

## CHAPTER 298

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**NATURAL RESOURCES**


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**HOUSE BILL 93-1091**

BY REPRESENTATIVES Eisenach, Chlouber, Gordon, Moellenberg, Pierson, Prinster, and Thiebaut;  
also SENATORS Ament, Bishop, Hopper, L. Powers, and Rizzuto.

**AN ACT**

**CONCERNING THE ACQUISITION BY THE DIVISION OF WILDLIFE OF LANDS IN SEDGWICK COUNTY  
FOR PUBLIC PURPOSES, AND MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Acquisition authorization.** The division of wildlife in the department of natural resources is hereby authorized to acquire certain land in Sedgwick county, Colorado, consisting of approximately one thousand one hundred and eighteen acres, subject to survey, and more particularly described as follows:

Township 11 North, Range 44 West, 6th P.M.

Section 5: That part of S $\frac{1}{2}$  lying North of the existing fence line on the South side of the South Platte River EXCEPT a tract of land beginning at a point on the south line of Section 5, Township 11 North, Range 44 West of the 6th P.M., from which the southeast corner of Section 5 bears N. 89°12'30" E. a distance of 667.6';

1. Thence N. 57°09'30" E. a distance of 786.5' to the east line of Section 5;
2. Thence along the east line of Section 5, S. 0°55'30" E. a distance of 417.3' to the southeast corner of Section 5;
3. Thence along the south line of Section 5, S. 89°12'30" W. a distance of 667.6', more or less, to the point of beginning.

Section 6: All EXCEPT Lots 2, 3, 4, 5, 10 and 11, otherwise described as: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Lots 6, 7, 8 and 9 and E $\frac{1}{2}$ SW $\frac{1}{4}$  (also described as the SW $\frac{1}{4}$ ), and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 6, Township 11 North, Range 44 West of the 6th P.M.

Section 7: That part of Lots 1, 8, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying North of the existing fence on the South line of the South Platte River

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

EXCEPT a tract deeded to The Department of Highways, State of Colorado, more particularly described in Special Warranty Deed recorded October 25, 1967, Book 126, Page 399, Reception No. 155293.

Section 8: That part of NW $\frac{1}{4}$  lying North of the existing fence on the South line of the South Platte River EXCEPT a tract of land more particularly described in Special Warranty Deed from Reichelt Land and Cattle Company to The Department of Highways, State of Colorado, dated September 20, 1967, recorded October 25, 1967, Book 126, Page 399, Reception No. 155293, AND EXCEPT a tract of land situate in the NW $\frac{1}{4}$  of Section 8, Township 11 North, Range 44 West of the 6th P.M., more particularly described in Warranty Deed from Reichelt Land & Cattle Co., a corporation, to Highline Electric Association, dated August 7, 1969, recorded August 11, 1969, Book 129, Page 102-A, Reception No. 156865.

Township 11 North, Range 45 West, 6th P.M.

Section 12: That part of Lots 1, 2, 5, 6, 7, 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying North of the existing fence on the South line of the South Platte River.

Township 12 North, Range 44 West, 6th P.M.

Section 31: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  line South of the Union Pacific Rail Road Right-of-Way.

SAVING, EXCEPTING AND RESERVING unto the Grantors and the Grantors' assignees the area in and around Grantors' water diversion structure and irrigation intake structure said area is located in the SW $\frac{1}{4}$  of Section 12, Township 11 North, Range 45 West of the 6th P.M. including the right to repair, replace and maintain any existing irrigation supply piping which crosses the conveyed lands together with the right of ingress and egress.

FURTHER SAVING, EXCEPTING AND RESERVING unto the Grantors and the Grantors' assignees use of two (2) water gaps more particularly described as follows:

No. 1, an area 50 feet wide and approximately 200 feet extending from the South boundary of the property to be acquired by Grantee to the South Platte River located on the section line between Section 7, Township 11 North, Range 44 West of the 6th P.M. and Section 12, Township 11 North, Range 45 West of the 6th P.M.

No. 2, an area 50 feet wide and approximately 600 feet extending from the South boundary of the property to be acquired by Grantee to the South Platte River located along the east section line of Section 5, Township 11 North, Range 44 West of the 6th P.M. and north of the parking area to be conveyed by Grantors.

Both water gaps shall be fenced and maintained by Grantors when used by Grantors.

Also conveyed to the Grantee, its successors and assigns, and members of the public using the property for hunting or outdoor recreation shall have the right of reasonable pedestrian access over, upon and across the Grantor's retained land from

portion to portion of the property at such times and as such portions may be isolated by changes in the river channel or sloughs. Also access shall be granted around the Grantor's reserved river diversion structure and irrigation pumping station. All pedestrian access trails shall be at all times as near the common boundary line of the parties as possible and not more than 15 feet from the top of the bank of the river or slough or from the north property line on the Grantor's retained land.

Also conveyed to the Grantee in, on, and under the above described premises are all minerals, including all oil, gas and other mineral rights over, under, or on the subject property owned by the parties of the first part, of whatever kind or character, including, but not necessarily limited to, and all ores and metals, all coal, oil shale, asphaltum and other hydrocarbons, geothermal resources, sand, gravel, clay, rock and other substances.

Grantors further convey to Grantee two (2) access roads to the above-described premises and parking areas as follows:

Access and Parking Area No. 1:

From the Southwest corner of Section 12, Township 11 North, Range 45 West of the 6th P.M. East along the North right-of-way of County Rd. 28, 1,900 feet to the point of beginning; thence North 1,050.0 feet to the parking area. The parking area shall be 150 feet x 200 feet; the access road shall be 35 feet wide.

Access and Parking Area No. 2:

From a point on the North right-of-way of County Rd. 28, 300 feet west of the east section line of Section 5, Township 11 North, Range 44 West of the 6th P.M., thence North 275 feet to the parking area. Parking area shall be 150 feet x 200 feet, the access road shall be 35 feet wide.

RESERVING to the Grantors and the Grantors' assignees the right to cross said access roads by cattle and equipment, at two (2) designated areas where gates shall be installed.

Also conveyed to Grantee for Grantee's use only and not for public use a perpetual right of use of a 15 foot wide existing trail south of and adjacent to the conveyed area in Section 7, Township 11 North, Range 44 West of the 6th P.M. and Section 12, Township 11 North, Range 45 West of the 6th P.M.

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife cash fund not otherwise appropriated, to the department of natural resources for allocation to the division of wildlife, the sum of three hundred fifty-eight thousand dollars (\$358,000), or so much thereof as may be necessary, for the acquisition authorized by section 1 of this act. The moneys appropriated shall become available upon passage of this act and shall remain available until January 1, 1996. The appropriation from the wildlife cash fund shall be reduced by the amount of any moneys received from federal sources and not appropriated in this act.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993