

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO,
APPROVING A ROAD STANDARD EXEMPTION FOR A PORTION OF
COUNTY ROAD K69**

Resolution 2005-21

WHEREAS, Idarado Mining Company (applicant) seeks approval to relocate and vacate a portion of County Road K69 (CR K69) and to remove the vacated portion of CR K69 from the official County Road Inventory and Map. The applicant is also requesting an Exemption from the County Road Standards for the relocated portion of CR K69. This application is intended to amend and supercede a prior BOCC resolution (Resolution # 2001-25) pertaining to the vacation and relocation of CR K 69. The applicant is also proposing to dedicate right-of-way for CR K 69 from the end of the existing asphalt on East Colorado Avenue to the gate just east of Marshall Creek. The section of CR K 69 that is to be vacated and relocated starts near the entrance gate to Idarado's Pandora Mill property, extending eastward to the existing road near the lagoons, east of the Mill building;

WHEREAS, this application was considered in conjunction with a relocation and vacation of a portion of County Road K69 (CR K69), BOCC Resolution 2005-

WHEREAS, Road Standard Exemptions are one-step Board of Commissioner review in accordance with Land Use Code Section 5-501 B.

5-501 B. Exemption

The Board of County Commissioners may grant an exemption from any standard in Section 5-501 or 5-502, provided the Board finds such exemption will not adversely affect public health, safety and welfare.

WHEREAS, in a May 3, 2005 memorandum Engineer Greg Anderson, PE, of Foley Associates, found the proposed road relocation to be in compliance with County Land Use Code (LUC) standards for a Local Service Road except:

The LUC requires an 18-foot driving service with 2-foot shoulders. The proposed road is has a wider driving surface (24-feet) but no shoulders, which keeps with the "feel" of the existing rural roadways in the area.

The current roadway does not meet the required horizontal clear distance of 8' to 12' and the proposed roadway will continue to be noncompliant. The LUC requires a guardrail when clear distance is not met. To make CR K69 in compliance with this requirement, there would have to be a guardrail along the entire length of CR K69, which is not warranted due to the level of service and the existing roadway conditions as it continues up the mountain.

While the existing Idarado office building is located very near the proposed relocated roadway and reduces the clear distance, it is considered a more desirable location than the current road which goes through the middle of the Idarado buildings and work area, that provides a safety concern between Idarado workers, heavy equipment and the public;

WHEREAS, the County Land Use Code requires a 50-foot road right-of-way, but the applicant is proposing a smaller right-of-way adjacent to the office building.

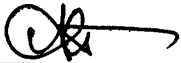
WHEREAS, County Road Superintendent Mike Horner has provided comments in a memo dated May 16, 2005. Mr. Horner states that he has no objection to the proposed vacation and relocation or the road standards (exemption) for the relocated section of CR K 69. This memo includes several specific recommendations concerning the granting of a 50-foot right-of-way for the relocated section of this roadway and the granting of a 60-foot right-of-way for that portion of the existing roadway from the end of the asphalt pavement (Joe Smart's house) to the gate just east of Marshall Creek. Mr. Horner has also provided comments regarding requirements that will need to be adhered to during the construction of this realigned roadway;

WHEREAS, the Board of Commissioners of San Miguel County, Colorado considered this application, along with referral agency comments and relevant evidence and testimony from the public, at a Public Hearing on July 6, 2005;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado unanimously approves a Road Standard Exemption for County Road K69 to allow construction of a 24-foot wide driving surface with no shoulder, a horizontal clear distance as proposed, and that there is no requirement to construct guardrails along any portion of the relocated road, finding the proposed Road Standard Exemption will not adversely affect public health, safety and welfare as stated in Land Use Code Section 5-501 B.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado on August 2, 2005.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

By: 
Art Goodtimes, Chair

Vern Ebert Aye Nay Abstain Absent
Elaine Fisher Aye Nay Abstain Absent
Art Goodtimes Aye Nay Abstain Absent

ATTEST:

By: Marie A. Thomas
Chief Deputy Clerk
[text/Idarado/cr.k69.reloc.vac.bocc]

