

## **ORDINANCE NO. 20**

### **AN EMERGENCY ORDINANCE VACATING PORTIONS OF ANDERSEN AVENUE AND ANDERSEN HILL ROAD LOCATED WITHIN LOT 29, BLOCK 7 AND FURTHER VACATING CERTAIN USES ON LOT 29**

**WHEREAS**, during the 2013 floods, Andersen Avenue and Andersen Hill Road were heavily damaged or destroyed, and the Town wishes to rebuild these rights-of-way; and

**WHEREAS**, portions of Andersen Avenue and Andersen Hill Road were located within Lot 29, Block 7, Town of Jamestown, County of Boulder, State of Colorado ("Lot 29"); and

**WHEREAS**, a portion of the newly reconstructed right-of-way is proposed to be located on Lot 30, Block 7 instead of Lot 29; and

**WHEREAS**, the Board of Trustees desires to vacate the portions of Andersen Avenue and Andersen Hill Road located on Lot 29, and the Board of Trustees further desires to vacate any right-of-way, park or governmental uses on Lot 29, subject to receipt of the quit claim deed of Pilot Trust; and

**WHEREAS**, the Board of Trustees has determined that the portions of Andersen Avenue and Andersen Hill Road located on Lot 29 are not required for a Town street, and a vacation will not result in any lot or tract being without access; and

**WHEREAS**, the Board of Trustees has therefore determined that it is appropriate to vacate the Town's interests described herein.

### **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:**

**Section 1.** Those portions of Andersen Avenue and Andersen Hill Road located on Lot 29, Block 7, Town of Jamestown, County of Boulder, State of Colorado (collectively, the "Right-of-Way") along with any right-of-way, park or governmental uses on Lot 29 are hereby vacated. Title to the vacated Right-of-Way shall vest in the owner of the adjoining property in the manner provided by law.

**Section 2.** The Mayor and Town Staff are hereby authorized to execute such additional documents as may be necessary to evidence the vacation of the Right-of-Way and uses herein vacated, including without limitation any quit claim deed.

**Section 3.** Notwithstanding the foregoing, easements for existing public utilities, if any, shall not be altered or amended by virtue of this ordinance.

**Section 4.** All other ordinances or portions thereof inconsistent or in conflict with this

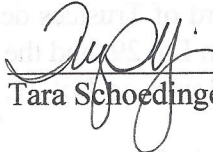
ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 5.** This ordinance shall be recorded in the office of the Boulder County Clerk and Recorder.

**Section 6.** The Board of Trustees herewith finds, determines and declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare in order to expedite reconstruction and recovery efforts within the Town. Therefore, the Board of Trustees herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY  
TITLE ONLY this 17 day of Nov, 2014.

TOWN OF JAMESTOWN, COLORADO

  
Tara Schoedinger, Mayor

ATTEST:

  
Mary Ellen Burch, Town Clerk

After Recording, Return To:

Ed T. Bristow, Esq., PLS  
President and General Counsel  
Flatirons, Inc.  
3825 Iris Avenue, Suite 395  
Boulder, CO 80301

### GRANT OF TEMPORARY CONSTRUCTION EASEMENT

**THIS EASEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between DANIEL J & KELLY KENNELLY, whose address is 6115 S Eaton Ct., Littleton, CO 80123 ("Grantors"), and the Town of Jamestown, a Colorado Statutory Town, whose address is P.O. Box 298, Jamestown, CO 80455 ("Grantee").

GRANTORS, for and in consideration of the sum of \_\_\_\_\_ dollars (\$6,442) paid by the GRANTEE to the GRANTORS, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by this Temporary Construction Easement do grant, bargain, sell, convey and confirm to the GRANTEE, its successors and assigns forever, a temporary construction easement on and under the property as per the Property Description and Exhibit Map attached hereto as **Exhibit A**, and incorporated herein by this reference, located in Boulder County, Colorado ("Easement"); for the purposes of:

1. Surveying, locating, installing and constructing a bridge on Anderson Hill Road right of way adjacent to the Easement, in whole or in part; and
2. Cutting and clearing trees, brush, debris and other obstructions on the Easement that might interfere with GRANTEE'S activities on the Easement.

This Easement shall begin on the date set out above and shall terminate upon completion of construction or one year from the date set out above, whichever occurs first.

During the term of this Easement GRANTORS shall not place, erect, install or permit any above or below ground building, structure or other obstruction on the Easement that may interfere with the GRANTEE'S activities on the Easement hereunder.

The GRANTEE shall:

3. Insofar as practicable, restore the surface of the ground to its condition prior to GRANTEE'S activities on the Easement;

## f Temporary

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, 2014, by Daniel J. Kennedy.

mission Expires: 12/31/2011

Witness my hand and official seal. \_\_\_\_\_  
 County Public

OF COLORADO )  
 ) ss.

OF )

ing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Kelly Kennelly.

Commission expires \_\_\_\_\_, 20\_\_.

ATTEST:

ATTEST:

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Tara Schoedinger, Mayor

Mary Ellen Burch, Town Clerk

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**Part 2. Environmental Certification (to be completed by responsible entity)**

**With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:**

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity



X

Title of Certifying Officer

**Leslie Irwin, Policy Analyst**

Date signed

11/21/14

Address of Certifying Officer

**Boulder County, 1325 Pearl Street, Boulder, Colorado 80302**

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



# Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 07/31/2017)

**Exhibit IV-C.7**

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) <b>CDBG-DR</b>	2. HUD/State Identification Number <b>R1-60-18 J</b>	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity <b>Boulder County 1325 Pearl Street Boulder, CO 80302</b>	
6. For information about this request, contact (name & phone number) <b>Tara Schoedinger, Mayor of Jamestown, 303-731-9269</b>		
8. HUD or State Agency and office unit to receive request <b>Department of Local Affairs 1313 Sherman Street, Room 521 Denver, CO 80203</b>	7. Name and address of recipient (if different than responsible entity) <b>N/A</b>	
<b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b>		
9. Program Activity(ies)/Project Name(s) <b>Acquisition / Anderson Hill Property</b>	10. Location (Street address, city, county, State) <b>134 Anderson Hill, Jamestown, Boulder County, Colorado</b>	

### 11. Program Activity/Project Description

In accordance with Federal Register Vol. 78., No. 43, dated March 5, 2013, on page 14343 (20 (b) and (c)) and the "OEE/Sandy memo" dated March 4, 2013, Boulder County is formally notifying DOLA of its adoption of FEMA's environmental review for the following CDBG-DR supplemented project. FEMA's PEA overview for this project states, "The Federal government, through multiple agencies and their programs, proposes to repair, relocate and replace infrastructure; acquire and demolish properties; and restore, relocate and otherwise engineer river channels in the Town of Jamestown that were damaged as a result of a Presidentially Declared Major Disaster in the State of Colorado: DR 14-4145. Infrastructure, properties and river channels may be built, upgraded, or repaired under funding programs from various federal agencies."

Project is to acquire, demolish and remove a single family property at 134 Anderson Hill in Jamestown, Colorado. The acquisition project is needed because the single family property is not suitable for housing reconstruction, repair or replacement in the current floodplain due to risk of future hazards. The parcel footprint is small; therefore there is no other suitable alternate building site on the parcel. Subsequent to acquisition, an easement will be created on the property to create a gravel road and bridge over James Creek. The bridge project will follow HUD's Eight Step Decision Making Process.



**COLORADO**  
Department of Local Affairs  
Division of Local Government

November 21, 2014

The Honorable Cindy Domenico  
Boulder County Board of Commissioners  
1325 Pearl County  
Boulder, CO 80302

Re: CDBG-DR #R1-60-18 J/Jamestown Anderson Hill Acquisition  
**Environmental Clearance to Release Funds**

Dear Commissioner Domenico:

The Department received the Request for Release of Funds and Certification form formally notifying DOLA of the adoption of FEMA's environmental review record for the above project. This is in accordance with Federal Register Vol. 78, No. 43, dated March 5, 2013 on page 14343 (20.(b) and (c)) and the "OEE/Sandy memo" dated March 4, 2013.

**Activities**

Project is to acquire, demolish and remove a single family property at 134 Anderson Hill in Jamestown, Colorado. The acquisition project is needed because the single family property is not suitable for housing reconstruction, repair or replacement in the current floodplain due to risk of future hazards. The parcel footprint is small; therefore there is no other suitable alternate building site on the parcel. Subsequent to acquisition, an easement will be created on the property to create a gravel road and bridge over James Creek. The bridge project will follow HUD's Eight Step Decision Making Process.

The environmental clearance required prior to the execution of your contract is now complete. This determination applies only to the property and activities listed above. Any other activities you wish to consider as part of this project must have a separate written release. Please inform the recipients that they are agreeing to abide by the special conditions, procedures, and requirements of an environmental review and are to advise the State of any changes in the scope of the project or environmental conditions.

**With the receipt of the Release of Funds (ROF) letter, you may now complete the contracting process with the State for the above activities.**

For information on how to proceed, please contact Jill Hart at 720-852-6621. If you have any environmental compliance questions, please contact me at 303-864-7734.

Sincerely,

Tamra Norton  
Environmental Compliance Officer

cc: Jill Hart, Grant Program Analyst, DHSEM





# EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH,  
RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
JAMESTOWN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT FOR CONSTRUCTION PURPOSES OVER AND ACROSS A PORTION OF BLOCK 7, JAMESTOWN, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, JAMESTOWN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED AT RECEPTION NO. 1862709, DATED OCTOBER 26, 1998, TO BEAR NORTH 18°38'15" EAST, A DISTANCE OF 30.00 FEET BETWEEN A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP "LS 23523" LOCATED AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, AND A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP "LS 23523" LOCATED AT A NORTHWESTERLY CORNER OF SAID PARCEL OF LAND, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF THAT PARCEL OF LAND RECORDED UNDER RECEPTION NO. 1591198, DATED MARCH 14, 1996 A/K/A 134 ANDERSEN STREET; THENCE ALONG THE WEST LINE OF SAID PARCEL OF LAND, NORTH 18°38'15" EAST, A DISTANCE OF 63.19 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 18°38'15" EAST, A DISTANCE OF 38.58 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND RECORDED UNDER RECEPTION NO. 1591198; THENCE DEPARTING SAID WEST LINE AND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ANDERSON HILL ROAD, SOUTH 63°14'25" EAST, A DISTANCE OF 61.26 FEET; THENCE SOUTH 82°15'45" EAST, A DISTANCE OF 95.82 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE EAST LINE OF SAID PARCEL OF LAND, SOUTH 24°48'29" WEST, A DISTANCE OF 59.37 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 67°07'56" WEST, A DISTANCE OF 148.76 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 6,442 SQ.FT. OR 0.15 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-63,134

JOB NUMBER: 14-63,134  
DRAWN BY: B. SWIFT  
DATE: OCTOBER 30, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

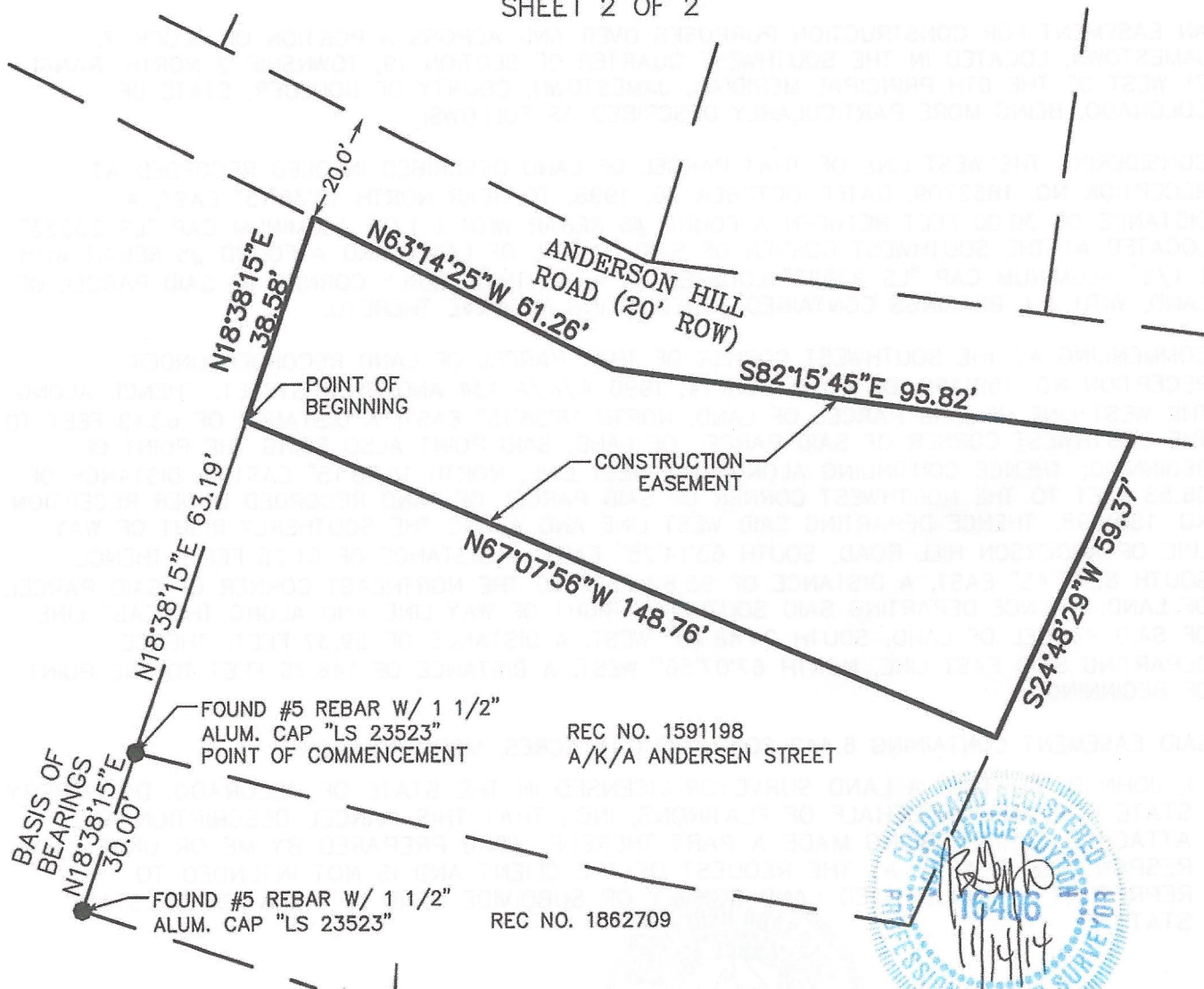
**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
3825 IRIS AVE, STE 395  
BOULDER, CO 80301  
PH: (303) 443-7001  
FAX: (303) 443-9830  
[www.FlatironsInc.com](http://www.FlatironsInc.com)



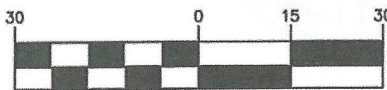
# EXHIBIT "A"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH,  
RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
JAMESTOWN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE



( IN FEET )

1 inch = 30 ft.

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THIS EXHIBIT IS NOT INTENDED FOR  
PURPOSES OF TRANSFER OF TITLE OR  
SUBDIVISIONS OF LAND. RECORD  
INFORMATION SHOWN HEREON IS BASED  
ON INFORMATION PROVIDED BY CLIENT.



JOB NUMBER: 14-63,134  
DRAWN BY: B. SWIFT  
DATE: OCTOBER 29, 2014

**Flatirons, Inc.**

Surveying, Engineering & Geomatics



3825 IRIS AVE, STE 395  
BOULDER, CO 80301  
PH: (303) 443-7001  
FAX: (303) 443-9830

www.FlatironsInc.com