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LPCOUNTY PLANNING

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RESOLUTION NO. 1982-152

RESOLUTION PLACING ROADS WITHIN DURANGO WEST MOBILE AND MODULAR HOME SUBDIVISION, FILING NO. 1, PINETOP NO. 1 AT DURANGO WEST, AND WOODRIDGE NO. 1 AT DURANGO WEST ON THE COUNTY ROAD SYSTEM AND PROVIDING FOR MAINTENANCE OF SAID ROADS BY AGREEMENT WITH DURANGO WEST METROPOLITAN DISTRICT NO. 1

WHEREAS, the platted roads, streets, and drives within Durango West Metropolitan District No. 1 have been dedicated to the public use by plans recorded at Reception Nos. 407401, 439369, 439368, and

WHEREAS, all of said roads are maintained by Durango West Metropolitan District No. 1, and

WHEREAS, the Board of County Commissioners of the County of La Plata, State of Colorado, have entered into an agreement with Durango West Metropolitan District No. 1, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, said agreement provides that said roads shall be placed on the County Road System, so that Highway Users Tax monies shall be collected by County and paid to District to assist District in the maintenance of said roads, and

WHEREAS, said acceptance, by virtue of the terms of said Agreement, will not result in any additional financial liability to the County nor make the County responsible for maintenance of said roads, and

WHEREAS, the receipt of Highway Users Tax monies will lessen the financial obligations of the Durango West Metropolitan District No. 1 and provide a benefit to the taxpayers in said District,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO:

1. The Memorandum of Agreement attached hereto as Exhibit "A" is approved, and the Chairman is hereby authorized to execute the same on behalf of La Plata County.
2. All roads within Durango West Mobile and Modular Home Subdivision, Filing No. 1, as recorded at Reception No. 407401, Pinetop No. 1 at Durango West, as recorded at Reception No. 439369, and Woodridge No. 1 at Durango West, as recorded at Reception No. 439368, are hereby placed on the La Plata County Road System and are assigned road numbers as shown on Exhibit "B", attached hereto and incorporated herein by reference.
3. In the event that the Memorandum of Agreement attached hereto as Exhibit "A" is terminated by either party, said roads shall automatically be removed from the County Road System at the effective date of such termination.

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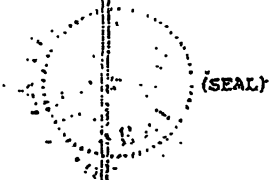
DONE AND ADOPTED in Durango, Colorado this 27th day of December, 1982.

BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO

Sara Duncan
Sara Duncan, Chairman

Don E. Michael
Don E. Michael, Vice-Chairman

R. T. Scott
R. T. Scott, Commissioner



WITNESSED:
Theresa A. Burford
Deputy Clerk to the Board

APPROVAL BY COUNTY ATTORNEY:
David L. Dickinson
David L. Dickinson

Distribution:

INITIALS	NAME	DATE
slb	Applicant	1-12-83
Mail Room	Public Works Director	1-12-83
AAA	County Engineer	1-12-83
CPB	Central Files	1/12/83
	Administrative Assistant	1/12/83
	Data Resource Manager	1/12/83
DLB	County Attorney (2)	1-12-83

DLD:clb

EXHIBIT "A"

AGREEMENT FOR PUBLIC HIGHWAY MAINTENANCE
DURANGO WEST, COLORADO

THIS AGREEMENT made and entered into this 27th day of December 1982, by and between DURANGO WEST METROPOLITAN DISTRICT NO. 1, La Plata County, State of Colorado, hereinafter referred to as the "District", and BOARD OF COUNTY COMMISSIONERS for La Plata County, State of Colorado, hereinafter referred to as the "County".

W I T N E S S E T H :

WHEREAS, the District is a quasi-municipal corporation organized and existing under the Statutes of the State of Colorado, C.R.S. 1973, 32-3-101, et seq.; and

WHEREAS, one of the purposes for which the District was formed was to construct and maintain streets and highways in said District, and said District is authorized to engage in road maintenance and improvements on a continual basis; and

WHEREAS, the streets, avenues and drives within said District were dedicated to the public use by plats as recorded at Reception No.'s 407401, 439369, and 439368; and

WHEREAS, the District and County are political subdivisions, as defined under the Inter-Governmental Relationships Act, C.R.S. 1973, 29-1-201, et seq.; and

WHEREAS, the Inter-Governmental Relationships Act permits, authorizes and encourages political subdivisions of the State of Colorado to cooperate and contract with one another to provide any functions, service or facility lawfully authorized to the cooperating or contracting political subdivision; and

WHEREAS, the streets in the District are "open, used and maintained public highways", as required by C.R.S. 1973, 43-4-207(2) (b), as amended; and

WHEREAS, the District has the equipment and financial resources necessary to maintain the roads within the District; and

WHEREAS, the County may secure for the District, Highway User Funds to assist in maintenance of the roads within the District; and

WHEREAS, the parties to this Agreement have considered and determined that it is for the best interests of the residents and citizens of the County of La Plata, State of Colorado, and the residents and citizens of the Durango West Metropolitan District No. 1, County of La Plata, State of Colorado, to

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provide for the maintenance, repair and reconstruction of the dedicated roads in the District according to the terms of this Agreement; and

WHEREAS, the County and District hereby find and determine that this Agreement and the provisions hereof will make the most efficient and effective use of their powers and responsibilities.

NOW, THEREFORE, it is agreed in consideration of the foregoing and the mutual promises, covenants, agreements and obligations herein contained that:

SECTION I

District hereby undertakes all maintenance of all dedicated public highways located within the District, whether described as streets, avenues or drives, it being the intent that the District maintain all those roads shown on the official plat of Durango West Mobile and Modular Home Subdivision, Filing No. One, recorded at Reception No. 407401 and those roads shown on the official plat of Pinetop No. One at Durango West, recorded at Reception No. 439369 and Woodridge No. One at Durango West, recorded at Reception No. 439368 of the records of the La Plata County Clerk and Recorder.

SECTION II

All public highways within the District shall be legally open for public travel by ordinary motor vehicle at all times; shall be usable at all times except during adverse weather conditions and shall be maintained by work of the District's crews on a continual basis.

SECTION III

County shall, in consideration of the District's agreement to maintain said roads, place said roads, as platted at Reception Nos. 407401, 439368 and 439369 on the County Road System and shall, beginning in 1983, apply for Highway Users' tax fund allocation for said roads. County shall pay to District upon receipt those funds received by the County through the Highway User Funds provisions of the Colorado Statutes, to the extent such funds are derived from the adjusted mileage of open, used and maintained public highways within the District.

SECTION IV

District agrees to expend all funds received from the County under this Agreement only on maintenance of and for the benefit of approved public highways within the District and for no other purposes. The term "maintenance" includes engineering, reconstruction, maintenance, repair, equipment.

improvement and administration of said roads. It is mutually acknowledged and agreed that the funds paid by the County to the District hereunder will not be adequate for all maintenance required, and District agrees to expend additional funds from other sources and other amounts, as it sees fit, for complete maintenance of the roads.

SECTION V

Notwithstanding the foregoing, this Agreement shall in no way limit the right or ability of the County or District or impose any additional obligation upon the County or District to raise revenue or expend such additional revenues as may be necessary or proper for the maintenance of public highways within the District.

SECTION VI

This Agreement has been approved by the County by Resolution No. 1982-152 passed at a meeting of the Board of County Commissioners of the County of La Plata, State of Colorado, held on the 21st day of December, 1982 and has been approved by the District by a Resolution passed at a meeting of the Board of Directors of the District held on the 14th day of September, 1982, and shall inure to the benefit of and be binding upon District and County and their successors.

SECTION VII

This Agreement may be terminated by either the County or District upon giving notice of termination to the other party at least ninety (90) days prior to the first day of January, 1983 or at least ninety (90) days prior to the first day of January of any succeeding year.

SECTION VIII

Each party shall be solely responsible for the performance of its obligation hereunder, and each party shall indemnify and save harmless the other party from all loss, cost and expense arising out of any liability or claim for injury or damages sustained or claimed to have been sustained by any one whomsoever by reason of the performance of said obligations or by any act or omission of said party or its officers, agents or employees.

SECTION IX

It is mutually agreed that, as the District assumes maintenance responsibility for additional public highway mileage, said highways may, by resolution duly adopted, be placed upon the County Road System and shall, from the date of said resolution, be subject to all provisions of this Agreement.

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SECTION X

The roads described herein are being placed on the County Road System only for the purpose of this Agreement and no other. In the event this Agreement is terminated by either Party, it is understood and agreed that County shall have the right to remove said roads from the County Road System. This Agreement shall not be construed as an acceptance by County of maintenance responsibility for said roads beyond the term of this Agreement.

SECTION XI

This Agreement shall be effective on the day and year first above written.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective officers the day and year first above written.

DURANGO WEST METROPOLITAN DISTRICT NO. 1

(SEAL)

Allan K. Green
President

ATTEST:

Robert W. Casmer
Secretary

BOARD OF COUNTY COMMISSIONERS LA PLATA COUNTY, COLORADO

(SEAL)

Sara Duncan
Sara Duncan, Chairman

ATTEST:
Norman W. Hubbard
Deputy Clerk to the Board

APPROVAL BY COUNTY ATTORNEY:

David L. Dickinson
David L. Dickinson

Distribution: Applicant
County Attorney (2)
Public Works Director
County Engineer

DLD:clb

PLANNING SUPPORT BRANCH
 WORKSHEET NO. (02243) 78
 December, 1980

EXHIBIT "B"
APPENDIX A

COUNTY ROAD SYSTEM REVISIONS

DURANGO WEST METROPOLITAN
 DISTRICT NO. I

DURING 1981

DATE 12-27-82

COUNTY LA PLATA

SHEET 1 OF 3

LPCOUNTY PLANNING

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(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
TYPE OF CHANGE	ROAD NUMBER AND NAME	SUBDIVISION NAME AND MAP SHEET NUMBER	DESCRIPTION SECTION, TOWNSHIP, RANGE	SURFACE TYPE	LENGTH	SURFACE WIDTH	NUMBER OF LANES	MAINTENANCE STATUS	SYSTEM DESIGNATION	COMMENTS
Addition	Forest Ridge Road	Durango West Mobile and Modular Home Subdivision	Section 30, T. 35N., R. 10 W., N.M.P.M.	G	1625'	28'	2	*See Note at end	2	160 D
Addition	Tiiber Drive	"	"	G	1125'	28'	2	"	2	160 I
Addition	Hidden Lane	"	"	G	500'	28'	2	"	2	160 H
Addition	Wood Crest Drive	"	"	G	1100'	28'	2	"	2	160 D
Addition	Pine Dale Lane	"	"	G	200'	28'	2	"	2	160 J
Addition	Lazy Pine Drive	"	"	G	650'	28'	2	"	2	160 C
Addition	Mass Road Trail	"	"	G	975'	28'	2	"	2	160 E
Addition	Holly Hock Trail	"	"	G	450'	28'	2	"	2	160 F
Addition	Canyon Creek Trail	"	"	G	375'	28'	2	"	2	160 G
Addition	Trail Wood Drive	"	"	G	375'	28'	2	"	2	160 A

*Note: Maintenance Status - County Roads maintained by Durango West Metropolitan District No. I under contract with La Plata County. See §43-4-207 (2)(b), C.R.S. 1973.

PLANNING SUPPORT BRANCH
WORKSHEET NO. (02243) 70
December, 1980

APPENDIX A

COUNTY ROAD SYSTEM REVISIONS

DURANGO WEST METROPOLITAN
DISTRICT NO. 1

DURING 1981

COUNTY LA PLATA

SHEET 2 OF 3

DATE 12-27-82

LPCOUNTY PLANNING

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(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
TYPE OF CHANGE	ROAD NUMBER AND NAME	SUBDIVISION NAME AND MAP SHEET NUMBER	DESCRIPTION SECTION, TOWNSHIP, RANGE	SURFACE TYPE	LENGTH	SURFACE WIDTH	NUMBER OF LANES	MAINTENANCE STATUS	SYSTEM DESIGNATION	COMMENTS
Addition	Holly Hock Trail	PineKop No. 1 at Durango West	Section 30, T 35 N, R 10 W, N.M.P.M.	G	200'	32'	2	*	2	160 F
Addition	Canyon Creek Trail	"	"	G	700'	32'	2	*	2	160 G
Addition	Valley View Way	"	"	G	275'	32'	2	*	2	160 AA
Addition	Trail Wood Drive	"	"	G	800'	32'	2	*	2	160 A
Addition	Choke Cherry Circles	"	"	E	950'	32'	2	*	2	160 BB
<p>*Note: Maintenance Status - County Roads maintained by Durango West Metropolitan District No. 1 under contract with La Plata County. See §43-4-207 (2)(b), C.R.S. 1973.</p>										

PLANNING SUPPORT BRANCH
 WORKSHEET NO. (02243) 78
 December, 1980

APPENDIX A
 COUNTY ROAD SYSTEM REVISIONS
 DURING 1981

DURANGO WEST METROPOLITAN
 DISTRICT NO. 1

DATE 12-27-82

COUNTY LA PLATA

SHEET 3 OF 3

(A) TYPE OF CHANGE	(B) ROAD NUMBER AND NAME	(C) SUBDIVISION NAME AND MAP SHEET NUMBER	(D) DESCRIPTION SECTION, TOWNSHIP, RANGE	(E) SURFACE TYPE	(F) LENGTH	(G) SURFACE WIDTH	(H) NUMBER OF LANES	(I) MAINTENANCE STATUS	(J) SYSTEM DESIGNATION	(K) COMMENTS
Addition	Forest Ridge Drive	Woodridge No. 1 at Durango West	Section 30, T 35 N, R 10 W, N.M.P.M.	G	1250'	32'	2	*	2	160 B
Addition	Ponderosa Trail	"	"	E	475'	32'	2	*	2	160 CC
Addition	Wood Haven Way	"	"	E	850'	32'	2	*	2	160 DD

*Note: Maintenance Status - County Roads maintained by Durango West Metropolitan District No. 1 under contract with La Plata County. See §43-4-207 (2)(b), C.R.S. 1973.