ORDINANCE NO. 02, SERIES 2014
INTRODUCED BY: COUNCILOR ALEXANDRA LYNCH

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE COLORADO, AUTHORIZING THE GRANT OF A UTILITY EASEMENT ON PORTIONS OF LOT 1 AND LOT 3, MINOR SUBDIVISION REPLAT OF PART OF FOLTZ SUBDIVISION.

WHEREAS, the City of Lafayette desires to expand the City Service Center at 1700 Avalon Avenue; and

WHEREAS, the expansion of the Service Center will require the relocation of an existing gas service line and the establishment of a new Public Service Company utility easement; and

WHEREAS, the City of Lafayette desires to have Public Service Company of Colorado vacate the existing utility easement that will no longer be necessary to accommodate the gas line; and

WHEREAS, the City of Lafayette desires to grant to Public Service Company of Colorado, the right to construct, operate, maintain, repair, replace utility lines and all fixtures and devices used or useful in the operation of said line; and

WHEREAS, City Council wishes to authorize a substantial "Utility Easement" to Public Service Company of Colorado.

NOW, THEREFORE, THE CITY OF LAFAYETTE ORDAINS:

Section 1. The grant of a Utility Easement to the Public Service Company of Colorado to accommodate the relocation of an existing gas line on the City's Service Center property, to a location as depicted on Exhibit A in the attachment hereto, is approved. The form of the easement shall be as approved by the City Attorney. Upon compliance with the condition in Section 2 below, the Mayor is authorized to execute the "Utility Easement" on behalf of the City of Lafayette.

Section 2. The granting of the "Utility Easement" from the City of Lafayette to Public Service Company of Colorado is conditioned upon the execution of an agreement by Public Service Company of Colorado to vacate the existing utility easement, and the actual vacation thereof. The Mayor is authorized to execute such an agreement in a form as approved by the City Attorney.

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF JANUARY, 2014.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS18TH DAY OF FEBRUARY, 2014.

ATTEST:

CITY OF LAFAYETTE, COLORADO

_____
Susan Koster, CMC
City Clerk

_____
Christine Berg
Mayor

APPROVED AS TO FORM:

_____
David S. Williamson
City Attorney

Exhibit A

Parcel Description

That portion of Lot 1 and Lot 3, Minor Subdivision Replat of Part of Foltz Subdivision as recorded at Reception No. 1283705 P-29 F-2 #29, located in the northeast one quarter of Section 11, Township 1 South, Range 69 West of the Sixth Principal Meridian, City of Lafayette, County of Boulder, State of Colorado, described as follows:

The Basis of Bearings is the south line of Lot 2, Minor Subdivision Replat of Part of Foltz Subdivision recorded at Reception No. 1283705 P-29 F-2 #29, and is assumed to bear S 69°10'20" E.

Beginning at the southwest corner of Lot 2 of said Foltz Subdivision;

Thence S 69°27'41" E a along the south line of said Lot 2,distance of 10.01 feet;
Thence S 23°25'20" W a distance of 26.46 feet;
Thence N 66°44'03" W a distance of 41.81 feet;
Thence S 20°29'59" W a distance of 35.91 feet;
Thence N 69°30'01" W a distance of 107.39 feet;
Thence N 20°29'59" E a distance of 91.42 feet;
Thence N 42°18'04" E a distance of 21.54 feet;
Thence N 20°29'59" E a distance of 82.20 feet;
Thence N 68°54'00" W a distance of 33.70 feet;
Thence N 17°10'31" E a distance of 54.13 feet;
Thence N 66°00'07" W a distance of 38.08 feet, to a point on the west line of said Lot 1, and the east right of way of Avalon Avenue;
Thence N 26°31'12" E along said right of way a distance of 10.01 feet;
Thence S 66°00'07" E departing said right of way a distance of 46.52 feet;
Thence S 17°10'31" W a distance of 53.67 feet;
Thence S 68°54'00" E a distance of 24.26 feet;
Thence N 20°29'59" E a distance of 22.48 feet;
Thence S 69°30'01" E a distance of 10.00 feet;
Thence S 20°29'59" W a distance of 116.61 feet;
Thence S 42°18'04" W a distance of 21.54 feet;
Thence S 20°29'59" W a distance of 79.50 feet;
Thence S 69°30'01" E a distance of 87.39 feet;
Thence N 20°29'59" E a distance of 36.41 feet;
Thence S 66°44'03" E a distance of 42.33 feet;
Thence N 23°25'20" E a distance of 15.99 feet, to the southwest corner of said Lot 2, and the Point of Beginning.

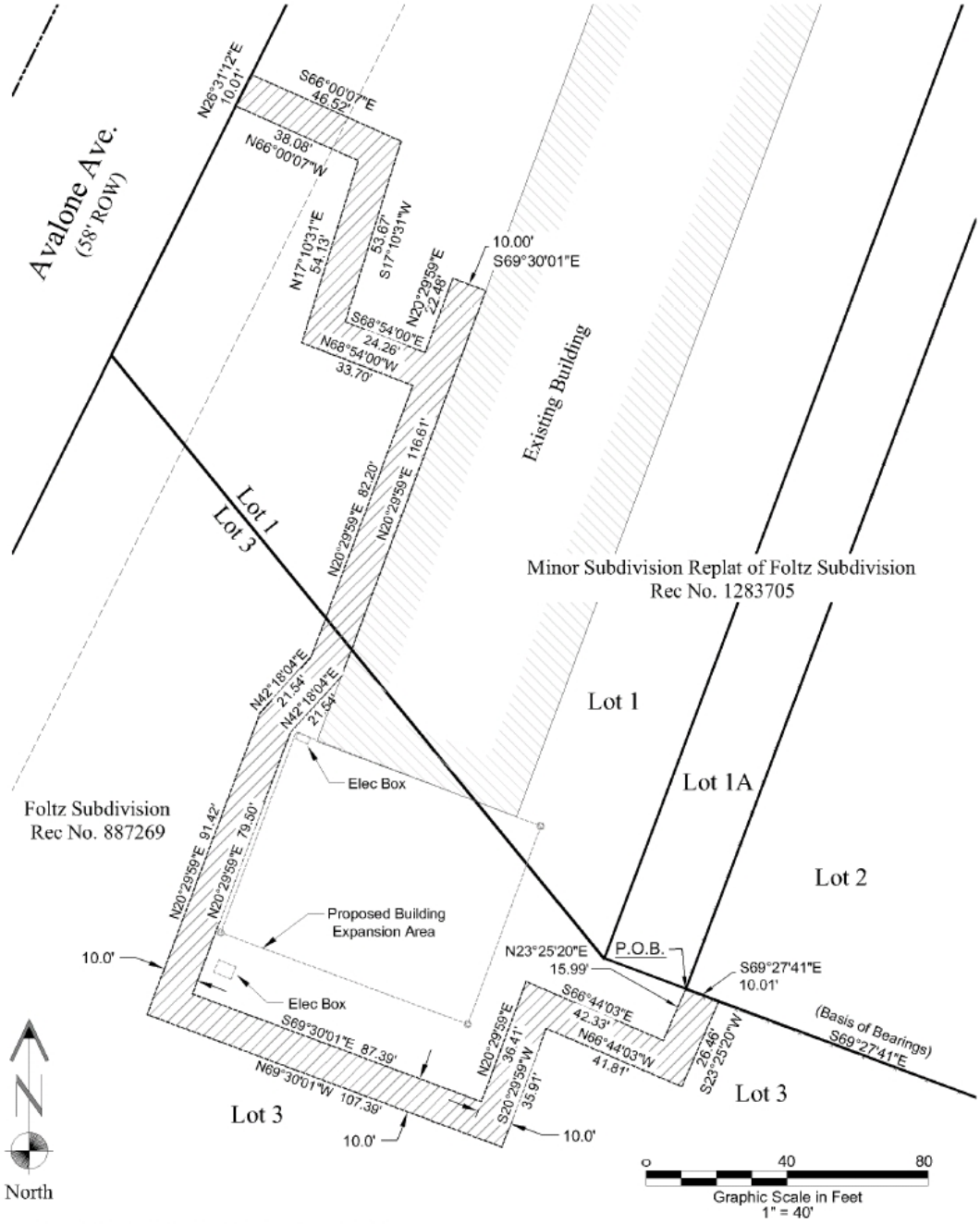
Containing 0.125 acres more or less.

Prepared by David Costner
For and on behalf of GEOSURV Inc.
520 Stacy Ct. Ste B, Lafayette, CO 80026

File: G:\GEOSURV\2000\00092\Drawings\00092 R3.dwg
Printed: Dec 31, 2013 9:37am by: dcc

Exhibit A

Page 2 of 2



File: G:\GEOSURV\2000\00092\Drawings\00092 R3.dwg
Printed: Dec 31, 2013 9:37am by: dcc