

**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 28<sup>th</sup> 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"





**EHRHART GRIFFIN & ASSOCIATES**  
LAND SURVEYING • CADD 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 6<sup>th</sup> 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

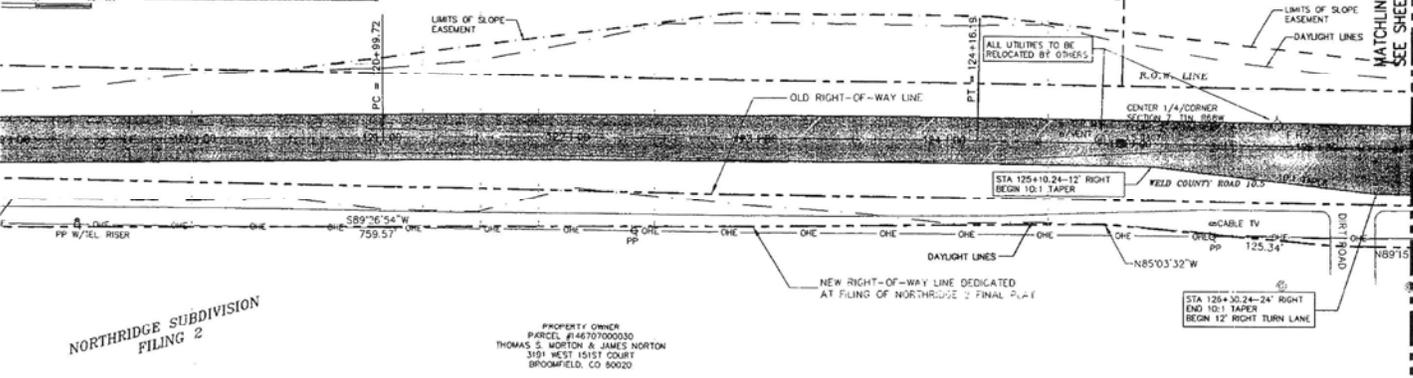
**BENCHMARK**  
 U.S. SOI, CONSERVATION SERVICE ALUMINUM CAP MONUMENT LOCATED 37 FEET NORTHWEST OF THE INTERSECTION OF PIERCE AND PERRY STREETS, 13 FEET SOUTHWEST OF A FIRE HYDRANT, AND 2 FEET SOUTH OF THE STREET SIGN (PIERCE AND PERRY STREET), TOWN OF FIRE, COLORADO. ELEV = 5024.95 USGS 1929 DATUM

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 3 of 3 R 0.00 D 0.00 JR Suki Taumakoto

1" = 30'  
 1" = 5'  
 40 80 Feet

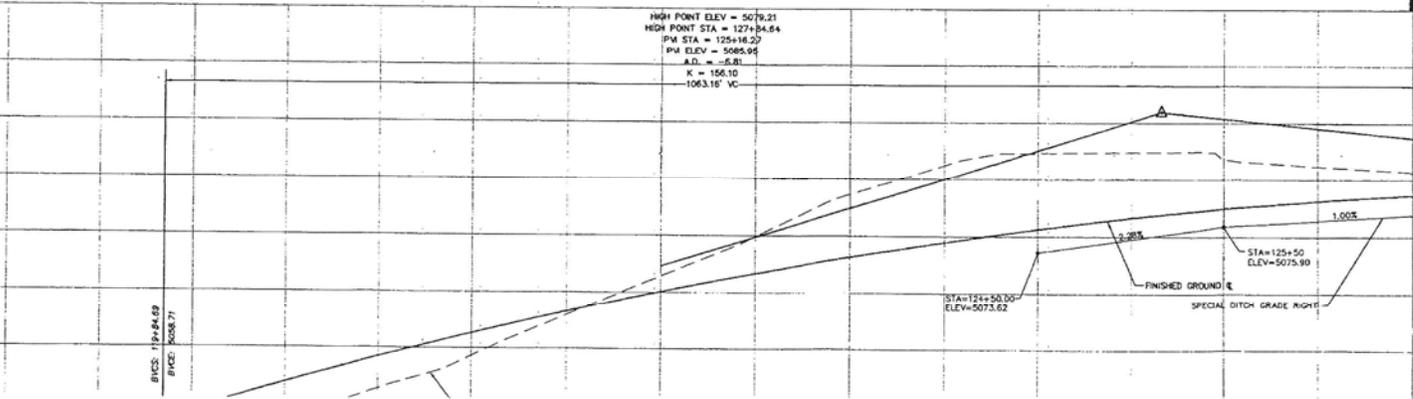
PROPERTY OWNER  
 PARCEL #146707000031  
 MARY ALICE BILLORE  
 1246 RIVERSIDE DRIVE  
 LYONS, CO 80540

PROPERTY OWNER  
 PARCEL #146707000032  
 WOOLEY FAMILY TRUST  
 P.O. BOX 123  
 ALLENSPARK, CO 80510



NORTHTRIDGE SUBDIVISION  
 FILING 2

PROPERTY OWNER  
 PARCEL #146707000030  
 THOMAS S. NORTON & JAMES NORTON  
 3191 WEST 151ST COURT  
 BROOMFIELD, CO 80020



PROJECT NO.  
 97128

NO.	REVISIONS	DATE	BY
	DESIGN		

EHRHART  
 GRIFFIN  
 ASSOCI

3915 Cumling S  
 Omaha, Nebraska  
 402 / 551-1

- ENGINEER
- PLANNING
- LAND SURV

COUNTY ROAD 10.5  
 ROADWAY PLAN & PROFILES





**EHRHART GRIFFIN & ASSOCIATES**  
LAND SURVEYING • CAD DRAFTING

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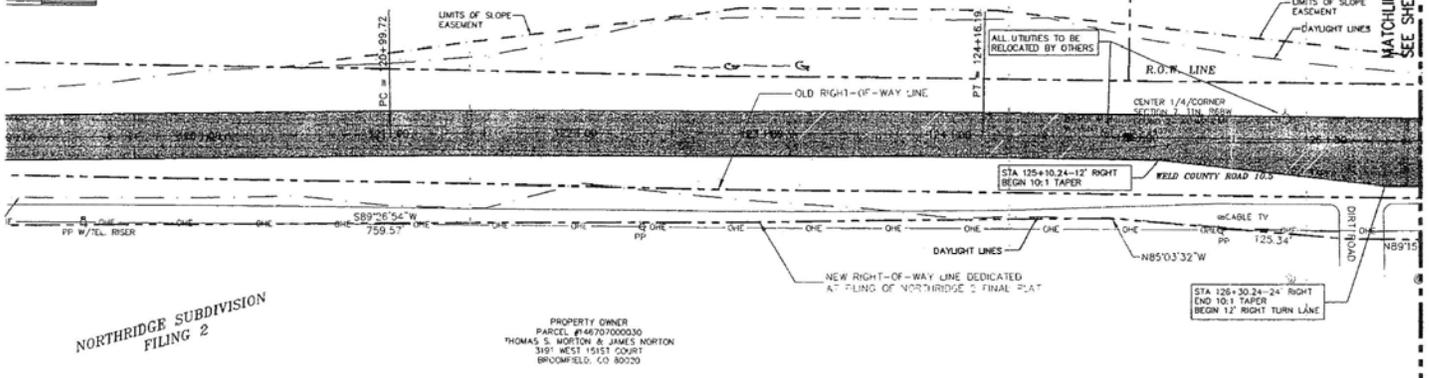
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PROPERTY OWNER  
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 MARY AJICE BELLINGS  
 2246 RIVERSIDE DRIVE  
 LYONS, CO 80540

PROPERTY OWNER  
 PARCEL #146707000312  
 WOOLEY FAMILY TRUST  
 P.O. BOX 223  
 ALLENSPARK, CO 80510

PROPERTY OWNER  
 PARCEL #14670700030  
 THOMAS S. MORTON & JAMES MORTON  
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 BROOMFIELD, CO 80020

1" = 30'  
 1" = 3'



NORTHRIDGE SUBDIVISION  
 FILING 2

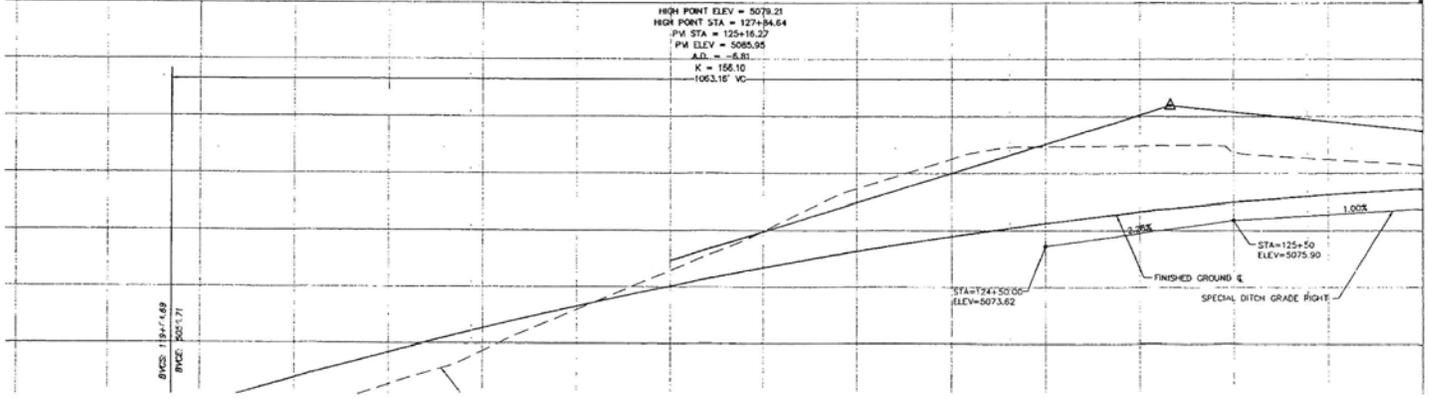
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NO.	DESCRIPTION	DATE	BY

EHRHAI  
 GRIFFIN  
 ASSOCI

3915 Omling  
 Omaha, Nebraska  
 402 / 551-

- ENGINEER
- PLANNING
- LAND SUR



COUNTY ROAD 10.5  
 ROADWAY PLAN & PROFILES

731

EASEMENT

THIS EASEMENT, granted this 31<sup>st</sup> 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 31<sup>st</sup> day of December, 1997.

Woolley Family Trust  
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 31<sup>st</sup> day of December, 1997 by Donna Woolley Trustee.



My Commission expires January 15, 19 2000. Witness my hand and official seal.

Sharon G. Watt  
Notary Public  
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