

**ORDINANCE NO. 2015-45**

**AN ORDINANCE APPROVING AN EASEMENT AGREEMENT  
BETWEEN THE TOWN OF CASTLE ROCK AND  
INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION  
(175 Kellogg Court)**

**WHEREAS**, the Town of Castle Rock is the owner of Lot 1, Metzler Ranch Filing No. 2, also known as 175 Kellogg Court, Castle Rock, Colorado (“Property”),

**WHEREAS**, Town is currently constructing a new maintenance facility on the Property,

**WHEREAS**, in order to provide electrical service to the maintenance facility, Intermountain Rural Electric Association (“IREA”) must construct an underground utility service line (“Service Line”) on the Property,

**WHEREAS**, in order to construct, operate and maintain the Service Line, it has been determined that IREA needs to acquire an easement from the Town and Town is willing to grant such easement to IREA,

**WHEREAS**, in addition to the Service Line easement, IREA has determined there is a need to acquire easements to existing IREA facilities (“Existing Facilities”) located on the Property in order for IREA to properly maintain the Existing Facilities and Town is willing to grant such easement to IREA.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Approval.** The Easement Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 2. Condition to Recordation.** Recordation of the Easement Agreement is conditioned on the Town’s receipt of final surveyed legal descriptions for the Existing Facilities. Such legal descriptions shall be incorporated into the Easement Agreement prior to and as a condition to recordation of the Easement Agreement.

**Section 3. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

*Second Reading Copy*

**Section 4. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 6th day of October, 2015 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 20<sup>th</sup> of October, 2015, by the Town Council of the Town of Castle Rock by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Mark Marlowe, Utilities Director