

**NON-EXCLUSIVE PERMANENT EASEMENT  
PE-01**

THIS NON-EXCLUSIVE PERMANENT EASEMENT AGREEMENT ("AGREEMENT") is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between Feathergrass Investments LLC, whose mailing address is 4715 N. Chestnut Street, Colorado Springs, CO 80907, (hereinafter "Grantor(s)"), for and in consideration of the sum of TEN DOLLARS and No Cents (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, in hand paid by Palmer Village Duplex Owners Association, Inc., whose address is 4350 S. Monaco Street, Suite 500, Denver, CO 80237 (hereinafter "Grantee"), (have/has) given and granted and by these presents (do/does) hereby give and grant unto the said Grantee, its heirs, successors or assigns a NON-EXCLUSIVE PERMANENT EASEMENT only along, over and across the following described premises:

See attached Exhibit A, Legal Description and Illustration

This non-exclusive permanent easement is for the following purposes, which include, but are not limited to: access, inspect, clean, repair and maintain the emergency access road as identified in Exhibit A.

Grantor(s) shall not construct improvements in the easement area that would unreasonably interfere with the Grantee's use of the easement area.

That portion of the easement that pertains to emergency access is subject to the following conditions: at no time hereafter shall the Grantor(s), or anyone claiming by, through, or under the Grantor, perform any act or thing which is or may be detrimental to, or have any adverse effect upon the accessibility of emergency vehicles to access and pass through the easement area.

Grantor(s) hereby covenants with the Grantee that they have good title to the aforescribed premises, that they have good and lawful right to grant this easement, that they will warrant and defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor (have/has) executed this Non-Exclusive Permanent Easement.

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Signature Page Follows

**NON-EXCLUSIVE PERMANENT EASEMENT**

PE-01

GRANTEE:

PALMER VILLAGE DUPLEX OWNERS ASSOCIATION, INC.

By: [Signature]  
Name & Title Jeff Kutzer, President

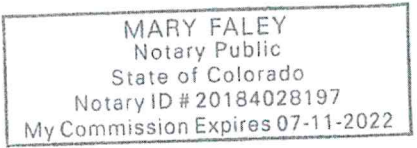
By: \_\_\_\_\_  
Name & Title

State of Colorado )  
County of Denver ) ss

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of July, 2021, by Jeff Kutzer as President of the Palmer Village Duplex Owners Association, Inc..

Witness my hand and official seal.

[Signature]  
Notary Public  
My Commission Expires: 7/11/22



GRANTOR:

FEATHERGRASS INVESTMENTS LLC  
Kenneth P. Driscoll  
By: [Signature]  
Name & Title Manager

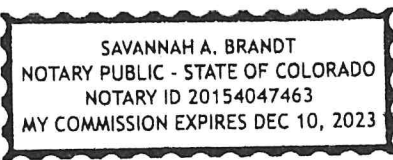
By: \_\_\_\_\_  
Name & Title

State of Colorado )  
County of El Paso ) ss

The foregoing instrument was acknowledged before me this 26 day of July, 2021, by Kenneth P. Driscoll as Manager of the Feathergrass Investments, LLC.

Witness my hand and official seal.

[Signature]  
Notary Public  
My Commission Expires: 12/10/23



**EXHIBIT A**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE EAST SIXTEENTH CORNER OF SAID SECTION 5, WHENCE THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5 BEARS SOUTH 89°09'25" WEST, A DISTANCE 1321.85 FEET, ALL BEARINGS HEREON ARE REFERENCED THERETO;

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5, SOUTH 00°27'24" EAST, A DISTANCE OF 211.07 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WEST LINE, NORTH 89°35'57" EAST, A DISTANCE OF 24.64 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 138.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°14'06", AN ARC LENGTH OF 217.34 FEET;

THENCE NORTH 00°38'09" WEST, A DISTANCE OF 14.08 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF CONSTITUTION AVENUE, RECORDED UNDER BOOK V-3 PAGE 169, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°08'41" EAST, A DISTANCE OF 24.00 FEET;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 00°38'09" EAST, A DISTANCE OF 14.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 162.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°14'06", AN ARC LENGTH OF 255.13 FEET;

THENCE SOUTH 89°35'57" WEST, A DISTANCE OF 24.62 FEET TO SAID WEST LINE;

THENCE ALONG SAID WEST LINE, NORTH 00°27'24" WEST, A DISTANCE OF 24.00 FEET TO THE **POINT OF BEGINNING**.

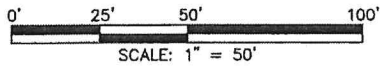
CONTAINING AN AREA OF 0.152 ACRES, (6,600 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

MICHAEL J. NOFFSINGER, PLS 38367  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 EAST MINERAL AVE., SUITE 1, LITTLETON, CO 80122  
303-713-1898

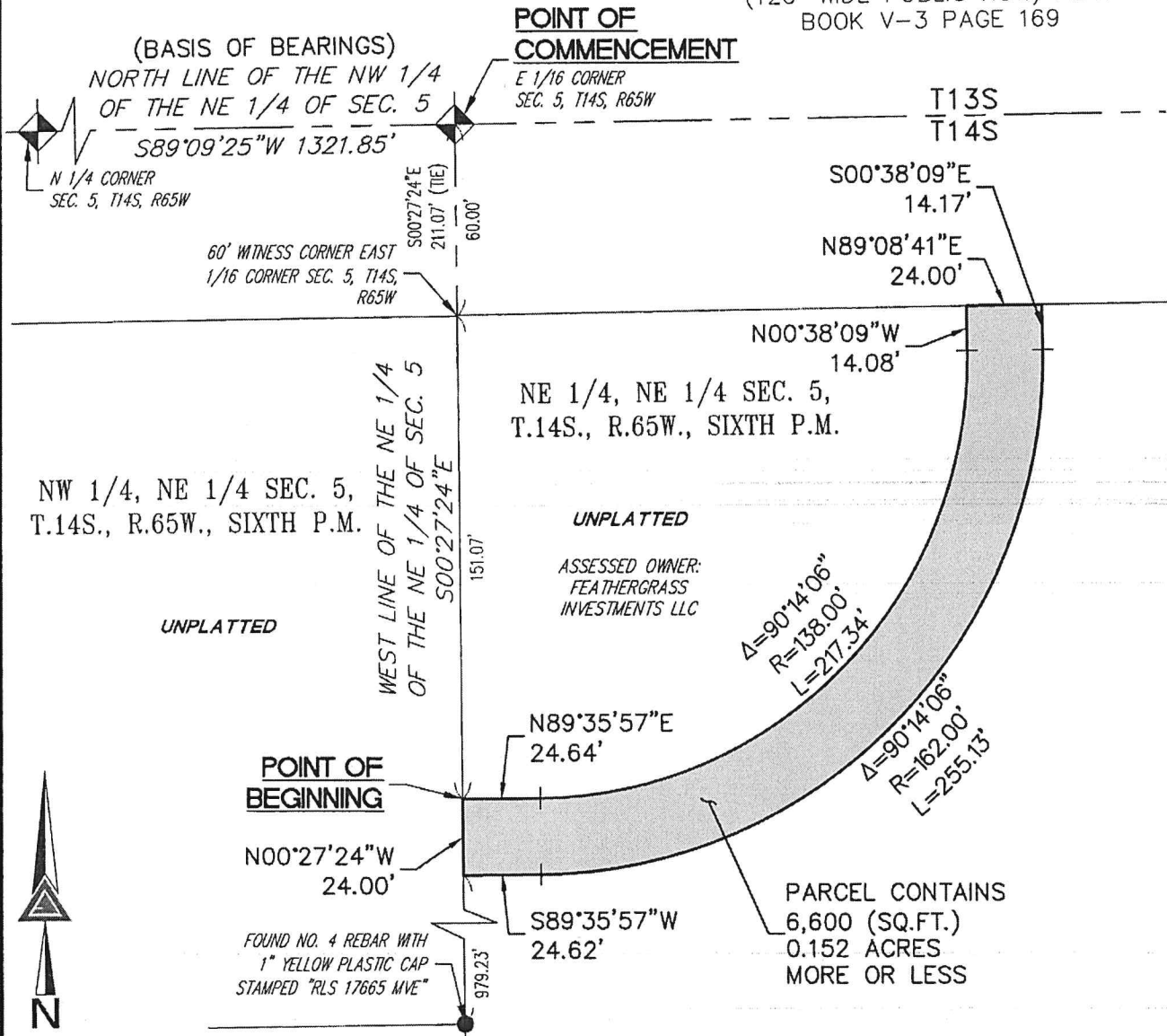


# ILLUSTRATION TO EXHIBIT A



## CONSTITUTION AVENUE

(120' WIDE PUBLIC ROW) PLAT  
BOOK V-3 PAGE 169



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:  
DWG NAME: 2 - ACCESS EASEMENT.DWG  
DWG: CWB CHK: JRW  
DATE: 2/27/2020  
SCALE: 1" = 50'

**AZTEC**  
CONSULTANTS, INC.

300 East Mineral Ave,  
Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com

Q:\21419-48 - Constitution & Hannah (aka Feathergrass) - Topo & Plat\Draw\EXHIBITS

**ACCESS EASEMENT**  
NE 1/4, NE 1/4 SEC. 5, T.14S., R.65W., 6TH P.M.  
EL PASO COUNTY, COLORADO

JOB NUMBER 21419-48 2 OF 2 SHEETS