

ORDINANCE NO. 6

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. 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.

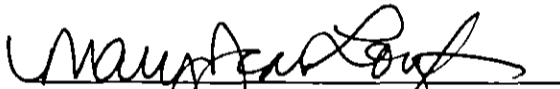
Section 2. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

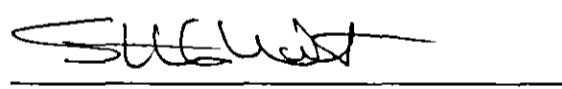
Section 3. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of January, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of January 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

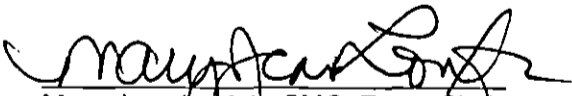

Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE, this 27th day of January, 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

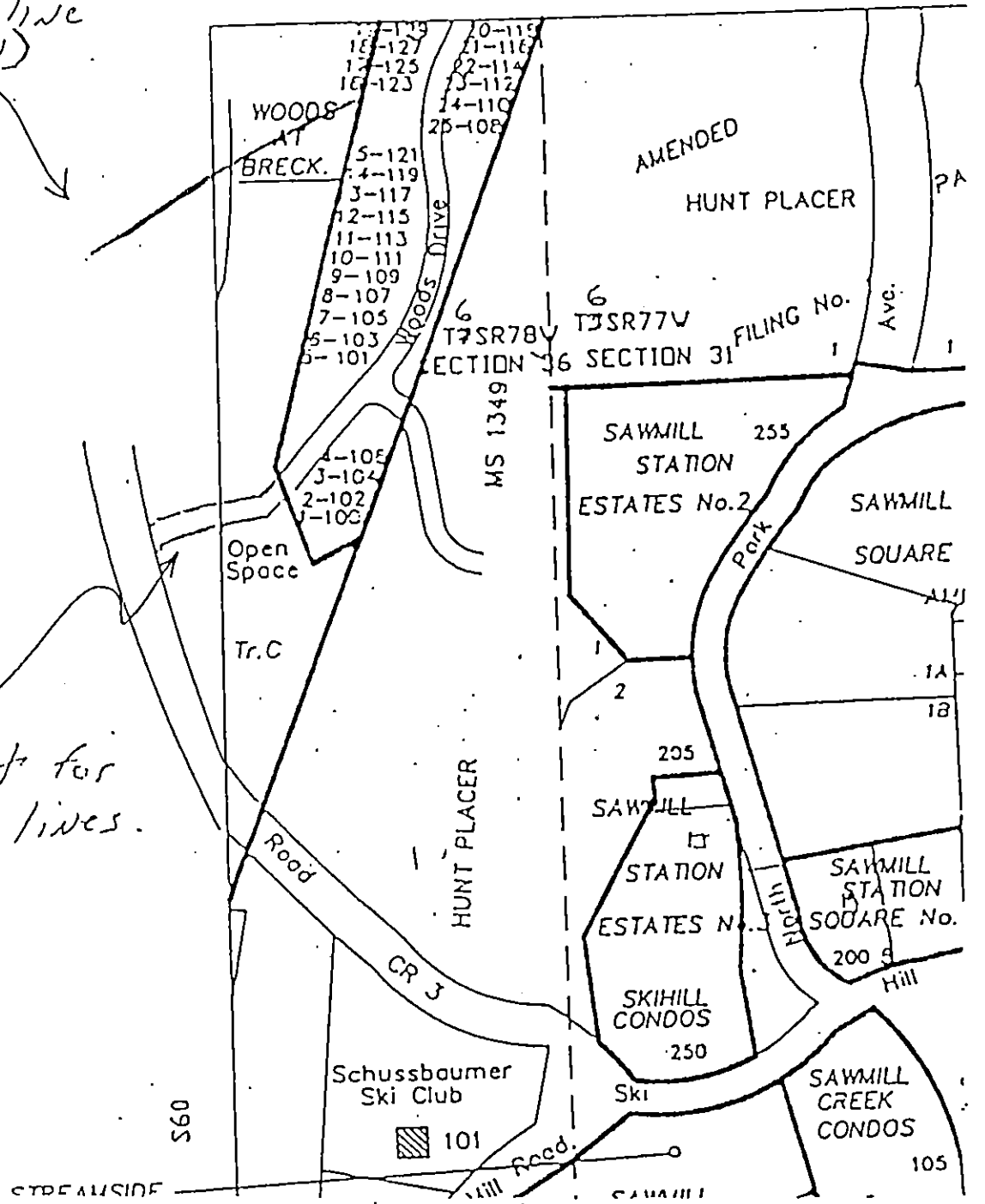
APPROVED IN FORM:


Town Attorney 1/27/98
Date

This Ordinance was published by title with amendments in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, February 5, 1998.

Quit claim for
overhead line
(Removed)

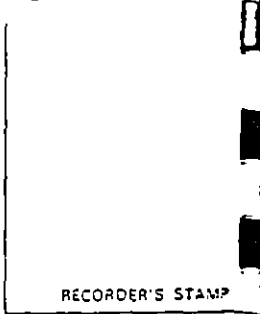
Easement for
New u.g. lines.



65

Doc. No. 162307
Plat No. 35-65-734
Grid No. (E) (G)

Loren Vawser JR Engineering, LTD
R.O.W. AGENT DESCRIPTION AUTHOR APPROVED
Address 6110 Greenwood Plaza Blvd.
Englewood, CO 80111



PUBLIC SERVICE COMPANY OF COLORADO UTILITY EASEMENT

The undersigned Grantor hereby acknowledges receipt of \$ 1.00 (ONE DOLLAR) and/or other goods and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO, Seventeenth Street Plaza, 1225 17th 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 lines, through, over, under, across and along a course as said lines may be hereafter constructed and replaced in LOT _____ BLOCK _____ SUBDIVISION Tract C, A Replat of Christie Heights Sub. Filing 1 Amend.

in the East 1/2 of Section 36 Township 6S Range 78W
of the 6th Principal Meridian in the City of Breckenridge
County of Summit State of Colorado, the easement being described as follows:

See attached description.

The easement is 15 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 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 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 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.

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

Signed this _____ day of _____, 19 _____.

WITNESSES:

GRANTOR:

STATE OF COLORADO,)
County of _____) ss.

The foregoing instrument was acknowledged before me

_____ day of _____, 19 _____ by _____

My commission expires _____ 6 6
Witness my hand and official seal. NOTARY PUBLIC

* If acting in official capacity, insert name and title of office or capacity and for whom acting.

RETAIN PERMANENTLY

DIVISION Mountain TOWN Breckenridge METHOD OF PAYMENT CASH
LOCATION Ski Hill Rd. and Woods Drive W.O./J.O. NO. 57-75616

JR Engineering, Ltd.

6110 Greenwood Plaza Blvd.
Englewood, Colorado 80111
Tel. (303) 740-9393
FAX (303) 721-9019

Denver
Colorado Springs
Fort Collins

June 12, 1997

LEGAL DESCRIPTION

A STRIP OF LAND FIFTEEN FEET IN WIDTH, LYING IN TRACT C, A REPLAT OF CHRISTIE HEIGHTS SUBDIVISION FILING NO. 1 AMENDED, A SUBDIVISION OF RECORD WITH THE SUMMIT COUNTY CLERK AND RECORDER, BEING A PORTION OF THE EAST ONE-HALF OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE MOST SOUTHEASTERLY LINE OF THE WOODS AT BRECKENRIDGE, A SUBDIVISION OF RECORD WITH THE SUMMIT COUNTY CLERK AND RECORDER, BEING MONUMENTED AT BOTH ENDS OF THE LINE BY A RED PLASTIC SURVEYOR'S CAP STAMPED "TC BARNES LS 15242", WITH THE LINE BETWEEN THEM CONSIDERED TO BEAR S64°58'03"W, AS PLATTED.

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE WOODS AT BRECKENRIDGE, A SUBDIVISION RECORDED WITH THE SUMMIT COUNTY CLERK AND RECORDER, BEING MONUMENTED BY A RED PLASTIC SURVEYOR'S CAP STAMPED "TC BARNES LS 15242";

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID SUBDIVISION THE FOLLOWING TWO (2) COURSES:

1. N25°01'57"W, A DISTANCE OF 65.30 FEET;
2. N23°16'52"E, A DISTANCE OF 17.26 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING FIVE (5) COURSES:

1. S23°16'52"W, ALONG THE SAID SOUTHWESTERLY LINE AND SAID LINE EXTENDED, A DISTANCE OF 39.22 FEET;
2. S49°36'36"W, A DISTANCE OF 18.79 FEET;
3. S56°55'07"W, A DISTANCE OF 65.89 FEET;
4. S70°09'10"W, A DISTANCE OF 46.34 FEET;
5. N80°39'02"W, A DISTANCE OF 24.40 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SKI HILL ROAD, AS PLATTED BY SAID A REPLAT OF CHRISTIE HEIGHTS SUBDIVISION FILING NO. 1 AMENDED;

THENCE N03°39'00"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.07 FEET;

THENCE THE FOLLOWING FIVE (5) COURSES:

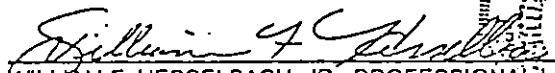
1. S80°39'02"E, A DISTANCE OF 21.99 FEET;
2. N70°09'10"E, A DISTANCE OF 40.69 FEET;
3. N55°55'07"E, A DISTANCE OF 63.19 FEET;
4. N49°36'36"E, A DISTANCE OF 14.32 FEET;
5. N23°16'52"E, A DISTANCE OF 49.07 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID THE WOODS AT BRECKENRIDGE;


THENCE S25°01'57"E, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 20.09 FEET TO THE POINT OF BEGINNING,

CONTAINING 2879 SQUARE FEET OR 0.066 ACRE.

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.

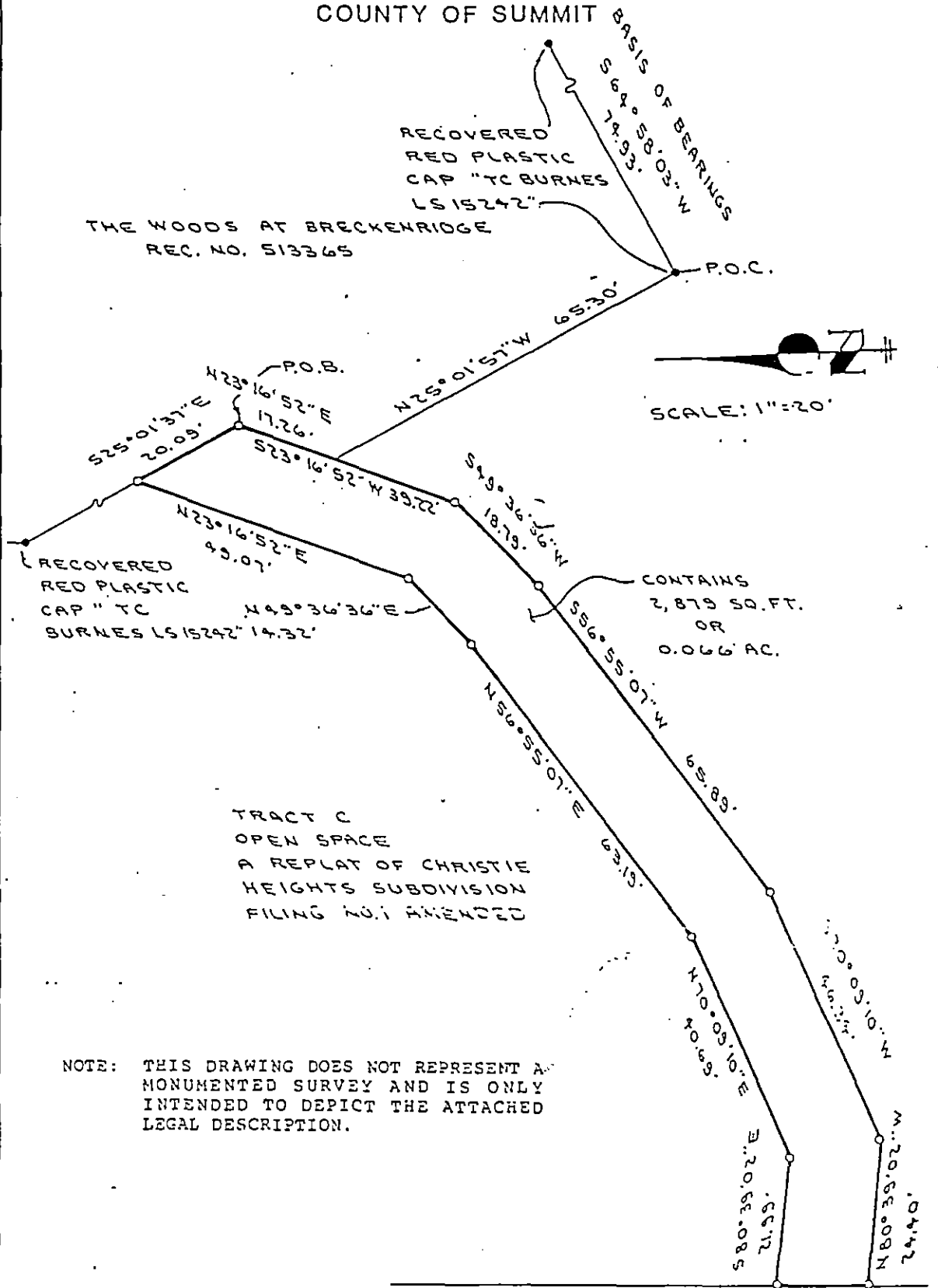

WILLIAM F. HESSELBACH, JR., PROFESSIONAL LAND SURVEYOR
COLORADO NO. 25369
FOR AND ON BEHALF OF JR ENGINEERING, LTD.
6110 GREENWOOD PLAZA BOULEVARD
ENGLEWOOD, COLORADO 80111



6-12-97
DATE

X:\389700\WP\3897ESMT.LGL

E1/2 SEC. 36, TOWNSHIP 6 SOUTH, RANGE 78 WEST 6TH P. M.,
 COUNTY OF SUMMIT



SCALE: 1"=20'

PREPARED BY:
 JR ENGINEERING, LTD.

15' UTILITY EASEMENT		69		Public Service Public Service Company of Colorado	
SECTION 36	TOWNSHIP 6 S.	RANGE 78 W.	SCALE: 1"=20'	LINE	
6TH. PRINCIPAL MERIDIAN	SUMMIT COUNTY, COLORADO		DRAWN BY: JS		
DOCUMENT NO.	AGENT		DATE: 6/12/87		