

RESOLUTION NO. 2015- 20
BOARD OF COUNTY COMMISSIONERS
OF
RIO BLANCO COUNTY, COLORADO

**A RESOLUTION REGARDING ACQUISITION OF A PERMANENT NON-EXCLUSIVE
EASEMENT FOR ACCESS FROM SH-64 TO THE TOP OF LOBO MOUNTAIN BY THE
COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Rio Blanco County Information Technology Department has undertaken construction of a Countywide Broadband Project, herein "Project", for the installation of the necessary broadband infrastructure so that all citizens of Rio Blanco County will have modern high speed internet available to them; and

WHEREAS, access to the top of Lobo Mountain, near Meeker, over an existing road, through Lions Canyon is an integral part of the Project; and

WHEREAS, Rio Blanco County has obtained a grant from the Department of Local Affairs in the amount of Two Million Dollars (\$2,000,000.00) for construction of portions of the Project; and

WHEREAS, acquisition of the permanent easement described on Exhibit "B" across property described on Exhibit "A" is necessary to construct a telecommunications tower on top of Lobo Mountain as part of the Project; and

WHEREAS, the various owners of interest in the land described in Exhibit "A" and County's agents and employees have been unable to reach an agreement concerning the acquisition of the easement; and

WHEREAS, possession of the permanent easement is necessary as soon as possible in order to timely commence construction of the telecommunications tower; and

WHEREAS, Rio Blanco County is authorized pursuant to Section 38-1-101 et. seq., to acquire easements for public purposes by eminent domain proceedings;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of County Commissioners of Rio Blanco County hereby authorizes the Rio Blanco County Attorney to initiate eminent domain proceedings as authorized by law for the acquisition of the permanent easement described on Exhibit "B" across property described on Exhibit "A" as soon as possible.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 2 FOR AND 0 AGAINST THIS
13th DAY OF July 2015.

ATTEST:

Boots M. Campbell
Boots M. Campbell, Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

Jeffrey D. Eskelson, Chairman

Shawn J. Bolton, Commissioner

Jon D. Hill, Commissioner

EXHIBIT "A"

The West half of the Southwest quarter, the South half of the Northwest quarter, and the Northeast quarter of the Northwest quarter of Section twenty-one the Northwest quarter of the Northwest quarter and the Lots eight, nine, eleven and twelve of Section twenty-eight and the Northeast quarter of the Northeast quarter of Section twenty-nine in Township one North of Range ninety-four West of the Sixth Principal Meridian, Colorado, containing three hundred sixteen acres and sixty-seven hundredths of an acre.

With all appurtenances, free and clear of liens and encumbrances.

EXHIBIT B

EASEMENT DESCRIPTION

DEVEREAUX et. al.

LYING IN NE1/4NE1/4 SECTION 29, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

A 30 FOOT WIDE ACCESS EASEMENT BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING IN THE NE1/4NE1/4 OF SECTION 29, T1N, R94W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AP (ANGLE POINT) 3 (ALUMINUM CAP RLS 12029) OF TRACT 95, WHENCE AP4 (BLM BRASS CAP) OF TRACT 95, BEARS S89°54'26"E, 1274.33 FEET;
THENCE N35°32'34"E, 4530.82 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY LINE OF SAID NE1/4NE1/4;

THENCE S68°46'58"E, 31.31 FEET;

THENCE S56°42'10"E, 61.42 FEET;

THENCE S60°56'02"E, 59.38 FEET;

THENCE S72°08'03"E, 59.28 FEET;

THENCE S80°52'14"E, 63.76 FEET;

THENCE N88°29'48"E, 50.20 FEET;

THENCE N79°10'10"E, 50.41 FEET;

THENCE N69°59'56"E, 56.21 FEET;

THENCE N67°27'16"E, 113.59 FEET;

THENCE N71°43'41"E, 64.73 FEET;

THENCE N74°44'03"E, 29.92 FEET TO A POINT ON SAID NORTHERLY LINE, SAID POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE.

SAID 30 FOOT WIDE EASEMENT BEING 640.20 FEET IN LENGTH AND CONTAINING 0.44 ACRES MORE OR LESS.

EXHIBIT "B"

SEC 20

SEC 21

OWNER:
SILAS OSCAR DEVEREAUX JR.
& JESSE L. CONSTANTINE

OWNER:
GLADYS E. WILLIAMS

OWNER:
DEVEREAUX et. al.

L308 L34
L32 L37

ORIGINAL
STONE
MONUMENT

L31 L40A
L33 L36 L38
L35

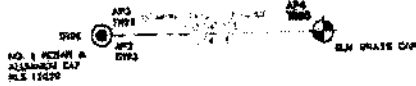
OWNER:
DEVEREAUX et. al.

OWNER:
PAUL D. &
KAREN S.
MAYERLE

T1N, R94W OF
THE 6TH P.M.
RIO BLANCO
COUNTY,
COLORADO

SEC 29

SEC 28



LINE	BEARING	DISTANCE
L308	S88°44'58\"/>	
L31	S55°47'19\"/>	
L32	S60°56'02\"/>	
L33	S72°08'02\"/>	
L34	S80°32'14\"/>	
L35	N88°27'48\"/>	
L36	N29°17'19\"/>	
L37	N88°38'58\"/>	
L38	N87°27'16\"/>	
L39	N71°45'41\"/>	
L40A	N74°44'03\"/>	



SCALE: 1" = 1000 U.S. SURVEY FEET

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

<p>DEVEREAUX et. al.</p> <p>LYING IN NE1/4NE1/4 SECTION 29, T1N, R94W 6TH P.M. RIO BLANCO COUNTY, COLORADO</p>	<p>RBC SURVEYOR</p> <p>P.O. BOX 1153 MEEKER, CO 81641 PHONE: (970) 878-5292 FAX: 878-5392</p>	DRAWN BY SEC
		DATE 3-2-2015
		JOB NO. 15-376
		CHECKED BY J.L.J.

EXHIBIT B

EASEMENT DESCRIPTION

DEVEREAUX et. al.

LYING IN NE1/4NW1/4 SECTION 21, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

A 30 FOOT WIDE ACCESS EASEMENT BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING IN THE NE1/4NW1/4 OF SECTION 21, T1N, R94W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AP (ANGLE POINT) 3 (ALUMINUM CAP RLS 12029) OF TRACT 95, WHENCE AP4 (BLM BRASS CAP) OF TRACT 95, BEARS S89°54'26"E, 1274.33 FEET;
THENCE N31°15'23"E, 9855.91 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY LINE OF SAID NE1/4NW1/4;
THENCE N24°54'58"E, 172.06 FEET;
THENCE N20°53'12"E, 80.12 FEET;
THENCE N18°06'56"E, 325.83 FEET TO A POINT ON THE NORTHERLY LINE OF SAID NE1/4NW1/4, SAID POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE.

SAID 30 FOOT WIDE EASEMENT BEING 578.01 FEET IN LENGTH AND CONTAINING 0.40 ACRES MORE OR LESS.

EXHIBIT B

LINE	BEARING	DISTANCE
L94B	N24.54°50"E	172.06'
L95	N70.53°12"E	80.12'
L96A	N18.06°55"E	325.83'

OWNER:
LESTER PERRY &
DIANA LYNN FRENCH

OWNER:
SILAS OSCAR DEVEREAUX JR.
& JESSE L. CONSTANTINE

OWNER:
DEVEREAUX et. al.

T1N, R94W OF
THE 6TH P.M.
RIO BLANCO
COUNTY,
COLORADO

SEC 21

OWNER:
DEVEREAUX et. al.

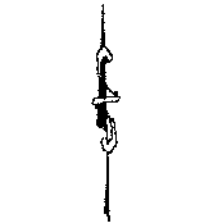
NO. 8 REBAR &
ALUMINUM CAP
RLX 13079

AP1
D950

AP2
W12

AP4
W80

ELM BRASS CAP



SCALE: 1" = 1000 U.S. SURVEY FEET

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DEVEREAUX et. al.
LYING IN NE1/4NW1/4 SECTION 21, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

RBC SURVEYOR

P.O. BOX 1153 MEEKER, CO 81641
PHONE: (970) 878-5292 FAX: 878-5392

DRAWN BY	SEC
DATE	3-2-2015
JOB NO.	15-376
CHECKED BY	JLJ

EXHIBIT B

EASEMENT DESCRIPTION

DEVEREAUX et. al.

LYING IN W1/2SW1/4 & SW1/4NW1/4 SECTION 21, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

A 30 FOOT WIDE ACCESS EASEMENT BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING IN THE W1/2SW1/4 AND SW1/4NW1/4 OF SECTION 21, T1N, R94W OF THE 6TH P.M., RIO BLANCO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AP (ANGLE POINT) 3 (ALUMINUM CAP RLS 12029) OF TRACT 95, WHENCE AP4 (BLM BRASS CAP) OF TRACT 95, BEARS S89°54'26"E, 1274.33 FEET;
THENCE N41°03'25"E, 5773.93 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY LINE OF SAID W1/2SW1/4;
THENCE N31°29'51"E, 473.20 FEET;
THENCE N23°24'40"E, 61.71 FEET;
THENCE N16°22'11"E, 310.18 FEET;
THENCE N14°36'25"E, 73.03 FEET;
THENCE N10°20'08"E, 68.70 FEET;
THENCE N05°24'11"E, 68.54 FEET;
THENCE N01°28'11"W, 63.32 FEET;
THENCE N04°38'09"W, 53.67 FEET;
THENCE N01°19'27"W, 52.83 FEET;
THENCE N03°35'02"E, 50.20 FEET;
THENCE N10°49'09"E, 63.35 FEET;
THENCE N17°45'28"E, 234.11 FEET;
THENCE N15°31'37"E, 292.14 FEET;
THENCE N21°52'19"E, 89.12 FEET;
THENCE N28°35'50"E, 52.81 FEET;
THENCE N19°37'32"E, 47.28 FEET;
THENCE N04°26'04"E, 41.49 FEET;
THENCE N00°45'49"E, 41.94 FEET;
THENCE N12°34'28"E, 46.63 FEET;
THENCE N23°57'38"E, 46.94 FEET;
THENCE N28°35'14"E, 80.32 FEET;
THENCE N35°10'45"E, 52.78 FEET;
THENCE N31°23'37"E, 73.70 FEET;
THENCE N11°31'07"E, 57.85 FEET;
THENCE N02°25'10"E, 121.68 FEET;
THENCE N07°59'21"E, 54.06 FEET;
THENCE N12°36'07"E, 114.66 FEET;
THENCE N02°58'43"E, 64.94 FEET;
THENCE N06°12'41"W, 51.90 FEET;
THENCE N10°05'22"W, 59.76 FEET;
THENCE N08°15'41"W, 51.03 FEET;
THENCE N02°27'43"W, 54.82 FEET;
THENCE N03°08'53"E, 60.02 FEET;

THENCE N05°54'28"E, 158.64 FEET;
THENCE N00°24'37"E, 76.14 FEET;
THENCE N14°14'57"E, 56.81 FEET;
THENCE N25°45'45"E, 50.57 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SW1/4NW1/4, SAID
POINT BEING THE POINT OF TERMINUS OF SAID CENTERLINE.

SAID 30 FOOT WIDE EASEMENT BEING 3470.89 FEET IN LENGTH AND CONTAINING 2.39 ACRES MORE
OR LESS.

EXHIBIT B

OWNER:
SILAS OSCAR DEVEREAUX JR.
& JESSE L. CONSTANTINE

OWNER:
DEVEREAUX et. al.

LINE	BEARING	DISTANCE
L47B	N31°29'51"E	473.29'
L48	N23°24'40"E	61.71'
L49	N18°22'11"E	310.18'
L50	N14°38'28"E	73.05'
L51	N10°20'08"E	68.70'
L52	N05°24'11"E	68.54'
L53	S01°28'17"W	63.32'
L54	N04°38'00"W	93.67'
L55	N01°18'77"W	92.83'
L56	N03°35'02"E	50.20'
L57	N10°49'09"E	63.36'
L58	N17°45'28"E	234.11'
L59	N15°31'37"E	292.14'
L60	N21°32'18"E	89.12'
L61	N28°35'50"E	52.81'
L62	N19°37'32"E	47.28'
L63	N04°26'04"E	41.49'
L64	N00°45'49"E	41.94'
L65	N12°34'28"E	46.63'
L66	N23°57'38"E	48.94'
L67	N28°35'14"E	89.32'
L68	N33°10'45"E	52.78'
L69	N31°23'37"E	73.79'
L70	N11°31'07"E	57.85'
L71	N02°25'10"E	121.89'
L72	N07°39'21"E	54.08'
L73	N12°36'07"E	114.66'
L74	N02°58'43"E	64.94'
L75	N08°12'41"W	51.90'
L76	N10°05'22"W	59.76'
L77	N08°15'41"W	51.03'
L78	N02°27'43"W	54.82'
L79	N03°08'53"E	60.02'
L80	N05°54'28"E	158.64'
L81	N00°24'37"E	76.14'
L82	N14°14'57"E	56.81'
LB3A	N25°45'45"E	50.57'

20

21

OWNER:
SILAS OSCAR DEVEREAUX JR.
& JESSE L. CONSTANTINE

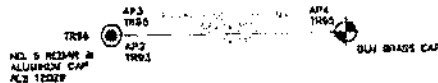
OWNER:
GLADYS E. WILLIAMS

OWNER:
DEVEREAUX et. al.

OWNER:
DEVEREAUX et. al.

ORIGINAL
STONE
MONUMENT

T1N, R94W OF
THE 6TH P.M.
RIO BLANCO
COUNTY,
COLORADO



SCALE: 1" = 1000 U.S. SURVEY FEET

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DEVEREAUX et. al.
LYING IN W1/2SW1/4 & SW1/4NW1/4
SECTION 21, T1N, R94W 6TH P.M.
RIO BLANCO COUNTY, COLORADO

RBC SURVEYOR

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PHONE: (970) 878-5292 FAX: 878-5392

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