



**PUBLIC RIGHT OF WAY LANDSCAPE
LICENSE AGREEMENT
(FLYING HORSE NORTH HOME OWNERS ASSOCIATION)**

THIS PUBLIC RIGHT-OF-WAY LANDSCAPE LICENSE AGREEMENT ("Agreement"), is made this 29th day of October, 2018, between EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY COLORADO, whose street address is 200 South Cascade Avenue, Colorado Springs, CO 80903 (hereinafter "Licensor"), and **FLYING HORSE NORTH HOMEOWNERS ASSOCIATION, 6385 CORPORATE DR., SUITE 200, COLORADO SPRINGS, CO 80919**, a NON-PROFIT CORPORATION of the State of Colorado (hereinafter "Licensee"), whose mailing address is in care of CLASSIC HOMES, 6385 CORPORATE DR., SUITE 200, COLORADO SPRINGS, CO 80919. The Licensor and the Licensee may be singularly referred to herein as the Party or collectively referred to herein as the Parties.

RECITALS:

WHEREAS, as a condition of approval of the Development Plan for **FLYING HORSE NORTH FILING NO. 1**, County File No. SF-181 ("Site Development Plan") (the "Developer") is required to meet landscaping requirements as defined in said Site Development Plan; and

WHEREAS, the Developer desires to use certain portions of the Licensor's road rights-of-way within the **FLYING HORSE NORTH FILING NO. 1** Subdivision for landscaping improvements as required by said Site Development Plan and as defined herein; and

WHEREAS, without the use of said County right of way, the Developer would not be able to comply with the landscaping requirements of said Site Development Plan; and

WHEREAS, the Licensee wishes to install and maintain on behalf of the Developer those portions of the required landscaping lying with County right-of-way; and

WHEREAS, because the roads within **FLYING HORSE NORTH FILING NO. 1** are approved and accepted for maintenance by the Licensor, the Licensee is required to obtain all necessary permits and pay all fees prior to performing any work in the Licensor's right-of-way; and

WHEREAS, Licensor, as a convenience to Licensee, consents to allow Licensee to use a portion of certain road rights-of-way as shown on the shaded areas depicted on the attached drawing marked Exhibit 'A' (the "Licensed Premises") for the purposes of constructing, installing, maintaining, repairing and replacing landscaping improvements, such as, but not limited to, landscape grading, irrigation, controllers, lighting, mulch, and planting (the "Improvements").


IN WITNESS WHEREOF, Licensor and Licensee have executed this Agreement as of the day and year first above written.


Licensor:

Licensee:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

FLYING HORSE NORTH
HOMEOWNERS
ASSOCIATION INC., a Colorado
corporation

By: 
Darryl Glenn, President

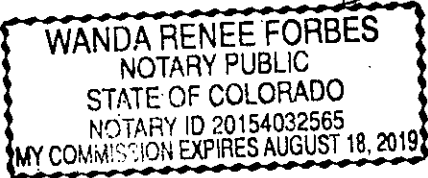
By: 
Drew Balsick, President

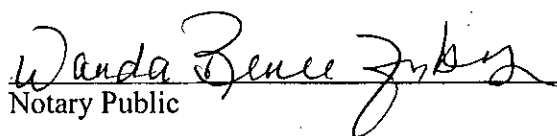
STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 6 day of November 2018, by Darryl Glenn as President of the Board of County Commissioners of El Paso County, Colorado.

Witness my hand and official seal.

My Commission Expires: Aug 18, 2019.

(SEAL) 
WANDA RENEE FORBES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154032565
MY COMMISSION EXPIRES AUGUST 18, 2019

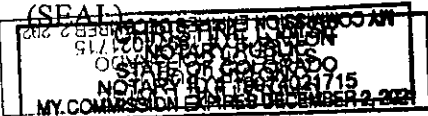

Notary Public

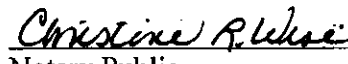
STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 25th day of October 2018, by Drew Balsick as President of Flying Horse North Homeowners Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.

My Commission Expires: 12-02-2021

(SEAL) 
CHRISTINE L. WISE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19974021715
MY COMMISSION EXPIRES DECEMBER 2, 2021


Notary Public

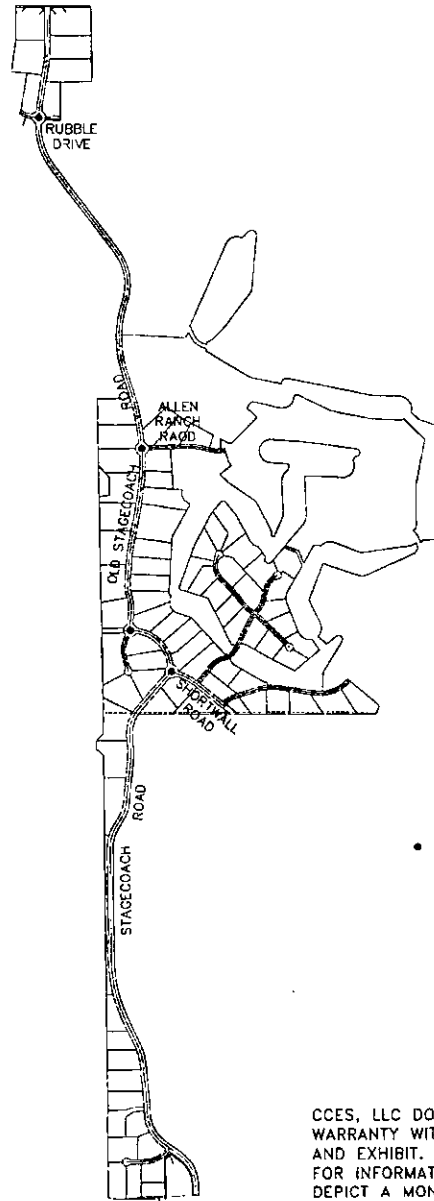
CHRISTINE L WISE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19974021715
MY COMMISSION EXPIRES DECEMBER 2, 2021



619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799 (Fax)

PUBLIC RIGHT OF WAY
LANDSCAPE LICENSE AGREEMENT
FLYING HORSE NORTH FILING NO. 1
JOB NO. 1096.11-43
SHEET 1 OF 1
OCTOBER 22, 2018

EXHIBIT A



1700 850 C 1700 3400

SCALE: 1" = 1700'

- PUBLIC RIGHT OF WAY LANDSCAPE AREA
50.67' RADIUS FROM CENTER OF ROUND-A-BOUT

CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.