

ORDINANCE NO. 4-2019

AN ORDINANCE CONTINGENTLY VACATING EASEMENTS IN THE MEADOWS SUBDIVISION IN THE TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO.

WHEREAS, the Board of Trustees of the Town of Wellington, Colorado (the "Board of Trustees") has been petitioned by the owner of property described on Exhibit A attached hereto and incorporated by reference, being a portion of the Replat of Tract C, The Meadows, located in the SW 1/4 of Section 3, Township 8 North, Range 68 West of the 6th P.M., Town of Wellington, County of Larimer, State of Colorado, (the "Subdivision") to vacate certain easements within the Subdivision; and

WHEREAS, the easement areas within the Subdivision which have been dedicated to the Town of Wellington, Colorado (the "Town") which are to be vacated are described on Exhibit "B" attached hereto (the "Vacated Easements"); and

WHEREAS, a similar request in the Subdivision to contingently vacate easements was made and approved on November 14, 2017 by adoption of Ordinance No. 16-2017; and

WHEREAS, the contingent vacation and rededication of easements is for the same general areas within the Subdivision as referenced in Ordinance No. 16-2017, but further refines the easement area as a result of proposed construction and development activities; and

WHEREAS, it has been determined by the Board of Trustees, following a public hearing on the matter, that if alternative utility easements (the "Replacement Easements") in the areas described on Exhibit "C" attached hereto are dedicated to the Town, the Vacated Easements in the areas described on Exhibit "B" are not needed for municipal purposes; and

WHEREAS, C.R.S. § 31-15-702(1)(a)(1) as amended, provides authority to the Town of Wellington to vacate public grounds; and

WHEREAS, the owner of the Subdivision has provided to the Town a deed dedicating the necessary Replacement Easements which would address easement needs as a result of the vacation of the Vacated Easements; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO:

SECTION 1: Vacation and Dedication of new Easement Rights. The description of the area in which the Vacated Easements are located is described on Exhibit B. The easements dedicated to the Town in the Vacated Easements areas are hereby vacated subject to and contingent upon the deed from the owner of the Subdivision dedicating and conveying to the Town the Replacement Easements being recorded in the records of the Clerk and Recorder of Larimer County, Colorado. The Town's vacation of the Easements is further conditioned on the Town retaining all rights which might otherwise exist pursuant to C.R.S. 43-2-303(3) and other applicable law, to maintain existing utilities, if any, within such Vacated Easements areas, including for existing sewer, gas, water, or similar pipelines and appurtenances and for existing electric, telephone and

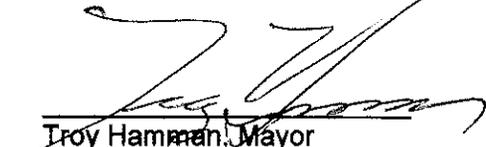
other lines and appurtenances which easement rights are specifically reserved to the Town.

SECTION 2: Validity. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

SECTION 3: Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

SECTION 4: Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted ordinance available for inspection by the public during regular business hours and shall record at least one certified copy of the ordinance with the Clerk and Recorder of Larimer County.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 14th DAY OF May, 2019 AND ORDERED TO BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION.


Troy Hamman, Mayor

ATTEST:


Ed Cannon, Town Administrator/Clerk

PUBLISHED BY TITLE THIS 16th DAY OF May, 2019 IN "THE COLORADOAN."

APPROVED AS TO FORM

March, Olive and Pharris, LLC

By: 
J. Brad March, Town Attorney

**EXHIBIT "A" TO ORDINANCE 4-2019
ORDINANCE CONTINGENTLY VACATING
EASEMENTS IN THE MEADOWS SUBDIVISION**

Legal Description of the Property

A tract of land being a portion of the Replat of Tract C, The Meadows, located in the Southwest Quarter of Section 3, Township 8 North, Range 68 West of the 6th P.M., Town of Wellington, County of Larimer, State of Colorado, and being more particularly described as follows:

Considering the West line of Tract C as bearing North 00°39'39" East and with all bearings contained herein relative thereto:

BEGINNING at the Southwest corner of Tract C; thence along the West line of Tract C, North 00°39'39" East, 199.67 feet; thence departing said West line, North 90°00'00" East, 354.04 feet; thence, North 00°00'00" East, 218.76 feet to the Southeast corner of Condominium Map of Wellington Village, Phase 3, recorded at Reception No. 20060069038 at the Larimer County Clerk and Recorder; thence, North 90°00'00" East, 251.99 feet; thence, North 23°34'24" East, 0.77 feet; thence along a curve concave to the West having a central angle of 23°34'24" with a radius of 162.00 feet, an arc length of 66.65 feet and the chord of which bears North 11°47'12" East, 66.18 feet; thence, North 00°00'00" East, 105.93 feet; thence along a curve concave to the West having a central angle of 22°06'01" with a radius of 37.00 feet, an arc length of 14.27 feet and the chord of which bears North 11°03'01" West, 14.18 feet; thence, North 22°06'01" West, 24.03 feet; thence, North 79°18'10" West, 75.75 feet; thence along a curve concave to the South having a central angle of 10°41'50" with a radius of 167.50 feet, an arc length of 31.27 feet and the chord of which bears North 84°39'05" West, 31.23 feet; thence, South 90°00'00" West, 141.62 feet to the Southeast corner of Condominium Map of Wellington Village, Phase 1, recorded at Reception No. 20060039199 at the Larimer County Clerk and Recorder; thence along the West line of Phase 1, North 14°06'39" West, 190.47 feet to the South right-of-way line of Crittenton Lane; thence along said South right-of-way line the following 4 courses and distances: North 77°29'50" East, 106.00 feet; thence along a curve concave to the South having a central angle of 12°37'44" with a radius of 210.00 feet, an arc length of 46.29 feet and the chord of which bears North 83°48'42" East, 46.19 feet; thence, South 89°52'26" East, 304.20 feet; thence along a curve concave to the Southwest having a central angle of 90°22'55" with a radius of 19.00 feet, an arc length of 29.97 feet and the chord of which bears South 44°40'59" East, 26.96 feet to the West right-of-way line of Lee Street; thence along said West line the following 2 courses and distances: South 00°30'29" West, 377.86 feet; thence along a curve concave to the Northeast having a central angle of 48°46'14" with a radius of 330.00 feet, an arc length of 280.90 feet and the chord of which bears South 23°52'38" East, 272.49 feet; thence, South 41°44'15" West, 287.94 feet; thence, North 89°30'20" West, 704.69 feet to the POINT OF BEGINNING

County of Larimer, State of Colorado.

**DESCRIPTION:**

Utility Easements, as recorded at Reception No. 20180005155, Larimer County Clerk and Recorder, to be vacated, being a portion of Replat of Tract C, The Meadows, as recorded at Reception No. 20060004966, Larimer County Clerk and Recorder, located in the Southwest Quarter of Section 3, Township 8 North, Range 68 West of the 6th Principal Meridian, Town of Wellington, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of Tract C, The Meadows, as bearing South 89° 30' 20" East and with all bearings contained herein relative thereto:

COMMENCING at the Southwest corner of Tract C, The Meadows; thence along the South line of said Tract C, South 89° 30' 20" East, 53.51 feet to Point A; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 1**; thence, North 00° 00' 00" East, 154.71 feet; thence, North 90° 00' 00" East, 70.13 feet; thence, South 00° 00' 00" East, 10.00 feet; thence, North 90° 00' 00" West, 58.13 feet; thence, South 00° 00' 00" East, 128.49 feet; thence, South 33° 19' 45" East, 11.20 feet; thence, South 79° 14' 07" East, 39.37 feet; thence, North 89° 30' 20" West, 56.84 feet to **POINT OF BEGINNING 1**, containing 2,646 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point A; thence, South 89° 30' 20" East, 190.64 feet to Point B; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 2**; thence, North 00° 00' 00" East, 155.14 feet; thence, North 90° 00' 00" East, 23.00 feet to Point C; thence, South 00° 00' 00" East, 155.34 feet; thence, North 89° 30' 20" West, 23.00 feet to **POINT OF BEGINNING 2**, containing 3,570 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point C; thence, North 64° 11' 53" East, 65.76 feet to **POINT OF BEGINNING 3**; thence, North 90° 00' 00" East, 19.56 feet; thence, South 00° 00' 00" East, 11.45 feet; thence, South 89° 59' 06" West, 19.56 feet; thence, North 00° 00' 00" East, 11.46 feet to **POINT OF BEGINNING 3**, containing 224 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point B; thence, South 89° 30' 20" East, 201.34 feet; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 4**; thence, North 00° 00' 00" East, 148.10 feet; thence, North 90° 00' 00" West, 49.89 feet; thence, North 00° 00' 00" East, 10.00 feet; thence, North 90° 00' 00" East, 72.89 feet to Point D; thence, South 00° 00' 00" East, 158.29 feet; thence, North 89° 30' 20" West, 23.00 feet to **POINT OF BEGINNING 4**, containing 4,137 square feet, more or less.

EXHIBIT "C" TO ORDINANCE ___-2019
ORDINANCE CONTINGENTLY VACATING EASEMENTS IN THE MEADOWS SUBDIVISION



DESCRIPTION:

Utility Easements to be dedicated being a portion of Replat of Tract C, The Meadows, as recorded at Reception No. 20060004966, Larimer County Clerk and Recorder, located in the Southwest Quarter of Section 3, Township 8 North, Range 68 West of the 6th Principal Meridian, Town of Wellington, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of Tract C, The Meadows, as bearing South 89° 30' 20" East and with all bearings contained herein relative thereto:

COMMENCING at the Southwest corner of Tract C, The Meadows; thence along the South line of said Tract C, South 89° 30' 20" East, 53.51 feet to Point A; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 1**; thence, North 00° 00' 00" East, 156.61 feet; thence, South 90° 00' 00" East, 62.50 feet; thence, South 00° 00' 00" West, 10.00 feet; thence, North 90° 00' 00" West 52.50 feet; thence, South 00° 00' 00" East, 133.21 feet; thence, South 44° 23' 29" East, 6.75 feet; thence, South 77° 50' 31" East, 43.08 feet; thence, North 89° 30' 20" West, 56.84 feet to **POINT OF BEGINNING 1**, containing 2,327 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point A; thence, South 89° 30' 20" East, 192.71 feet to Point B; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 2**; thence, North 00° 03' 12" West, 162.95 feet; thence, North 89° 56' 48" East, 20.00 feet to Point C; thence, South 00° 03' 12" East, 163.14 feet; thence, North 89° 30' 20" West, 20.00 feet to **POINT OF BEGINNING 2**, containing 3,261 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point C; thence, North 71° 40' 49" East, 66.20 feet to **POINT OF BEGINNING 3**; thence, North 90° 00' 00" East, 17.00 feet; thence, South 00° 00' 00" East, 11.00 feet; thence, North 90° 00' 00" West, 17.00 feet; thence, North 00° 00' 00" East, 11.00 feet to **POINT OF BEGINNING 3**, containing 187 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point B; thence, South 89° 30' 20" East, 200.77 feet; thence, North 00° 29' 40" East, 6.00 feet to **POINT OF BEGINNING 4**; thence, North 00° 00' 00" East, 149.51 feet; thence, North 90° 00' 00" West, 39.49 feet; thence, North 00° 00' 00" East, 10.00 feet; thence, North 90° 00' 00" East, 59.49 feet to Point D; thence, South 00° 00' 00" East, 159.68 feet; thence, North 89° 30' 20" West, 20.00 feet to **POINT OF BEGINNING 4**, containing 3,587 square feet, more or less.

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ORDINANCE CONTINGENTLY VACATING EASEMENTS IN THE MEADOWS SUBDIVISION



ALSO:

COMMENCING at aforementioned Point D; thence, North 14° 53' 55" East, 52.81 feet to **POINT OF BEGINNING 5**; thence, North 89° 59' 46" West, 32.58 feet; thence, North 00° 00' 00" East, 13.35 feet; thence, North 90° 00' 00" East, 7.58 feet; thence, North 00° 00' 14" East, 183.67 feet; thence, North 89° 57' 10" East, 25.00 feet; thence, South 00° 00' 14" West, 197.05 feet to **POINT OF BEGINNING 7**, containing 5,027 square feet, more or less.

ALSO:

COMMENCING at aforementioned Point D; thence, North 72° 36' 36" East, 48.52 feet to **POINT OF BEGINNING 6**; thence, North 00° 00' 00" East, 11.00 feet; thence North 90° 00' 00" East, 17.00 feet; thence, South 00° 00' 00" East, 11.00 feet; thence, North 90° 00' 00" West, 17.00 feet to **POINT OF BEGINNING 6**, containing 187 square feet, more or less.

The above described tracts of land are subject to all easements and rights of way now existing or of record.

LMS

April 25, 2019

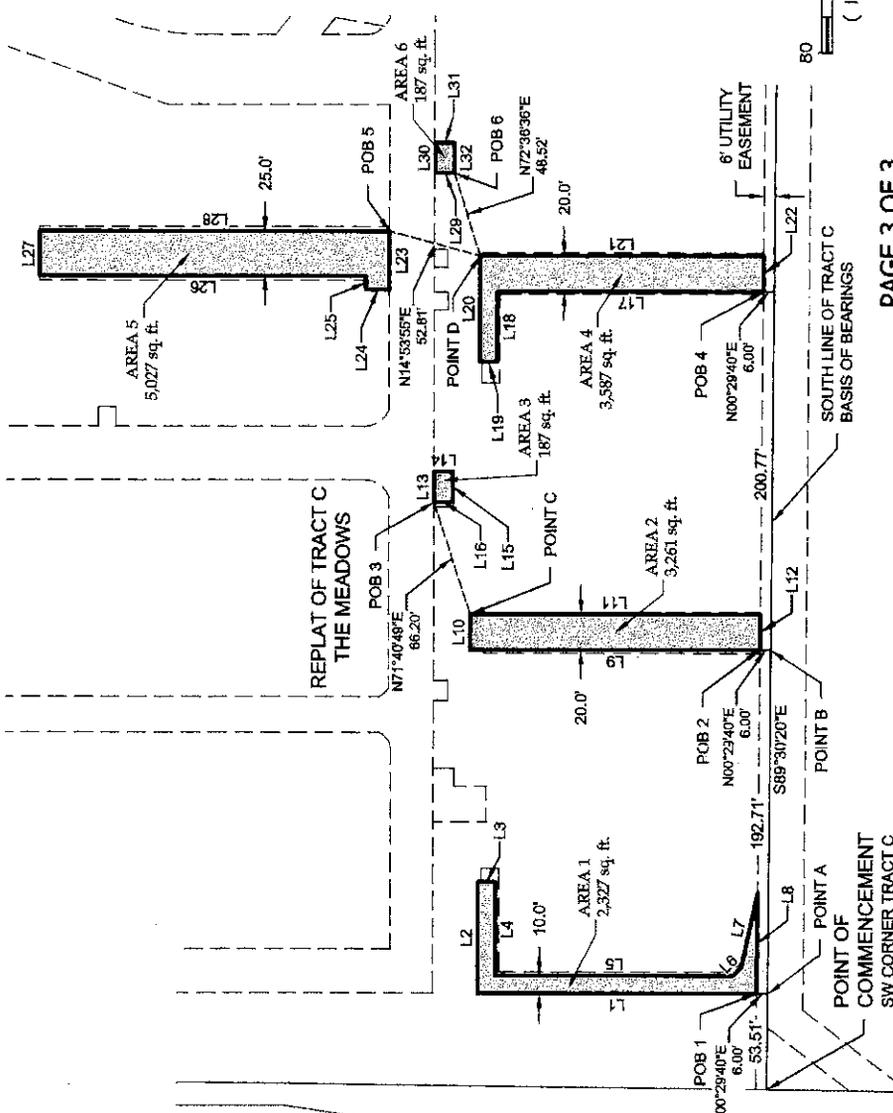
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EXHIBIT "C" TO ORDINANCE _____-2019
ORDINANCE CONTINGENTLY VACATING EASEMENTS IN THE MEADOWS SUBDIVISION

EXHIBIT

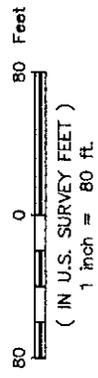
UTILITY EASEMENTS TO BE DEDICATED BEING A PORTION OF REPLAT OF TRACT C, THE MEADOWS, LOCATED IN OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

NOTE: THIS EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.



LINE	LENGTH	BEARING
L1	156.61'	N00° 00' 00"E
L2	62.50'	S90° 00' 00"E
L3	10.00'	S00° 00' 00"W
L4	52.50'	N90° 00' 00"W
L5	133.21'	S00° 00' 00"E
L6	6.75'	S44° 23' 29"E
L7	43.08'	S77° 50' 31"E
L8	56.84'	N89° 30' 20"W
L9	182.95'	N00° 03' 12"W
L10	20.00'	N89° 56' 48"E
L11	163.14'	S00° 03' 12"E
L12	20.00'	N89° 30' 20"W
L13	17.00'	N90° 00' 00"E
L14	11.00'	S00° 00' 00"E
L15	17.00'	N90° 00' 00"W
L16	11.00'	N00° 00' 00"E

LINE	LENGTH	BEARING
L17	149.51'	N00° 00' 00"E
L18	39.49'	N90° 00' 00"W
L19	10.00'	N00° 00' 00"E
L20	59.49'	N90° 00' 00"E
L21	159.68'	S00° 00' 00"E
L22	20.00'	N89° 30' 20"W
L23	32.58'	N89° 59' 46"W
L24	13.35'	N00° 00' 00"E
L25	7.58'	N90° 00' 00"E
L26	183.67'	N00° 00' 14"E
L27	25.00'	N89° 57' 10"E
L28	197.05'	S00° 00' 14"W
L29	11.00'	N00° 00' 00"E
L30	17.00'	N90° 00' 00"E
L31	11.00'	S00° 00' 00"E
L32	17.00'	N90° 00' 00"W



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