

ORDINANCE NO. ____ - 2018

AN ORDINANCE OF THE TOWN OF ERIE, COLORADO VACATING THREE SLOPE EASEMENTS LOCATED NORTH OF CR 10.5 WITHIN APPROVED MORGAN HILL FILING No. 1; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Slope Easements shown on Exhibit “A,” (“Easements”), were quitclaimed to the Town by Weld County; and

WHEREAS, as a condition of approval of Morgan Hill Filing No. 1, the obsolete easements are required to be vacated; and,

WHEREAS, the Town now desires to vacate the Easements, as more specifically set forth and legally described as shown on Exhibit “A,” attached hereto and incorporated herein by this reference,.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Findings of Fact. The application is in substantial compliance with Municipal Code 10.7.10 B.9 Approval Criteria as outlined below:

- a. The Vacation is generally consistent with the Town’s Comprehensive Master Plan, as amended;
- b. The right-of-way or easement will not be utilized in the short or long term or the Town receives conveyance or dedication of substituted easements or rights-of-way appropriate to satisfy the continuing municipal need;
- c. The Vacation does not create an irregular right-of-way or easement configuration which could create difficulty in the provision of services or installation of public improvements;
- d. The Vacation serves the interest of the Town by removing maintenance or liability risks;
- e. The public benefits and utility of the Vacation request outweigh any adverse impacts of the Vacation; and
- f. The applicant will relocate, if necessary, any public facilities or utilities located within the right-of-way or easement, and grant and/or obtain an easement for relocation of said public facilities or utilities.

Section 2. That the Easements, as more specifically legally described on Exhibit “A,” be and is hereby vacated.

Section 3. That the Town hereby reserves any and all rights-of-way or easements for the continued use of existing utilities, sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances that may exist in the vacated area.

Section 4. That the Town of Erie be and is hereby authorized and directed to execute the necessary documents to evidence the vacation of the portions of the Easement, in Lot 1A, Block 1, and the appropriate Town officers are hereby authorized and directed to sign and bind the Town of Erie to said vacation document.

Section 5. That this Ordinance vacating the Easements, shall be recorded in the office of the Weld County Clerk and Recorder in which County such easement is located.

Section 6. Severance Clause. If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 7. Repeal. All other ordinances or parts of any ordinances in conflict herewith are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect immediately upon final adoption.

**INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL BY
THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS 28th DAY OF AUGUST,
2018.**

PUBLISHED IN FULL ON THE ____ DAY OF _____, 2018.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Jennifer Carroll, Mayor

ATTEST:

By: _____
Jessica Koenig, Deputy Town Clerk

Exhibit “A”

729

EASEMENT

THIS EASEMENT, granted this 21 day of Jan., 1998, between Mary Alice Billings, as to an undivided 2/3 interest, Owner whose legal address is 2246 Riverside Drive, Lyons, Colorado 80540, the Grantor, and the County of Weld, a political subdivision of the State of Colorado, whose legal address is P.O. Box 758, 915 Tenth Street, Greeley, Colorado 80632, the Grantee.

WITNESSETH, that the Grantor, for good and sufficient consideration paid to the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to the Grantee an easement over and across the following described parcel of real property owned by Grantor and situated in the County of Weld and State of Colorado, to wit: **The real property described in the attached Exhibit "A".**

This Easement is for the purpose of back sloping the hill to the north of Weld County Road 10.5 so that snow will not drift and collect on the road surface and maintaining said area for the benefit of and appurtenant to that land, or any part thereof, situated in the County of Weld and State of Colorado, described as the right-of-way known as "Weld County Road 10.5" which Grantee owns and has an obligation to maintain.

This Easement is permanent and shall become effective upon signature of the Grantor.

The Grantee agrees to repair and maintain the easement granted herein at the sole cost and expense of the Grantee; and that said Grantee will no way hinder or prevent the proper and reasonable use and enjoyment of the property through which the easement is granted. The Grantor will not build or maintain any buildings or structures within the easement which will hinder or prevent the proper and reasonable use of the easement by the Grantee.

Signed and delivered the 26th day of January, 1998.

OWNER

By: Mary Alice Billings
Mary Alice Billings

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 26th day of January, 1998 by Mary Alice Billings, Owner.

My Commission expires 02/03/, 2001. Witness my hand and official seal.

[Signature]
Notary Public m:\wpfiles\dons\billings

2591729 01/30/1998 02:29P Weld County CO
1 of 3 R 0.00 D 0.00 JA Suki Tsukamoto



EHRHART GRIFFIN & ASSOCIATES
LAND SURVEYING • CAD DRAFTING

October 12, 1997

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; S01°05'06"E ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2583.90 FEET TO THE TRUE POINT OF BEGINNING; THENCE S01°05'06"E CONTINUING ALONG SAID EAST LINE A DISTANCE OF 29.76 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WELD COUNTY ROAD No. 10 1/2; THENCE N89°15'33"E ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 450.65 FEET; THENCE N 82°21'43"E A DISTANCE OF 246.38 FEET; THENCE S89°25'13"E A DISTANCE OF 136.79 FEET; THENCE S83°51'17"E A DISTANCE OF 69.47 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 11610.34 SQUARE FEET OR 0.267 ACRES MORE OR LESS.

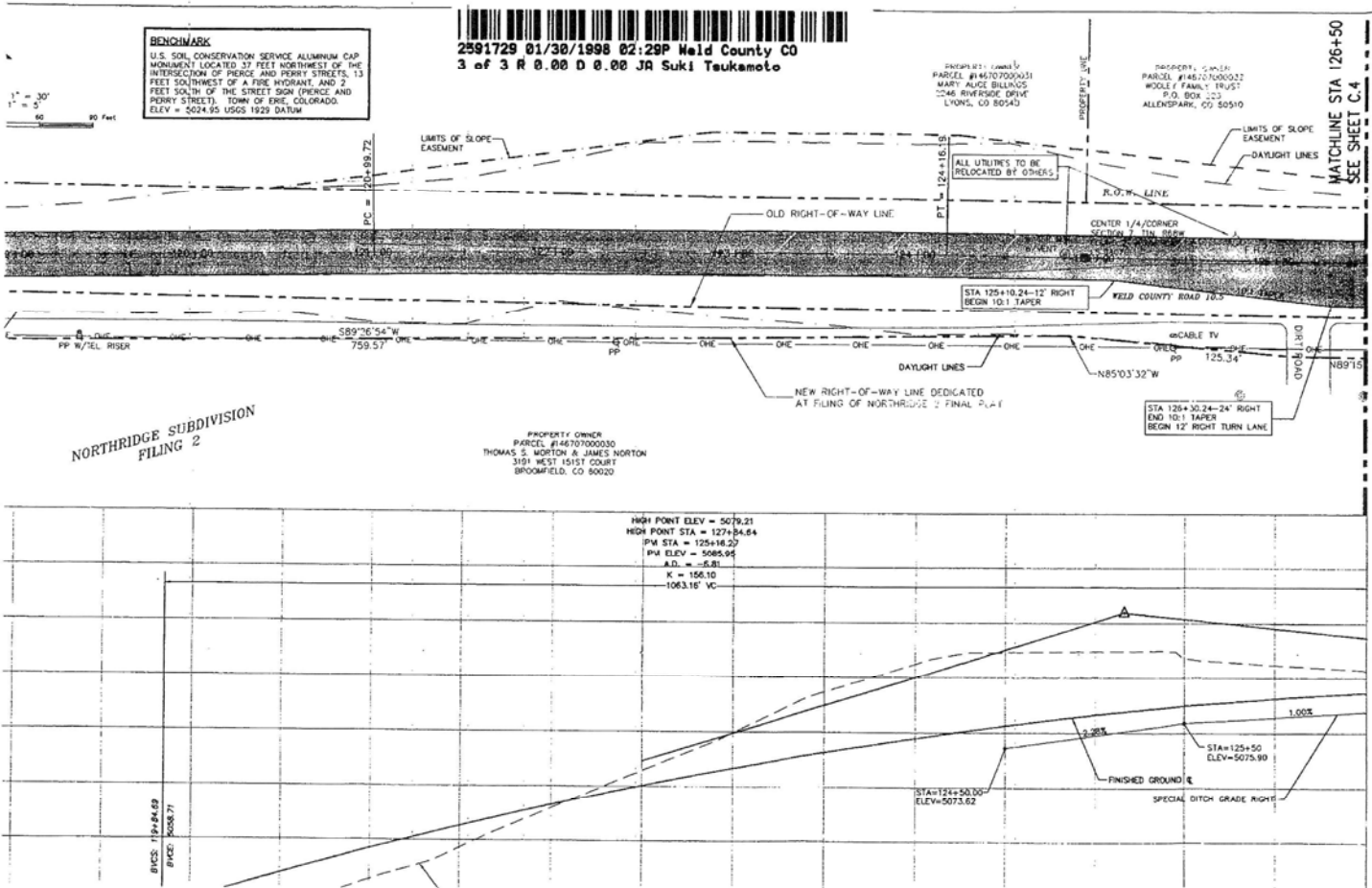
BASIS OF BEARINGS

S01°05'06"E A DISTANCE OF 2643.68 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER. CENTER QUARTER IS 2" ALUM CAP LS 14070, NORTH QUARTER 2" ALUM CAP LS 14070.



2591729 01/30/1998 02:29P Weld County CO
2 of 3 R 0.00 D 0.00 JA Suki Tsukamoto

EHRHART GRIFFIN & ASSOCIATES • P.O. Box 930 • 575 Pierce Street • Erie, Colorado 80516 • 303-828-3340 • 303-828-3418 fax



PROJECT NO.
97128

NO.	DESIGN	DATE	BY

EHRHART
GRIFFIN
ASSOCI

3915 Cumby St
Omaha, Nebraska
402 / 551-1

- ENGINEER
- PLANNING
- LAND SURV

COUNTY ROAD 10.5
ROADWAY PLAN & PROFILES

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Richard M. Lacey
Notary Public m:\wpfiles\dons\bil-trst



EHRHART GRIFFIN & ASSOCIATES
LAND SURVEYING • CAD DRAFTING

October 12, 1997

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2 of 3 R 0.00 D 0.00 JA Suki Tsukamoto

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BENCHMARK

U.S. SOIL CONSERVATION SERVICE ALUMINUM CAP MONUMENT LOCATED 37 FEET NORTHWEST OF THE INTERSECTION OF PIERCE AND PERRY STREETS, 13 FEET SOUTHWEST OF A FIRE HYDRANT, AND 2 FEET SOUTH OF THE STREET SIGN (PIERCE AND PERRY STREET), TOWN OF FINE, COLORADO. ELEV = 5024.95 USGS 1929 DATUM

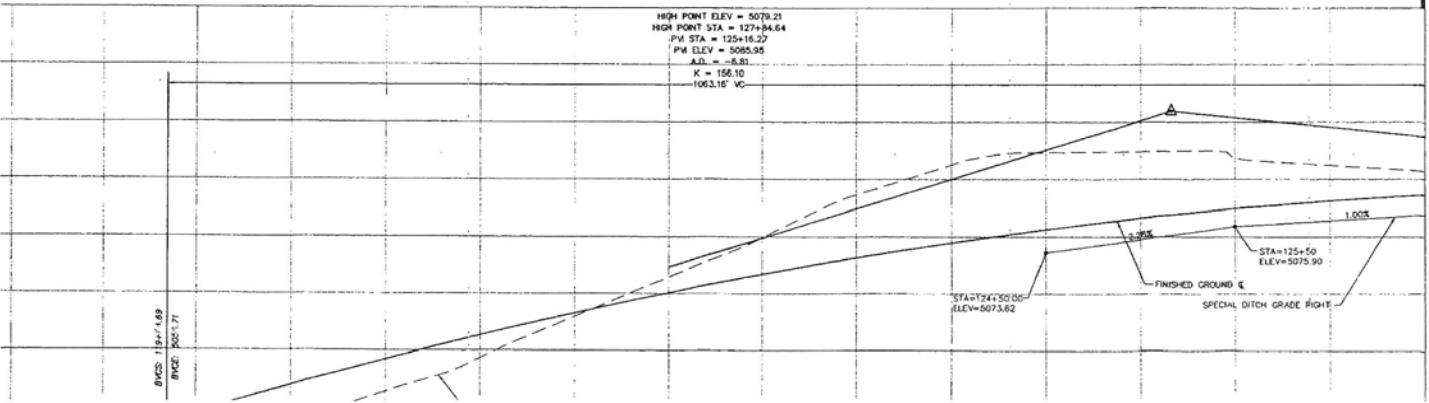
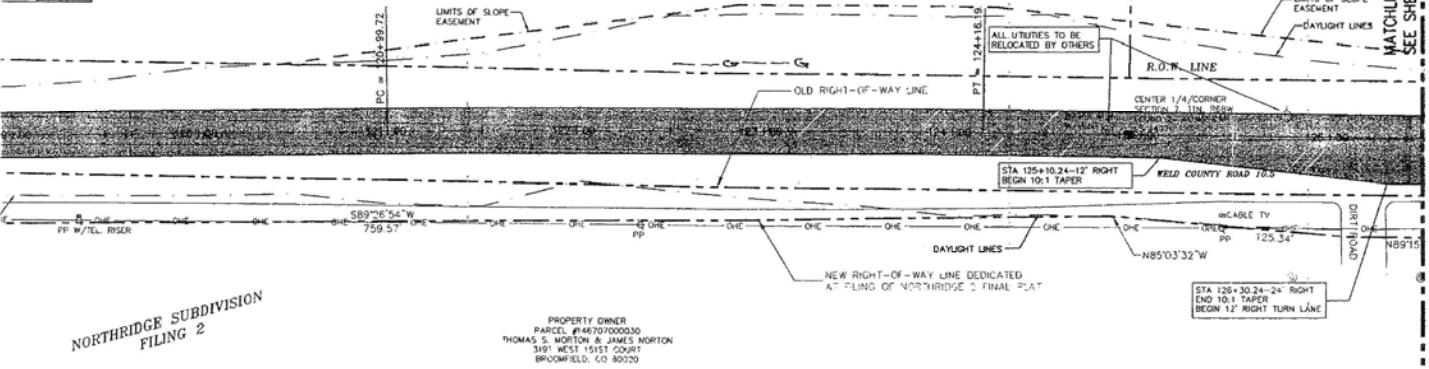
1" = 30'
1" = 5'
80 Feet



2591730 01/30/1998 02:29P Weld County CO
3 of 3 R 0.00 D 0.00 JA Suki Taukamoto

PROPERTY OWNER
PARCEL #146707000031
MARY ALICE BILLINGS
2246 REVERSON DRIVE
LYONS, CO 80540

PROPERTY OWNER
PARCEL #146707000032
WOLFE FAMILY TRUST
P.O. BOX 123
ALLENDALE, CO 80510



PROJECT NO.
97128

REVISIONS		
NO.	DESCRIPTION	DATE BY

EHRHART
GRIFFIN
ASSOCI

3915 Cuming St.
Omaha, Nebraska
402 / 551-1111

- ENGINEER
- PLANNING
- LAND SUR

COUNTY ROAD 10.5
ROADWAY PLAN & PROFILES

731

2591731 01/30/1998 02:30P Weld County CO
1 of 2 R 0.00 D 0.00 JA Suki Tsukamoto

EASEMENT

THIS EASEMENT, granted this 31st day of December, 1997, between The Woolley Family Trust, Donna Woolley Trustee, P.O. Box 223 Allens Park, Co. 80510, the Grantor, and the County of Weld, a political subdivision of the State of Colorado, whose legal address is P.O. Box 758, 915 Tenth Street, Greeley, Colorado 80632, the Grantee.

WITNESSETH, that the Grantor, for good and sufficient consideration paid to the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to the Grantee an easement over and across the following described parcel of real property owned by Grantor and situated in the County of Weld and State of Colorado, to wit: **The real property described in the attached Exhibit "A".**

This Easement is for the purpose of back sloping the hill to the north of Weld County Road 10.5 so that snow will not drift and collect on the road surface and maintaining said area for the benefit of and appurtenant to that land, or any part thereof, situated in the County of Weld and State of Colorado, described as the right-of-way known as "Weld County Road 10.5" which Grantee owns and has an obligation to maintain.

This Easement is permanent and shall become effective upon signature of the Grantor.

The Grantee agrees to repair and maintain the easement granted herein at the sole cost and expense of the Grantee, and that said Grantee will no way hinder or prevent the proper and reasonable use and enjoyment of the property through which the easement is granted. The Grantor will not build or maintain any buildings or structures within the easement which will hinder or prevent the proper and reasonable use of the easement by the Grantee.

Signed and delivered the 31st day of December, 1997.

Woolley Family Trust
By: Donna Woolley Trustee
Donna Woolley, Trustee

STATE OF COLORADO)
Boulder) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 31st day of December, 1997 by Donna Woolley Trustee.

My Commission expires January 15, 1998. Witness my hand and official seal.



Sharon G. Watt
Notary Public
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JO PERRY STREETS, 13
HYDRANT, AND 2
F SIGN (PERCE AND
DNE, COLORADO,
J DATUM



2591731 01/30/1998 02:30P Weld County CO
2 of 2 R 0.00 D 0.00 JR Suki Tsukamoto

PROPERTY OWNER
PARCEL #14670700031
MARY ALICE BELANDS
2246 RIVERSIDE DRIVE
LYONS, CO 80540

PROPERTY OWNER
PARCEL #14670700032
MOORE FAMILY TRUST
P.O. BOX 223
ALLEN PARK, CO 80510

PROPERTY OWNER
PARCEL #14670700030
THOMAS S. MORTON & JAMES NORTON
3181 WEST 151ST COURT
BROOMFIELD, CO 80020

