

RESOLUTION NO. 1525
A RESOLUTION OF THE GOLDEN CITY COUNCIL
AUTHORIZING AN AMENDMENT TO A 1998
AGREEMENT WITH RALPH F. AND SHIRLEY J. TRIPP

Originally came before Council November 11, 2004

Tabled to 12-9-2004

Tabled to Jan 27, 2005

Tabled to Feb 24, 2005

Tabled to Apr 14, 2005 However the applicant withdrew in March 2005 see attached memo

WINDHOLZ & ASSOCIATES

ATTORNEYS AT LAW

1650 38TH STREET
SUITE 103 WEST
BOULDER, COLORADO 80301

JAMES A. WINDHOLZ, P.C.
DAVID S. WILLIAMSON
WILLIAM P. HAYASHI

Telephone: 303-443-3100
Fax: 303-443-7835

March 28, 2005

Steve Proett, Esq.
777 South Wadsworth Blvd.
Bldg. 4, Suite 150
Lakewood, CO 80226

RE: TRIPP/CITY OF GOLDEN UTILITY EASEMENT

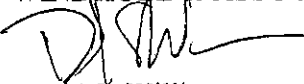
Dear Mr. Proett:

As you know our office acts as general counsel to the City of Golden, Colorado. The City has had an opportunity for its surveyor to locate the wastewater facilities that is the subject of your February 14, 2005 letter to James Windholz. Attached please find two exhibit maps prepared by our surveyor that indicates that the manhole appears to encroach past the easement over the Tripp's property by less than 1 foot. The total area of the encroachment appears to be less than 2 ½ square feet.

As full and final settlement of any claims your clients may have to this alleged encroachment, the City will offer to pay to the Tripp's \$100.00. This far exceeds the market value of the area of the encroachment. Alternatively, if it is your client's desire, the City will move the manhole such that it is located completely within the boundaries of the easement and restore the property outside the boundaries of the easement to substantially the condition as it existed to the installation of the manhole.

If you will advise me of which option the Tripp's prefer I will draft the appropriate release for their execution. If you have any questions please let me know.

Sincerely,
WINDHOLZ & ASSOCIATES,



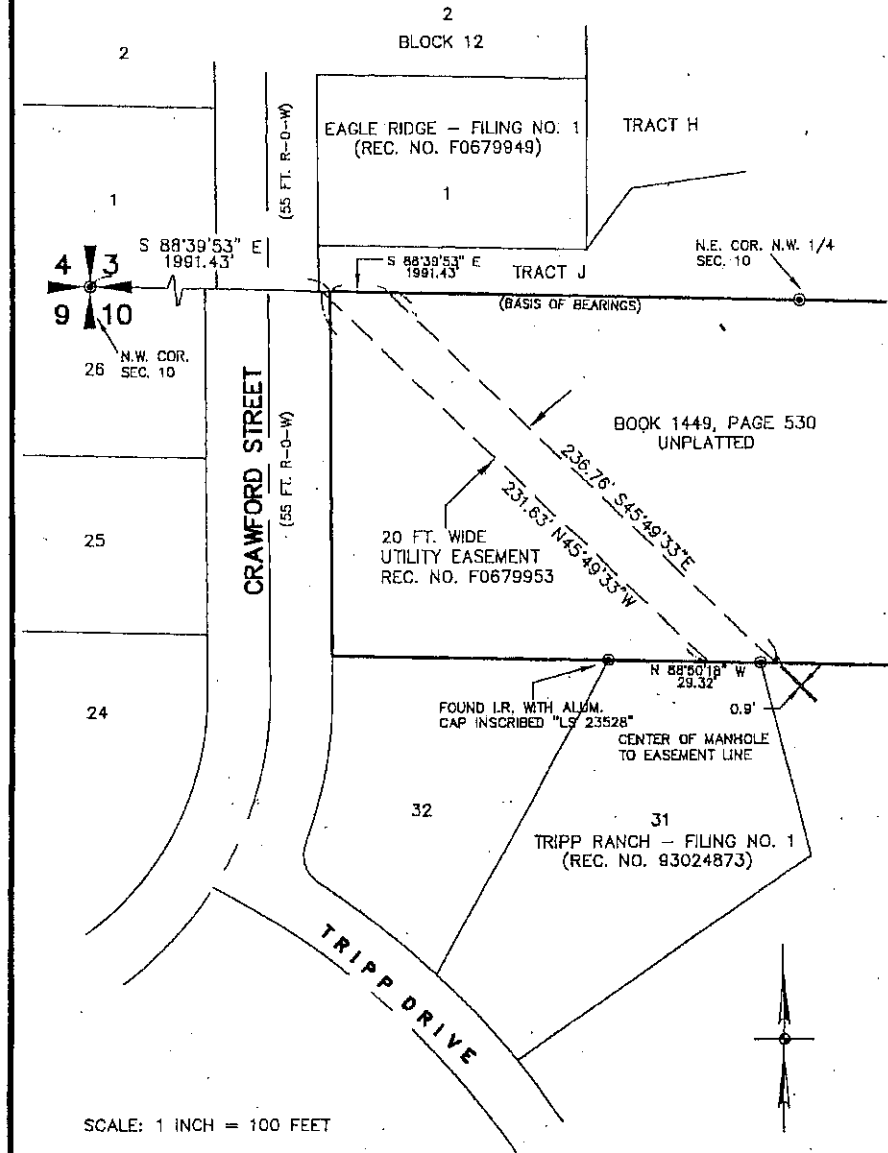
David S. Williamson

DSW/dr

c: Mayor and City Council
Mike Bestor
Dan Hartman
Steve Glueck

EXHIBIT MAP

SHOWING MANHOLE ENCROACHMENT



05/22/05

DATE: 03.21.05
SCALE: 1 INCH = 50 FEET
DRAWN BY: D.E. MARK
REVIEWED BY: RICK PALMER
PROJECT NO.: 2005-01B

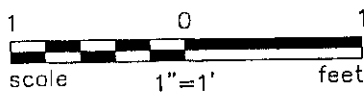
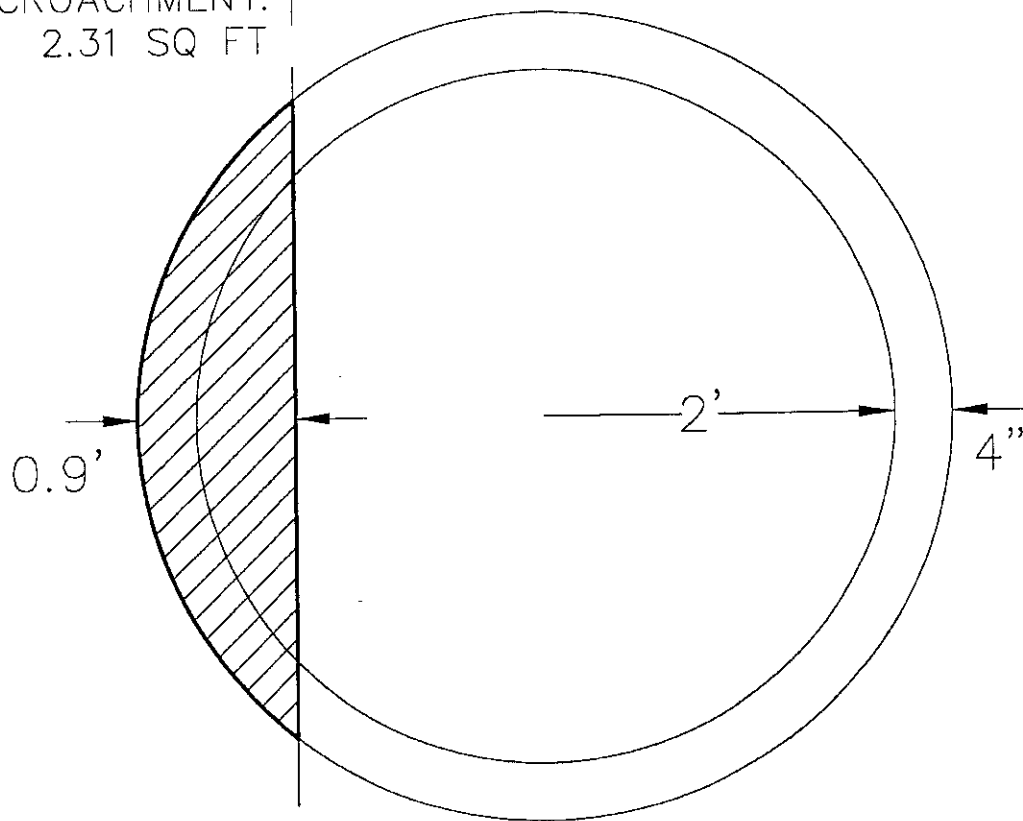
PWSI, INC.

LAND SURVEYING MAPPING CONSTRUCTION TRIANGLE GPS

3548 SOUTH PLATTE RIVER DRIVE, SUITE 14-2
SHERIDAN, COLORADO 80110
PHONE: (303) 904-1345
FAX: (303) 904-1348
EMAIL: PWSI@PWSI.NET

EXHIBIT MANHOLE ENCROACHMENT

TOTAL EASEMENT
ENCROACHMENT:
2.31 SQ FT



SHEET 1 OF 1