

SOUTHEAST METRO STORMWATER AUTHORITY
Acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 14-07
Authorization to Execute a Consent to a PSC Easement

WHEREAS, SEMSWA has been organized to manage and maintain regional stormwater facilities within its boundaries; and

WHEREAS, Rampart IV, being a Replat of Lots 1, 2, 3, 4, 5 and Tract A of Dry Creek Commerce Center, Lot 2, Block 3 and Tract A, Geddes Business Park No. 1 and Lot 3, Block 1, Century Park Business Center Filing No. 2, City of Centennial, County of Arapahoe, State of Colorado ("Property") is owned by Eastgroup Properties, L.P. ("Owner"); and

WHEREAS, Rampart IV, a proposed development which is currently under construction proposed a Water Quality Grass Swale to meet Stormwater Criteria; and

WHEREAS, an Easement Deed and Revocable Storm Drainage License Agreement was recorded on October 3, 2013 at Reception Number D3123647 for inspection and maintenance of the proposed Water Quality Grass Swale to ensure functionality of this facility; and

WHEREAS, the Owner desires to enter into a Public Service Company of Colorado ("PSC") Easement that extends 5-feet into the Drainage Easement as described above; and

WHEREAS, SEMSWA Staff has determined that permitting the PSC Easement to extend 5-feet into the Drainage Easement will not detrimentally compromise the Drainage Easement and therefore it is in the best interest of the citizens living and working within SEMSWA's boundaries for SEMSWA to Consent to the PSC Easement within the limits of the Drainage Easement; and

WHEREAS, the *Consent To Easement* is attached hereto and incorporated herein by reference and marked *Exhibit A*.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board authorizes the Executive Director of SEMSWA to execute the attached *Consent To Easement* and record the same in the records of the Clerk and Recorder of Arapahoe County, Colorado.

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

CONSENT TO EASEMENT

WHEREAS, EASTGROUP PROPERTIES, L.P. ("Owner"), whose legal address is 190 East Capitol Street, Suite 400, Jackson, Mississippi 39201, and SOUTHEAST METRO STORMWATER AUTHORITY ("SEMSWA"), a body corporate and politic, whose legal address is 76 Inverness Drive East, Suite A, Englewood, Colorado 80112, are parties to that certain Easement Deed and Revocable Storm Drainage License Agreement dated October 3, 2013 and recorded in the Office of the County Clerk and Recorder, Arapahoe County at Reception No. D3123647 (the "SEMSWA Easement").

WHEREAS, Owner desires to enter into a Public Service Company of Colorado Easement with Public Service Company of Colorado ("PSC") wherein Owner will grant certain easements to PSC, its successors and assigns, to construct, operate, maintain, repair and replace utility lines and all fixtures and devices used or useful in the operation of said lines, through, over, under, across and along the real property described on Exhibit "A" attached hereto (the "PSC Easement"), which real property is subject to the SEMSWA Easement.

WHEREAS, SEMSWA desires to consent to the PSC Easement on the terms and conditions set forth herein.

NOW, THEREFORE, SEMSWA hereby consents to the PSC Easement on the condition that the work of installing and maintaining said utility lines and fixtures shall be done with care, and the surface along the easement shall be restored substantially to its original level and condition.

Nothing herein shall be deemed to modify or limit the easements granted to SEMSWA by Owner in the SEMSWA Easement.

SOUTHEAST METRO STORMWATER
AUTHORITY

By: _____

Name: _____

Title: _____

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by _____, the _____ of Southeast Metro Stormwater Authority.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC



**Legal Description
Exhibit A**

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A UTILITY EASEMENT being a strip of land 5.00 feet in width lying 2.50 feet on each side of the following described centerline, located in Lot 1 Rampart IV as recorded under Reception No. D3139293 of the Arapahoe County Clerk and Records Office, lying in the Southeast Quarter of Section 27, Township 5 South, Range 67 West of the 6th Principal Meridian, City of Centennial, County of Arapahoe, State of Colorado, more particularly described as follows:

Commencing at the South Quarter corner of said Section 27, being monumented with a 3-1/4" aluminum cap stamped "PLS 23524 - 2006" whence the Center Quarter Corner of Section 27, being monumented with a 3-1/4" aluminum cap stamped "PLS 7735 - 1988" bears N 00°02'09" W, a distance of 2658.60 feet; Thence N 09°47'16" E, a distance of 1644.28 feet to a point on the easterly line of Tract A of said Rampart IV and the **POINT OF BEGINNING**;

Thence along a line 2.5 feet northerly of and parallel with the northerly line of Lot 1, Block 3 Geddes Business Park No.1 as recorded under Reception No. A7140508 of said Clerk's office N 89°40'49" E, a distance of 267.78 feet to a point being on the extension of the easterly line of Tract B of said Rampart V, said point being the **POINT OF TERMINUS**.

Sidelines of said strip of land are to be lengthened and/or shortened to prevent gaps and/or overlaps. Said Utility Easement contains 1338.91 Sq Ft or 0.03 Acres more or less.



William G Buntrock, PLS
Colorado Licensed Land Surveyor No. 35585
TRUE NORTH Surveying & Mapping, LLC
TN 12064 Rampart IV PSCO Easement

