



R \$11.00

D \$0.00

RES

2008063162

06/27/2008 01:01:57 PM 2 Page(s)

Jefferson County, Colorado

RESOLUTION NO. 1850

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
ACCEPTING AN EASEMENT FOR THE PURPOSES OF FIRE
ACCESS AT 17200 WEST COLFAX AVENUE AND AT LOT 19,
INTERPLAZA WEST FILING NO. 4**

1100 JFC
②

1-2

WHEREAS, Karl Koch, owner of 17200 West Colfax Avenue has submitted a request to accept certain easements for the purpose of constructing and maintaining clear fire access to his property from an existing fire lane on the adjacent property described as Lot 19 of Interplaza West Filing No. 4 subdivision, and;

WHEREAS, the City of Golden wishes to ensure that adequate fire access is maintained through the dedication of the easement and through an agreement between the two private parties;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. City Council hereby approves the fire access easement agreement substantially in the form attached as Exhibit 1.

Section 2. The dedication of all easements and all other places designated for public use as shown in the attached agreement are hereby accepted by the City of Golden, subject however, to the condition that the City shall not undertake maintenance of any easement or other place designated for public use until after construction of said public improvement has been satisfactorily completed by the land owner and accepted in writing by the City of Golden.

Section 3. The Mayor and City Clerk are hereby authorized and directed to certify upon the easement agreement the City's approval and acceptance thereof. The City Clerk is hereby authorized and directed to file the easement agreement with the Jefferson County Clerk and Recorder's office upon fulfillment of all conditions as indicated herein.

Section 4. Unless otherwise extended by City Council, the approval of the easement agreement shall be null and void if the conditions are not complied with within ninety (90) days of the date of this Resolution.

Adopted this 10th day of April, 2008.



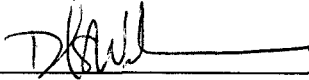
Jacob Smith

Jacob Smith
Mayor

Susan M. Brooks

Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:



David S. Williamson
City Attorney

2

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a rescheduled regular business meeting thereof held on the 10th day of April, A.D., 2008.



ATTEST:



Susan M. Brooks, City Clerk of the City of
Golden, Colorado

3

EASEMENT

4/10

1-8

THIS EASEMENT, effective this 10 day of MAY 2008, by and between Heritage Associates Co. LLLP, owner of Lot 19, Interplaza West Filing No. 4 ("Owner"), Karl Koch, owner of real property at 17200 West Colfax Avenue ("Beneficiary"), and the CITY OF GOLDEN, 911 10th Street, Golden, Colorado 80401, a municipal corporation, ("City").

1. Consideration. For and in consideration of the sum of Ten (\$10.00) and other good and valuable consideration paid by the Beneficiary to the Owner, the receipt of which is hereby acknowledged, Owner hereby sells, conveys and grants unto the City for the additional benefit of the Beneficiary an exclusive and permanent easement and right-of-way over, upon, across, through, and under the property as shown and described in Exhibit A attached to and made part hereof ("Property"), for the uses and purposes and upon the terms hereinafter set forth.

2. Purpose. This easement and right-of-way is for the purpose of granting the Beneficiary the right to construct, inspect, maintain, operate and use a pedestrian access for emergency and fire uses to and from Beneficiary's property ("Improvements"), upon, across, over, under, through, and within the Property. This easement and right-of-way is also for the purpose of granting the City the right to use the Improvements for pedestrian access to and from Beneficiary's property for emergency and service personnel. Ongoing maintenance and upkeep of the Improvements are a continuing obligation of the Beneficiary unless otherwise amended by the three parties to this easement.

3. Hazardous Substances. Owner represents to the City, that to owner's knowledge as of the date of the execution of this Easement, and with respect to the Property: (1) the Property has never been used as a landfill or waste dump; (2) that there has been no installation in or production, disposal, or storage on the Property of any hazardous substances, including, without limitation, asbestos, by Owner, owner's tenants, or any previous owner or previous tenants, or any other activity which could have toxic results; (3) there is no underground storage tank on the Property; and (4) there is no proceeding or inquiry by any governmental authority or agency with respect thereto. Owner shall indemnify, defend and hold the City harmless from and against any and all claims, demands, and liabilities, costs and expenses (including expert fees and attorney fees) arising or resulting from a breach of the covenants and warranties contained in this paragraph. For the purposes of this Easement, hazardous substances means all hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.,) and in Section 25-5-502 of the Colorado Revised Statutes, and petroleum or petroleum products.

4. Representations and Warranties of Owner.

(A) The Owner, for itself, its successors, assigns and all parties with interest in the

Property, does hereby covenant and agree not to construct improvements of any kind or nature whatsoever on, over, across or under the Property or to take or fail to take any action of any kind or nature whatsoever which would interfere with the City's use of the Property for the purposes herein granted.

(B) Owner hereby warrants and represents to the City that Owner is seized with fee title to the underlying real property and there are no other parties with interest; that the rights conveyed herein are free and clear of liens and encumbrances; and that Owner has sole and exclusive authority to enter into this Easement. J

5. Survival of Indemnifications and Representations. All representations, obligations, warranties, liabilities, covenants and agreements of Owner and Beneficiary in this Easement shall survive the consummation of the transactions contemplated in this Easement; provided, however, nothing contained herein shall imply or import a covenant on the part of Owner for quiet enjoyment.

6. Notices. Any notices given under the provisions of this Easement shall be valid if deposited with the United States Postal Service addressed to the parties at the addresses stated above.

7. Binding Effect. This grant of the Easement shall run with the Property and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, and all parties in interest, provided nothing contained herein shall be construed to be an abandonment or dedication of such public way to any public entity.

8. Attorneys Fees and Costs. In the event of any litigation between the parties relating to this Easement, the prevailing party shall be entitled to costs and reasonable expert and attorney fees incurred in connection with such litigation.

9. Complete Agreement. This Easement consists of all the agreements, understandings, and promises between the parties with respect to the subject matter of this Easement, and there are no agreements, understandings or promises between the parties other than those set forth in this Easement.

10. Governing Law. This Easement and all of the terms and provisions hereof shall be governed by and construed in accordance with the laws of the State of Colorado, with venue in Jefferson County.

OWNER

By: *Shirley A. Adair*

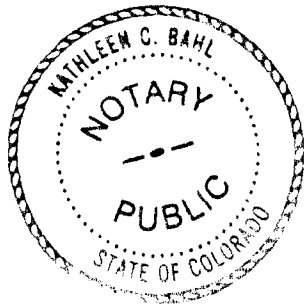
STATE OF COLORADO)
) ss:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 10th day of April, 2008, by Glenn Lidar / ~~Kathleen~~ (KE), as owner.

B

Witness my hand and official seal.

My commission expires: 9/30/2008



Kathleen C. Bahl
NOTARY PUBLIC

BENEFICIARY

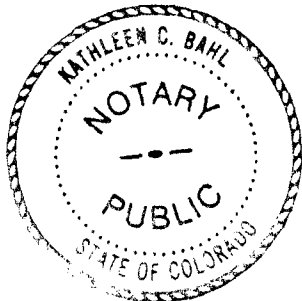
By: Karl Koch

STATE OF COLORADO)
) ss:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 10th day of April, 2008, by Karl Koch, as beneficiary.

Witness my hand and official seal.

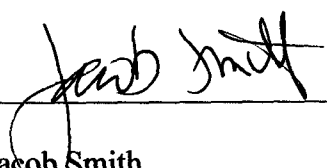
My commission expires: 9/30/2008



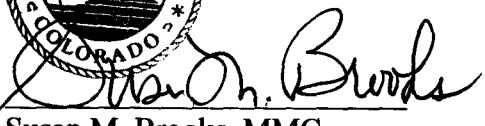
Kathleen C. Bahl
NOTARY PUBLIC

ACCEPTED BY THE CITY OF GOLDEN THIS 10th DAY OF April, 2008.

4



Jacob Smith
Mayor



Susan M. Brooks, MMC
City Clerk



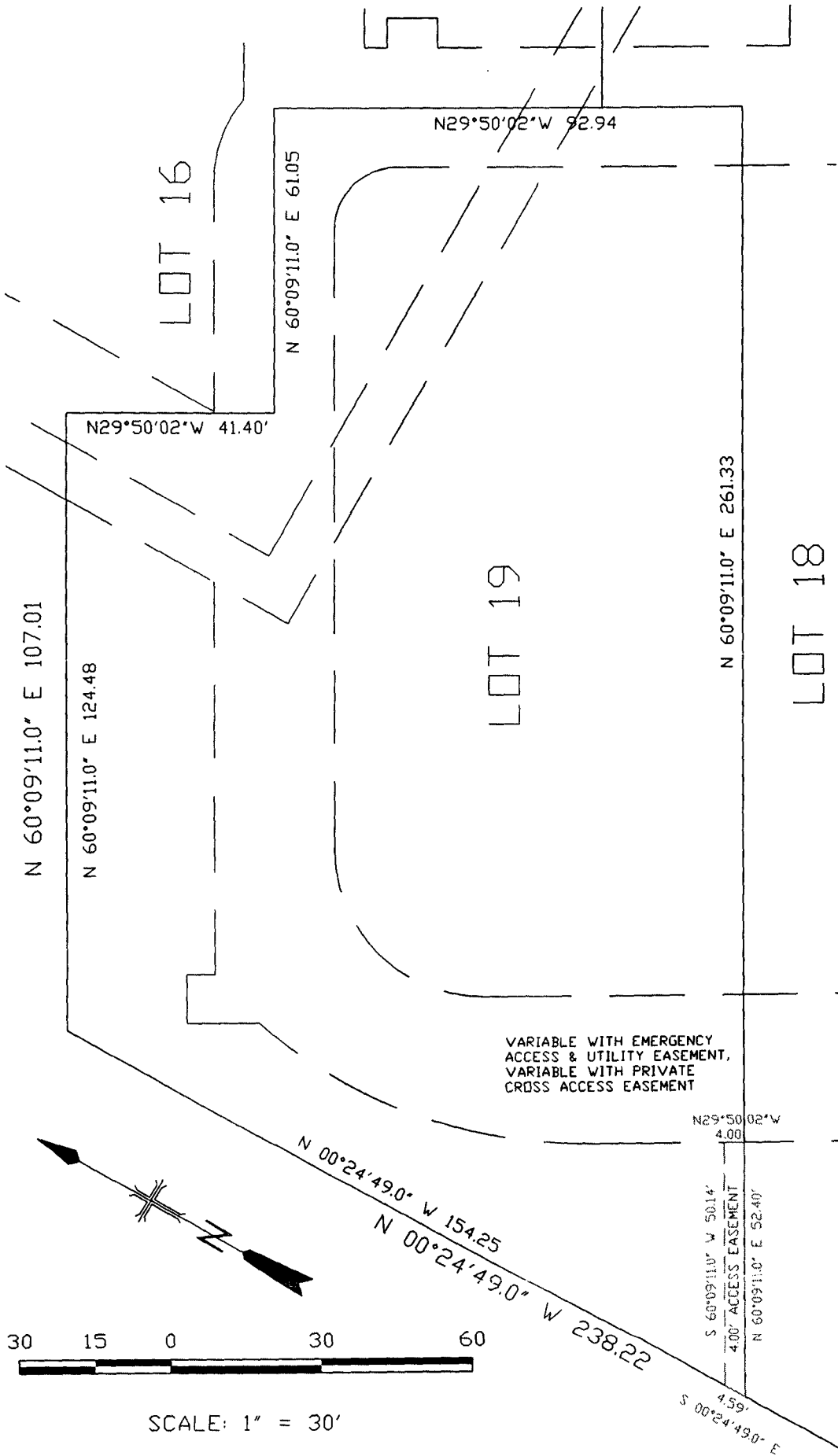
6538 S. RACINE CIRCLE
 UNIT 110
 CENTENNIAL, COLORADO 80111

CLIENT:	KOCH DEVELOPMENT
SURVEY:	209813
DATE:	04/07/08
ADDRESS:	

SHEET 1 OF 2

5

4.00' ACCESS EASEMENT



LEGAL
 LOT 19, INTERPLAZA WEST
 FILING NO.4, COUNTY OF
 JEFFERSON, STATE OF COLORADO



6538 S. RACINE CIRCLE
 UNIT 110
 CENTENNIAL, COLORADO 80111

CLIENT: KOCH DEVELOPMENT

SURVEY: 209813

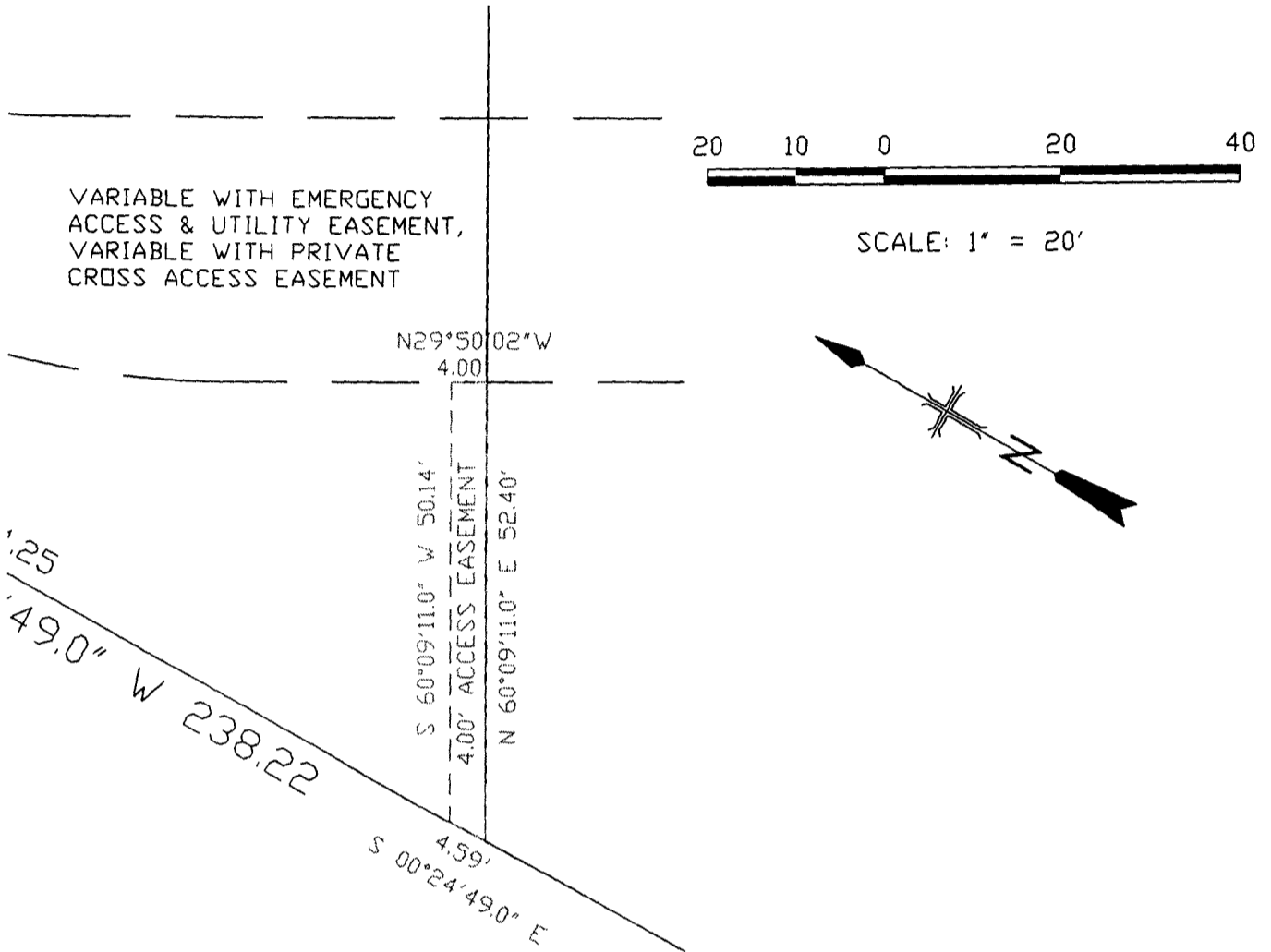
DATE: 04/07/08

ADDRESS:

SHEET 2 OF 2

6

4.00' ACCESS EASEMENT



LEGAL

A 4.00' FOOT ACCESS EASEMENT ACROSS A PORTION OF LOT 19, INTERPLAZA WEST FILING NO.4, LOCATED IN THE N1/2 OF SECTION 11, T.4 S.,R.70 W., OF THE 6th P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 19 OF SAID INTERPLAZA WEST FILING NO.4, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE N 60° 09'58"E, ALONG THE SOUTHERLY LOT LINE OF SAID LOT 19, A DISTANCE OF 52.40' FEET, TO A POINT ON THE WESTERLY LINE OF A VARIABLE WITH EASEMENT AS SHOWN ON THE RECORDED PLAT OF SAID INTERPLAZA WEST FILING NO.4; THENCE N 29°50'02"W, ALONG SAID WESTERLY LINE, A DISTANCE OF 4.00' FEET; THENCE S 60°09'11"W, ALONG A LINE PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 19, A DISTANCE OF 50.14' FEET, TO A POINT ON THE WEST LINE OF SAID LOT 19; THENCE S 00°24'02"E, ALONG SAID WEST LINE, A DISTANCE OF 4.59' FEET, TO THE TRUE POINT OF BEGINNING.

CONTAINING 205 sq.ft. more or less

EXHIBIT B

PARCEL ONE:

1
THAT PART OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ¼ NORTHWEST ¼ SECTION 11;

THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ NORTHWEST ¼, 185.2 FEET TO THE TRUE POINT OF BEGINNING:

THENCE NORTHERLY PARALLEL TO THE EAST LINE OF SAID NORTHEAST ¼ NORTHWEST ¼, 327.9 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF U.S. HIGHWAY 40;

THENCE NORTH 60 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE SOUTHERLY LINE OF U.S. HIGHWAY 40, 100 FEET;

THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID NORTHEAST ¼ NORTHWEST ¼, 374 FEET, MORE OR LESS;

THENCE WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ NORTHWEST ¼, 92 FEET TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION DESCRIBED IN BOOK 1011 AT PAGE 11 OF THE JEFFERSON COUNTY, COLORADO RECORDS.

COUNTY OF JEFFERSON,
STATE OF COLORADO

PARCEL TWO:

A TRACT OR PARCEL OF LAND NO. 2X OF PROJECT NO. CR 11-0002-24, IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID TRACT OF PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SECTION 11 FROM WHICH POINT THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 70 WEST, BEARS NORTH 00 DEGREES 22 MINUTES WEST, A DISTANCE OF 904.3 FEET;

1. THENCE NORTH 00 DEGREES 22 MINUTES WEST, A DISTANCE OF 114.8 FEET ALONG THE EAST LINE OF THE NORTHWEST ¼ OF SECTION 11 TO THE

PRESENT SOUTHERLY RIGHT OF WAY OF SH 182;

46

2. THENCE SOUTH 60 DEGREES 12 MINUTES WEST, A DISTANCE OF 120.60 FEET ALONG THE PRESENT SOUTHERLY RIGHT OF WAY LINE OF SH 182, TO THE WEST PROPERTY LINE;
3. THENCE SOUTH 00 DEGREES 22 MINUTES EAST, A DISTANCE OF 114.8 FEET ALONG THE WEST PROPERTY LINE;
4. THENCE NORTH 60 DEGREES 12 MINUTES EAST, A DISTANCE OF 120.6 FEET, MORE OR LESS TO THE POINT OF BEGINNING,

COUNTY OF JEFFERSON,
STATE OF COLORADO

Also known by street and number as: 17200 West Colfax Avenue, Golden, CO 80401

Return to:

City of Golden
Susan Brooks
911 10th Street
Golden, CO
80401

Return to:
City Clerk
911 10th Street
Golden CO 80401

RESOLUTION NO. 1850

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
ACCEPTING AN EASEMENT FOR THE PURPOSES OF FIRE
ACCESS AT 17200 WEST COLFAX AVENUE AND AT LOT 19,
INTERPLAZA WEST FILING NO. 4**

WHEREAS, Karl Koch, owner of 17200 West Colfax Avenue has submitted a request to accept certain easements for the purpose of constructing and maintaining clear fire access to his property from an existing fire lane on the adjacent property described as Lot 19 of Interplaza West Filing No. 4 subdivision, and;

WHEREAS, the City of Golden wishes to ensure that adequate fire access is maintained through the dedication of the easement and through an agreement between the two private parties;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

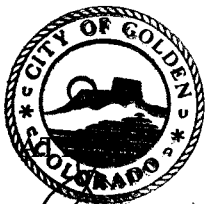
Section 1. City Council hereby approves the fire access easement agreement substantially in the form attached as Exhibit 1.

Section 2. The dedication of all easements and all other places designated for public use as shown in the attached agreement are hereby accepted by the City of Golden, subject however, to the condition that the City shall not undertake maintenance of any easement or other place designated for public use until after construction of said public improvement has been satisfactorily completed by the land owner and accepted in writing by the City of Golden.

Section 3. The Mayor and City Clerk are hereby authorized and directed to certify upon the easement agreement the City's approval and acceptance thereof. The City Clerk is hereby authorized and directed to file the easement agreement with the Jefferson County Clerk and Recorder's office upon fulfillment of all conditions as indicated herein.

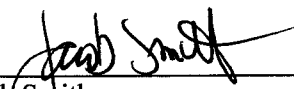
Section 4. Unless otherwise extended by City Council, the approval of the easement agreement shall be null and void if the conditions are not complied with within ninety (90) days of the date of this Resolution.

Adopted this 10th day of April, 2008.





Susan M. Brooks, MMC
City Clerk

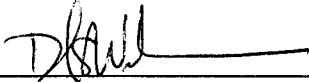


Jacob Smith
Mayor

Resolution No. 1850

Page 2

APPROVED AS TO FORM:



David S. Williamson
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a rescheduled regular business meeting thereof held on the 10th day of April, A.D., 2008.



ATTEST:



Susan M. Brooks, City Clerk of the City of
Golden, Colorado