RESOLUTION NO. 17
SERIES OF 2011

INTRODUCED BY: RUSSELL STEWART
SECONDED BY: MARK GRIFFIN

A
RESOLUTION
OF THE CITY COUNCIL
CONCERNING
THE EASEMENT AGREEMENT BETWEEN
THE CITY OF CHERRY HILLS VILLAGE, COLORADO AND JAMES L. AND JUDITH A. McQUAID; AND SETTING FORTH DETAILS IN REGARD THERETO

WHEREAS, the City of Cherry Hills Village (the "City"), in the County of Arapahoe and State of Colorado, is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, James and Judith McQuaid are the owners of certain real property in the City located at 4460 South Downing Street, including a portion of real property legally described as a 15 foot wide strip of land being a part of vacated East Stanford Avenue, recorded in Book 881 at Page 47 of the Arapahoe County Records, Cherry's Broadway Gardens, location in the Northwest Quarter of Section 11, Township 5 South, Range 68 West of the Sixth Principal Meridian, County of Arapahoe (the "Property"); and

WHEREAS, the McQuaids desire to convey to the City, and the City desires to accept, the right of public access and use to the Property in order to advance public recreational opportunities and to enhance the character and quality of life within the City; and

WHEREAS, the City and the McQuaids wish to enter into an Easement Agreement in furtherance of implementing the McQuaids' desire to convey the Property as a recreational easement to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. The Council hereby approves and authorizes the Mayor to enter into the Easement For Non-Motorized Public Trail Agreement with James and Judith McQuaid in substantially the same form as attached hereto as Exhibit A and in a form approved by the City Attorney.

Section 2. This Resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this 13th day
of December, 2011, by a vote of 5 yes and 0 no.

Michael J. Wozniak, Mayor

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Kenneth S. Fellman, City Attorney

(SEAL)