

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "Agreement"), made as of this ____ day of _____, 2018 is by and between **JESSE EL and JUDY EL**, hereinafter the "**Property Owners**," and the **BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, a political subdivision of the State of Colorado**, whose legal address is 215 Comanche St, Kiowa, Colorado 80117, hereinafter the "**County**."

WHEREAS, the Property Owners own fee title to certain real property in parts of Sections 13, Township 6 South, Range 61 West of the 6th Principal Meridian, Elbert County, Colorado, hereinafter the "Property;" and

WHEREAS, it is the parties' intent to create a new easement burdening the Property as described A 30.00 FOOT ROADWAY EASEMENT LOCATED IN SECTION 13, TOWNSHIP 6 SOUTH, RANGE 61 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ELBERT, STATE OF COLORADO, BEING 15.00 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13 AND CONSIDERING THE SOUTH LINE OF SAID SECTION 13 TO BEAR N89°54'10"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N89°54'10"W ALONG SAID SOUTH LINE A DISTANCE OF 221.11 FEET TO THE POINT OF BEGINNING; THENCE N37°40'48"W A DISTANCE OF 46.54 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 52°26'29", A RADIUS OF 365.00 FEET AND AN ARC LENGTH OF 334.07 FEET; THENCE S89°52'43"W A DISTANCE OF 601.50 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 75°15'22", A RADIUS OF 160.00 FEET AND AN ARC LENGTH OF 210.15 FEET; THENCE N14°51'55"W A DISTANCE OF 19.67 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17°37'27", A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 92.28 FEET; THENCE N02°45'33"E A DISTANCE OF 380.91 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°53'33", A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 57.03 FEET; THENCE N08°08'00"W A DISTANCE OF 49.32 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11°08'25", A RADIUS OF 365.00 FEET, AND AN ARC LENGTH OF 70.97 FEET TO A POINT ON THE CENTERLINE OF COUNTY ROAD 182 AND THE POINT OF TERMINUS.

WHEREAS, Exhibit A (attached herein) provides a visual representation mapping the described easement burdening the property as described.

NOW THEREFORE, in consideration of the terms and conditions as set forth herein, the sufficiency of which is mutually acknowledged, the parties hereto agree as follows:

1. The recitals set forth above are true, correct and incorporated herein by this reference.
2. Accordingly, for and in consideration of the execution of the Grant of Permanent Roadway Easement between the Property Owners and the County, dated the ____ day of _____, 2018, a copy of which is attached hereto as **Exhibit 1** and incorporated herein by this reference; and for other good and valuable consideration, the receipt and sufficiency of which is hereby confessed and acknowledged, the parties have this date executed this Agreement.
3. It is understood by the parties hereto that, by execution of this Agreement, the County will accept the duty of maintenance of any roadway constructed pursuant to the Grant of Permanent Roadway Easement.
4. It is expressly agreed and understood that the rights and privileges conveyed to Elbert County are limited to the uses described herein.
5. This Agreement shall be interpreted and enforced according to the laws of the State of Colorado. This Agreement shall not be construed against any party on the basis of authorship. In the event any court proceedings are brought to interpret or enforce this Agreement, the prevailing party shall be entitled to an award of its attorneys' fees reasonably incurred in any such action from the non-prevailing party.

