

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
_____ Recommendations of Boards, Commissions & Committees (Green)
 X Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: February 1, 2013 (B of T) Date: February 21, 2013

TITLE: 240 E. Progress Road (School of Expressive Arts and Learning)

SUBMITTED BY: Department of Community Development *uho*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached staff's recommendation relative to approving a Plat of Easement providing watermain, stormwater detention, ingress/egress on the property located at 240 E. Progress Road and known as School of Expressive Arts and Learning.

Staff recommends approval of this request.

Please place this item on the February 21, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

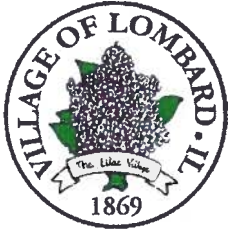
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: February 21, 2013

SUBJECT: **Motion to Approve a Plat of Easement
240 E. Progress Road (School of Expressive Arts and Learning)**

The construction of the School of Expressive Arts and Learning required that a new fire hydrant, associated water main and sanitary sewer be constructed on private property. In addition both the domestic and fire suppression water services are fed from this same watermain. Village Code requires that the Village own and maintain the new watermain, fire hydrant, service valves, and sewer. Further, the development also required that stormwater detention be provided. Said detention is required to be within an easement that provides the Village with access for inspections and the right, but not the responsibility, to maintain.

The attached Plat of Easement were prepared and signed by the property owner, School of Expressive Arts and Learning. Please request the Board of Trustees to approve the Plat of Vacation by motion at their February 21, 2013 meeting. Please call either Jana Bryant or myself if you have any questions.

WJH/JB:jd

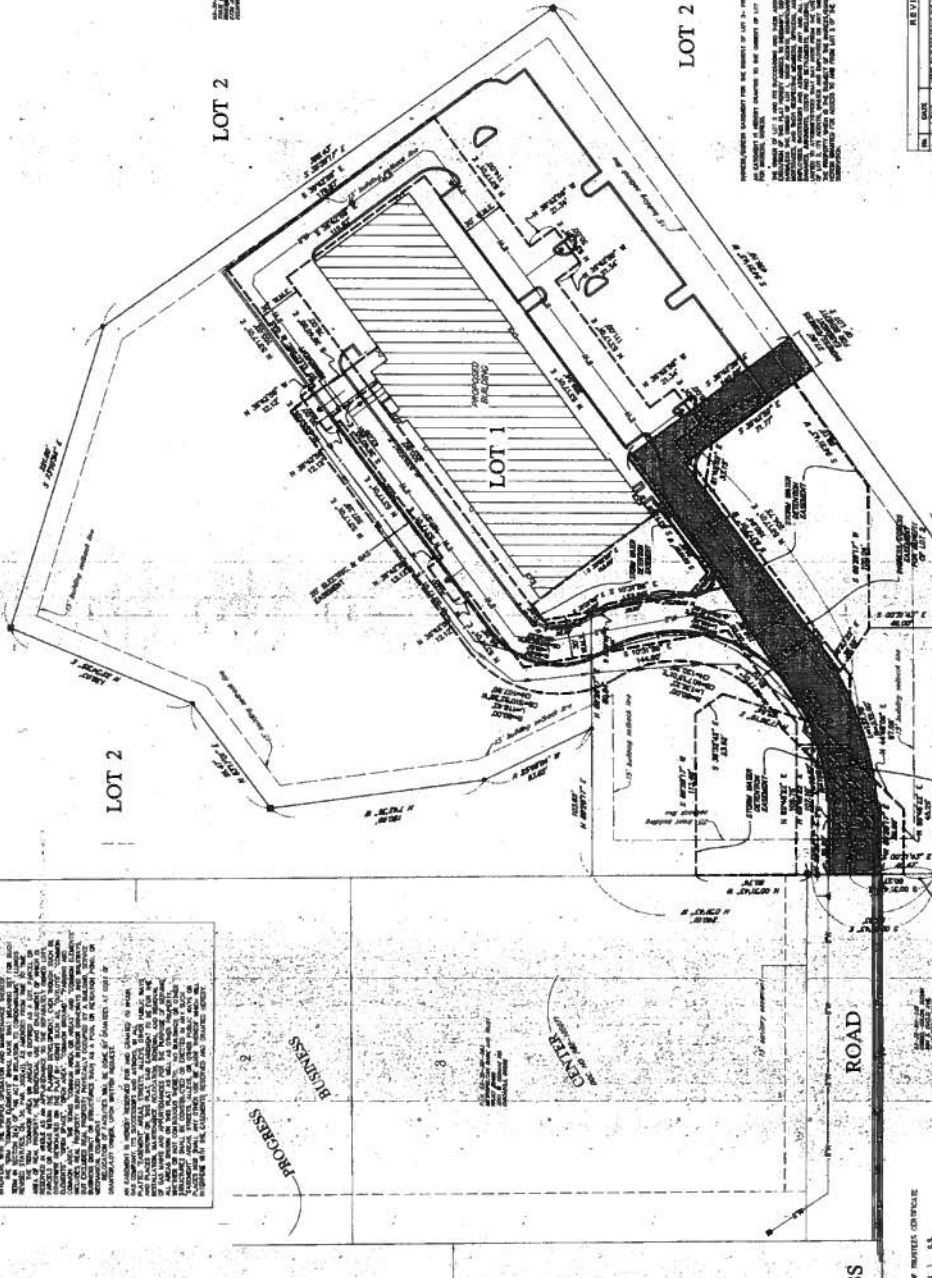
H:\CD\WORDUSER\PE\PROJECTS\PE\Projects\Commercial-multi fam\PE\2011-04 (SEAL)\6 - BOT\Easement Acceptance\BOT memo.docx

PLAT OF EASEMENT FOR LOT 1 IN TERRACE LAKES

LEGAL DESCRIPTION OF UNDERLYING LOT
 OF THE EASEMENT GRANTED BY SECTION 10, TOWNSHIP 10 NORTH, RANGE 11 EAST OF
 RANGE 10 WEST, COUNTY OF GARFIELD, STATE OF NEW MEXICO, COMMENCE
 IN 2004 AT DOCUMENT NUMBER 2004-000125-0001, IS NOT IN ACCORDANCE WITH
 PLAT CASE PROPERTY ROAD
 PER 12-1-13-10-100

- LEGEND**
- 1. EASEMENT
 - 2. EASEMENT
 - 3. EASEMENT
 - 4. EASEMENT
 - 5. EASEMENT
 - 6. EASEMENT
 - 7. EASEMENT
 - 8. EASEMENT
 - 9. EASEMENT
 - 10. EASEMENT

GRAPHIC SCALE
 1 inch = 40 ft.



ELECTRIC AND GAS EASEMENT PROVISIONS

THE GRANTOR HEREBY GRANTS TO THE GRANTEE AN EASEMENT FOR THE LAYOUT, CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, REPLACEMENT, OPERATION AND USE OF OVERHEAD AND UNDERGROUND ELECTRIC AND GAS LINES, POLES, TOWERS, STRUCTURES AND EQUIPMENT, INCLUDING THE RIGHT TO CROSS, TRAVEL OVER AND USE ANY AND ALL PORTIONS OF THE EASEMENT AREA FOR SUCH PURPOSES. THE GRANTOR AGREES TO MAINTAIN AND DEFEND THE GRANTEE AGAINST ALL CLAIMS, DAMAGES AND SUITS, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS, ARISING OUT OF OR RESULTING FROM THE GRANTOR'S NEGLIGENCE IN THE PERFORMANCE OF THE OBLIGATIONS SET FORTH HEREIN. THE GRANTEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL EASMENT STRUCTURES AND EQUIPMENT, INCLUDING THE RIGHT TO REMOVE AND REPLACE SUCH STRUCTURES AND EQUIPMENT AS NECESSARY TO MAINTAIN THE SAME IN GOOD AND WORKING ORDER. THE GRANTEE SHALL BE RESPONSIBLE FOR THE COSTS OF ALL SUCH MAINTENANCE AND REPAIR WORK. THE GRANTOR'S OBLIGATIONS UNDER THIS EASEMENT SHALL BE LIMITED TO THE OBLIGATIONS SET FORTH IN THIS SECTION. THE GRANTEE'S OBLIGATIONS UNDER THIS EASEMENT SHALL BE LIMITED TO THE OBLIGATIONS SET FORTH IN THIS SECTION.

NO.	DATE	DESCRIPTION
1	12-1-13-10-100	PLAT OF EASEMENT

PREPARED BY: Ruettinger, Tonelli & Associates, Inc.
SCALE: 1" = 40'
DATE: 12-1-13-10-100
PROJECT: PLAT OF EASEMENT
DRAWING NO.: 10-0714-E

COMMENTS: THE EASEMENT GRANTED BY SECTION 10, TOWNSHIP 10 NORTH, RANGE 11 EAST OF RANGE 10 WEST, COUNTY OF GARFIELD, STATE OF NEW MEXICO, COMMENCE IN 2004 AT DOCUMENT NUMBER 2004-000125-0001, IS NOT IN ACCORDANCE WITH PLAT CASE PROPERTY ROAD PER 12-1-13-10-100.

GRANTOR: KAREN JOHNSON
 KAREN JOHNSON
 12-1-13-10-100

GRANTEE: [Signature]
 [Signature]
 12-1-13-10-100

NOTARIAL PUBLIC: [Signature]
 [Signature]
 12-1-13-10-100

COUNTY RECORDER'S CERTIFICATE:
 COUNTY OF GARFIELD, N.M.
 THIS INSTRUMENT WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND IS A VALID INSTRUMENT.
 FILED IN THE OFFICE OF THE COUNTY CLERK ON THE _____ DAY OF _____, 2013.
 COUNTY CLERK

REVISIONS

NO.	DATE	DESCRIPTION
1	12-1-13-10-100	PLAT OF EASEMENT

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