

PERPETUAL ACCESS EASEMENT

This Perpetual Access Easement ("Access Easement") entered into this ____ day of ____ 2019, is by and between the County of Adams, a body politic and corporate organized under and existing by virtue of the laws of the State of Colorado ("Grantor"), whose address is 4430 South Adams County Parkway, Brighton, CO 80601-8218 and the City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229 ("Grantee") or collectively (the "Parties").

WITNESSETH

In consideration of Ten Dollars (\$10) and other valuable consideration, the receipt and sufficiency of which is acknowledged by the Parties hereto, the Grantor does hereby grant, sell and convey to Grantee, its successors and assigns, a permanent non-exclusive access easement, for purposes of ingress and egress through, on, over, across and along the property described more fully on Exhibit A attached hereto and incorporated herein by this reference (the "Property") necessary for the Todd Creek Interceptor Sewer Line Project (the "Project") subject to the following terms and conditions:

1. No building, structure, or other above or below ground obstruction that may interfere with the purposes for which this Access Easement is granted may be placed, erected, installed or permitted upon the Property. In the event the terms of this paragraph are violated, such violation shall immediately be eliminated by the Grantor upon receipt of written notice from the Grantee or in the event the corrections have not been made within ten (10) days of receipt of such violation notice, the Grantee shall have the immediate right to correct or eliminate such violation. The Grantor shall not, in any manner, interfere in any manner with the purposes for which this Access Easement is granted, however; the Grantor reserves the right to grant access easement to others without the permission of the Grantee and the Parties shall cooperate with all other access easement holders on the Property.

2. The Grantor hereby acknowledges that the access granted herein is for the purpose of providing vehicular access to a sewerline easement held by Grantee or its successors and assigns and that the access granted herein may be utilized by Grantee or its successors and assigns to gain access to said sewerline easement to construct, lay, install, inspect, monitor, maintain, repair, renew, substitute, change the size of, replace, remove, operate and use one or more underground sanitary sewer pipelines, force mains, manholes, and all underground and surface appurtenances thereto within said sewerline easement.

3. Access rights will be exercised by the Grantee or its assigns, in, through, over and across the Property at any and all times deemed necessary by the Grantee for all purposes necessary and at all times convenient to exercise the rights granted to it by this Easement. With the written consent of Grantor, Grantee may improve the Property to accommodate the right of access granted herein.

4. The benefits and burdens of this Easement shall be binding upon and shall inure to the benefit of the Grantee and the Grantor and their successors and assigns.

5. The provisions of this Easement, including all benefits and burdens, shall run with the land.

6. To the extent allowed by law, Grantee shall indemnify and hold harmless Grantor, its employees, and officers for any claims for injury or property damage caused by the negligent actions or omissions of Grantee, its employees, contractors, or agents as a result of Grantee's activities connected with Grantee's use of this Easement. Nothing in this Easement shall be construed as waiving the parties' protections pursuant to the Colorado Governmental Immunity Act, CRS §24-10-101 *et. seq.*, or the common law. Grantee will maintain insurance

consistent with the requirements of the Colorado Governmental Immunity Act during the term of this easement.

In Witness Whereof the Parties hereto have executed this Access Easement to be effective as of the date first above written.

ATTEST:

GRANTOR:
Adams County Commissioners

_____, Deputy Clerk

By: _____
Chair

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this ____ day of April 2019, by

WITNESS my hand and official seal.

My commission expires: _____.

NOTARY PUBLIC

GRANTEE
CITY OF THORNTON, COLORADO



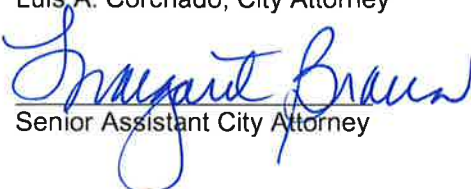
Jason Pierce
Infrastructure Engineering Director

ATTEST:



Kristen N. Rosenbaum, City Clerk

APPROVED AS TO FORM:
Luis A. Corchado, City Attorney



Senior Assistant City Attorney

EXHIBIT A

TODD CREEK INTERCEPTOR PROJECT - CIP 12-410
OWNER: ADAMS COUNTY
ADAMS COUNTY PARCEL NUMBER 0157111301035

LEGAL DESCRIPTION

A PORTION OF OUTLOT A, FOXRIDGE ESTATES SUBDIVISION, AS RECORDED APRIL 20TH, 1999 IN FILE 18, MAP 48, IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE NORTHWEST CORNER OF LOT 30 OF SAID FOXRIDGE ESTATES AND ON THE SOUTHERLY LINE OF SAID OUTLOT A;

THENCE DEPARTING SAID LOT AND SAID SOUTHERLY LINE, COINCIDENT WITH THE WESTERLY LINE OF SAID LOT 30, EXTENDED, NORTH 10°24'17" WEST A DISTANCE OF 16.27 FEET, TO A POINT ON THE SOUTHERLY LINE OF A PERMANENT EASEMENT AS RECORDED AT RECEPTION NUMBER 201000063444 IN SAID CLERK AND RECORDER'S OFFICE;

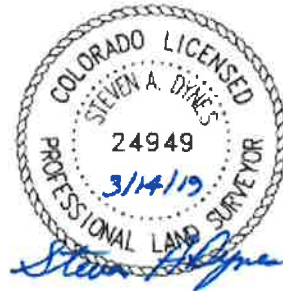
THENCE DEPARTING SAID WESTERLY LINE, EXTENDED, AND COINCIDENT WITH THE SOUTHERLY LINE OF SAID EASEMENT, SOUTH 74°45'45" EAST A DISTANCE OF 227.32 FEET, TO A POINT AT THE INTERSECTION OF SAID SOUTHERLY LINE AND THE NORTHERLY LINE OF SAID LOT;

THENCE DEPARTING SAID SOUTHERLY LINE AND COINCIDENT WITH THE NORTHERLY LINE OF SAID LOT, NORTH 78°34'18" WEST A DISTANCE OF 220.77 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL 1 CONTAINS 1,687 SQUARE FEET (0.038 ACRES), MORE OR LESS.

TOGETHER WITH:

CONTINUED ON PAGE 2.



PREPARED BY TOM STARKWEATHER UNDER THE DIRECT SUPERVISION OF STEVEN A. DYNES, PLS 24949,
FOR AND ON BEHALF OF THE CITY OF THORNTON

THIS EXHIBIT DOES NOT
REPRESENT A MONUMENTED
SURVEY BY THE CITY OF
THORNTON SURVEY SECTION.
IT IS INTENDED ONLY TO
DEPICT THIS DESCRIPTION.



CITY OF THORNTON

12450 Washington Street
Thornton, CO 80241

SURVEY SECTION 720-977-6210

JOB #:

DATE: 2019-03-14

FILE NAME:

TCI Access Easement-Outlot A

PAGE 1 OF 3

EXHIBIT A

TODD CREEK INTERCEPTOR PROJECT - CIP 12-410
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CONTINUED FROM PAGE 1

PARCEL 2

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 30;

THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT, SOUTH 78° 34' 16" EAST A DISTANCE OF 280.73 FEET, TO THE NORTHWEST CORNER OF LOT 29 OF SAID FOXRIDGE ESTATES;

THENCE DEPARTING THE NORTH LINE OF SAID LOT 30 AND COINCIDENT WITH THE NORTH LINE OF SAID LOT 29, SOUTH 78° 34' 16" EAST A DISTANCE OF 98.52 FEET, TO AN ANGLE POINT IN SAID NORTH LINE;

THENCE CONTINUING COINCIDENT WITH SAID NORTH LINE, SOUTH 85° 30' 02" EAST A DISTANCE OF 94.53 FEET, TO THE NORTHERLY LINE OF SAID PERMANENT EASEMENT AND THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE DEPARTING SAID NORTH LINE AND COINCIDENT WITH SAID NORTHERLY LINE, NORTH 74° 45' 45" WEST A DISTANCE OF 525.28 FEET, TO THE EASTERLY LINE OF A PERMANENT ACCESS EASEMENT AS RECORDED AT RECEPTION NUMBER 2016000065446 IN SAID CLERK AND RECORDER'S OFFICE;

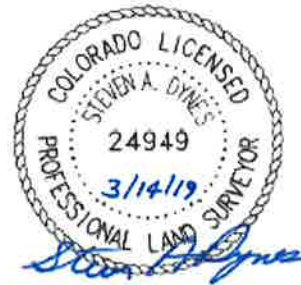
THENCE DEPARTING WITH SAID NORTHERLY LINE AND COINCIDENT WITH SAID EASTERLY LINE, NORTH 25° 08' 15" WEST A DISTANCE OF 25.34 FEET;

THENCE DEPARTING SAID EASTERLY LINE, SOUTH 74° 58' 21" EAST A DISTANCE OF 642.81 FEET, TO AN ANGLE POINT ON THE NORTH LINE OF SAID LOT 29;

THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT 29, NORTH 88° 39' 02" WEST A DISTANCE OF 103.33 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 11,811 SQUARE FEET (0.271 ACRES), MORE OR LESS.

THE BASIS OF BEARINGS FOR THESE DESCRIPTIONS IS THE WESTERLY LINE OF LOT 30, FOXRIDGE ESTATES, AND IS ASSUMED TO BEAR NORTH 10°24'17" WEST.



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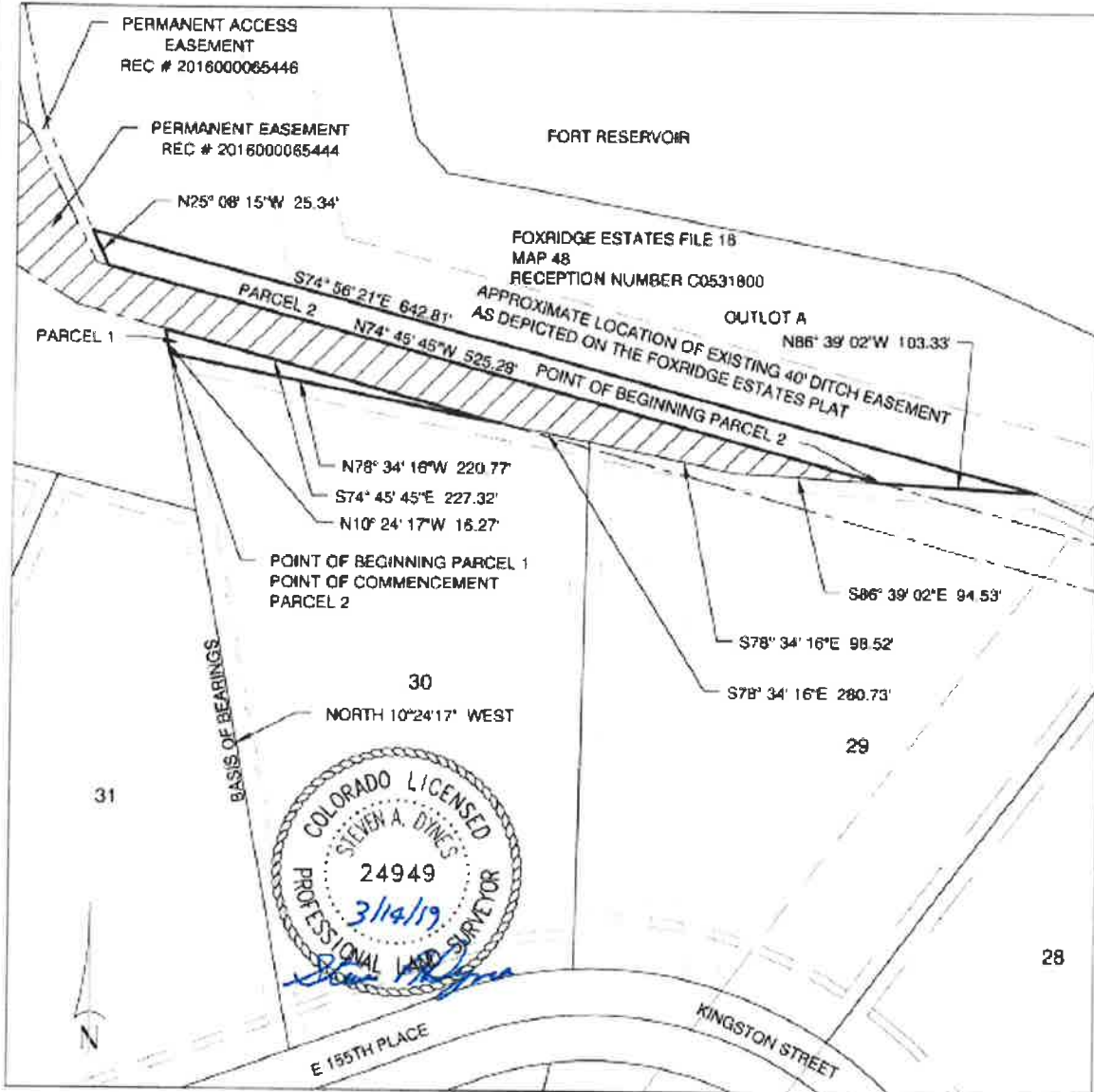
DATE: 2019-03-14

FILE NAME:

TCI Access Easement-Outlet A

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EXHIBIT A



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SCALE 1" = 100'

50' 100' 200'

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