

**BEFORE THE DEPARTMENT OF STATE
STATE OF COLORADO**

**FINDINGS OF FACT, DETERMINATION AND DECLARATION OF
ABANDONMENT**

**RE: SUMMIT COUNTY'S PETITION FOR THE ABANDONMENT OF THE
TOWN OF CHIHUAHUA PURSUANT TO § 31-3-201, C.R.S.**

This matter came before the Department of State for a hearing on August 22, 2013, at 11:00 a.m., regarding whether the Secretary should declare the town of Chihuahua in Summit County abandoned pursuant to § 31-3-201, C.R.S., (2012). Deputy Secretary of State Suzanne Staiert ("the Deputy Secretary") presided over the hearing. The Deputy Secretary considered all evidence admitted, including witness testimony and exhibits, and considered the legal arguments presented. The Deputy Secretary specifically finds there is substantial and credible evidence in the record to support her findings and that there is a reasonable basis in the law to support this Decision.

The Deputy Secretary makes the following findings and conclusions of law:

Procedural History

1. By Resolution No. 2013-46 dated July 8, 2013, Summit County, through the Summit County Attorney, submitted a written application to the Secretary of State for determination of abandonment for the town of Chihuahua ("application").
2. The Secretary published public notice of the application and hearing location and time ("notice") in the Summit Daily, a newspaper of general circulation in Summit County, on July 25, 2013. The notice was also posted in the town of Chihuahua, in the town of Montezuma, and at the Summit County offices in Breckenridge on July 25, 2013.
3. The Deputy Secretary held a public hearing regarding Summit County's application on August 22, 2013, at 11:00 a.m. at the Blue Spruce Conference Room, Colorado Department of State, 1700 Broadway, Denver, Colorado. Present at the hearing were Department of State personnel, including Troy Bratton, Tim Griesmer, and Andrea Gyger.
4. The Deputy Secretary allowed all interested persons to present evidence and argument regarding the application. Interested parties also had the opportunity to cross-examine all witnesses who testified. No individuals testified or objected to a determination of abandonment regarding the town at issue. The petition for abandonment was not contested at the hearing.

Witnesses

5. No witnesses testified under oath before the Deputy Secretary.

Documentary Evidence

6. The Deputy Secretary admitted the legal description of Chihuahua, provided by Summit County, into evidence marked as Exhibit A. There was no objection to the admission of such record.

7. The Deputy Secretary admitted the application into evidence marked as Exhibit B. There was no objection to the admission of such records. The resolution provided historical information regarding the town of Chihuahua and establishes that no elections; special, regular or for town officers, have been held for the five years prior to Summit County's application regarding Chihuahua and that no functions of government have been performed during that time.

8. The Deputy Secretary admitted the notice, provided by the Colorado Department of State, into evidence marked as Exhibit C. There was no objection to the admission of such record.

Decision

9. The Deputy Secretary finds and concludes that the evidence establishes the town of Chihuahua is abandoned as contemplated by § 31-3-201, C.R.S. (2012). The evidence presented indicates the town has not held any regular or special election, or elected town officers in the five years preceding Summit County's July 8, 2013, application. The evidence also shows that there has been no town government maintained in the five years preceding Summit County's application. Thus, the Deputy Secretary determines and declares the town of Chihuahua abandoned in accordance with § 31-3-201(1)(c), C.R.S. All books, documents, records, papers, and corporate seals of the town must be deposited with the Summit County Clerk and Recorder for safekeeping and reference in the future in accordance to § 31-3-201(1)(d), C.R.S.

10. This decision may be appealed by commencing an action for judicial review in the Denver District Court within thirty days of the date of this Order in accordance with § 24-4-106(4) C.R.S.

Done this 22nd day of August, 2013.



Suzanne Staiert
Deputy Secretary of State