

**A RESOLUTION APPROVING A UTILITY EASEMENT ON CITY PROPERTY
LOCATED ALONG THE EAST SIDE OF BUCKLEY ROAD BETWEEN E. 96TH AVE.
AND E. 88TH AVE. TO UNITED POWER, INC. TO ACCOMMODATE
AN UNDERGROUND ELECTRICAL DISTRIBUTION LINE**

NO. 2023-137

WHEREAS, an easement is required for a proposed underground electrical distribution line along the east side of Buckley Road between E. 96th Ave. and E. 88th Ave. for the operation and maintenance of said electrical line as further described in the Easement Agreement, attached hereto as Exhibit A and incorporated herein, inclusive of the legal description of the property or “Easement Area”;

WHEREAS, the City has set forth the terms and conditions of the easement and memorialized the same in the Easement Agreement; and

WHEREAS, pursuant to Section 2-4201 of the Commerce City Revised Municipal Code, as authorized by City Charter, any easement to use real property for a term longer than twelve months where such easement is not revocable at will requires approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The easement is approved subject to and consistent with the terms and conditions set forth in the Easement Agreement.

SECTION 3. The Mayor is authorized to execute, and the City Clerk is authorized to attest to, the Easement Agreement, and any such other documents as may be necessary to effectuate the same, on behalf of the City.

RESOLVED AND PASSED THIS 18TH DAY OF DECEMBER, 2023.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT "A" Legal Description for
Resolution 2023-137

DESCRIPTION

BEING THAT PARCEL OF LAND AS DESCRIBED IN A DEED TO CITY OF COMMERCE CITY, FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER AT RECEPTION NO. 2007000082031. SAID PARCEL OF LAND IS LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWN 2 SOUTH (T.2S.), RANGE 66 WEST (R.66W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

EASEMENT CENTERLINE

A 10.00 FOOT WIDE STRIP, BEING 5.00 FEET, AS MEASURED PERPENDICULAR, LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 20, AS MONUMENTED BY A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 34988 2012"; THENCE NORTH 00°11'30" EAST A DISTANCE OF 31.36 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

THENCE NORTH 49°38'25" WEST, OVER AND ACROSS SAID PARCEL OF LAND, A DISTANCE OF 19.50 FEET; THENCE NORTH 00°07'06" EAST, A DISTANCE OF 478.77 FEET; THENCE NORTH 05°35'21" WEST, A DISTANCE OF 445.48 FEET; THENCE NORTH 14°21'00" WEST, A DISTANCE OF 1,330.38 FEET; TO THE **POINT OF TERMINUS**, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 20, AS MONUMENTED BY A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 37890 2016", BEARS NORTH 43°52'58" EAST, A DISTANCE OF 570.98 FEET.

THE TOTAL LENGTH OF THE ABOVE-DESCRIBED EASEMENT CENTERLINE IS 2,274.13 FEET, CONTAINING 0.522 ACRES (22,741 SQUARE FEET) OF LAND, MORE OR LESS.

THE SIDELINES OF THE HEREIN DESCRIBED EASEMENT ARE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON THE EAST AND A LINE PERPENDICULAR TO THE ABOVE-DESCRIBED EASEMENT CENTERLINE AT THE POINT OF TERMINUS. SAID STRIP BEING BOUND WITHIN THE LANDS OWNED BY THE PARTIES NAMED HEREON OR THEIR SUCCESSORS AND ASSIGNS.

NOTES:

- 1. SEE THE ATTACHED ILLUSTRATION BY WHICH THIS REFERENCE IS MADE PART HEREOF.
- 2. THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES, AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
- 3. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "VRS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106).
- 4. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GRID. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999730493.
- 5. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M. SAID LINE BEING MONUMENTED ON THE SOUTH BY THE EAST ONE-QUARTER CORNER OF SAID SECTION 20, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 34988 2012" AND ON THE NORTH BY THE NORTHEAST CORNER OF SAID SECTION 20, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 37890 2016" AND BEARS NORTH 00°11'30" EAST.

REVISIONS

NO.	DATE	BY	DESCRIPTION

PROJ. NO. 216040
PREPARED BY: CHRISTOPHER A. DEPAULIS, PLS
DATE PREPARED: 08/03/2023
FOR AND ON BEHALF OF ACKLAM, INC.
133 S. 27th AVENUE BRIGHTON, CO 80601
303.659.6267
236016_202209044_96TH TO BUCKLEY RD. NORTH
PRINTED: 8/3/2023 3:21:00 PM Chris DePaulis, PLS

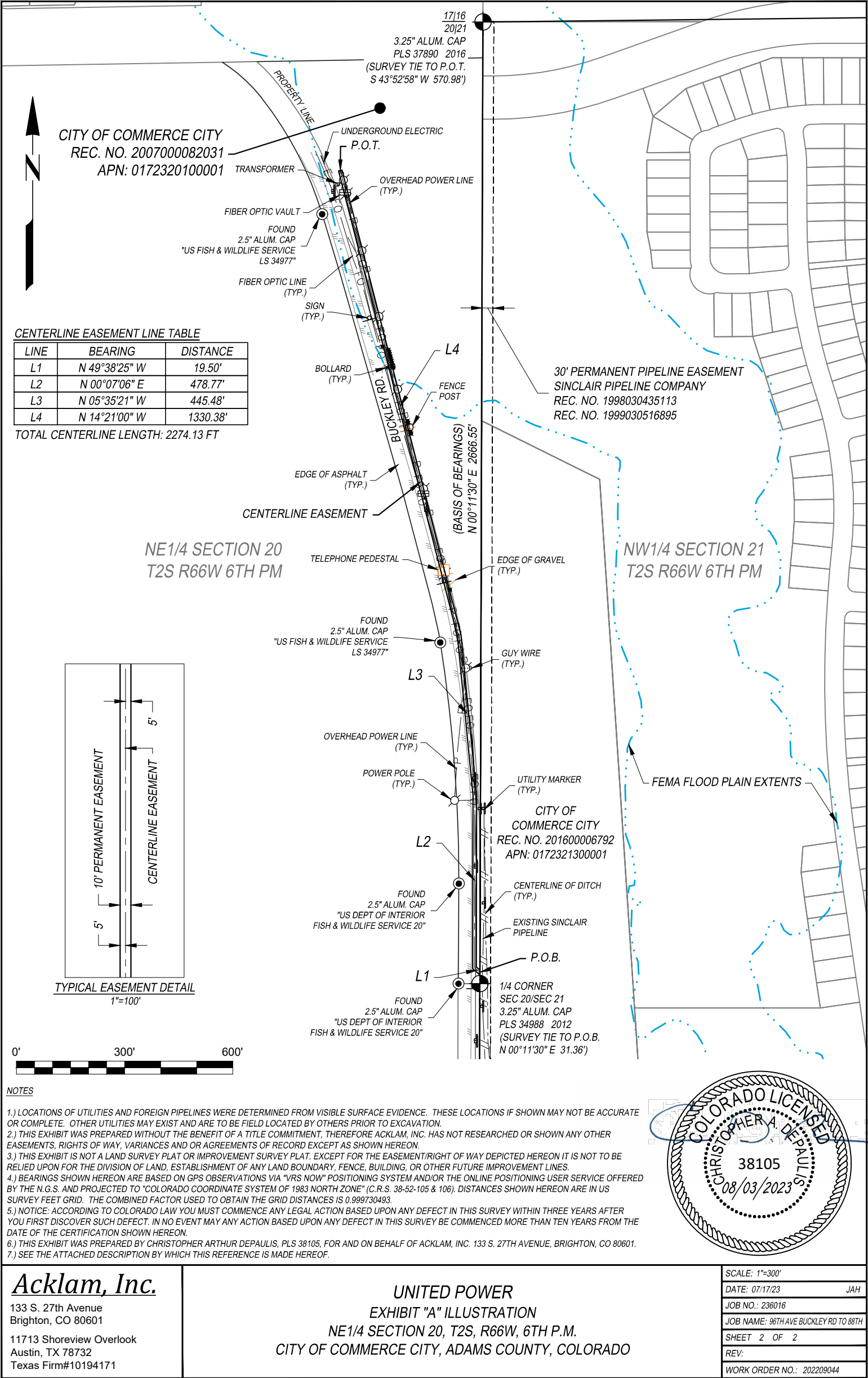


EXHIBIT "A"

Legal Description for
Resolution 2023-137

DESCRIPTION

BEING THAT PARCEL OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO CITY OF COMMERCE CITY, FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER AT RECEPTION NO. 201600006792. SAID PARCEL OF LAND IS LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWN 2 SOUTH (T.2S.), RANGE 66 WEST (R.66W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

EASEMENT CENTERLINE

A 10.00 FOOT WIDE STRIP, BEING 5.00 FEET, AS MEASURED PERPENDICULAR, LEFT AND RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21, AS MONUMENTED BY A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 7276 1988"; THENCE NORTH 87°51'25" EAST A DISTANCE OF 1,163.48 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

THENCE NORTH 00°40'00" WEST, OVER AND ACROSS SAID PARCEL OF LAND, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°20'04" WEST, A DISTANCE OF 1,092.47 FEET; THENCE NORTH 53°10'38" WEST, A DISTANCE OF 12.77 FEET; THENCE NORTH 20°13'01" WEST, A DISTANCE OF 10.87 FEET; THENCE NORTH 04°06'00" WEST, A DISTANCE OF 147.34'; THENCE NORTH 00°12'04" EAST, A DISTANCE OF 2,217.77 FEET; THENCE NORTH 12°43'08" WEST, A DISTANCE OF 44.00 FEET; THENCE NORTH 00°09'30" EAST, A DISTANCE OF 206.36 FEET; THENCE NORTH 49°38'25" WEST, A DISTANCE OF 45.58 FEET TO THE **POINT OF TERMINUS**, FROM WHICH THE WEST ONE-QUARTER CORNER OF SAID SECTION 21, AS MONUMENTED BY A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 34988 2012", BEARS SOUTH 00°11'30" EAST, A DISTANCE OF 31.36 FEET.

THE TOTAL LENGTH OF THE ABOVE-DESCRIBED EASEMENT CENTERLINE IS 3,782.16 FEET, CONTAINING 0.868 ACRES (37,821 SQUARE FEET) OF LAND, MORE OR LESS.

THE SIDELINES OF THE HEREIN DESCRIBED EASEMENT ARE SHORTENED OR LENGTHENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON THE SOUTH AND WEST LINES OF SAID PARCEL OF LAND. SAID STRIP BEING BOUND WITHIN THE LANDS OWNED BY THE PARTIES NAMED HEREON OR THEIR SUCCESSORS AND ASSIGNS.

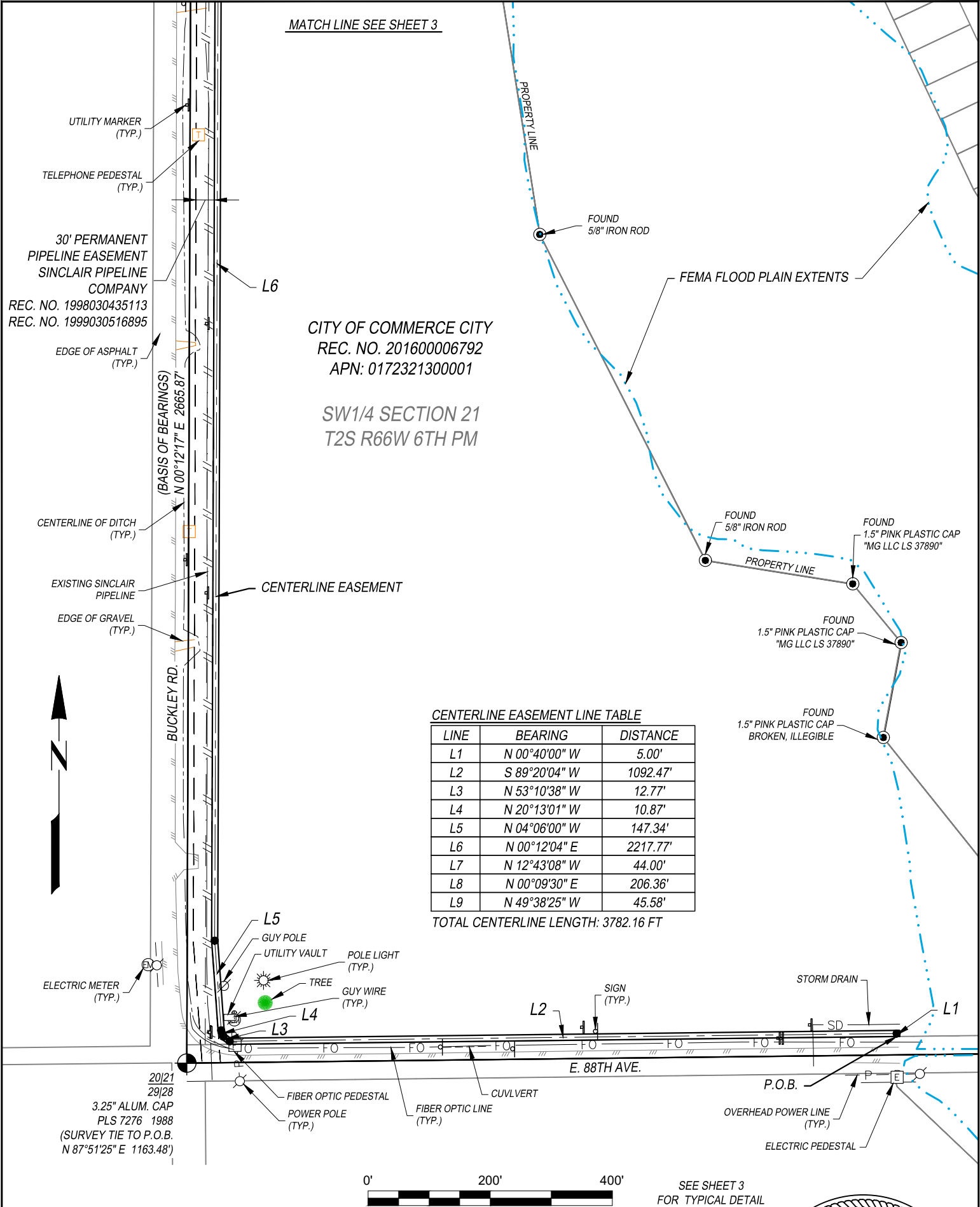
NOTES:

1. SEE THE ATTACHED ILLUSTRATION BY WHICH THIS REFERENCE IS MADE PART HEREOF.
2. THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES, AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "VRS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106).
4. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GRID. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999730493.
5. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M. SAID LINE BEING MONUMENTED ON THE SOUTH BY THE SOUTHWEST CORNER OF SAID SECTION 21, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 7276 1988" AND ON THE NORTH BY THE WEST ONE-QUARTER CORNER OF SAID SECTION 21, BEING A FOUND 3.25 INCH ALUMINUM CAP MARKED "PLS 34988 2012" AND BEARS NORTH 00°12'17" EAST.

REVISIONS

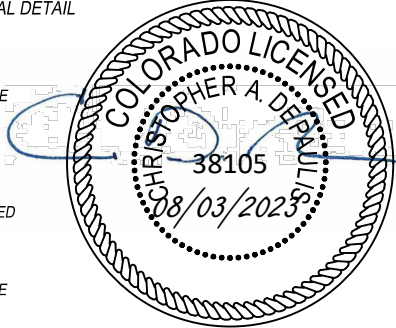
NO.	DATE	BY	DESCRIPTION

PROJ. NO. 216040
PREPARED BY: CHRISTOPHER A. DEPAULIS, PLS
DATE PREPARED: 08/03/2023
FOR AND ON BEHALF OF ACKLAM, INC.
133 S. 27th AVENUE BRIGHTON, CO 80601
303.659.6267
236016_202209044_96TH TO BUCKLEY RD. SOUTH
PRINTED: 8/3/2023 1:08:00 PM Chris DePaulis, PLS



NOTES

- 1.) LOCATIONS OF UTILITIES AND FOREIGN PIPELINES WERE DETERMINED FROM VISIBLE SURFACE EVIDENCE. THESE LOCATIONS IF SHOWN MAY NOT BE ACCURATE OR COMPLETE. OTHER UTILITIES MAY EXIST AND ARE TO BE FIELD LOCATED BY OTHERS PRIOR TO EXCAVATION.
- 2.) THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
- 3.) THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. EXCEPT FOR THE EASEMENT/RIGHT OF WAY DEPICTED HEREON IT IS NOT TO BE RELIED UPON FOR THE DIVISION OF LAND, ESTABLISHMENT OF ANY LAND BOUNDARY, FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.
- 4.) BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS VIA "VRS NOW" POSITIONING SYSTEM AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106). DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GRID. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.999730493.
- 5.) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 6.) THIS EXHIBIT WAS PREPARED BY CHRISTOPHER ARTHUR DEPAULIS, PLS 38105, FOR AND ON BEHALF OF ACKLAM, INC. 133 S. 27TH AVENUE, BRIGHTON, CO 80601.
- 7.) SEE THE ATTACHED DESCRIPTION BY WHICH THIS REFERENCE IS MADE HEREOF.



Acklam, Inc.

133 S. 27th Avenue
Brighton, CO 80601

11713 Shoreview Overlook
Austin, TX 78732
Texas Firm#10194171

UNITED POWER
EXHIBIT "A" ILLUSTRATION
W1/2 SECTION 21, T2S, R66W 6TH PM,
CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO

SCALE: 1"=200'	
DATE: 07/17/23	JAH
JOB NO.: 236016	
JOB NAME: 96TH AVE BUCKLEY RD TO 88TH	
SHEET 2 OF 3	
REV:	
WORK ORDER NO.: 202209044	

