

TOWN OF SUPERIOR  
RESOLUTION NO. R-23  
SERIES 2018

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A NON-EXCLUSIVE PERMANENT UTILITY EASEMENT AGREEMENT BETWEEN THE TOWN OF SUPERIOR AND PUBLIC SERVICE COMPANY OF COLORADO

WHEREAS, the Town owns Tract A, Rock Creek Ranch Filing No. 15 (the "Property"); and

WHEREAS, Public Service Company of Colorado d/b/a Xcel Energy has requested a non-exclusive permanent utility easement to underground overhead utilities on the Property.


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


Section 1. The non-exclusive permanent utility easement agreement between the Town of Superior and Public Service Company of Colorado d/b/a Xcel Energy is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the agreement and all related documents on behalf of the Town.

ADOPTED this 23<sup>rd</sup> day of April, 2018.

  
\_\_\_\_\_  
Clint Folsom, Mayor

ATTEST:

  
\_\_\_\_\_  
Phyllis L. Hardin, Town Clerk-Treasurer



The seal is circular with a double-line border. The outer ring contains the text "THE TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom, separated by two stars. The inner circle contains the text "SEAL" in the center.

DIVISION Boulder  
LOCATION Mccaslin Rd and  
Coalton Rd.

ROW AGENT W. Schulz  
DESCRIPTION AUTHOR William Schulz  
AUTHOR ADDRESS Public Service Company of Colorado  
2655 N 63<sup>rd</sup> Street  
Boulder, CO 80301

DOC. NO. 199349 -E  
PLAT/GRID NO. 2094-216  
WO/JO/CREG NO.

## PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1800 Larimer Street, Suite 1100, Denver, Colorado, 80202-1414, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in, SUBDIVISION Tract A, Rock Creek Ranch Filing No 15, Recorded at Reception No. 3405181 in the Records of the Boulder County, Clerk and Recorders Office, in the SW 1/4 of Section 30, Township 1 South, Range 69 West of the 6th Principal Meridian in County of Boulder, State of Colorado, the easement being described as follows:

### The West 10 feet of Tract A, Rock Creek Ranch Filing No 15.

The easement is 10.00 feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much 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 Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

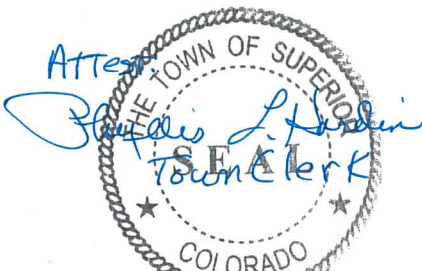
The work of installing and maintaining said lines and fixtures shall be done with care; the surface along and in the easement shall be restored substantially to its original level and condition.

Signed this 23rd day of April, 2018.

(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR:  
Town of Superior

Clint Johnson



STATE OF COLORADO, )  
)ss.  
COUNTY OF \_\_\_\_\_ )