



**TEMPORARY DRAINAGE AND UTILITY EASEMENT
(SADDLEHORN RANCH FILING NO. 1)**

This Temporary Drainage and Utility Easement ("Easement") is granted this [29th], day of [May], 2021 by **GORILLA CAPITAL CO SADDLEHORN RANCH, LLC** (the "Owner"), a Colorado limited liability company, whose principal office address is 1342 High Street, Eugene, Oregon 97401, to **EL PASO COUNTY**, a body politic organized under and existing by virtue of the laws of the State of Colorado (the "County"), whose address is 200 South Cascade Avenue, Colorado Springs, CO 80903.

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Owner for access, construction, drainage, slope, operations, maintenance, repair, and replacement purposes, the Owner hereby grants to the County, its contractors, subcontractors, agents, employees, and successors, a non-exclusive temporary drainage and utility easement on, through, over, under, and along a certain parcel or real property (the "Temporary Easement Property"). The Temporary Easement Property is described in the attached **Exhibit A** which is hereby incorporated by reference.

The term of this Easement shall begin upon the date hereof and shall automatically terminate upon the preliminary acceptance by the County in connection with the recording of a final plat containing the Temporary Easement Property of public improvements which serve the same or substantial similar purposes. ("Term of Easement"). Upon expiration of the Term of Easement, all rights granted under this Easement shall be released and the Temporary Easement Property shall be considered free and clear of this Easement.

The Owner hereby covenants and agrees that Owner has good title to the Temporary Easement Property and that Owner has good and lawful right to grant this Easement, and that they will warrant and defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

The Owner covenants that no building, structure, or other above or below ground improvement or obstruction that may interfere with the purpose for which this Easement is granted shall be placed, erected, installed or permitted upon the Temporary Easement Property during said Term of Easement. No trees or shrubs that will impair the structural integrity of the drainage facility shall be planted or allowed to grow in this area and may be removed by the County. That portion of the Easement that pertains to slope control is subject to the following conditions: at no time hereafter shall the Owner, or anyone claiming by, through, or under Owner, perform any act or thing which is or may be detrimental to or have any adverse effect upon the stability of said excavated slopes or embankment, or which shall interfere with the flow of drainage. The Owner further agrees that Owner shall not use the Temporary Easement Property in a manner inconsistent with the Easement granted herein. In the event the terms of this Easement are violated, such violation shall immediately be corrected upon the receipt of written

notice from the County. If not corrected by the Owner, the County may elect to correct or eliminate such violation at the Owner's expense or to enforce the terms of the Easement through any legal means available. The Owner shall promptly reimburse the County for any expenses incurred by the County in enforcing the terms of this Easement.

It is understood and agreed that any payment obligation of the County hereunder, shall extend only to funds appropriated or otherwise lawfully made available by the Board of County Commissioners for the County for the purpose of this Easement.

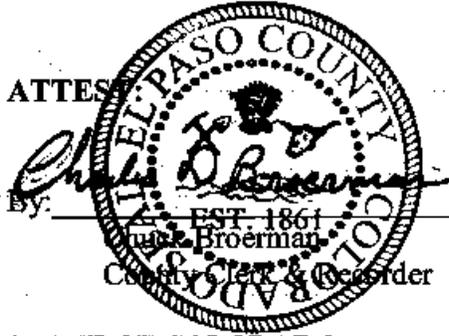
The benefits and conditions of this Easement shall extend to, be for the benefit of, and be binding upon the County and the Owner, and their successors or assigns. In the event the Owner conveys the Temporary Easement Property to a new owner prior to the termination of this Easement, the Owner agrees to provide notice of this Easement to the new owner prior to such conveyance.

IN WITNESS WHEREOF, the parties hereto have caused this Easement to be executed as of the day and year first above written.

EL PASO COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST



By: Chad Broerman
County Clerk & Recorder

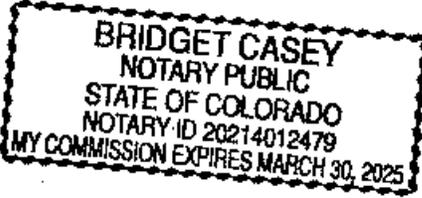
By: Stan VanderWerf
Stan VanderWerf, Chair

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

The foregoing instrument was acknowledged before me this 25th day of May, 2021 by Stan Vanderwerf, as Chair of the El Paso County Board of County Commissioners.

Witness my hand and official seal.

My Commission Expires: March 30, 2025



Bridget Casey
Notary Public

EXHIBIT A

EXHIBIT

**SADDLEHORN RANCH
UTILITY & DRAINAGE EASEMENT**

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP IN A RANGE BOX STAMPED "LS 17496 1992" AT THE NORTHWEST CORNER AND A NO. 6 REBAR WITH NO CAP IN A RANGE BOX AT THE SOUTHWEST CORNER, BEING ASSUMED TO BEAR S00°32'28"E.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N55°06'59"E A DISTANCE OF 2,343.69 FEET, TO A POINT OF NON-TANGENT CURVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S47°44'09"W, HAVING A RADIUS OF 1680.00 FEET, A CENTRAL ANGLE OF 05°10'02" AND AN ARC LENGTH OF 151.51 FEET, TO A POINT OF NON-TANGENT;

THENCE N42°34'07"E A DISTANCE OF 10.00 FEET, TO A POINT OF NON-TANGENT CURVE;

THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S42°34'07"W, HAVING A RADIUS OF 1690.00 FEET, A CENTRAL ANGLE OF 05°08'11" AND AN ARC LENGTH OF 151.50 FEET, TO A POINT OF NON-TANGENT;

THENCE S42°31'10"W A DISTANCE OF 10.04 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,515 SQUARE FEET OR 0.0348 ACRES.

PROPERTY DESCRIPTION STATEMENT

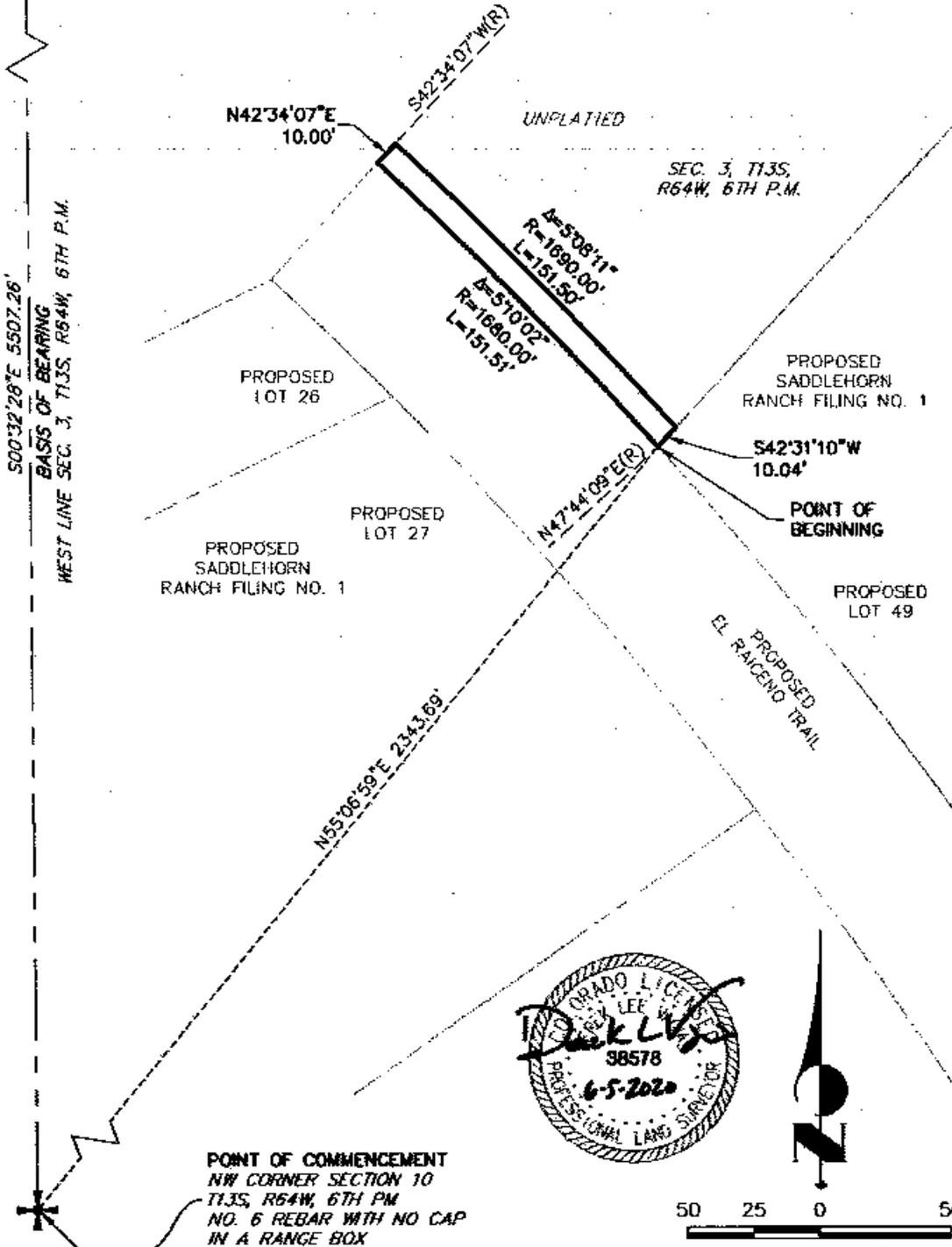
I, DEREK LEE VAGIAS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

DEREK LEE VAGIAS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38578
FOR AND ON BEHALF OF JR ENGINEERING, LLC



EXHIBIT

NW CORNER SECTION 3
T13S, R64W, 6TH PM
3.25" ALUMINUM CAP
STAMPED: LS 17496 1992
IN A RANGE BOX



POINT OF COMMENCEMENT
NW CORNER SECTION 10
T13S, R64W, 6TH PM
NO. 6 REBAR WITH NO CAP
IN A RANGE BOX



50 25 0 50
ORIGINAL SCALE: 1" = 50'

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

UTILITY & DRAINAGE EASEMENT
SADDLEHORN RANCH
PROJECT NO.: 25142.01
DATE: 6/5/2020

SHEET: 2 OF 2

J-R ENGINEERING
A Weather Company
Central 303-746-9988 • Colorado Springs 719-582-2593
Fort Collins 970-494-2887 • www.jrengineering.com



JR ENGINEERING

A Westlake Company

EXHIBIT

SADDLEHORN RANCH
UTILITY & DRAINAGE EASEMENT

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED BY A 3" ALUMINUM CAP STAMPED "PLS 30130 2004" AT THE NORTH SIXTEENTH CORNER AND A NO. 6 REBAR WITH A 2-1/2" ALUMINUM CAP STAMPED "PLS 38245" AT THE CENTER NORTH SIXTEENTH CORNER, BEING ASSUMED TO BEAR S89°34'01"W.

COMMENCING AT THE CENTER NORTH SIXTEENTH CORNER OF SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN:

THENCE N47°43'35"E A DISTANCE OF 537.63 FEET, TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING SIX (6) COURSES:

1. N00°00'00"E A DISTANCE OF 10.00 FEET;
2. N89°34'03"E A DISTANCE OF 197.91 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 25°30'47" AND AN ARC LENGTH OF 71.25 FEET, TO A POINT OF NON-TANGENT CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S83°55'40"E, HAVING A RADIUS OF 76.00 FEET, A CENTRAL ANGLE OF 8°27'39" AND AN ARC LENGTH OF 11.22 FEET, TO A POINT OF NON-TANGENT CURVE;
5. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N24°11'01"W, HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 23°45'03" AND AN ARC LENGTH OF 70.47 FEET, TO A POINT OF TANGENT;
6. S89°34'03"W A DISTANCE OF 197.98 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 2,686 SQUARE FEET OR 0.0617 ACRES.

PROPERTY DESCRIPTION STATEMENT

I, DEREK LEE VAGIAS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

DEREK LEE VAGIAS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38578
FOR AND ON BEHALF OF JR ENGINEERING, LLC



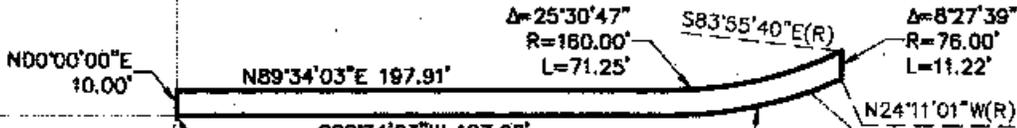
EXHIBIT

N1/2 NE1/4
SEC. 10, T13S,
R64W, 6TH P.M.

UNPLATTED

PROPOSED
SADDLEHORN
RANCH FILING NO. 1

PROPOSED
LOT 41



POINT OF
BEGINNING

PROPOSED
CARRANZA TRAIL

Δ=23°45'03" R=170.00' L=70.47'

PROPOSED
SADDLEHORN
RANCH FILING NO. 1

PROPOSED
LOT 39

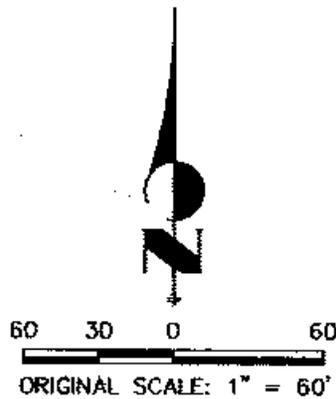
PROPOSED
LOT 40

N 1/16 COR SEC 10,
T13S, R64W, 6TH PM
NO. 6 REBAR WITH A
3" ALUMINUM CAP
STAMPED: PLS 30130 2004

N47°43'35"E 537.63'

BASIS OF BEARING
S LINE N1/2 NE1/4 SEC. 10, T13S, R64W, 6TH P.M.
S89°34'01"W 2642.78'

POINT OF COMMENCEMENT
ON 1/16 COR SEC 10,
T13S, R64W, 6TH PM
NO. 6 REBAR WITH A
2-1/2" ALUMINUM CAP
STAMPED: PLS 38245



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

UTILITY & DRAINAGE EASEMENT
SADDLEHORN RANCH
PROJECT NO.: 25142.01
DATE: 6/5/2020

J-R ENGINEERING
A Wetzel Company

Central 303-740-9300 • Colorado Springs 719-526-2500
Fax 303-740-9300 • www.jrengineering.com