point of tangency with the Southeastery Right of Way line of U. S. Highway 160 as same existed on October 5, 1972;

Thence, North $56^{\circ} 17' 18''$ East along said Southeastery line 100.00 feet to its point of tangency with a curve concave to the East and having a radius of 20.00 feet, the radius point of which bears South $33^{\circ} 42' 42''$ East;

Thence, leaving said Southeastery line and following Southerly along said last mentioned curve through a central angle of $90^{\circ} 00' 00''$ a distance of 31.42 feet to a point of compound curve with a curve concave to the Southwest and having a radius of 230.00 feet;

Thence, Southeastery along said last mentioned curve through a central angle of $33^{\circ} 51' 38''$ a distance of 185.92 feet;

Thence, South $00^{\circ} 08' 58''$ West parallel to said North-South midsection line 1046.89 feet to said South line;

Thence, North $88^{\circ} 54' 42''$ West along said South line 30.00 feet to said North-South mid-section line;

Thence, continuing North $88^{\circ} 54' 42''$ West along said South line 30.00 feet to the point of beginning.

Containing 1.636 acres more or less.