

**Town of Erie
Ordinance No. 015-2026**

An Ordinance of the Town Council of the Town of Erie Approving a Permanent Easement Agreement Between Anderson South Farm LLC, Terminating an Existing Easement, and Granting a Replacement Easement

Whereas, on April 9, 2024, the Town Council approved Resolution 24-058 to approve a Permanent Easement Agreement (the "Original Easement Agreement") between the Town of Erie (the "Town") and Anderson South Farm, LLC ("Grantor") related to sanitary sewer facility;

Whereas, the Original Easement Agreement was dated April 9, 2024, and recorded with the Clerk and Recorder of Weld County on April 23, 2024, at Reception No. 4956268;

Whereas, due to necessary changes in design to the sanitary sewer facilities, the location of easement granted to the Town must be relocated;

Whereas, the Town and Grantor desire to terminate the existing easement and enter into a replacement Permanent Easement Agreement to relocate the easement area;

Whereas, Section 15.01 of the Town Charter provides that Town Council may "dispose of any interest in real property" by ordinance; and

Whereas, Town Council desires to terminate the existing easement granted by the Original Easement Agreement and approve the replacement Permanent Easement Agreement.

Now, Therefore, be it Ordained by the Town Council of the Town of Erie, Colorado:

Section 1. The Town Council hereby authorizes the termination and release of the easement described in the Original Easement Agreement. The Town Council hereby approves the Permanent Easement Agreement between the Town and Grantor in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Permanent Easement Agreement on behalf of the Town.

Section 2. Severability. 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 Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed, and Ordered Published this 28th day of April, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk