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RESOLUTION NO. 2002 - 18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AMENDING RESOLUTION NO. 2001-13 RESTRICTING ACCESS ON COUNTY ROAD 237

WHEREAS, on October 25, 1994, the Board of County Commissioners adopted Resolution No. 1994-64 wherein it recognized that use of County Road 237, also known as Horse Gulch Road, by recreational nonmotorized traffic and motorized vehicular traffic presented a clear and present danger to the public health, safety and welfare;

WHEREAS, Resolution No. 1994-64 limited, restricted and controlled specified portions of County Road 237; specifically, through the placement of two locked gates at the west end of County Road 237 from the Durango City limit and approximately two (2) miles east (collectively referred to herein as the "Original Gates") as more particularly shown on the attached map, designated as Exhibit A, incorporated herein by this reference.

WHEREAS, Resolution No. 1994-64 declared the portion of the road lying between the Original Gates to be a closed-access highway and a recreational pedestrian and non-motorized vehicle safety area;

WHEREAS, on March 26, 2001, the Board of County Commissioners adopted Resolution No. 2001-13 wherein it recognized that improvements to unrestricted portions of County Road 237 and development have increased vehicular traffic on the eastern portions of County Road 237, which, in turn, has greatly increased the fire danger in the area and the amount of trash and debris along the road, posing a clear danger to the public health, safety, and welfare;

WHEREAS, Resolution No. 2001-13 affirmed the restrictions on motorized access on County Road 237 set forth in Resolution No. 1994-64 and further provided for the installation of a third gate (the "Third Gate") approximately 1.1 miles east of the easternmost Original Gate, which gate was to be unlocked;

WHEREAS, Resolution No. 2001-13 further provided for the County Engineer to report to the Board of County Commissioners by December 3, 2001 regarding the progress, results and impact of Resolution No. 2001-13 and his recommendations regarding changes to or the discontinuance of Resolution No. 2001-13;

WHEREAS, the County Engineer solicited comments from the owners of property adjacent to the closed-access portions of County Road 237 regarding the impact of Resolution No. 2001-13;

WHEREAS, such property owners have commented on the favorable impact of Resolution No. 2001-13 but continue to have serious concerns about the fire danger,

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vandalism and illegal dumping on the closed-access portion of County Road 237 and have requested that the Third Gate be locked;

WHEREAS, all of the owners of property along County Road 237 who may be affected by the installation of a lock on the Third Gate have consented to the placement of a lock on the Third Gate;

WHEREAS, emergency service agencies, including the City of Durango, La Plata County Sheriff and Animas Fire District, have been notified and have no objection to the installation of a lock on the Third Gate but require and shall be provided emergency access;

WHEREAS, on March 11, 2002, the Board of County Commissioners adopted Resolution No. 2002-13 wherein it adopted a county-wide road maintenance policy;

WHEREAS, Resolution No. 2002-13 defines "primary roads" and "secondary roads" and establishes the standards for maintenance of such primary and secondary County roads;

WHEREAS, the County's transportation plan contemplates the use of County Road 237 as an arterial road that may provide for high traffic volumes for inter-county travels needs and as such has significant importance to the County as a whole;

WHEREAS, the unrestricted portion of County Road 237 commencing from the intersection of County Road 237 with County Road 234 and extending to the current location of the Third Gate, meets the definition of a primary County road; and

WHEREAS, Colo. Rev. Stat. §§ 42-1-102(18), 42-4-111 and 43-2-147, *inter alia*, provide authority to La Plata County to regulate roadways under its jurisdiction and to control access thereto;

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

1. The Board finds that the restrictions on access over portions of County Road 237 are necessary to protect the public, health, safety and welfare and are authorized by the Board's reasonable police powers as set forth in C.R.S. § 43-2-147.
2. The terms and access restrictions found in Resolution No. 2001-13, not expressly amended by the terms of this Resolution, are hereby affirmed.
3. The County Engineer is hereby directed to further limit, restrict and control traffic access on the closed-access portion of County Road 237 by installing a lock on the Third Gate.

4. The County Engineer is further directed to provide the combination or keys to the lock installed on the Third Gate to all authorized emergency services providers and to owners of land adjacent to the closed-access portion of County Road 237, which keys shall not be further duplicated or distributed.

5. In accordance with Paragraph 5 of Resolution No. 2002-13, which requires annual review of all restrictions on access over public highways, the County Engineer shall henceforth report to the Board of County Commissioners of La Plata County, Colorado on the progress, results and impact of the access restrictions on County Road 237 established by Resolution No. 2001-13 and amended by this Resolution.

6. For the year 2002, the County Road and Bridge Department is directed to maintain the unrestricted portion of County Road 237 as a primary road in accordance with the criteria and maintenance level for primary roads as set forth in Resolution 2002-13. Thereafter, the maintenance of County Road 237 shall be considered on an annual basis along with all other County roads as provided for and consistent with Resolution No. 2002-13.

7. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners of La Plata County, Colorado, and shall remain in effect until amended or rescinded by said Board.

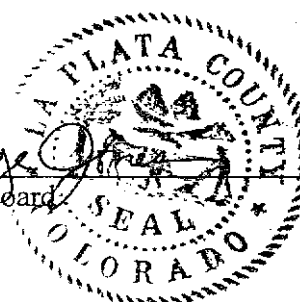
DONE this 22nd day of April, 2002 in Durango, La Plata County, Colorado.

Board of County Commissioners

ATTEST:
(SEAL)

Fred W. Klatt III
Fred W. Klatt III, Chair


Marge Gray
Clerk to the Board

The seal of La Plata County, Colorado, is circular with a double-line border. The outer ring contains the text "LA PLATA COUNTY" at the top and "COLORADO" at the bottom, separated by two small stars. The center of the seal features a landscape scene with a mountain range, a river, and a sun.

Frank Joswick
Frank "Josh" Joswick, Commissioner

Robert A. Lieb
Robert Lieb, Commissioner

APPROVED AS TO FORM:



Sheryl Rogers
La Plata County Attorney

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