TOWN OF TIMNATH
ORDINANCE NO. 16, SERIES 2014

AN ORDINANCE RATIFYING VACATION OF THE
HARMONY ROAD EAST RUNNING SEWER EASEMENT

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under
the Timnath Home Rule Charter (the “Charter”) adopted on November 7, 2006 and the Town’s
Municipal Code (the “Code”). Pursuant to the Charter, the Code, and the authority given home
rule municipalities under the Colorado Constitution, the Town may adopt and amend ordinances;
and

WHEREAS, pursuant to Section 15.4 of the Charter, subject to certain limitations, the Town
Council shall approve the purchase, sale, exchange or disposition of any interest in real property
by ordinance; and

WHEREAS, the Town Council has been advised of a certain easement requiring vacation for
the purpose of dedication to another entity; and

WHEREAS, the Town Council desires to vacate such easement through the instrument
contained herein as Exhibit A.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO,
ORDAINS:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein
by reference and adopted as findings and determinations of the Council.

Section 2. Vacation. The Vacation of the Harmony Road East Running Sewer Easement is
hereby ratified as attached herein as Exhibit A.

Section 3. Severability. 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 Council hereby
declares that it would have passed this Ordinance and each part or parts hereof irrespective of the
fact that any one or parts be declared unconstitutional or invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this
Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses
of such ordinance nor revive any ordinance thereby.

Section 5. Effective Date. This Ordinance shall take effect upon adoption at second reading,
as provided by Section 3.5.5 of the Charter.

Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547
INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 p.m. ON JANUARY 12, 2015, AT THE TIMNATH TOWN HALL, 4800 GOODMAN STREET, TIMNATH, COLORADO, AND PUBLISHED BY TITLE THIS 9th DAY OF DECEMBER, 2014.

MOVED, SECONDED AND FINALLY ADOPTED IN SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 12, 2015.

TOWN OF TIMNATH, COLORADO

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters, Town Clerk
EXHIBIT A

VACATION OF THE HARMONY ROAD EAST RUNNING SEWER EASEMENT
VACATION OF HARMONY ROAD EAST RUNNING SEWER EASEMENT

The Town of Timnath (the "Town"), a municipal corporation of the State of Colorado, does hereby vacate and release that certain Easement reserved to the District in certain document recorded in Reception # 20120033801 of the real estate records of the Clerk and Recorder of Larimer County, Colorado, said easement having encumbered the real property described and identified as: A RIGHT-OF-WAY AND EASEMENT LOCATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO, as more particularly described in Exhibit A which is attached hereto and incorporated herein. From and after the date hereof, said easement shall be vacated, released, remised, and of no force and effect whatsoever.

Dated this 13th day of January, 2015.

THE TOWN OF TIMNATH, a home rule municipal corporation of the State of Colorado

[Signature]
Jill Grossman-Belisle
Mayor

STATE OF COLORADO )
COUNTY OF Larimer ) ss.

The foregoing instrument was acknowledged before me this 13 day of January, 2015, by Jill Grossman-Belisle, as the Mayor of Town of Timnath.

WITNESS my hand and official seal.

My commission expires: August 8, 2016

[Signature]
Notary Public
EXHIBIT A

EASEMENT PROPERTY DESCRIPTION
LEGAL DESCRIPTION

30' UTILITY EASEMENT #5E

A 30' WIDE UTILITY EASEMENT LIVING IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, FROM WHICH THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER BEARS S60°39'13"E, THENCE N07°17'17"E, 626.79 FEET TO A POINT OF CURVATURE AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHEAST LINE OF EASEMENT BE AS RECORDED AT REC. NO. 2006034610 OF THE LARIMER COUNTY RECORDS AND ITS SOUTHWESTERN EXTENSION, THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 954.21 FEET AND A CENTRAL ANGLE OF 53°07'00" (THE CHORD OF WHICH BEARS N52°44'11"E, 25.68 FEET);

THENCE S39°37'44"W, 132.70 FEET TO THE WESTERLY LINE OF EASEMENT BE AS RECORDED AT REC. NO. 2006034610 OF THE LARIMER COUNTY RECORDS;

THENCE ALONG SAID LINE S23°35'18"W, 39.81 FEET;

THENCE N51°47'44"W, 189.21 FEET TO THE POINT OF BEGINNING, CONTAINING 6.554 SQUARE FEET OR 0.127 ACRES, MORE OR LESS.

PREPARED BY:
STEPHEN H. PARSONS, PLS

DRAWN BY: MEH APPROVED BY: RKB
JOB NO: 124126
DATE: 2/14/12
FILE: 0131B

NOTE: ACCORDING TO COLORADO LAW YOU MUST DECLARE ANY LEGAL ACTION BASED UPON ANY ERROR IN THIS SURVEY WITHIN A YEAR AFTER YOU FIRST DISCOVER SUCH ERROR. IN NO EVENT MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE CONSIDERED WITHIN 10 YEARS FROM THE DATE OF THE PREPARATION DESIGNED HEREIN. THIS DRAWING DOES NOT REPRESENT A RECONSTRUCTED SURVEY AND IS ONLY INTENDED TO DEPICT THE APPARENTLY LEGAL DESCRIPTION.
LEGAL DESCRIPTION

30' UTILITY EASEMENT #19

A 30' WIDE UTILITY EASEMENT Lying in the South Half of Section 35, Township 7 South, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 35, from which the Southeast corner of said Southeast Quarter bears 88°4'13"E;

Thence N3°3'32"W, 229.56 FEET to the Northeastly Right-of-Way line of the Colorado and Southern Railroad as described in Book T at Page 348 of the Larimer County Records and the Point of Beginning;

Thence along the Northeastly line of Easement 4 as recorded at Rec. No. 23999034570 of the Larimer County Records and said Northeastly Right-of-Way line N3°24'42"W, 30.00 FEET

Thence N3°25'10"E, 372.16 FEET

Thence N4°10'28"E, 226.00 FEET

Thence S3°42'22"E, 149.50 FEET

Thence S8°16'02"E, 112.02 FEET

Thence S8°07'02"E, 112.08 FEET

Thence S7°58'55"E, 134.48 FEET

Thence S8°11'15"E, 67.53 FEET

Thence S8°40'05"E, 66.70 FEET

Thence S8°13'14"E, 168.60 FEET

Thence S8°11'40"E, 825.56 FEET

Thence N3°24'40"E, 61.35 FEET

Thence S8°33'43"W, 47.57 FEET to the East line of said Southeast Quarter;

Thence along said East line 89°09'33"W, 30.00 FEET

Thence N8°08'49"W, 32.45 FEET

Thence S8°44'04"W, 61.63 FEET

Thence N8°16'20"W, 1,036.47 FEET

Thence N8°18'44"W, 186.40 FEET

Thence N8°49'00"W, 579.91 FEET

Thence N8°16'27"W, 74.44 FEET

Thence N7°59'02"W, 100.81 FEET

Thence N8°07'09"W, 116.21 FEET

Thence N8°16'02"W, 115.10 FEET

Thence N8°24'30"W, 915.14 FEET

Thence S8°36'40"W, 268.16 FEET

Thence S8°27'37"W to the Point of Beginning, containing 69.61 acres, more or less;

PREPARED BY:

STEPHEN H. HARDING, PLS

FOR AND ON BEHALF OF

ENK CONSULTANTS, INC.
LEGAL DESCRIPTION

A UTILITY BASCIENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 8TH PRINCIPAL MERIDIAN, TOWN OF YAMBAH, COUNTY OF LANIER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35 WITH THE SOUTHEAST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 35 BEING 180°30'13"W FORMING THE BASE OF BEARINGS FOR THIS DESCRIPTION;

THEN PROCEEDING E0°40'59"N, 200.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD AS DESCRIBED IN BOOK T AT PAGE 338 OF THE LANIER COUNTY RECORDS AND THE POINT OF BEGINNING;

THEN PROCEEDING S0°35'15"W, 100.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID COLORADO AND SOUTHERN RAILROAD;

THEN PROCEED E0°24'42"W ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD, 20.00 FEET;

THEN PROCEED S0°56'19"E, 100.00 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD;

THEN PROCEED E0°24'42"E ALONG SAID NORTH RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.000 SQUARE FEET OR 0.00 ACRES, MORE OR LESS.

PREPARED BY
JOE R. MCKINNELL, PLS.
FOR AND ON BEHALF OF
EMK CONSULTANTS, INC.
LEGAL DESCRIPTION

EMK CONSULTANTS, INC.
ENGINEERING & SURVEYING
7000 SOUTH ALTON WAY, BUILDING 1, CENTENNIAL, COLORADO 80122-6349
(303) 664-1620

LEGAL DESCRIPTION

A UTILITY EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH,
RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF LAMINAR, COUNTY OF LAMINAR, STATE OF
COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 35 WITH THE
SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 35 BEARING N38°39'13"W FORMING THE BASIS
OF READINGS FOR THIS DESCRIPTION;

THENCE N38°39'13"W, 208.30 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE
COLORADO AND SOUTHERN RAILROAD AS DESCRIBED IN BOOK 7 AT PAGE 549 OF THE LAMINAR
COUNTY RECORDS AND THE POINT OF BEGINNING;

THENCE S38°39'13"E, 19.07 FEET;

THENCE N39°39'13"W, 337.49 FEET;

THENCE N44°48'21"W, 231.91 FEET;

THENCE N84°39'13"W, 15.05 FEET;

THENCE N0°14'31"E, 119.22 FEET;

THENCE N38°39'13"W, 944.12 FEET;

THENCE N0°59'16"E, 254 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF THE COLORADO AND
SOUTHERN RAILROAD;

THENCE S60°24'42"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN
RAILROAD, 38.00 FEET TO THE POINT OF BEGINNING, CONTAINING 27,676 SQUARE FEET OR 0.63
ACRES, MORE OR LESS.

PREPARED BY
JOE S. McDaniel, PLS
FOR AND ON BEHALF OF
EMK CONSULTANTS, INC.
LEGAL DESCRIPTION

A UTILITY EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 8TH PRINCIPAL MERIDIAN, TOWN OF THOMAS, COUNTY OF LINCOLN, STATE OF NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMING EIGHT AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 35 WITH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 35 BEARING NS*29°15'W FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION:

THENCE NS*35°31'31"W, 464.45 FEET
THENCE ROU*8°14'31"E, 78.82 FEET
THENCE NS*5°06'21"W, 160.85 FEET
THENCE NS*27°59'5"W, 159.92 FEET
THENCE NS*38°19'3"W, 678.37 FEET
THENCE NS*28°40'6"W, 206.51 FEET
THENCE NS*47°44'4"W, 37.93 FEET
THENCE NS*24°42'4"W, 47128 FEET
THENCE NS*47°44'4"E, 51.87 FEET
THENCE NS*50°59'50"E, 203.08 FEET
THENCE NS*39°13'2"E, 577.70 FEET
THENCE NS*23°09'5"E, 173.19 FEET
THENCE NS*09°11'1"E, 171.81 FEET
THENCE NS*14°31"W, 75.40 FEET
THENCE NS*39°13'2"E, 15.00 FEET
THENCE ROU*14°31"W, 111.22 FEET TO THE POINT OF BEGINNING, CONTAINING 40,828 SQUARE FEET OR 0.94 ACRES, MORE OR LESS.

PREPARED BY:

[Signature]

FOR AND ON BEHALF OF

EMK CONSULTANTS, INC.
LEGAL DESCRIPTION

A utility easement located in the southwest quarter of section 35, township 7 north, range 68 west of the 6th principal meridian, town of Yuma, county of Larimer, state of Colorado, more particularly described as follows:

Commencing at the southwest corner of the southwest quarter of section 35 with the south line of the southwest quarter of section 35 bearing NBD 30° 10' W forming the basis of bearings for this description:

Thence NBD 26° 10' E, 603.10 feet to the point of beginning;

Thence NBD 35° 10' E, 48.41 feet;

Thence NBD 47° 44' 56", 58.52 feet;

Thence NBD 24° 42' E, 47.28 feet;

Thence NBD 47° 44' W, 148.00 feet to the point of beginning, containing 3.622 square feet or 0.00 acres, more or less.

Prepared by:

John B. McDaniel, PLS

for and on behalf of

EMK Consultants, Inc.