

## ORDINANCE NO. 1211

### AN ORDINANCE OF THE TOWN OF BERTHOUD TO VACATE THE EASEMENT GRANTED IN BOOK 1151 PAGE 396 AND AT RECEPTION NUMBER 200202077 AND CORRECT THE DESCRIPTION OF THE VACATED EASEMENT IN PRIOR ORDINANCE 892

WHEREAS, an easement was granted on September 18, 1961 in Book 1151 Page 396 to the Town of Berthoud for a water pipeline; and,

WHEREAS, there are two locations shown on the Paradise Valley Estates plat for this easement (reception number 2001005097): the described location (north), called out as *deeded*, and the actual location of the utility line (south), called out as *apparent*; and,

WHEREAS, Ordinance No. 892, recorded at reception number 2002020275 intends to vacate the easement called out in Book 1151 Page 396 but calls out the incorrect Book number as 115 Page 396; and,

WHEREAS, documents recorded at reception number 2002020276 and 2002020277 grant new easements in both the north and south locations: documents recorded at reception number 2002020276 grant a utility easement for the the location of the actual (*apparent*) line, and documents recorded at reception number 2002020277 grant a utility easement for the the location of the *deeded* north line; and

WHEREAS, the Town of Berthoud desires to vacate the easement granted in Book 1151 Page 396 and at reception number 2002020277, and to correct the error in description contained in Ordinance 892, previously passed on May 15, 2001. All findings associated with that Ordinance are adopted by reference.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, that:**

1. The Board authorizes the vacation of the easement granted in Book 1151 Page 396 and at reception number 2002020277.
2. The Board of Trustees of the Town of Berthoud further finds that the continued retention of the easement which was intended to be vacated in 2001 creates an unnecessary and

RECEPTION#: 20160010162, 02/19/2016 at  
02:29:13 PM, 1 OF 2, R \$16.00 TD Pgs: 0  
Angela Myers, Clerk & Recorder, Larimer  
County, CO

TOWN OF BERTHOUD  
PLANNING DEPT.  
PO BOX 1229  
BERTHOUD, CO. 80513



undue hardship upon the property owners and therefore finds that an emergency exists; it is therefore determined that this ordinance should take effect immediately upon passage.

INTRODUCED, READ, and PASSED on this 9<sup>th</sup> day of February, 2016.



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David Gregg, Mayor

ATTEST:



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Alisa R. Darrow, Town Clerk