TOWN OF SUPERIOR RESOLUTION NO. R-39 SERIES 2019

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

WHEREAS, the Town owns Tract C, Rock Creek Ranch Filing No. 16 (the "Property"); and

WHEREAS, Public Service Company of Colorado has requested a non-exclusive 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:

The non-exclusive utility easement agreement Section 1. between the Town of Superior and Public Service Company of Colorado is hereby approved in substantially the same 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 8th day of July, 2019.

Town Clerk-Treasurer

After recording return to: Public Service Company of Colorado Attn: Manager, Siting and Land Rights Right of Way and Permits Department 1123 West 3rd Avenue Denver, Colorado 80223

DIVISION: BOULDER ROW AGENT: W. SCHULZ

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My Commission Expires: 2-5-2021

2016

LOCATION: 7500 S 88TH ST DESCRIPTION AUTHOR: MONTE L. SUDBECK, PL 38503

AUTHOR ADDRESS: 2000 S COLORADO BLVD, SUITE 6000

DENVER, CO 80222

Doc. No. 530312-E

PLAT/GRID No: 2097-220

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, Street, Denver, Colorado, 80202, 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 <u>A Portion of Tract C, plat of Rock Creek Ranch Filing No. 16, Boulder County Recorders</u>, in the <u>NW 1/4</u> of Section 29, Township <u>1 South</u>, Range <u>69 West</u> of the <u>6th</u> Principal Meridian in the County of <u>Boulder</u>, State of Colorado, the easement being described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The easement is 20.00 x 35.00 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 or felling 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 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 the easement shall be restored substantially to its original level and condition.

Signed this day Xily of, 2017.
Type or print name below each signature line with official title if corporation, partnership, etc.):
GRANTOR: TOWN OF SUPERIOR By Clint Folsom, Mayor
Title Mayor of the Town of Superior
STATE OF COLORADO))ss
COUNTY OF BOULDER)
The foregoing instrument was acknowledged before me this 8th day of July, 2019 by: Clint Folsom, Mayor of the Town of Superior. (Seal) Notary Public

PHYLLIS L. HARDIN NOTARY PUBLIC

STATE OF COLORADO NOTARY ID 19894000253 My Commission Expires Feb 5, 2021



Sheet 1 of 2

EXHIBIT A – TRACT C PERMANENT EASEMENT – PARCEL A

A parcel of land lying in the northwest one-quarter (NW1/4) of Section 29, Township 1 South, Range 69 West, of the 6th Principal Meridian, County of Boulder, State of Colorado, being a portion of Tract C, plat of ROCK CREEK RANCH FILING NO.16, Boulder County Records, described as follows:

Beginning on the west line of said Tract C, from which the northwest corner thereof bears N00°10'08"W, 12.00 feet;

thence S00°10'08"E, 35.00 feet, along said west line;

thence N89°49'52"E, 20.00 feet;

thence N00°10'08"W, 35.00 feet;

thence S89°49'52"W, 20.00 feet, to the Point of Beginning.

Parcel A contains 700 square feet (0.016 acres) more or less.

As shown and described on Exhibit A Sheet 2 of 2 attached hereto and made a part hereof.

For the purpose of this description, bearings are based on said plat of ROCK CREEK RANCH FILING NO.16.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on June 14, 2019, under Job No. 145848-36.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.

Monte L. Sudbeck, PLS 38503

