

## GRANT OF PERPETUAL DRAINAGE AND ACCESS EASEMENT

THIS GRANT OF PERPETUAL EASEMENT is made this 7<sup>th</sup> day of July 2020, by and between Hyland Hills Park and Recreation District, whose address is 8801 N. Pecos Street, Federal Heights, CO 80260 ("Grantor"), and the County of Adams, Colorado, whose address is 4430 S. Adams County Pkwy., Brighton, CO 80601 ("Grantee" or "County").

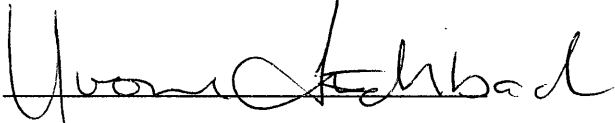
For consideration in the amount of Ten Dollars (\$10.00) and the covenants and conditions set forth herein, the receipt and sufficiency of which is hereby acknowledged,

1. Grantor grants and conveys to Grantee a perpetual non-exclusive drainage easement to accept storm water over and across Grantor's property as more fully set forth on Exhibit A, attached hereto and incorporated herein by reference (the "Drainage Easement").
2. Such Easement shall include the right for Grantee of ingress and egress over the Easement for the purpose of exercising the rights herein granted to Grantee.
3. 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 the drainage pond.
4. Grantor shall construct a drainage pond, at Grantor's sole expense, and in a manner acceptable to Grantee, to receive stormwaters which are subject to this Drainage Easement. Grantor shall, thereafter, be responsible for operation, maintenance, repair and replacement of the drainage pond and related appurtenances.
5. In the event Grantor fails to maintain the drainage pond described herein, the County shall have the right to maintain the drainage pond, all of the County's costs to maintain the drainage pond shall be reimbursed by Grantor within thirty days of receiving the County's invoice, including collection costs and any attorney fees.
6. It is hereby agreed that all work performed by County, its successors and assigns, if it exercises its right to maintain the drainage pond, 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 provides shall be restored reasonably similar to its original condition following completion of the work performed.
7. The rights granted herein shall be possessed and enjoyed by Grantee, its successors and assigns, so long as the Drainage Easement is required by Grantee, its successors and assigns. If Grantee permanently abandons and ceases to use the easement herein granted, all of Grantee's right, title and interest in the premises shall vest to the then-owner of the underlying property.
8. Grantor warrants that it has full and lawful authority to make the grant hereinabove contained and promises and agrees to defend Grantee in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or Grantor's rights to make the grant hereinabove contained.

9. All of the covenants contained in this Grant of Perpetual Drainage and Access Easement shall be binding upon and inure to the benefit of the Parties hereto, their respective heirs, personal representatives, successors and assignees.

IN WITNESS WHEREOF, the undersigned has set her hand hereto on the day and year above first written.

GRANTOR HYLAND HILLS PARK & RECREATION DISTRICT



By: Yvonne Fischbach, Executive Director

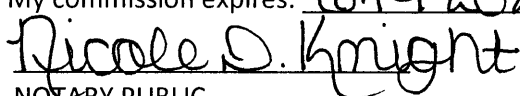
STATE OF COLORADO)

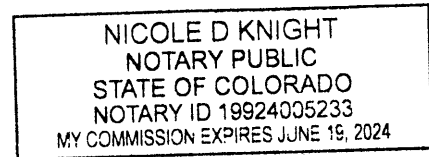
)ss

COUNTY OF ADAMS)

Acknowledged before me this 8<sup>th</sup> day of July 2020, by Yvonne Fischbach, its Executive Director for Hyland Hills Park & Recreation District.

WITNESS my hand and official seal.

My commission expires: 6.19.2024  
  
NOTARY PUBLIC



ATTEST:

JOSH ZYGIELBAUM,  
CLERK AND RECORDER

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, COLORADO

Chair

BY:

APPROVED AS TO FORM:

Adams County Attorney's Office

## DRAINAGE AND ACCESS EASEMENT

A DRAINAGE AND ACCESS EASEMENT SITUATED IN A PORTION OF THE NORTHEAST QUARTER NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> P.M., ADAMS COUNTY COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN BOOK 1455 AT PAGE 135 OF THE ADAMS COUNTY RECORDS; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL, 195.52 FEET; THENCE LEAVING SAID EAST LINE WEST 97.58 FEET; THENCE NORTH 165.47 FEET, TO A POINT ON THE NORTH LINE OF SAID PARCEL; THENCE ALONG SAID NORTH LINE, N72°53'00"E 102.10 FEET TO THE TRUE POINT OF BEGINNING, SAID EASEMENT CONTAINS 17612.60 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE NORTH LINE OF THAT PARCEL AS DESCRIBED IN BOOK 1455 AT PAGE 135 OF THE ADAMS COUNTY RECORDS. BEARING IS N72°53'00"E.

Prepared for and on behalf of:  
Diamondback Engineering & Surveying, Inc.  
12640 W. Cedar Dr. Suite C  
Lakewood, CO 80228

By: Jerald W. Richmond PLS 26298

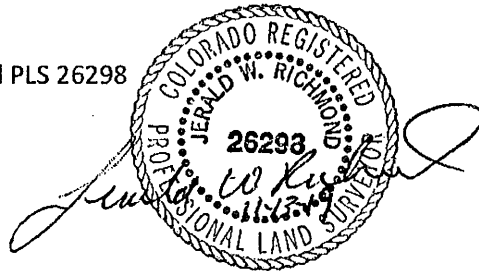


EXHIBIT A  
TWENTY FOOT STORM SEWER EASEMENT  
A PORTION OF THE NE1/4 NE1/4, SECTION 18,T.3S. R.68W.,  
OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

