

RECOMMENDATION

It is recommended that the Board of Trustees authorize the President or their designee to execute the Easement Agreement between the University and the City of Greeley.

BACKGROUND

The City of Greeley is expected to commence construction this summer on a rehabilitation of 16th Street on the north end of the campus. The City will be making significant streetscape improvements, including traffic calming measures and pedestrian safety enhancements such as constructing roundabouts at the intersections of 16th Street with both 9th Avenue and 10th Avenue.

As part of the project, the City requires a temporary easement to construct the improvements, and three permanent easements for the remaining seating and hardscape features.

The total area of the permanent easements are 5,886 square feet or 0.135 acres.

Per Section 9(A) of the Bylaws of the Board of Trustees, the President is not authorized to approve and execute any documents that "acquire, dispose of, or hypothecate interests in real property held by the Board of Trustees or any of its predecessors" without express prior approval of the Board.



Responsible Staff

02/14/24

Date



President

02/15/24

Date

Board Action

Date

EASEMENT AGREEMENT
CITY OF GREELEY-UNIVERSITY OF NORTHERN COLORADO

This Easement Agreement is made this _____ day of _____, 2024, by and between the City of Greeley, Colorado, a home rule municipality, whose address is 1000 10th Street, Greeley, CO (“City”), and the Board of Trustees for the University of Northern Colorado, a public doctoral research and educational institution, whose address is Carter Hall 2008, Campus Box 143, Greeley, CO (“Grantor”).

RECITALS

Grantor owns, subject to existing encumbrances, real property described in Exhibits A and B, attached hereto and incorporated herein (“Property”).

City is engaged in redesigning the 16th Street corridor between 7th and 11th Avenues to improve pedestrian safety and traffic flow, with new sidewalks, lighting, landscaping, and other improvements (“Project”), located on the Property.

City requires easements on a portion of the Property shown on Exhibit A (“Permanent Easement Area”), for construction of the Project.

City requires easements on a portion of the Property shown on Exhibit B (“Temporary Easement Area”), for construction of the Project.

Grantor wishes to grant those easements to City for the above-stated purpose, under the conditions set forth below.

AGREEMENT

NOW, THEREFORE, for consideration, the receipt and adequacy of which is acknowledged, Grantor hereby conveys to City a temporary easement (“TE”) and a permanent easement (“PE”) in, on, under, and across the Temporary Easement Area and Permanent Easement Area for the purposes of:

1. Surveying, constructing, operating, maintaining, inspecting, repairing, altering, removing, and replacing the improvements necessary to construct and complete the Project;
2. Marking the location of the TE;
3. Clearing debris and other obstructions in or on the Temporary Easement Area;
3. Allowing access across contiguous property owned by Grantor by means of existing routes so that City may conduct the activities described in paragraphs 1 through 3, above (“City’s Activities”) in order to construct and complete the Project; and

4. Re-entry of the TE by City after expiration of the term of the TE to perform any work necessary to, insofar as practicable, restore the surface of the ground of the TE to its condition existing prior to City's Activities.

The term of the TE will commence ten (10) days after City delivers a written notice to Grantor ("Commencement Date") and will terminate twelve (12) months after the Commencement Date unless the parties agree to an extension of that term. City will deliver a written notice to Grantor two (2) days prior to reentry of the TE.

City shall, at its sole cost:

5. Maintain the PE thereafter by ensuring that it remain free of weeds, trash, and graffiti, and that all lighting is operational at all times.
6. File and record this Easement Agreement with the Weld County Clerk and Recorders Office.

Grantor reserves the right to use and occupy the Temporary Easement Area and the Permanent Easement Area for any purpose which will not interfere with City's Activities.

[Signature Page(s) Follow]

CITY OF GREELEY, COLORADO

APPROVED AS TO SUBSTANCE:

By: _____
City Manager

APPROVED AS TO LEGAL FORM:

By: _____
City Attorney

APPROVED AS TO AVAILABILITY OF
FUNDS:

By: _____
Director of Finance

**BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN
COLORADO**

By: _____
Blaine Nickeson
Associate Vice President for Finance and
Administration

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Exhibit "A"

PROJECT CODE: 24757
PROJECT NUMBER: C M570-066
PERMANENT EASEMENT NUMBER: PE-2
DATE: NOVEMBER 17, 2023

LEGAL DESCRIPTION

A Permanent Easement No. PE-2 of the Department of Transportation, State of Colorado, Project Code 24757, Project Number C M570-066, containing 390 square feet (0.009 acres), more or less, located within that parcel known as The Normal School Addition to Greeley, City of Greeley, County of Weld, State of Colorado, said Permanent Easement being more particularly described as follows:

Commencing at the Southeast corner of West and Thayers Subdivision of Block 164, City of Greeley, thence South $83^{\circ} 58' 13''$ West, a distance of 909.96 feet to the intersection of the Southerly right-of-way line of 16th Street and the Easterly right-of-way line of 10th Avenue and to the TRUE POINT OF BEGINNING;

1. Thence South $89^{\circ} 38' 46''$ East, along said Southerly right-of-way line of 16th Street, a distance of 28.20 feet;
2. Thence South $45^{\circ} 59' 14''$ West, a distance of 39.56 feet to said Easterly right-of-way line of 10th Avenue;
3. Thence North $00^{\circ} 30' 34''$ East, along said Easterly right-of-way line of 10th Avenue, a distance of 27.66 feet to said Northerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING.

The above-described Permanent Easement contains 390 square feet (0.009 acres), more or less.

The purpose of the above-described Permanent Easement is for the 16th Street public improvements.

Basis of Bearings: All bearings are based on the Southerly line of West and Thayers Subdivision of Block 164, City of Greeley, of which both ends are monumented by an aluminum nail and brass tag stamped LS 34 5, as bearing North $8^{\circ} 46' 55''$ West.

For and on Behalf of the
Colorado Department of Transportation
Robert Tessely, PLS 38470
301 N Howes St. #100
Fort Collins, CO 80521

PROJECT CODE: 24757
PROJECT NUMBER: C M570-066
PERMANENT EASEMENT NUMBER: PE-2A
DATE: NOVEMBER 17, 2023

LEGAL DESCRIPTION

A Permanent Easement No. PE-2A of the Department of Transportation, State of Colorado, Project Code 24757, Project Number C M570-066, containing 1,581 square feet (0.036 acres), more or less, located within that parcel known as The Normal School Addition to Greeley, City of Greeley, County of Weld, State of Colorado, said Permanent Easement being more particularly described as follows:

Commencing at the Southeast corner of West and Thayers Subdivision of Block 164, City of Greeley, thence South 82° 19' 14" West, a distance of 723.95 feet to a point on the Southerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING;

1. Thence South 89° 38' 46" East, along said Southerly right-of-way line of 16th Street, a distance of 77.89 feet;
2. Thence South 00° 00' 00" East, a distance of 20.06 feet;
3. Thence North 90° 00' 00" West, a distance of 77.89 feet;
4. Thence North 00° 00' 00" East, a distance of 20.54 feet to said Southerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING.

The above-described Permanent Easement contains 1,581 square feet (0.036 acres), more or less.

The purpose of the above-described Permanent Easement is for the 16th Street public improvements.

Basis of Bearings: All bearings are based on the Southerly line of West and Thayers Subdivision of Block 164, City of Greeley, of which both ends are monumented by an aluminum nail and brass tag stamped LS 34 5, as bearing North 8° 46' 55" West.

For and on Behalf of the
Colorado Department of Transportation
Robert Tessely, PLS 38470
301 N Howes St. #100
Fort Collins, CO 80521

PROJECT CODE: 24757
PROJECT NUMBER: C M570-066
PERMANENT EASEMENT NUMBER: PE-2B
DATE: NOVEMBER 17, 2023

LEGAL DESCRIPTION

A Permanent Easement No. PE-2B of the Department of Transportation, State of Colorado, Project Code 24757, Project Number C M570-066, containing 3,915 square feet (0.090 acres), more or less, located within that parcel known as The Normal School Addition to Greeley, City of Greeley, County of Weld, State of Colorado, said Permanent Easement being more particularly described as follows:

Commencing at the Southeast corner of West and Thayers Subdivision of Block 164, City of Greeley, thence South 80° 15' 57" West, a distance of 577.60 feet to a point on the Southerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING;

1. Thence South 89° 38' 46" East, along said Southerly right-of-way line of 16th Street, a distance of 66.00 feet to the Westerly right-of-way line of 9th Avenue;
2. Thence South 00° 25' 38" West, a distance of 59.12 feet;
3. Thence North 90° 00' 00" West, a distance of 66.00 feet to a line parallel with and 66.00 feet Westerly of said Westerly right-of-way line of 9th Avenue;
4. Thence North 00° 25' 38" East, along said line being parallel with and 66.00 feet Westerly of the Westerly right-of-way line of 9th Avenue, a distance of 59.52 feet to said Southerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING.

The above-described Permanent Easement contains 3,915 square feet (0.090 acres), more or less.

The purpose of the above-described Permanent Easement is for the 16th Street public improvements.

Basis of Bearings: All bearings are based on the Southerly line of West and Thayers Subdivision of Block 164, City of Greeley, of which both ends are monumented by an aluminum nail and brass tag stamped LS 34 5, as bearing North 8° 46' 55" West.

For and on Behalf of the
Colorado Department of Transportation
Robert Tessely, PLS 38470
301 N Howes St. #100
Fort Collins, CO 80521

Exhibit "B"

PROJECT CODE: 24757
PROJECT NUMBER: C M570-066
TEMPORARY EASEMENT NUMBER: TE-2
DATE: NOVEMBER 16, 2023

LEGAL DESCRIPTION

A Temporary Easement No. TE-2 of the Department of Transportation, State of Colorado, Project Code 24757, Project Number C M570-066, containing 19,396 square feet (0.445 acres), more or less, located within that parcel known as The Normal School Addition to Greeley, City of Greeley, County of Weld, State of Colorado, said Temporary Easement being more particularly described as follows:

Commencing at the Southeast corner of West and Thayers Subdivision of Block 164, City of Greeley, thence South 83° 46' 00" West, a distance of 881.94 feet to a point on the Southerly right-of-way line of 16th Street and to the TRUE POINT OF BEGINNING;

1. Thence South 89° 38' 46" East, along said Southerly right-of-way line of 16th Avenue, a distance of 159.26 feet;
2. Thence South 00° 00' 00" West, a distance of 20.54 feet;
3. Thence South 90° 00' 00" East, a distance of 77.89 feet;
4. Thence North 00° 00' 00" West, a distance of 20.06 feet to the Southerly right-of-way line of said 16th Avenue;
5. Thence South 89° 38' 46" East, along said Southerly right-of-way line of 16th Avenue, a distance of 70.29 feet to a line parallel with and 66.00 feet Westerly of the Westerly right-of-way line of 9th Avenue;
6. Thence South 00° 25' 38" West along said line being parallel with and 66.00 feet Westerly of the Westerly right-of-way line of 9th Avenue, a distance of 59.52 feet;
7. Thence South 90° 00' 00" East, a distance of 66.00 feet to said Westerly right-of-way line of 9th Avenue;
8. Thence South 00° 25' 38" West, along said Westerly right-of-way line of 9th Avenue, a distance of 30.00 feet;
9. Thence North 90° 00' 00" West a distance of 78.13 feet;
10. Thence North 45° 14' 32" West, a distance of 62.38 feet;
11. Thence North 89° 38' 53" West, a distance of 248.97 feet to a line parallel with and 30.00 feet Easterly of the Easterly right-of-way line of 10th Avenue;

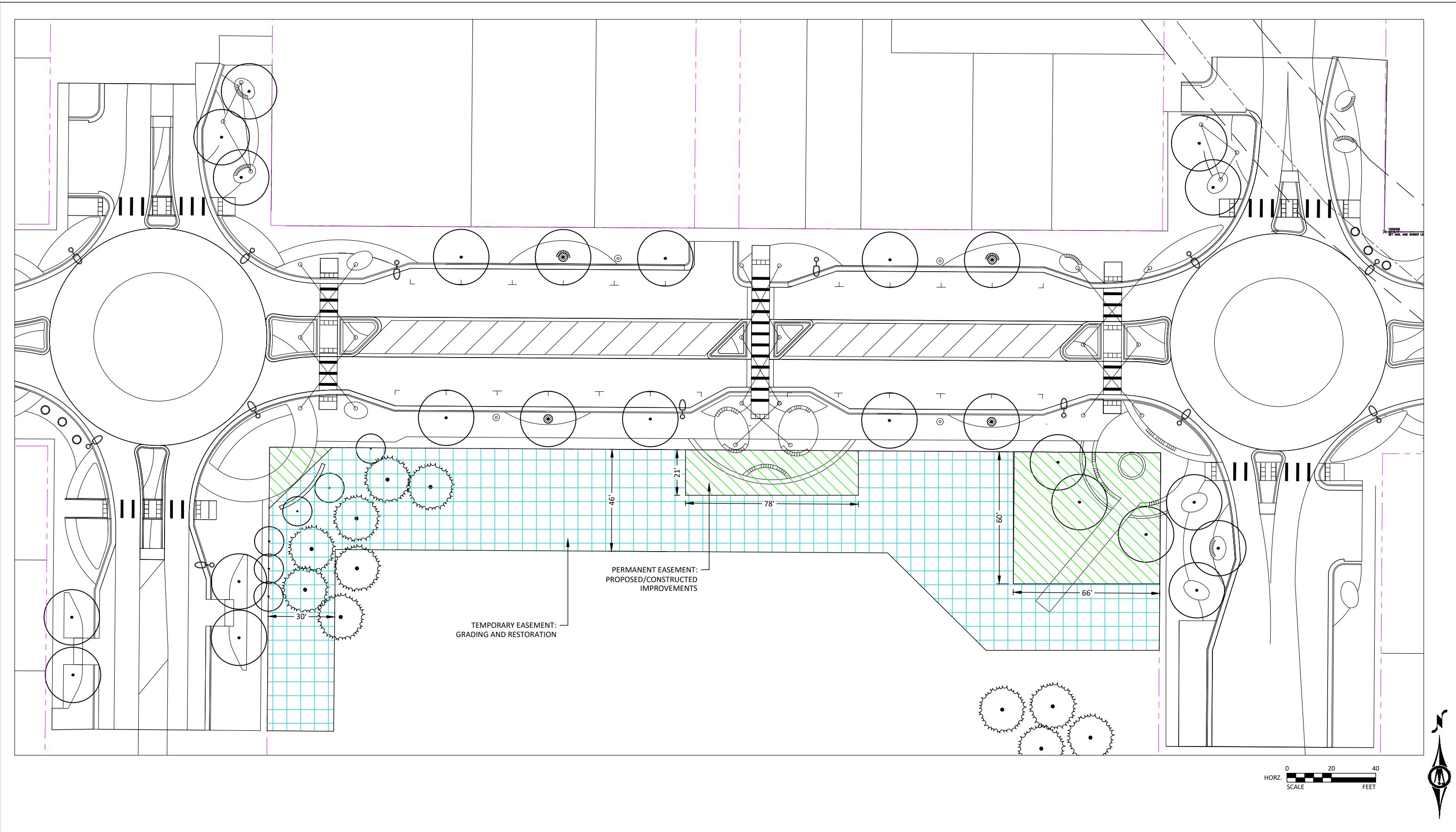
12. Thence South $00^{\circ} 30' 34''$ West, along said line being parallel with and 30.00 feet Easterly of the Easterly right-of-way line of 10th Avenue, a distance of 81.99 feet;
13. Thence North $89^{\circ} 29' 26''$ West, a distance of 30.00 feet to said Easterly right-of-way line of 10th Avenue;
14. Thence North $00^{\circ} 30' 34''$ East, along said Easterly right-of-way line of 10th Avenue, a distance of 100.21 feet;
15. Thence North $45^{\circ} 59' 14''$ East, a distance of 39.56 feet to the Southerly right-of-way line of 16th Avenue and to the TRUE POINT OF BEGINNING.

The above-described Temporary Easement contains 19,396 square feet (0.445 acres), more or less.

The purpose of the above-described Temporary Easement is for activities associated with 16th Street public improvements construction.

Basis of Bearings: All bearings are based on the Southerly line of West and Thayers Subdivision of Block 164, City of Greeley, of which both ends are monumented by an aluminum nail and brass tag stamped LS 34995, as bearing North $89^{\circ} 46' 55''$ West.

For and on Behalf of the
Colorado Department of Transportation
Robert Tessely, PLS 38470
301 N Howes St. #100
Fort Collins, CO 80521

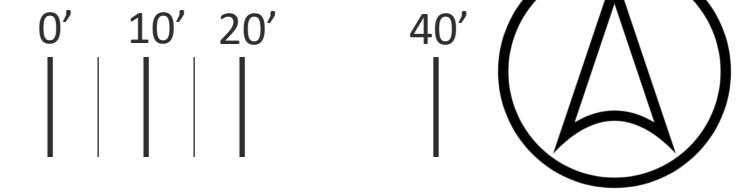




LEGEND

- ① TREE GRATE
- ② LANDSCAPE BED + STREET TREE
- ③ BUS STOP
- ④ SEATWALL
- ⑤ BENCH SEATING
- ⑥ CATENARY LIGHTING
- ⑦ ANGLED PARKING
- ⑧ PARALLEL PARKING
- ⑨ EXISTING UNC WALL
- ⑩ PEDESTRIAN PLAZA

- ⑪ EXISTING PATH
- ⑫ CROSSWALK
- ⑬ ELEVATED MID-BLOCK CROSSING
- COLORED CONCRETE
- STANDARD CONCRETE
- PAVERS
- SCULPTURE
- LANDSCAPE BEDS
- PLANTER POTS



JUNE 2023





