

TOWN OF SUPERIOR
RESOLUTION NO. R-14
SERIES 2018

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR APPROVING A UTILITY EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENT BETWEEN THE TOWN OF SUPERIOR AND
PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, Public Service Company of Colorado d/b/a Xcel Energy ("Xcel") has requested a non-exclusive permanent utility easement over Town property to expand natural gas utilities located in the Harney-Lastoka Open Space (South) (the "Property") as well as a temporary construction easement over the Property (collectively, the "Easements") to allow construction and installation of Xcel's facilities;

WHEREAS, Xcel has issued a notice of intent to acquire the Easements and has the authority to proceed with acquisition of the Easements by eminent domain;

WHEREAS, Boulder County holds a conservation easement on the Property, as evidenced by the Deed of Conservation Easement In Gross, dated February 16, 2006, recorded with the Boulder County Clerk at Reception No. 2757683 (the "Conservation Easement");

WHEREAS, in lieu of condemnation, the Town and Boulder have negotiated Xcel's purchase of the Easements and have agreed to equally split compensation for the Easements;

WHEREAS, Paragraph 3.10 of the Conservation Easement prohibits the conveyance of right-of-way or the construction of any new roadways on the Property without approval in writing by the governing bodies of both the Town and Boulder County; and

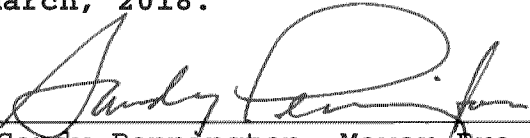
WHEREAS, on March 13, 2018, the Boulder County Board of County Commissioners will consider whether to approve the Easements as required by Paragraph 3.10 of the Conservation Easement.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

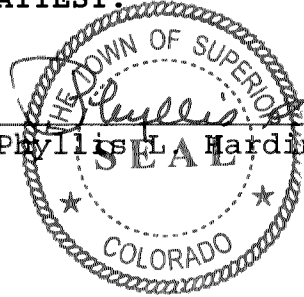

Section 1. The utility easement and temporary construction easement between the Town of Superior and Public Service Company of Colorado d/b/a Xcel Energy are hereby approved in substantially the forms attached hereto, subject to

final approval by the Town Attorney and provided the Boulder County Board of County Commissioners approves the Easements as required by Paragraph 3.10 of the Conservation Easement. Provided both of the foregoing conditions are met, the Mayor is authorized to execute the Easements and all related documents on behalf of the Town.

ADOPTED this 12th day of March, 2018.


Sandy Pennington, Mayor Pro-tem

ATTEST:



Phyllis L. Hardin, Town Clerk-Treasurer

After recording, return to:
Public Service Company of Colorado
Right of Way and Permits
1123 West 3rd Avenue
Denver, CO 80233
Attn: T. Butler

DIVISION	DMR	ROW AGENT	T. Butler	DOC. NO.
LOCATION	36-T1S-R70W	DESCRIP. AUTHOR	Precision Survey and Mapping	PLAT/GRID NO. _____
	McCaslin & Coalton Tr.	AUTHOR ADDRESS	9145 E. Kenyon Ave. Ste 101	WO/JO/CREG NO.
	Superior, Colorado		Denver, CO 80237	

EASEMENT

For and in consideration of \$1000.00 and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, the undersigned Grantor hereby grants and conveys to Public Service Company of Colorado, a Colorado corporation, Grantee, a non-exclusive, permanent easement for the installation, construction, maintenance, alteration, repair, replacement, reconstruction, operation, and removal of an above-grade natural gas valve set together with facilities appurtenant thereto, including, but not limited to guardrails, fences, and underground gas pipelines on, under, over, or through the following described parcel of land situated in Section 36, Township 1 South, Range 70 West of the 6th Principal Meridian in the Town of Superior, County of Boulder, State of Colorado. The easement is described as follows:

As per Exhibit A attached hereto, and made a part hereof by this reference.

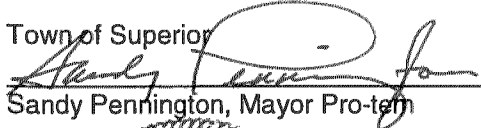
The above sum is acknowledged by Grantor as full consideration for the easement and also for damages to both land and growing crops occasioned by the initial installation of facilities on said easement. Grantor reserves the right to use and occupy said premises for any purpose consistent with the rights and privileges herein granted and which will not interfere with or endanger any of the facilities therein or use thereof. Such reservation by Grantor shall in no event include the right to construct any buildings or structures, to impound any water, or to plant any trees or shrubs upon the easement. Grantee, at all times, shall have the right of access by a reasonable route to the easement and along and upon the same for the purpose hereof, which include surveying, inspection, and testing, together with the right to use as much of Grantor's adjoining premises during surveying, installation, construction, maintenance, alteration, repair, replacement, reconstruction, operation, and removal of said natural gas meter station/regulator station and related fixtures and devices as may be required to permit the operation of standard pipeline construction or repair. Grantee shall pay Grantor for actual damages to land and growing crops occasioned by any future installations, construction, maintenance, alteration, repairing, replacing, reconstruction, and removal of facilities on the easement or adjoining premises. In case of the permanent abandonment of the easement, all rights, privileges, and interest granted shall terminate, and Grantee shall remove all above ground facilities.

To have and to hold the said easement unto the said Grantee, its successors and assigns, so long as the same shall be used or useful for the purposes of the Grantee. "Grantor" shall include the singular, plural, feminine, masculine, and neuter.

Executed by Grantor this 12th day of March, 2018.

GRANTOR

Town of Superior


Sandy Pennington, Mayor Pro-tem

Attest:


Phyllis L. Hardin, Town Clerk-Treasurer

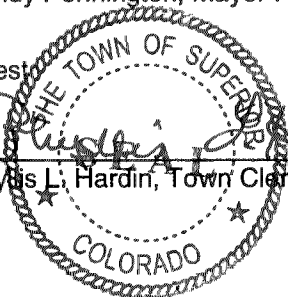
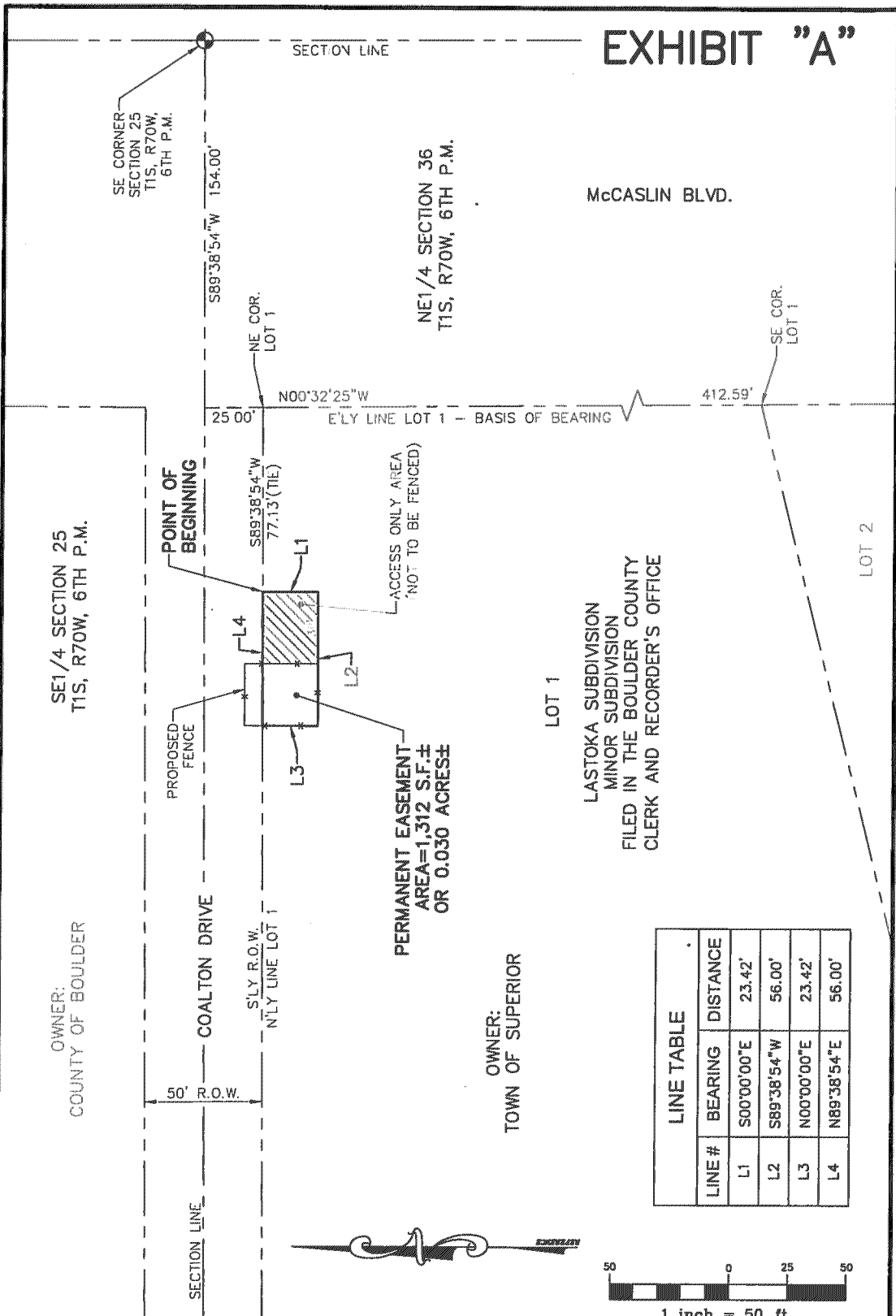
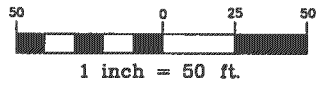


EXHIBIT "A"



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°00'00"E	23.42'
L2	S89°38'54"W	56.00'
L3	N00°00'00"E	23.42'
L4	N89°38'54"E	56.00'



- 1.) PARCEL OWNERSHIP IS BASED ON THE RECORDS OF THE COUNTY ASSESSOR.
- 2.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 3.) THE ONLY PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF THE EASEMENT(S).
- 4.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.

Precision Survey & Mapping, Inc.
 9145 E. Kenyon Ave., Suite 101, Denver, CO 80237
 Tel: (303) 753-9799 Fax: (303) 753-4044

DRN. BY: J.L.
 CHKD. BY: C.J.
 DATE: 02/08/18
 SCALE: 1" = 50'

FILE: R12020.dwg
 SHEET: 1 OF 2
 W/O #:

PERMANENT EASEMENT

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, ALSO BEING A PORTION OF LOT 1 OF LASTOKA SUBDIVISION MINOR SUBDIVISION, FILED IN THE BOULDER COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE EASTERLY LINE OF SAID LOT 1, ASSUMED TO BEAR N00°32'25"W A DISTANCE OF 412.59 FEET;

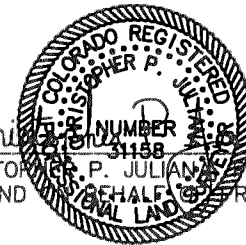
BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY RIGHT-OF-WAY OF COALTON DRIVE, SAID POINT BEARS S89°38'54"W A DISTANCE OF 77.13 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1;

THENCE S00°00'00"E A DISTANCE OF 23.42 FEET; THENCE S89°38'54"W A DISTANCE OF 56.00 FEET; THENCE N00°00'00"W A DISTANCE OF 23.42 FEET TO SAID NORTHERLY LINE OF LOT 1; THENCE N89°38'54"E ALONG SAID NORTHERLY LINE, A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING; WHENCE THE SOUTHEAST CORNER OF SAID LOT 1 BEARS S11°07'20"E A DISTANCE OF 419.99 FEET;

SAID PARCEL CONTAINS 1,312 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.


CHRISTOPHER P. JULIAN, L.S. 31158 DATE 02/08/18
FOR AND BEHALF OF PRECISION SURVEY & MAPPING, INC.



Precision Survey & Mapping, Inc.

9145 E. Karyon Ave., Suite 101, Denver, CO 80237
Tel: (303) 753-9789 Fax: (303) 753-4044

DRN. BY: J.L.
CHKD. BY: C.J.
DATE: 02/08/18
SCALE: 1" = 50'

FILE: R12020.dwg
SHEET: 2 OF 2
W/O #:

**PERMANENT
EASEMENT**