

EASEMENT DEED

The Town of Erie (Grantor), a Colorado municipal corporation, whose address is 645 Holbrook Street, Erie, Colorado 80516, for the consideration of ten and 00/100 DOLLARS, in hand paid, hereby sells and conveys to **Erie Coal Creek Ditch and Reservoir Company** (Grantee), a Colorado nonprofit corporation, whose legal address is c/o Angela R. Swanson, Secretary, P.O. Box 119, Longmont, Colorado 80502-0119,

the following real property in the County of Weld and State of Colorado, to wit:

A thirty foot (30') wide permanent non-exclusive easement more fully described in the attached **EXHIBIT 1** for the operation, maintenance, repair and replacement of the Erie Coal Creek Ditch ("Ditch").

Grantee shall have the right to use the easement for the purposes of installing, constructing, using, operating, maintaining, inspecting, repairing, altering, removing and replacing the Ditch in whole or in part, and all necessary subsurface and surface appurtenances for the transportation of water and the operation and control of a water pipeline on the property described in **EXHIBIT 1**; and of cutting and clearing trees, brush, debris and other obstructions that might interfere with the operation and maintenance of the Ditch or the Ditch's facilities.

The Grantor shall not place any improvements or structures including fences, berms, walls, trees or bushes in the easement that interfere with the operation, maintenance, repair and replacement of the Ditch. Provided, however, that Grantor shall be allowed to place, maintain and use a recreational trail and an access drive in and over the easement. Placements are done so at the risk of the persons or entities placing the improvements or the structures on the property described in **EXHIBIT 1**. Grantee may demand the removal of such improvements or structures and may remove them at any time for the purposes of operating, maintaining, repairing or replacing the Ditch; provided, however, the Grantee shall not be entitled to demand removal of improvements for which Grantee has granted written permission to Grantor or to others to install. Any property damage incurred as a result of normal operation, maintenance, replacement or repair within the easement including removal of any improvements which interfere with the use of the easement except for those described above shall be the responsibility of the Grantor, its successors and assigns, and not the responsibility of Grantee.

with all its appurtenances, and warrant(s) the title to the same.

DATED: _____

THE TOWN OF ERIE
a Colorado municipal corporation

ATTEST:

By: _____
Jennifer Carroll, Mayor

By:

Jessica Koenig, Town Clerk

**EXHIBIT 1 TO EASEMENT DEED TOWN OF ERIE TO ERIE COAL CREEK
DITCH AND RESERVOIR COMPANY**



EXHIBIT 1
Page 1 of 2

January 3, 2019

PROPERTY DESCRIPTION

A 30.00 FOOT WIDE STRIP OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING PART OF TRACT C, DAYBREAK FILING NO. 1A, RECORDED MAY 29, 2013 AT RECEPTION NO. 3935455, COUNTY OF WELD, STATE OF COLORADO, SIDELINES OF SAID STRIP LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18; THENCE S89°31'17"E ALONG THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER OF SECTION 18 A DISTANCE OF 1493.04 FEET; THENCE N00°23'16"E A DISTANCE OF 95.02 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING 20 FOOT EASEMENT, RECORDED JULY 15, 2003 AT RECEPTION NO. 3083910, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE N15°09'40"W A DISTANCE OF 126.54 FEET TO THE **POINT OF TERMINUS**, SIDELINES OF SAID STRIP BEING LENGTHENED OR FORESHORTENED TO END AT THE SAID NORTHERLY LINE OF EXISTING 20 FOOT EASEMENT EXTENDED;

CONTAINING 3,796 SQUARE FEET OR 0.087 ACRE, MORE OR LESS.


John P. Ehrhart, PLS 29414

A circular professional seal for John P. Ehrhart, a Colorado Registered Professional Land Surveyor. The seal contains the text "COLORADO REGISTERED" at the top, "JOHN P. EHRHART" in the center, "1/3/19" below the name, and "29414" at the bottom. The outer ring of the seal reads "PROFESSIONAL LAND SURVEYOR".

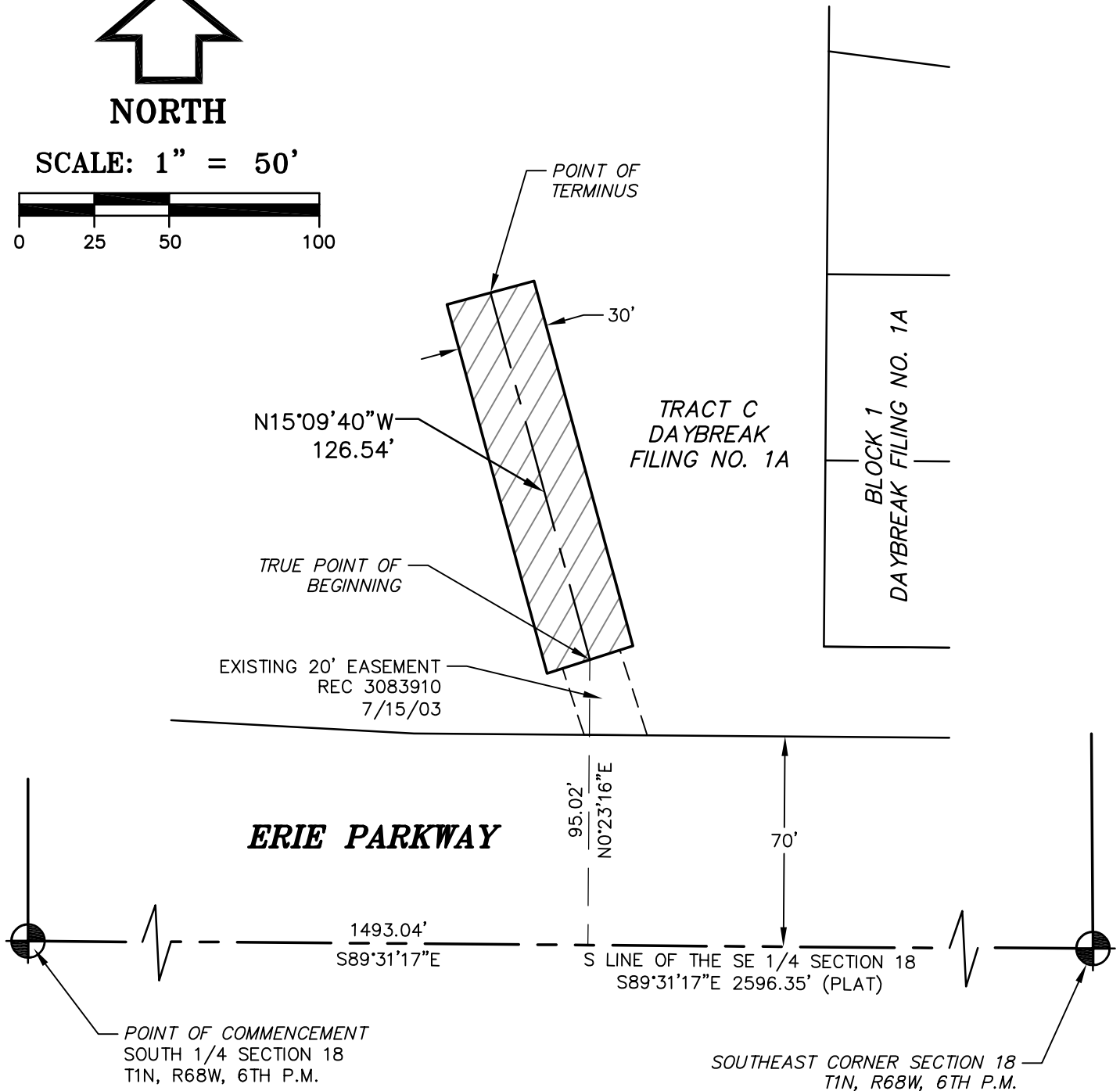
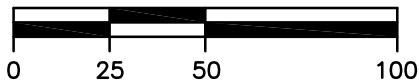
EXHIBIT 1

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NORTH

SCALE: 1" = 50'



EHRHART
LAND SURVEYING

P.O. Box 930 • Erie, Colorado 80516
(303) 828-3340 • www.coloradols.com

TOWN OF ERIE
SITUATED IN THE SE 1/4 OF SEC. 18,
T1N, R68W OF THE 6TH P.M.
WELD COUNTY, COLORADO

DATE:
1/3/19

SCALE
1"=50'

JOB NO.:
S185263

DRAWN:
JPE

CHECKED:
MMS