

STORMWATER DRAINAGE EASEMENT DEED

THIS STORMWATER DRAINAGE EASEMENT DEED (“Deed”) is made this _____ day of _____ 2024, by and between THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, a political subdivision of the State of Colorado, whose address is 5334 South Prince St., Littleton, CO 80120 (“County”), and THE TOWN OF BENNETT, a municipal corporation organized and existing under and by virtue of the laws of the State of Colorado, whose address is 207 Muegge Way, Bennett, CO 80102 (“Town”).

WITNESSETH:

THAT THE COUNTY, for and in consideration of the sum of One Thousand Six Hundred Sixty and 00/100 Dollars (\$1,660.00) paid to the County by the Town, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, grants, bargains, sells and conveys unto the Town the following:

1. A perpetual, non-exclusive easement (“Easement”) to grade, install, construct, reconstruct, replace, repair, maintain and operate ditches, culverts, ponds, channels and facilities for water conveyance, detention and retention, and all necessary appurtenant facilities for stormwater drainage purposes on, over, under, across and through the parcel of real property described in Exhibit A, attached and incorporated in this Deed (“Premises”)

SUBJECT TO the following terms and conditions:

2. The County shall not place, erect or construct, or allow to be placed, erected or constructed, on the Premises any equipment or structure or other improvement or alteration whatsoever which may interfere with the Town’s full use and enjoyment of the rights under this Deed unless said improvements or alterations are approved in writing by the Town prior to their installation. The Town’s approval shall not be unreasonably conditioned or withheld.
3. Insofar as practicable, and to the extent not occupied by the Town’s facilities, appurtenances and improvements permitted under this Deed, the Town shall restore the surface of the Premises to the conditions that existed immediately prior to the commencement of any surface-disturbing activities permitted under this Deed.
4. The Town shall be solely responsible for the maintenance, upkeep, and repairs of its facilities, appurtenances, and improvements permitted under this Deed. It shall remove trash and equipment from the Premises, as well as anything that could impede the proper functioning of its facilities, appurtenances, and improvements, including but not limited

to debris, grasses, weeds, and sediment. The County shall be responsible for all other maintenance of the Premises.

5. At least two weeks prior to entering the Premises for construction purposes and, except in an emergency, at least 24 hours prior to entering the Premises for maintenance or repair purposes, the Town shall notify the County by contacting the Open Spaces, Parks, and Trails Supervisor at (720) 874-6540 or another individual designated by the County's Open Spaces Operations Manager.
6. If the County's surrounding public open space property sustains any damage as a result of the Town's use of the Easement, the Town shall restore the County property to its preexisting condition at the Town's sole expense.
7. The County reserves the right to grant further interests in the Premises to other grantees so long as such interests are not inconsistent with the use of the Premises by the Town, its successors and permitted assigns as described in this Deed.
8. The Easement granted and the rights and obligations provided for in this Deed shall be binding upon and inure to the benefit of the County and the Town and their respective successors and assigns.
9. The Easement shall be subject to all current restrictions and easements of record and/or apparent on the Premises.
10. The Town agrees that at such time and in the event that it intends to abandon the Easement, the Town will notify the County in writing and such Easement shall terminate and the real property interests represented by such Easement shall revert to the County, its heirs, successors and/or assigns.
11. The Town shall be responsible for any claims, actions, and liabilities arising from its activities permitted or performed on the Premises, in the manner and to the extent provided under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*
12. Neither the County nor the Town waives or intends to waive the monetary limitations or any other rights, immunities, and protections provided under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*

Signatures on following pages

**EXHIBIT A
PROPERTY DESCRIPTION
PERMANENT EASEMENT PARCEL NUMBER: PE-2
TOWN OF BENNETT – CR 137 IMPROVEMENTS
PROJECT NUMBER: SHO M067-004 PROJECT CODE: 22483**

A tract or parcel of land (PE-2) of Project No. SHO M067-004 over and across that parcel of land described at Reception No. B9031244 in the records of Arapahoe County, located in the Southeast Quarter of Section 3, Township 4 South, Range 63 West of the Sixth Principal Meridian, Town of Bennett, County of Arapahoe, State of Colorado, said tract or parcel being more particularly described as follows:

For the purpose of this description the bearings are referenced to the East Line of the Southeast Quarter of Section 3, Township 4 South, Range 63 West of the Sixth Principal Meridian, bearing North 00°50'27" East, a distance of 2640.11 feet. Monumented by a 2 1/2" aluminum cap illegible on a #6 rebar at the Southeast Corner of said Section 3 and by the calculated position from the Arapahoe County Horizontal Control Network at the East Quarter Corner of said Section 3.

Commencing at the Southeast Corner of Section 3, Township 4 South, Range 63 West of the 6th Principal Meridian;

THENCE North 00°50'27" East, along the East line of said Southeast Quarter of Section 3, a distance of 1787.97 feet;

THENCE North 89°09'33" West, a distance of 40.00 feet to a point on the east line of that parcel of land described at Reception No. B9031244 in the records of Arapahoe County, the west right of way line of County Road 137 (CR 137) and the Point of Beginning;

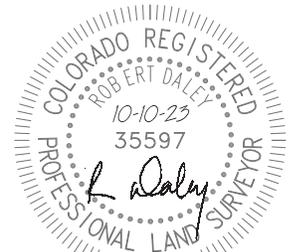
THENCE South 00°50'27" West, along said east line and said west right of way line, a distance of 130.00 feet;

THENCE North 89°09'33" West, a distance of 75.00 feet;

THENCE North 00°50'27" East, a distance of 130.00 feet;

THENCE South 89°09'33" East, a distance of 75.00 feet to the Point of Beginning.

Containing 9750 Square Feet, or 0.224 Acres, more or less.



FOR AND ON BEHALF OF
DALEY LAND SURVEYING INC.,
Robert Daley, PLS 35597

THIS DOES NOT REPRESENT
A MONUMENTED SURVEY.



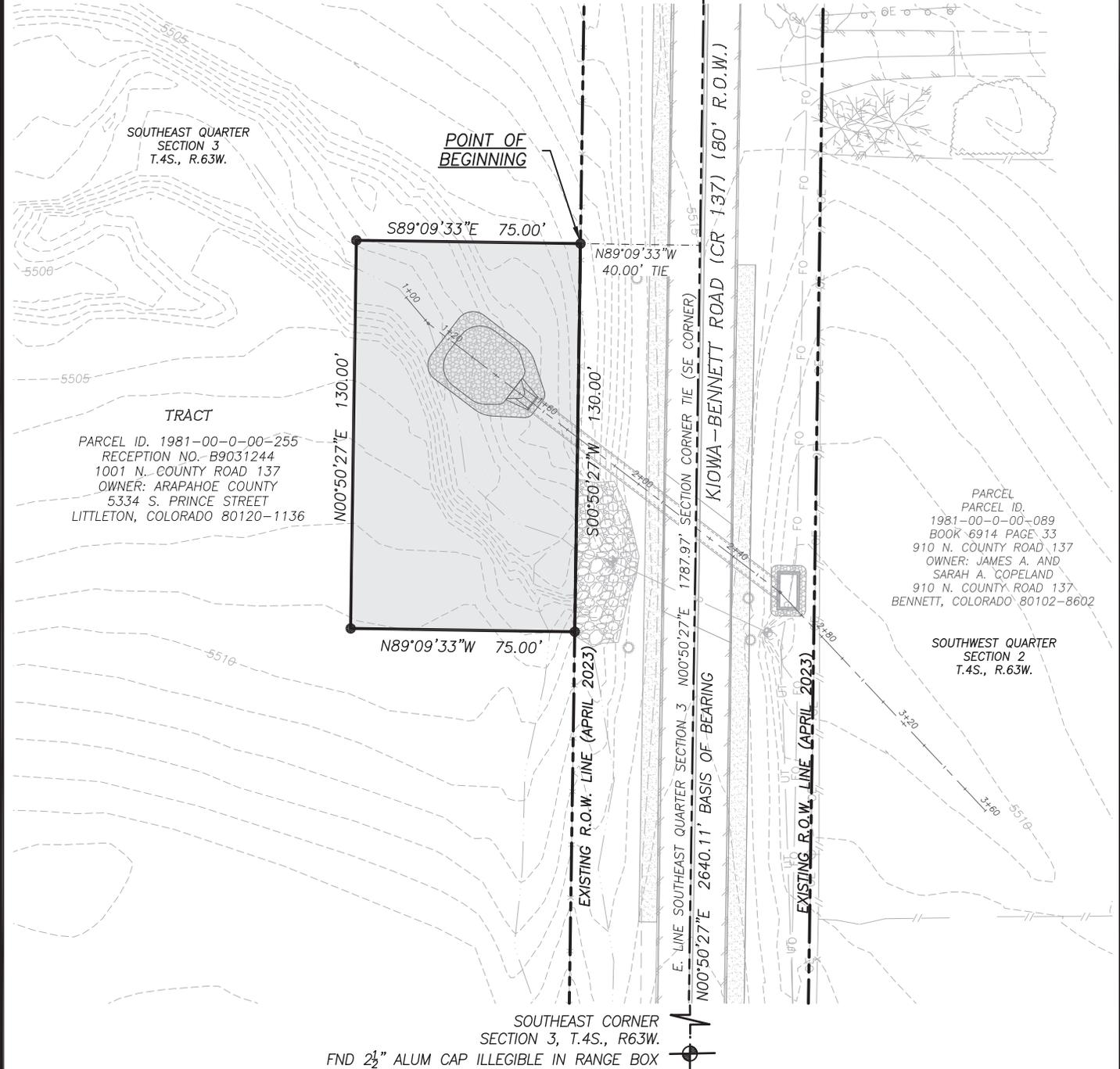
OWNER ARAPAHOE COUNTY	
APN. 1981-00-0-00-255	
CALC: AVV	DATE: 10/10/2023
DRWN: AVV	JOB No. 2104-007
SHEET 1 OF 2	

PERMANENT EASEMENT PARCEL NO. PE-2
SE 1/4 SEC. 3, T.4S., R.63W. ARAPAHOE COUNTY, COLORADO

\\Survey\2104007\Drawings\COOT ROW Plans South\Drawings\Easements\PE-2.dwg

ILLUSTRATION TO EXHIBIT A

EAST QUARTER CORNER
SECTION 3, T.4S., R.63W.
CALCULATED POSITION FROM
ARAPAHOE COUNTY CONTROL NETWORK



SOUTHEAST QUARTER
SECTION 3
T.4S., R.63W.

TRACT

PARCEL ID. 1981-00-0-00-255
RECEPTION NO. B9031244
1001 N. COUNTY ROAD 137
OWNER: ARAPAHOE COUNTY
5334 S. PRINCE STREET
LITTLETON, COLORADO 80120-1136

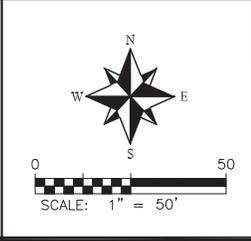
PARCEL
PARCEL ID.
1981-00-0-00-089
BOOK 6914 PAGE 33
910 N. COUNTY ROAD 137
OWNER: JAMES A. AND
SARAH A. COPELAND
910 N. COUNTY ROAD 137
BENNETT, COLORADO 80102-8602

SOUTHWEST QUARTER
SECTION 2
T.4S., R.63W.

OWNER ARAPAHOE COUNTY	
APN. 1981-00-0-00-255	
CALC: AVV	DATE: 10/10/2023
DRWN: AVV	JOB No. 2104-007
SHEET 2 OF 2	

**PERMANENT EASEMENT
PARCEL NO. PE-2**

SE 1/4 SEC. 3, T.4S., R.63W.
ARAPAHOE COUNTY, COLORADO



THIS DOES NOT REPRESENT
A MONUMENTED SURVEY.

**DALEY LAND
SURVEYING, INC.**

17011 LINCOLN AVE #301
PARKER, CO 80134