

VR 234

**AMENDMENT TO
PRIVATE DETENTION BASIN /
STORMWATER QUALITY BEST MANAGEMENT PRACTICE
MAINTENANCE AGREEMENT AND EASEMENT**

This AMENDMENT TO PRIVATE DETENTION BASIN / STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT (Amendment) is made by and between EL PASO COUNTY by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (Board or County) SR LAND, LLC (Developer) and STERLING RANCH METROPOLITAN DISTRICT NO. 3 (Metro District), a quasi-municipal corporation and political subdivision of the State of Colorado. The above may occasionally be referred to herein singularly as "Party" and collectively as "Parties."

Recitals

A. WHEREAS, the Parties previously entered into that Private Detention Basin / Stormwater Quality Best Management Practice Maintenance Agreement and Easement recorded with the El Paso County Clerk and Recorder's Office at Reception No. 220183294 ("Agreement"); and

B. WHEREAS, the Parties now wish to amend the Agreement by identifying different property upon which some of the required detention basin/BMP(s) will be constructed and releasing the easements previously granted for the construction of other detention basin/BMP(s).

Agreement

NOW, THEREFORE, in consideration of the mutual Promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporate the Recitals above into this Amendment.
2. Previous Agreement Still in Effect: Except as amended herein, the Parties agree that all provisions of the previous Agreement remain in full force and effect.
3. Replacement of Exhibit B: Exhibit B of the Agreement is hereby replaced by a new Exhibit B, attached hereto.
4. Creation of Easement: Developer hereby grants the County and the Metro District a non-exclusive perpetual easement upon and across Tract D1, Homestead at Sterling Ranch 2A and Sterling Ranch Filing No. 1A, Tract CC1, Homestead at Sterling Ranch 2A and Sterling Ranch Filing No. 1A, Tract F1, Homestead at Sterling Ranch 2A and Sterling Ranch Filing No. 1A, and Tract B1, Homestead at Sterling Ranch 2A and Sterling Ranch Filing No. 1A. The purpose of the easement is to allow the County and the Metro District to access, inspect, clean, repair and maintain the detention basin/BMP(s); however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMP(s).

Steve Schleiker
11/03/2023 11:37:56 AM
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Rec \$0.00 Pages

El Paso County, CO



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5. **Release of Easement:** The County and the Metro District hereby release and quitclaim unto Developer the easement previously created by paragraph 5 of the Agreement.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this 26th day of September, 2023, by:

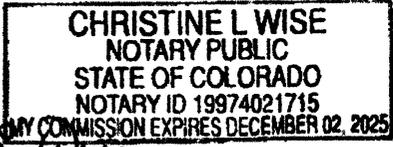
SR LAND, LLC

By: [Signature]
JAMES MORLEY, MANAGER

The foregoing instrument was acknowledged before me this 26th day of September, 2023, by JAMES MORLEY, MANAGER SR LAND, LLC.

Witness my hand and official seal.

My commission expires: 12-02-2025



Christine L. Wise
Notary Public

Executed this 26th day of September, 2023, by:

STERLING RANCH METROPOLITAN DISTRICT NO. 3

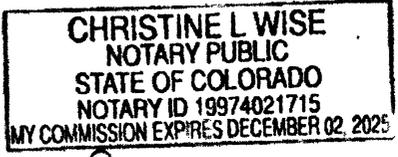
By: [Signature]
DOUGLAS STIMPLE, PRESIDENT

Attest: [Signature]
By: [Signature]
LOREN J. MORELAND, SECRETARY

The foregoing instrument was acknowledged before me this 26th day of September, 2023 by DOUGLAS STIMPLE, PRESIDENT, STERLING RANCH METROPOLITAN DISTRICT NO.3, and attested by LOREN J. MORELAND, SECRETARY, STERLING RANCH METROPOLITAN DISTRICT NO.3

Witness my hand and official seal.

My commission expires: 12-02-2025



Christine L. Wise
Notary Public

Executed this 31st day of October, 2023 by:

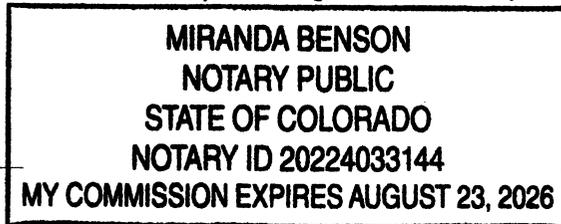
BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Meggan Herington, Executive Director
Planning and Community Development Department
Authorized signatory pursuant to LDC

The foregoing instrument was acknowledged before me this 31st day of October, 2023 by Meggan Herington, Executive Director of El Paso County Planning and Community Development Department.

Witness my hand and official seal.

My commission expires: Aug. 23, 2026




Notary Public

Approved as to Content and Form:

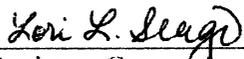

Assistant County Attorney

Exhibit B

Pond 1 - Tract B1, Homestead at Sterling Ranch Filing No. 2A and Sterling Ranch Filing No.

1A

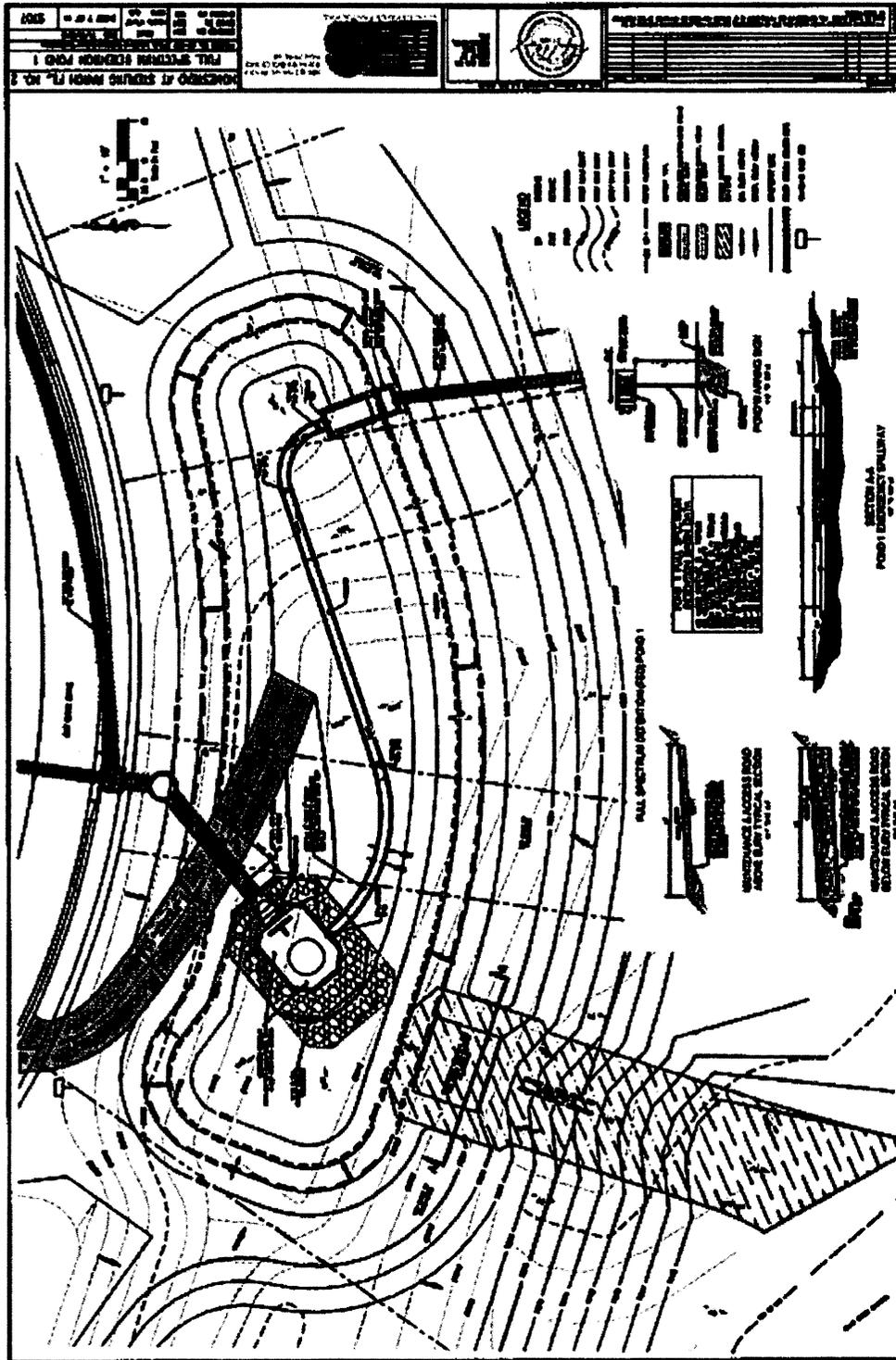
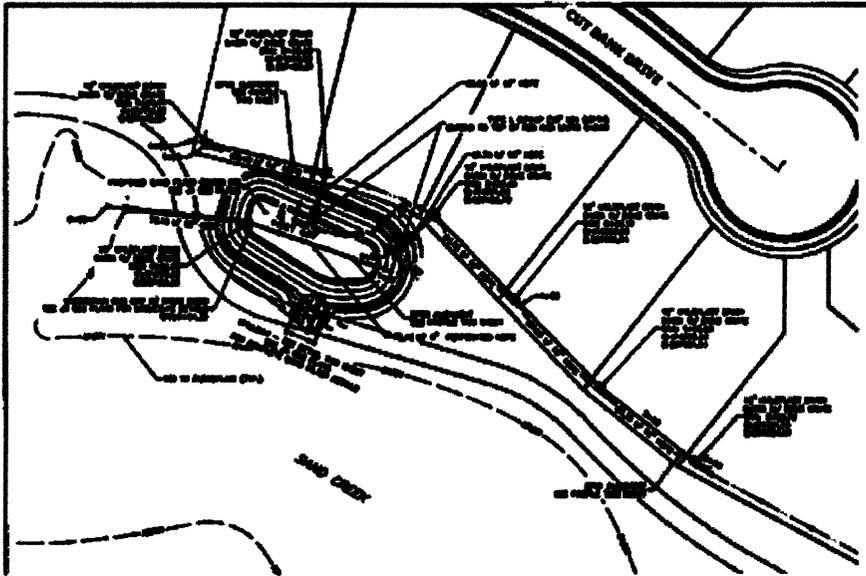


Exhibit B

Common Sand Filter 1 – Tract D1 Homestead at Sterling Ranch 2A and Sterling Ranch Filing No. 1A, Common Sand Filter 2 -- Tract F1, Sterling Ranch Filing No. 1

COMMON SAND FILTER 1



COMMON SAND FILTER 2

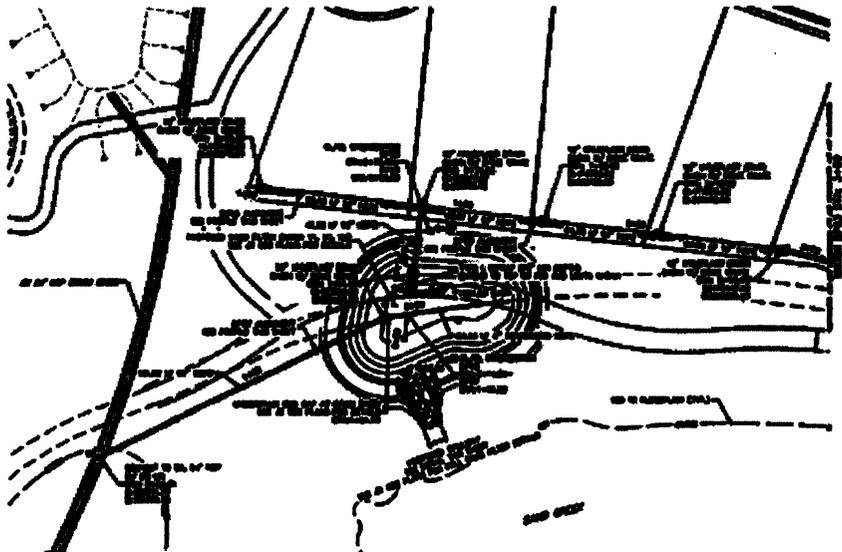


Exhibit B

Pond 8 - Tract CC1, Homestead at Sterling Ranch Filing No. 2A and Sterling Ranch Filing No. 1A

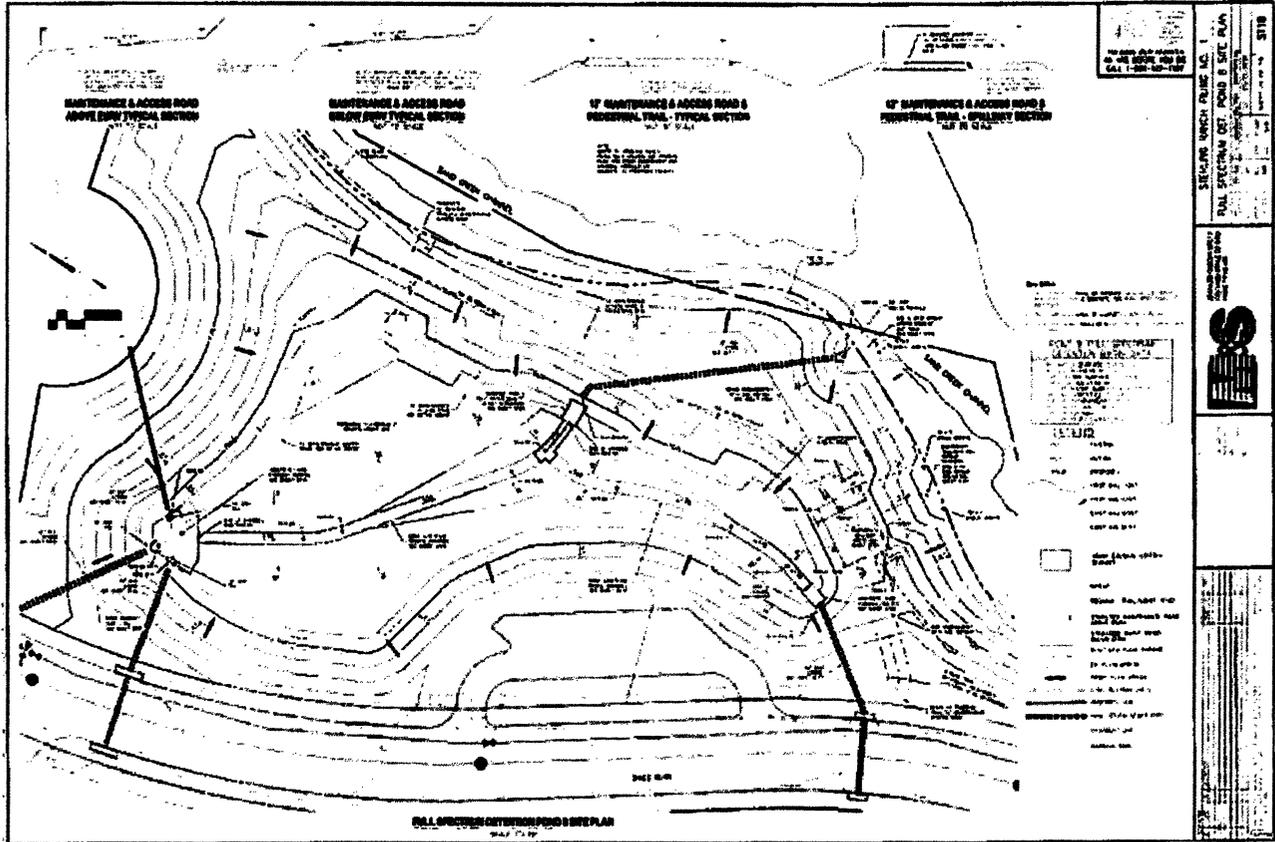


Exhibit B

Pond 4 - Tract F1, Homestead at Sterling Ranch Filing No. 2A and Sterling Ranch Filing No.

1A

