

## **CONVEYANCE OF EASEMENT**

### **Landscaping/Storm Drainage**

**THIS CONVEYANCE OF EASEMENT is by and between the CITY OF COMMERCE CITY, a Colorado municipal corporation, 7887 E. 60th Avenue, Commerce City, CO (the "Grantor"), and NORTHERN COMMERCE METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado, c/o Collins Cockrel & Cole, PC, 390 Union Boulevard, Suite 400, Denver, CO 80228 (the "District"), its successors and permitted assigns.**

**WHEREAS, the property owner conveyed Tract L of the Hogan Commercial Subdivision, Filing No. 1, also known as E. 103rd Place, to the District by quitclaim deed, dated December 14, 2010; and**

**WHEREAS, pursuant to the Hogan Commercial Subdivision, Filing No. 1 plat, recorded at Reception No. 2007000036158 (the "Plat"), the City holds an access and public purpose easement approximately 10 feet wide behind the curb and gutter along the north and south sides of Tract L/103rd Place (the "City Easement"), in addition to other areas listed on the Plat; and**

**WHEREAS, the District has installed landscaping and storm drainage improvements within the City Easement Area. The District, however, does not hold an easement interest in order to finance, operate, and maintain certain public improvements within and adjacent to Tract L; and**

**WHEREAS, the City is willing to convey a non-exclusive easement for landscaping and storm drainage that grants such easement to the District in addition to the easement held by the City for access and public purposes; and**

**WHEREAS, if the District or its successors or assigns attempts to abandon or change the easement herein granted, this Conveyance of Easement shall terminate and the Easement interest herein granted shall revert back to the City.**

**NOW, THEREFORE, the Parties agree as follows:**

**The City hereby conveys a non-exclusive easement to the District for landscaping and storm drainage in, to, over, under and across the property located in the City of Commerce City, Adams County, Colorado, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference and depicted on Exhibit B attached hereto and incorporated herein by this reference.**

**This Conveyance of Easement is made by the City and accepted by the District pursuant to the following terms and conditions:**

**1. The District, its agents, successors and permitted assigns, shall have and exercise the right of ingress and egress in, to, over, under and across the Easement for any purpose necessary for the maintenance, repair, and/or replacement of landscaping and storm drainage improvements (the "Improvements").**

**2. The District agrees that at such time and in the event that the Improvements and/or Easement are abandoned by the District or any permitted successor or assign, by written notice to the City, such Conveyance of Easement shall terminate and the real property interest represented by the easement herein conveyed shall revert to the City, its successors and/or assigns.**

**3. Each and every one of the benefits and burdens of this Conveyance of Easement shall inure to and be binding upon the respective successors and permitted assigns of the City and the District.**

**4. The rights and responsibilities set forth in this Conveyance of Easement are intended to be covenants on the property and are to run with the land until this Easement is abandoned or terminated pursuant to the terms set forth herein.**

**DATED this \_\_\_ day of \_\_\_\_\_, 2013.**

**[Signature page to follow]**

**GRANTOR:**

**CITY OF COMMERCE CITY**

**BY:** \_\_\_\_\_  
**Sean Ford, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Laura J. Bauer, CMC, City Clerk**

**Approved as to form:**

\_\_\_\_\_  
**Robert R. Gehler, City Attorney**

**STATE OF COLORADO )**  
**) ss:**  
**COUNTY OF ADAMS )**

**Subscribed and sworn to before me this \_\_\_\_\_ day of December, 2013 by Sean Ford as Mayor and attested by Laura J. Bauer as City Clerk of the City of Commerce City.**

**Witness my hand and official seal.**

\_\_\_\_\_  
**Notary Public**

**My commission expires: \_\_\_\_\_**



**EXHIBIT A**  
**Legal description**

**EASEMENT NO 1**

**LEGAL DESCRIPTION**

**A PARCEL OF LAND LOCATED IN TRACTS A AND B HOGAN COMERCIAL SUBDIVISION FILING NO. 1 ADAMS COUNTY CLERK AND RECORDERS OFFICE RECEPTION NUMBER 2007000036158 IN PART OF THE NORTHWEST ¼ OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF TRACT B HOGAN COMERCIAL SUBDIVISION FILING NO. 1 ADAMS COUNTY CLERK AND RECORDERS OFFICE RECEPTION NUMBER 2007000036158**

**THENCE NORTH 00°40'26" WEST A DISTANCE OF 36.55 FEET TO A POINT;**

**THENCE SOUTH 89°19'34" WEST A DISTANCE OF 15.17 FEET TO A POINT;**

**THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 51.00 FEET 38.41 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°09'15" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 50°26'41" WEST AND A CHORD LENGTH OF 37.51 FEET;**

**THENCE SOUTH 89°19'34" WEST A DISTANCE OF 55.63 FEET TO A POINT;**

**THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 171.00 FEET 42.75 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°19'26" ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 83°30'43" WEST AND A CHORD LENGTH OF 42.64 FEET;**

**THENCE NORTH 76°21'00" WEST A DISTANCE OF 98.18 FEET TO A POINT;**

**THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 229.00 FEET 53.25 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°19'23" ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 83°00'41" WEST AND A CHORD LENGTH OF 53.13 FEET;**

**THENCE NORTH 89°40'23" WEST A DISTANCE OF 113.07 FEET TO A POINT;**

**THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET 24.27 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°30'46" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 54°55'00" EAST AND A CHORD LENGTH OF 22.80 FEET;**

**THENCE SOUTH 89°40'23" EAST A DISTANCE OF 94.32 FEET TO A POINT;**

**THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 216.00 FEET 50.23 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°19'23" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 83°00'41" EAST AND A CHORD LENGTH OF 50.11 FEET;**

**THENCE SOUTH 76°21'00" EAST A DISTANCE OF 93.56 FEET TO THE SOUTHWEST CORNER OF TRACT B;**

THENCE SOUTH 76°21'00" EAST A DISTANCE OF 4.62 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 184.00 FEET 46.00 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°19'26" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 83°30'43" EAST AND A CHORD LENGTH OF 45.88 FEET;

THENCE NORTH 89°19'34" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.14 ACRES OR 6,020.10 SQUARE FEET MORE OR LESS.

#### EASEMENT NO 2

A PARCEL OF LAND LOCATED IN TRACT J HOGAN COMERCIAL SUBDIVISION FILING NO. 1 ADAMS COUNTY CLERK AND RECORDERS OFFICE RECEPTION NUMBER 2007000036158 IN PART OF THE NORTHWEST ¼ OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF TRACT B HOGAN COMERCIAL SUBDIVISION FILING NO. 1;

THENCE SOUTH 00°40'26" EAST A DISTANCE OF 32.00 FEET; TO THE POINT OF BEGINNING;

THENCE SOUTH 89°19'34" WEST A DISTANCE OF 100.00 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 216.00 FEET 54.00 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°19'26" ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 83°30'43" WEST AND A CHORD LENGTH OF 53.86 FEET;

THENCE NORTH 76°21'00" WEST A DISTANCE OF 98.18 FEET TO A POINT OF CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 184.00 FEET 42.79 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°19'23" ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 83°00'41" WEST AND A CHORD LENGTH OF 42.69 FEET;

THENCE NORTH 89°40'23" WEST A DISTANCE OF 94.32 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET 22.08 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°15'23" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 58°41'56" WEST AND A CHORD LENGTH OF 20.98 FEET;

THENCE SOUTH 89°40'23" EAST A DISTANCE OF 112.18 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 173.00 FEET 40.23 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°19'23" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 83°00'41" EAST AND A CHORD LENGTH OF 40.14 FEET;

THENCE SOUTH 76°21'00" WEST A DISTANCE OF 37.92 FEET TO A POINT;

THENCE SOUTH 13°39'10" WEST A DISTANCE OF 18.01 FEET TO A POINT;

THENCE SOUTH 76°22'28" EAST A DISTANCE OF 30.00 FEET TO A POINT;

THENCE NORTH 13°39'10" EAST A DISTANCE OF 17.99 FEET TO A POINT;

THENCE SOUTH 76°21'00" EAST A DISTANCE OF 30.26 FEET TO A POINT OF CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 227.00 FEET 56.75 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°19'26" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 83°30'43" EAST AND A CHORD LENGTH OF 56.60 FEET;

THENCE NORTH 89°19'34" EAST A DISTANCE OF 59.39 FEET TO A POINT;

THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 51.00 FEET 31.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°08'13" ALONG SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 55°28'12" EAST AND A CHORD LENGTH OF 30.79 FEET;

THENCE NORTH 89°50'03" EAST A DISTANCE OF 15.45 FEET TO A POINT;

THENCE NORTH 00°40'26" EAST A DISTANCE OF 28.89 FEET TO THE POINT OF BEGINNING;

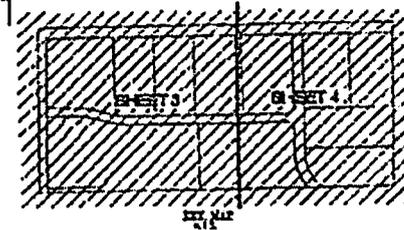
CONTAINING 0.127 ACRES OR 5511.32 SQUARE FEET MORE OR LESS.

**EXHIBIT B**

**Plat Depiction of Easement Area**

# HOGAN COMMERCIAL SUBDIVISION FILING NO. 1

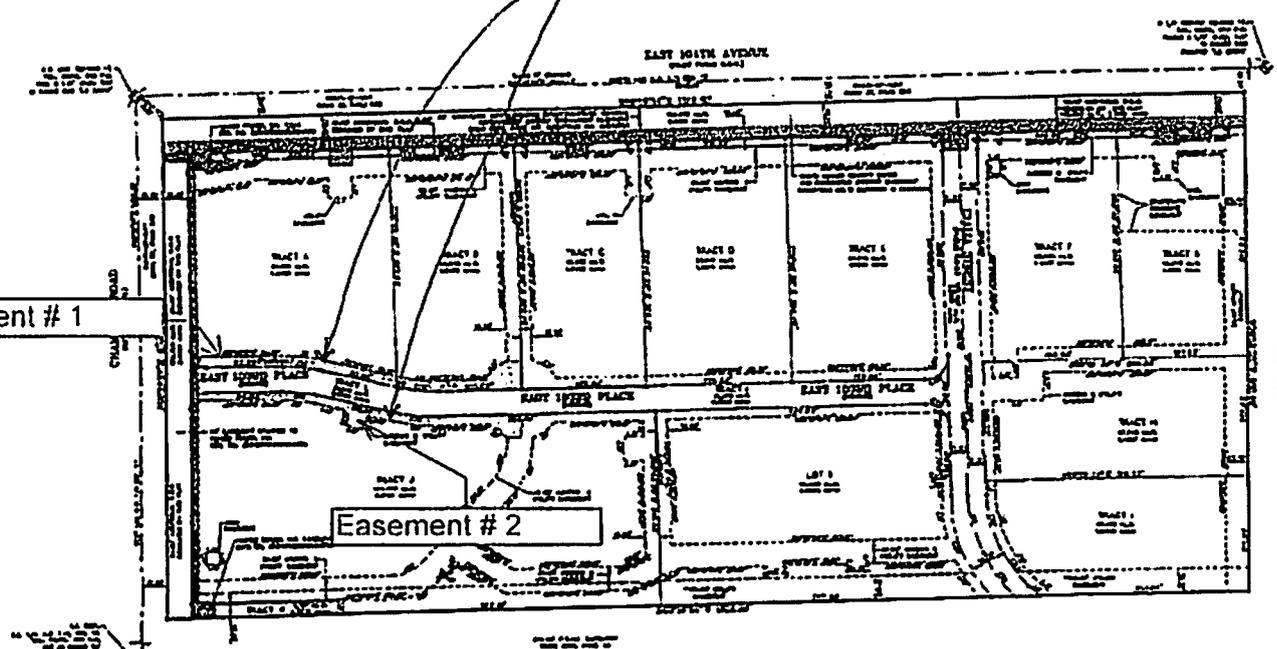
PART OF THE NW 1/4 OF SECTION 17, T2S, R66W, 6TH P.M.  
CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO  
FINAL PLAT  
SHEET 2 OF 4  
OVERALL



*Northern Commerce Metropolitan District  
Landscape / Storm Drainage Easement*

Easement # 1

Easement # 2



- NOTE:
1. 30' UTILITY EASEMENT CORNERS OF NON-EXCLUSIVE EASEMENT FOR SANITARY RECEIPTION NO. 2007000036158
  2. NEW EASEMENTS ARE IN FAVOR OF THE OWNER AND THEIR SUCCESSORS
  3. ALL OTHER EASEMENTS ARE DEDICATED TO THE CITY.



GRAPHIC SCALE



( OF FEET )  
1 INCH = 100 FT.

**ASPEN Surveying, Inc.**  
2633 So. PECORA STREET  
SUITE 150  
DENVER, CO 80204  
PHONE (303) 730-1440