

COUNCIL BILL NO. 18

Series 2023

AN ORDINANCE AUTHORIZING THE GRANTING OF UTILITY EASEMENT TO CERTAIN HIGH POINT PROPERTY OWNERS AND UTILITY PROVIDERS.

WHEREAS, the Town believes it is necessary to grant certain easements over, across, and through certain real property owned by the Town; and

WHEREAS, the Town Council of the Town of Breckenridge has determined that it should grant the requested easements; and

WHEREAS, section 15.3 of the Breckenridge Town Charter requires that granting of an easement be authorized by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. This grant of easement shall establish a non-exclusive general utility easement for Harlan Kirwan, Town of Breckenridge, Upper Blue Sanitation District, Xcel Energy, Lumen, and Xfinity. The Town Manager is hereby delegated the authority to grant access to the easement to other High Point property owners and/or other utility providers as deemed necessary from time to time.

Section 2. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of May, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of May, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

GRANT OF EASEMENT
(UTILITY EASEMENT)

This GRANT OF EASEMENT (“**Grant**”) is made and entered into, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, (“**Grantor**”) whose address is P. O. Box 168, Breckenridge, CO 80424 and HARLAN KIRWAN, whose address is 0531 High Point Drive (“**Grantee**”).

WITNESSETH THAT:

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor has bargained, conveyed, delivered, transferred, and sold, and by these presents does bargain, convey, deliver, transfer, and sell to Grantee, its successors and assigns, a perpetual, non-exclusive easement for the location, operation, and maintenance of Grantee’s waterline and sanitary sewer utilities and appurtenances, over, under, upon, across, in, and through the following real property located in Town of Breckenridge, Summit County, Colorado (the “**Easement Area**”):

See the attached **Exhibit “A”** (consisting of two (2) pages)

together with the full right and authority to Grantee, its successors, licensees, lessees, contractors, and assigns, and its and their agents and employees, to enter the Easement Area at all times to survey, construct, repair, remove, replace, reconstruct, control, inspect, improve, enlarge, and maintain the Grantee’s waterline utilities and sanitary sewer utilities and other fixtures, devices and appurtenances used or useful in connection therewith.

After any work is conducted by Grantee within the Easement Area pursuant to this Grant, Grantee, at its sole cost, shall take the following actions with respect to the Grantor’s property of which the Easement Area is a part: (i) clean up the surface of the property; (ii) remove any construction debris; and (iii) restore the surface of the property to substantially the same condition as existed prior to such work being performed.

Grantee’s installation of its utilities and facilities in the Easement Area shall be done in conformance with the approved plans, the Town of Breckenridge Water Construction Standards, and Upper Blue Sanitation District Standards. Grantor shall have no obligations in the installation or maintenance of Grantee’s utilities.

This grant of easement shall establish a non-exclusive general utility easement for Grantee, Town of Breckenridge, Upper Blue Sanitation District, Xcel Energy, Lumen, Xfinity. The Manager is hereby delegated the authority to grant access to the easement to other High Point property owners and/or other utility providers as identified in **Exhibit B** and updated from time to time. Agencies listed above may install utilities in the easement area, provided that the utilities do not interfere with Grantee’s facilities.

Grantor shall have the right to use and occupy the Easement Area for any purpose not inconsistent with Grantee’s full and complete enjoyment of the rights hereby granted. However,

UTILITY EASEMENT

no building, structure, sign or well shall be erected, placed or permitted to remain on, under, over or within the Easement Area, nor shall objects be erected, placed or permitted to remain on, under or over the Easement Area that will or may be an interference with the Grantee's utility facilities with the Easement Area or an interference with the exercise of any of the rights herein granted. The Easement Area shall not be paved or hard-surfaced.

Grantee shall exercise the rights herein granted to it with due care. Any liability for personal injury or property damage to Grantor, Grantor's employees, agents, and invitees, or any third person, as a result of, arising out of, or related to the use or occupancy of the Easement Area by Grantee pursuant to this Grant shall be borne by Grantee to the extent provided by applicable law.

The individuals executing this Grant on behalf of each of the parties represent that they each have all requisite powers and authority to cause the party for whom they have signed to enter into this Grant, and to bind such party to fully perform its obligations as set forth in this Grant.

Exhibit "A" which is attached hereto are incorporated herein by reference.

Executed at Breckenridge, Colorado the date first written above.

GRANTOR:

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

GRANTEE:

HARLAN KIRWAN

By: _____
Harlan Kirwan, Owner of 531 High Point Drive

ATTEST:

UTILITY EASEMENT

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Harlan Kirwan.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

UTILITY EASEMENT

**A LEGAL DESCRIPTION EXHIBIT MAP FOR
A 25' UTILITY EASEMENT**

**A PORTION OF THE STILLSON PATCH PLACER, M.S. 1466
TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO**

ALLEY 4A
ACCESS EASEMENT
REC. NO. 1109526

LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD FIL. 2
TRACT LP-5
PUBLIC OPEN SPACE



SCALE: 1"=50'

50' PRIVATE ACCESS EASEMENT
SERVING LOTS 10 AND 11, BLOCK 4, ALPINE BRECKENRIDGE, FIL. 2
TO AND FROM WELLINGTON ROAD
"TO BE DEFINED IF PROPERTY IS DEVELOPED"
REC. NO. 715514 & 715515

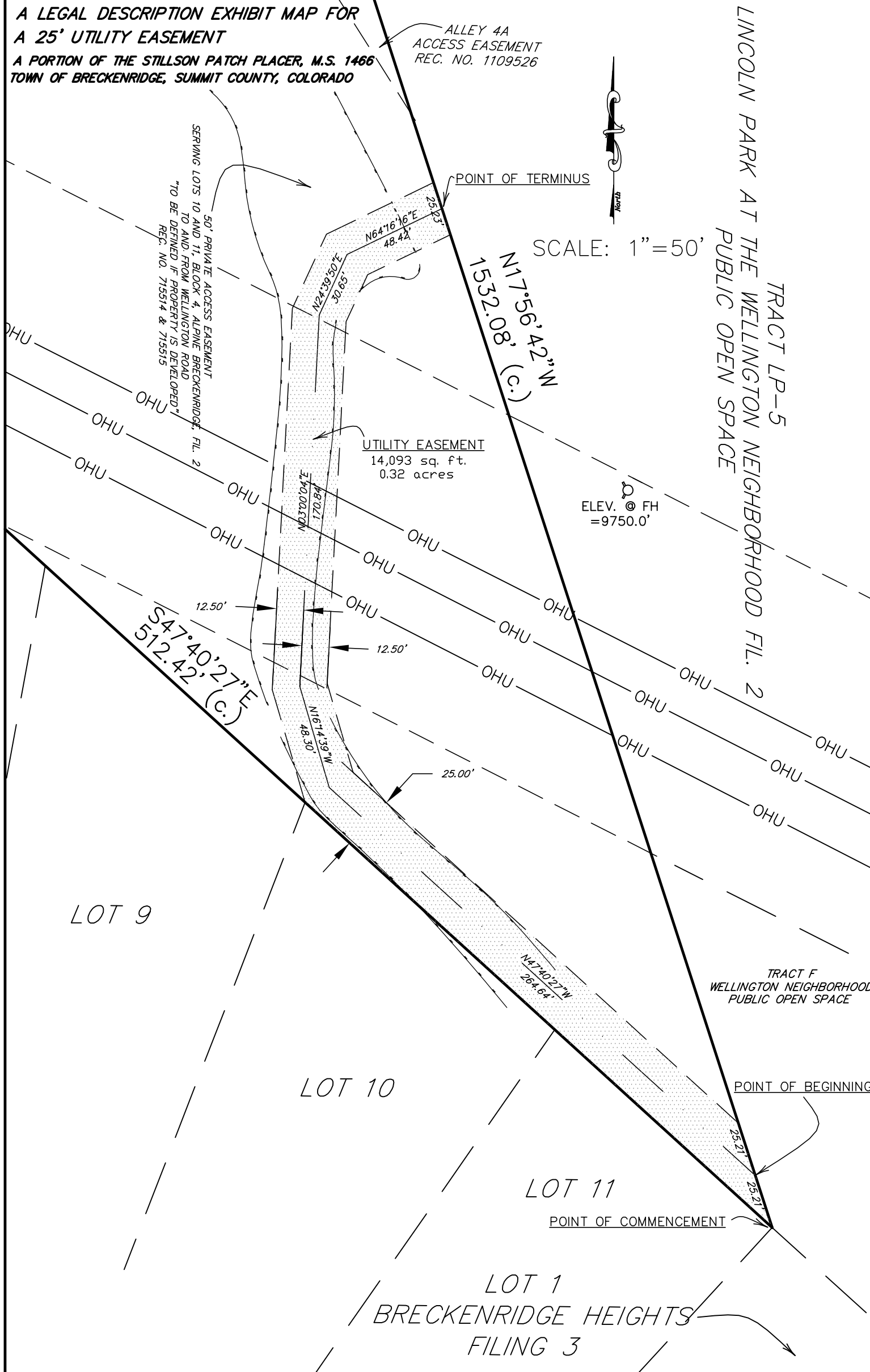
POINT OF TERMINUS

UTILITY EASEMENT
14,093 sq. ft.
0.32 acres

ELEV. @ FH
=9750.0'

S47°40'27"E
512.42' (C.)

N117°56'42"W
1532.08' (C.)



LOT 9

LOT 10

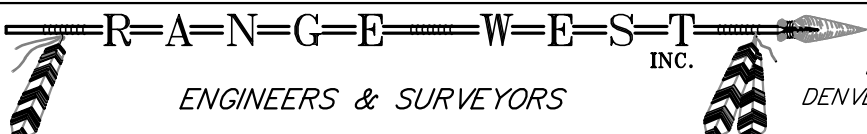
LOT 11

LOT 1
BRECKENRIDGE HEIGHTS
FILING 3

TRACT F
WELLINGTON NEIGHBORHOOD
PUBLIC OPEN SPACE

POINT OF BEGINNING

POINT OF COMMENCEMENT



P.O. BOX 589
SILVERTHORNE, CO 80498

ENGINEERS & SURVEYORS

PHONE 970-468-6281
DENVER DIRECT 303-623-0426

LEGAL DESCRIPTION
A 25' UTILITY EASEMENT
STILLSON PATCH PLACER, M.S. 1466

A TRACT OF LAND BEING A PORTION OF A PORTION OF THE STILLSON PATCH PLACER, M.S. 1466, ACCORDING TO THE DEED AT RECEPTION NO. 534869 RECORDED 03/06/1997 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 11, BRECKENRIDGE HEIGHTS FILING NO. 3, ACCORDING TO THE PLAT RECORDED 07/09/1964 AT RECEPTION NO. 99357; THENCE N17°56'42"W ALONG THE EAST PROPERTY LINE OF SAID PORTION OF THE STILLSON PATCH PLACER A DISTANCE OF 25.21 FEET TO THE POINT OF BEGINNING; THENCE 12.50' FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE FOR 5 COURSES:

- 1) N47°40'27"W A DISTANCE OF 264.64 FEET;
- 2) N16°14'39"W A DISTANCE OF 48.30 FEET;
- 3) N03°00'04"E A DISTANCE OF 170.84 FEET;
- 4) N24°39'50"E A DISTANCE OF 30.65 FEET;
- 5) N64°16'16"E A DISTANCE OF 48.42 FEET TO THE POINT OF TERMINUS, CONTAINING 14,093 SQUARE FEET OR 0.32 ACRE MORE OR LESS.

Robert R. Johns
ROBERT R. JOHNS
COLORADO PLS NO. 26292



March 28, 2023

PROJECT NO. 22658-411
PREPARED FOR: HARLAN KIRWAN

6709/23/152

PO box 589
Silverthorne, CO 80498



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