

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 (“Grantors”), with an address of 300 LaPorte, 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, Grantors have 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 systems that are owned and operated by the City.

Grantors are 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.

This easement is and shall be subordinate to the provision of existing and future agreements between the Grantor and the United States relative to the operation or maintenance of the Northern Colorado Regional Airport (the “Airport”), the execution of which has been or may be required as a condition precedent to the obtaining or expenditure of federal funds for the benefit of the Airport.

The Grantors or their successors and assigns owns the trees and other vegetation on the Easement Area, and the Grantors acknowledge, for themselves 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.

ATTEST:

City Clerk

Date

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN; CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF TRACT B, BARNSTORM SECOND ADDITION TO THE CITY OF LOVELAND, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE, OF THE NORTHEAST CORNER OF SAID SECTION 33, WHICH IS ASSUMED TO BEAR S00°24'16"E

COMMENCING AT THE NORTHEAST CORNER OF SECTION 33;

THENCE ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, S00°24'16"E A DISTANCE OF 1989.53 FEET;

THENCE S89°35'44"W A DISTANCE OF 115.34 FEET TO THE **POINT OF BEGINNING**;

THENCE N 14°26'48" E A DISTANCE OF 203.95 FEET;

THENCE N 75°33'12" W A DISTANCE OF 10.00 FEET;

THENCE S 14°26'48" W A DISTANCE OF 204.19 FEET;

THENCE S 70°50'24" W A DISTANCE OF 774.79 FEET;

THENCE N 19°09'03" W A DISTANCE OF 171.50 FEET;

THENCE S 70°50'57" W A DISTANCE OF 26.44 FEET;

THENCE S 19°09'03" E A DISTANCE OF 10.00 FEET;

THENCE N 70°50'57" E A DISTANCE OF 16.44 FEET;

THENCE S 19°09'03" E A DISTANCE OF 166.69 FEET;

THENCE N 70°51'01" E A DISTANCE OF 793.25 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 0.185 ACRES MORE OR LESS.

I, CHAD R. WASHBURN, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

CHAD R. WASHBURN, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 37963
FOR AND ON BEHALF OF WASHBURN LAND SURVEYING, LLC

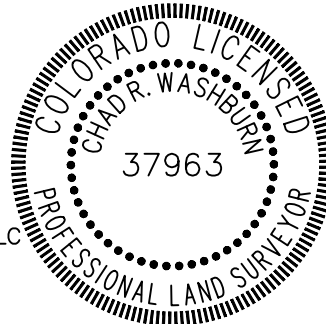


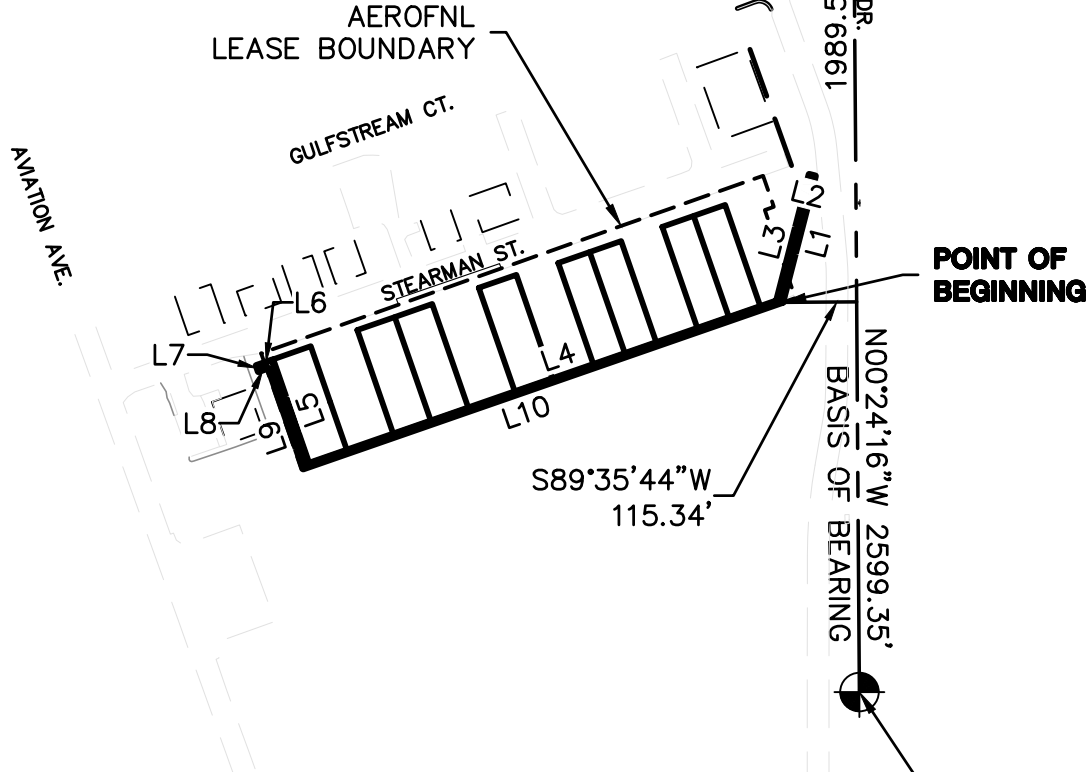
EXHIBIT A
DATE: AUGUST 01, 2023
JOB NO. 1232.0001.01
SHEET 1 OF 1



748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

EXHIBIT B

NORTHEAST CORNER
SECTION 33,
T.6N., R.68W



POINT OF BEGINNING

EAST QUARTER
CORNER SECTION 33,
T.6N., R.68W

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	203.95	N14°26'48"E
L2	10.00	N75°33'12"W
L3	204.19	S14°26'48"W
L4	774.79	S70°50'24"W
L5	171.50	N19°09'03"W
L6	26.44	S70°50'57"W
L7	10.00	S19°09'03"E
L8	16.44	N70°50'57"E
L9	166.69	S19°09'03"E
L10	793.25	N70°51'01"E

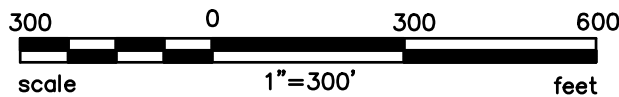


EXHIBIT B
DATE: AUGUST 01, 2023
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