

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, SUSPENDING THE PROVISIONS OF SECTION 42-94 OF THE LA PLATA COUNTY CODE REGARDING ACCEPTANCE OF ADDITIONAL ROADS UNTIL DECEMBER 31, 2025, AND DECLARING THAT DUE TO RESTRAINTS ON REVENUE AND EXPENDITURES, NO ADDITIONAL ROADS SHALL BE MAINTAINED BY THE COUNTY UNLESS FORMALLY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.**

**WHEREAS**, the Board of County Commissioners of La Plata County, Colorado (the "Board") adopted Resolution No. 2002-13 on March 11, 2002, a portion of which has been codified as Section 42-94 of the Code of La Plata County, Colorado; and

**WHEREAS**, Section 42-94 of the Code of La Plata County, Colorado requires the County to cause a road maintenance map to be prepared showing each road in the county's primary and secondary system and that, at least once a year, the Board is to cause notice of its intent to consider, revise and adopt the road maintenance map to be given, which notice shall specify the time and place at which all interested persons are to be heard; and

**WHEREAS**, Section 42-94 of the Code of La Plata County, Colorado further provides that following such hearing, the Board shall adopt the road maintenance map, with any changes or revisions deemed by it to be advisable and that such map shall establish the maintenance level of each road for the year; and

**WHEREAS**, Section 42-94 of the Code established a public process whereby residents of the county have requested the Board to accept additional roads for maintenance or increase levels of maintenance of particular county roads; and

**WHEREAS**, C.R.S. § 30-11-107(1)(e) gives the Board the authority to represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provisions are made by law; and

**WHEREAS**, C.R.S. § 30-11-107(1)(h) gives the Board the authority to lay out, alter or discontinue any road running into or through such county and also to perform such other duties respecting roads as may be required by law; and

**WHEREAS**, the Board anticipates the County's total revenues for 2023 will not fully recover from reduced property tax projections and previously reliable state grants; and

**WHEREAS**, the Board anticipates further that there are structural deficiencies in Road and Bridge funding that may not be fully resolved by 2025; and

**WHEREAS**, the County continues to receive requests from developers, homeowners, associations and individual residents for the County to accept additional roads for maintenance or to increase levels of maintenance of particular county roads; and

**WHEREAS**, adding additional mileage to the County road system or increasing levels of maintenance for particular roads will prove detrimental to the ability of the County to maintain those roads already on the system; and

**WHEREAS**, the Board has the duty to execute and administer the La Plata County Code; and

**WHEREAS**, the Board believes that a suspension of the provisions of Section 42-94 of the La Plata County Code related to acceptance of additional roads for maintenance or provision of increased levels maintenance of current roads is necessary for the preservation of public health, safety and welfare until December 31, 2025; and

**WHEREAS**, on the 21st day of February, 2023, the Board held a duly noticed public hearing on the issue of whether to adopt this resolution suspending such provisions of Section 42-94 of the La Plata County Code until December 31, 2025 and declaring that due to restraints on revenue and expenditures, no additional roads should be maintained unless formally approved by the Board; and

**WHEREAS**, during said public hearing, the Board received competent evidence and testimony supporting the adoption of this resolution.

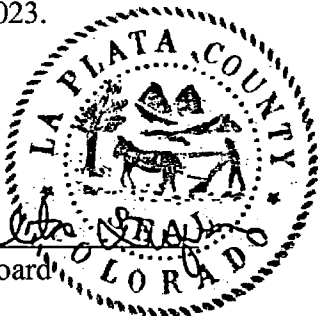
**NOW THEREFORE BASED UPON THE EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARING CONDUCTED ON THE 14<sup>TH</sup> DAY OF FEBRUARY, 2023, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AS FOLLOWS:**

1. The execution and administration of provisions of Section 42-94 of the Code of La Plata County, Colorado, related to acceptance of additional roads or requests for increased levels of maintenance to current roads are hereby suspended until December 31, 2025.
2. The County Road Maintenance Map prepared by staff and presented at the public hearing on February 21, 2023, and approved by the Board on the same day shall continue to serve as the County's road maintenance map until such time as another map is adopted by the Board.
3. This resolution shall take effect immediately upon adoption.

**DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO**, this 14th day of February, 2023.

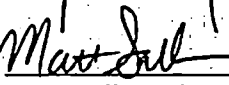
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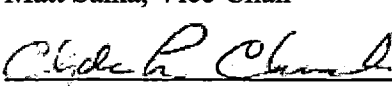
  
Clerk to the Board



BOARD OF COUNTY COMMISSIONERS  
LA PLATA COUNTY, COLORADO

  
Marsha Porter-Norton, Chair

  
Matt Salka, Vice-Chair

  
Clyde Church, Commissioner