

GRANT OF UTILITY EASEMENT

THIS GRANT OF UTILITY EASEMENT is made and entered into by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, with an address of 500 E. Third Street, Loveland, CO 80537, and the CITY OF FORT COLLINS, COLORADO, a municipal corporation (“Grantor”), with an address of 300 Laporte Ave, Fort Collins, CO 80521, and the CITY OF LOVELAND, COLORADO, a Colorado home rule municipal corporation (“City”), with an address of 500 E. Third Street, Loveland, Colorado 80537. This Grant of Utility Easement is effective as of the date of the City’s Official Acceptance in the City’s signature block below.

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, the adequacy and receipt of which is hereby acknowledged, Grantor has this day bargained, sold, conveyed, transferred, and delivered unto the City, its successors, and assigns, in perpetuity, a non-exclusive easement in, over, under, through, and across the real property described below for purposes of constructing, repairing, replacing, relocating, inspecting, operating, maintaining, and accessing City-owned utility systems across, through, upon, and under the real property described on the attached Exhibits A and B (the “Easement Area”); provided, however, that the City shall restore the ground surface to its prior condition after any disturbance of such surface. The term “City-owned utility systems,” means above and below ground wires, lines, cables, ducts, conduits, pipes, pumps, pedestals, risers, poles, vaults, manholes, fire hydrants, pull boxes, and any other equipment, appurtenances, and structures associated with electric, water, wastewater, communications, and stormwater systems that are owned and operated by the City.

Grantor is prohibited from constructing or placing on any part of the Easement Area without prior written approval from the City any fence or gate, building, above or below ground utility systems or appurtenances not owned or maintained by the City, or any other permanent or substantial structure. Grantor is prohibited from making or permitting any use of the Easement Area that would impair, impede, or interfere with the City’s access to or along the easement, or the City’s full free use and exercise of the easement. The City shall be permitted to immediately remove without liability for damages any obstruction prohibited by this easement that interferes with the City’s access to the City-owned utility systems or impairs the City’s full free use and exercise of the easement.

The Grantor or their successors and assigns owns the trees and other vegetation on the Easement Area, and the Grantor acknowledges, for itself and for all successors and assigns, that this easement provides the City with the authority to cut and remove trees and other vegetation that encroaches upon the Easement Area if, in the sole discretion of the City, such trees or vegetation interfere with the City’s use and enjoyment of this easement.

The Easement Area hereby granted, situated in Larimer County, Colorado, is described as follows:

Exhibit A – Easement Description
Exhibit B – Easement Drawing

EXHIBIT A TO ORDINANCE NO. 008, 2024

TO HAVE AND TO HOLD said easement unto the City, its successors, and assigns forever. This perpetual easement and the rights, benefits, and obligations created hereby constitute a burden upon the estate of Grantor in the underlying lands and shall run with the land and be binding upon Grantor and its successors, personal representatives, assigns, and heirs. Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property above described, that it has a good and lawful right to convey the easement herein granted, that the easement is free and clear of all liens and encumbrances, and that it will forever warrant and defend the title thereto against lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this Grant of Utility Easement on the date below.

GRANTOR:

By: _____

Date: _____

Print Name: _____

Title: _____

State of _____)
) ss
 County of _____)

Acknowledged before me this ____ day of _____, 20____, by
 (Name) _____ as (Title) _____.

Witness my hand and seal. My commission expires: _____.

 Notary Public

(S E A L)

OFFICIAL ACCEPTANCE BY THE CITY OF LOVELAND

APPROVED AS TO FORM:

 Stephen C. Adams, City Manager

 Assistant City Attorney

ATTEST:

 City Clerk

 Date

(S E A L)

DESCRIPTION

A tract of land being a portion of Tract "B" of Barnstorm Second Addition, recorded August 12, 1986, as Reception No. 19860044345 of the Records of Larimer County and situate within Sections Twenty-eight (28) and Thirty-three (33), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the easterly line of the Southeast Quarter of the said Section 28 as bearing North 00° 07' 30" East, an assumed bearing, and with all bearings contained herein relative thereto:

COMMENCING at the Southeast Corner of the said Section 28, THENCE along said easterly line, North 00° 07' 30" East for a distance of 40.00 feet to the northerly right-of-way line of Earhart Road; THENCE continuing along said northerly right-of-way line, South 86° 23' 26" West for a distance of 501.01 feet; THENCE North 89° 01' 49" West for a distance of 864.74 feet to the beginning of a non-tangential curve; said curve being concave to the south, with a Delta of 118° 34' 06", having a radius of 50.00 feet, a length of 103.47 feet and a long chord bearing South 84° 48' 58" West for a distance of 85.97 feet to the POINT OF BEGINNING; THENCE continuing along said curve, being concave to the southeast, with a Delta of 11° 42' 44", having a radius of 50.00 feet, a length of 10.22 feet and a long chord bearing South 19° 40' 33" West for a distance of 10.20 feet; THENCE departing said right-of way North 58° 52' 32" West for a distance of 45.90 feet; THENCE North 54° 29' 20" West for a distance of 41.93 feet; THENCE North 72° 52' 32" West for a distance of 36.35 feet; THENCE North 82° 18' 50" West for a distance of 36.39 feet; THENCE North 78° 52' 32" West for a distance of 29.97 feet; THENCE North 71° 34' 33" West for a distance of 66.11 feet; THENCE South 31° 34' 41" West for a distance of 12.79 feet; THENCE South 70° 07' 28" West for a distance of 46.59 feet; THENCE South 19° 52' 32" East for a distance of 2.50 feet; THENCE South 70° 07' 28" West for a distance of 15.00 feet; THENCE North 19° 52' 32" West for a distance of 15.00 feet; THENCE North 70° 07' 28" East for a distance of 15.00 feet; THENCE South 19° 52' 32" East for a distance of 2.50 feet; THENCE North 70° 07' 28" East for a distance of 43.10 feet; THENCE North 31° 34' 41" East for a distance of 7.92 feet; THENCE North 19° 52' 32" West for a distance of 10.59 feet; THENCE North 70° 07' 28" East for a distance of 2.59 feet; THENCE North 19° 52' 32" West for a distance of 69.71 feet; THENCE South 70° 07' 28" West for a distance of 2.50 feet; THENCE North 19° 52' 32" West for a distance of 16.00 feet; THENCE North 70° 07' 28" East for a distance of 15.00 feet; THENCE South 19° 52' 32" East for a distance of 16.00 feet; THENCE South 70° 07' 28" West for a distance of 2.50 feet; THENCE South 19° 52' 32" East for a distance of 69.71 feet; THENCE North 70° 07' 28" East for a distance of 2.41 feet; THENCE South 19° 52' 32" East for a distance of 10.89 feet; THENCE South 71° 34' 33" East for a distance of 63.56 feet; THENCE South 78° 52' 32" East for a distance of 29.03 feet; THENCE South 82° 18' 50" East for a distance of 36.92 feet; THENCE South 72° 52' 32" East for a distance of 38.79 feet; THENCE South 54° 29' 20" East for a distance of 43.16 feet; THENCE South 58° 52' 32" East for a distance of 43.49 feet to the POINT OF BEGINNING.

The above-described tract of land contains 4,483 square feet or 0.10 acres, more or less (±), is meant to surround the as-constructed location of the utility, and may be subject to easements and rights-of-way now on record or existing.

Exhibit attached hereto and made a part hereof.

NORTHERN ENGINEERING
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

January 3, 2024
TJK
S:\Survey Jobs\297-012\Dwg\Descriptions\297-012 Easement Description.docx



EXHIBIT B

A TRACT OF LAND BEING A PORTION OF TRACT "B" OF BARNSTORM SECOND ADDITION, BEING SITUATE WITHIN SECTIONS 28 & 33, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M., CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

NOTE: THIS EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N58° 52' 32"W	45.90'
L2	N54° 29' 20"W	41.93'
L3	N72° 52' 32"W	36.35'
L4	N82° 18' 50"W	36.39'
L5	N78° 52' 32"W	29.97'
L6	N71° 34' 33"W	66.11'
L7	S31° 34' 41"W	12.79'
L8	S70° 07' 28"W	46.59'
L9	S19° 52' 32"E	2.50'
L10	S70° 07' 28"W	15.00'
L11	N19° 52' 32"W	15.00'

LINE TABLE		
LINE	BEARING	LENGTH
L12	N70° 07' 28"E	15.00'
L13	S19° 52' 32"E	2.50'
L14	N70° 07' 28"E	43.10'
L15	N31° 34' 41"E	7.92'
L16	N19° 52' 32"W	10.59'
L17	N70° 07' 28"E	2.59'
L18	N19° 52' 32"W	69.71'
L19	S70° 07' 28"W	2.50'
L20	N19° 52' 32"W	16.00'
L21	N70° 07' 28"E	15.00'
L22	S19° 52' 32"E	16.00'

LINE TABLE		
LINE	BEARING	LENGTH
L23	S70° 07' 28"W	2.50'
L24	S19° 52' 32"E	69.71'
L25	N70° 07' 28"E	2.41'
L26	S19° 52' 32"E	10.89'
L27	S71° 34' 33"E	63.56'
L28	S78° 52' 32"E	29.03'
L29	S82° 18' 50"E	36.92'
L30	S72° 52' 32"E	38.79'
L31	S54° 29' 20"E	43.16'
L32	S58° 52' 32"E	43.49'

SYMBOL LEGEND	
	SECTION CORNER
	ELECTRIC EQUIPMENT

LINE LEGEND	
	EASEMENT LINE
	RIGHT OF WAY
	PROPOSED ELECTRIC CONDUIT
	SECTION LINE

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	118°34'06"	50.00'	103.47'	S84°48'58"W	85.97'
C2	11°42'44"	50.00'	10.22'	S19°40'33"W	10.20'

