

ENCROACHMENT AGREEMENT

This encroachment agreement ("Agreement") is entered into this ____ day of _____, 2018 between ADAMS COUNTY, a body politic, whose address is 4430 S Adams County Parkway, Brighton, Colorado 80601 (the "County") and Mapleton Public Schools (the "Property Owner") whose address is 7350 N. Broadway, Denver, CO, 80221. The County and the Property Owner are collectively referred to as the "Parties".

RECITALS

WHEREAS, the Property Owner owns Lot 1, Block 1, Midtown at Clear Creek School Site, a subdivision recorded on January 12, 2018 at Reception No. 2018000004013 in the records of the Clerk and Recorder of Adams County, Colorado, being a part of the Southwest Quarter of Section 4, Township 3 South, Range 68 West, of the 6th Principal Meridian, Adams County, Colorado, (Tax Parcel # 0182504317001) hereinafter referred to as the "Property"; and,

WHEREAS, Property Owner is requesting to install a pedestrian plaza with decorative concrete, hereinafter called the "Improvements", within the right-of-way of West 67th Place and north of the intersection with Fern Drive, 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 West 67th Place that affects the Improvements, the County may elect to demolish or remove 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. The 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:

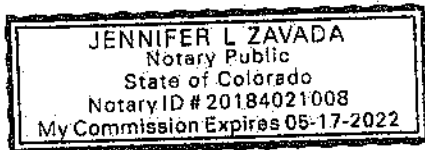
Mapleton Public Schools

Charlotte Ciancio
By: Charlotte Ciancio, Superintendent
Name, Title

STATE OF COLORADO)
)
COUNTY OF Adams)§

The foregoing instrument was acknowledged before me this 17 day of July 2018, by Charlotte Ciancio, as Superintendent of Mapleton Public Schools / Adams #1

Witness my hand and official seal: _____



J. Zavada
Notary Public
My commission expires: 5/17/2022

COUNTY:

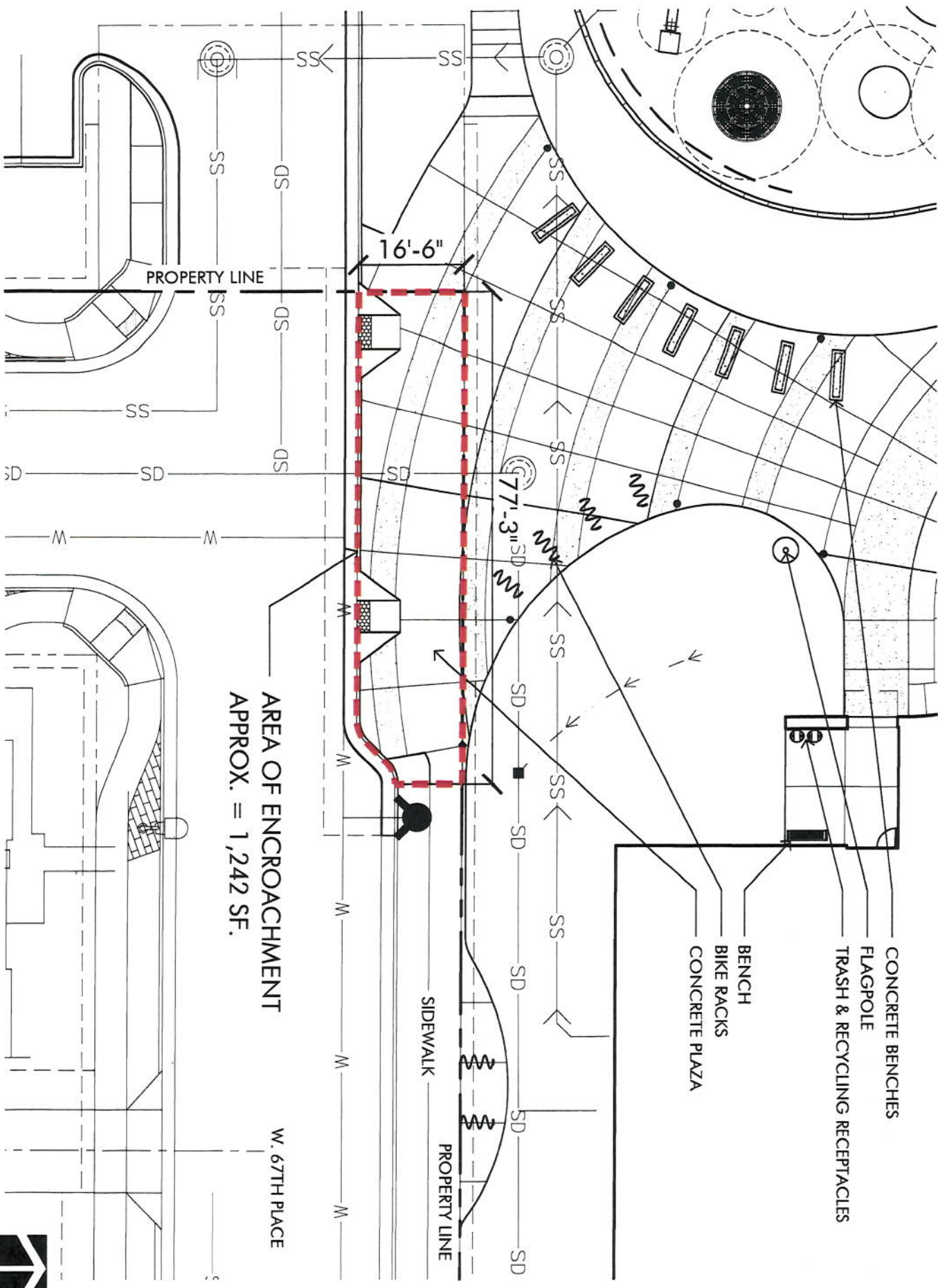
Board of County Commissioners,
County of Adams, State of Colorado

Attest:
Stan Martin, Clerk

By: _____
Chair

By: _____
Deputy Clerk

Approved as to form: _____
County Attorney's Office



CONCRETE BENCHES
FLAGPOLE
TRASH & RECYCLING RECEPTACLES

BENCH
BIKE RACKS
CONCRETE PLAZA

SIDEWALK
PROPERTY LINE

AREA OF ENCROACHMENT
APPROX. = 1,242 SF.
W. 67TH PLACE

PROPERTY LINE

LOT 1, BLOCK 1, MIDTOWN AT CLEAR CREEK SCHOOL SITE

DATE: APRIL 18, 2018

SCALE: 1"=20'

