

## **PERMANENT DRAINAGE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That Bere, an LLC, whose legal address is 80 Inverness Drive, Englewood, Colorado, 80112, hereinafter called "Grantor", for 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, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado 80601 hereinafter "County", its successors and assigns, a permanent storm water drainage easement for the purpose of maintenance of all drainage facilities including inlets, pipes, culverts, channels, ditches, hydraulic structures, detention basins, catch grates, maintenance roads, etc., said easement to be used solely in the event Grantor fails to maintain such drainage facilities, together with lateral and subjacent support thereto as may from time to time be required on, over, across, and through the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated by this reference.

Together with the right to ingress and egress over and across the land of Grantor 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 Grantor.

In further consideration hereof, Grantor covenants and agrees that no permanent buildings or structures will be placed, erected, installed or permitted upon said easement that will cause any obstructions to prevent the proper maintenance and use of said drainage facility.

In the event the County exercises its right to maintain the detention pond, all of the County's costs to maintain the detention pond shall be reimbursed by Grantor within thirty days of receiving the County's invoice, including any collection costs and attorney fees.

In further consideration of the granting of this easement, it is hereby agreed that all work performed by the County, its successors and assigns, in connection with this easement shall be done with care, and the surface of the property shall be restored to its original condition, or as close thereto as possible, except as necessarily modified to accommodate the facilities and appurtenances installed and any damages caused on said easement arising out of the reconstruction, maintenance and repair of said drainage facilities and appurtenances in the exercise of the rights hereby provided shall be restored reasonably similar to its original condition following completion of the work performed.

IN WITNESS WHEREOF, Grantor has hereto set his hand on this 20<sup>th</sup> day of December, 2017.

Name, \_\_\_\_\_

Randy LLC

By: \_\_\_\_\_

Print Name: Randy Kelly

Print Title: CFO

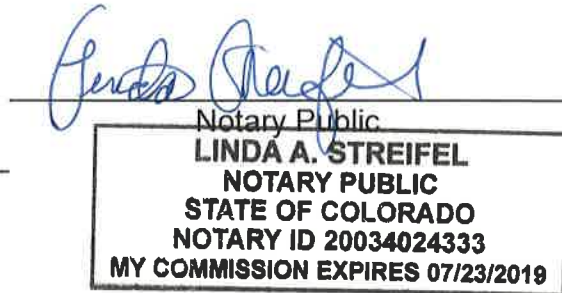
STATE OF COLORADO)

COUNTY OF ARAPAHOE

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of December, 2017 by RONALD J KELLY, as CFO of BELE, a COLORADO LLC.

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

My commission expires: 7/23/19



POND EASEMENT  
EXHIBIT "A"

PAGE 1 OF 2

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTH HALF OF SAID SECTION 36, BEING CONSIDERED TO BEAR NORTH 00°15'14" WEST, A DISTANCE OF 1674.15 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 65 WEST, FOUND 3.25" ALUMINUM CAP PLS 25618, MATCHES MONUMENT RECORDS ON FILE.

- WEST QUARTER CORNER OF SAID SECTION 36, FOUND 2.5" ALUMINUM CAP PLS 28285 MATCHES MONUMENT RECORDS ON FILE.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36;

THENCE ALONG SAID WEST LINE OF THE SOUTH HALF NORTH 00°15'14" WEST, A DISTANCE OF 282.80 FEET;

THENCE SOUTH 89°57'21" EAST, A DISTANCE OF 868.94 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°13'05" WEST, A DISTANCE OF 229.70 FEET;

THENCE NORTH 89°58'40" EAST, A DISTANCE OF 169.94 FEET;

THENCE SOUTH 00°13'05" EAST, A DISTANCE OF 79.73 FEET;

THENCE SOUTH 89°58'40" WEST, A DISTANCE OF 54.51 FEET;

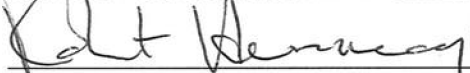
THENCE SOUTH 00°13'05" EAST, A DISTANCE OF 54.25 FEET;

THENCE SOUTH 20°03'30" WEST, A DISTANCE OF 102.02 FEET;

THENCE NORTH 89°57'21" WEST, A DISTANCE OF 80.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 29,174 SQUARE FEET OR 0.670 ACRES, MORE OR LESS.

I, ROBERT J. HENNESSY, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



ROBERT J. HENNESSY, PLS NO. 34580

FOR AND ON BEHALF OF JEHN ENGINEERING INC.

5690 WEBSTER STREET, ARVADA, CO 80002

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POND EASEMENT  
EXHIBIT "A"  
PAGE 2 OF 2

W. 1/4 CORNER  
SECTION 36 2.5"  
ALUM. CAP



29,174 SQUARE FEET  
0.670 ACRES±

N89°58'40"E 169.94'

S00°13'05"E 79.73'

54.51'  
S89°58'40"W

54.25'  
S00°13'05"E

S20°03'30"W 102.02'

31990 E COLFAX AVE  
BERE, LLC  
REC. #12000099330

31990 E COLFAX AVE  
BERE, LLC  
REC. #12000099330

POINT OF  
BEGINNING

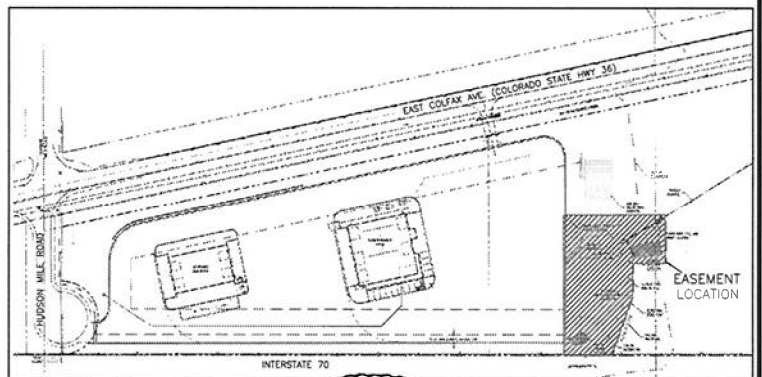
S89°57'21"E  
868.94'

N89°57'21"W 80.08'

COLORADO DEPT. OF  
TRANSPORTATION

BASIS OF BEARINGS  
N00°15'14"W 1674.15'  
282.80'

0 20 40  
1 INCH = 40 FEET



SW COR., SEC 36  
T3S, R65W, 6TH PM  
3 1/4" ALUM. CAP  
POINT OF  
COMMENCEMENT

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**J.E.H.N.**  
J.E.H.N. & SONS, INC.

5690 WEBSTER STREET  
ARVADA, CO 80002  
PH. (303) 423-6036 FAX (303) 467-9438

LOCATION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF  
SECTION 36, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE 6TH  
PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

0.670 ACRES

TITLE: POND EASEMENT

SCALE: 1"=40'

REVISED: 12.14.17

2217-214-032

ACC & DRN ESMT.DWG

