

AGENDA

TOWN OF DOLORES

BOARD OF TRUSTEES CONTINUATION MEETING

AUGUST 24TH, 2020, 6:30 P.M.

DUE TO THE COVID-19 PANDEMIC, THE BOARD HAS DECIDED TO MEET VIRTUALLY UNTIL FURTHER NOTICE. TO ATTEND THE MEETING VIRTUALLY PLEASE USE THE LINK BELOW.

TOD Board

Please join my meeting from your computer, tablet or smartphone.

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST:

5. APPROVAL OF AGENDA:

6. PUBLIC PARTICIPATION (5 MINUTES): Citizens may comment at this time or during a Public Hearing ONLY.

7. DISCUSSION OF THE MARIJUANA CODE DECISION.

8. PROCLAMATION/PRESENTATIONS/STAFF:

8.1 MANAGER

8.2 TOWN ATTORNEY

9. COMMISSIONS AND COMMITTEES:

9.1 Parks/Playground Advisory

9.2 Planning and Zoning

10. INTRODUCTIONS OF ORDINANCES AND RESOLUTIONS:

10.1 Discussion and possible action, concerning Ordinance #545-Series 2020 authorizing the execution and delivery of a loan between Dolores State Bank and the Town of Dolores for the purpose of partially financing the waterline construction project.

10.2 Discussion and possible action: Resolution #427-Series 2020 Imposing an Open Flame Fire Ban

11. ADMINISTRATIVE:

11.1 Discussion and possible action, concerning a request from the Southwest Colorado Cycling Association (SCCA) to construct a new cycling trail on town property.

12. COUNCIL REPORTS/ACTIONS: Each Trustee is provided an opportunity to report meetings recently attended and to discuss topics not otherwise appearing on the Agenda.

13. MOTION TO CONTINUE MEETING

14. ADJOURNMENT

Manager's Report

August 24, 2020

IT Report-David Douady and ImageNet

Playground & Park

- Concrete and synthetic surface material installed.
- New irrigation system installed around playground and trees planted.
- The mural should be completed and sealed.
- Kaboom-waiting for more direction, but we still think there will be a build yet this calendar year. Our playground team will conference with Kaboom staff the week of August 24.

Water Project

- D/L Construction plans to mobilize after Labor Day, September 7, 2020.
- Ordinance approving loan with Dolores State Bank in this dates agenda.
- Staff will provide a resolution in either October or September instituting rate increase for both water and sewer rates per resolution #423 2020.

Fire Ban

Governor Polis enacted a statewide fire ban August 19 and San Juan National Forest also enacted a fire ban beginning August 20.

2021 Budget Planning

We need to set aside workshop time in September to discuss budget and obtain thoughts on your goals/ideas. My message to staff is that we are looking at 2021 as a year to allow funds to recover. The town expensed significant revenues from reserves in the general and water funds. Fortunately revenues held during the pandemic, but if another downturn occurs, we are not sure how that could affect revenue in 2021, so we plan to budget carefully.

OHVs

I spoke to the sheriff about the OHVs in town. He said he would begin having more presence on the weekends as that is the time of the week when there is more activity.

Public Works

Wyatt Jones passed the test and received his D-license for water treatment last month and will be pursuing his D-license for wastewater treatment.

Manager Plans

- I am proposing to remain as your Interim Manager for the next 12 months.
- I will be absent beginning September 8 returning September 21.

Date: August 24, 2020

Template for Board decision making efforts.

P&Z recommendations are from the August 18, 2020 workshop 4 members attended.

Subject: Recommendations on Marijuana Regulations regarding limits of establishments and distance separation from Occupancies of Concern contained in this recommendation:

Motion and second to include the following in the draft marijuana ordinance needed*

Limits on number of establishments: Maximum 4 establishments. All members P&Z voted for a maximum number of establishments. Two members voted for a range of 2-4.

Staff recommended: 2-combined retail and medical establishments; 2-cultivation facilities and 1-testing facility. Proposals that combined two or all three of the types would be encouraged by receiving a higher rating.

If the board motion is greater than 2 establishments, staff recommends adding a distancing requirement of 200 feet between establishments.

Motion and second to include the following in the draft marijuana ordinance needed*

Distances Dolores Re-4a Main campus; 1000 feet separation. P&Z voted 4 votes for.

Staff Recommendation was 1,000 feet.

Motion and second to include the following in the draft marijuana ordinance required*

Dolores Academy on east edge of town but not in town; P&Z 4 voted for 500 feet

Staff recommendation was 500 feet.

Motion and second to include the following in the draft marijuana ordinance needed*

Dolores RE-4A School Administration office; P&Z votes; 3 for 500 feet separation, 1 vote for 250 feet separation.

Staff recommendation was 500 feet.

Motion and second to include the following in the draft marijuana ordinance required*

Daycare Center; split P&Z vote: 2 for 250 feet separation, 2 for 500 feet separation.

Staff recommendation was 500 feet.

Motion and second to include the following in the draft marijuana ordinance needed*

Playground; all P&Z voted for 250 feet separation from the boundary of the fenced area.

Staff recommendation was for 250 feet.

Motion and second to include the following in the draft marijuana ordinance needed*

Set the Occupation fee rate. Ballot 2020 415 “Medical and Retail Marijuana and Medical and Retail Marijuana Products Municipal Occupation Tax Question” was approved by voters and the question was a not to exceed \$5.00 for each sales transaction.

Other Communities with an Occupation Tax

Mancos: \$3.00/transaction

Empire: \$5.00/transaction

Georgetown: \$5.00/transaction

Palisade: \$5.00/transaction

Sedgwick \$5.00/transaction

**Note: the motions requested are intended to guide staff and the town attorney and are not to be construed as a binding resolution or attempt to pass an ordinance.*



10.1

1 of 6

Meeting Date: August 24, 2020
AGENDA DOCUMENTATION

Discussion

10

TO: DOLORES TOWN TRUSTEES

**FROM: KEN CHARLES
INTERIM TOWN MANAGER**

SUBJECT: DISCUSSION AND POSSIBLE ACTION CONCERNING ORDINANCE #545 SERIES 2020 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE DOLORES STATE BANK AND THE TOWN OF DOLORES FOR THE PURPOSE OF PARTIALLY FINANCING THE WATER LINE CONSTRUCTION PROJECT

PURPOSE AND BACKGROUND

The town is undertaking a water project to make improvements at the water treatment plant and replace the old and deteriorating lines that cross State Highway 145 prior to the CDOT paving project scheduled for 2021. The CDOT project required the town to redirect the Phase I project from plant improvements and completing water line loops to replacing the lines that cross Highway 145 and keeping the water treatment plant improvements. The treatment improvements are required to meet CDPHE orders and have been completed.

Project Revenue

Town Cash	\$52,000- paid for
CDPHE Grant	\$25,000
DOLA Grant	\$292,630
Town Cash from	
Water Funds Reserves	\$200,530
Water Loan	<u>\$275,000</u>
TOTAL	\$845,160

The financial plan to pay for this project is as follows. The town successfully applied for a grant from the Department of Local Affairs (DOLA) for \$292,630 and a \$25,000 CDPHE grant. The remaining costs will be derived from town sources. At this juncture the water fund's revenues just barely meet the operating and maintenance expenses. Any construction project costs must be taken from reserves or a loan. The town's water fund reserves are \$656,152 and the town anticipates using approximately \$200,530 from this reserve for the 2020 project. The town will assume a \$275,000 loan from the Dolores State Bank at 4% for the first ten years and New York Prime plus 1% in the next five years not to exceed 15 years.

Ordinance 545 Series 2020 allows the town to enter into the loan agreement through the Water Enterprise with the Dolores State Bank.

FISCAL IMPACT

This loan will require an annual payment of approximately \$24,408 annually. Town staff will be asking the trustees at the September 2020 meeting to activate the rate increase trustees approved in April of 2020. The language in Resolution 423-2020 states: "The base rate for water services for all users within and

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www.townofdolores.com



without the incorporated limits of the town of Dolores shall be increased \$5.00 per month effective no later than January 1, 2021.”

RECOMMENDATIONS

It is the recommendation of the interim town manager and town attorney to approve ordinance 545 Series 2020.

Attachments
Ordinance 545 series 2020

ORDINANCE NO. #545-Series 2020

AN ORDINANCE OF THE TOWN OF DOLORES, COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE DOLORES STATE BANK AND THE TOWN OF DOLORES, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, THE ISSUANCE OF A LOAN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$275,000 EVIDENCING THE SPECIAL AND LIMITED OBLIGATION OF THE TOWN, ACTING BY AND THROUGH SUCH ENTERPRISE, UNDER THE LOAN AGREEMENT

WHEREAS, The Town of Dolores, Colorado (the "Town") has previously acquired and since 2010 has operated and maintained its Town of Dolores Water/Sewer Enterprise (the "Water Enterprise"), consisting of a municipal water system for the collection, treatment and disbursement of water and wastewater, for the purpose of serving areas within and outside the limits of the Town (the "Water System") as authorized by law; and

WHEREAS, the Town is authorized pursuant to part 4 of article 35 of title 31 Colorado Revised Statutes ("C.R.S.") referred to herein as the "Act," to operate and maintain water facilities for the use of the Town and public and private consumers and users; and pursuant to part 1 of article 45.1 of title 37, C.R.S., to establish or maintain water activity enterprises for the purpose of conducting water activities, which term includes, without limitation, the diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange or discharge of water and includes the provision of wholesale or retail water services and the acquisition of water or water rights as well as the discharge and treatment of sewerage and wastewater; and

WHEREAS, the Board of Trustees (the "Board") of the Town is authorized, pursuant to Section 37-45.1-103, C.R.S., to operate the Water System as an enterprise of the Town within the meaning of Article X, Section 20 of the Colorado Constitution ("TABOR"), and the Board is authorized under such statute to act as the governing body of the Water Enterprise; and

WHEREAS, pursuant to Ordinance No. 499 Series 2010 (the "Water Enterprise Ordinance") adopted by the Board on April 26, 2010, the Town confirmed and designated (i) the Water Enterprise as an "enterprise" for the purposes of TABOR and (ii) the Board as the governing body of the Water Enterprise; and

WHEREAS, the Town has made an application to the Dolores State Bank (the "Bank") for a loan to finance the construction, replacement and improvement of water line crossings under state Highway 145 a/k/a Railroad Ave. (the "Project"); and

WHEREAS, the Bank has accepted such application and expressed its interest in making such loan, subject to certain conditions; and

WHEREAS, the Bank has offered the terms of a Loan Agreement or promissory note (the "Loan Agreement"), between the Authority and the Town, acting by and through the Water Enterprise; and

WHEREAS, the Loan Agreement provides for the issuance by the Town, acting by and through the Water Enterprise, of a loan not exceeding \$275,000 (the "Bond") evidencing the special and limited obligation of the Town, acting by and through the Water Enterprise, under the Loan Agreement; and

WHEREAS, The terms of the promissory note offered are a 15 year amortization at the rate of 4% for the first 10 years followed by an interest of 1% over New York Prime with no pre-payment penalty; and

WHEREAS, pursuant to Sections 37-45.1-103(4) and 37-45.1-104, C.R.S., the Board, as the governing body of the Water Enterprise is authorized to issue "bonds, notes or other obligations" in the name of the Water Enterprise and such obligations are permitted, under the Act and TABOR, to be issued without an election; and

WHEREAS, pursuant to Section 11-57-205, C.R.S., the Board has determined to delegate to the Mayor of the Town (the "Mayor") or the Town Manager the power to determine the final terms of the Loan Agreement and the Bond within the loan parameters set forth in Section 2 of this Ordinance; and

WHEREAS, the Board has determined and does hereby declare:

(a) In order to meet the present and future needs of the Town, it is necessary to maintain, replace and improve portions of the Water System by constructing the Project; and

(b) Financing the Project by entering into the Loan Agreement with the Bank and delivering the note to the Bank is to the best advantage of the Town and the Water Enterprise.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO, AS THE GOVERNING BODY OF THE WATER ENTERPRISE:

Section 1. Approval of Forms of Loan Agreement and Note. The forms of the Loan Agreement and the Note and any changes thereto as may be necessary in the opinion of the Town Attorney and counsel for the Water Enterprise to effectuate the intentions of the parties or to comply with the provisions of applicable law are hereby approved.

Section 2. Delegation; Loan Parameters. The Board hereby delegates to the Mayor or the Town Manager the authority to determine the final terms of the Loan Agreement and the Bond within the loan parameters set forth in Section 2 of this Ordinance.

The Mayor, the Mayor Pro-Tern, or Town Manager are hereby authorized and directed to execute and deliver the Loan Agreement to the Bank in substantially the form filed with the Town Clerk prior to this meeting; provided that the Loan under the Loan Agreement and note reflect the following (the "Loan Parameters"):

- (a) the maximum principal amount of the Loan and the Bond shall not exceed **\$275,000**;
- (b) the maximum net effective interest on the Bond shall not exceed 4% per annum in the first ten years and New York Prime plus 1% in the next 5 years; and
- (c) the maximum term of the Loan shall not exceed 15 years.

Section 3. Payment of Bond from Revenues of Water System. The Town shall issue the Bond to evidence the obligations of the Town, acting by and through the Water Enterprise, under the Loan Agreement. The Bond shall be in the principal amount, mature on the date, bear interest payable at the rate and on the dates, and be prepayable at the option of the Town, acting by and through the Water Enterprise, on the dates and at the prices, in the form and secured in the manner provided in the Loan Agreement. The Bond shall be payable solely from the revenues of the Water Enterprise pledged therefor, which shall be derived from the operation of the Water System, and the Bond shall never constitute the debt, indebtedness or multiple fiscal year obligation of the Town or a charge against its general credit or taxing power.

The Bond shall constitute an irrevocable and first lien upon the Net Revenue, but not necessarily an exclusive first lien..

Section 4. Execution and Delivery of Bond. The Mayor and the Town Clerk are hereby authorized and directed to execute and deliver the Bond, in substantially the form filed with the Town Clerk prior to this meeting, to the Authority; provided that the Bond shall reflect the Loan Parameters.

Section 5. Ordinance Irrepealable. This Ordinance is, and shall constitute, a legislative measure of the Town, acting by and through the Water Enterprise, and after the Bond is issued,

this Ordinance shall constitute an irrevocable contract between the Town, acting by and through the Water Enterprise, and the Authority, and this Ordinance shall be and shall remain irrevocable until the Bond shall be fully paid, satisfied or discharged.

Section 6. Ratification and Approval. All action not inconsistent with the provisions of this Ordinance heretofore taken by the Town or its officers and otherwise directed toward the authorization of the undertaking and completion of the Project and the authorization of the Water Enterprise to have and in connection therewith to exercise the necessary powers is hereby ratified, approved and confirmed.

Section 7. Repealer. All ordinances, resolutions, bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed.

Section 8. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs, clauses or provisions of this Ordinance.

Section 9. Effective Date and Disposition. This Ordinance shall be in full force and effect from and after its enactment, and publication of the Ordinance, as provided by law.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Dolores, Colorado, held on August 24, 2020.

PASSED, APPROVED, AND ADOPTED ON THIS 24th DAY OF AUGUST, 2020.

Chad Wheelus, Mayor

ATTEST:

Tammy Neely, Town Clerk

TOWN OF DOLORES

RESOLUTION NO. 427-Series 2020

A RESOLUTION IMPOSING AN OPEN FLAME FIRE BAN

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado;

WHEREAS, the Town of Dolores enacted Ordinance No. 536 Series 2018 granting the Board of Trustees the authority to enact a resolution imposing an open flame fire ban as conditions require;

WHEREAS Southwest Colorado and the Town of Dolores are under historic drought and extraordinary fire danger.

WHEREAS the Montezuma County Sheriff recommends that the Town of Dolores impose a fire ban for the health, safety and welfare of the citizens of the Town of Dolores and surrounding community.

WHEREAS the Board of Trustees by oral motion unanimously voted to impose an open flame fire ban as authorized by and defined by Ordinance No 536 Series 2018 at its regular meeting held August 24th, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES as follows:

1. The Board of Trustees, pursuant to Ordinance No. 536 Series 2018 and as authorized by Colorado law, hereby imposes an Open Flame Fire Ban as defined in said Ordinance within all incorporated areas of the Town of Dolores.
2. This resolution shall continue in full force and effect until repealed by the Board of Trustees.
3. It is the intent of this resolution that any person violating the fire ban as defined by Ordinance No. 536 shall be subject to the penalties set forth therein.
4. The staff of the Town of Dolores shall inform the public of the imposition of the Open Flame Fire Ban.
5. If any section, clause, phrase, word other provisions of this resolution shall for any reason be held invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases words or other provisions and the validity of this resolution shall stand notwithstanding.
6. Introduced, read and passed as a resolution at the regular meeting of the Board of Trustees of the Town of Dolores held on August 24th, 2020, at which a quorum was present.

ADOPTED by the Board of Trustees of the Town of Dolores, Colorado, on August 24th, 2020.

THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

By: _____, Mayor

Attest: _____, Town Clerk



11.1
10
2

Discussion

Meeting Date: August 24, 2020
AGENDA DOCUMENTATION

11

TO: DOLORES TOWN TRUSTEES

**FROM: KEN CHARLES
INTERIM TOWN MANAGER**

SUBJECT: DISCUSSION AND POSSIBLE ACTION CONCERNING A REQUEST FROM THE SOUTHWEST COLORADO CYCLING ASSOCIATION (SCCA) TO CONSTRUCT A NEW CYCLING TRAIL ON TOWN PROPERTY

PURPOSE AND BACKGROUND

The SCCA is proposing to build a trail for both biking and hiking that begins in town at the north end of 14th street and proceeds through town property and on to private property and reconnects with CR 31 at V.20. The Association is requesting permission to construct a trail on town property and to negotiate an agreement with the town for this use as well as have the town include the trail on its liability insurance policy. The Association is also seeking guidance as to whether the town would consider holding the private property easements and providing liability insurance on the sections of trail outside of the town boundary.

The trial is needed as an alternative to riding and hiking on CR 31, which is a heavily used by vehicles as well as bikers and pedestrians. This is a dangerous section of CR 31.

FISCAL IMPACT

Adding the section of trail to the town's liability insurance policy would likely result in a small increase.

RECOMMENDATIONS

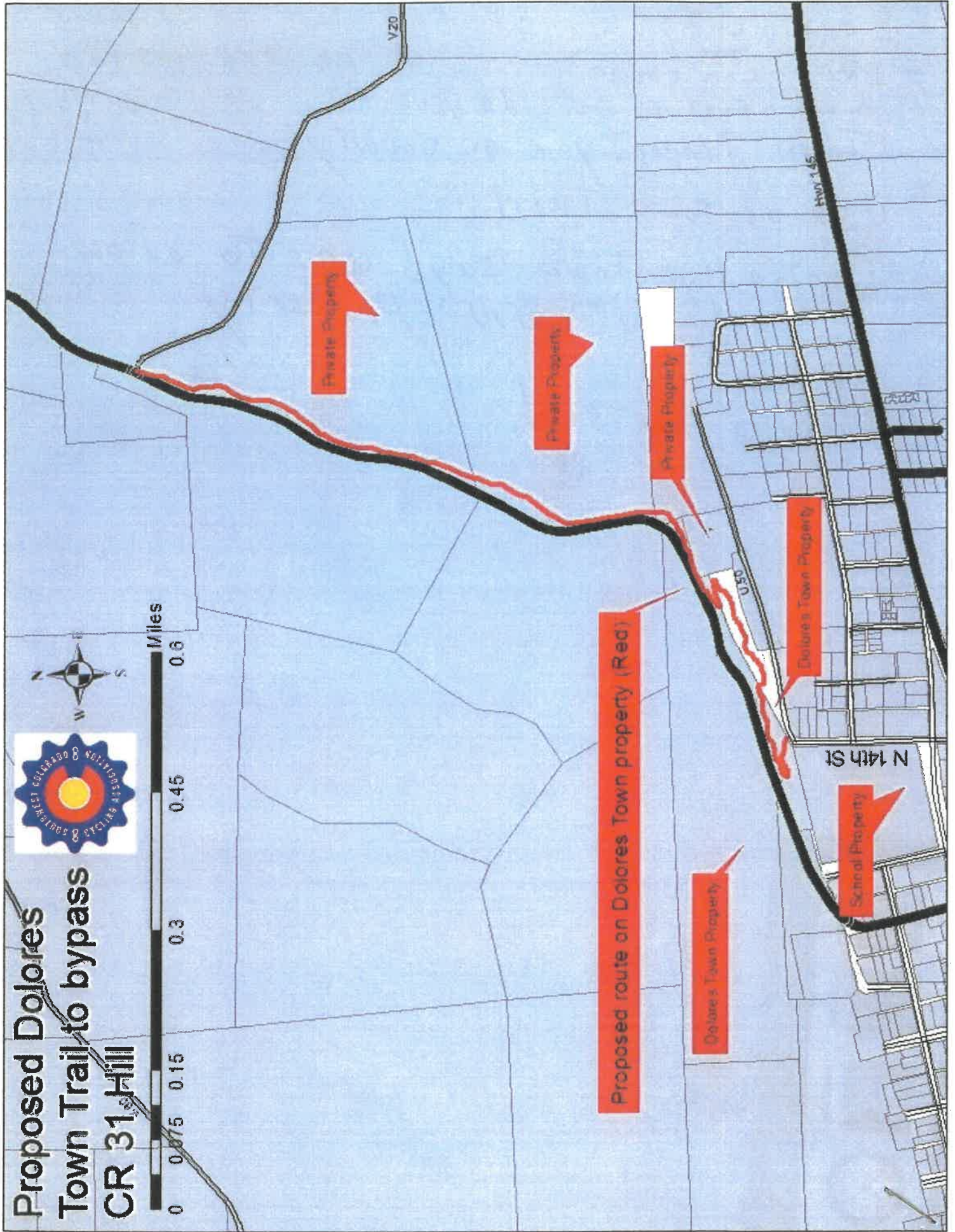
Town staff recommends the trustees give their approval to staff to pursue an agreement with the SCCA for the use of town property for a hiking/biking trail and provide liability insurance for the section of trail on this property. If approved a resolution and MOU can be drafted giving the bike club permission to construct the trail with conditions such as insurance.

The town attorney recommends for the trail sections outside of the town limits that the county should hold the easements.

Attachments

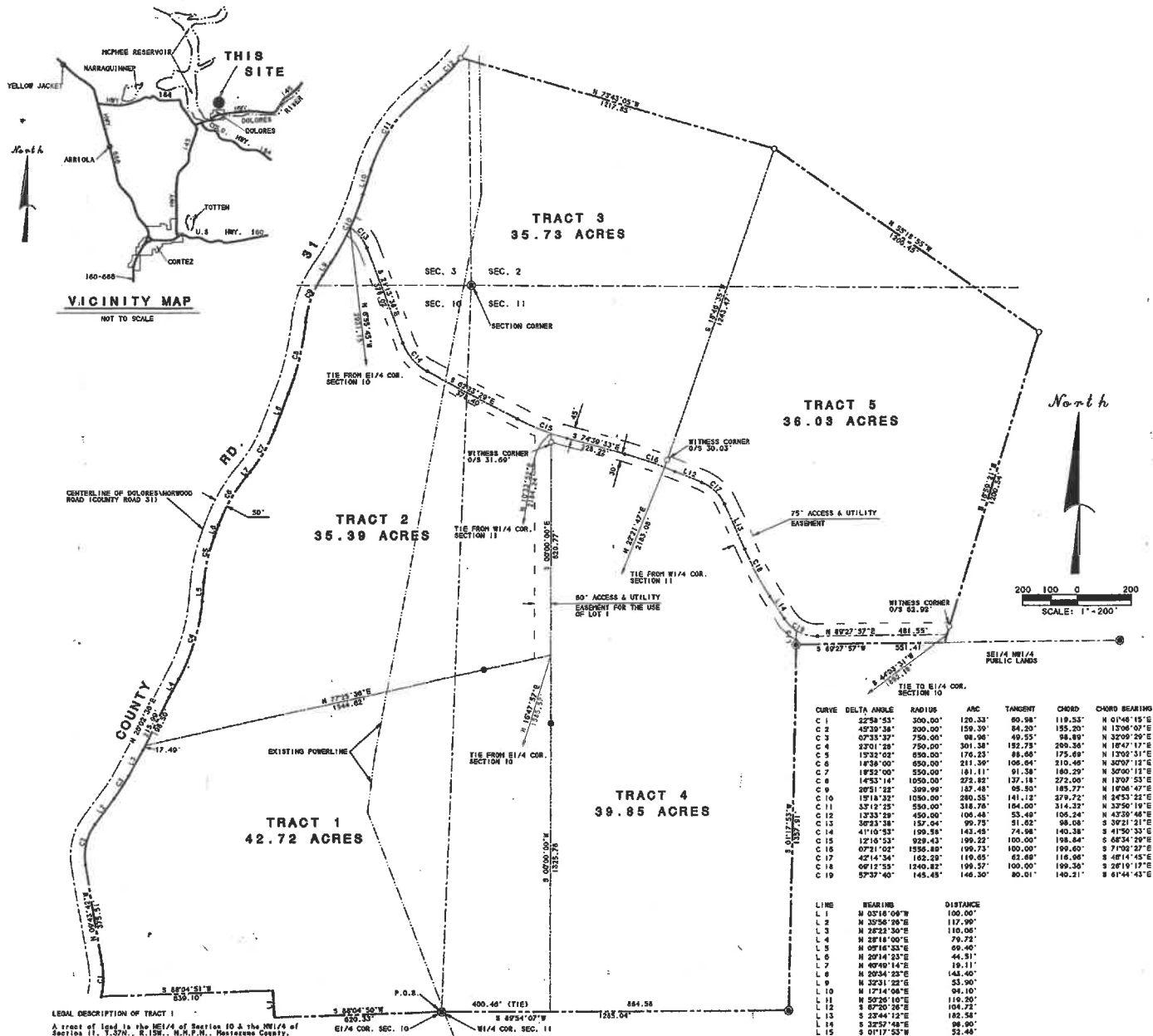
Map of proposed trail

Proposed Dolores Town Trail to bypass CR 31 Hill



11.1

2 of 2



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	22°58'53"	300.00'	120.33'	90.98'	119.33'	N 01°46'15"E
C 2	42°30'38"	200.00'	150.30'	84.20'	155.20'	N 12°08'07"E
C 3	07°35'38"	750.00'	68.96'	49.55'	84.89'	N 32°09'29"E
C 4	32°01'28"	750.00'	301.38'	182.73'	209.38'	N 18°47'17"E
C 5	12°32'08"	650.00'	176.25'	88.60'	175.84'	N 12°05'31"E
C 6	18°36'00"	650.00'	211.30'	106.64'	210.46'	N 30°07'12"E
C 7	18°52'00"	550.00'	181.11'	91.38'	169.29'	N 30°00'15"E
C 8	02°51'14"	1050.00'	272.88'	137.18'	272.06'	N 10°01'53"E
C 9	20°51'22"	309.99'	127.48'	65.50'	125.77'	N 18°04'47"E
C 10	18°18'32"	1050.00'	280.55'	141.12'	279.72'	N 24°53'22"E
C 11	32°12'22"	350.00'	318.78'	164.00'	314.32'	N 32°56'19"E
C 12	13°33'28"	450.00'	106.48'	53.46'	106.24'	N 43°35'48"E
C 13	32°25'38"	157.04'	99.75'	51.02'	96.08'	N 38°21'21"E
C 14	41°10'53"	100.58'	143.48'	74.98'	140.38'	N 41°50'33"E
C 15	12°18'53"	929.43'	199.22'	100.00'	198.84'	N 48°34'29"E
C 16	07°21'00"	1588.89'	196.75'	100.00'	199.60'	N 71°00'27"E
C 17	42°14'34"	102.00'	116.65'	62.80'	116.98'	N 48°14'45"E
C 18	09°12'45"	1240.82'	190.57'	100.00'	199.30'	N 28°19'17"E
C 19	57°37'40"	145.45'	146.20'	80.01'	140.21'	N 61°44'43"E

LEGAL DESCRIPTION OF TRACT 1
A tract of land in the NE1/4 of Section 10 & the NW1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the E1/4 Corner of Section 10, T.37N., R.19E., W.P.M., Montezuma County, Colorado, said point being the POINT OF BEGINNING;

LEGAL DESCRIPTION OF TRACT 3
A tract of land in the SW1/4 of Section 2 & the NE1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the E1/4 Corner of Section 10, T.37N., R.19E., W.P.M., Montezuma County, Colorado, said point being the POINT OF BEGINNING;

LEGAL DESCRIPTION OF TRACT 5
A tract of land in the SW1/4 of Section 2 & the NW1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the E1/4 Corner of Section 10, T.37N., R.19E., W.P.M., Montezuma County, Colorado, said point being the POINT OF BEGINNING;

LEGAL DESCRIPTION OF TRACT 2
A tract of land in the SW1/4 of Section 3, the NE1/4 of Section 10, & the NW1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the E1/4 Corner of Section 10, T.37N., R.19E., W.P.M., Montezuma County, Colorado, thence N 12° 07' 27" E, a distance of 1263.50 feet to the POINT OF BEGINNING;

LEGAL DESCRIPTION OF TRACT 4
A tract of land in the NW1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the NW1/4 Corner of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, thence S 30° 30' 15" E, a distance of 400.00 feet to the POINT OF BEGINNING;

LEGAL DESCRIPTION OF TRACT 5
A 75' wide Easement for Access and Utility purposes in the SW1/4 of Section 2, the NW1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, being more particularly described as follows:
Commencing at the E1/4 Corner of Section 10, T.37N., R.19E., W.P.M., Montezuma County, Colorado, thence S 10° 21' 42" E, a distance of 2531.50 feet to the POINT OF BEGINNING;

LEGAL DESCRIPTION OF 60' WIDE ACCESS AND UTILITY EASEMENT FOR THE USE OF LOT 1
A 60' wide Easement for Access and Utility purposes in the NW1/4 of Section 10, the NE1/4 of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, the East line being more particularly described as follows:
Commencing at the NW1/4 Corner of Section 11, T.37N., R.19E., W.P.M., Montezuma County, Colorado, thence N 10° 35' 53" E, a distance of 1000.00 feet to the POINT OF BEGINNING;

MANESS & Associates Inc.
REGISTERED LAND SURVEYORS
GRANATH MESA MEADOWS
IN THE SW1/4 OF SECTION 2, THE NE1/4 OF SECTION 3