

ORDINANCE NO. 8

Series 2001

AN ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS TO THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY AND JOAN SARE

WHEREAS, the Board of County Commissioners of Summit County and Joan Sare have each requested the Town to grant an easement over, across and through certain property which the Town intends to acquire in connection with the proposed Summit Land Exchange with the U.S. Forest Service and other interested parties; and

WHEREAS, the Town Council of the Town of Breckenridge has determined that it should grant the requested easements; 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 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 an easement, in substantially the form which is marked Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. The Town Manager and the Town Clerk are authorized, empowered and directed to execute, acknowledge and deliver to Joan Sare an easement, in substantially the form which is marked Exhibit "B", attached hereto and incorporated herein by reference.

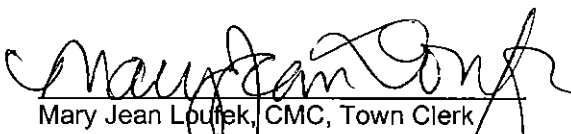
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

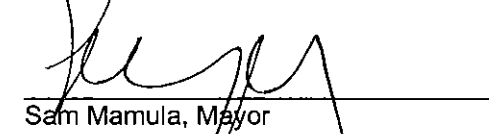
Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of February, 2001. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of March, 2001, 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


Sam Mamula, Mayor

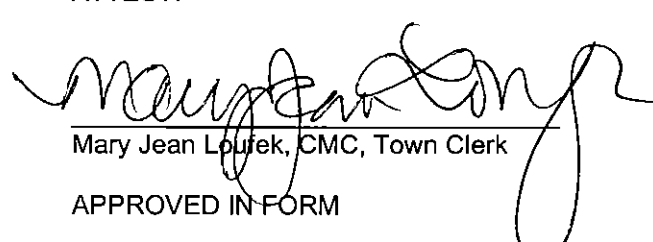
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 9, 2001.

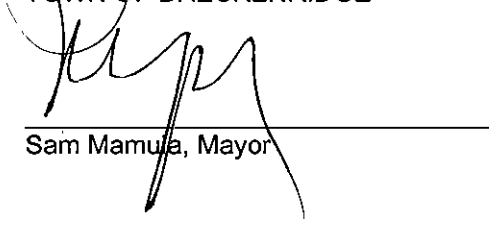
The public hearing on this ordinance was held on March 13, 2001.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 13th day of March, 2001. 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


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

3/13/01
Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 23, 2001.

GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made and entered into this _____ day of _____ 2001, by and between SUMMIT COUNTY, COLORADO acting through its Board of County Commissioners, whose address is Summit County Courthouse, Post Office Box 68, Breckenridge, Colorado, 80424 hereinafter referred to as "County", and, the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, CO 80424 hereinafter referred to as "Town", (County and Town are referred to collectively herein as "Grantors"), and JOAN SARE, whose address is 3333 E. Florida Avenue, #34, Denver, CO 80210 hereinafter referred to as "Grantee".

WITNESSETH THAT: the undersigned Grantors for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, bargained, conveyed, transferred, delivered and sold, and by these presents do bargain, convey, transfer, deliver and sell to Grantee, her successors, assigns, licensees and agents, a perpetual, non-exclusive easement for the use of a driveway, along a strip of land, over, under, upon, across, in and through the following real property which the Grantors own in the County of Summit, State of Colorado and is described as follows ("Easement Area"):

T. 7 S., R. 77 W., Sixth Principal Meridian
Section 6: NE $\frac{1}{4}$ of NE $\frac{1}{4}$

The specific centerline description is noted on Exhibit A attached hereto. The location of said Easement Area is shown approximately on Exhibit B attached hereto.

Said Easement Area shall be ten (10.0) feet on each side of the centerline with such additional width as required for accommodation and protection of cuts and fills.

TOGETHER with the full right of ingress and egress and authority to use and occupy the Easement Area for any purpose not inconsistent with the Grantor's full and complete enjoyment of the rights hereby granted. However, no building, structure or well shall be erected, placed or permitted to remain on, under or over the Easement Area or an interference with the exercise of any of the rights herein granted. And further, no signs may be posted in the Easement Area except to display the physical address of the Grantee's property.

The Grantors reserve the right to occupy and use said Easement Area for all purposes not inconsistent with the rights herein granted.

To the extent permitted by law, Grantee shall indemnify and hold Grantors, their elected officials, officers, employees and agents, harmless from all claims, demands, judgments and causes of action, including Grantors' reasonable attorney's fees, arising from Grantee's use of the Easement Area for a driveway; 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 Grantors, their elected officials, officers, employees and agents. At all times during Grantee's use of the Easement Area, Grantee shall strictly adhere to all applicable federal, state, and

local laws, rules, and regulations that have been or may hereafter be established, and all work performed under this Grant of Easement shall comply with Federal, State, and local laws, rules and regulations.

This grant shall run with the land and be binding upon Grantors and Grantors' successors, assigns, lessees, and legal representatives.

The attached Exhibits "A" and "B", and the terms and conditions contained therein, are hereby incorporated into this Grant of Easement by reference.

This Grant of Easement is authorized by Resolution No. 2000-45, adopted by the Board of Commissioners of Summit County, Colorado on April 17, 2001, and by Motion of the Board of County Commissioners of Summit County, Colorado, on January 22, 2001.

This Grant of Easement is authorized by Ordinance No. _____, adopted by the Town Council of the Town of Breckenridge, Colorado on _____, 2001.

GRANTOR:
SUMMIT COUNTY, COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS

By: William C. Wallace
William C. Wallace, Chairman

Approved as
to form

FC
Legal

ATTEST:

Cheri Brunvand
Cheri Brunvand, Clerk and Recorder

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 16th day of February, 2001, by William C. Wallace, Chairman of the Board of County Commissioners, Summit County, Colorado.

My commission expires: October 6, 2003

Witness my hand and official seal.

{SEAL}

Erin J. Fin
Notary Public

GRANTOR:

**TOWN OF BRECKENRIDGE, a Colorado
municipal corporation**

By: _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 200i,
by Timothy J. Gagen, Town Manager, Town of Breckenridge, Colorado.

My commission expires: _____

Witness my hand and official seal.

{SEAL}

Notary Public

GRANTEE:
JOAN SARE

By: _____
Joan Sare

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2001,
by Joan Sare.

My commission expires: _____.

Witness my hand and official seal.

{SEAL}

Notary Public

ALPINE SURVEYORS
P.O. BOX 503
BRECKENRIDGE, COLORADO 80424

DESCRIPTION

A 20' right of way lying 10' each side of the following described center line:

A parcel of land lying wholly within Section 6, Township 7 South, Range 77 West of the 6th Principal Meridian, situate in the County of Summit, State of Colorado and more particularly described as follows:

Beginning at Corner No. 3 of the Silver Dick Lode M.S. 7832 and running N 27°30'00" E 319.60' along line 2-3 of said Silver Dick Lode to a point, which point is, in fact, the true point of beginning, thence

S 04°25'54" E 29.60', thence Southwesterly 59.90' along the arc of a 418.89' radius curve to the right, whose delta is 08°11'34", thence

S 03°45'40" W 103.63' to the end.

Contains: 0.13 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Raymon D. McGinnis, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that the above is an accurate description of a survey made under my supervision and that the attached plat is a true representation thereof to the best of my knowledge.

Survey completed 29 May 1974

SC-222


RAYMON D. MCGINNIS L.S. NO. 9939

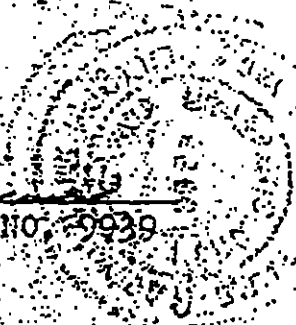


EXHIBIT A

EASEMENT DESCRIPTION

JOAN SARE

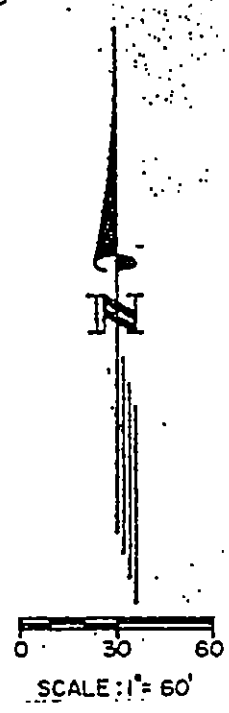
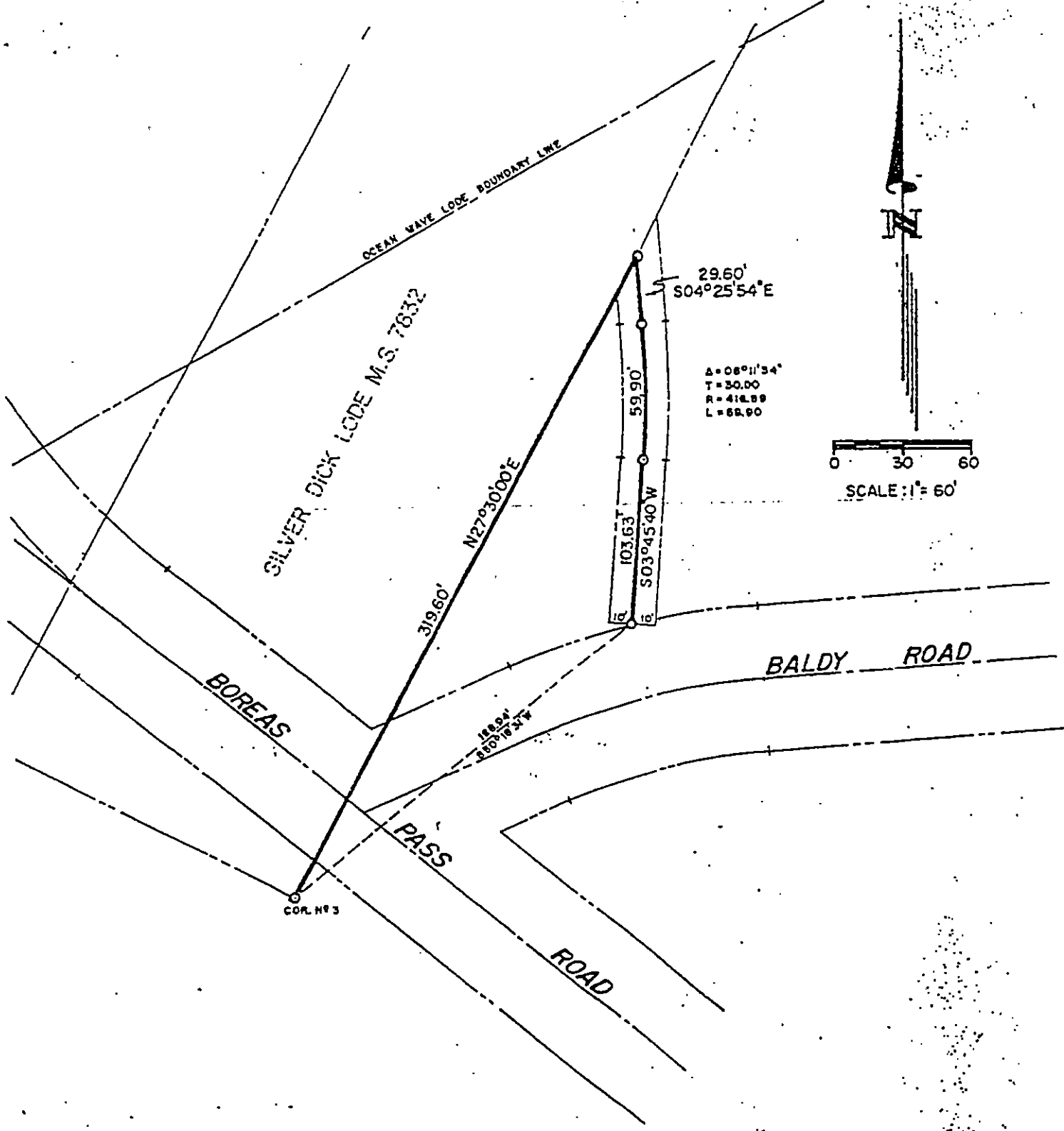


EXHIBIT B
 EASEMENT LOCATION
 JOAN SARE