AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Grant of Perpetual Easement; Fred & Lisa Niederer;

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Fred and Lisa Niederer and Gunnison County

Term Begins: September 5, 2017 **Term Ends:** **Grant Contract #:**

Summary:

Niederer's own a lot in Riverwalk Subdivision and the sewer main crosses their parcel.

Fiscal Impact: $3,000

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns. ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 8/31/2017

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 8/31/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/31/2017 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 8/31/2017

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: DCM Report

Agenda Date: 9/5/2017

Revised April 2015

GRANT OF PERPETUAL EASEMENT

THIS GRANT OF PERPETUAL EASEMENT, made this _____ day of _____, 20__, between Fred and Lisa Niederer, address: 312 S. 10th Street, Suite B, Gunnison, CO 81230, his/her/their successors and assigns, hereinafter "Grantor," and the Board of County Commissioners of Gunnison County, Colorado, 200 East Virginia, Gunnison, Colorado 81230, hereinafter "County", witnesses:

That the Grantor, for and in consideration of payment previously paid by Grantee to or for Grantor in the amount of Ten Dollars ($10.00) which consideration is hereby acknowledged to be valuable and sufficient for this Grant of Perpetual Easement, grants a perpetual easement (hereinafter "Easement") to County, its successors and assigns, in and to the real property described in Exhibit A, a two page document attached hereto and incorporated herein for the purposes of construction, installation, use and maintenance of an underground sewer line system including sewer lines and manholes, which purposes include by are not limited to the right to ingress and egress from the Easement, across the existing driveway and at those places where the Easement is adjacent to the County road, the right to excavate, grade, condition and drain the Easement, the right to operate and maintain motor vehicles and construction vehicles on the Easement, and to remove all obstructions from the Easement which may constitute a hindrance to said construction, installation, use and maintenance.

The Grantee will restore the surface to its original contour as nearly as practicable, and will reasonably replace or rebuild any and all damage parts of all drainage or irrigation systems, shrubbery, fences, signs, and pavement; the damage to which is occasioned by the construction, installation, use and maintenance of said sewer lines under and through the said property; however, that the Grantee shall have the right to cut or clear trees and brush on said easement that might interfere with the operation of those activities. In addition, Grantee shall construct such reasonable temporary fencing as may be required should existing fencing be affected by such construction, installation, use and maintenance. Grantee shall reseed, with seed suggested by the local Natural Resources Conservation Service, initially, the area disturbed by said construction and installation; will reseed with seed suggested by the Service that disturbed area on time beyond the initial seeding in the first two years after construction or installation if the seed hasn't taken in Grantors' discretion. The Grantee does not warranty or guaranty the success of that seeding or reseeding beyond what is stated above. Grantor and Grantee acknowledge that a portion of the Easement is a sparsely vegetated slope with no grasses feasible. Grantee shall reasonably ensure that construction, installation and use do not cause substantial damage to existing stream banks and shall reasonably restore such banks as may be substantially damaged by such activity. The restoration shall be accomplished as soon as practical after completion of construction, installation, use or maintenance of the sewer lines, but in all events prior to the next runoff cycle after construction.

Reasonable efforts shall be made by Grantee to provide the Grantor with 24 hours notice, which may be oral or written, before entry upon the easement for construction or installation. Such activities may require temporary closure of Grantors driveway; in such case, reasonable efforts will be taken to ensure that such closure is as brief as possible and in not case longer than twelve hours.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their name as of the date first written.

BOARD OF COUNTY COMMISSIONERS,
GUNNISON COUNTY, COLORADO

_____
Chairman

Attest:

_____
Clerk

_____
Grantor

_____
Grantor

STATE OF COLORADO)
)
COUNTY OF GUNNISON)

The foregoing was signed and acknowledged before me this 25th day of August, 2017, by Fred & Lisa Niederer.

Witness my hand and official seal.
My commission expires: 6/28/2020.

DEBORAH FERCHAU
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19954016450
My Commission Expires June 28, 2020

_____
Notary Public
Address: 305 S Wisconsin
Gunnison CO 81230

Exhibit A, page one

LAND DESCRIPTION – 20' WIDE SEWER LINE EASEMENT – EXHIBIT " "

GUNNISON COUNTY NORTH GUNNISON SEWER COLLECTION SYSTEM

LOT 19, RIVERWALK ESTATES

A twenty foot (20') wide strip of land situated across Lot 19, RIVERWALK ESTATES, according to the Plat thereof recorded July 22, 2005 as Reception No. 555976, with the centerline of said 20' wide Sewer Line Easement being more particularly described as follows:

Commencing at the northwest corner of Lot 19, a point marked by an aluminum cap monument stamped "LS 33647", thence along the northerly boundary of said Lot 19 N83°18'57"E a distance of 101.14', more or less, to an existing sewer line and the centerline of the Easement described herein, the true point of beginning;

Thence along an existing sewer line S22°58'35"W a distance of 261.91', more or less to a point along the southerly boundary of said Lot 19, whence the southwesterly boundary corner of said Lot 19 bears N89°58'52"W a distance of 81.66'.

Basis of Bearing is based on a record bearing of S0°49'04"E between an aluminum cap monument stamped "LS 33647" found at the northeast corner of said Lot 19 and an aluminum cap monument stamped "LS 33647 " found at the southeast corner of Lot 28, RIVERWALK ESTATES.

The sidelines of said twenty foot (20') wide Sewer Line Easement shall be ten feet (10') on either side of the above described centerline. Said sidelines shall be lengthened or shortened to terminate on the northerly and southerly boundary lines of said Lot 19. Said twenty foot (20') wide Sewer Line Easement contains 5,238 square feet, more or less,

County of Gunnison,
State of Colorado.

PRELIMINARY

21 July 2017

Stephen L. Jessoe *Date*
Colorado Licensed Professional Land Surveyor No. 38048
For and on behalf of All County Survey, Inc.

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

ALL COUNTY SURVEY INC.
Stephen Jessoe, P.L.S.
P.O. Box 7164, Gunnison, CO 81230
970-349-9400, www.allcountysurvey.com

Exhibit A, page two

TOPOGRAPHIC SURVEY
NIEDERER RESIDENCE
LOT 19, RIVER WALK ESTATES
270 RIVERWALK DRIVE
GUNNISON COUNTY, COLORADO

LAND DESCRIPTION

Lot 19, RIVERWALK ESTATES, according to the Plat recorded 22 July 2005 as Reception No. 555976,

County of Gunnison,
State of Colorado

SURVEY NOTES

1) Boundaries, easements, and building envelope are based on the Plat of Riverwalk Estates, dated July 22, 2005 at Reception No. 555976, of the records of Gunnison County, Colorado.
2) Bearings are based on a calculated bearing of N81°31'50"E between aluminum cap monuments stamped "LS 33647" found at the northwest and northeast corners of Lot 19, as shown hereon
3) Elevations are based on GNSS observations taken on March 8, 2017. These observations are recorded in NAD 83, NAVD 88, State Plane Coordinates, Colorado Central Zone 0502, Geoid 12A applied. An aluminum cap stamped "LS 33647" found at the northeast corner of Lot 19 was used as a project benchmark. It has an elevation of 7766.74'
4) Distances and dimensions are in U.S. Survey Feet. Contour intervals are 1 foot
5) Land description and encumbrances are based solely on Gunnison County Abstract Company's title commitment, dated February 6, 2017 as Commitment No G17-49. This survey does not constitute a title search by this surveyor. Additional easements and/or encumbrances may exist
6) Ditch setbacks are based on the Gunnison County Land Use Resolution, Section 11-109, amended February 16, 2016
7) This parcel's building envelope is not located in a FEMA Flood Zone according to the FEMA FIRM Map 08051C1258G dated May 16, 2013
8) This topographic survey was completed under winter conditions, including snow cover. Some features may not have been surveyed
9) NOTE ADDED March 22, 2017. A temporary easement recorded at Reception No 547876 dated Nov 1, 2004 indicates the planned sewer location of approx. 800 feet west of the subject parcel. The perpetual easement for the sewer line, granted to Gunnison County, was not included in the title commitment
10) NOTE ADDED July 21, 2017. A proposed 20' Sewer Easement is now shown, subject to review and the recording of a future Easement Agreement.

SURVEYOR'S STATEMENT

I, STEPHEN L. JESSOR, for and on behalf of All County Survey, Inc., being a Licensed Professional Land Surveyor in the State of Colorado, do hereby state that this Topographic Survey was prepared by me and under my responsible charge & supervision and a) is accurate to the best of my knowledge, information and belief, b) is in accordance with applicable standards of practice, and c) is not a guarantee or warranty, either expressed or implied

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 38049 STEPHEN L. JESSOR

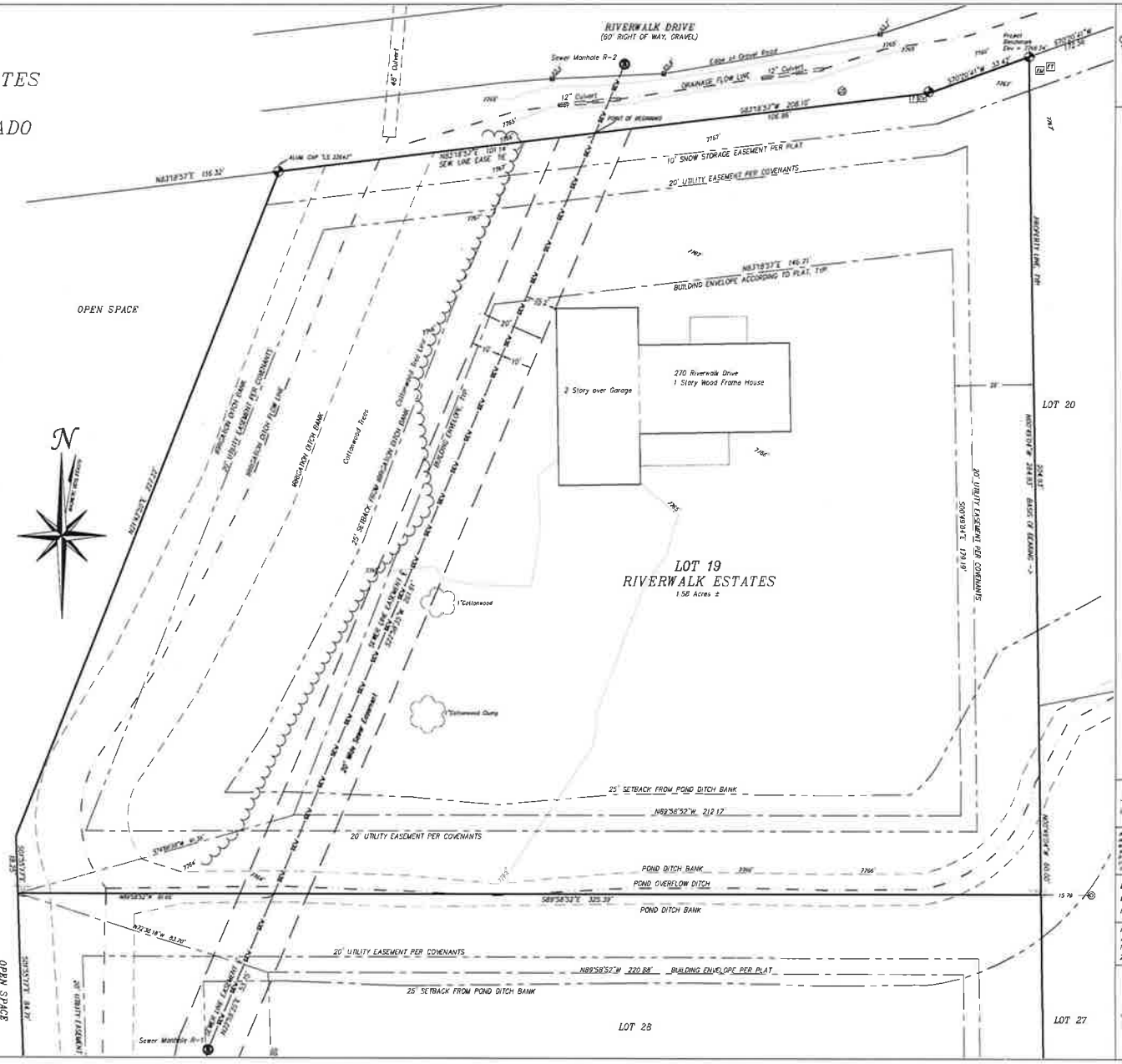
13 March 2017
Date

Stephen L. Jessor
Colorado Licensed Professional Land Surveyor No. 38049
For and on behalf of All County Survey, Inc.

LEGEND

- = Found Aluminum Cap Monument stamped "LS 33647"
- = Found No. 4 Rebar, bent. Not accepted
- = Set Lath
- = Electric Meter & 2
- = Electric Transformer
- = Telephone Pedestal
- = Television Pedestal
- = Natural Gas Service
- = Existing Sewer Manhole

GRAPHIC SCALE
15 0 7.5 15 30 60
(IN FEET)
1 inch = 15 ft



ALL COUNTY SURVEY INC.
Stephen Jessor, P.L.S.
P.O. Box 1341, Gunnison, CO 81230
970-349-5308 www.allcountysurvey.com

TOPOGRAPHIC SURVEY
NIEDERER RESIDENCE
LOT 19, RIVER WALK ESTATES
270 RIVERWALK DRIVE
GUNNISON COUNTY, COLORADO

SCALE 1" = 15'
CONTOUR INTERVAL 1 FOOT

According to Colorado Law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DATE 13 March 2017
DRAWN BY: ADJ
REVIEWED BY: SLJ

REVISIONS: 3/22/17 Added Sewer Line, Added Future Stoop, Moved House 10' East, Straightened West Driveway 7/21/17 Surveyed 20' Sewer Easement

TOPOGRAPHIC SURVEY
NIEDERER RESIDENCE
LOT 19, RIVER WALK ESTATES
270 RIVERWALK DRIVE
GUNNISON COUNTY, COLORADO