
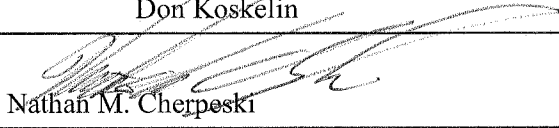


COUNCIL COMMUNICATION

DATE: March 31, 2010	AGENDA NO. VII, C, 1, b	SUBJECT: Clark Street Easements
Department Head: 		
Public Works	Don Koskelin	
City Manager:  Nathan M. Cherpeski		
PRESENTED BY: Don Koskelin		

Recommendation: That the City return the property granted by easement deed as shown on the attached map and that the City accept the additional right of way on Clark Street.

Background: In the early 1990's the Carroll family granted the City an Easement Deed for the extension of Clark Street to the west of Craft Drive and for the placement of sewer lines and a sewer lift station on the west end of the Clark Street extension. This was necessary at the time for the planned construction of our wastewater treatment plant and to extend sewer services to the trailer parks and the Villa Mall which was required by the State of Colorado. The sewer line was redesigned in such a way that the sewer lift station was no longer needed. The right of way extension for Clark Street was sixty feet wide. Jane Carroll Martin has requested that we vacate the easement for the lift station which is approximately 125' x 150' and that the sewer line easement running north from Clark be moved to the west to align with the property boundary rather than splitting the lot. Please see the attached drawing. She has agreed to provide the city with an additional ten feet of width on Clark Street which will align the north boundary of the right of way with the section just west of this property. Since the city has not developed the property for the lift station for the purpose for which the easement was granted and since a new lift station was provided farther to the west when Wal Mart developed that property the this subject easement is no longer needed by the City.

Issue Before the Council: To determine if the easements are likely to serve the purpose for which they were granted and if not, to return them to the original grantor. To also determine if the City wishes to accept the additional right of way on Clark Street.

Alternatives: Approve the request as stated, approve with modifications, disapprove the request.

Fiscal Impact: Minimal if any.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Should the request be granted the original easement deeds will have to be modified or re-written. The only difference here is that the property was transferred by easement deed rather than by plat dedication so the vacation of the easements is structured a little differently.

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS that Bernice R. Carroll, Alamosa County, Colorado, as Grantor, acting through Grantor's Attorney-In-Fact, Jane Martin, in consideration of other good and valuable consideration and TEN AND NO/100THS DOLLARS (\$10.00) in hand paid, does hereby grant, bargain, sell and convey unto the City of Alamosa, Colorado, a municipal corporation, whose principal address is 425 Fourth Street, P. O. Box 419, Alamosa, Colorado 81101, of the County of Alamosa and State of Colorado, the following described right-of-way easement for the extension of Clark Street in Alamosa, Colorado, as it now exists, particularly described as situate in Alamosa County, Colorado, to wit:

Grantor's undivided one-half interest in and to a Tract of land lying and being situate within the Northeast Quarter (NE-1/4) of Section Five (5), Township Thirty-seven (37) North, Range Ten (10) East, N.M.P.M., Alamosa County, Colorado, being more particularly described as follows:

Beginning at a point on the South Line of said Northeast Quarter (NE-1/4) of Section Five (5), said point being the Southwest Corner of that Tract of land conveyed to the Alamosa School District Re-11J on September 17, 1985, and recorded in the Alamosa County Records in Book 317, Page 253, under Reception Number 0234995, and marked with a 24" rebar with a red nylon cap marked PLS 18468, whence the East 1/4 Corner of said Section Five (5) bears North 89° 47' 04" East, 555.07 feet;

Thence, along the South line of the Northeast Quarter (NE-1/4) of Section Five (5), South 89° 47' 04" West, 1221.48 feet, to the East Line of that Tract of land conveyed to Robert A. Owens and Vella M. Owens on November 13, 1974, and recorded in the Alamosa County Records in Book 232 at Pages 312 and 313 under Reception Number 181027;

Thence, along the East line of the aforementioned Owens Tract, North 00° 24' 50" West, 220.00 feet;

Thence, North 89° 47' 04" East, 150.00 feet;

Thence, South 00° 12' 56" East, 159.15 feet;

Thence, North 89° 47' 04" East, 1,073.30 feet to the East Line of the Alamosa School District RE-11J Tract;

Thence, South 00° 47' 02" West, 60.85 feet, to the point and place of beginning, containing 98,192.63 square feet or 2.25 acres more or less.

This right-of-way easement is intended and given to Grantee for the purpose of constructing, maintaining and dedicating for public use a public street road or other right of way, as well as for the installation, maintenance and operation of utility lines and related public uses and purposes. Grantee shall indemnify and hold Grantor harmless against any loss and damage which may be caused by the exercise of Grantee's rights granted hereunder. This easement shall extend to and bind the parties hereto, their heirs, representatives and assigns.

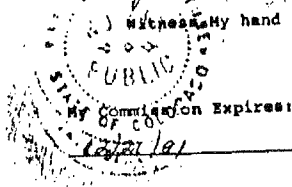
BERNICE R. CARROLL

By: *Jane Martin*
Jane Martin
Attorney-In-Fact,
Bernice R. Carroll

STATE OF COLORADO)
COUNTY OF ALAMOSA) ss.

The foregoing instrument was acknowledged before me this 15th day of July, 1991, by Jane Martin, Attorney-In-Fact for Bernice R. Carroll.

Witness my hand and official seal.



Barbara S. Couture
Notary Public
311 South St.
Alamosa, CO 81101

State Documentary Fee

Date JAN 23 1992

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