

## NOTICE OF ADOPTED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council did adopt the following named and described Ordinance during its Regular Meeting on December 15, 2015 which commenced at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St., Castle Rock, CO 80104

Title of Adopted Ordinance:

Ordinance No. 2015-55

An Ordinance Approving An Easement Agreement Between The Town Of Castle Rock And Intermountain Rural Electric Association; And Providing For Its Emergency Adoption On Second And Final Reading (Mercantile Commons Underground Electric Service)

Subject Matter Summary:

The proposed Ordinance grants IREA a 20-foot wide easement on Town-owned property on portions of 2nd Street and the alley within Block 28, Town of Castle Rock. The easement is required in order to convert an overhead utility service to an underground utility service and will allow IREA to serve the future Mercantile Commons property.

Emergency Adoption is requested on Second Reading in order to meet construction timeframes for the project

The entire text of the proposed ordinance is contained herein, and copies are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays

Publication Date: December 16, 2015

**ORDINANCE NO. 2015-55**

**AN ORDINANCE APPROVING AN EASEMENT AGREEMENT  
BETWEEN THE TOWN OF CASTLE ROCK AND  
INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION; AND PROVIDING FOR ITS  
EMERGENCY ADOPTION ON SECOND AND FINAL READING  
(Mercantile Commons Underground Electric Service)**

**WHEREAS**, the Town of Castle Rock is the owner of a portion of 2<sup>nd</sup> Street and the alley within Block 28, Town of Castle Rock ("Property"),

**WHEREAS**, Intermountain Rural Electric Association ("IREA") desires to convert an overhead utility service line to an underground service line across the Property to serve adjacent properties,

**WHEREAS**, it has been determined that IREA needs to acquire an easement from the Town and Town is willing to grant such easement to IREA, and

**WHEREAS**, in order to meet construction schedules and install the underground service line prior to the ground freezing, it is necessary to adopt this ordinance on an emergency basis on first and final reading.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Approval.** The Easement Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 2. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

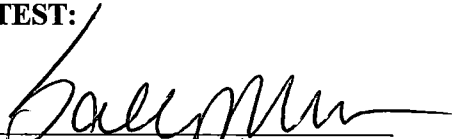
**Section 3. Emergency Clause.** For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

**Section 4. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 1<sup>st</sup> day of December, 2015 by a vote of - 7 - for and - 0 - against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING** this 15th of December, 2015, by a vote of the Town Council of the Town of Castle Rock, Colorado of 5 for and 0 against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

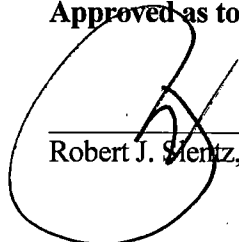
**ATTEST:**

  
\_\_\_\_\_  
Sally Misare, Town Clerk


**TOWN OF CASTLE ROCK**

  
\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

  
\_\_\_\_\_  
Robert J. Wentz, Town Attorney

**Approved as to content:**

  
\_\_\_\_\_  
Bill Detweiler, Development Services Director

For IREA Use Only	
Section <u>35</u>	Township <u>7S</u>
Range <u>67W</u>	
W/O # _____	
Grid # _____	
PART SECOND STREET	

## INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION

5496 North U.S. Highway 85, P.O. Drawer A  
Sedalia, Colorado 80135  
303-688-3100

### GENERAL RIGHT-OF-WAY EASEMENT (Underground Access)

KNOW ALL MEN BY THESE PRESENTS, that TOWN OF CASTLE ROCK, A COLORADO MUNICIPAL CORPORATION Grantor, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, a Colorado Corporation (hereinafter called the "Association"), whose address is 5496 North U.S. Highway 85, Sedalia, Colorado 80135, and to its successors or assigns, a non-exclusive right-of-way and easement 20 feet in width for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of an underground electric transmission and/or distribution line or system including underground cables, wires, conduits, manholes, splicing boxes, testing terminals located on the surface or underground, and other attachments and incidental equipment and appurtenances upon, over, under, and across the following premises belonging to the said Grantor situated in the County of DOUGLAS and State of Colorado, and more particularly described as follows:

#### ATTACHED EXHIBIT "A" AND LEGAL DESCRIPTION

Together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including, for the installation and maintenance of said line, the right to cut, trim, and remove trees, brush, overhanging branches, shrubbery, and other obstruction that may interfere with or threaten to endanger the operation, maintenance, and repair of said line or system; to place location markers on the surface, on or beyond said right-of-way and easement for the said underground facilities, where appropriate; to license, permit, or otherwise agree to the joint use or occupancy of the line or system by any other person, association, or corporation for electrification or communication purposes; and to open and close any fences crossing said right-of-way and easement or, when agreed to by Grantor, to install gates and stiles in said fences; and together with the right to use that portion 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 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.

The undersigned agrees that all wires and other facilities installed under or across the above described lands by the Association shall remain the property of and may be removed at the option of the Association.

Grantor for himself/herself, his/her heirs, executors, administrators, successors, and assigns, while reserving the right to use said strip of land for all purposes not inconsistent with the rights herein granted to said Association, hereby covenants that no structures shall be erected, or combustible material or property shall be permitted, on said strip, and that the said strip shall not be used in any manner which will interfere with or damage the facilities installed pursuant to this grant, or interfere with the maintenance, repair, and replacement of said facilities.

The undersigned covenants that he/she is the owner of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except the following:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

In the presence of \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature

STATE OF COLORADO )

) ss.

\_\_\_\_\_  
Signature

County of )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by

\_\_\_\_\_

Witness my hand and official seal.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_

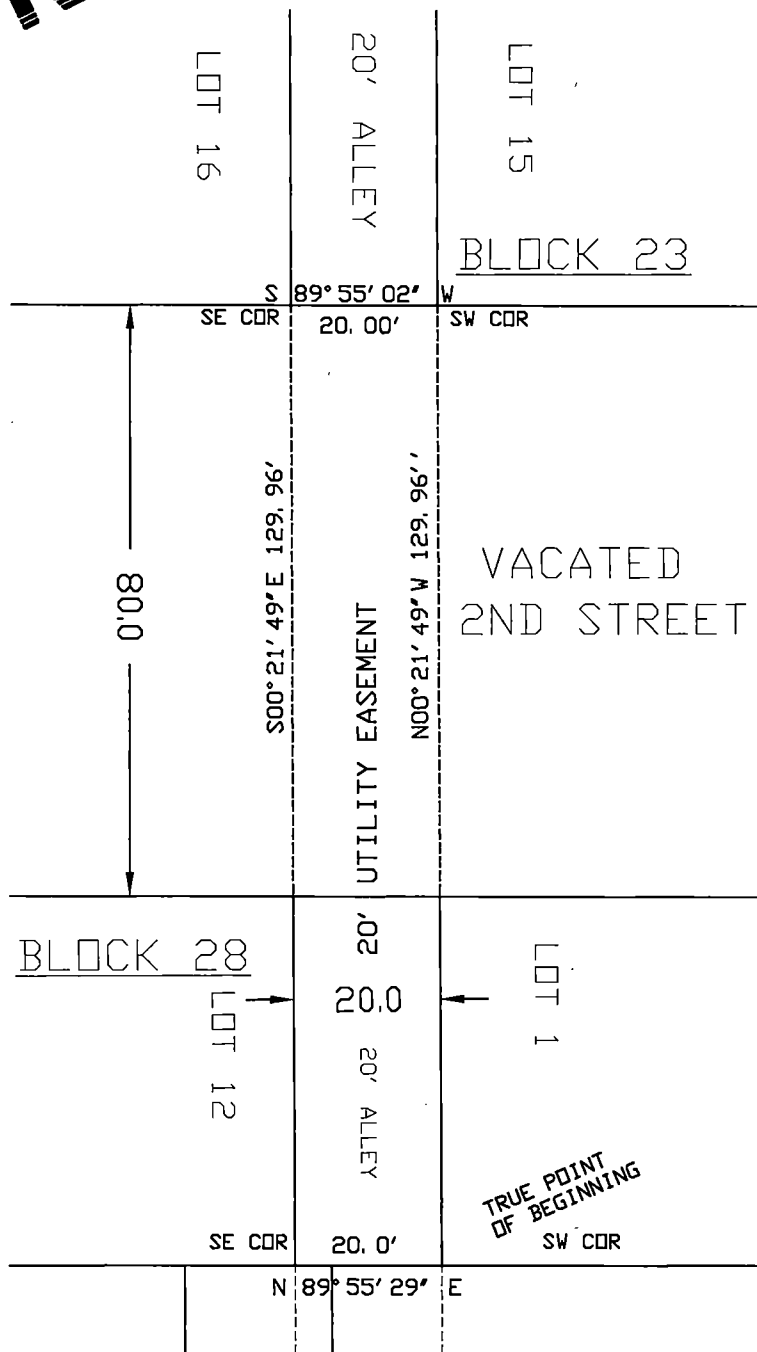
\_\_\_\_\_

Notary Public



4901 E. DRY CREEK ROAD  
 UNIT 208  
 CENTENNIAL, COLORADO 80122

20' UTILITY EASEMENT



VACATED  
 2ND STREET

LEGAL DESCRIPTION

A 20' UTILITY EASEMENT LOCATED IN BLOCKS 23 AND 28, TOWN OF CASTLE ROCK, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 28, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N 00°21'49"W, A DISTANCE OF 129.96' FEET, TO THE SOUTHWEST CORNER OF LOT 15, OF SAID BLOCK 23; THENCE S 89°55'02"W, A DISTANCE OF 20.00' FEET, TO THE SOUTHEAST CORNER OF LOT 16, OF SAID BLOCK 23; THENCE S 00°21'49"E, A DISTANCE OF 129.96' FEET, TO THE SOUTHEAST CORNER OF LOT 12, OF SAID BLOCK 28; THENCE N 89°55'29"E, A DISTANCE OF 20.00' FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,599 sq ft more or less