

RESOLUTION NO. P17-_____

A RESOLUTION REGARDING THE VACATION OF PORTIONS OF A UTILITY EASEMENT LOCATED IN ERIE COMMONS FILING NO. 3, 1ST AMENDMENT, LOT 1A, BLOCK 1, FINAL PLAT; ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE VACATION.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, considered the Vacation of portions of a utility easement located in Erie Commons Filing No. 3, 1st Amendment, Lot 1A, Block 1, Final Plat on Wednesday, November 1, 2017, on the application of Boulder Community Health, 4141 Arapahoe Road, Suite 206, Boulder, Colorado, 80303 representing the owner of the following real property; to wit:

Erie Commons Filing No. 3, 1st Amendment, Lot 1A, Block 1, Town of Erie, County of Weld, State of Colorado.

WHEREAS, the Vacation is detailed on the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
2. The Vacation has met Erie Municipal Code, Title 10, Section 7.10.B.9 Approval Criteria:
 - a. The Vacation is generally consistent with the Town's Comprehensive Plan, as amended.

The application is generally consistent with the Comprehensive Plan.

- 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.

The Erie Commons Filing No. 3, 3rd Amendment, Lot 1A1 and Lot 2, Block 1 Minor Subdivision plat will be dedicating utility easements to accommodate the new development of a medical facility on the site.

- 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.

The Vacation does not create irregular right of way or easement configuration.

- d. The Vacation serves the interest of the Town by removing maintenance or liability risks.

Not applicable to the easement.

- e. The public benefits and utility of the Vacation request outweigh any adverse impacts of the Vacation.

The new configuration of utilities on the property will be located in new easements dedicated on the Erie Commons Filing No. 3, 3rd Amendment, Lot 1A1 and Lot 2, Block 1 Minor Subdivision plat.

- 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.

Utilities are not located in the portion of the easement being vacated.

- 3. The Vacation as proposed, subject to the following conditions, will preserve the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.
 - a. The of Erie Commons Filing No. 3, 3rd Amendment, Lot 1A1 and Lot 2, Block 1 Minor Subdivision plat shall not be recorded until after the utility easement Vacation ordinance is recorded.
 - b. Prior to recordation of the Minor Subdivision plat, technical corrections to the plat and associated construction plans shall be made to the Town's satisfaction.

Section 2. Conclusions and Order Recommending Approval of the Vacation to the Board of Trustees.

- 1. Based on the above Findings of Fact, the Planning Commission hereby forwards the Vacation application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions of approval listed above.

INTRODUCED, READ, SIGNED AND APPROVED this 1st day of November, 2017.

TOWN OF ERIE, PLANNING COMMISSION

J. Eric Bottenhorn, Chair

ATTEST:

Melinda Helmer, Secretary

Exhibit A

EXHIBIT

EASEMENT VACATION DESCRIPTION:

A PORTION OF A UTILITY EASEMENT ACROSS LOT 1A OF "ERIE COMMONS FILING NO. 3, 1ST AMENDMENT, LOT 1A, BLOCK 1", TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, THE PERIMETER OF THE PORTION BEING VACATED IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 1A;
THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1A THE FOLLOWING TWO COURSES:
1) 17.20 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 03°43'08", AND A CHORD BEARING N88°08'26"E, 17.20 FEET;
2) S90°00'00"E, 93.03 FEET TO THE EASTERLY LINE OF A UTILITY EASEMENT AS DEDICATED BY THE "ERIE COMMONS FILING NO. 3, 1ST AMENDMENT, LOT 1A, BLOCK 1" PLAT;
THENCE ALONG SAID EASTERLY EASEMENT LINE THE FOLLOWING THREE COURSES:

- 1) THENCE S22°41'18"W, 104.86 FEET;
- 2) S05°00'10"E, 37.25 FEET;
- 3) S52°33'30"E, 26.15 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE PERIMETER OF SAID UTILITY EASEMENT THE FOLLOWING TWELVE COURSES:

- 1) S52°33'30"E 39.92 FEET;
- 2) S17°46'53"E, 77.52 FEET;
- 3) S40°00'00"W, 289.78 FEET;
- 4) N50°00'00"W, 59.31 FEET;
- 5) S40°00'00"W, 250.32 FEET;
- 6) N50°00'00"W, 30.00 FEET;
- 7) N40°00'00"E, 47.32 FEET;
- 8) N50°00'00"W, 4.00 FEET;
- 9) N40°00'00"E, 30.00 FEET;
- 10) S50°00'00"E, 4.00 FEET;
- 11) N40°00'00"E, 173.00 FEET;
- 12) N50°00'00"W, 32.72 FEET;

THENCE N40°50'10"E, 30.00 FEET TO AN ANGLE POINT OF SAID UTILITY EASEMENT;
THENCE ALONG THE WESTERLY EASEMENT LINE THE FOLLOWING THREE COURSES:

- 1) S50°00'00"E, 37.19 FEET;
- 2) N40°01'23"E, 208.47 FEET;
- 3) N05°00'10"W, 29.51 FEET;

THENCE N39°46'26"E, 69.99 FEET TO THE POINT OF BEGINNING.

DESCRIPTION PREPARED BY:
BO BAIZE, COLORADO PLS 37990
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

**EASEMENT (PORTION) VACATION
LOT 1A, "ERIE COMMONS FIL. NO. 3
1ST AMENDMENT"
ERIE, COLORADO**

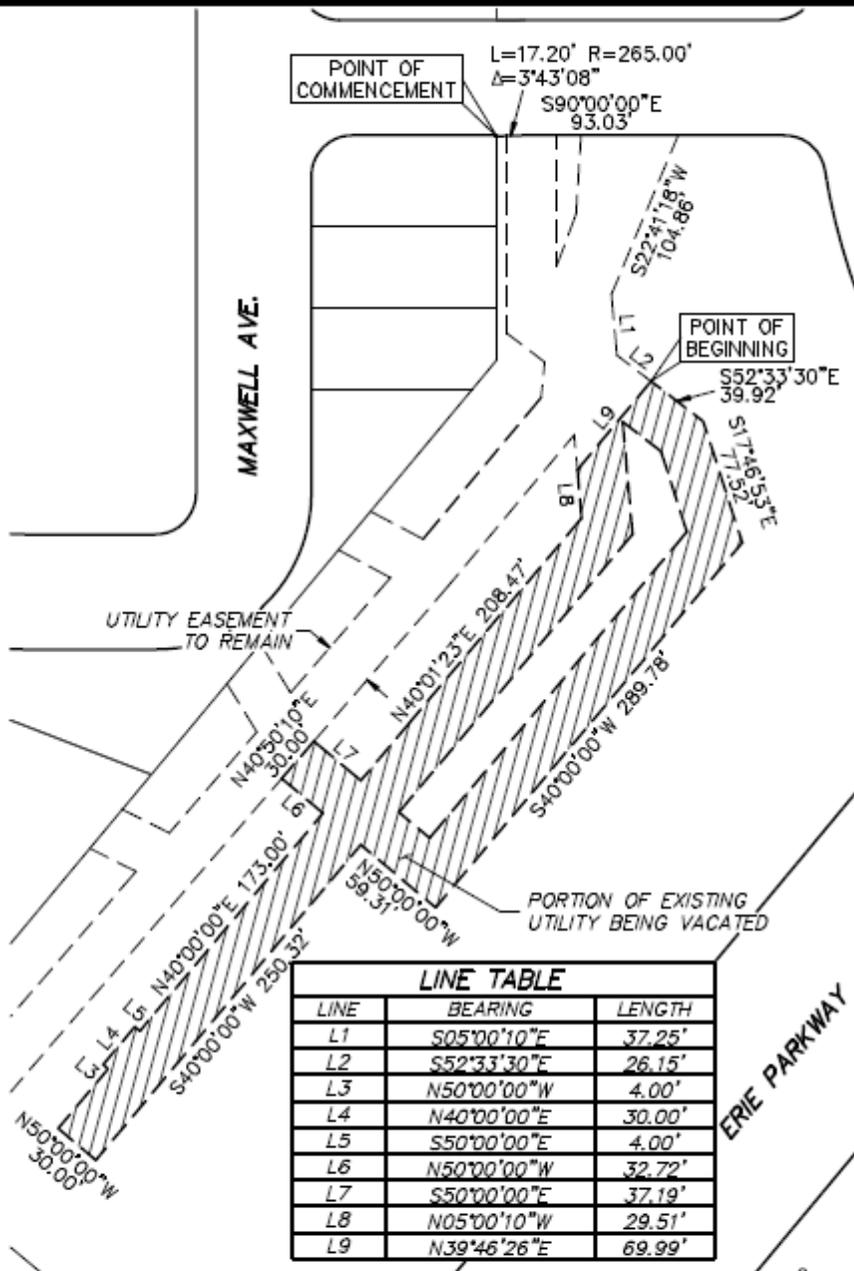
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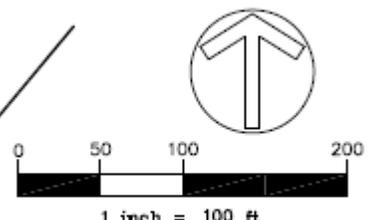
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VERT. N/A
DESIGN/APP. _____
DRAWN BY: BO
DATE: 07/20/18
SHEET 1 OF 2

FILE: 2018000453 SURVEY-PLANNING-CO-114-1ST AMENDMENT VACATION 10-SSC

EXHIBIT



LINE TABLE		
LINE	BEARING	LENGTH
L1	S05°00'10"E	37.25'
L2	S52°33'30"E	26.15'
L3	N50°00'00"W	4.00'
L4	N40°00'00"E	30.00'
L5	S50°00'00"E	4.00'
L6	N50°00'00"W	32.72'
L7	S50°00'00"E	37.19'
L8	N05°00'10"W	29.51'
L9	N39°46'26"E	69.99'



NOTE: THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THIS EXHIBIT IS ONLY INTENDED TO DEPICT THE ACCOMPANYING DESCRIPTION.

EASEMENT (PORTION) VACATION
LOT 1A, "ERIE COMMONS FIL. NO. 3
1ST AMENDMENT"
ERIE, COLORADO

HURST
 CIVIL ENGINEERING
 PLANNING
 SURVEYING

2500 Broadway, Suite B
 Boulder, CO 80304
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SCALE: HOR. N/A
 VERT. 1"=100'
 DESIGNED BY: BO
 DRAWN BY: BO
 DATE: 07/20/16
 SHEET 2 OF 2

FILE: G:\WORK\ERIE SURVEY\0716\ERIE COMMONS FIL. 1ST AMENDMENT VACATION.DWG

EXHIBIT

EASEMENT VACATION DESCRIPTION:

A PORTION OF A DRY UTILITY EASEMENT ACROSS LOT 1A OF "ERIE COMMONS FILING NO. 3, 1ST AMENDMENT, LOT 1A, BLOCK 1", TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 1A;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1A THE FOLLOWING TWO COURSES:

- 1) 17.20 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 03°43'08", AND A CHORD BEARING N88°08'26"E, 17.20 FEET;
- 2) S90°00'00"E, 2.81 FEET TO THE EASTERLY LINE OF A DRY UTILITY EASEMENT AS DEDICATED BY THE "ERIE COMMONS FILING NO. 3, 1ST AMENDMENT, LOT 1A, BLOCK 1" PLAT;

THENCE ALONG THE EASTERLY LINE OF SAID DRY UTILITY EASEMENT THE FOLLOWING NINE COURSES:

- 1) S00°00'00"E, 147.13 FEET;
- 2) S50°05'55"E, 9.89 FEET;
- 3) S39°54'05"W, 21.00 FEET;
- 4) N50°05'55"W, 11.79 FEET;
- 5) S39°46'21"W, 161.98 FEET;
- 6) S50°05'55"E, 14.33 FEET;
- 7) S40°50'10"W, 21.00 FEET;
- 8) N50°05'55"W, 13.94 FEET;
- 9) S39°46'24"W, 63.71 FEET;

THENCE N31°39'03"W, 21.10 FEET TO THE WESTERLY LINE OF SAID LOT 1A;

THENCE ALONG THE WESTERLY LINE OF SAID LOT 1A THE FOLLOWING TWO COURSES:

- 1) N39°46'24"E, 256.06 FEET;
- 2) N00°00'00"E, 136.29 FEET TO THE POINT OF BEGINNING, CONTAINING 8,614 SQUARE FEET, MORE OR LESS.

DESCRIPTION PREPARED BY:
BO BAIZE, COLORADO PLS 37990
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

*DRY UTILITY EASEMENT (PORTION) VACATION
LOT 1A, "ERIE COMMONS FIL. NO. 3 1ST AMENDMENT"
ERIE, COLORADO*

HURST

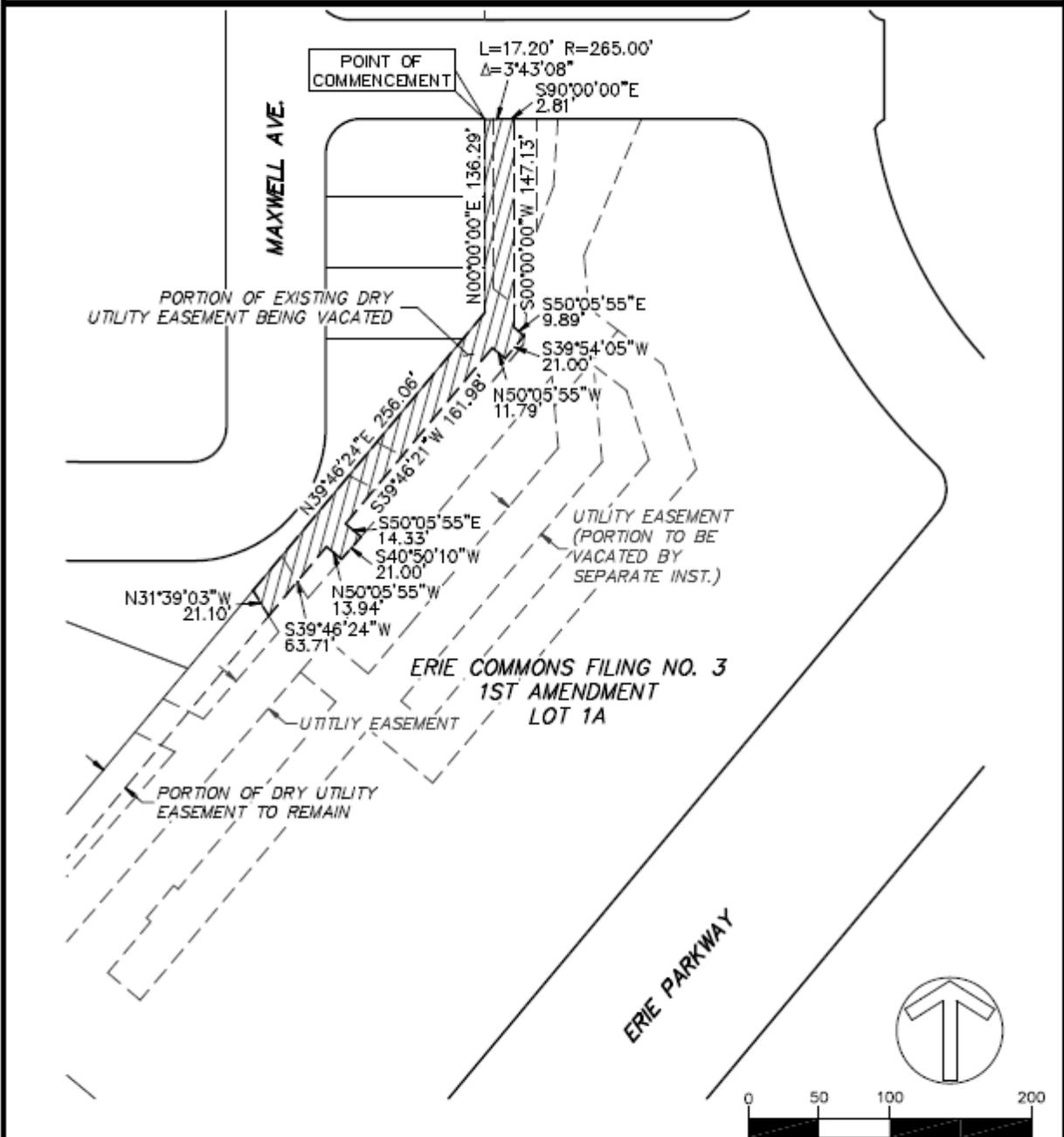
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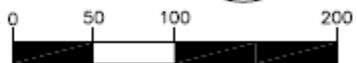
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DESIGN/APPR.	
DRAWN BY	BO
DATE	08/22/17
SHEET	1 OF 2

FILE: G:\2017\ASSOCIATES\ERIE COMMONS FILING NO. 3 1ST AMENDMENT\ERIE VACATION.DWG

EXHIBIT



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1 inch = 100 ft.

**DRY UTILITY EASEMENT (PORTION) VACATION
LOT 1A, "ERIE COMMONS FIL. NO. 3 1ST AMENDMENT"
ERIE, COLORADO**

HURST	CIVIL ENGINEERING	2500 Broadway, Suite B	SCALE: HORIZ. N/A
	PLANNING	Boulder, CO 80304	VERT. 1" = 100'
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			DATE: 08/22/17
			SHEET 2 OF 2