



# Town of Blue River Memorandum

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TO: Mayor Babich & Members of the Board of Trustees

FROM: Town Manager Michelle Eddy

DATE: July 18, 2023

SUBJECT: **Trail Easements & Signage**

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## **Background**

The following information is for review and discussion purposes to determine uses of easements obtained by the Town of Blue River, signage and to review process.

## **Current Easements Obtained by the Town of Blue River for Trail Access or Dedicated to the Town of Blue River**

- Tract B New Eldorado-\$1,416
  - Easement is a 10' wide easement along the west property line connecting to Fredonia Gulch Road.
- Lot 451 Coronet-Donated
  - Easement is a 10' wide; 10' long easement in front of USFS Land.
- Lot 6 New Eldorado-Pending donation
  - Section off of easement on Tract B for easier access to Fredonia Gulch Road.
- Along Lot 18 Aspen View-Included in subdivision agreement
  - Easement is 20' wide along the property line intersecting to Fredonia Gulch Road.
- Easement through Spruce Valley Ranch-included in subdivision agreement
  - Follows Blue River Trail through the subdivision.
- Pedestrian Easement in Timber Creek Estates-included in subdivision agreement
  - Easement on north west side to USFS land.

## **Easement Language in Obtained Easement Deeds**

### **1. Trail Easement**

Owners grant to Town a non-exclusive easement in perpetuity to establish and make available for public use for the purposes described herein, a trail, in the width and at and on the location within the Property as shown on the easement plan attached as exhibit B ("Trail"). The grant hereunder limits use of the Trail as a right-of-way and for the following purposes:

- (a) walking, hiking, jogging, running;
- (b) bicycling;
- (c) horseback riding;
- (d) bird watching, nature study;
- (e) emergency vehicles in the case of emergency within the Trail;
- (f) installation of signs to mark the Trail, its location, use, rules, and otherwise relating to use and protection of the Trail as is deemed appropriate in the Town's sole discretion not to exceed 3 square feet of surface area; and
- (g) power-driven mobility devices for use by persons who have mobility impairment where such right of access to the Trail would be a requirement of the Americans With Disability Act or other state or federal accessibility law or regulation.

## **2. Owners' Uses and Activities**

Owners have all the rights recognized under applicable law to use the Trail for purposes consistent with and not interfering with the easement rights granted to Town.

## **3. No Charge for Access**

No Person is permitted to charge a fee for access to the Trail.

## **4. Public Enters at Own Risk**

Persons using the Trail do so at their own risk. Neither Owners nor Town assume any duty to inspect or maintain the trail or warn of any defects or dangerous conditions. Neither Town nor Owners, by entering into this Grant, assume duty to or for the benefit of the general public for defects in the location, design, installation, maintenance, or repair of the Trail or Trail Facilities; for unsafe conditions within the Trail; or for the failure to inspect for or warn against possibly unsafe conditions; or to close the Trail to public access when unsafe conditions may be present.

## **5. No Waiver of Immunity**

Nothing in this Grant shall operate to waive the immunities or protections against liability available to Town, Owners, or both, under Article 41 of Title 33, Colorado Revised Statutes or the Colorado Governmental Immunity Act, 24-10-101 et seq, Colorado Revised Statutes.

## **6. Recorded Document**

This Grant is to be recorded against the Property so as to be perpetually binding upon the undersigned Owners and their successors and assigns.

## **7. Trail Maintenance**

This Grant does not impose any obligation on either Owners or Town to maintain or repair the Trail or any associated permitted Trail facilities such as signage as contemplated by Section 1.

## **8. Exhibits**

Each exhibit referred to in this Grant is made a part of this Grant by this reference.

## **9. Entire Agreement**

This Grant is the entire agreement of Owners and Town pertaining to the Trail and supersedes any other agreements or understandings whether or not in writing.

## **10. Consideration**

The Owners acknowledge receipt of the sum of \$1.00 in consideration of this Grant.

# **Blue River Open Space & Trails Master Plan Signage Language**

## **A. SIGNAGE**

Signs inform trail users of important information about route location, safety considerations, rules/regulations, and education and interpretation. Signs should be carefully designed and installed to inform trail users and avoid "sign pollution," or an overabundance of signs. Signs should be strategically located, clear, concise, and legible. Signs will be placed at the main trail access points, trail intersections, and other key locations. More heavily traveled routes will be well-signed, while more remote routes will have fewer or no signs to reflect and maintain the backcountry character.

## **H. Trailheads and Signage**

Signage at the trailhead and throughout the trail should be used to inform and educate trail users. Properly located signs can be an indicator of location, distance, property boundaries or restricted uses, preventing unwanted conflicts, or confusion. Listed below are some objectives for trail signage. Town staff must approve all signs.

- Signs should be consistent with those used throughout the Town.
- Signs should be legible; this includes typography, vocabulary, and other design elements.
- Signs should inform users of the trail's use types, direction, location of the trail, location of private property, or other information that can assist and inform trail users.
- Signs should be low maintenance and be capable of withstanding extreme weather conditions and abuse.
- Signs should not obstruct the trail or natural scenery. Informational signs can be grouped together at the trailhead while warning signs should be located to give trail users a chance to react.
- Over use of signs can diminish the natural effect while under use can leave the trail user confused.
- Rot resistant wood or stone should be used to maintain the most natural appearance.

**Photo Sample From Plan**



Signs Installed at Davis Court; Calle de Plata, Coronet



