

Appendix A9

Proof of Lease & Surface Use Agreement

1-Q24-063-Agreement

Canyon Peak Power Arapahoe County 1041/USR Application Q24-063

Proof of Easement/ROW Agreement

General Right of Way Easement

Reception No: [B7110704](#)

Date: August 27, 2007

From: John H. Hyatt (Grantor)

To: Intermountain Rural Electric Association (Grantee)

Includes: Grant for overhead and underground electric systems with rights for construction, maintenance, and tree removal. Restricts land use to prevent interference.

Public Service Company of Colorado Easement

Reception No: [B7110705](#)

Date: August 27, 2007

From: John H. Hyatt (Grantor)

To: Intermountain Rural Electric Association (Grantee)

Includes: Rights for construction, maintenance, repair, and vegetation control, overhead and underground. Restricts interfering structures. Grantee must repair damage from lack of due care.

Uniform Easement Deed

Reception No: [B8006897](#)

Date: January 16, 2008

From: Intermountain Rural Electric Association

To: Arapahoe County

Includes: Grant of a permanent storm drainage easement and revocable license to discharge stormwater into Kiowa Creek, with terms and conditions as recorded.

Arapahoe County Clerk & Recorder, Nancy A. Duty

Reception #: B7110704

Receipt #: 5354541

Recording Fee: \$46.00

Pages Recorded: 9

Date Recorded: 8/27/2007 8:33:23 AM



For IREA Use Only

Section _____ Township _____

Range _____

W/O # _____

Grid # _____

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION

5496 North U.S. Highway 85, P.O. Drawer A

Sedalia, Colorado 80135

303-688-3100

GENERAL RIGHT-OF-WAY EASEMENT

(Overhead & Underground Combination)

KNOW ALL MEN BY THESE PRESENTS, that John H. Hyatt, Grantor, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, a Colorado Corporation (hereinafter called the "Association"), whose address is 5496 North U.S. Highway 85, Sedalia, Colorado 80135, and to its successors or assigns, four right-of-ways and easements for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of an electric transmission and/or distribution line or system attached to poles or other supports, together with guys and other attachments, underground cables, wires, conduits, manholes, splicing boxes, testing terminals located on the surface or underground, and other attachments and incidental equipment and appurtenances upon, over, under, and across the following premises belonging to the said Grantor situated in the County of Arapahoe and State of Colorado, and more particularly described as follows:

Attached hereto as : Exhibit C (75' x 30'); Exhibit D (660' x 27'); Exhibit E (4567' x 75'); and Exhibit F (150' x 30'), and by this

Reference, fully incorporated herein.

Together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including, for the installation and maintenance of said line, the right to cut, trim, and remove trees, brush, overhanging branches, shrubbery, and other obstruction located within said easement that may interfere with or threaten to endanger the operation, maintenance, and repair of said line or system; to place location markers on the surface, on or beyond said rights-of-way and easements for the said underground facilities, where appropriate; to license, permit, or otherwise agree to the joint use or occupancy of the line or system, whether overhead or underground, by any other person, association, or corporation for electrification or communication purposes; and to open and close any fences crossing said rights-of-way and easements or, when agreed to by Grantor, to install gates and stiles in said fences.

The undersigned agrees that all poles, wires, and other facilities installed upon, over, under, or across the above described lands by the Association shall remain the property of and may be removed at the option of the Association.

Grantor for himself/herself, his/her heirs, executors, administrators, successors, and assigns, while reserving the right to use said strips of land for all purposes not inconsistent with the rights herein granted to said Association, hereby covenants that no structures shall be erected, or combustible material or property shall be permitted, on said strips, and that the said strips shall not be used in any manner which will interfere with or damage the facilities installed pursuant to this grant, or interfere with the maintenance, repair, and replacement of said facilities.

The undersigned covenants that he/she is the owner of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except the following:

Taxes for the current year and subsequent years; those matters of record; distribution utility easements; those matters not shown by the public records of which Association has actual knowledge; and inclusion of said lands within any special taxing district.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 23 day of August, 2007.

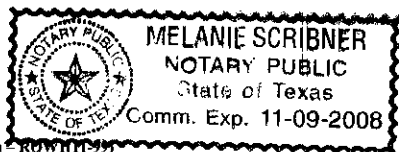
John H. Hyatt

STATE OF TEXAS)

COUNTY OF WICHITA) ss.

The foregoing instrument was acknowledged before me this 23 day of August, 2007 by John H. Hyatt.

Witness my hand and official seal.



IREA Form - ROW (11-9)

My commission expires 11-9-2008

Melanie Scribner
Notary Public

After recording, please return to
Stanley Consultants
400, 9200 E MINERAL AVE
ENGLISHTOWN, COLO. 80122

FRTDD NR00321
303-831-9091

**TRANSMISSION LINE
DESCRIPTION**

A strip of land, 75' in width, being the easterly 75 feet of the westerly 132 feet of a part of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the west line of Section 9 having a grid bearing of N00°43'00"E (5314.18') as controlled by the following described monuments:
Southerly terminus: 2.5" aluminum pipe with 3.25" aluminum cap stamped "...LS 2279 1978".
Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 89°01'03" East, 57.02 feet along the south line of said Section to a point that is 57' east of the west line of said Section and the **POINT OF BEGINNING**;

Thence North 00°43'00" East, 30.01 feet, along a line that is 57 feet east of and parallel with the west line of said Section, to a point that is 30' north of the south line of said Section;

Thence North 89°01'03" East, 75.03 feet, along a line that is 30 feet north of and parallel with the south line of said Section;

Thence South 00°43'00" West, 30.01 feet, along a line parallel with said west line to the south line of said Section;

Thence South 89°01'03" West, 75.03 feet along said south line to the **POINT OF BEGINNING**.

Containing 2,251 square feet or 0.052 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO.: 9228-011.03
Revision date: August 20, 2007
Prepared For and on Behalf of
WESTERN STATES SURVEYING, INC.
12753 South Parker Road, Suite 205
Parker, CO 80134
(303) 841-7436
Thomas F. Phalin, PLS 23516

Exhibit C

EXHIBIT

E. QUINCY AVE.

NORTHWEST CORNER
SECTION 9 T-5-S,
R-63-W FOUND 2.5"
ALUMINUM CAPPED
MONUMENT STAMPED ZBS
INC LS 29028 2006

NORTH LINE OF SECTION 9

75.00' 75.00'

SECTION 8
T-5-S, R-63-W

SECTION 9
T-5-S, R-63-W

BASIS OF BEARINGS
WESTERLY LINE SECTION 9
N00° 43' 00"E 5314.12'

BRICK CENTER ROAD

PROPOSED
SUBSTATION SITE

57.00' 57.00'

N00° 43' 00"E 30.01'
N89° 01' 03"E 57.02'
N89° 01' 03"E 75.03'
S00° 43' 00"W 30.01'

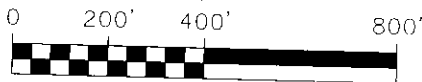
POINT OF
COMMENCEMENT
SOUTHWEST CORNER
SECTION 9 T-5-S,
R-63-W FND 3.25"
ALUMINUM CAP ON 2.50"
ALUMINUM PIPE STAMPED
"L2279 1978"

POINT OF
BEGINNING

S89° 01' 03"W 75.03'

SOUTHERLY LINE SECTION 9

UTILITY EASEMENT (225')
BK 2782 PG 547



SCALE: 1" = 400'

**Western States
SURVEYING, Inc.**

12753 SOUTH PARKER ROAD, SUITE 205
PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

OWNER: JOHN H. HYATT

TRANSMISSION LINE EASEMENT
INTERMOUNTAIN R.E.A.

CALC: T.F.P.

REV DATE: 08/20/2007

DRWN: TFP

JOB NO. 9228-011.09

AREA OF PARCEL: 0.052 AC.

Exhibit C p 2/2

SHEET 2 OF 2

**TRANSMISSION LINE
DESCRIPTION**

OWNER: JOHN H. HYATT

A strip of land, 27' in width, being the easterly 27 feet of the westerly 57 feet of a portion of the Southwest Quarter of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the west line of Section 9 having a grid bearing of N00°43'00"E (5314.18') as controlled by the following described monuments:
Southerly terminus: 2.5" aluminum pipe with 3.25" aluminum cap stamped "...LS 2279 1978".
Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 61°38'00" East, 65.22 feet to a point that is 57' east of the west line of said Section and 30' north of the south line of said Section, being the **POINT OF BEGINNING**;

Thence South 89°01'03" West, 27.01 feet along a line that is 30.00 feet north of and parallel with the south line of said Section, to a point that is 30.00 feet east of the west line of said Section;

Thence North 00°43'00" East, 660.29 feet along a line that is 30.00 feet east of and parallel with the west line of said Section;

Thence North 89°01'03" East, 27.00 feet, along a line parallel with the south line of said Section;

Thence South 00°43'00" West, 660.29 feet, along a line parallel with the west line of said Section, to the **POINT OF BEGINNING**.

Containing 17,822 square feet or 0.409 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO.: 9228-011.09

DATE: August 20, 2007

Prepared For and on Behalf of

WESTERN STATES SURVEYING, INC.

12753 South Parker Road, Suite 205

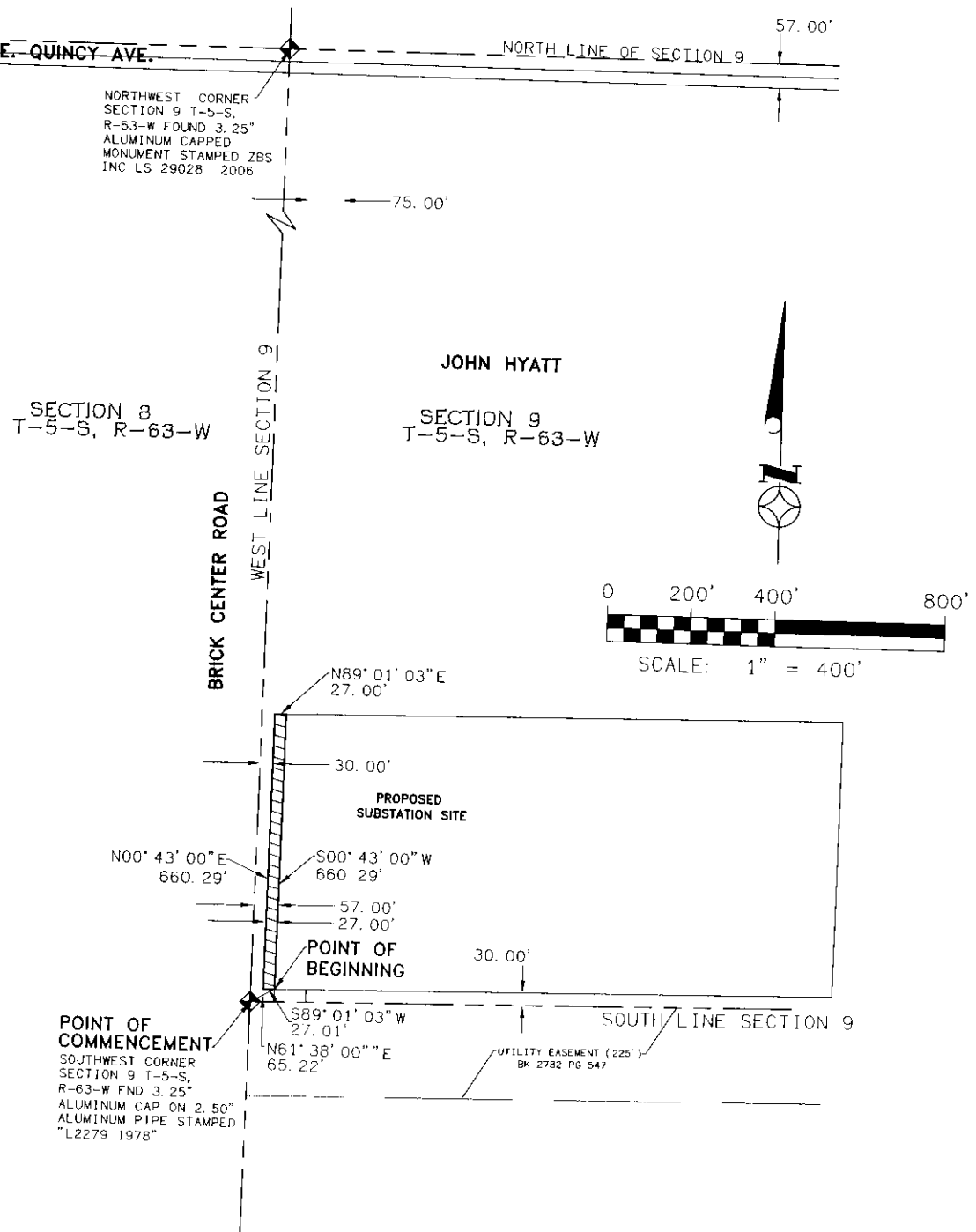
Parker, CO 80134

(303) 841-7436

Thomas F. Phalin, PLS 23516

EXHIBIT D
Page 1 of 2

EXHIBIT



WESTERN STATES
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

OWNER:
JOHN H. HYATT

TRANSMISSION LINE EASEMENT
INTERMOUNTAIN R.E.A.

AREA OF PARCEL: 0.409 AC.

EXHIBIT D p2/2

CALC: T.F.P.	REV DATE: 07/19/07
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DRWN: TFP

JOB NO. 9228-011.06

SHEET 2 OF 2

**TRANSMISSION LINE
DESCRIPTION**

OWNER: JOHN HYATT

A strip of land, 75' in width, being the easterly 75 feet of the westerly 105 feet of a part of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the west line of Section 9 having a grid bearing of N00°43'00"E (5314.18') as controlled by the following described monuments:
Southerly terminus: 2.5" aluminum pipe with 3.25" aluminum cap stamped "...LS 2279 1978".
Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 61°38'00" East, 65.22 feet to a point that is 57' east of the west line of said Section and 30' North of the south line of said Section;

Thence South 89°01'03" West, 27.01 feet parallel with said south line to a point that is 30' east of the west line of said Section;

Thence North 00°43'00" East, 660.29 feet along a line that is 30.00 feet east of and parallel with the west line of said Section 9, to the **POINT OF BEGINNING**;

Thence North 89°01'03" East, 75.03 feet, parallel with the south line of said Section;

Thence North 00°43'00" East, 4,566.66 feet, parallel with the west line of said Section, to a point that is 57' south of the north line of said Section;

Thence South 89°05'39" West, 75.03 feet, along a line that is 57' south of and parallel with the north line of said Section, to a point that is 30' east of said west line;

Thence South 00°43'00" West, 4,566.76 feet, along a line 30' east of and parallel with said west line, to the **POINT OF BEGINNING**.

Containing 342,503 square feet or 7.8628 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.

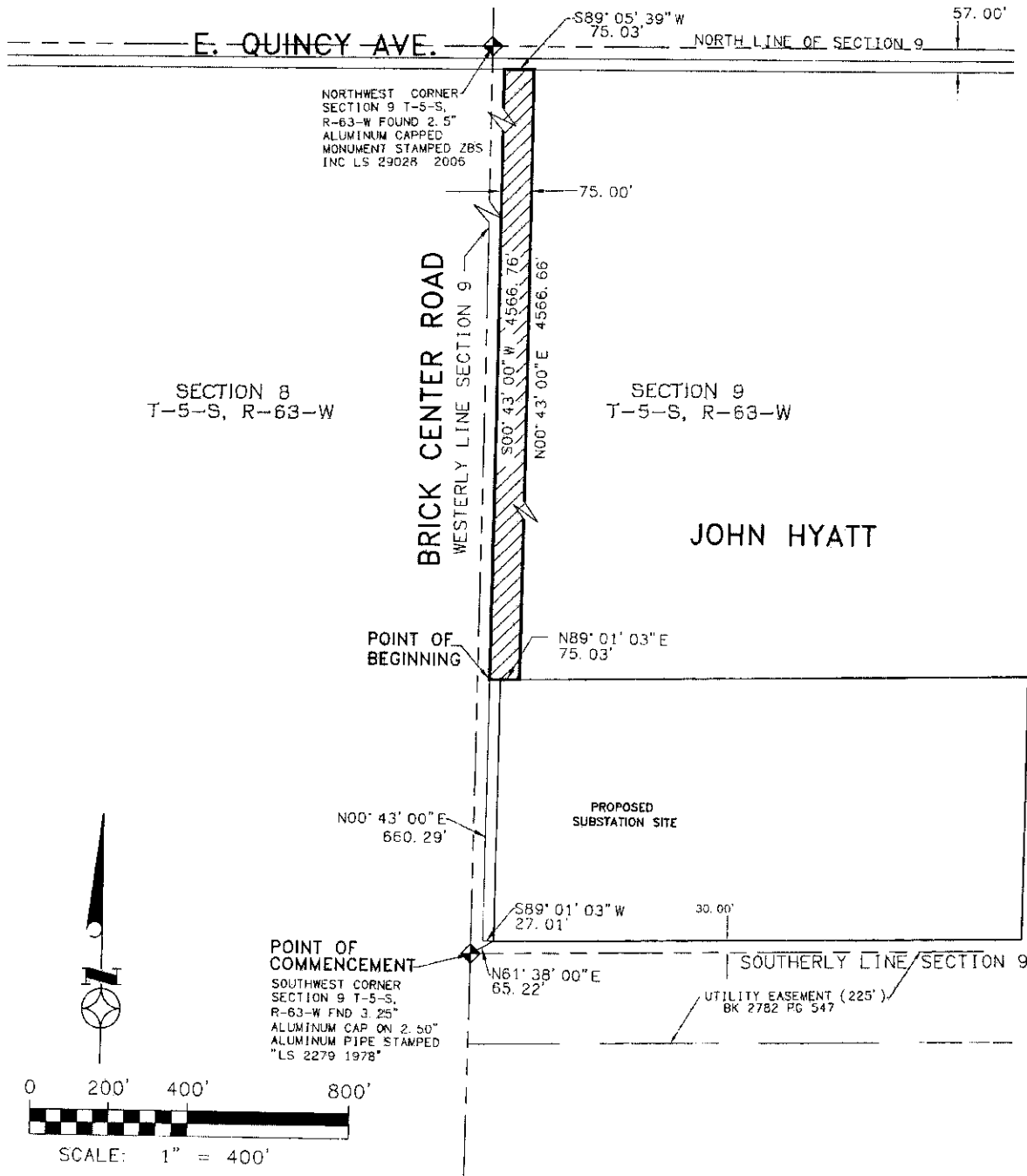


WSSI JOB NO.: 9228-011.09
DATE: August 21, 2007
Prepared For and on Behalf of
WESTERN STATES SURVEYING, INC.
12753 South Parker Road, Suite 205
Parker, CO 80134
(303) 841-7436
Thomas F. Phalin, PLS 23516

Exhibit E

Page 1 of 2

EXHIBIT



Western States Surveying, Inc.
 12753 SOUTH PARKER ROAD, SUITE 205
 PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
 A MONUMENTED SURVEY. IT IS
 INTENDED ONLY TO DEPICT THE
 ATTACHED DESCRIPTION.

OWNER:
JOHN HYATT

**TRANSMISSION LINE EASEMENT
 INTERMOUNTAIN R.E.A.**

AREA OF PARCEL: 7.863 AC.

Exhibit E p2/2

CALC: T.F.P.

REV DATE: 08-21-2007

DRWN: TFP

JOB NO. 9228-011.09

SHEET 2 OF 2

INTERMOUNTAIN R.E.A. EASEMENT

DESCRIPTION

Owner: JOHN H. HYATT

The south 30 feet of the east 150 feet of the west 641 feet of the Southwest Quarter of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the west line of Section 9 having a grid bearing of N00°43'00"E (5314.18') as controlled by the following described monuments:

Southerly terminus: 2.5" aluminum pipe with 3.25" aluminum cap stamped "...LS 2279 1978".

Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 89°01'03" East, 491.17 feet, along the south line thereof, to the **POINT OF BEGINNING**;

Thence North 00°43'00" East, 30.08 feet to a point on a line 30' north of and parallel with said south line;

Thence North 89°01'03" East, 150.07 feet, along said line;

Thence South 00°43'00" West, 30.08 feet, to the south line of the SW1/4 of said Section also being the north line of that Utility Easement described in Book 2782 at Page 547 of the Arapahoe County records;

Thence South 89°01'03" West, 150.07 feet, along said south line, to the **POINT OF BEGINNING**.

Containing 4,512 square feet or 0.104 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.

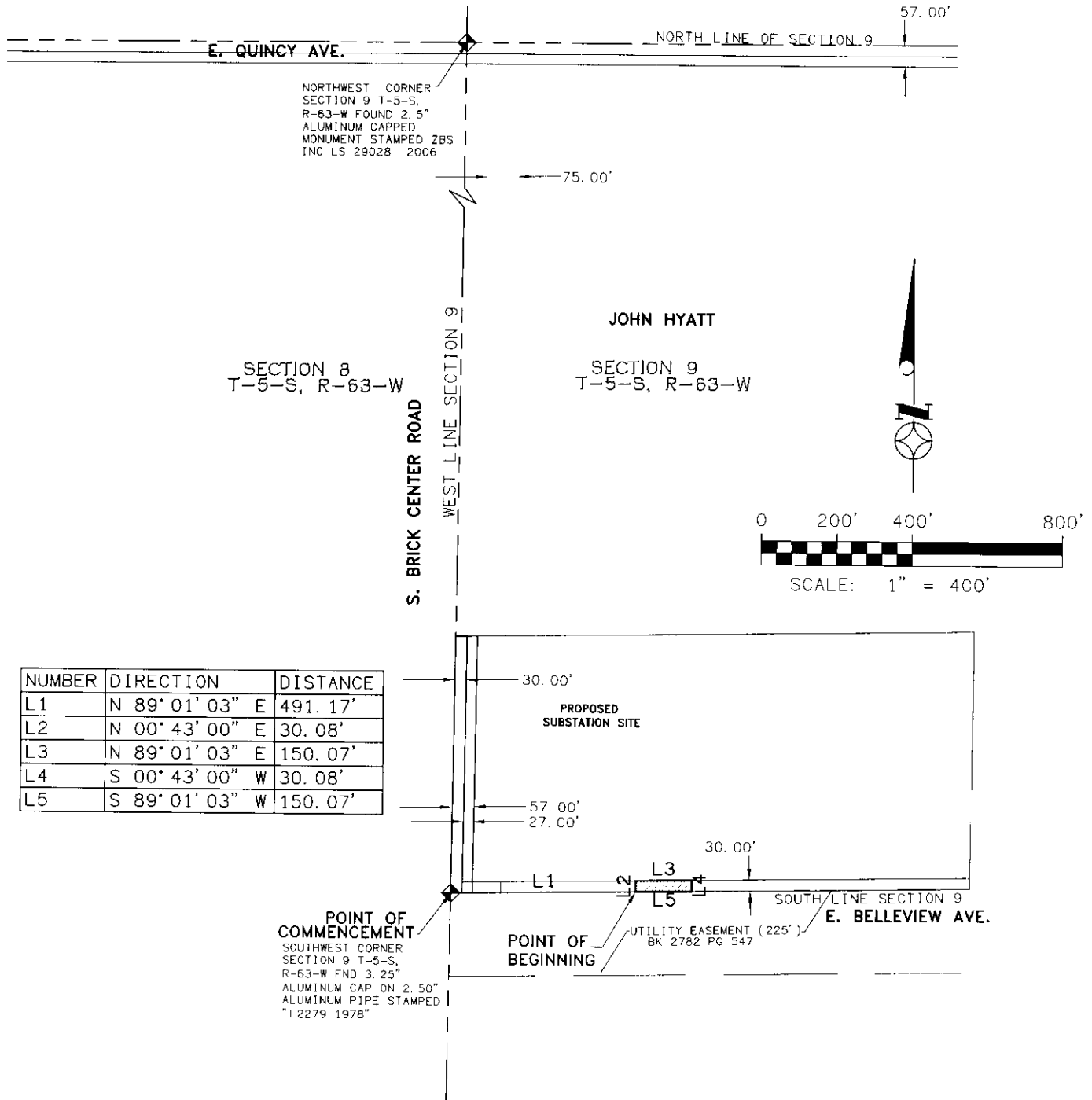


WSSI JOB NO.: 9228-011.09
Revision date: August 17, 2007
Prepared For and on Behalf of
WESTERN STATES SURVEYING, INC.
12753 South Parker Road, Suite 205
Parker, CO 80134
(303) 841-7436
Thomas F. Phalin, PLS 23516

NOTICE: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Exhibit 3

EXHIBIT



Western States
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

OWNER:
JOHN H. HYATT

INTERMOUNTAIN R.E.A. EASEMENT

AREA OF PARCEL: 0.104 AC.

Exhibit 7 2 2/2

CALC: T.F.P.

REV. DATE: 08-17-2007

DRWN: TFP

JOB NO. 9228-011.09

SHEET 2 OF 2



1600
1-3

DIVISION
LOCATION **Arapahoe County**
Brick Center Transmission Tap

ROW AGENT **Keary Hallack**
DESCRIPTION AUTHOR **Western States Surveying**
AUTHOR ADDRESS **Parker, Colorado**

DOC. NO. **171402**
PLAT/GRID NO.
WO/JO/CREG NO.

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

John H. Hyatt, Grantor, in consideration of Ten Dollars (\$10) and other good and valuable consideration to Grantor in hand paid, by PUBLIC SERVICE COMPANY OF COLORADO, a Colorado Corporation, 550 15th Street, Suite 700, Denver, Colorado 80202-5501, Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, conveys, and confirms unto Grantee, its successors and assigns, a perpetual easement for the transmission, distribution, or both, of electricity and for the transmission of communication signals on, over, under, and across the following described premises located in the Southwest Quarter of Section 9, Township 5S, Range 63 West of the 6th Principal Meridian in the County of Arapahoe, State of Colorado, to-wit:

See Attached Exhibit A

Together with the right and authority to Grantee, its successors, licensees, lessees, contractors, or assigns, and its and their agents and employees to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, patrol, inspect, improve, enlarge, and maintain electric transmission and distribution lines and communication facilities, both overhead and underground, including towers, poles, and other supports of whatever materials; together with braces, guys, anchors, cross-arms, cables, conduits, wires, conductors, manholes, transformers, and other fixtures, devices, and appurtenances used or useful in connection therewith, and full right and authority to cut, remove, trim, or otherwise control all trees, brush, and other growth on or overhanging said premises.

No buildings, structures, signs, or wells shall be placed or permitted to remain on, under, or over said premises. No other objects shall be erected, placed, or permitted to remain on, under, or over said premises which will or may be an interference with the facilities constructed on said premises or an interference with the exercise of any of the rights herein granted. Non-use or a limited use of this easement shall not prevent Grantee from thereafter making use of this easement to the full extent herein authorized.

Grantee shall exercise the rights herein granted to it with due care, and all damage to the premises occurring hereunder resulting from the failure to exercise due care shall be paid for or repaired at the expense of Grantee.

The provisions of this easement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

Signed and delivered this 23 day of August, 2007.

GRANTOR:

John H. Hyatt

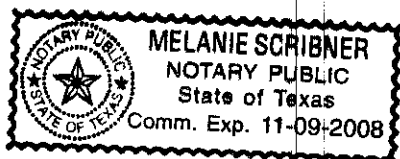
STATE OF TEXAS)

COUNTY OF WICHITA)

)ss.

The foregoing instrument was acknowledged before me this 23 day of Aug 2007 by:
John H. Hyatt

Witness my hand and official seal.



My commission expires 11-9-2008

Melanie Scribner
Notary Public

Arapahoe County Clerk & Recorder, Nancy A. Duly

Reception #: **B7110705**

Receipt #: 5354541

Recording Fee: \$16.00

Pages Recorded: 3

Date Recorded: 8/27/2007 8:33:23 AM



After recording, please return to:
Ms. KERRY HALLACK
Public Service Co of Colorado
SITING & LAND RIGHTS
#700 - 550 Fifteenth Street
Denver, Colorado 80202
Thank you!



FRTDD NR00821
303-831-9091

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

DESCRIPTION

Owner: JOHN H. HYATT

The south 30 feet of the east 150 feet of the west 641 feet of the Southwest Quarter of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

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Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 89°01'03" East, 491.17 feet, along the south line thereof, to the **POINT OF BEGINNING**;

Thence North 00°43'00" East, 30.08 feet to a point on a line 30' north of and parallel with said south line;

Thence North 89°01'03" East, 150.07 feet, along said line;

Thence South 00°43'00" West, 30.08 feet, to the south line of the SW1/4 of said Section also being the north line of that Utility Easement described in Book 2782 at Page 547 of the Arapahoe County records;

Thence South 89°01'03" West, 150.07 feet, along said south line, to the **POINT OF BEGINNING**.

Containing 4,512 square feet or 0.104 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO.: 9228-011.09

Date: August 20, 2007

Prepared For and on Behalf of

WESTERN STATES SURVEYING, INC.

12753 South Parker Road, Suite 205

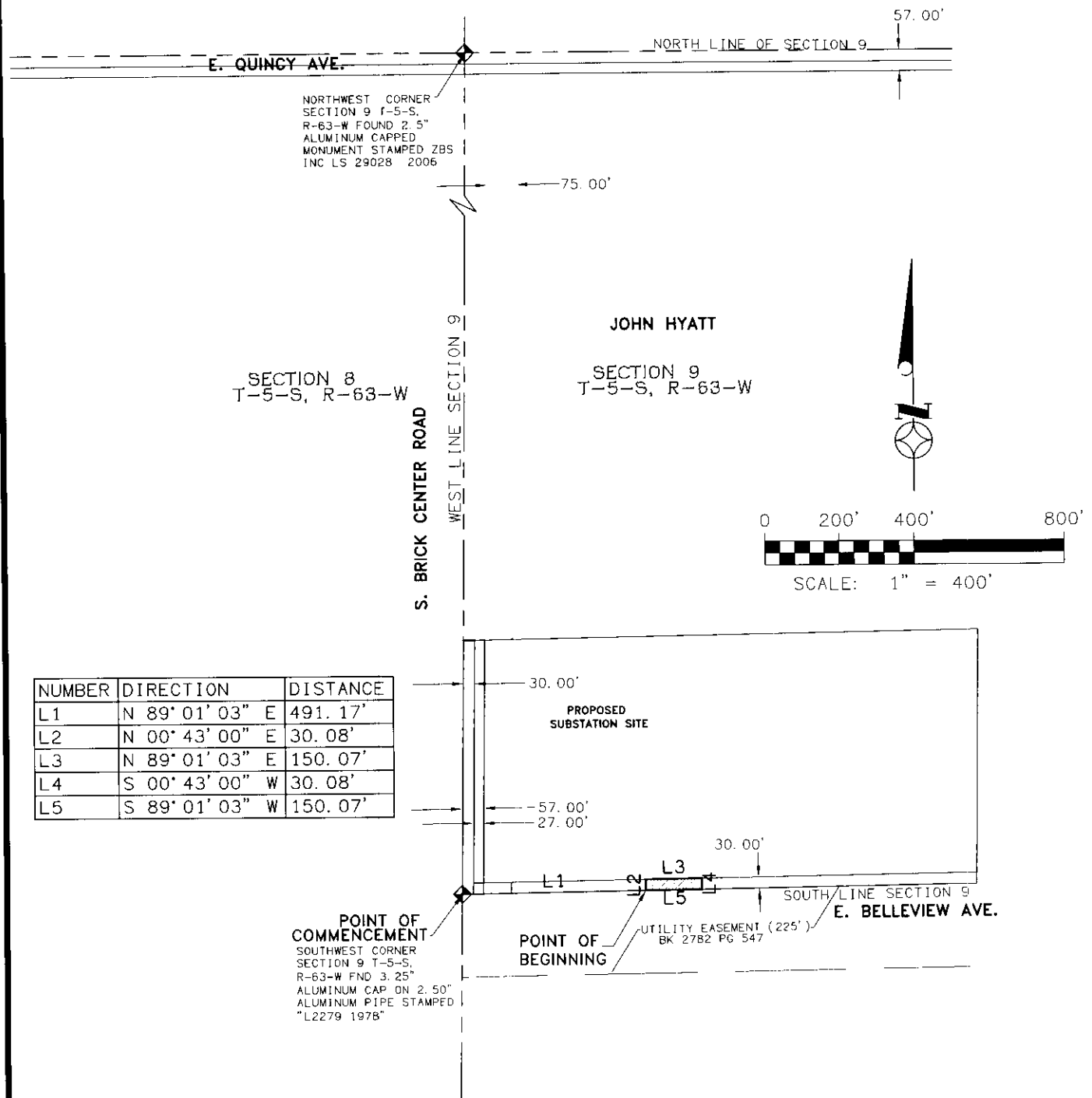
Parker, CO 80134

(303) 841-7436

Thomas F. Phalin, PLS 23516

NOTICE: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

EXHIBIT



Western States
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

OWNER:
JOHN H. HYATT

CALC: T.F.P. **DATE:** 08-20-2007
DRWN: TFP

JOB NO. 9228-011.09

SHEET 2 OF 2

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

AREA OF PARCEL: 0.104 AC.

UNIFORM EASEMENT DEED AND REVOCABLE STORM DRAINAGE LICENSE
AGREEMENT

RETURN TO: <u>Michelle Stone</u>
PWD - ENGINEERING DIVISION
REQUESTED BY: <u>SN</u>
CASE NUMBER: <u>6702</u>

This Easement Deed and Revocable Storm Drainage License Agreement is made this July day of July, 2007, between Intermountain Rural Electric Association, whose legal address is 5496 N. US Highway 85, Sedalia, CO 80135, for itself and for its successors, tenants, licensees, heirs (if applicable) and assigns, (the "Owner"), and THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, a body corporate and politic, whose legal address is 5334 South Prince Street, Littleton, Colorado 80166, (the "County").

Owner is the owner in fee simple of the property described in Exhibit A (the "Easement Property"), and of the property upon which the Easement Property is located, described in Exhibit B (the "Development"). Owner desires a license to use certain components of County's storm drainage facilities to discharge approved volumes of clean stormwater from the Development. County has agreed to license Owner's use upon the terms of this Agreement, which include the grant by Owner of a permanent drainage and storm drainage easement to County. For and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby grants and conveys to County, its successors and assigns, a permanent easement to enter, re-enter, occupy and use the Easement Property, and warrants the title to the same, for the purpose of constructing, connecting, disconnecting, rerouting, enlarging, removing, repairing, operating, monitoring and testing, and maintaining above ground, surface and underground:

storm sewer facilities, detention ponds and related drainage facilities

which may include all necessary above ground, surface and underground facilities and appurtenances related thereto, including but not limited to: mains, manholes, conduits, valves, pavement, vaults, ventilators, retaining walls, drop structures, inlets, outfalls, erosion control structures, culverts, pipes, electric or other control systems, cable, wires and connections, including telephone wiring; in, upon, under, through and across the Easement Property, upon the terms and conditions stated in the instrument recorded at **Reception No. A7066570**, incorporated herein by this reference.

County hereby grants a revocable license to Owner and to the successors, heirs and permitted assigns of Owner, to discharge approved quantities and flows of clean stormwater into County's major drainageway, Kiowa Creek, through a tributary to Kiowa Creek downstream of the substation site, which is located at S. Brick Center Road and E. Bellevue Avenue, Arapahoe County, Colorado, (the "Outfall") upon the terms and conditions stated in the instrument recorded at Reception No. A7066570, incorporated herein by this reference.

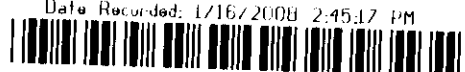
This instrument relates to that certain Location & Extent Plan approved in Arapahoe County Case No. L07-003, IREA Brick Center Transmission Line & Substation Project ("the Plan"), and the Improvement Agreement made between the County and the Owner in connection with that case ("the IA").

The Special Conditions, if any, attached to this instrument are a part of this instrument and if in conflict with any other term shall supersede and control over any other term.

Except to the extent described in any Special Conditions, the parties intend that the terms of this instrument be interpreted in accordance with the requirements of the IA and the Plan, if any. In the

(Rev. 5/00)

1.1

Arapahoe County Clerk & Recorder, Nancy A. Doty
Reception #: B8006897
Receipt #: 537/885
Pages Recorded: 5
Recording Fee: \$0.00
Date Recorded: 1/16/2008 2:45:17 PM


event of irreconcilable conflict between or among the terms of this instrument or the terms of the IA or the Plan, the terms of this instrument shall control.

Termination, revocation or nonrenewal of the License shall not affect County's rights granted under this Easement. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, successors and assigns of the Owner and County.

Owner: INTERMOUNTAIN RURAL ELECTRIC ASS'N

by: Timothy L. White, President
name title

County of Douglas)

) s.s.

State of Colorado)

This instrument was acknowledged before me this 6th day of November, 2007 by Timothy L. White, President of Intermountain Rural Electric Ass'n, an authorized representative of the Owner.

My commission expires: _____

My Commission Expires September 19, 2009

Becky A. Wilson
Notary Public

BECKY A.
WILSON

ACCEPTANCE AND APPROVAL:

For the Board of County Commissioners
Arapahoe County

David M. Schmit
David M. Schmit, P.E., Director, Public Works and Development
Authorization pursuant to Resolution No. 070118

EXHIBIT A

Intermountain R.E.A. Drainage Easement

DESCRIPTION

That part of the south 690 feet of the east 1347 feet of the west 1377 feet of the Southwest Quarter of Section 9, Township 5 South, Range 63 West of the Sixth Principal Meridian, Arapahoe County, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the west line of Section 9 having a grid bearing of N00°43'00"E (5314.18') as controlled by the following described monuments:

Southerly terminus: 2.5" aluminum pipe with 3.25" aluminum cap stamped "...LS 2279 1978".

Northerly terminus: 2.5" aluminum cap stamped "ZBS Inc....LS 29028...2006".

Commencing at the Southwest Corner of said Section 9;

Thence North 89°01'03" East, 1,377.60 feet, along the south line thereof, to the east line of the east 1347 feet of the west 1377 feet of the Southwest Quarter of said Section 9;

Thence North 00°43'00" East, 57.03 feet, along said east line, to a point 57 feet north of said south line and the **POINT OF BEGINNING**;

Thence continuing along said east line, North 00°43'00" East, 285.33 feet;

Thence South 49°53'10" West, 157.79 feet;

Thence South 44°01'00" West, 191.79 feet, to a point 107 feet north of the south line of said Quarter Section;

Thence South 89°01'03" West, 420.70 feet, along a line 107 feet north of and parallel with said south line;

Thence South 00°58'57" East, 50.00 feet, to a point that is 57' north of said south line;

Thence North 89°01'03" East, 670.25 feet, along a line 57' north of and parallel with said south line, to the **POINT OF BEGINNING**.

Containing 64,619 square feet or 1.483 acres, more or less

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO.: 9228-011.09

Date: September 24, 2007

Prepared For and on Behalf of
WESTERN STATES SURVEYING, INC.

12753 South Parker Road, Suite 205

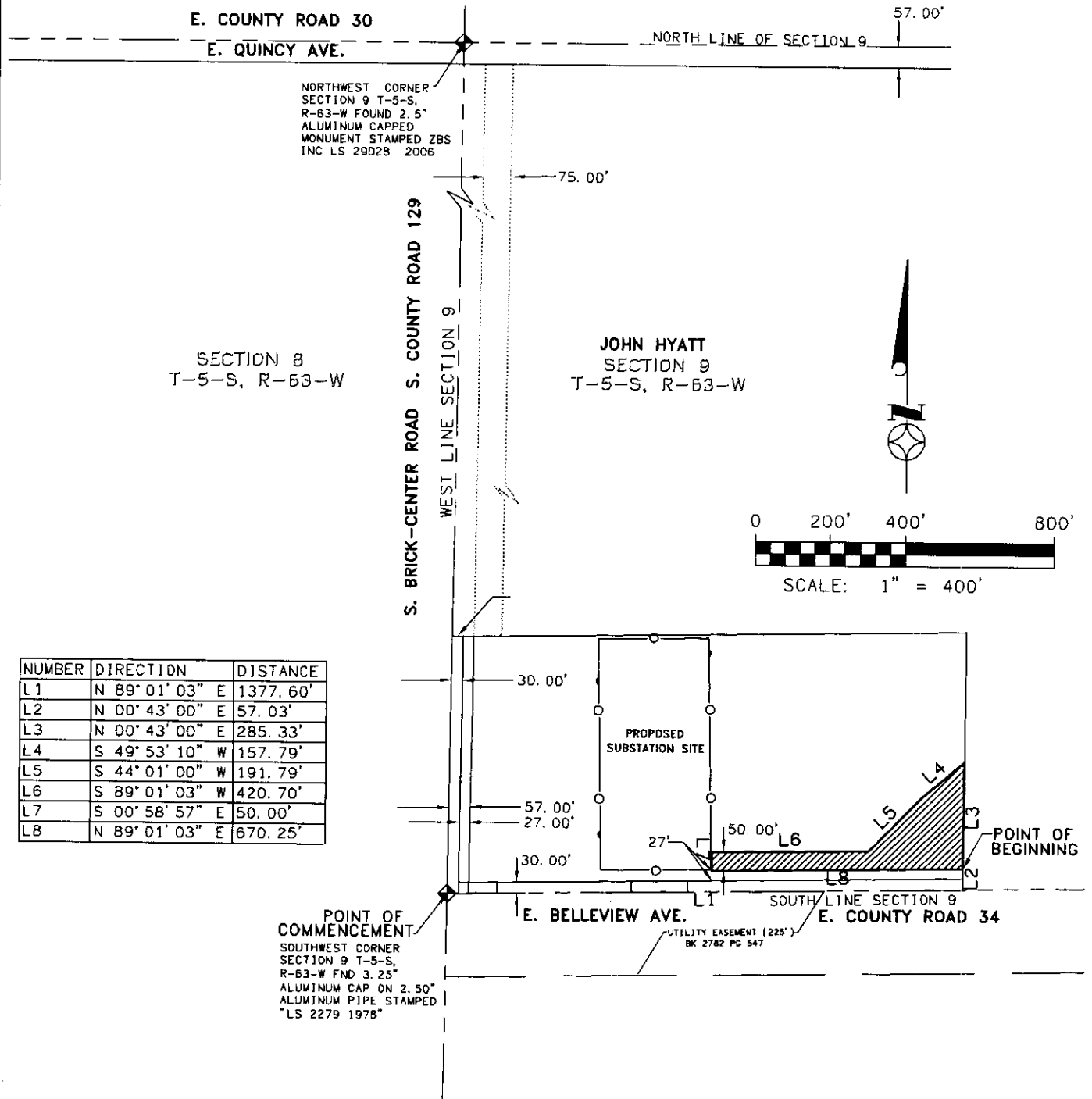
Parker, CO 80134

(303) 841-7436

Thomas F. Phalin, PLS 23516

NOTICE: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

EXHIBIT A



Western States
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, CO 80134-3486 (303) 841-7436

NOTE: THIS DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS
INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

I.R.E.A. DRAINAGE EASEMENT

CALC: T.F.P.

DATE: 09-24-2007

DRWN: TFP

JOB NO. 9228-011.09

AREA OF EASEMENT: 1.483 AC.

SHEET 2 OF 2

EXHIBIT B
to
License Agreement
IREA Brick Center Transmission Line & Substation Project
Arapahoe County, State of Colorado

A PARCEL OF LAND BEING THE NORTH 660 FEET OF THE SOUTH 690 FEET AND THE EAST 1320 FEET OF THE WEST 1377 FEET, OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH 61°38'00" EAST, 65.22 FEET TO A POINT THAT IS 57' EAST OF THE WEST LINE OF SAID SECTION AND 30' NORTH OF THE SOUTH LINE OF SAID SECTION, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 00°43'00" EAST, 660.29 FEET ALONG A LINE THAT IS 57.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 9; THENCE NORTH 89°01'03" EAST, 1320.58 FEET, ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 00°43'00" WEST, 660.29 FEET, ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION, TO A POINT THAT IS 30' NORTH OF THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 89°01'03" WEST, 1320.58 ALONG A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SECTION 9 TO THE TRUE POINT OF BEGINNING, CONTAINING 871,583 SQUARE FEET OR 20.009 ACRES, MORE OR LESS.