

## PERMANENT DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENT:

That 5333 Mattress King LLC, whose address is 5333 N.Bannock Street, Denver, CO 80216, hereinafter called "Grantor", for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, and convey to the County of Adams, State of Colorado, whose address is 4430 S. Adams County Parkway, Brighton, Colorado, 80601-8218, hereinafter "Grantee", a permanent storm drainage "Easement" for the purpose of providing a drainage system for the property described on the plat recorded in the Office of the Adams County Clerk and Recorder on Nov. 17, 1969 under Reception No. 878050, being more particularly described as:

(See attached Exhibit "A" Property description. \*This is not the Easement description but instead the "Property" description)

hereinafter referred to as the "Property", with the right to construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair, and remove such drainage facilities and appurtenances thereto as shown on the approved drainage plan on file at the Adams County Community and Economic Development Department and as may from time to time be modified, with County approval, or as required on, over, across, and through the following described land to wit:

(See attached Exhibit "B" Easement description.)

Together with a non-exclusive right to ingress and egress from said Easement over and across the surface of the lands of the Property by means of roads and lanes thereon if such there be; otherwise by such route as shall cause the least practical damage and inconvenience to the Property.

It is the intent of this Easement to provide drainage facilities for the Property and the maintenance responsibility shall lie with the Grantor. The Grantor shall be responsible for the operation, maintenance and repair of all drainage facilities including but not limited to inlets, pipes, culverts, channels, ditches, hydraulic structures, detention basins and retention basins located on the Property. Maintenance and repair shall include but not be limited to the periodic removal of debris and sediment from channels, storm sewer pipes, trash racks, inlets and basins. In addition, channel banks, basins, crushed pipe inlets and outlets, and general deterioration of the storm water and drainage facilities shall

be maintained and repaired to avoid reduced conveyance capability, unhealthy and unsightly conditions and ultimate failure of the drainage system.

Should the Grantor fail to adequately maintain said facilities, then the Grantee shall have the right to enter said Easement for the purpose of maintaining and repairing said facilities. All costs related to the maintenance and repair of said facilities shall be assessed to the Grantor. The Grantee shall give the Grantor a 30 day written notice to commence routine maintenance and repair which must be completed in a reasonable amount of time. Emergency repairs that could endanger off site properties and/or be a threat to the health, safety and general welfare of the public, if not repaired immediately, shall be repaired by the Grantor immediately upon notice and if not, by the Grantee with the cost assessed to the Grantor.

In further consideration hereof, Grantor covenants and agrees that no buildings, structures or objects will be placed, erected, installed or permitted on, over, across or through the Easement, and it is further agreed that the Grantor shall not grant any additional easements, leases, or licenses on, over, across, and through the Easement without first obtaining the written consent of Adams County, which shall not withhold such consent unless Adams County determines, in its sole discretion, that such additional easements, leases, or license will interfere with or impede the proper maintenance and use of said facility.

In further consideration of the granting of this Easement, it is hereby agreed that all work performed by the Grantor or the Grantee in connection with this Easement shall be done with care, and the surface of the Property shall be restored to its designed condition, or as close thereto as possible, except for any necessary approved modifications to accommodate the facilities and appurtenances installed.

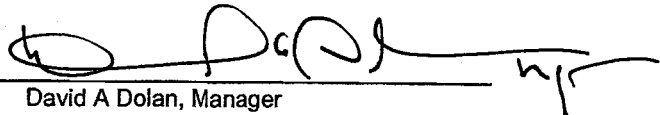
This Easement should extend and be binding upon the successors and assigns of the parties hereto the terms, covenants and agreements in the is Easement shall be construed as covenants running with the land.

Exnibits A snd B are incorporated herein.

IN WITNESS WHEREOF, the Grantor has executed this Easement this 3 day of April, 2017.

5333 Matress King LLC

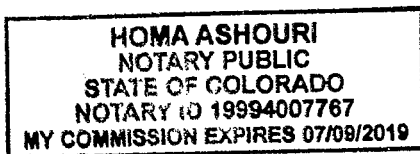
By:

  
David A Dolan, Manager

STATE OF Colorado )  
 )  
COUNTY OF Denver ) ss

The foregoing instrument was acknowledged before me this 3 day of April,  
2017 by Dan D. Ryan, of S353 maintenance,  
Name Title Company or Organization

IN WITNESS WHEREOF, I have hereto set my hand and official seal.



[Signature]  
Notary Public

My commission expires: 07/09/2019

## EXHIBIT "A"

ATTACHED AND MADE PART OF DOCUMENTATION DATED SEPTEMBER 27, 2011, IN THE NAME OF MATTRESS LIQUIDATORS, INC., IN THE AMOUNT OF \$1,750,000.00

### Parcel A:

That part of Block 1, G & W Center for Industry and Commerce, County of Adams, State of Colorado, more particularly described as follows:

Beginning at the Northeast corner of said Block 1;

Thence Southerly along the East line of said Block 1, which is also the West right of way line of Bannock Street, the following three courses:

1. A distance of 95.37 feet;
2. Thence on an angle to the left of 14 degrees 02 minutes 00 seconds a distance of 103.10 feet;
3. Thence on an angle to the right of 14 degrees 04 minutes 17 seconds a distance of 39.61 feet to the true point of beginning;

Thence continuing along said East line of Block 1 and along the West right of way line of Bannock Street, an additional distance of 391.80 feet;

Thence on an angle to the right of 98 degrees 32 minutes 43 seconds a distance of 650.00 feet;

Thence on an angle to the right of 89 degrees 03 minutes 53 seconds a distance of 138.00 feet;

Thence on an angle to the right of 90 degrees 49 minutes 20 seconds a distance of 273.00 feet;

Thence on an angle to the left of 08 degrees 28 minutes 13 seconds a distance of 327.98 feet to the true point of beginning.

### Parcel B:

A perpetual easement to construct, reconstruct, maintain, use and operate a railroad track over and across the following described property:

A parcel of land 25 feet in width located in Block 1, G & W Center for Industry and Commerce, extending from the Westerly boundary of the above described tract, hereinafter referred to as the Mangurian Tract, to the Southwesterly boundary of said Block 1, and said parcel being located 12.50 feet on each side of a centerline more particularly described as:

Commencing at the Southeast corner of said Block 1;

Thence North along the East line of said Block 1, which is also the West right-of-way line of Bannock Street, a distance of 649.08 feet;

Thence on an angle to the left of 81 degrees 27 minutes 17 seconds a distance of 650.00 feet to the Southwest corner of the Mangurian Tract;

Thence on an angle to the right of 89 degrees 03 minutes 53 seconds and along the Westerly line of said Mangurian Tract a distance of 21.50 feet to the true point of beginning;

Thence on angle to the left of 89 degrees 03 minutes 53 seconds a distance of 150.03 feet to a point of curvature;

Thence along a curve to the left having a radius of 573.69 feet and a central angle of 12 degrees 05 minutes 30 seconds an arc distance of 120.92 feet to a point of tangency;

Thence along the tangent to the aforesaid curve a distance of 109.39 feet to a point of curvature;

Thence along a curve to the right having a radius of 459.28 feet and a central angle of 08 degrees 18 minutes 53 seconds an arc distance of 66.65 feet to the point of terminus, which is a point on the Southwesterly boundary of Block 1,

County of Adams,  
State of Colorado.

Excepting from the above described properties those portions granted to Department of Transportation, State of Colorado in Instrument recorded February 15, 1996 in Book 4683 at Page 575.

**EXHIBIT 'B'**  
**Legal Description**

**DRAINAGE EASEMENT**

BEING A PORTION OF THAT REAL PROPERTY AS DESCRIBED AND CONVEYED AT RECEPTION NO. 200410060010000380 AND BEING A PART OF BLOCK 1 OF G&W CENTER FOR INDUSTRY AND COMMERCE RECORDED IN PLAT BOOK 12, PAGE 178 ON NOVEMBER 17, 1969, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER (C1/4) CORNER OF SAID SECTION 15; THENCE NORTH 28°08'15" WEST A DISTANCE OF 728.30 TO A POINT ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BANNOCK STREET AS DESCRIBED IN BOOK 4683 PAGE 575; THENCE NORTH 10°15'35" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 29.77 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 79°45'45" WEST, A DISTANCE OF 64.87 FEET; THENCE NORTH 10°14'15" EAST, A DISTANCE OF 309.75 FEET; THENCE SOUTH 79°45'45" EAST, A DISTANCE OF 63.78 FEET TO A POINT ON THE SAID WESTERLY RIGHT-OF-WAY LINE OF BANNOCK STREET;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

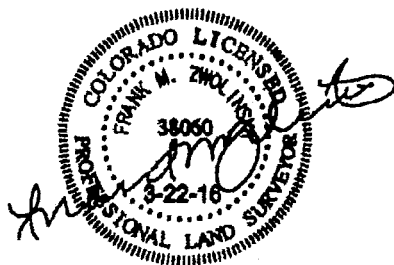
1. SOUTH 04°43'32" WEST, A DISTANCE OF 12.60 FEET;
2. SOUTH 10°15'35" WEST, A DISTANCE OF 297.20 FEET TO THE POINT OF BEGINNING.

CONTAINING ±20,106 SQUARE FEET OR ±0.462 ACRES OF LAND, MORE OR LESS.

End of Legal Description.

**BASIS OF BEARINGS:**

SOUTH 89°37'27" WEST, BEING THE BEARING OF THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, AS DEFINED AND MEASURED BETWEEN THE MONUMENTS FOUND AND SHOWN HEREBY.



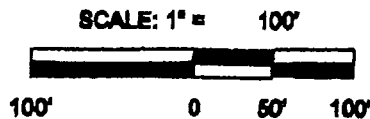
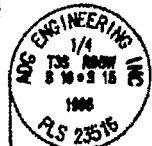
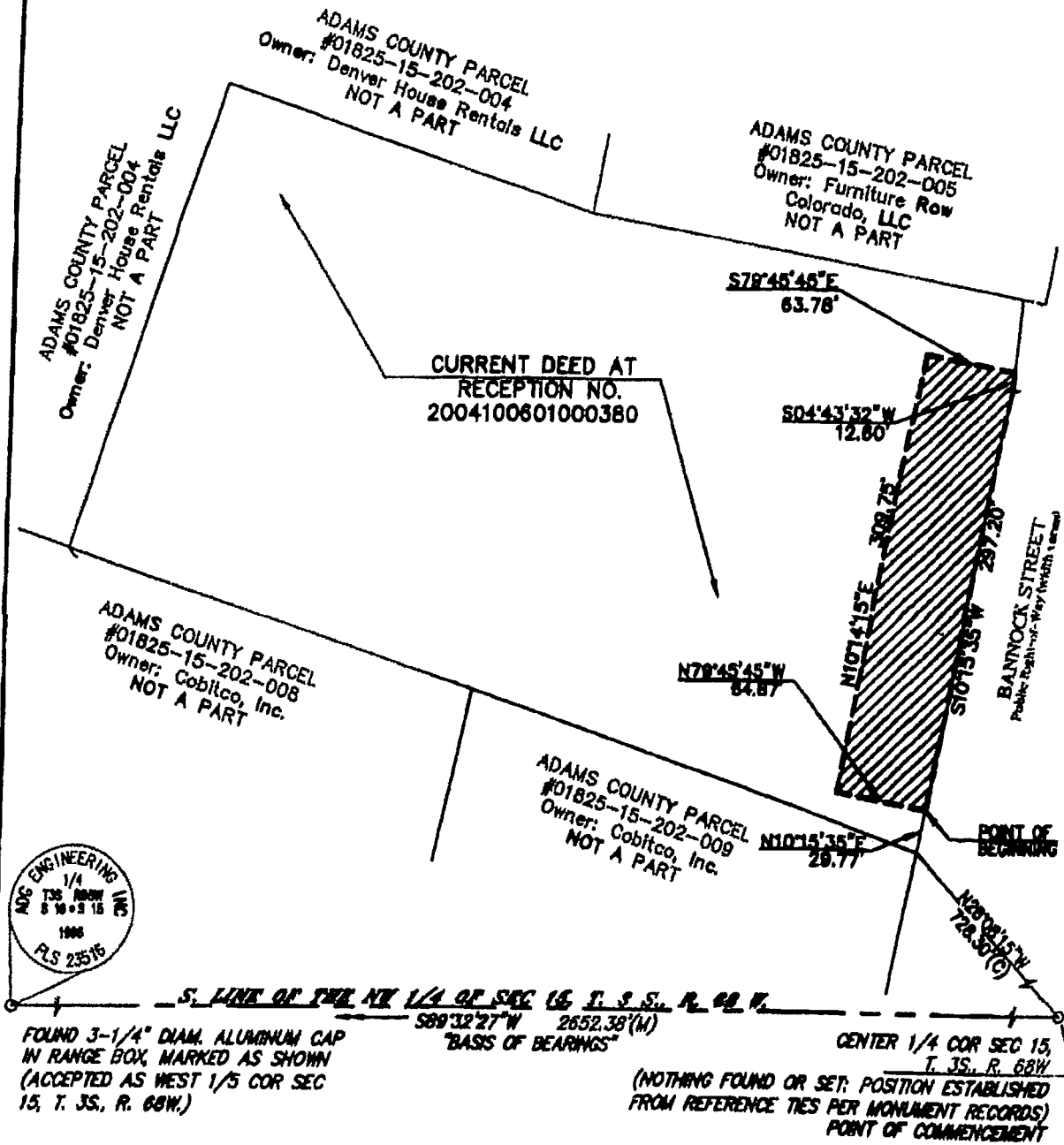
Frank M. Zwolinski, P.L.S.  
Colorado License #38060  
For and on behalf of Power Surveying Company, Inc.  
303-702-1617



DRAWING BY: JCB  
PROJECT NO.

DATE: 3-22-2016  
501-15-051C

# EXHIBIT B Legal Description Exhibit



**POWER**<sup>TM</sup>  
Surveying Company, Inc.  
Established 1970

100 EAST AVENUE  
DENVER, CO 80202-1000

TEL 303-733-7777  
FAX 303-733-7777  
WWW.POWER-SURVEYING.COM

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