

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 5-R-2005**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, REGARDING THE
REVIEW OF THE REQUEST TO VACATE A PORTION OF THE UTILITY
EASEMENT ON THE WEST SIDE OF LOTS 5 AND 6, BLOCK 2 OF SEKICH
BUSINESS PARK.**

WHEREAS, the Town of Mead, the beneficiary of a nonexclusive utility easement on the west side of Lots 5 and 6, Block 2 of Sekich Business Park, by petition dated March 9, 2005, has requested the vacation of said utility easement; and

WHEREAS, the easement to be vacated is being replaced by a utility easement on the east side of the property and this easement on the west side of the lots is no longer needed; and

WHEREAS, the vacation of public utility easements is subject to the statutory authority granted to municipalities by C.R.S. 43-2-303 to vacate roadways and their appurtenances; and

WHEREAS, the Board of Trustees of the Town of Mead held a public hearing on the requested vacation on March 28, 2005; and

WHEREAS, notice of a public hearing to consider the request for the vacation was published in the Longmont Daily Times-Call on March 12, 2005, and posted as required on March 11, 2005; and

WHEREAS, notice of the public hearing to consider the request for the vacation was mailed by certified mail, return receipt requested, to the affected property owner and the owners of adjacent property;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The following findings are hereby made in support of the vacation of that portion of the utility easement on Lots 5 and 6, Block 2, Sekich Business Park, as depicted on the attached Exhibits A and B.

- a. No utilities occupy the described utility easement.
- b. This utility easement is to be replaced by a new easement on the east side of the property and therefore it is no longer necessary.
- c. The requirements of C.R.S. 43-2-303 have been met.
- d. The beneficiary of the easement proposed to be vacated signed the petition for the vacation.
- e. The utility easement to be vacated is entirely on Lots 5 and 6, Block 2, Sekich Business Park, and said vacation will not result in a transfer of ownership in the underlying property.

- f. The Town has not received any objection to the proposed vacation from the utility providers, nor the holders of franchises who may make use of this easement.
- g. Vacation of the utility easement shall be by ordinance separately adopted.

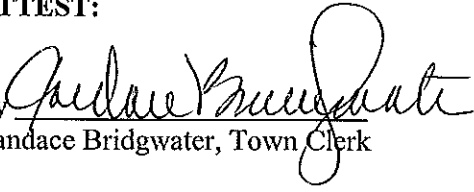
Section 2. Effective Date. This resolution shall be become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 28th DAY OF March, 2005.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

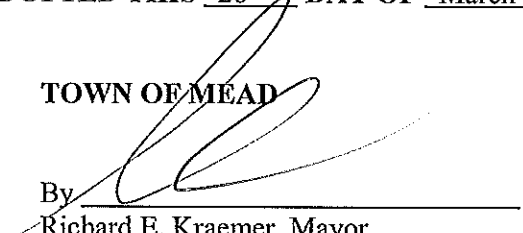
By 
Richard E. Kraemer, Mayor

EXHIBIT A

LOT 5, BLOCK 2, SEKICH BUSINESS PARK PROPOSED SEWER EASEMENTS

UTILITY EASEMENT LEGAL DESCRIPTION

A STRIP OF LAND FIFTEEN FEET (15') IN WIDTH LOCATED IN LOT FIVE BLOCK TWO OF THE SEKICH BUSINESS PARK SUBDIVISION, A P.U.D, TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

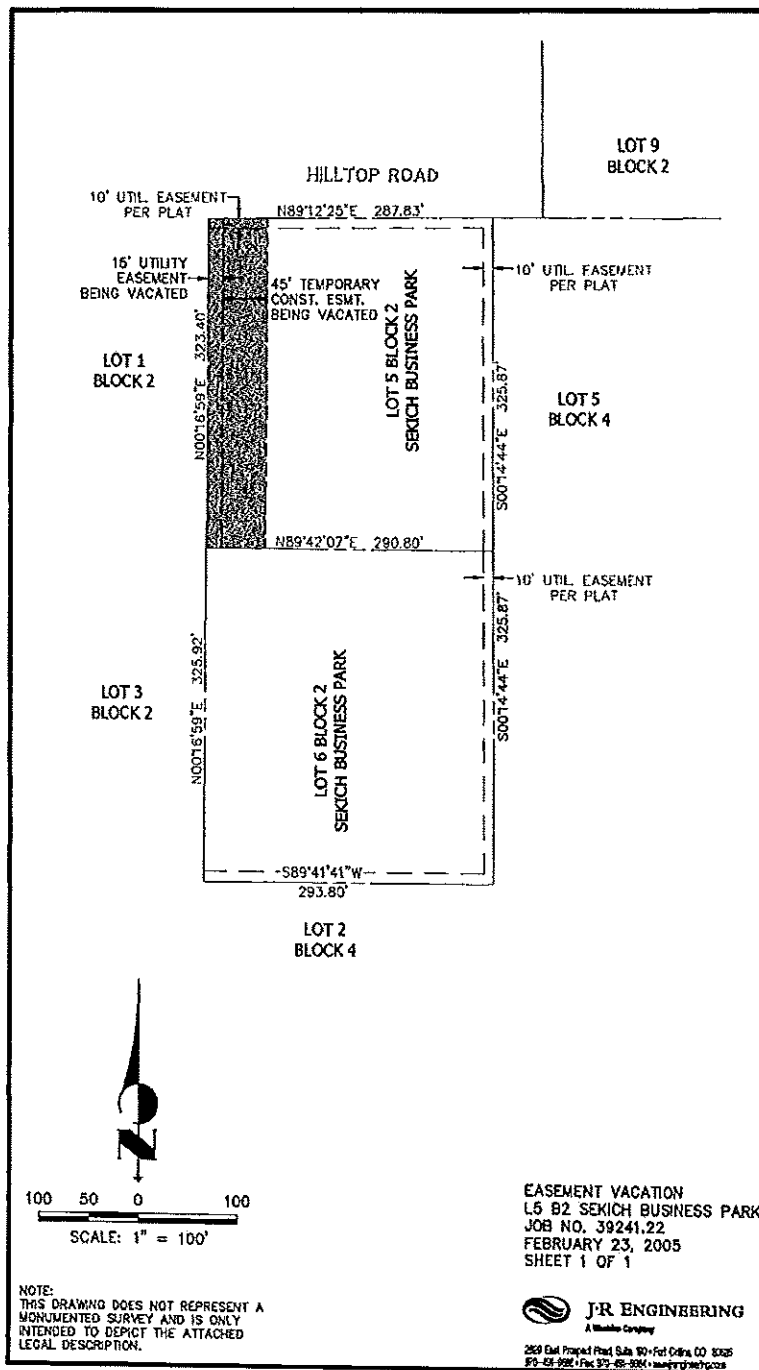
ALL OF THE WEST FIFTEEN FEET OF "SEKICH BUSINESS PARK LOT FIVE, BLOCK TWO" SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF, WELD COUNTY RECORDS.

TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION

A STRIP OF LAND FORTY-FIVE FEET (45 .0') IN WIDTH LOCATED IN LOT FIVE BLOCK TWO OF THE SEKICH BUSINESS PARK SUBDIVISION, A P.U.D. TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE EAST FORTY-FIVE FEET OF THE WEST SIXTY FEET OF "SEKICH BUSINESS PARK LOT FIVE, BLOCK TWO" SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF, WELD COUNTY RECORDS.

EXHIBIT B



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EXHIBIT C

LOT 6, BLOCK 2, SEKICH BUSINESS PARK SEWER EASEMENTS

UTILITY EASEMENT LEGAL DESCRIPTION

A STRIP OF LAND TWENTY-EIGHT FEET (28') IN WIDTH LOCATED IN LOT SIX BLOCK TWO OF THE SEKICH BUSINESS PARK SUBDIVISION, A P.U.D, TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE WEST TWENTY-EIGHT FEET OF "SEKICH BUSINESS PARK LOT SIX, BLOCK TWO" SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF, WELD COUNTY RECORDS.

TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION

A STRIP OF LAND FORTY-FIVE FEET (45') IN WIDTH LOCATED IN LOT SIX BLOCK TWO OF THE SEKICH BUSINESS PARK SUBDIVISION, A P.U.D. TRACT LOCATED IN THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE EAST FORTY-FIVE FEET OF THE WEST SEVENTY-THREE FEET OF "SEKICH BUSINESS PARK LOT SIX, BLOCK TWO" SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF, WELD COUNTY RECORDS.

EXHIBIT D

