

TOWN OF SUPERIOR
RESOLUTION NO. R-80
SERIES 2020

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 a portion of Tract A, Superior Town Center Filing No. 1B Replat No. 3 (the "Property"); and

WHEREAS, Public Service Company of Colorado d/b/a Xcel Energy has requested a non-exclusive permanent utility easement to provide service to the area of and adjacent to the Property.

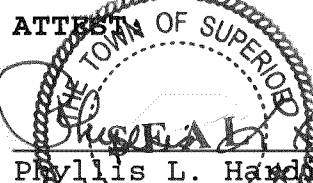

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

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 14th day of December, 2020.



Clint Folsom, Mayor

ATTEST



Phyllis L. Hardin, 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
LOCATION: 2 S MARSHALL RD

ROW AGENT: W. SCHULZ
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/REG 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 A Portion of Tract C, plat of Rock Creek Ranch Filing No. 16, Boulder County Records, in the NW 1/4 of Section 29, Township 1 South, Range 69 West of the 6th Principal Meridian in the County of Boulder, State of Colorado, the easement being described as follows:

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

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 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 14th day Dec of, 2020.

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

GRANTOR: TOWN OF SUPERIOR

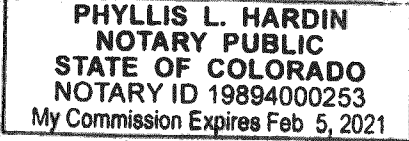
By Clint Folsom
Clint Folsom, Mayor

Title Mayor of the Town of Superior

STATE OF COLORADO)
)ss
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 15th day of December, ~~2019~~ 2020
by: Clint Folsom, Mayor of the Town of Superior.
(Seal)

Phyllis L. Hardin
Notary Public



My Commission Expires: 2-5-2021
2016 1

EXHIBIT A
(TRACT "A" UTILITY EASEMENT)

A PARCEL OF LAND BEING A PORTION OF TRACT "A" OF THE FINAL PLAT OF TRACT A SUPERIOR TOWN CENTER FILING NO. 1B REPLAT NO. 3, RECORDED ON JUNE 6, 2018 IN THE OFFICE OF THE CLERK AND RECORDER OF BOULDER COUNTY UNDER RECEPTION NUMBER 03659285; SAID SUBDIVISION LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF SUPERIOR, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE WESTERLY LINE OF SAID LOT 4 MONUMENTED ON THE NORTH END BY A FOUND NUMBER 4 REBAR WITH A 1 INCH YELLOW PLASTIC CAP STAMPED "KS, LS 38480" AND ON THE SOUTH END BY A FOUND NUMBER 4 REBAR WITH A 1 INCH RED PLASTIC CAP STAMPED "LS 34995" BEARING NORTH 04°49'05" WEST A DISTANCE OF 334.73 FEET

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT "A" BEING ON A 488.13 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 14°18'43" WEST;

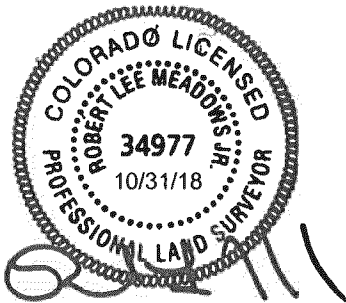
THENCE NORTHEASTERLY, ALONG SAID CURVE AND THE NORTHWESTERLY LINE OF TRACT "A", THROUGH A CENTRAL ANGLE OF 62°58'09", AN ARC DISTANCE OF 536.47 FEET TO THE NORTHEASTERLY EXTERIOR OF TRACT "A" AND A 332.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 23°28'03" WEST;

THENCE SOUTHEASTERLY, ALONG SAID NON-TANGENT CURVE AND NORTHEASTERLY EXTERIOR, THROUGH A CENTRAL ANGLE OF 01°45'31" AN ARC DISTANCE OF 10.21 FEET TO A 498.13 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 77°02'41" WEST;

THENCE SOUTHWESTERLY, ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 62°55'39" AN ARC DISTANCE OF 547.10 FEET TO THE WESTERLY LINE OF SAID TRACT "A";

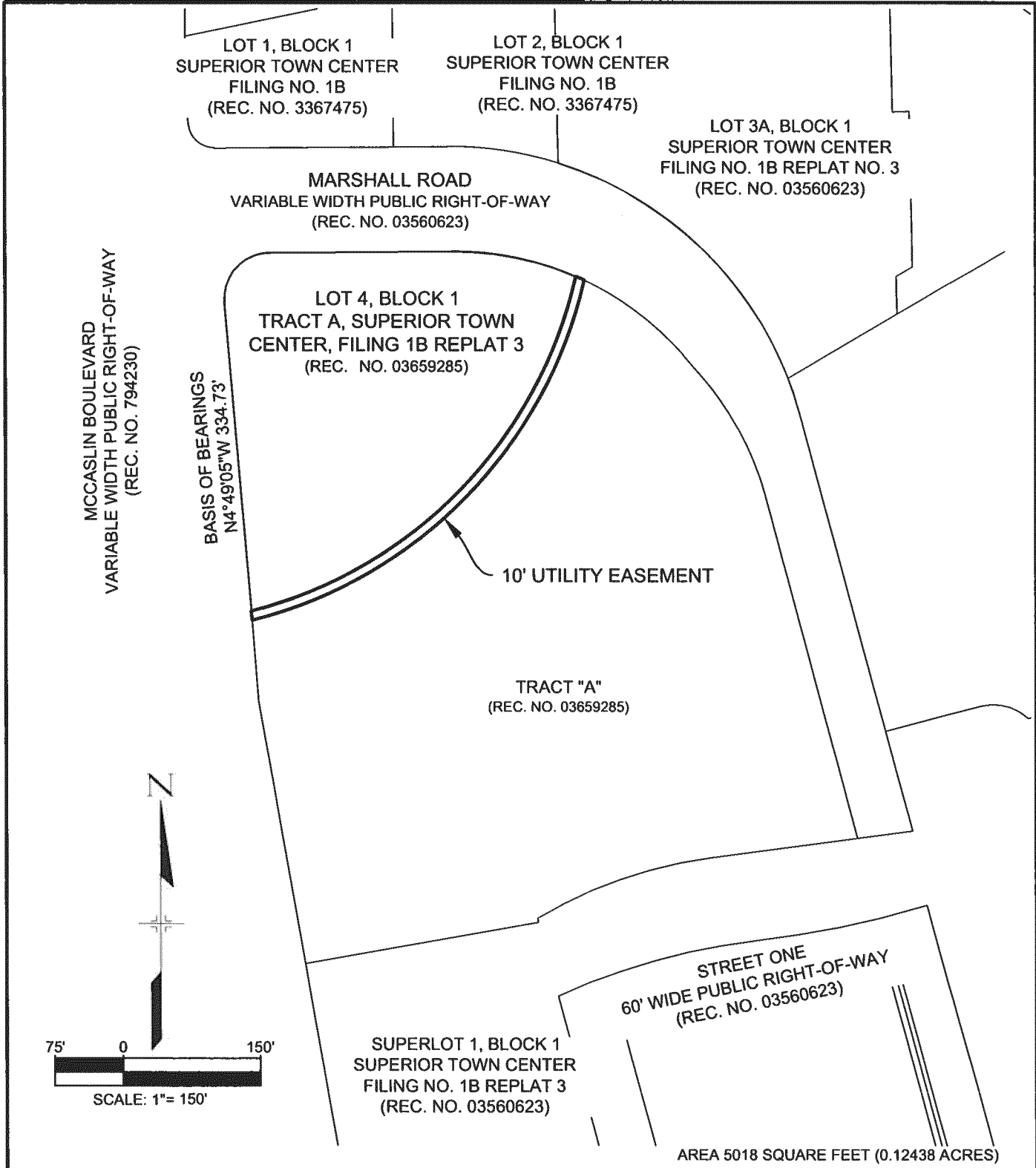
THENCE NORTH 04°41'56" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 10.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION PRODUCES A CALCULATED AREA OF 5,418 SQUARE FEET (0.12438 ACRES), MORE OR LESS, AND IS DEPICTED ON THE ATTACHED GRAPHICAL EXHIBIT FOR REFERENCE.



ROBERT L. MEADOWS JR. PLS 34977

FOR AND ON BEHALF OF MATRIX DESIGN GROUP, INC.
1601 BLAKE STREET, SUITE 200
DENVER, CO 80202
PH. (303)572-0200



1601 Blake Street, Suite 200
Denver, Colorado 80202
Phone 303-572-0200
Fax 303-572-0208

UTILITY EASEMENT

GRAPHICAL EXHIBIT

CHECKED BY: RLM	DATE: OCT 31, 2018	2 OF 3
	JOB. NO. 17.977.001	

MARSHALL ROAD
 VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
 (REC. NO. 03560623)

MCCASLIN BOULEVARD
 VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
 (REC. NO. 794230)

LOT 4, BLOCK 1
 TRACT A, SUPERIOR TOWN
 CENTER, FILING 1B REPLAT 3
 (REC. NO. 03659285)

SOUTHEASTERLY LINE OF LOT 4
 NORTHWESTERLY LINE OF TRACT "A"

N77°02'41"W(R)

S23°28'03"W(R)

R=332.50'
 $\Delta=1^{\circ}45'31''$
 L=10.21'

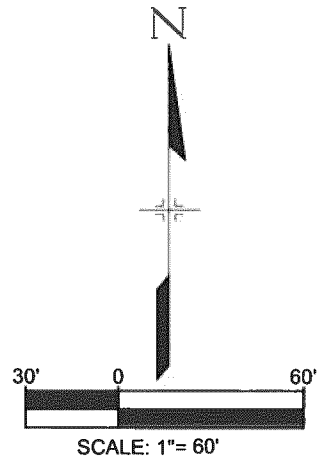
R=488.13', D=62°58'09", L=536.47'
 R=498.13', D=62°55'39", L=547.10'

NORTHWEST CORNER TRACT "A"
 POINT OF BEGINNING

N14°18'43"W(R)

TRACT "A"
 (REC. NO. 03659285)

N4°41'56"W 10.14'



AREA 5418 SQUARE FEET (0.12438 ACRES)



1601 Blake Street, Suite 200
 Denver, Colorado 80202
 Phone 303-572-0200
 Fax 303-572-0208

UTILITY EASEMENT

GRAPHICAL EXHIBIT

CHECKED BY: RLM

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