



**TOWN OF MILLIKEN  
TOWN BOARD  
AGENDA MEMORANDUM**

To: Mayor Tokunaga and Board of Trustees	Meeting Date: Wednesday, March 25, 2015
From: Kent Brown, Town Administrator	

Consent:	Action: <b>X</b>	Discussion:	Information:
Agenda Title: Approval of Maintenance Agreement and Easement			
Attachments: Proposed Agreement with Owners' of the Irrigation Ditch. Map of culvert location and ditch around the north and west sides of Frank Farms subdivision.			

**PURPOSE**

The Town desires to put in a formal document what has been the understood informal agreement for the maintenance and use of the Owners' Irrigation Ditch.

**BACKGROUND**

There is presently a culvert under the north end of S. Tamera Av. which intersects with WCR 46 1/2. The culvert was installed for the benefit of the Town to create a connection with Tamera Av. The Town has maintained the culvert and a portion of the easement for the owners' ditch. Even though it is the obligation of the owner to maintain the ditch according to Colorado Revised Statutes, it has been agreed upon previously that the Town would maintain the areas identified. This agreement puts into a written document the agreed upon practice.

**BUDGET IMPLICATIONS**

There is no additional cost for the agreement.

**STAFF RECOMMENDATION**

Staff recommends that the Board of Trustees approve the contract and authorize the Town Administrator to sign.

**SUGGESTED ACTION**

"I move to approve the Maintenance Agreement and Easement with Binder Family Farms, L.L.C. and authorize the Town Administrator to sign."

## MAINTENANCE AGREEMENT AND EASEMENT

This Agreement is made and entered into by and among the Town of Milliken, a Colorado Statutory Municipal Corporation (Town) and the undersigned landowners with the intent that they are confirming their effective ownership, maintenance and uses of the Owners' Irrigation Ditch.

There is presently a culvert under the north end of South Tamera Avenue which intersects with Weld County Road 46-1/2 as this culvert passes underneath South Tamera Avenue.

This culvert was installed for the benefit of the Town in order that the north portion of South Tamera Avenue could intersect with Weld County Road 46-1/2.

All parties understand and agree that although it is the obligation of the owner of an irrigation ditch, pursuant to Colorado Revised Statutes, to maintain its ditches, the Town has maintained the Owners' Ditch as it passes through the culvert and it is hereby agreeing to continue its maintenance of this easement to the Town as the ditch passes through this culvert under South Tamera Avenue as long as the Town uses the culvert.

As the Owners' Ditch continues in north/south direction on the east side of Weld County Road 46-1/2 the Town has historically maintained the east side of the Owners' Ditch where it borders residences which face south Ursula Avenue. The Town hereby agrees that it will continue to be responsible for the maintenance and repair of the east side of this ditch, as required by Colorado Revised Statutes as long as the Town uses the culvert.

Attached hereto is an aerial photograph which delineates these locations and is incorporated herein by reference.

OWNERS' IRRIGATION DITCH

TOWN OF MILLIKEN

*Blinden Family Farm LLC*

By: *Tom Blinden*

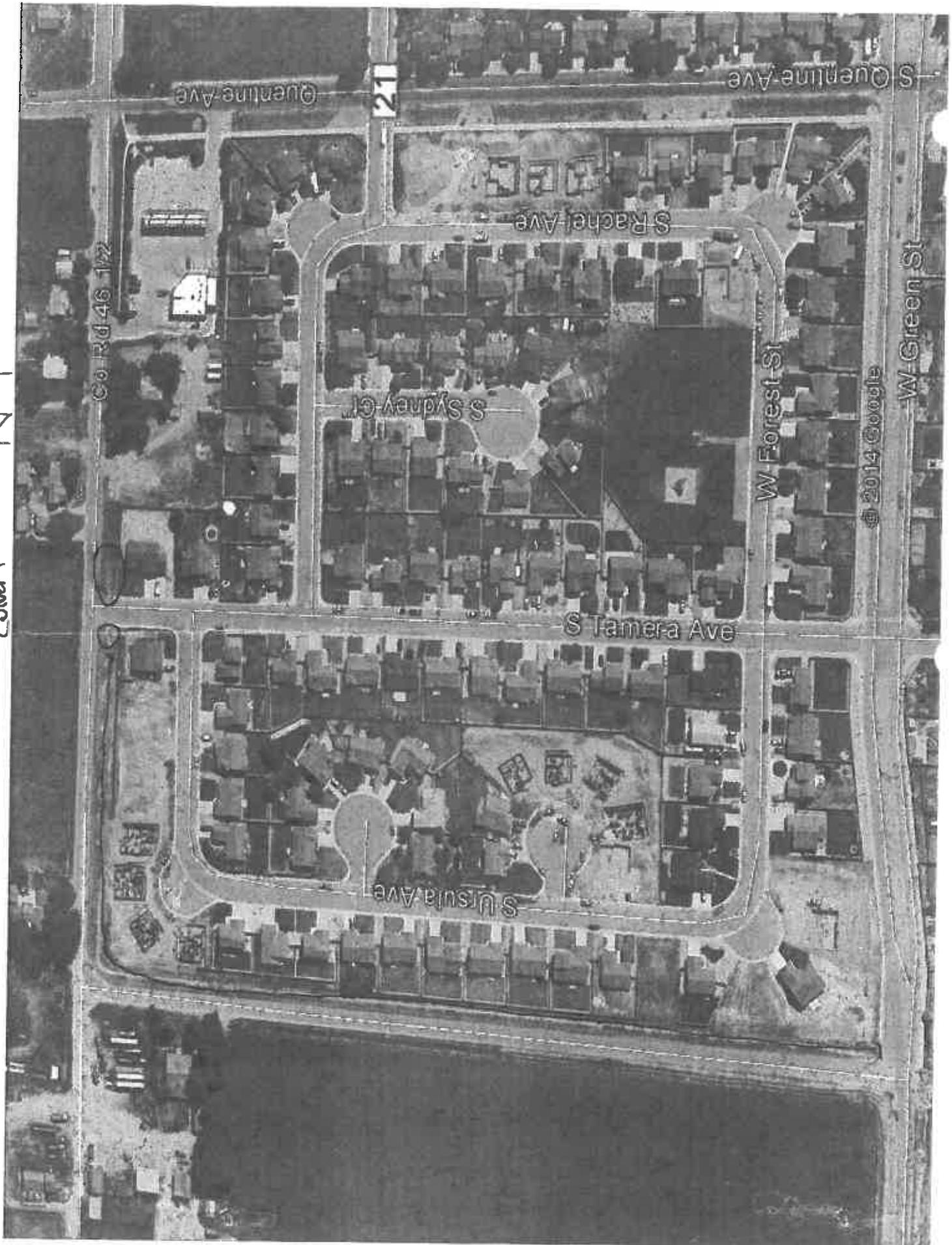
Title: *partner*

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Co Rd 46 172  
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Culvert



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