



**PERMANENT DRAINAGE EASEMENT  
ACCESS, AND MAINTENANCE AGREEMENT**

THIS EASEMENT AND AGREEMENT, dated for reference this 8<sup>th</sup> day of SEPTEMBER, 2019, is made between

DL Holdings, LLC - Jeff Dwire  
(hereinafter referred to as "Grantor"), and

WMAO, LLC - Tim Emick  
(hereinafter referred to as "Grantee").

In consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following grant, agreement, covenants, and restrictions are made:

1. The Grantor is the owner of the following described real property, situated in the County of El Paso and the State of Colorado, to-wit:

**Schedule Number, 5300000552, Colorado Springs, CO (No Physical Address)**

2. The Grantee is the owner of the following described real property, situated in the County of El Paso and the State of Colorado, to-wit:

**Schedule Number, 5300000176, 8110 Opportunity View, Colorado Springs, CO 80939**

3. Grant of Use: The Grantor hereby grants to the Grantee and his/ her successors and assigns, a nonexclusive easement for access to and use of that portion of the Grantor's property, described in the construction drawings prepared by M&S Civil Consultants, Inc., for "Timberline Storage Yard" and further described in attached **Exhibit A**, with uses to include ingress, egress, utilities, drainage and maintenance of the easement. The **Grantee** hereby offers the same to **Grantor**.
4. Use of the Premises: **Grantee or Grantor** are not confined to the present configuration of the property. **Grantor or Grantee** may construct improvements on or otherwise modify or use his/ her property. However, both the **Grantor and Grantee** agree to construct no fences or place any other obstructions on their respective properties in a manner which would prevent, or reasonably impede, vehicle or personnel travel across those portions of their respective properties. Each owner shall have full use and occupancy of land over which the easements pass.
5. Maintenance of the Easement(s): The Grantor and Grantee agree to share equally the cost and expense of maintaining the Easement(s) in good operating condition and to share equally the cost and expense of affecting any repair to said Easement(s), accruing from and after the date of this Agreement.
6. This Agreement shall be binding upon the undersigned Grantor and Grantee, and their respective successors, assigns, and personal representatives. This Grant, Covenant, and Agreement may not be revoked without the written unanimous consent of the Grantor, and





102 E. Pikes Peak Ave., 5<sup>th</sup> Floor  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
719.955.5485

AUGUST 26, 2019

**CROSS ACCESS AND PERMANENT DRAINAGE EASEMENT  
EXHIBIT A**


A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) OF SECTION 28, T13S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING A PORTION OF THOSE PARCELS DESCRIBED IN SPECIAL WARRANTY DEEDS RECORDED UNDER RECEPTION NO. 205184816 AND RECEPTION NO. 217149589 OF THE RECORDS OF EL PASO COUNTY, AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

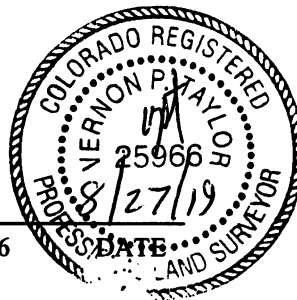
BASIS OF BEARINGS: A PORTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. AS MONUMENTED AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) BY A NO. 6 REBAR WITH A 2 1/2" ALUMINUM CAP PLS 22095, AND AT THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 217149589 OF THE RECORDS OF EL PASO COUNTY BY A NO. 5 REBAR WITH A YELLOW PLASTIC CAP PLS 37909, SAID LINE IS ASSUMED TO BEAR N90°00'00"W, A DISTANCE OF 1,148.92 FEET AS MEASURED.

BEGINNING AT THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED UNDER RECEPTION NO. 217149589;  
THENCE S89°57'07"W ALONG THE SOUTH LINE OF THAT PARCEL DESCRIBED UNDER RECEPTION NO. 205184816, A DISTANCE OF 138.64 FEET;  
THENCE N00°02'53"W A DISTANCE OF 218.00 FEET;  
THENCE N89°57'07"E A DISTANCE OF 139.70 FEET TO A POINT ON THE BOUNDARY LINE COMMON TO AFORESAID PROPERTIES;  
THENCE CONTINUING N89°57'07"E A DISTANCE OF 100.30 FEET;  
THENCE S00°02'53"E A DISTANCE OF 218.09 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED UNDER RECEPTION NO. 217149589;  
THENCE S90°00'00"W ALONG SAID SOUTH LINE A DISTANCE OF 101.36 FEET TO THE POINT OF BEGINNING;

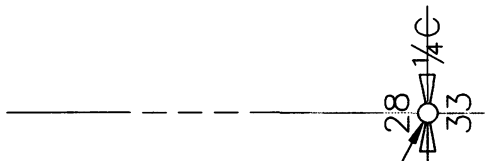
SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 52,324 SQUARE FEET (1.201 ACRES) MORE OR LESS.

PREPARED BY:

  
VERNON P. TAYLOR, COLORADO PLS NO. 25966  
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC  
102 E. PIKES PEAK AVE., 5<sup>TH</sup> FLOOR  
COLORADO SPRINGS, CO 80903



# CROSS ACCESS AND DRAINAGE EASEMENT EXHIBIT "B"

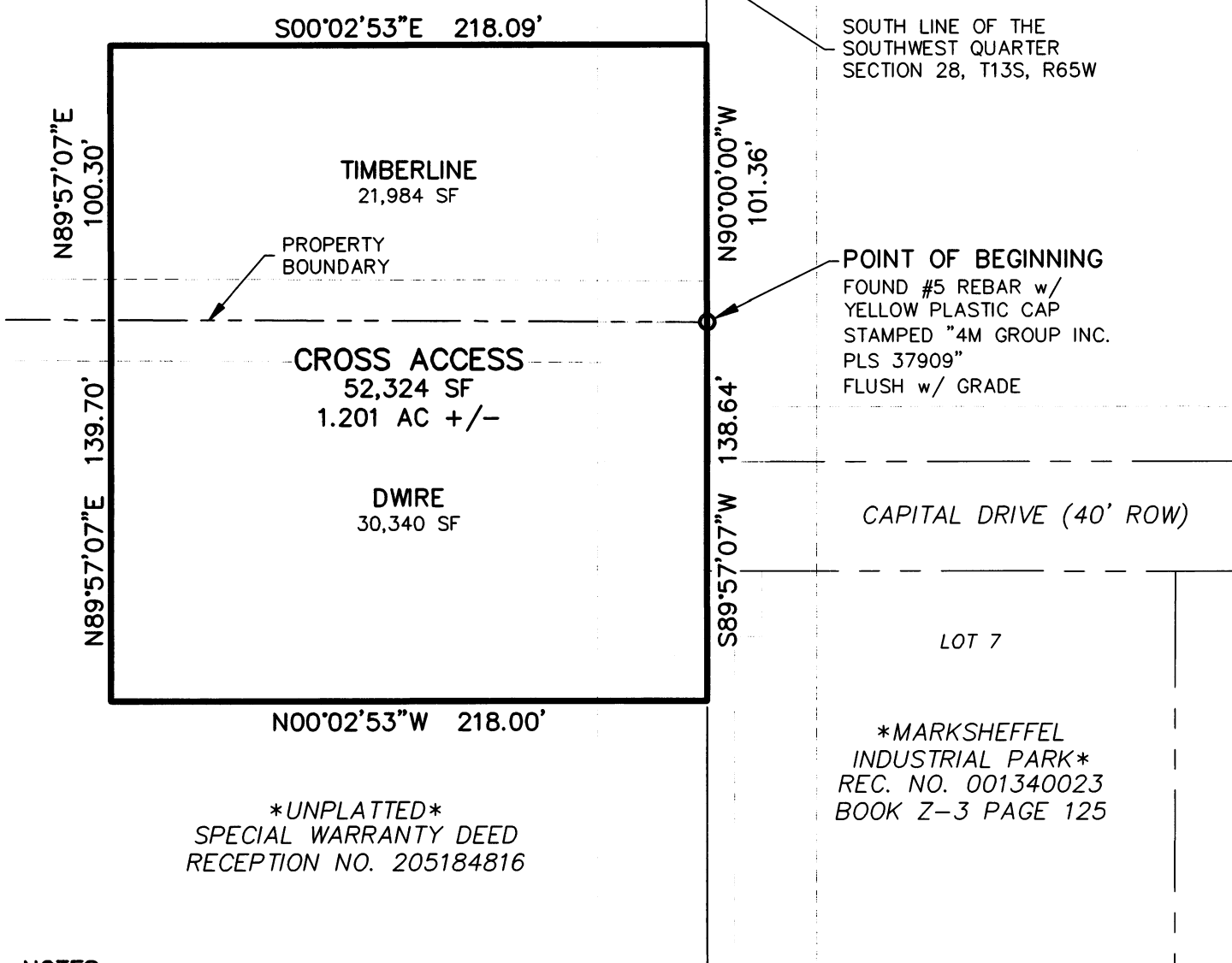


SOUTHEAST CORNER OF THE  
SOUTHWEST QUARTER OF  
SECTION 28, T13S, R65W  
FOUND #6 REBAR w/  
2.5" ALUMINUM CAP  
PLS 22095

1" = 60'  
0 30 60  
Scale in Feet

*\*UNPLATTED\**  
SPECIAL WARRANTY DEED  
RECEPTION NO. 217149589

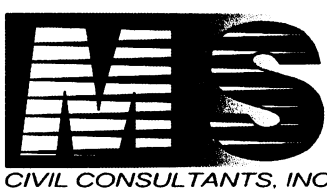
*\*UNPLATTED\**  
SPECIAL WARRANTY DEED  
RECEPTION NO. 201112950



**NOTES:**

THIS SKETCH IS INTENDED FOR  
LEGAL DESCRIPTION CLARIFICATION  
ONLY.  
THIS SKETCH IS NOT INTENDED  
TO REPRESENT A LAND SURVEY  
PLAT NOR AN IMPROVEMENT  
LOCATION SURVEY PLAT.

CROSS ACCESS AND  
DRAINAGE EASEMENT  
EXHIBIT "B"  
JOB NO. 43-095  
DATE PREPARED: 08/26/2019



102 E. PIKES PEAK AVE., 5TH FLOOR  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485