CITY OF WHEAT RIDGE, COLORADO INTRODUCED BY COUNCIL MEMBER FITZGERALD COUNCIL BILL NO. 15 ORDINANCE NO. 1627

Series 2017

TITLE: AN ORDINANCE GRANTING A PERMANENT DRAINAGE EASEMENT TO EQUINOX PROPERTIES, LLC, FOR THE PURPOSE OF CONSTRUCTING A STORMWATER STRUCTURE ON CITY-OWNED PROPERTY

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Council is authorized by Section 16.5 of the Charter to dispose of real property held by the City, by ordinance; and

WHEREAS, the Council wishes to grant a permanent drainage easement across real property owned by the City in the vicinity of 38th Avenue and Kipling Street.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

- <u>Section 1. Easement approved.</u> The Council hereby approves the grant of a permanent drainage easement across City-owned property, in the form attached hereto as **Exhibit 1** and fully incorporated by this reference. The Mayor and City Clerk are authorized and directed to execute the same.
- <u>Section 2.</u> <u>Severability, Conflicting Ordinances Repealed.</u> If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- <u>Section 3.</u> <u>Effective Date.</u> This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 24th day of July, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 14, 2017 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

RE	AD, A	OOPTED	AND ORDER	ED PUBLIS	HED on second	and final reading by
			14th day of			,

SIGNED by the Mayor on this $\underline{^{14\text{th}}}$ day of $\underline{^{\text{August}}}$, 2017. Joyce Jay, Mayor ATTEST: OF WHEAT nelle Shaver, City Clerk Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: July 27, 2017 Second Publication: August 17, 2017

Wheat Ridge Transcript

Effective Date: September 1, 2017

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

COLORADO

Exhibit 1 Form of easement [attached]

PERMANENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the City of Wheat Ridge, hereinafter called the "Grantor" for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby confessed and acknowledged, does hereby give and grant to Equinox Properties, LLC, whose address is 1873 S. Bellaire St., Denver, County of Jefferson, State of Colorado, 80222, hereinafter called "Grantee" a PERMANENT EASEMENT on, along, over and across the following described premises to-wit:

A tract of land lying in the SE¼ of Section 21, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Wheat Ridge, County of Jefferson, State of Colorado, described as:

- See Exhibit A (2 pages) hereunto attached and incorporated by this reference -

NOTE: All bearings are relative to one another and are based on the South line of the SE ¼ of said Section 21 as shown on the City of Wheat Ridge Control Diagram which bears S89° 12'50" W, being monumented on the Southeast Corner by a 3¼" AL cap LS13212 and the Southwest Corner of said SE ¼ Section by a 3¼" AL cap LS13212, T.3S., R.69W. of the 6th P.M.

For the purpose of: The construction and maintenance of a drainage conveyance facility and any drainage related-items lying within the bounds of the area described herein.

Subject to the following terms and conditions: To the extent permitted by law, and without waiving any immunities, protections, or defenses available at common law or under statute, including, without limitation, the Colorado Governmental Immunities Act, Section 24-10-101, et seq., C.R.S., the Grantee, individually and for itself only, agrees to hold harmless the Grantor from and against any suit, claim, attorney's fees, loss or damage, including personal injury or loss of life, which may occur as a result of negligent construction or maintenance of said drainage improvement work by and/or for the Grantee on the property subject to this easement.

Said tract contains 1,736 square feet (0.0399 acres), more or less.

Also known by street and number as	3805 Kipling St, Wheat Ridge, CO 80033.
	th the Grantee that Grantor has good title to the aforedescribed and lawful right to grant this easement.
IN WITNESS WHEREOF, the under 2017.	signed has hereunto set its hand thisday of A.D.,
City of Wheat Ridge	
Ву:	
STATE OF COLORADO)) SS.
COUNTY OF JEFFERSON)
The foregoing instrument was acknown, as, as	vledged before me thisday of, 2017, by of City of Wheat Ridge.
My commission expires	, Witness my hand and official seal.
SEAL	Notary Public

(Notary's Address)

Exhibit 1

EXHIBIT A

SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 21 BEARS 589"2"2"50"W WHICH IS THE BASIS OF BEARINGS FOR ALL BEARINGS STATED HEREIN; THENCE N37"49"05"W, A DISTANCE OF 450.28 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N15'40'53"W, A DISTANCE OF 113.31 FEET;
THENCE S74'19'07"W, A DISTANCE OF 15.00 FEET;
THENCE S15'40'53"E, A DISTANCE OF 118.15 FEET;
THENCE N56"26'03"E, A DISTANCE OF 15.76 FEET TO THE TRUE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 1,736 SQUARE FEET OR 0.0399 ACRES, MORE OR LESS.



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DRAWN BY: BR

APPROVED BY: RJR

DATE: APRIL 9, 2017

JOB NO. 16135

