

ORDINANCE NO. 11

Series 1998

AN ORDINANCE AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, Public Service Company of Colorado has requested the granting of a utility easement over, across and through certain Town property; and

WHEREAS, the Town Council of the Town of Breckenridge has determined that it should grant the requested easement; and

WHEREAS, the Town Attorney has informed the Town Council that, in his opinion, Section 15.3 of the Breckenridge Town Charter requires that granting of such easement be authorized by Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. At such time as he has been advised by the Town Attorney that the easement granted by the Town to Public Service Company of Colorado by that certain document recorded July 19, 1994 under Reception No. 472177 of the records of the Clerk and Recorder of Summit County, Colorado has been extinguished, the Town Manager and the Town Clerk are authorized, empowered and directed to execute, acknowledge and deliver to Public Service Company of Colorado a utility easement, in substantially the form which is marked Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 3. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 24th day of February, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of March, 1998, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor


This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 5, 1998.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 10th day of March, 1998.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney 3/14/98  
date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 19, 1998.

EXHIBIT "A" TO  
ORDINANCE NO. 11, SERIES 1998

Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ M., \_\_\_\_\_

Reception No. \_\_\_\_\_ Recorder \_\_\_\_\_

QUIT CLAIM DEED

PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation, whose address is 550 15th Street, Denver, Colorado 80202-4205, for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424, the following real property in the County of Summit, and State of Colorado, to wit:

A parcel of land in Section 25, Township 6 South, Range 78 West, beginning at the Southeast corner of Lot 10, Discovery, Filing No. 1, then N 00° 26' 10" W, a distance of 63.44 feet to the corner No. 4 of the Quartz Placer, M.S. 13491; thence N 00° 32' 00" W a distance of 20.00 feet to the true point of beginning.

Thence N 71° 15' 00" E, a distance of 620.78 feet, being the centerline of a 50.00 foot easement;

Thence N 71° 15' 00" E, a distance of 299.00 feet, being the centerline of a 30.00 foot easement;

Thence N 00° 27' 00" W, a distance of 251.91 feet;

Thence N 89° 45' 00" E, a distance of 265.00 feet;

Thence N 00° 27' 00" W, terminating 25.00 feet distant on the South boundary of the Breckenridge Airport Subdivision Block 1

also known as street and number: vacant land

with all its appurtenances.

THIS INSTRUMENT IS EXECUTED AND RECORDED TO EXTINGUISH THE UTILITY EASEMENT RECORDED JULY 19, 1994 UNDER RECEPTION NO. 472177 OF THE RECORDS OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

PUBLIC SERVICE COMPANY OF COLORADO,  
a Colorado corporation

By \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_  
day of \_\_\_\_\_ 1998, by \_\_\_\_\_, as  
\_\_\_\_\_ of Public Service Company of  
Colorado, a Colorado corporation.

My commission expires: \_\_\_\_\_.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

B=k29\PSCO  
02/10/98

Division: Mountain  
Easement Location: Breckenridge

ROW Agent: C. Hartig  
Description Author: W.F. Hesselbach Jr.  
Author Address: 550 15<sup>th</sup> Street, Suite 700

Doc. No.: 158713  
Plat/Grid No.: 25-6s-78w 461-416  
CREG No.: GM 97-40013

**PUBLIC SERVICE COMPANY OF COLORADO EASEMENT**

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1225-17<sup>th</sup> Street, Denver, Colorado, 80202-5533, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in the SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN in the City of Breckenridge, County of Summit, State of Colorado, the easement being described as follows:

See LEGAL DESCRIPTION - CORRECTION EASEMENT

THIS IS A CORRECTION TO AN SUPERSEDES THAT EASEMENT AS RECORDED ON JULY 19, 1994 AT RECEPTION # 472177.

The easement is 30 & 50 feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR: Town of Breckenridge

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: Town Manager  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF COLORADO, )  
  )ss.  
COUNTY OF                                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1997 by [Grantor name(s) from above]:

\_\_\_\_\_  
\_\_\_\_\_

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Version: 12/96

September 5, 1997

**LEGAL DESCRIPTION - CORRECTION EASEMENT**

A STRIP OF LAND LYING IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF LOTS 10 AND 11 DISCOVERY FILING NO.1, AS RECORDED IN BOOK 198 AT PAGE 287, UNDER RECEPTION NO. 114570, SUMMIT COUNTY RECORDS, BEING CONSIDERED TO BEAR N00°26'10"W, AS PLATTED.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 10, DISCOVERY FILING NO. 1, BEING MONUMENTED BY A REBAR WITH A PLASTIC YELLOW SURVEYOR'S CAP - L.S. NO. 4974; THENCE N00°26'10"W, ALONG THE EAST LINE OF SAID LOT 10, A DISTANCE OF 63.44 FEET TO CORNER NO. 4 OF THE QUARTZ PLACER, M.S. 13491, BEING MONUMENTED BY AN UNCAPPED NO. 4 REBAR; THENCE N00°32'00"W, ALONG THE EAST LINE OF SAID LOT 10, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION;

THENCE THE FOLLOWING ONE (1) COURSE ALONG THE CENTERLINE OF A FIFTY (50) FOOT WIDE STRIP:

1. N71°15'00"E, A DISTANCE OF 620.78 FEET;

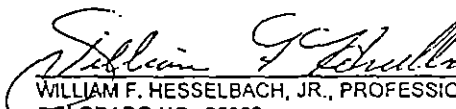
THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE CENTERLINE OF A THIRTY (30) FOOT WIDE STRIP:


1. CONTINUING N71°15'00"E, A DISTANCE OF 299.00 FEET;
2. N00°27'00"W, A DISTANCE OF 251.91 FEET;
3. N89°45'00"E, A DISTANCE OF 254.67 FEET;
4. N00°15'10"E, A DISTANCE OF 42.25 FEET TO A POINT ON THE CENTERLINE OF THE THIRTY (30) FOOT WIDE UTILITY AND PRIVATE ACCESS EASEMENT AS SHOWN ON THE AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION, RECORDED UNDER RECEPTION NO. 397666, SUMMIT COUNTY RECORDS, SAID POINT LYING S89°39'20"W, A DISTANCE OF 15.00 FEET, ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID AMENDED REPLAT, SAID POINT BEING THE POINT OF TERMINUS OF THIS CENTERLINE DESCRIPTION;

THE SIDE LINES OF THE 30 AND 50 FOOT EASEMENTS TO BE EXTENDED AND FORESHORTENED TO INTERSECT THE EAST LINE OF SAID LOT 10 AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID AMENDED REPLAT.

**LEGAL DESCRIPTION STATEMENT**

I, WILLIAM F. HESSELBACH, JR., A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.

  
WILLIAM F. HESSELBACH, JR., PROFESSIONAL LAND SURVEYOR  
COLORADO NO. 25369  
FOR AND ON BEHALF OF JR ENGINEERING, LTD.  
6110 GREENWOOD PLAZA BOULEVARD  
ENGLEWOOD, COLORADO 80111



9-5-97  
DATE

X:\034700\WP\03947EMST.LGL

Recorded at \_\_\_\_\_ o'clock \_\_\_\_\_ M., \_\_\_\_\_  
Reception No. \_\_\_\_\_ Recorder.

Document No. 158713  
Plat No. 25-6-78 461-416  
Grid No. (G) (E)

Loren Vawser  
R.O.W. Agent Approved

RECORDER'S STAMP

**PUBLIC SERVICE COMPANY OF COLORADO UTILITY EASEMENT**

The undersigned Grantor hereby acknowledges receipt of \$ 1.00 (One dollar) from PUBLIC SERVICE COMPANY OF COLORADO, 550 15th Street, Denver, Colorado, 80202-4205, in consideration of which he hereby grants unto said Company, its successors and assigns, an easement to construct, operate, maintain, repair and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across and along a course as said lines may be hereafter constructed and replaced in Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

In the SE 1/4 of Section 25,  
Township 6-S, Range 78W, of the 6th  
Principal Meridian in the City of \_\_\_\_\_, County of Summit  
State of Colorado, the center line of the easement is described as follows:

A parcel of land in Section 25, Township 6 South, Range 78 West, beginning at the Southeast corner of Lot 10, Discovery, Filing No. 1, thence N 00°26'10" W, a distance of 63.44 feet to the corner No. 4 of the Quartz Placer, M.S. 13491; thence N 00°32'00" W a distance of 20.00 feet to the true point of beginning.

Thence N 71°15'00" E, a distance of 620.78 feet, being the centerline of a 50.00 foot easement;

Thence N 71°15'00" E, a distance of 299.00 feet, being the centerline of a 30.00 foot easement;

Thence N 00°27'00" W, a distance of 251.91 feet;

Thence N 89°45'00" E, a distance of 265.00 feet;

Thence N 00°27'00" W, terminating 25.00 feet distant on the South boundary of the Breckenridge Airport Subdivision Block 1.

The easement is 30 & 50 feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described centerline and extending to the boundaries of the adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery, and the right to permit the installation of the facilities of any other company. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the right and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservation by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home trailer units thereon. In case of the permanent abandonment of the easement all right, privilege and interest granted shall terminate.

The work of installing and maintaining said lines and related fixtures and devices shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

"Grantor" shall include the singular, plural, feminine, masculine, and neuter.

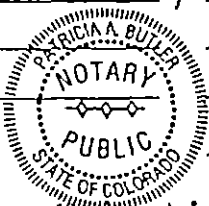
Signed this 24TH day of MAY, 1994.

WITNESSES:

[Signature]

GRANTOR:

[Signature]  
Town of Breckenridge



STATE OF COLORADO, )  
County of Summit, ) ss.

24th day of May, 1994 by GARY HARTNER, TOWN MANAGER

AND MARY JEAN LOWRY, TOWN CLERK.

My commission expires 8/15/1996  
Witness my hand and official seal.

Patricia A. Butler  
NOTARY PUBLIC  
PO BOX 168  
ADDRESS  
Breckenridge, CO 80424

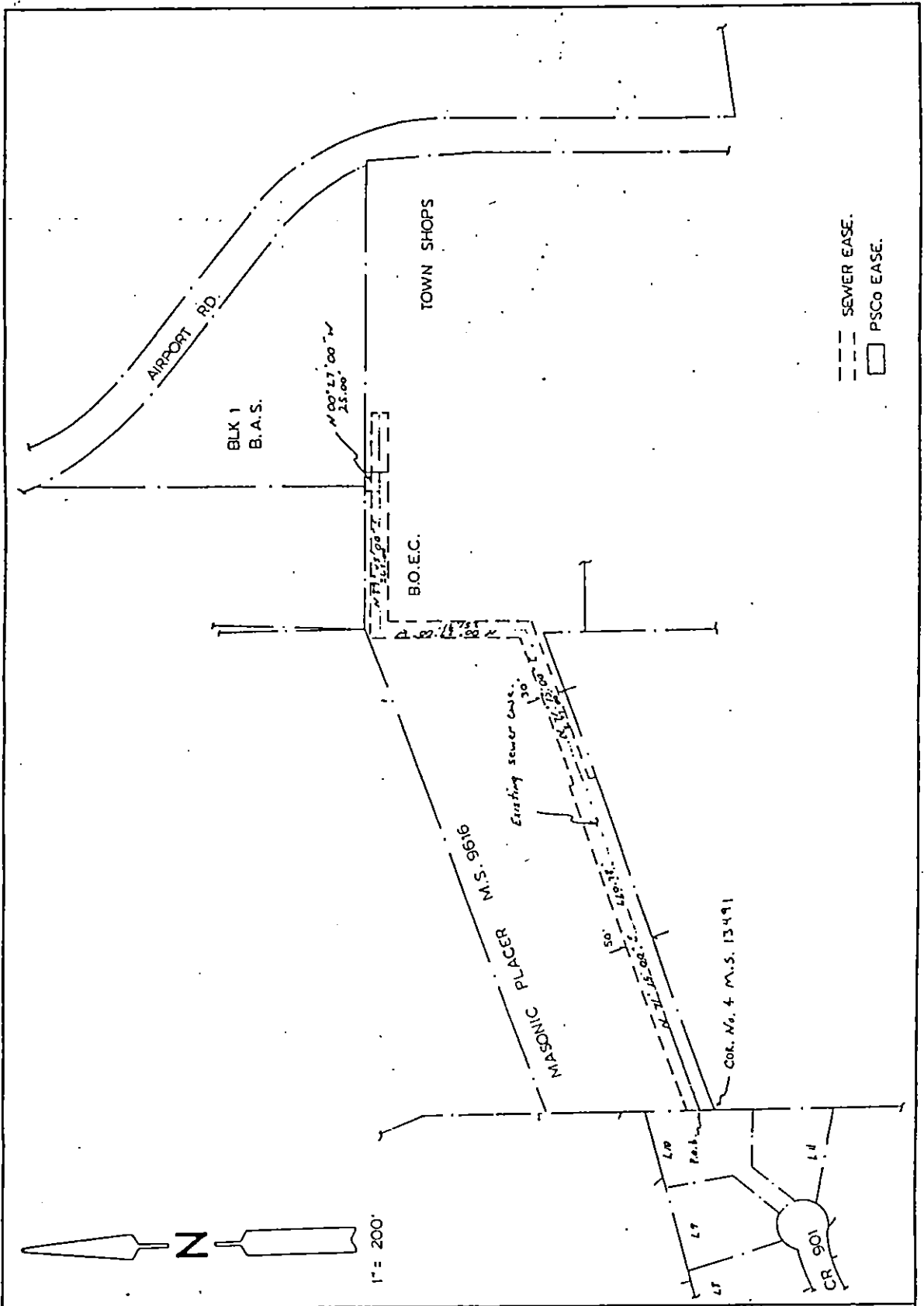
\* If acting in official or representative capacity, insert name and also office or capacity and for whom acting.


(OVER FOR ADDITIONAL NOTARIES)

METHOD OF PAYMENT (CASH) (VOUCHER NO. Cash)  
W.O.J.O. NO. 57-  
TOWN Breckenridge  
DIVISION Mountain  
LOCATION 1105 Airport Rd.

472177  
DORIS L. BRILL  
1994 JUL 19 P 2:08  
SUMMIT COUNTY RECORDER

State Documentary Fee  
Date 7/19/94  
\$ 239.13 10411(0)



SECTION			TOWNSHIP			RANGE			SCALE:		
PRINCIPAL MERIDIAN						COUNTY, COLORADO			DRAWN BY:		
PLAT NO.			DOCUMENT NO						DATE:		
									 <b>Public Service™</b> Public Service Company of Colorado		
									LINE:		

Form (SI) 410 24 2622