

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 Intermountain Rural Electric Association (Lower East Plum Creek)

Subject Matter Summary:

The purpose of this Ordinance is for the Town to grant a 25-foot wide easement to IREA for facilities that already exist on the Town owned parcel that was recently annexed as the Lower East Plum Creek Annexation.

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
INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION
(Lower East Plum Creek)**

WHEREAS, the Town of Castle Rock is the owner of certain property located in the South ½ of Section 21, Township 7 South, Range 67 West of the 6th Principal Meridian (“Property”),

WHEREAS, Town owns and maintains certain water facilities on the Property currently served with electrical service and has determined that Intermountain Rural Electric Association (“IREA”) was never granted the proper easements for such electrical service and Town is willing to grant such easement to IREA.

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. 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

First Reading Copy

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

Mark Marlowe, Utilities Director

For IREA Use Only	
Section <u>21</u>	Township <u>7S</u>
Range <u>67W</u>	
W/O # _____	
Grid # _____	
LOWER PLUM CREEK	

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 15 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

15 FOOT WIDE UTILITY EASEMENT

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST SIXTEENTH CORNER OF SAID SECTION 21 WHENCE THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°48'06" EAST, A DISTANCE OF 1,332.20 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 21, SOUTH 89°48'06" EAST, A DISTANCE OF 52.89 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH LINE, NORTH 63°26'43" WEST, A DISTANCE OF 51.29 FEET;

THENCE NORTH 77°56'27" WEST, A DISTANCE OF 231.49 FEET;

THENCE NORTH 65°20'39" WEST, A DISTANCE OF 1301.01 FEET TO A POINT ON THE EASTERLY BOUNDARY OF OUTLOT 4 OF LOWER EAST PLUM CREEK REGIONAL WASTEWATER TREATMENT FACILITY A PLANNED DEVELOPMENT RECORDED DECEMBER 3, 1987 UNDER RECEPTION NO. 8734309, IN THE RECORDS OF THE CLERK AND RECORDER OF DOUGLAS COUNTY, COLORADO 4 AND A POINT ON THE NORTHERLY BOUNDARY OF THAT 25-FOOT WIDE ACCESS EASEMENT AS RECORDED UNDER RECEPTION NO. 8734309, IN SAID RECORDS;

THENCE DEPARTING SAID EASTERLY BOUNDARY, ALONG SAID NORTHERLY BOUNDARY, NORTH 65°14'40" WEST, A DISTANCE OF 254.22 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID OUTLOT 4;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, ALONG SAID WESTERLY BOUNDARY, NORTH 08°28'07" WEST, A DISTANCE OF 17.93 FEET TO A LINE PARALLEL WITH AND 15.00 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM SAID NORTHERLY BOUNDARY;

THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG SAID PARALLEL LINE, SOUTH 65°14'40" EAST, A DISTANCE OF 264.03 FEET TO A POINT ON SAID EASTERLY BOUNDARY OF OUTLOT 4;

THENCE DEPARTING SAID PARALLEL LINE AND SAID EASTERLY BOUNDARY, SOUTH 65°20'39" EAST, A DISTANCE OF 1299.34 FEET;

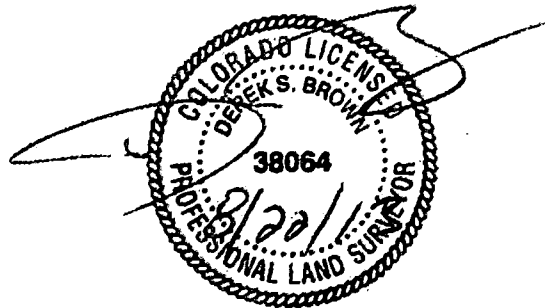
THENCE SOUTH 77°56'27" EAST, A DISTANCE OF 231.75 FEET;

THENCE SOUTH 63°26'43" EAST, A DISTANCE OF 83.47 FEET TO A POINT ON SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21;

THENCE ALONG SAID SOUTH LINE, NORTH 89°48'06" WEST, A DISTANCE OF 33.79 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.640 ACRE, (27,875 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



DEREK S. BROWN, PLS
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN ST., SUITE 201, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A

SEE SHEET 04

SE 1/4
SEC. 21,
T.7S., R.67W.,
6TH P.M.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N63°26'43"W	51.29'
L3	S63°26'43"E	83.47'
L4	N89°48'06"W	33.79'

PARCEL CONTAINS
27,875 (SQ.FT.)
0.640 ACRES
MORE OR LESS

DENVER & RIO GRADE WESTERN RAILROAD

S65°20'39"E 1299.34'
N65°20'39"W 1301.01'

S77°56'27"E 231.75'
N77°56'27"W 231.49'

(BASIS OF BEARINGS)
S89°48'06"E 1332.20'
S. LINE, SE 1/4 SE 1/4
SEC. 21, T.7S., R.67W., 6TH P.M.

PROPOSED EASEMENT PE-18
TOWN OF CASTLE ROCK
RIGHT-OF-WAY PLAN
2010-03 PHASE I

S. LINE, SW 1/4 SE 1/4
SEC. 21, T.7S., R.67W., 6TH P.M.

POINT OF COMMENCEMENT

E 1/16 COR., SEC. 21,
T.7S., R.67W., 6TH P.M.
RECOVERED 2 1/2" ALUM. CAP
STAMPED "LS 6935 1992"

POINT OF BEGINNING

SE COR., SEC. 21,
T.7S., R.67W., 6TH P.M.
RECOVERED 2 1/2" ALUM. CAP
STAMPED "PLS 22564 1998"

NE 1/4
SEC. 28,
T.7S., R.67W.,
6TH P.M.

DOUGLAS COUNTY BOARD
OF COUNTY COMMISSIONERS
11/19/1985 - BOOK 609, PAGE 298

CASTLE ROCK
LAND CO., LLC
BARGAIN AND SALE DEED
09/29/1997 -
BOOK 1468, PAGE 2261



1 inch = 100 ft.

NOTE:
THIS EXHIBIT DOES NOT
REPRESENT A MONUMENTED
SURVEY. IT IS INTENDED ONLY
TO DEPICT THE ATTACHED
DESCRIPTION.

PATH: V:\25013-02\DWG
DWG NAME:
DWG: TP CHK: DSR
DATE: 2013-08-22
SCALE: 1" = 100'



6000 SOUTH LINCOLN ST.
SUITE 201
LITTLETON, COLORADO 80122
Phone: (303)713-1198
Fax: (303)713-1197
WWW.AZTECCONSULTANTS.COM

DOUGLAS CO OPEN SPACE ESMT-SEC 21.DWG

IREA EASEMENT
TOWN OF CASTLE ROCK
DOUGLAS COUNTY, COLORADO

JOB NUMBER 25013-02

3 OF 4 SHEETS

ILLUSTRATION TO EXHIBIT A

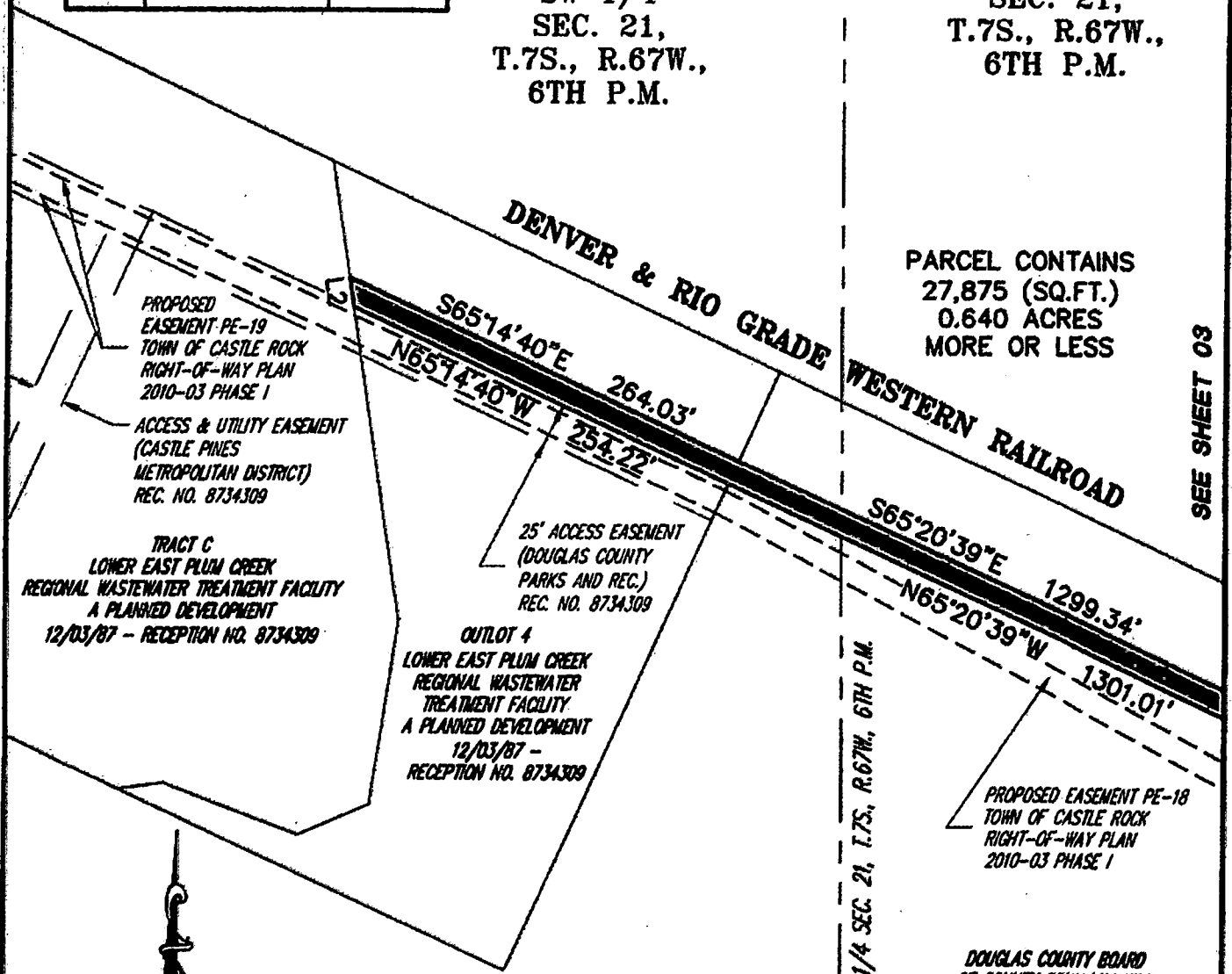
LINE TABLE		
LINE	BEARING	LENGTH
L2	N08°28'07"W	17.93'

SW 1/4
SEC. 21,
T.7S., R.67W.,
6TH P.M.

SE 1/4
SEC. 21,
T.7S., R.67W.,
6TH P.M.

PARCEL CONTAINS
27,875 (SQ.FT.)
0.640 ACRES
MORE OR LESS

SEE SHEET 03



PROPOSED
EASEMENT PE-19
TOWN OF CASTLE ROCK
RIGHT-OF-WAY PLAN
2010-03 PHASE I

ACCESS & UTILITY EASEMENT
(CASTLE PINES
METROPOLITAN DISTRICT)
REC. NO. 8734309

TRACT C
LOWER EAST PLUM CREEK
REGIONAL WASTEWATER TREATMENT FACILITY
A PLANNED DEVELOPMENT
12/03/87 - RECEPTION NO. 8734309

25' ACCESS EASEMENT
(DOUGLAS COUNTY
PARKS AND REC.)
REC. NO. 8734309

OUTLOT 4
LOWER EAST PLUM CREEK
REGIONAL WASTEWATER
TREATMENT FACILITY
A PLANNED DEVELOPMENT
12/03/87 -
RECEPTION NO. 8734309

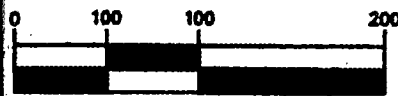
W. LINE, SE 1/4 SEC. 21, T.7S., R.67W., 6TH P.M.

PROPOSED EASEMENT PE-18
TOWN OF CASTLE ROCK
RIGHT-OF-WAY PLAN
2010-03 PHASE I

DOUGLAS COUNTY BOARD
OF COUNTY COMMISSIONERS
11/19/1985 - BOOK 608, PAGE 298

DOUGLAS COUNTY BOARD
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11/19/1985 - BOOK 608, PAGE 298

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1 inch = 100 ft.

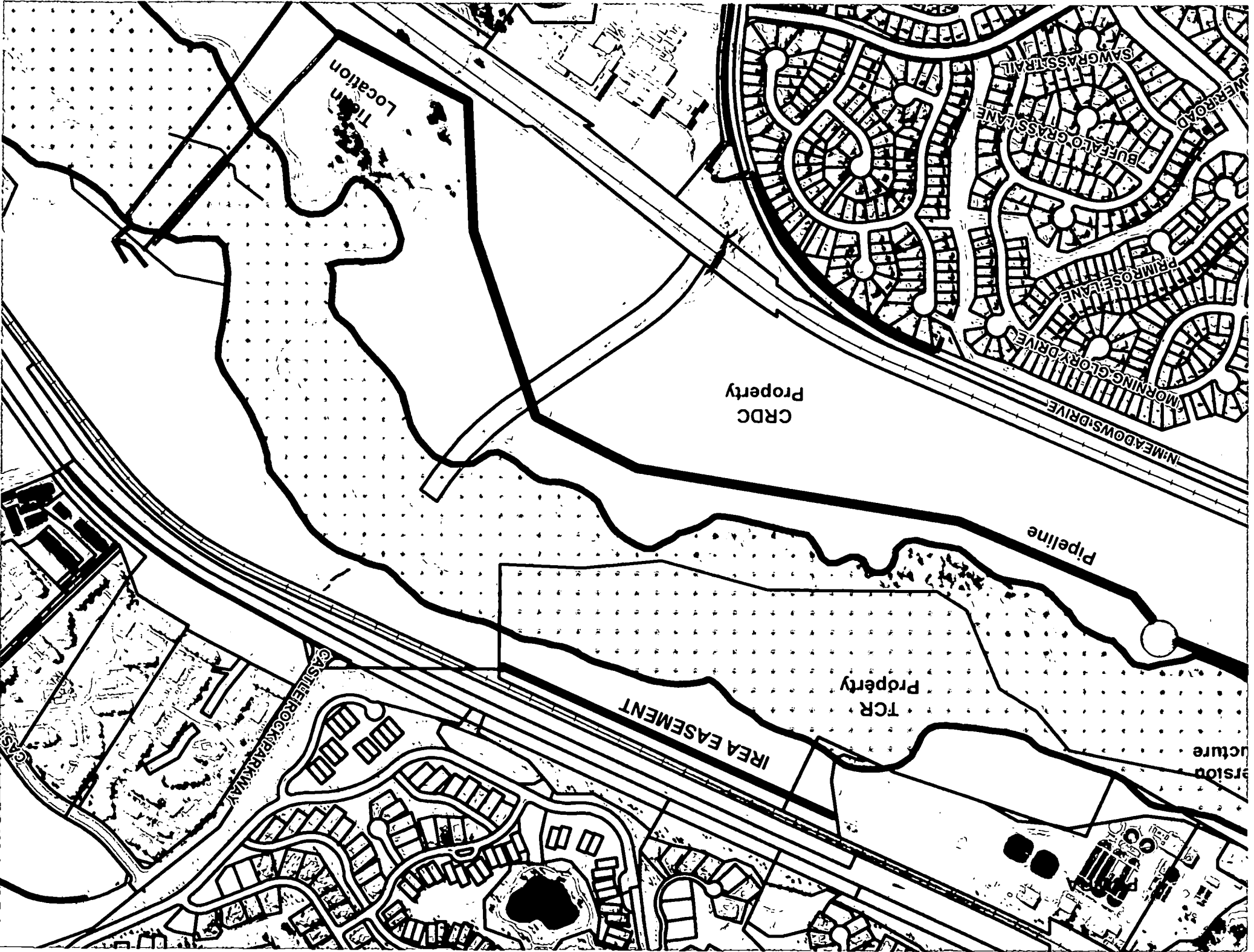
PATH: v:\25013-02.dwg
DWG NAME:
DWG: TP CHK: DSB
DATE: 2013-08-22
SCALE: 1" = 100'

AZTEC
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888 SOUTH LINCOLN ST.
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LITTLETON, COLORADO 80120
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www.aztecconsultants.com

DOUGLAS CO. OPEN SPACE ESMT-SEC 21.DWG

IREA EASEMENT
TOWN OF CASTLE ROCK
DOUGLAS COUNTY, COLORADO



Titan Location

CRDC Property

TCR Property

IREA EASEMENT

Pipeline

SAWGRASS TRAIL

BUFFALO GRASS LANE

PRIMROSE LANE

MORNING GLORY DRIVE

N. MEADOWS DRIVE

CASTLEROCK PARKWAY

Structure

Prison