

TOWN OF NEDERLAND
Boulder County, Colorado

RESOLUTION 2012 - 28

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND GRANTING A REVOCABLE ENCROACHMENT PERMIT FOR A PORTION OF BOULDER STREET AND BRIDGE STREET ADJACENT TO AND NEAR LOTS 9 AND 10, BLOCK 2 OF THE ORIGINAL NEDERLAND SUBDIVISION, NEDERLAND, COLORADO

WHEREAS, C.R.S. § 31-15-702 authorizes the Town of Nederland (“Town”) to manage and regulate the use and occupation of lands dedicated to the public use as rights-of-way; and

WHEREAS, it has come to the Town Board of Trustees’ (“Board”) attention that certain improvements currently encroach into and over the public rights-of-way known as Boulder Street and Bridge Street, as further described herein; and

WHEREAS, the Board finds and determines that such encroachment is not currently harmful or disruptive to the public’s use of the right-of-way for public use and travelling purposes; and

WHEREAS, the Board further finds that such encroachment could, in the future, be detrimental to and inconsistent with the public use of Boulder Street and Bridge Street; and

WHEREAS, the Board therefore determines that it is necessary and desirable to formalize an arrangement under which the current encroachments are permitted while maintaining the Town’s ability to require that such encroachments be removed in the future; and

WHEREAS, the Board therefore desires to approve the revocable encroachment permit under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

Section 1. The Board of Trustees hereby grants and approves a revocable encroachment permit to the owners of those encroaching improvements illustrated on **Exhibit A**, attached hereto and incorporated herein by this reference, to occupy a certain portion of the public rights-of-way known as Boulder Street and Bridge Street within the Town of Nederland, County of Boulder, State of Colorado, more specifically described in **Exhibit B**, attached hereto and incorporated herein by reference. This encroachment permit may be revoked by the Town at any time and for any reason by Resolution of the Board of Trustees.

Section 2. After approval and execution, the Town Clerk is directed to record this Resolution and its Exhibits in the real property records of the Boulder County Clerk and Recorder’s Office. The Town Administrator and Town Clerk are further authorized to execute any and all instruments necessary to effectuate the intent of this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

RESOLVED, APPROVED and ADOPTED this 2nd day of October, 2012.

TOWN OF NEDERLAND

By:


Joe Gierlach, Mayor

ATTEST:


Teresa Myers, Town Clerk



EXHIBIT A
[SITE PLAN/SURVEY – DATED 25 SEPTEMBER 2012]

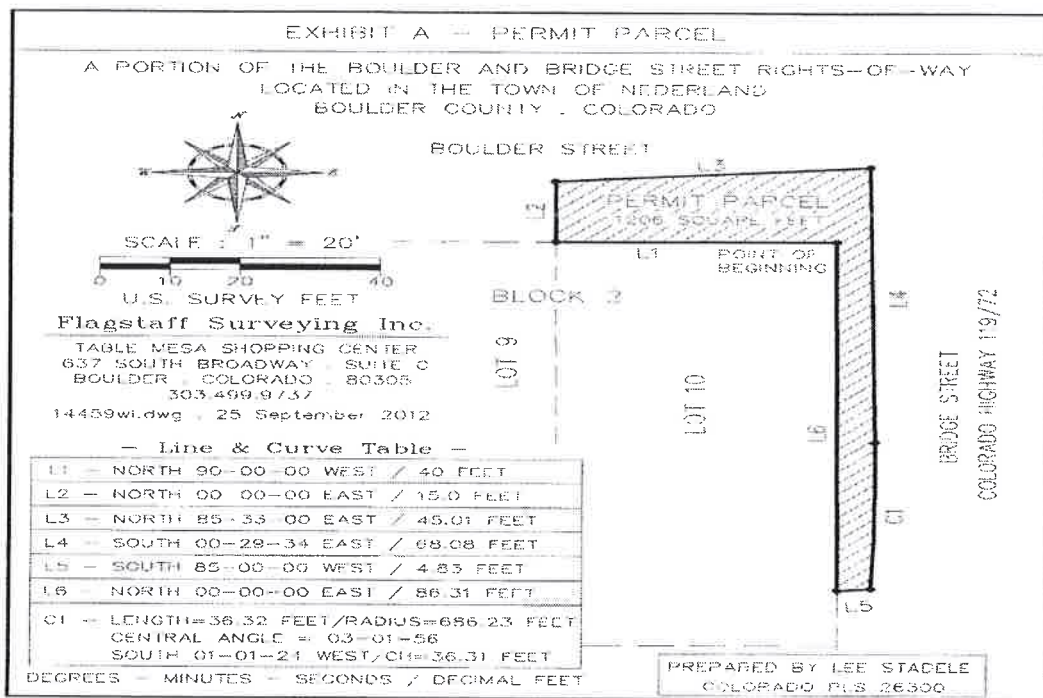


EXHIBIT B
[LEGAL DESCRIPTION]

Flagstaff Surveying Inc.

Permit Parcel

A parcel of land that is a portion of the Bridge and Boulder Street road rights-of-way, in the Town of Nederland, located in the Southwest quarter of Section 13, Township 1 South, Range 73 west of the 6th P.M., in the County of Boulder, State of Colorado, more particularly described as follows:

Beginning at the northeast corner of Lot 10, Block 2, TOWN OF NEDERLAND; according to the recorded plat thereof;

Thence North 90 degrees 00 minutes 00 seconds West, along the northerly line of Lot 10, a distance of 40 feet to the northwest corner of Lot 10;

Thence North 00 degrees 00 minutes 00 seconds East, a distance of 15 feet;

Thence North 85 degrees 33 minutes 00 seconds East, a distance of 45.01 feet to a point on the west line of the Colorado State Highway 119/72 road right-of-way;

Thence South 00 degrees 29 minutes 34 seconds East, along the west line of the State Highway right-of-way, a distance of 68.08 feet to the beginning of a curve to the right;

Thence 36.32 feet along the arc of the curve, said curve having a radius of 686.23 feet, a central angle of 03 degrees 01 minutes 56 seconds and being subtended by a chord that bears South 01 degrees 01 minutes 24 seconds West, 36.31 feet;

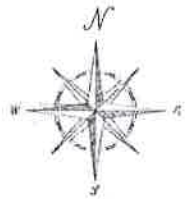
Thence South 85 degrees 00 minutes 00 seconds West, a distance of 4.83 feet to a point on the East line of Lot 10;

Thence North 00 degrees 00 minutes 00 seconds East, along the east line of Lot 10, a distance of 86.31 feet, to the **Point of Beginning**.

The permit parcel contains 1206 square feet.

Prepared by Lee Stadle
Colorado PLS 26300
Work doc -- 14459w1.doc

637 South Broadway -- Suite C -- Table Mesa Shopping Center
Boulder, Colorado, 80305
p-303.499.9737 LeeStadle@FlagstaffSurveying.com



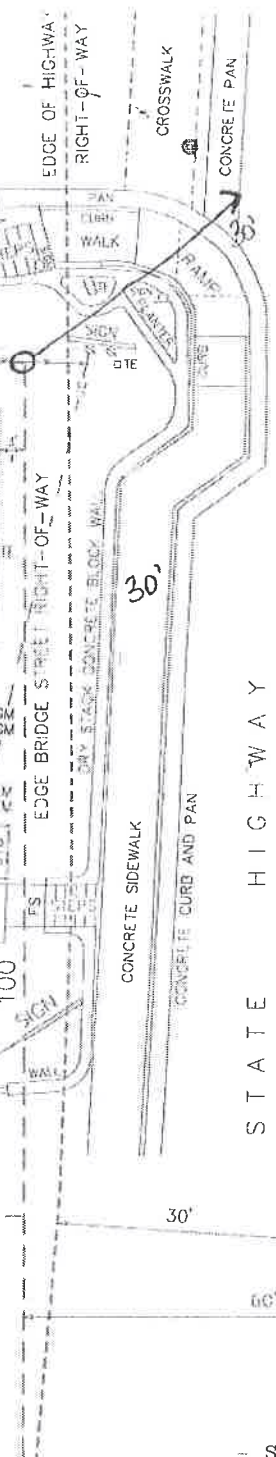
Scale 1" = 10'
0 5 10 20
U.S. SURVEY FEET

Boulder Street 30'
60' RIGHT-OF-WAY

40'
LOT 9
100'
100'
TOWN OF NEDERLAND
PLAT BOOK 2 PAGE 1
12 JUNE 1877

- Legend -
- ELECTRIC METER EM
 - UTILITY LINES OL
 - UTILITY CONNECTION UC
 - GAS METER GM
 - UTILITY POLE
 - TELEPHONE PEDESTAL TC □
 - FLAGSTONE FS
 - STORAGE STG

40'
16.3'
20.2'
11.4'
100'
TWO STORY FRAME BUILDING
BACK PORCH
CONCRETE & STONE PATIO
LOT 10
100'
40'



EDGE ASPHALT
EDGE BRIDGE STREET RIGHT-OF-WAY
CROSSWALK
CONCRETE PAN
CENTERLINE
RIGHT-OF-WAY
STATE HIGHWAY
EDGE BRIDGE STREET RIGHT-OF-WAY
EDGE OF HIGHWAY
RIGHT-OF-WAY

119 / 72

- Notes -
- 1) A CURRENT TITLE COMMITMENT WOULD BE REQUIRED TO CHECK FOR EASEMENTS (IF ANY) OF RECORD.
 - 2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT ON THIS SITE PLAN WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT ON THIS SITE PLAN BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 - 3) THIS SITE PLAN HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF RON MITCHELL AND THE TOWN OF NEDERLAND.
 - 4) THIS SITE PLAN IS BASED UPON SURVEY WORK PERFORMED FOR THE TOWN OF NEDERLAND STREET-SCAPE PROJECT AND NUMEROUS SURVEY MONUMENTS FOUND ALONG THE HIGHWAY CORRIDOR.

for Ron Mitchell & the Town of Nederland
I HEREBY CERTIFY THAT I LOCATED THE BUILDING AND WALLS BASED UPON NUMEROUS SURVEY MONUMENTS ALONG THE STATE HIGHWAY RIGHT-OF-WAY CORRIDOR AND IN BLOCK 2 OF THE TOWN OF NEDERLAND. THE PURPOSE OF THIS SITE PLAN IS TO SHOW THE LOCATION OF THE DRY STACK CONCRETE WALLS LOCATED TO THE EAST OF THE BUILDING

- Flagstaff Surveying Inc. -

TABLE MESA SHOPPING CENTER
637 SOUTH BROADWAY SUITE C
BOULDER COLORADO 80305
303 499 9737

14459wl.dwg 20 August 2012

LEE STADELE
COLORADO PLS 26300