

**TOWN OF OPHIR
RESOLUTION 2017-3**

**TAKING FORMAL ACTION TO AUTHORIZE ACQUISITION OF EASEMENT
FOR MUNICIPAL BROADBAND CABINET**

WHEREAS, as part of the Town of Ophir's effort to provide municipal broadband service to Ophir residents and properties, the Town needs to install a municipal broadband cabinet near the Ophir loop to house a switch, router, battery backup, surge protection, temperature control and related equipment. The cabinet will be installed on a concrete slab, and constructed of metal with approximate dimensions of 66"H x 26"W x 26"D. The cabinet shall be enclosed by wooden shed or cabin enclosure, which shall have a rustic appearance and metal roof similar to the existing Post Office building. The enclosure shall connect to or be adjacent to the exterior of the Post Office building, and be served by an underground electrical power line extending from an upgraded electrical power meter on the Post office building to such cabinet, and underground broadband optical fibers and conduit extending from the Easement Area to an electrical pole along County Road D65; and

WHEREAS, pursuant to Resolution 2015-1 , the Mayor, Town Administrator, Ophir Broadband Committee, and Town Attorney were authorized to negotiate to acquire or enter into agreements to acquire easements, licenses, and interests, and contracts necessary to acquire and extend directly or indirectly broadband service to the Town of Ophir and its subscriber residents. Resolution 2015- further provided that consideration and final execution shall be approved after recommendation by the Ophir Broadband Committee by motion and vote by the General Assembly and subject to annual appropriations; and

WHEREAS, the Town Administrator has negotiated with Antoine and Terry Savelli, owners of property where the United States Post Office is located, to enter into an Easement Agreement to acquire an 5' x 8' easement on the southwest side of the Post Office building to construct, operate, maintain, repair and replace a municipal broadband cabinet. The Savelli property is described as:

Tract 37, Township 42 North, Range 9 West of the New Mexico Principal Meridian,

EXCEPT that part of Tract 37, Section 33, Township 42 North, Range 9 West of the New Mexico Principal Meridian conveyed to the County of San Miguel in Deed recorded February 3, 1978 in Book 369 at page 927,
County of San Miguel, State of Colorado.

With address of 437 Ophir Road, Ophir, CO 81426; and

WHEREAS, the proposed consideration consists of waiver of broadband connection tap fees with a value of approximately \$4,000.00; agreement by the Town to pay, or to cause its broadband service provider to waive, monthly or periodic broadband service charges for a period of five years after the date of commencement of broadband service to the Savelli residence; and payment to San Miguel Power Company for the cost of an upgrade to the

electrical power meter at the Post Office Building in the estimated amount of \$3,025.00;
and

WHEREAS, the Ophir Broadband Committee has recommended approval of the Easement Agreement; and

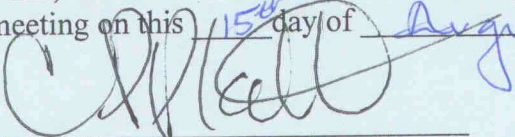
WHEREAS, the Ophir General Assembly finds that it is in the interest of the Town of Ophir to approve such Easement on the Savelli property and to pay or provide the consideration in connection therewith as set forth in the Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR THAT:

SECTION 1. Formal Action to Authorize Municipal Broadband Cabinet Easement

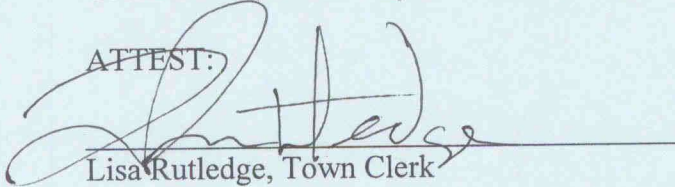
The General Assembly hereby authorizes, ratifies and confirms the execution of a municipal broadband cabinet Easement Agreement providing for a municipal broadband cabinet on the Savelli Property described above, in substantially similar form to the form attached hereto.

RESOLVED, APPROVED AND ADOPTED by the Town of Ophir General Assembly at a public meeting on this 15th day of August, 2017.



Corinne Platt, Town Mayor

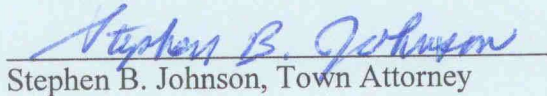
ATTEST:



Lisa Rutledge, Town Clerk

(SEAL)

APPROVED AS TO FORM:



Stephen B. Johnson, Town Attorney