

ENCROACHMENT AGREEMENT

This encroachment agreement ("Agreement") is entered into this ____ day of _____, 2017 between ADAMS COUNTY, a body politic, whose address is 4430 S Adams County Parkway, Brighton, Colorado 80601 (the "County") and Adams County District No.1 a/k/a Mapleton Public Schools (the "Property Owner") whose address is 591 East 80th Street, Denver CO, 80229. The County and the Property Owner are collectively referred to as the "Parties."

RECITALS

WHEREAS, the Property Owner owns:

A PARCEL OF LAND IN THE S1/2NW1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE S1/2NW1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH P.M., WHICH POINT IS 1368 FEET WEST OF THE NE CORNER OF THE S1/2NW1/4 OF SAID SECTION 35; THENCE WEST ALONG THE NORTH LINE OF THE SAID S1/2NW1/4 OF SECTION 35, A DISTANCE OF 489.2 FEET; THENCE S0°05'E 913.79 FEET TO A POINT ON THE NORTH BANK OF THE COLORADO AGRICULTURAL DITCH; THENCE NORTHEASTERLY ALONG THE NORTH BANK OF THE SAID COLORADO AGRICULTURAL DITCH BY COURSES AND DISTANCES AS FOLLOWS; N64°51'E 144.44 FEET; N12°59'E 122.95 FEET; N67°03'E 124.41 FEET; N42°52'E 92.89 FEET; N70°52'E 115.75 FEET; N54°19'E 53.78 FEET; THENCE N0°06'W 547.41 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, ALL THAT PORTION CONTAINED IN THE WARRANTY DEED RECORDED MARCH 2, 2012 AT RECEPTION NO. 2012000015898.

hereinafter referred to as the "Property"; and,

WHEREAS, Property Owner is requesting to install Approximately 40 LF of Fence located along the Back of Sidewalk, hereinafter called the "Improvements," within the right-of-way of East 78th Avenue, being adjacent to the Property as shown on the attached plan.

NOW THEREFORE, the Parties hereby agree that the Improvements will be permitted to encroach onto the County's right-of-way, subject to the following:

- A. In the event that the County desires to construct a County project within East 78th Avenue that affects the Improvements, the County may elect to demolish as much of the Improvements as are needed (at the County's expense), or require the Property Owner to remove and later reinstall the Improvements (at the Property Owner's expense), to accommodate the County's project.

- B. The County will provide the Property Owner written notice of its need to effect the Improvements at least 30 calendar days prior to disturbance of the Improvements. The County will provide the Property Owner information regarding the County's project. If the County decides to require the Property Owner to remove the Improvements, the County will specify a date by which the Improvements must be removed. It is the Property Owner's responsibility to reinstall the Improvements according to the attached plan, unless otherwise approved in writing by the County.
- C. This Agreement creates no property interest for the Property Owner to the County's right-of-way except for the specific encroachment as described herein.
- D. Property Owner agrees to indemnify and hold harmless the County, its officials, officers, contractors, agents and employees from any damage occurring to, or caused by, the Improvements or for any harm caused by the Improvements to persons allowed upon the County's right-of-way.
- E. The Improvements must be maintained in accordance with the most current version of the Adams County Codes and Development Standards and Regulations.
- F. Property Owner must have this Agreement recorded in the County records and this Agreement runs with the Property until such time as the Parties mutually release the other in writing from this Agreement.
- G. The existence of this Agreement does not render the Improvements a legal, non-conforming use of the Property or the County's right-of-way.

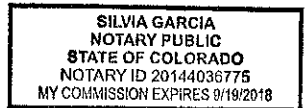
PROPERTY OWNER:

Adams County District No.1
a/k/a Mapleton Public Schools

By: Charlotte Ciano
Charlotte Ciano, Superintendent of Schools

STATE OF COLORADO)
)
COUNTY OF Adams)§

The foregoing instrument was acknowledged before me this 13 day of OCTOBER 2017, by Charlotte Ciano, Superintendent of Schools, Adams County District No.1 a/k/a Mapleton Public Schools



Witness my hand and official seal: Silvia Garcia
Notary Public
My commission expires: 9/19/2018

COUNTY:

Board of County Commissioners,
County of Adams, State of Colorado

Attest:
Stan Martin, Clerk

By: _____
Chairman

By: _____
Deputy Clerk

Approved as to form: _____
County Attorney's Office

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2
SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO

SHEET 1 OF 2

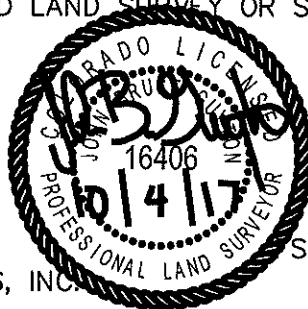
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2
SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF
COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 522, PAGE
356 DATED NOVEMBER 13, 1954, AT ADAMS COUNTY CLERK AND RECORDER TO BEAR NORTH
89°46'24" EAST, A DISTANCE OF 489.29 FEET BETWEEN A FOUND 1" BRASS CAP, ILLEGIBLE
AND A FOUND NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP, STAMPED "FLATIRONS SURV, LS
16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH
89°46'24" WEST, ALONG SAID NORTH LINE, A DISTANCE 166.16 FEET, TO THE POINT OF
BEGINNING AND TO A POINT ON THE EASTERLY LINE OF AN EXISTING 30 FOOT UTILITY
EASEMENT AS DESCRIBED IN RECEPTION NO. 20050706000710300, DATED JULY 6, 2005, AT
ADAMS COUNTY CLERK AND RECORDER; THENCE, CONTINUING ALONG SAID NORTH LINE,
SOUTH 89°46'24" WEST, A DISTANCE OF 45.42 FEET; THENCE NORTH 00°13'36" WEST, A
DISTANCE OF 7.50 FEET; THENCE NORTH 89°46'24" EAST, A DISTANCE OF 45.42 FEET, TO A
POINT ON SAID EASTERLY LINE OF SAID UTILITY EASEMENT; THENCE SOUTH 00°13'36" EAST,
ALONG SAID EASTERLY LINE, A DISTANCE OF 7.50 FEET, MORE OR LESS, TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINING 340 SQ.FT. OR 0.01 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND
ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY
RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO
REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE
STATUTE.



JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

SI JOB NO. 16-68,580

JOB NUMBER: 16-68,580
DRAWN BY: E. DAVIS
DATE: OCTOBER 4, 2017

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



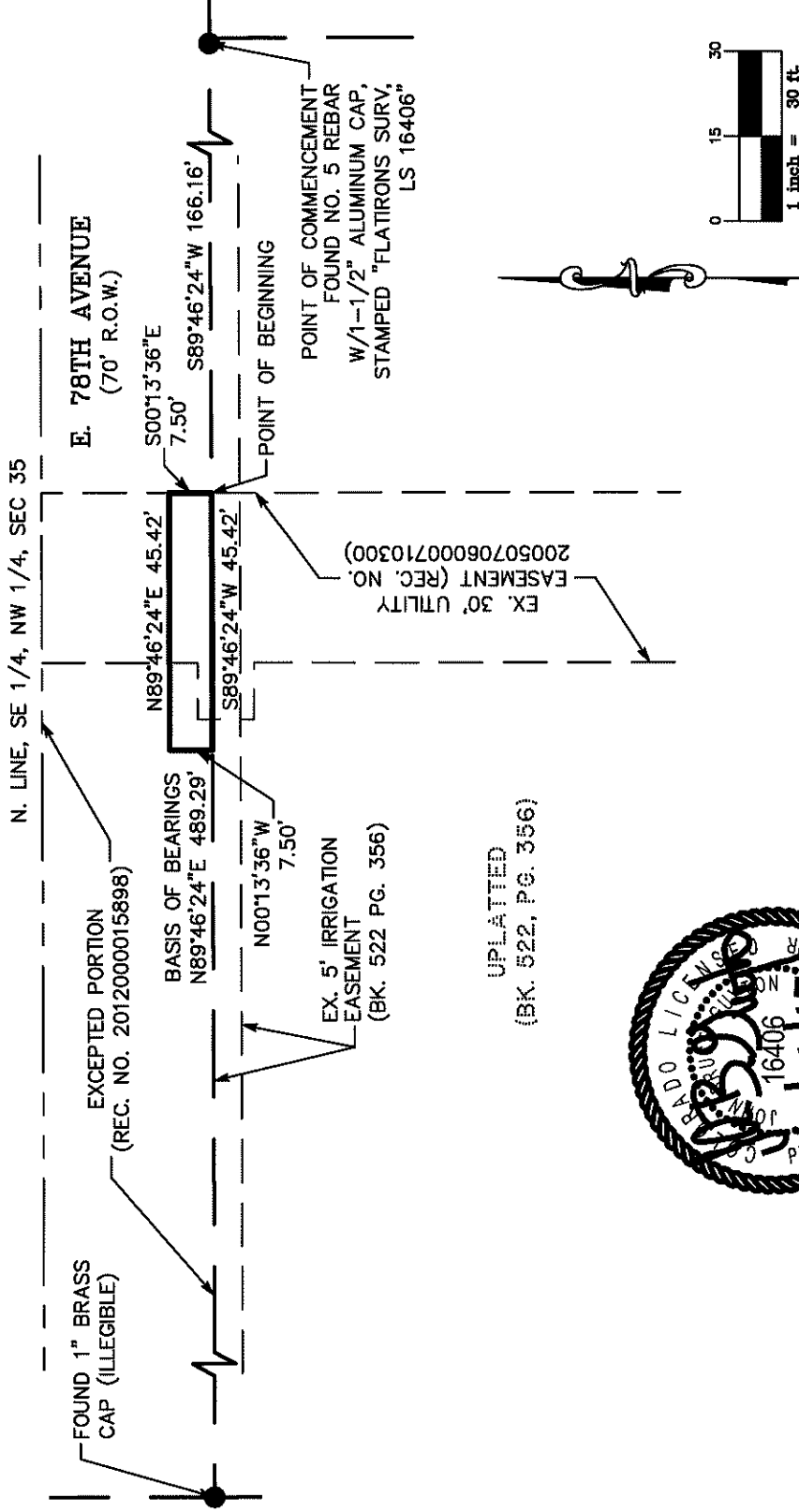
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:E.DAVIS FILE:68580-FNC-DRNG ESMTS (C17).DWG DATE:10/4/2017 1:41 PM

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 2
SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO

SHEET 2 OF 2



UPLATTED
(BK. 522, PG. 356)



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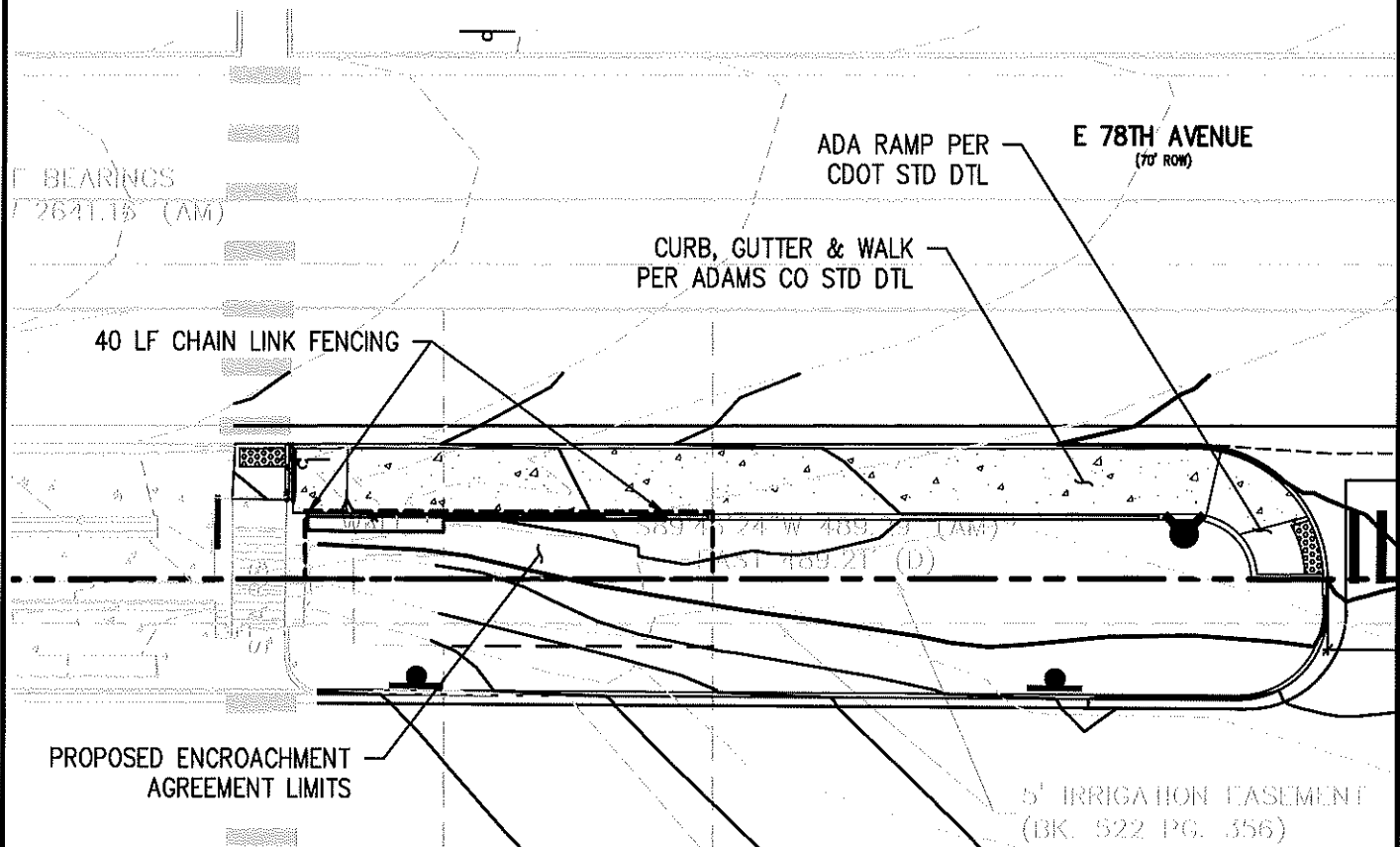
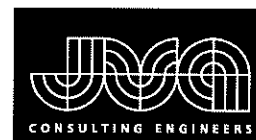


EXHIBIT 'B' SITE PLAN WELBY COMMUNITY SCHOOL OCTOBER 9, 2017



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Boulder, CO 80302
303.444.1951
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver