



Archuleta County  
Development Services—Planning Department  
1122 HWY 84  
P. O. Box 1507  
Pagosa Springs, Colorado 81147  
970-264-1390  
Fax 970-264-3338

## MEMORANDUM

TO: Archuleta County Board of County Commissioners

FROM: John C. Shepard, AICP; Planning Manager

DATE: July 2, 2019

RE: Davenport Easement Vacation, Parcels 20 & 21 of Pagosa Alpha Section 22 (PLN19-265)

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### EXECUTIVE SUMMARY

Paul & Lori Davenport of Alta Loma, CA, have applied to Vacate by Resolution a 60' wide unbuilt Access & Utility Easement between parcels 20 & 21 of Pagosa Alpha Section 22 (a survey exempt from Subdivision Review), at 527 & 589 Oakbrush St. (case file PLN19-265). The property, owned by the Paul and Lori Davenport Revocable Trust, is zoned Agricultural Estates (AE). Applicants intend to combine the parcels by deed and build a new single family home after approval.

### REVIEW PROCEDURE

Section 4.6 of the *Archuleta County Land Use Regulations* provides for Plat Amendments. Section 4.6.5 provides for vacation of right-of-way and easements, and with amendments approved by the Board of County Commissioners in May, clarifies that easements outside of platted subdivisions may be vacated by Resolution as provided by the Road & Bridge Standards and state statute. Requirements to vacate unused access easements can be found in Section 27.0.8 of the *Archuleta County Road & Bridge Design Standards*.

Applicants mailed notice of this public hearing to property owners within 500 feet, as required by the Road & Bridge Standards.

### DISCUSSION

The plat of Pagosa Alpha Section was originally recorded in 1969, prior to requirements for County Subdivision review. The plat survey was updated in 1978, and recorded with the signature of the Chairman of the Board of County Commissioners. As it never went through Subdivision Review, Alpha is considered "grandfathered" as an exempt survey, rather than a formal "subdivision".

Paul and Lori Davenport Revocable Trust is the owner(s) of record of the subject property, being the N½ NE¼ SW¼ NE¼ S22 T35N R2W NMPM, aka Lot 20 Section 22 Pagosa Alpha Section, and the S½ NE¼ SW¼ NE¼ S22 T35N R2W NMPM, aka Lot 21 Section 22 Pagosa Alpha Section.

David Murrey completed a Land Survey Plat on 6/20/19, showing the unbuilt access & utility easement to be vacated, as provided by the Road & Bridge Standards

Property owners began review of the proposal with Sketch Plan review for a new Minor Subdivision, prior to amendments to the Land Use Regulations. The proposal to vacate the unused access and utility easement between the two parcels received no negative review comments from other agencies or utilities authorized to do business in Archuleta County.

#### RECOMMENDATION AND FINDINGS

**Based on evidence provided, staff recommends the Board of County Commissioners find that:**

- a. The application meets the review criteria for a Road Vacation in Section 27.0.8 of the *Archuleta County Road and Bridge Design Standards*, and
- b. The application meets the requirements to vacate rights-of-way and easements in CRS §42-2-301 *et. seq.*, and

The Board hereby approves the Resolution to vacate the unused Access & Utility Easement along the common parcel line between Parcels 20 & 21 of Pagosa Alpha Section 22.

#### PROPOSED MOTION

**I move to approve the Resolution for the Davenport Easement Vacation, with Findings A and B of the staff report.**

#### ATTACHMENTS.

Attachment 1: Proposed Resolution

Attachment 2: Narrative

Attachment 3: Site map

Attachment 4: Land Survey Plat