

SUBORDINATION OF EASEMENT

Classic SRJ Land, LLC, a Colorado limited liability company, who obtained title as Classic SRJ Land, LLC, a Colorado limited liability corporation, is the owner of that certain tract of land located in El Paso County (the "County") more particularly described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"). Thomas M. Dines Trust granted a permanent easement that encumbers the Property to the City of Colorado Springs, a home rule city and Colorado municipal corporation, ("City") on behalf of its enterprise, Colorado Springs Utilities, by and through a Permanent Easement Agreement recorded in the records of the El Paso County Clerk and Recorder's Office on March 21, 2001, at Reception Number 201034022 ("Easement").

Classic SRJ Land, LLC, desires to subdivide the Property by recording the Sterling Ranch Filing 5, a Replat of Tract B, Branding Iron at Sterling Ranch Filing No. 2, ("Subdivision Plat") in the records of the El Paso County Clerk and Recorder's Office. The Subdivision Plat includes a dedication to the County of public rights of way within the Property. The Easement encumbers the Property, including the portion of the Property to be dedicated as public right of way.

All land to be dedicated to the County, including rights of way, must be free and clear of any and all liens and encumbrances, pursuant to Section 8.5(C)(1)(b) of the El Paso County Land Development Code. As a condition precedent to recording the Subdivision Plat, the County requires the City to subordinate its interest in the Easement to the rights, title, and interest created in the County by and through the dedication of public rights of way on the Subdivision Plat.

To the extent the Easement encumbers the portion of the Property to be dedicated to the County by the Subdivision Plat, the City, by and through this instrument, hereby subjects and subordinates its right, title, and interest in the Easement to the rights, title, and interest of the County in the public rights of way created by the Subdivision Plat.

In witness whereof, the City of Colorado Springs, Colorado, has caused its corporate seal to be hereto affixed and these presents to be signed and delivered by its duly authorized officer this 16th day of August, 2023.

City of Colorado Springs

By: Blessing A. Mobolade
Blessing A. Mobolade, Mayor

Attest:

Sarah B. Johnson
Sarah B. Johnson, City Clerk



Approved as to Form:

Paul
City Attorney's Office-Utilities Division

EXHIBIT A
Legal Description of Property

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 33, T12S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

LEGAL DESCRIPTION:

TRACT B, BRANDING IRON AT STERLING RANCH FILING NO. 2, AS RECORDED DECEMBER 23, 2020, AT REC. NO. 220714654 IN THE REAL PROPERTY RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE.