



Board Summary Report

**Date:** June 25, 2018

**To:** Arapahoe County Board of County Commissioners

**Through:** David M. Schmit, PE, Director  
Public Works and Development

**Through:** Chuck Haskins, PE, Division Manager  
Public Works and Development – Engineering Services Division

**From:** Sue Liu, PE, Engineer III  
Engineering Services Division

**Case name:** P17-14 Sky Ranch Subdivision Filing No. 1  
Final Plat

**Subject:** Approval and acceptance of Slope Easement and Drainage and Utility Easement along Monaghan Road

**Purpose and Recommendation:**

The purpose of this report is to request the Board to approve and accept the assignments of a slope easement and a drainage and utility easement along Monaghan Road granted to the County in connection with the Sky Ranch development. Upon acceptance, the instruments granting the property interests to the County will be recorded.

Staff has reviewed the slope easement and drainage and utility easement documents and has determined that they meet the County’s requirements. Staff recommends said the slope easement and drainage and utility easement, granted and assigned by Sky Ranch Metropolitan District No. 1, a special district of the State of Colorado, be accepted by the Board.

**Background:**

The parcels of land requested for the slope easement and sidewalk and utility easement acceptance is located along Monaghan Road where they are near to the intersection of East 6<sup>th</sup> Avenue and Monaghan Road within unincorporated Arapahoe County. The parcels are currently owned by Sky Ranch Metropolitan District No. 1, a special district of the State of Colorado.

A Storm drain system is proposed along Monaghan Road for the Development of Sky Ranch Subdivision Filing No. 1. As this section of the roadway is outside of the Filing No. 1 Final Plat, the slope easement, and drainage and utility easement need to be dedicated by separate documents to the County for the construction of Monaghan Road. The Owner of the parcels requests that the attached slope easement and drainage and utility easement be dedicated to the County prior to the construction of the roadway.

**Links to Align Arapahoe**

To enhance the quality of life for citizens of Arapahoe County to address their basic needs.

**Alternatives**

N/A

**Fiscal Impact**

There is no fiscal impact related to this request.

**Concurrence:**

The Engineering Services Division recommends said slope easement, and sidewalk and utility easement granted by Sky Ranch Metropolitan District No. 1, a special district of the State of Colorado be approved for acceptance.

**Actions Requested:**

1. Approval and acceptance of the Assignment of Slope Easement Agreement and its respective legal description.
2. Approval and acceptance of the Assignment of Drainage and Utility Easement Agreement and its respective legal description.
3. Authorize the Director of the Department of Public Works and Development to execute the easements on behalf of the Board.

**Signature lines:**



Sue Liu, PE, Engineer III  
Engineering Services Division



Chuck Haskins, PE, Division Manager  
Engineering Services Division



Robert Hill, Senior Assistant County Attorney  
Attorney's Office



David M. Schmit, Director  
Public Works and Development

**Attachments:** Assignment of Slope Easement Agreement, and Assignment of Drainage and Utility Easement Agreement



## ACCEPTANCE OF –SLOPE EASEMENT, DRAINAGE AND UTILITY EASEMENT

**RESOLUTION NO.** \_\_\_\_\_. It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to accept the Assignment of Slope Easement Agreement, and Assignment of Drainage and Utility Easement Agreement, upon the recommendation of the County's Project Engineer and the Director of the Department of Public Works and Development, granted by Sky Ranch Metropolitan District No. 1, a special district of the State of Colorado, granting an interest in the following real property:

### LEGAL DESCRIPTIONS

#### SLOPE EASEMENT

A SLOPE EASEMENT, VARYING IN WIDTH, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 4 AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT, TO BEAR SOUTH 00°21'35" EAST, 2586.36 FEET;

THENCE NORTH 00°21'35" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 435.88 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 06°04'07" WEST, A DISTANCE OF 128.62 FEET;

THENCE NORTH 20°22'03" EAST, A DISTANCE OF 15.57 FEET;

THENCE NORTH 03°39'30" EAST, A DISTANCE OF 103.95 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 00°21'35" EAST ALONG SAID EAST LINE, A DISTANCE OF 246.24 FEET TO THE **POINT OF BEGINNING**,

SAID SLOPE EASEMENT CONTAINING A CALCULATED AREA OF 1,343 SQUARE FEET OR 0.031 ACRE, MORE OR LESS.

## **DRAINAGE EASEMENT**

A DRAINAGE AND UTILITY EASEMENT, VARYING IN WIDTH, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 4 AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4, BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT, TO BEAR SOUTH 00°21'35" EAST, 2586.36 FEET;

THENCE NORTH 00°21'35" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 513.89 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°38'25" WEST, A DISTANCE OF 19.16 FEET;

THENCE NORTH 30°56'12" WEST, A DISTANCE OF 43.96 FEET;

THENCE NORTH 59°03'48" EAST, A DISTANCE OF 33.72 FEET;

THENCE NORTH 89°38'25" EAST, A DISTANCE OF 12.49 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 00°21'35" EAST ALONG SAID EAST LINE, A DISTANCE OF 55.00 FEET TO THE **POINT OF BEGINNING**,

SAID DRAINAGE AND UTILITY EASEMENT CONTAINING A CALCULATED AREA OF 1,611 SQUARE FEET OR 0.037 ACRE, MORE OR LESS.

The Property shall be used in connection with Arapahoe County Project/Case No. P17-014 Sky Ranch Subdivision Filing No. 1, and is accepted for the slope easement and the drainage and utility easement purposes expressed in the instrument.

Except as expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

## **VOTE**

The vote was:

Commissioner Baker,; Commissioner Conti,; Commissioner Holen,; Commissioner Jackson, ; Commissioner Sharpe,.

The Chair declared the motion carried and so ordered.

## ASSIGNMENT OF SLOPE EASEMENT AGREEMENT

THIS ASSIGNMENT OF **SLOPE EASEMENT AGREEMENT** (“**Assignment**”) is made and entered into this 19 day of June, 2018 (“**Effective Date**”), by and SKY RANCH METROPOLITAN DISTRICT NO. 1, a special district of the State of Colorado, with an address of 34501 E. Quincy Ave. Bldg. 34, Box 10, Watkins, CO 80137 (“**Assignor**”) and ARAPAHOE COUNTY, COLORADO, with an address of 5334 South Prince Street, Littleton, CO 80120 (“**Assignee**”).

WHEREAS, Assignor acquired an easement for roadway slope purposes on the real property more particularly described below pursuant to a 2018 SLOPE EASEMENT AGREEMENT recorded in Arapahoe County at Reception No. D8030222 on March 29, 2018; and

WHEREAS, Grantor now seeks to assign that easement to Assignee pursuant to 8(c) of said instrument on the terms and conditions set forth herein below.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and in satisfaction of the public right-of-way dedication obligation for the Sky Ranch Specific Development Plan (Case No. P17-013), and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, and the mutual covenants hereinafter set forth, Assignor and Assignee agree as follows:

1. Assignment of Easement. Assignor hereby assigns to Assignee, its successors and assigns, a perpetual, non-exclusive public slope easement (“**Easement**”) in, to, through, over, under and across the property located in Arapahoe County, Colorado, more particularly described on **Exhibit A-1**, consisting of two (2) pages, attached to and made a part of this Agreement (“**Easement Property**”), subject to the terms, conditions, and restrictions set forth below.

2. All terms and conditions in the 2018 SLOPE EASEMENT AGREEMENT recorded in Arapahoe County at Reception No. D8030222 on March 29, 2018 shall remain in effect, with Assignor reserving its rights in the 2018 SLOPE EASEMENT AGREEMENT to enter onto, alter and improve the Easement Property pursuant to Assignor’s Sky Ranch Specific Development Plan (Case No. P17-013) until such time as such improvements thereon are accepted by Assignee and all of Assignor’s obligations thereunder are released. This Assignment is subject to all matters of record affecting the Easement Property that are duly recorded with the Arapahoe County, State of Colorado Clerk & Recorder’s official files as of the date hereof.

**SIGNATURES APPEAR ON FOLLOWING PAGES**

**ASSIGNOR:**

**THE SKY RANCH METROPOLITAN  
DISTRICT NO. 1, a special district of the State  
of Colorado**

By: \_\_\_\_\_  
District President

STATE OF COLORADO             )  
   ) ss.  
COUNTY OF ARAPAHOE        )

The foregoing instrument was subscribed, sworn to and acknowledged before me this 19 day of June, 2018, by Mark Harding, President of the Sky Ranch Metropolitan District, No. 1.

My commission expires: January 11, 2022

(S E A L)

\_\_\_\_\_  
Notary Public

BRENT BROUILLARD  
Notary Public  
State of Colorado  
Notary ID # 20184002024  
My Commission Expires 01-11-2022

ACCEPTED BY ASSIGNEE:

For the Board of County Commissioners  
Arapahoe County

\_\_\_\_\_  
David M. Schmit, P.E., Director, Public Works and Development  
Authorization pursuant to Resolution No. \_\_\_\_\_

**LEGAL DESCRIPTION – SLOPE EASEMENT  
DONALD N. & ERMA M. HOLLIDAY**

A SLOPE EASEMENT, VARYING IN WIDTH, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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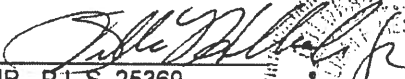
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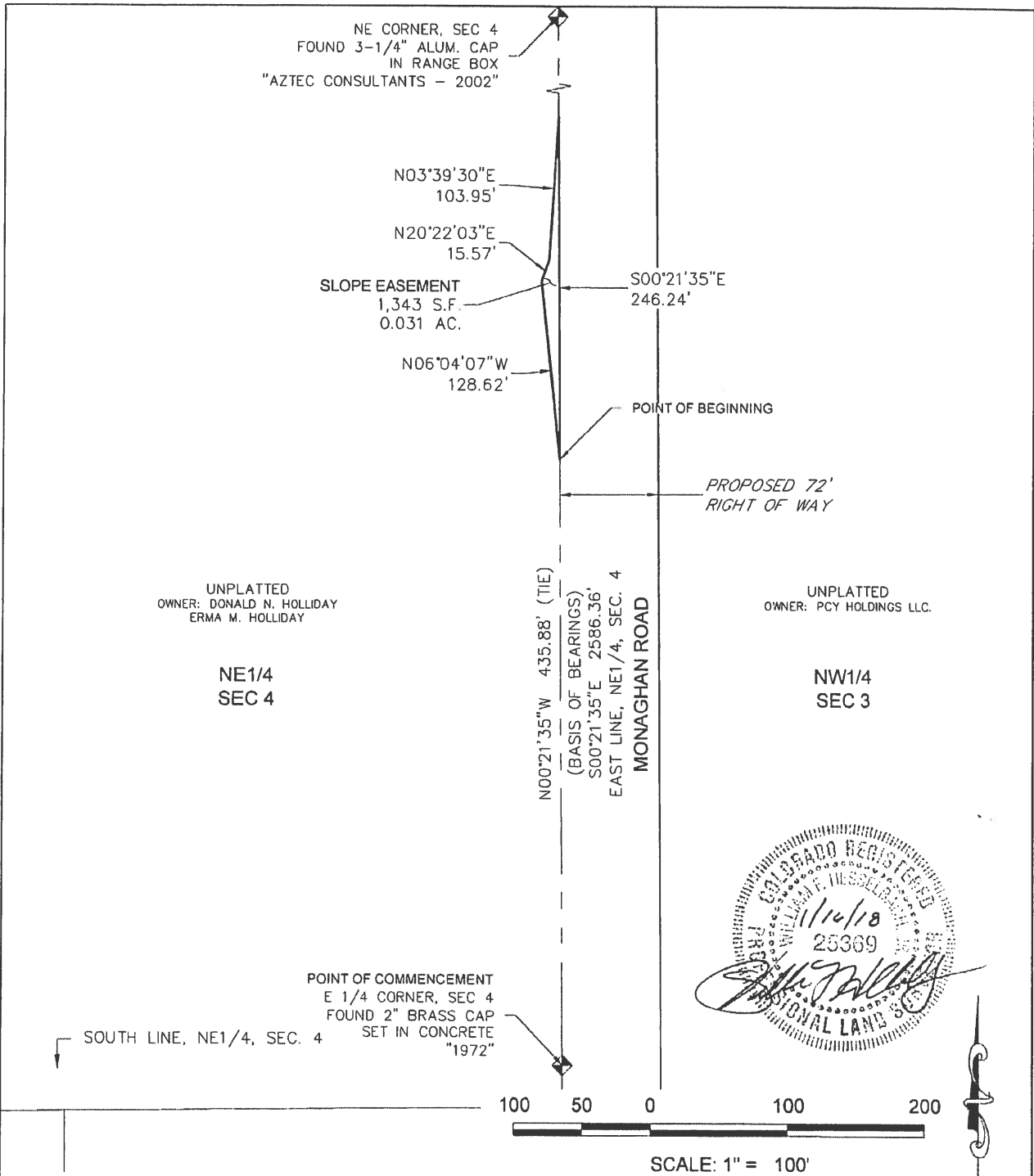
THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

  
WILLIAM F. HESSELBACH JR., P.L.S. 25369  
FOR AND ON BEHALF OF  
CVL CONSULTANTS OF COLORADO, INC.  
10333 E. DRY CREEK ROAD, SUITE 240  
ENGLEWOOD, CO 80112







THE ABOVE DESCRIBED EASEMENTS CONTAIN 1,343 SQUARE FEET OR (0.031 ACRES) MORE OR LESS.  
 This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

**DONALD N. & ERMA M. HOLLIDAY**

10333 E. Dry Creek Rd.  
 Suite 240  
 Englewood, CO 80111  
 Tel: (720) 482-9526  
 Fax: (720) 482-9546

**SLOPE EASEMENT**

**CVL**  
 CONSULTANTS

DATE: JANUARY 15, 2018

## **ASSIGNMENT OF DRAINAGE AND UTILITY EASEMENT AGREEMENT**

THIS ASSIGNMENT OF DRAINAGE AND UTILITY EASEMENT AGREEMENT (“Assignment”) is made and entered into this 2<sup>nd</sup> day of July, 2018 (“Effective Date”), by and SKY RANCH METROPOLITAN DISTRICT NO. 1, a special district of the State of Colorado, with an address of 34501 E. Quincy Ave. Bldg. 34, Box 10, Watkins, CO 80137 (“Assignor”) and ARAPAHOE COUNTY, COLORADO, with an address of 5334 South Prince Street, Littleton, CO 80120 (“Assignee”).

WHEREAS, Assignor acquired an easement for roadway slope purposes on the real property more particularly described below pursuant to a 2018 DRAINAGE AND UTILITY EASEMENT AGREEMENT recorded in Arapahoe County at Reception No. D8030224 on March 29, 2018; and

WHEREAS, Grantor now seeks to assign that easement to Assignee pursuant to 8(c) of said instrument on the terms and conditions set forth herein below.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), and in satisfaction of the public right-of-way dedication obligation for the Sky Ranch Specific Development Plan (Case No. P17-013), and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, and the mutual covenants hereinafter set forth, Assignor and Assignee agree as follows:


1. Assignment of Easement. Assignor hereby assigns to Assignee, its successors and assigns, a perpetual, non-exclusive drainage and utility easement (“Easement”) in, to, through, over, under and across the property located in Arapahoe County, Colorado, more particularly described on **Exhibit C-1**, consisting of two (2) pages, attached to and made a part of this Agreement (“Easement Property”), subject to the terms, conditions, and restrictions set forth below.

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of Colorado**

By:   
District President

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF ARAPAHOE        )

The foregoing instrument was subscribed, sworn to and acknowledged before me this 2<sup>nd</sup> day of July, 2018, by Mark Harding, President of the Sky Ranch Metropolitan District, No. 1.

My commission expires: 1-11-2022

(S E A L)

Brent Brouillard  
Notary Public

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Notary Public  
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ACCEPTED BY ASSIGNEE:

For the Board of County Commissioners  
Arapahoe County

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David M. Schmit, P.E., Director, Public Works and Development  
Authorization pursuant to Resolution No. \_\_\_\_\_

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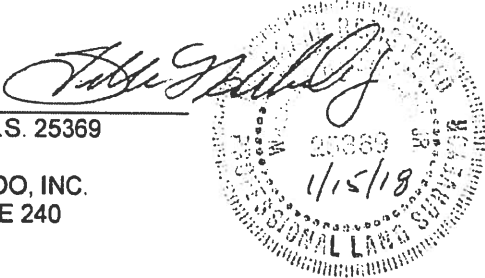
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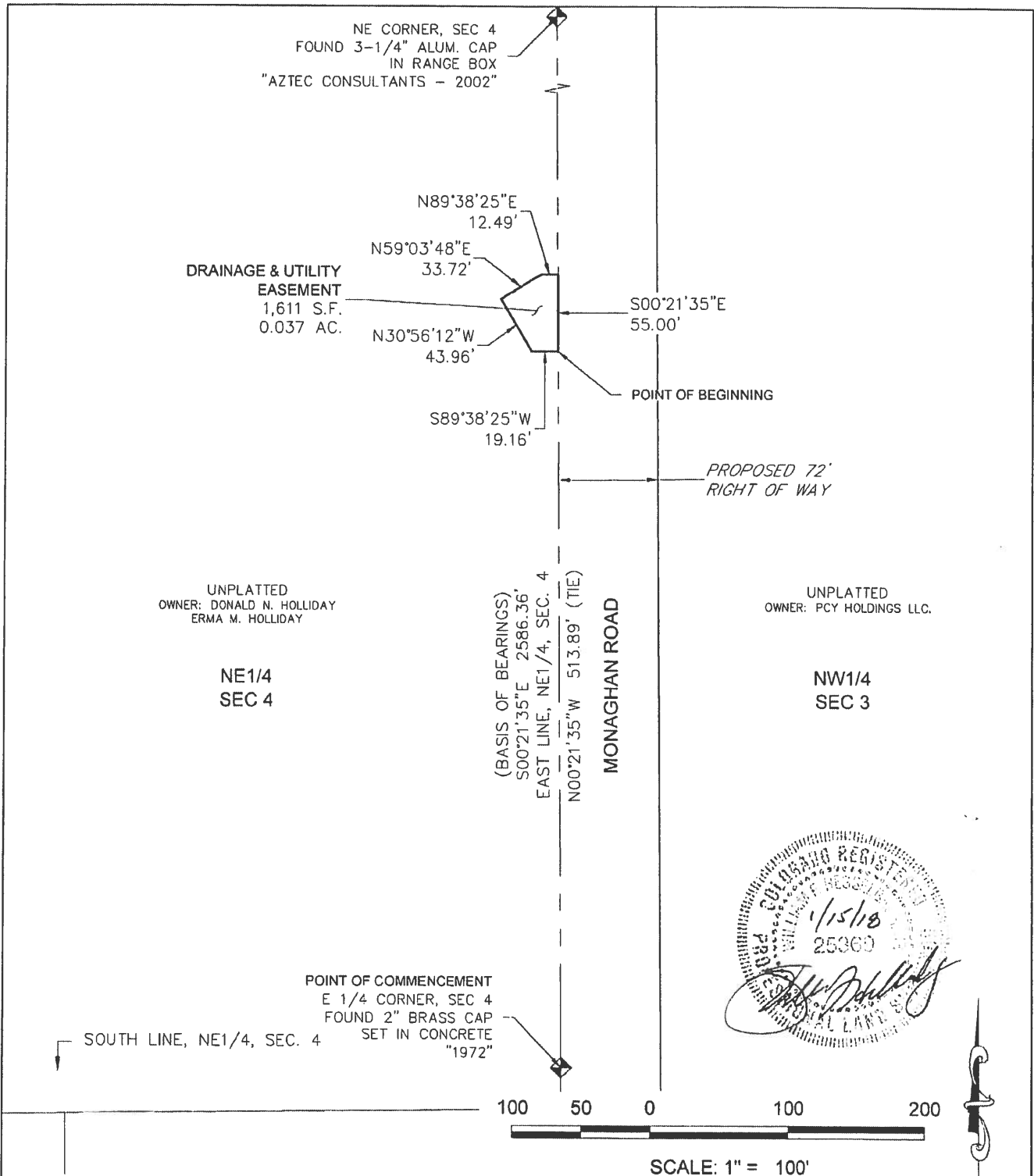
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**DRAINAGE & UTILITY EASEMENT**

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