

ORDINANCE NO. 2015-55

**AN ORDINANCE APPROVING AN EASEMENT AGREEMENT
BETWEEN THE TOWN OF CASTLE ROCK AND
INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION; AND PROVIDING FOR ITS
EMERGENCY ADOPTION ON SECOND AND FINAL READING
(Mercantile Commons Underground Electric Service)**

WHEREAS, the Town of Castle Rock is the owner of a portion of 2nd Street and the alley within Block 28, Town of Castle Rock (“Property”),

WHEREAS, Intermountain Rural Electric Association (“IREA”) desires to convert an overhead utility service line to an underground service line across the Property to serve adjacent properties,

WHEREAS, it has been determined that IREA needs to acquire an easement from the Town and Town is willing to grant such easement to IREA, and

WHEREAS, in order to meet construction schedules and install the underground service line prior to the ground freezing, it is necessary to adopt this ordinance on an emergency basis on first and final reading.

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. 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.

Section 3. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

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 1st day of December, 2015 by a vote of - 7 - 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 AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this ____ of _____, 2015, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

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

Bill Detweiler, Development Services Director