



**EASEMENT**

This Easement is granted this 14 day of April, 2018 between Donald J. Zytka and Eileen F. Zytka, the Grantor(s), whose address is 5650 Winnemucca Rd Chipita Park, CO 80809 0666, and Eric C. Windesheim and Colleen L. Stiles, the Grantee(s), whose address 8910 Ute Rd, Chipita Park, CO 80809.

**WITNESSETH**

The Grantor, for and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to the Grantee a non-revocable, non-exclusive, permanent easement (for the purpose(s) of ingress and egress from and to the public road known as Winnemucca Road to access Grantee's property described as Tract C below), on Grantor's property located at 5650 Winnemucca Road, El Paso County, Colorado, described as:

**TRACT "A"**  
(Servient Estate)

Lot 92, UTE PASS SUMMER HOMES COMPANY SUBDIVISION NO. 1, EL PASO COUNTY, COLORADO,

which easement shall be over the following described portion of Grantor's said property:

**TRACT "B "**

a tract over a portion of Lot 92, UTE PASS SUMMER HOMES COMPANY SUBDIVISION NO. 1, EL PASO COUNTY, COLORADO, which Tract "B" is more specifically described as set forth in Easement **Exhibit "A"** attached hereto and incorporated herein by this reference and is depicted on the drawing attached hereto and incorporated herein as Easement **Exhibit "B"**. In the event of any conflict between the description in Easement **Exhibit "A"** and the drawing attached as Easement **Exhibit "B,"** the description in Easement **Exhibit "A"** shall control.

This easement does not include the right to enlarge the encroaching improvements either on the easement area or other portions of Tract "A" or to change the type or character of use of the easement. This easement is appurtenant to, and shall run with the title to the following described Tract "C" and may not be transferred, assigned or conveyed apart or separately from such dominant estate. The provisions of this Easement are binding upon Grantor and Grantee and the heirs, assigns, successors and personal representatives of said owner(s) of the dominant and servient estates, subject to the provisions hereof:

TRACT "C"  
(Dominant Estate)

Lot 93, UTE PASS SUMMER HOMES COMPANY SUBDIVISION NO. 1, EL PASO COUNTY, COLORADO

This easement is subject to all liens, encumbrances, easements, reservations, conditions, covenants and restrictions presently of record, and is subject to any applicable zoning ordinances and other applicable government statutes, ordinances, resolutions, rules and regulations. Grantor furthermore expressly reserves the right to use the easement area for ingress and egress and access purposes for the benefit of the servient estate provided such use does not unreasonably interfere with use of the easement by the owner of said dominant estate. Grantor shall maintain the access easement, and may at Grantee's option pave the easement. No structures or landscaping shall be placed on the surface of the easement area.

Except as expressly granted in this Easement, Grantee waives and releases any claim of prescriptive easement, equitable easement, easement of right and necessity, implied easement, private right of condemnation, and any other claim for an easement in, over, or under, or license to use Tract "A, or any part thereof, and waives any claim based on adverse possession or the boundary line statutes to any right, title or interest to any part of Grantor's said property.

Grantee (and subsequent successors and assigns of Grantee and holders of the easement) hereby indemnifies and holds Grantor, and Grantor's successors and assigns, harmless from any claims, damages, or liability for personal injury to Grantee or any third party invitee of Grantee occurring on the easement area or due to the condition of or activities on the easement area by Grantee or any third party invitee of Grantee, and from property damage to Grantee or any third party occurring on the easement area, such claims, damages, or liability to include, but not be limited to, attorneys fees and court costs. Whenever a transfer shall occur of fee simple ownership of the dominant estate, the transferor shall have no liability for any breach of any covenant contained herein occurring after such transfer.

Grantee(s):

Grantor(s):

*Eric C. Windesheim*

Name: Eric C. Windesheim

*Donald J. Zytka*

Name: Donald J. Zytka

*Colleen L. Stiles*

Name: Colleen L. Stiles

*Eileen F. Zytka*

Name: Eileen F. Zytka

State of Colorado )  
County of El Paso ) ss.

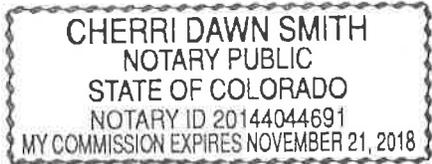
The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2018, by Donald J. Zytka and Eileen F. Zytka.

Witness my hand and seal.

My Commission expires: Nov 21, 2018

*Cherri Dawn Smith*

Notary Public

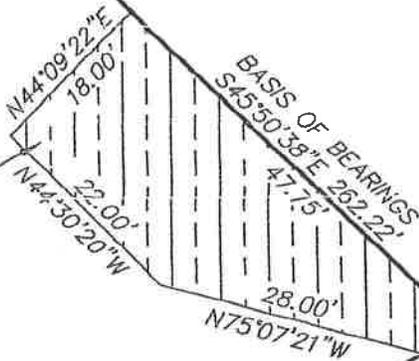




FOUND A  
1/2" I.D. PIPE

LOT 92

EASEMENT AREA  
690±s.f.



LOT 93

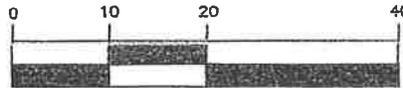
P.O.B.

FOUND REBAR &  
ORANGE CAP  
"SHAVANO PLS 25955"

$\Delta=0^{\circ}35'05''$   
 $R=490.00'$   
 $L=5.00'$   
CHORD  
 $S59^{\circ}34'04''W$   
 $5.00'$

WINNEMUCCA ROAD  
40' PUBLIC R.O.W.

GRAPHIC SCALE



( IN FEET )

1 inch = 20 ft.

EASEMENT EXHIBIT C  
LOT 93  
UTE PASS SUMMER HOMES FIL 1  
STILES-WINDESHEIM / ZYKA

PIR: ZYKA  
SCALE: 1"=20'  
DATE: 10/14/10  
DRAWN: K310  
CHECKED:  
PROJECT: 16015

LWA LAND SURVEYING, INC.  
2906 BEACON STREET  
COLORADO SPRINGS, CO 80907  
TELEPHONE (719) 636-5179 FAX (719) 636-5199

REVISIONS:



FOUND A  
1/2" I.D. PIPE

LOT 92

EASEMENT AREA  
456±s.f.

LOT 93

S55°36'35"E  
27.50'  
N45°50'38"W 262.22'  
BASIS OF BEARINGS  
S81°11'16"E  
20.50'  
N88°53'01"E  
17.00'

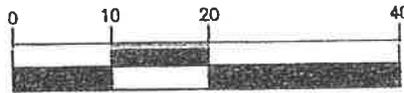
P.O.B.

FOUND REBAR &  
ORANGE CAP  
"SHAVANO PLS 25955"

Δ=2°25'24"  
R=733.00'  
L=31.00'  
CHORD  
S59°39'59"W  
31.00'

WINNEMUCCA ROAD  
40' PUBLIC R.O.W.

GRAPHIC SCALE



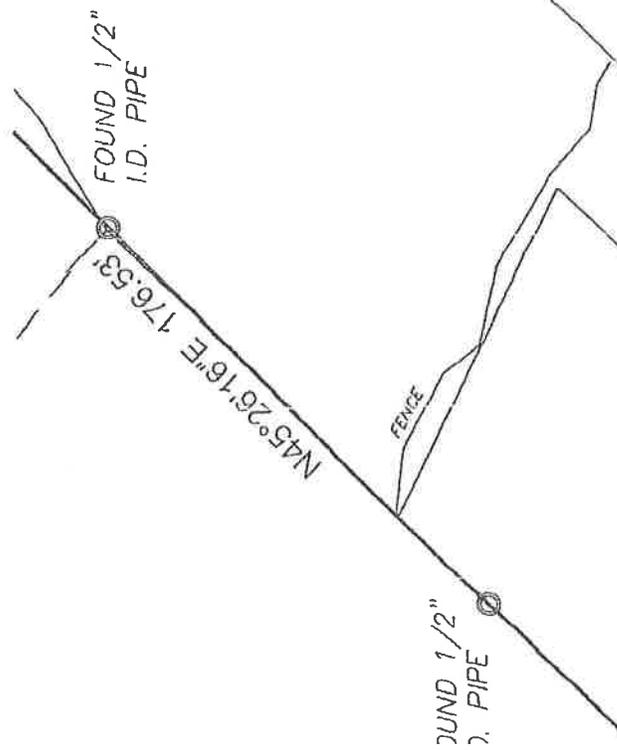
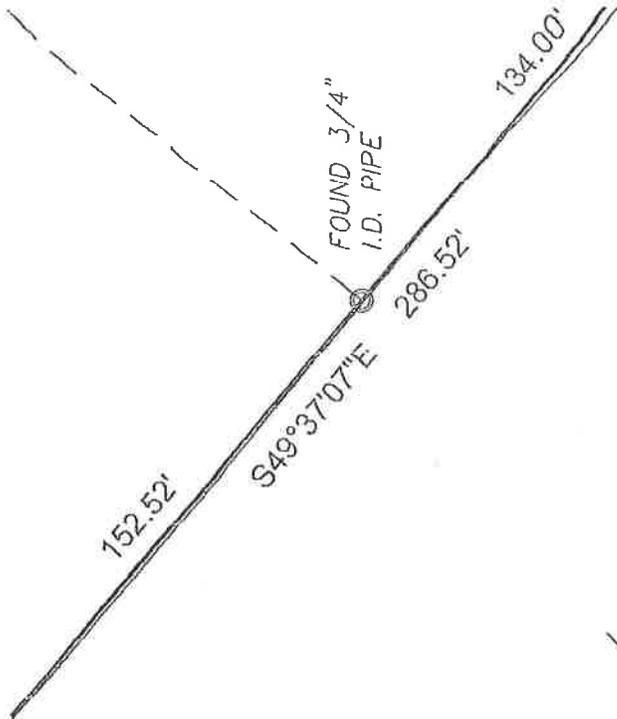
( IN FEET )  
1 inch = 20 ft.

EASEMENT EXHIBIT C  
LOT 92  
UTE PASS SUMMER HOMES FIL 1  
ZYTKA / STILES-WINDESHEIM

DWG: ZYTKA  
SCALE: 1"=20'  
DATE: 10/13/18  
PLANNED: JGD  
CHECKED:  
PROJECT: 18016

LWA LAND SURVEYING, INC.  
2906 BEACON STREET  
COLORADO SPRINGS, CO 80907  
TELEPHONE (719) 636-5179 FAX (719) 636-5199

REVISIONS:



LOT 92A  
51,656±s.f.  
1,186±ac.

$\Delta=13^{\circ}54'08''$   
 $R=733.00'$   
 $L=177.86'$   
 CHORD  
 $N52^{\circ}54'35''E$   
 177.42'

PROPOSED EASEMENT  
ZYTKA TO WINDESHEIM

PROPOSED EASEMENT  
WINDESHEIM TO ZYTKA

LOT 93A  
54,896±s.f.  
1,260±ac.

NEW LOT LINE

53"  
3"  
9"W