

NOTICE OF PROPOSED ORDINANCE

Pursuant of Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described ordinance during its meeting on January 5, 2016 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

Title of Proposed Ordinance:

Ordinance: Approving an Easement Agreement Between the Town of Castle Rock and Qwest Corporation d/b/a CenturyLink QC

Subject Matter Summary:

The purpose of the ordinance is to authorize the grant of an easement to Qwest Corporation, d/b/a CenturyLink QC, for operation and maintenance of certain facilities owned by CenturyLink that were required to be relocated as part of the North Meadows Extension 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 17, 2015

ORDINANCE NO. 2016-__

**AN ORDINANCE APPROVING AN EASEMENT AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND QWEST CORPORATION D/B/A
CENTURYLINK QC**

WHEREAS, the Town of Castle Rock received possession of certain property as part of the North Meadows Extension Project described in the attached *Exhibit 1* ("Easement Property"),

WHEREAS, at the Town's request, Qwest Corporation d/b/a/ CenturyLink QC ("CenturyLink") has relocated its facilities to the Easement Property,

WHEREAS, Town has determined that it is necessary and appropriate to grant CenturyLink with an easement for the continued operation and maintenance of its facilities.

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 2* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Easement 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. 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 ___ day of January, 2016 by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ of _____, 2015, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bob Goebel, Director of Public Works

PROJECT NUMBER: 2010-03
UTILITY EASEMENT NUMBER: UE-227A
PROJECT CODE: North Meadows Drive Phase II
DATE: July 1, 2014
DESCRIPTION

A Utility Easement No. UE-227A of the Department of Transportation, State of Colorado Project No. 2010-03 containing 22,745 sq. ft. (0.522 acres), more or less, in the SE quarter of Section 22, Township 7 South, Range 67 West, of the 6th Principal Meridian, in Douglas County, Colorado, as recorded at Reception No. 2013012022, said tract or parcel being more particularly described as follows:

Commencing at the Section corner common to Sections 22, 23, 26 and 27, thence N. 89°34'35" W., a distance of 1,347.13 feet along the South line of said Section 22, thence N. 00°25'25" E., a distance of 1,148.03 feet more or less, to a point on the southerly line of said parcel, said point being the TRUE POINT OF BEGINNING, whence said Section corner bears S. 49°08'19" E., a distance of 1,769.95 feet;

1. Thence along said southerly line, N. 89°34'28" W., a distance of 19.14 feet;
2. Thence departing said southerly line, N. 26°56'23" W., a distance of 210.19 feet;
3. Thence N. 56°19'05" W., a distance of 111.99 feet;
4. Thence N. 65°42'00" W., a distance of 213.82 feet;
5. Thence N. 88°16'40" W., a distance of 177.33 feet;
6. Thence N. 69°27'48" W., a distance of 188.00 feet;
7. Thence S. 68°38'18" W., a distance of 70.79 feet;
8. Thence N. 46°17'05" W., a distance of 333.37 feet;
9. Thence N. 28°09'12" W., a distance of 54.63 feet;
10. Thence S. 46°17'05" E., a distance of 374.44 feet;
11. Thence N. 68°38'18" E., a distance of 66.45 feet;
12. Thence S. 69°27'48" E., a distance of 191.69 feet;
13. Thence S. 88°16'40" E., a distance of 177.91 feet;
14. Thence S. 65°42'00" E., a distance of 218.60 feet;
15. Thence S. 56°19'05" E., a distance of 117.85 feet;
16. Thence S. 26°56'23" E., a distance of 223.44 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 22,745 sq. ft. (0.522 acres), more or less.

The purpose of the above described Utility Easement is for construction and maintenance of gas, copper and fiber optic telecommunication facilities, and electric lines.

Basis of Bearings: All bearings are based on a line between the East 1/16th Corner of Section 28 and Section 21, a found 2 1/2" aluminum cap, LS 6935, and the Northeast Corner of Section 28, a found 2 1/2" aluminum cap, PLS 22564, said line bears S. 89°48'05" E.

For and on Behalf of the
Town of Castle Rock
Christopher R. Raml, PLS 37973
116 Inverness Drive East, Suite 105
Englewood, CO 80112

PROJECT NUMBER: 2010-03
PARCEL NUMBER: UE-228A
PROJECT CODE: North Meadows Drive Phase II
DATE: July 1, 2014
DESCRIPTION

A tract or parcel of land No. UE-228A of the Department of Transportation, State of Colorado Project No. 2010-03 containing 20,846 sq. ft. (0.479 acres), more or less, in the SE quarter of Section 22, Township 7 South, Range 67 West, of the 6th Principal Meridian, in Douglas County, Colorado, as recorded at Reception No. 2013018555, said tract or parcel being more particularly described as follows:

Commencing at the Section corner common to Sections 22, 23, 26 and 27, thence N. 89°34'35" W., a distance of 1,347.13 feet along the South line of said Section 22, thence N. 00°25'25" E., a distance of 1,148.03 feet more or less, to a point on the northerly line of said parcel, said point being the TRUE POINT OF BEGINNING, whence said Section corner bears S. 49°08'19" E., a distance of 1,769.95 feet;

1. Thence departing said northerly line, S. 04°08'46" E., a distance of 68.34 feet;
2. Thence S. 06°44'55" W., a distance of 150.94 feet;
3. Thence S. 20°18'59" W., a distance of 232.26 feet;
4. Thence S. 14°34'11" W., a distance of 318.98 feet;
5. Thence S. 03°36'50" W., a distance of 155.93 feet;
6. Thence S. 17°59'51" E., a distance of 259.80 feet to a point on the southerly line of said parcel;
7. Thence along said southerly line, N. 89°34'35" W., a distance of 38.94 feet to a point on the easterly right-of-way line of Interstate 25 (July 2013);
8. Thence along said right-of-way line, N. 28°09'12" W., a distance of 22.77 feet;
9. Thence departing said right-of-way line, N. 61°50'48" E., a distance of 24.34 feet;
10. Thence N. 17°59'51" W., a distance of 224.02 feet;
11. Thence N. 03°36'50" E., a distance of 160.80 feet;
12. Thence N. 14°34'11" E., a distance of 321.47 feet;
13. Thence N. 20°18'59" E., a distance of 231.09 feet;
14. Thence N. 06°44'55" E., a distance of 147.30 feet;
15. Thence N. 05°53'33" W., a distance of 68.28 feet to said northerly line;
16. Thence along said northerly line, S. 89°34'28" E., a distance of 19.14 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 20,846 sq. ft. (0.479 acres), more or less.

The purpose of the above described Utility Easement is for construction and maintenance of gas, copper and fiber optic telecommunication facilities, and electric lines.

Basis of Bearings: All bearings are based on a line between the East 1/16th Corner of Section 28 and Section 21, a found 2 1/2" aluminum cap, LS 6935, and the Northeast Corner of Section 28, a found 2 1/2" aluminum cap, PLS 22564, said line bears S. 89°48'05" E.

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RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

The Town of Castle Rock ("Grantor") for and in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto QWEST CORPORATION d//b/a CENTURYLINK QC, a Colorado corporation ("Grantee"), whose address is 100 CenturyLink Drive, Monroe, LA 71203, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, operate modify, repair, add to, maintain, replace, and remove communications facilities, electrical facilities, and other appurtenances, including, but not limited to, underground fiber and copper cables, wires, manholes, conduits, drains, and surface pedestals and terminals ("Facilities"), from time to time, as Grantee may require upon, over, under and across the following described property situated in the County of Douglas, State of Colorado, which Grantor owns, or in which Grantor has an interest, or in which Grantor subsequently acquires an interest ("Easement Area" or "Easement"), to wit:

See Attached Exhibit A for Utility Easement Numbers UE-227A and UE-228A.

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair, replacement, inspection, operation, and removal of Grantee's Facilities.

Grantee shall be responsible for the supervision of all work performed in connection with its access to and use of the Easement Area, and Grantee shall take all precautions, including but not limited to, the posting of signs and the placing of fencing and barricades, as necessary, in the interest of public safety and for the safety of any persons working on or traveling upon or in any way using the Easement Area.

All construction, operations, inspections, repairs, and maintenance conducted by Grantee within the Easement Area shall be in conformity with safe practices and shall at all times be in compliance with all local, State, and Federal laws, statutes, rules, and regulations pertaining thereto.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges granted herein.

Grantee's rights and privileges granted herein shall be subject to all limitations and rights that Grantor has, or subsequently acquires, in and to the Easement Area. Grantor reserves the right to occupy and use, or to permit other utility companies to occupy and use, the Easement Area for all purposes not inconsistent with the rights herein granted. Grantor, however, shall not construct or

allow to be constructed any permanent improvements on the Easement Area that unreasonably interfere with Grantee's exercise of its rights under this Easement.

Grantor covenants that it has full right and lawful authority to grant this Easement, and promises and agrees to defend the Grantee in the exercise of its rights hereunder.

GRANTOR:

TOWN OF CASTLE ROCK, a Colorado home rule municipal corporation

By: _____
Name: _____
Title: _____

State of Colorado)
) ss.
County of Douglas)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, as _____ of the Town of Castle Rock, a Colorado home rule municipal corporation, on behalf of the town.

Witness my hand and official seal:

[NOTARY SEAL]

Notary Public
My commission expires: _____

EXHIBIT "A"

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