

ORDINANCE NO. 18
Series 1998

AN ORDINANCE AUTHORIZING THE GRANTING OF TWO EASEMENTS AND RIGHTS OF WAY TO
THE BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY

WHEREAS, the Board of County Commissioners of Summit County has requested the granting of two easements and rights of way over, across and through certain Town property for the continued location of Summit County Road 503 and Summit County Road 10 (Boreas Pass Road); and

WHEREAS, the Town Council of the Town of Breckenridge has determined that it should grant the requested easements and rights of way; 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 easements and rights of way be authorized by Ordinance.

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

Section 1. The Town Manager and the Town Clerk are authorized, empowered and directed to execute, acknowledge and deliver to the Board of County Commissioners of Summit County two easements and rights of way, 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 21st day of May, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of May, 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, Town Clerk

By 
Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 26th day of May, 1998.

A copy of this Ordinance and Exhibit 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

5/26/98
Date

This Ordinance was published by title in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, on June 3, 1998.

EXHIBIT "A" TO
ORDINANCE NO. 18, SERIES 1998
GRANT OF EASEMENT

This GRANT OF EASEMENT is made and entered into at Breckenridge, Summit County, Colorado, this 2nd day of June, 1998, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P. O. Box 168, Breckenridge, CO 80424 ("Grantor") and the BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, whose address is P.O. Box 68, Breckenridge, CO 80424 ("Grantee").

WITNESSETH THAT:

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor has this date bargained, conveyed, delivered, transferred and sold, and by these presents does bargain, convey, deliver, transfer and sell to Grantee, its successors and assigns, perpetual, non-exclusive easements and rights-of-way for the location, operation and maintenance of a public road over, under, upon, across, in and through the following real property located within Summit County, Colorado, which is described as follows (collectively, the "Easement Area"):

1. A sixty (60) foot wide easements as described and depicted on the attached Exhibit "A", which is incorporated herein by reference.
2. A sixty (60) foot wide easement as described and depicted on the attached Exhibit "B", which is incorporated herein by reference.

together with the full right and authority to Grantee, its successors, licensees, lessees, contractors or assigns, and its and their agents and employees, to enter the Easement Area at all times to survey, construct, repair, remove, replace, reconstruct, control, inspect, improve, and maintain the said public road.

Grantor shall have the right to use and occupy the Easement Area for any purpose not inconsistent with Grantee's full and complete enjoyment of the rights hereby granted. However, no building, structure, sign or well shall be erected, placed or permitted to remain on, under, over or within the Easement Area, nor shall objects be erected, placed or permitted to remain on, under or over the Easement Area which will or may be an interference with the Grantee's public road within the Easement Area or an interference with the exercise of any of the rights herein granted.

To the extent of the limits of liability established from time to time by the Colorado Governmental Immunity Act (Section 24-10-101, *et seq.*, C.R.S.), Grantee shall indemnify and hold Grantor harmless from all claims, demands, judgments and causes of action (including Grantor's reasonable attorney's fees) arising from Grantee's or the general public's use of the Easement Area as a public road; provided, however, Grantee shall have no obligation under this Paragraph to the extent any such claim, demand, judgment or cause of action arises through the negligence of Grantor, its agents, employees, officers, contractors, licensees, lessees, successors or assigns; and, provided further, that Grantee's obligations under this Paragraph shall in no event exceed the monetary limitations established from time to time by the Colorado Governmental Immunity Act.

Exhibits "A" and "B", which are attached hereto, are incorporated herein by reference.

This Grant of Easement is authorized by Ordinance No. 18 Series 1998, adopted, by the Town Council of the Town of Breckenridge on May 26, 1998.

GRANTOR:

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

(AFFIX TOWN SEAL HERE)

ATTEST:

By: _____
Gary Martinez, Town Manager

Mary Jean Loufek, CMC,
Town Clerk

GRANTEE:

BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORADO

By _____
Chair

(AFFIX COUNTY SEAL HERE)

ATTEST:

Clerk and Recorder and ex-officio
Secretary to the Board of County
Commissioners

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 1998, by Gary Martinez, Town Manager, and Mary Jean Loufek, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 1998, by _____, as Chair of, and _____, as Clerk and Recorder and ex-officio Secretary to, the Board of County Commissioners of Summit County, Colorado.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

EXHIBIT "A" TO GRANT OF EASEMENT BETWEEN THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION, AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO

Sec. 31

T. 6 S. Dependently Resurveyed By H. U. Long and G. L. Gibson in 19

T. 7 S.

M.S. 11347 Sisler Placer Tract B

M. S. 13661 Hermit Placer

Lot 36
25.25

60' Easement

Circle-34°07.8'
Radius=3110
Arc Len.=1853
Chord=59°27.5'E..
1625

Circle-6°23.5'
Radius=15020
Arc Len.=181
Chord=5°23'16"

Tiger

M. S. 7832

Sunbeam No. 2

Dependently Resurveyed By H. U. Long and G. L. Gibson in 1962-74

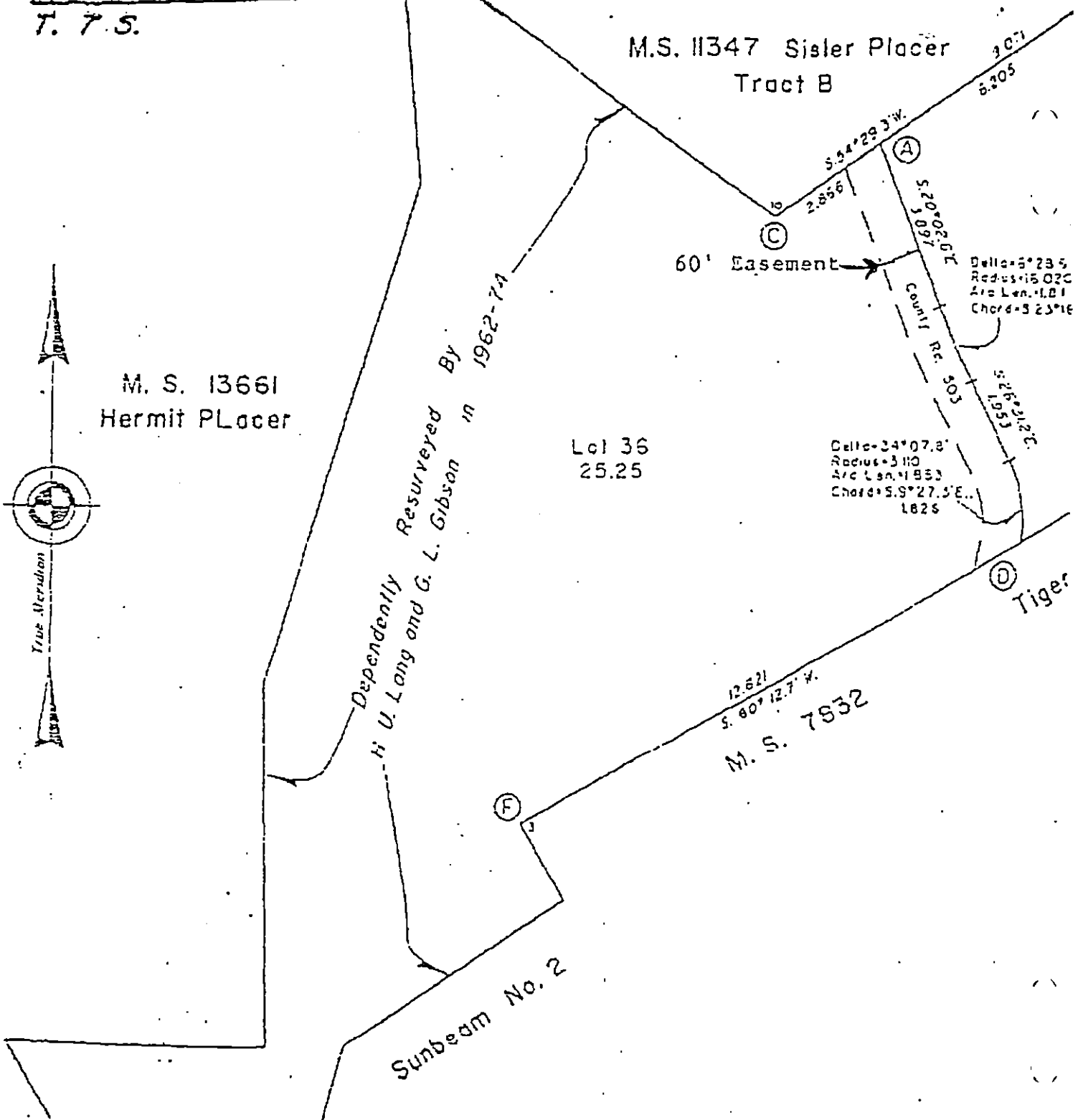
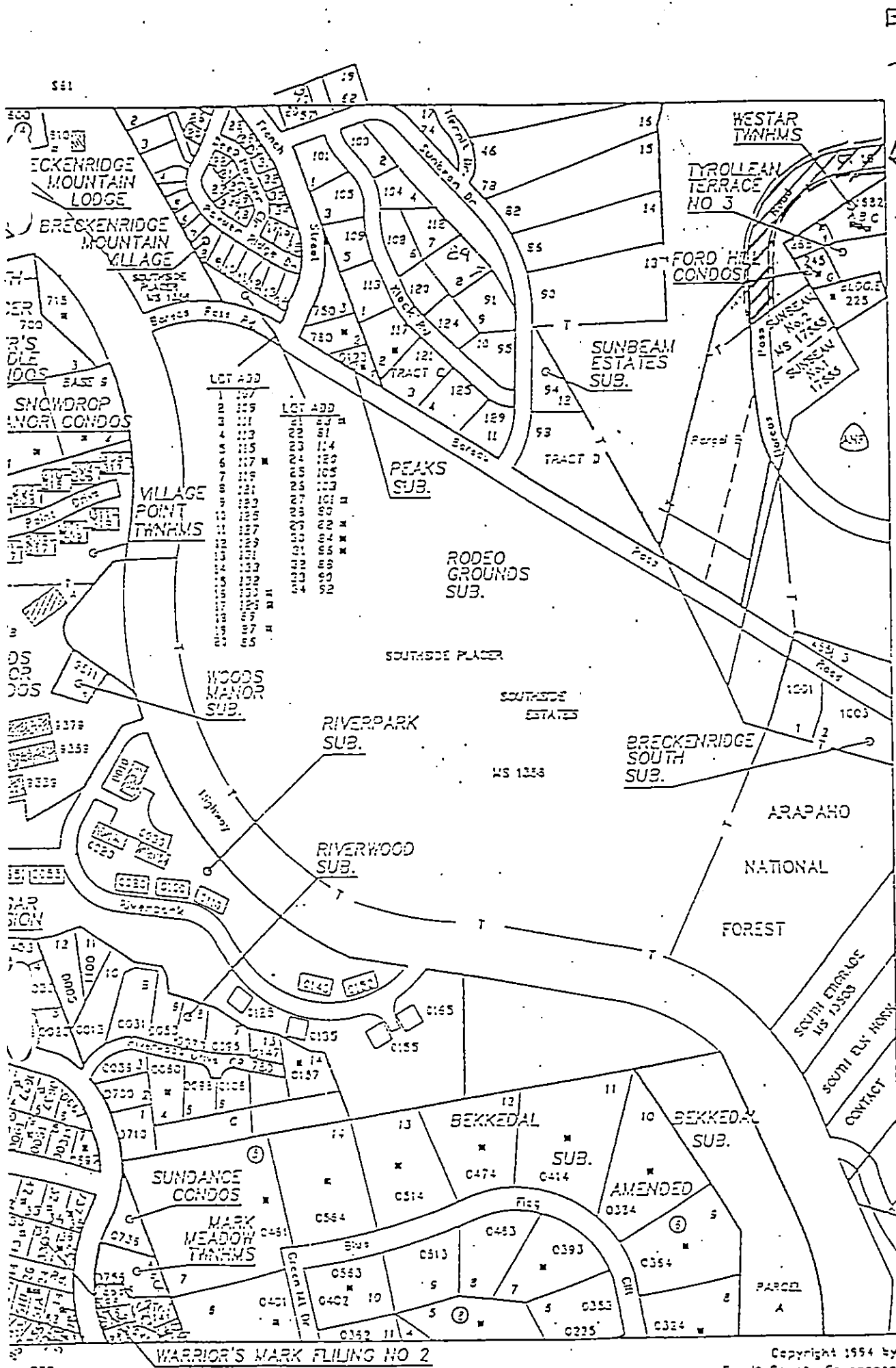
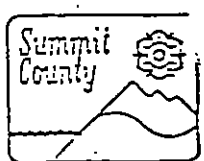


EXHIBIT "B" TO GRANT OF EASEMENT BETWEEN THE TOWN OF BRECKENRIDGE, A COLORADO MUNICIPAL CORPORATION, AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO



Easement Area



REVISED
10-9-95
04-29-95



SUMMIT COUNTY



SCALE IN FEET
1"=400'
0 100 200

RURAL ADDRESS MAP

S70

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