



RESOLUTION NO. 18 - 207

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

A RESOLUTION TO APPROVE TWO AMENDED LICENSE AGREEMENTS FOR PRIVATE IMPROVEMENTS IN THE COUNTY RIGHT-OF-WAY OF WALSEN ROAD FOR LOTS 1 & 2, GRANT SUBDIVISION, FILING NO. 1

WHEREAS, pursuant to C.R.S §§ 30-11-101(1)(c)&(e), 30-11-103, and 30-11-107(1)(a)&(e), the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board" or "County"), has the legislative authority to manage the business and concerns of the County, to make orders concerning property that belongs to the County, and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the best interests of the County and its inhabitants; and

WHEREAS, the Board is further authorized to manage County roads and regulate access to County roads and public highways, and pursuant to C.R.S § 43-2-147(1)(a), the County is authorized to regulate vehicular access to or from any public highway under its jurisdiction from or to property adjoining said public highway in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of public highways; and

WHEREAS, Clive and Karen Grant, as individuals, entered into that License Agreement as Licensees with the County as Licensor dated March 14, 2018, recorded on April 9, 2018, at Reception No. 218039666 of the records of the El Paso County Clerk and Recorder's Office ("Original License"), in which the Grants as Licensees were identified as owners of both Lots 1 and 2 of Grant Subdivision, Filing No. 1 ("the Property"). Clive S. Grant and Karen L. Grant, Co-Trustees of the Clive and Karen Grant Revocable Trust Dated October 20, 2015, are conveying Lot 2 to contract purchaser and Licensee Smith Creek, LLC, and because the Original License prohibits transfer of the License without the County's consent, it is necessary to amend the Original License by replacing it with two (2) separate Amended License Agreements—one for the owner of Lot 1 and one for the owner of Lot 2—and to give the County's consent to transferring the License; and

WHEREAS, the County owns and maintains the public right-of-way known as Walsen Road adjacent to the Property. The County agreed to the Original License to accommodate the driveway that provides access into Grant Subdivision, which driveway had been constructed in the County right-of-way without obtaining prior approval of the County; and

WHEREAS, each of these Amended License Agreements conveys a License to the respective Licensees to allow each of the Licensees to use a portion of the County's right-of-way for the purposes of constructing, maintaining and repairing the Improvements identified in the Agreements—namely, the driveway; and

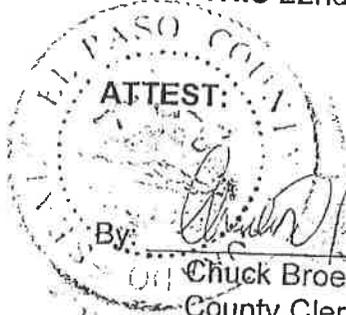
WHEREAS, in recognition of the need for the Licensees to get legal access to each of their respective lots in Grant Subdivision, the Board has determined that it would serve the best interests of the public and is in the best interests of the health, safety, and welfare of the citizens of El Paso County, to grant the licenses described herein: Amended License Agreement for Private Improvements in the County Right-of-Way for Lot 1, Grant Subdivision, Filing No. 1 (attached hereto at Exhibit 1 and incorporated herein by this reference), and Amended License Agreement for Private Improvements in the County Right-of-Way for Lot 2, Grant Subdivision, Filing No. 1 (attached hereto at Exhibit 2 and incorporated herein by this reference).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado hereby approves the Amended License Agreement for Private Improvements in the County Right-of-Way for Lot 1, Grant Subdivision, Filing No. 1, and the Amended License Agreement for Private Improvements in the County Right-of-Way for Lot 2, Grant Subdivision, Filing No. 1, and thereby grants the respective licenses described therein.

BE IT FURTHER RESOLVED that the two Amended License Agreements identified herein supersede and replace in its entirety the Original License Agreement between the County as Licensor and Clive and Karen Grant as Licensees dated March 14, 2018, recorded on April 9, 2018, at Reception No. 218039666 of the records of the El Paso County Clerk and Recorder's Office.

BE IT FURTHER RESOLVED that Darryl Glenn, duly elected, qualified member and President of the Board of County Commissioners, or Mark Waller, duly elected, qualified member and President Pro Tempore of the Board of County Commissioners, be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as expressed herein, including but not limited to the two Amended License Agreements identified herein.

DONE THIS 22nd day of May, 2018 at Colorado Springs, Colorado.



By: _____

Chuck Broerman
County Clerk & Recorder

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: _____

Darryl Glenn, President