

DRAFT RESOLUTION

RESOLUTION APPROVING A PRIVATE ACCESS MAINTENANCE AGREEMENT BETWEEN ST. JOHN THE BAPTIST SERBIAN ORTHODOX CHURCH AND ADAMS COUNTY, AND APPROVING A WAIVER FROM REQUIREMENT FOR ACCESS TO A COUNTY DEDICATED, CONSTRUCTED AND MAINTAINED PUBLIC ROAD

WHEREAS, St. John the Baptist Serbian Orthodox Church, hereinafter called the “Owner,” owns a parcel in the Northeast Quarter of Section 30, Township 3 South, Range 64 West of the 6th Principal Meridian, County of Adams, State of Colorado (hereinafter the “Owner’s Property”); and,

WHEREAS, the Owner has leased to Clean Energy Collective, LLC, hereinafter called the “Lessee,” a portion of the Owner's property for the purpose of construction of and maintenance of a Solar Energy Facility; and,

WHEREAS, the Lessee on March 28, 2016 made application for a building permit to construct said facility on the Owner’s Property at 33850 East 38th Avenue (Case No. BDP16-0892); and,

WHEREAS, Adams County requires that as a prerequisite to a building permit, a property shall have access to a County dedicated, constructed and maintained public road improved to the specifications of the Adams County Development Standards and Regulations; and,

WHEREAS, pursuant to Section 5-03-03-10 of the Adams County Development Standards and Regulations, a waiver can be granted by the Board of County Commissioners where the most logical development is by a private road or other means; and,

WHEREAS, Adams County includes the segment of E. 38th Avenue from Imboden Road to approximately one half mile to the west in its annual inventory of roadways presented in its Highway Users Tax Report to the State of Colorado; and,

WHEREAS, Adams County’s maintenance of the gravel roadway surface of the segment of E. 38th Avenue starting approximately 1200 feet west of Imboden Road and proceeding west therefrom is infrequent and only to the character of a trail road; and,

WHEREAS, at this location the most logical development is by a private road within said segment of the E. 38th Avenue; and,

WHEREAS, as a condition of approval, the Owner shall enter into a written agreement with the County for the Owner to maintain said trail road up to where Owner’s access leaves Adams County right-of-way as a private residential access and indemnifies and holds harmless the County for any damages arising from the Owner’s obligations under the agreement; and,

WHEREAS, it is stipulated in said agreement that the Owner shall maintain said trail road within Adams County right-of-way in accordance with the requirements and specifications of the Bennett Fire Protection District No. 7; and,

WHEREAS, the Owner, in compliance with said condition, has executed the attached Private Access Maintenance Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that a waiver from the Adams County Street Construction Improvement requirements and that the attached agreement with St. John the Baptist Serbian Orthodox Church, a copy of which is attached hereto and incorporated herein by this reference, both be and hereby are approved.

BE IT FURTHER RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Chairperson of the Board of County Commissioners is hereby authorized to execute said Agreement on behalf of Adams County.