

**TOWN OF EAGLE, COLORADO
ORDINANCE NO. 03
(SERIES OF 2026)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AUTHORIZING AN UNDERGROUND RIGHT OF WAY EASEMENT ON TOWN PROPERTY FOR THE PURPOSE OF THE RELOCATION OF AN UNDERGROUND POWERLINE OWNED BY THE HOLY CROSS ENERGY COMPANY.

WHEREAS, the Town Council ("Council") of the Town of Eagle ("Town") has the power pursuant to C.R.S. § 31-15-103 to make and publish ordinances for carrying into effect certain powers and duties that are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof; and

WHEREAS, Section 1.04(2) of the Town's Home Rule Charter ("Charter") grants the Town full the right to own, possess, and hold all property, real and personal; and

WHEREAS, Section 12.02 of the Charter provides that "the Council by ordinance may purchase, sell, exchange or dispose of any interest in real property"; and

WHEREAS, the Town is the owner of real property known as Tract E of the Haymeadow Filing 1, located in the County of Eagle, Colorado ("Property"), the Property has a legal description as set forth in **Exhibit 1**; and

WHEREAS, development near the Property has necessitated that an underground power line located near the Property be relocated; and

WHEREAS, in order to relocate the underground power line, Holy Cross Energy Company has requested that the Town convey an Underground Right of Way Easement Agreement (the "Easement Agreement"), attached as **Exhibit 1**; and

WHEREAS, Council believes it is in the best interest of the Town to enable the relocation of the underground power line by signing the Easement Agreement.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE THAT:


SECTION 1

The Council hereby approves the Underground Right-of-Way Easement Agreement between the Town and Holy Cross Energy as set forth in **Exhibit 1**.

INTRODUCED AS AN ORDINANCE, READ, MOVED, AND ORDERED

PUBLISHED ON January 28, 2026.

TOWN OF EAGLE, COLORADO


Bryan Woods, Mayor

ATTEST:

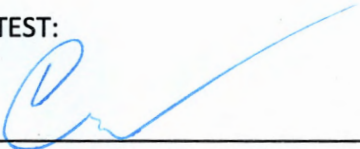

Camille Deering, Town Clerk



Exhibit 1
Underground Right-of-Way Easement
Agreement

HOLY CROSS ENERGY
UNDERGROUND RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,

TOWN OF EAGLE, a Colorado municipal corporation

(hereinafter called "Grantor"), for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto Holy Cross Energy, a Colorado corporation whose post office address is P. O. Box 2150, Glenwood Springs, Colorado (hereinafter called "Grantee") and to its successors and assigns, the right of ingress and egress across lands of Grantor, situate in the County of Eagle, State of Colorado, described as follows:

Tract E, Haymeadow Filing 1 situate in Sections 4 & 9, Township 5 South, Range 84 West of the 6th P.M., as more fully described at Reception Number 201912539 and by the plat at Reception Number 201907561 in the records of the Eagle County Clerk and Recorder's Office, Eagle, Colorado,

And, to construct, reconstruct, repair, change, enlarge, re-phase, operate, and maintain an underground electric transmission or distribution line, or both, with the underground vaults, conduit, fixtures and equipment used or useable in connection therewith, together with associated equipment required above ground, within the above mentioned lands, upon an easement described as follows:

An easement ten (10) feet in width, the centerline for said easement being an underground power line as constructed, the approximate location of which upon the above described property is shown on Exhibit A attached hereto and made a part hereof by reference.

The rights herein granted specifically allow Grantee to install additional underground and/or pad-mounted facilities within the easement described herein.

It shall be the Grantor's responsibility to ensure that splice vaults, switchgear vaults and transformer vaults installed hereunder on said real property are accessible by Grantee's boom trucks and other necessary equipment and personnel at all times. The use of such access by Grantee shall not require removal or alteration of any improvements, landscaping, or other obstructions. The ground surface grade shall not be altered within ten (10) feet of said splice, switchgear and transformer vaults, nor along the power line route between the vaults. The ground surface grade at said transformer and switchgear vaults shall be six (6) inches below the top of the pad. The ground surface grade at said splice vaults shall be even with the top of the pad. The manhole opening of said splice vaults shall be uncovered (excluding snow) and accessible at all times. Improvements, landscaping or any other objects placed in the vicinity of said transformers and switchgear shall be located so as not to hinder complete opening of the equipment doors. The ground surface within ten (10) feet of said transformer and switchgear doors shall be flat, level and free of improvements, landscaping, and other obstructions. Improvements, landscaping and other objects will be kept a minimum of four (4) feet from non-opening sides and backs of said transformers and switchgear. Grantor hereby agrees to maintain the requirements of this paragraph and further agrees to correct any violations which may occur as soon as notified by Grantee. Said corrections will be made at the sole cost and expense of Grantor.

Together with the right to remove any and all trees, brush, vegetation and obstructions within said easement and the right to pile spoils outside said easement during construction and maintenance, when such is reasonably necessary for the implementation and use of the rights hereinabove granted. In areas where vegetation is disturbed by the above described use of the easement, the ground surface shall be seeded using a standard native mix by Grantee. Grantor agrees that landscaping or other surface improvements added on said easement after the date of execution hereof will be minimized and that Grantee will not be responsible for damage to said additional landscaping or surface improvements caused by exercise of its rights granted by this easement.

Grantor agrees that all facilities installed by Grantee on the above described lands, shall remain the property of Grantee, and shall be removable at the option of Grantee.

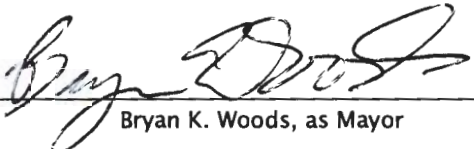
Grantor covenants that they are the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character, except those held by the following: All those of Record.

TO HAVE AND TO HOLD, said right-of-way and easement, together with all and singular, the rights and privileges appertaining thereto, unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused these presents to be duly executed on this 27 day of January, 2026.

The individual signing this Holy Cross Energy Underground Right-of-Way Easement hereby represents that they have full power and authority to sign, execute, and deliver this instrument.

TOWN OF EAGLE, a Colorado municipal corporation

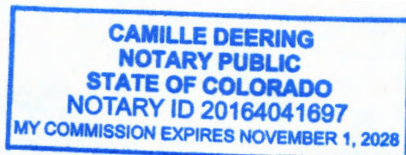
By: 
Bryan K. Woods, as Mayor


STATE OF CO)
) ss.
COUNTY OF Eagle)

The foregoing instrument was acknowledged before me this 27 day of January, 2026, by Bryan K. Woods as Mayor of TOWN OF EAGLE, a Colorado municipal corporation.

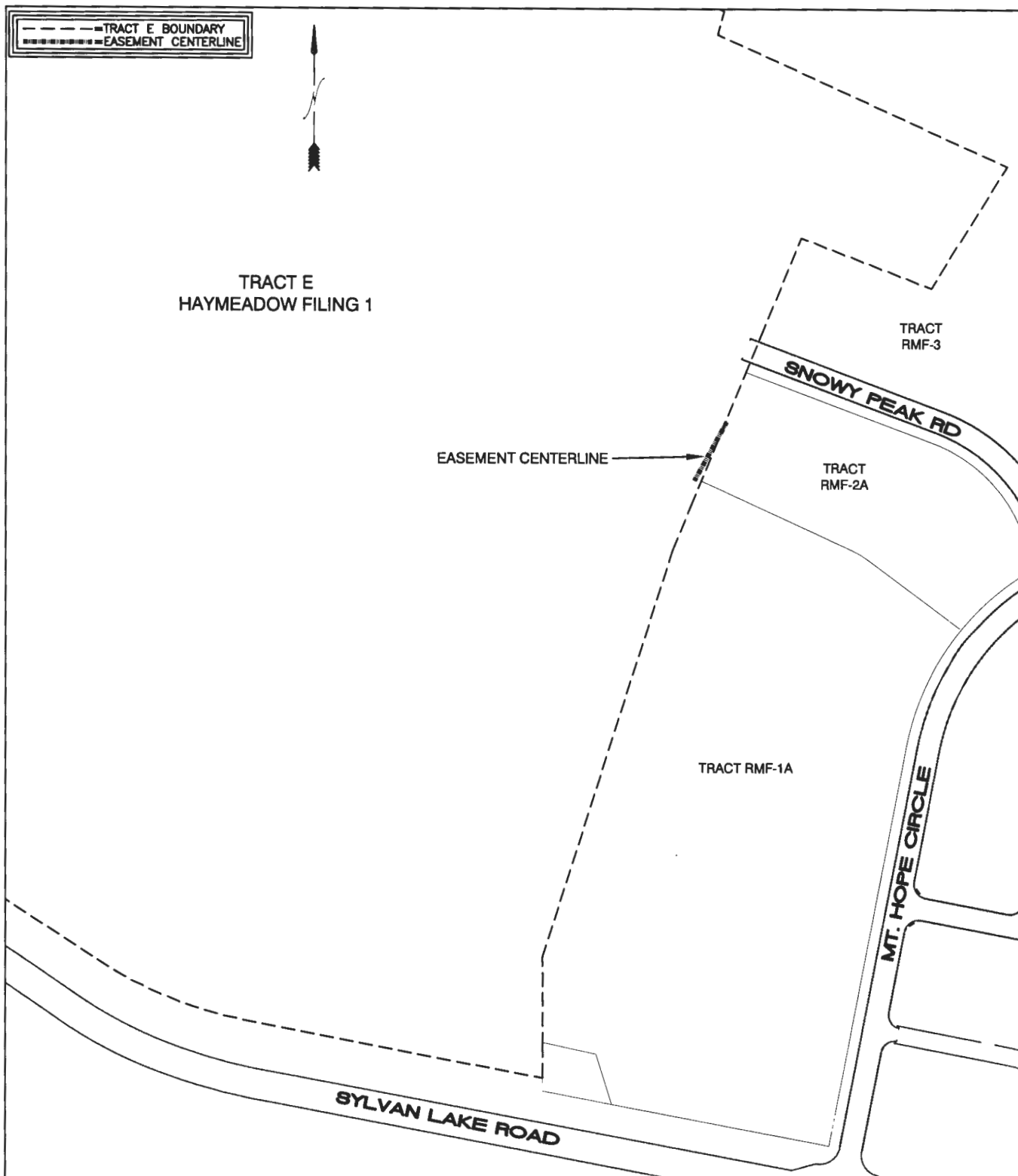
WITNESS my hand and official seal.

My commission expires: 11/1/2028




Notary Public

Address: 200 Broadway Eagle CO



Section 4 & 9 Township 5 South Range 84 West of the 6th P.M.
 Job Name: Haymeadow Reroute

Eagle County
 W/O #: 25898

Holy Cross Energy
 Glenwood Springs, Colorado

NOT TO SCALE
 FACILITY LOCATIONS
 APPROXIMATE

Date
 12/23/25

EXHIBIT A

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Camille Deering, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE 03, SERIES 2026 "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AUTHORIZING AN UNDERGROUND RIGHT OF WAY EASEMENT ON TOWN PROPERTY FOR THE PURPOSE OF THE RELOCATION OF AN UNDERGROUND POWERLINE OWNED BY THE HOLY CROSS ENERGY COMPANY" on the Town of Eagle's web site, www.townofeagle.org, on the 28th day of January 2026.

Witness my hand and seal this 28th day of January 2026.



Camille Deering,
Town Clerk



Ordinance Effective Date:

February 7, 2026