

RESOLUTION NO. 1140

A RESOLUTION OF THE GOLDEN CITY COUNCIL
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
CARL D. AND PATRICIA BECKER PERTAINING TO EASEMENT
AND DEDICATIONS LOCATED SOUTH OF THE INTERSECTION
OF WEST COLFAX AVENUE AND ZETA STREET

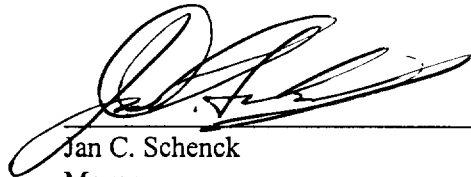
WHEREAS, the Carl D and Patricia Becker desire to dedicate a certain utility and storm drainage easements to facilitate expansion of an existing business located south of West Colfax Avenue at Zeta Street.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Easement dedications attached hereto as Exhibit 1 and 2 are hereby approved by City Council substantially in the form attached hereto. The City Manager is authorized to execute the agreements on behalf of the City.


Section 2. The Easement dedications referenced therein are accepted by the City.

Adopted the 12th day of October, 2000.



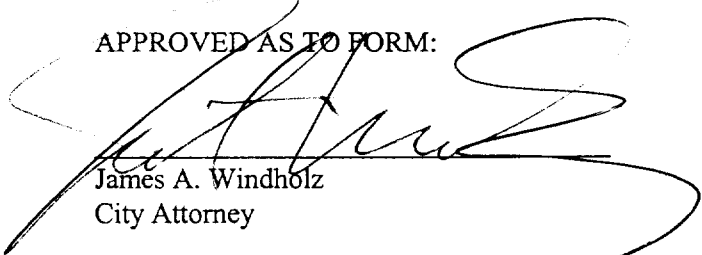
Jan C. Schenck
Mayor

ATTEST:



Susan M. Brooks, CMC/AAE
City Clerk

APPROVED AS TO FORM:




James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 12th day of October, A.D., 2000.

(SEAL)

ATTEST:



Susan M. Brooks, City Clerk of the City of
Golden, Colorado

**EXHIBIT 1
EASEMENT**

THIS EASEMENT, effective this _____ day of _____, 2000, by and between CARL D. and PATRICIA BECKER ("Owner"), and the CITY OF GOLDEN, 911 10th Street, Golden, CO, 80401, a municipal corporation, ("City").

1. Consideration. For and in consideration of the sum of One Dollar and no/100ths (\$1.00) and other good and valuable consideration paid by the City to the Owner, the receipt of which is hereby acknowledged, Owner hereby sells, conveys and grants unto the City a permanent Easement and right-of-way over, upon, across, through and under the properties described in Exhibits "A", "B", and "C", attached and made part hereof ("Property"), situated in the City of Golden, Jefferson County, Colorado, for the uses and purposes and upon the terms hereinafter set forth.

2. Purpose. This easement and right-of-way is for the purpose of granting the City the right to construct, inspect, maintain, operate and make available for the construction, maintenance, improvement and operation of:

**WATER AND WASTEWATER FACILITIES AND ACCESSORY
FACILITIES**

("Improvement(s)"), upon, across, over, under, through, and within the property.

3. Indemnification. To the extent allowed by law, if at all, the City hereby agrees to hold and save Owner harmless from damages arising from the City's negligent use of the easement and right-of-way herein granted and, to the extent allowed by law, if at all, agrees to pay damages which may arise to the property, premises or rights of the Owner through the City's negligent use, occupation, and possession of the rights herein granted. This provision shall not preclude or waive any of the City's rights, defenses or limitations on damages under the Colorado Governmental Immunity Act (Section 24-10-101, et seq., C.R.S.) or other applicable laws.

4. Hazardous Substances. Owner covenants, represents and warrants to the City, that, to the best of Owner's knowledge and belief, as of the date of the execution of this Easement, and with respect to the Property:
 1. the Property has never been used as a waste dump; and
 2. that there has been no installation in, or production, disposal, or storage on, the Property of any hazardous substances, including, without limitation, asbestos, by Owner, Owner's tenants, or any previous owner or previous tenants, or any other activity which could have toxic results; and
 3. there is no remaining underground storage tank on the property; and

4. there is no proceeding or inquiry by any governmental authority or agency with respect thereto.

For the purposes of this Easement, hazardous substances means all hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42U.S.C. 9601, et seq.,) and in Section 25-5-502 of the Colorado Revised Statutes, and petroleum and petroleum products.

5. Representations of Owner.

- (A) The Owner, for itself, its successors, assigns and all parties with interest in the Property, does hereby covenant and agree not to construct improvements of any kind or nature whatsoever on, over, across or under the Property or to take or fail to take any action of any kind or nature whatsoever which would interfere with the City's use of the Property for the purposes herein granted.
- (B) Owner hereby covenants with the City that it will maintain the Property (not the public Improvement(s) upon, across, over, under, through or within the Property) in accordance with all applicable laws, codes, rules, regulations, policies and requirements.
- (C) Owner hereby warrants and represents to the City that, Owner is seized with fee title to underlying real property and that except as listed below, there are no other parties with interest; and that the rights conveyed herein are free and clear of other liens and encumbrances; and that Owner has sole and exclusive authority to enter into this Easement.
- (D) Parties in Interest and Existing Encumbrances are as follows:
 1. Carl D. and Patricia Becker
 - 2.

6. Survival of Indemnifications and Representations. All representations, obligations, warranties, liabilities, covenants and agreements of Owner and the City in this Easement shall survive the consummation of the transactions contemplated in this Easement; provided, however, nothing contained herein shall imply or import a covenant on the part of the Owner for quiet enjoyment.

7. Notices. Any notices given under the provisions of this Easement shall be valid if deposited with the United States Postal Service addressed to Owner or to the City at the addresses stated above.

8. Effect of Easement. This Easement is superior and paramount to the rights of the parties hereto in the respective servient estates so created.

9. Binding Effect. This grant of the Easement shall run with the Property and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, and all parties

in interest, provided nothing contained herein shall be construed to be an abandonment or dedication of such public way to any public entity.

10. Attorneys Fees and Costs. In the event of any litigation between the parties relating to this Easement, the prevailing party shall be entitled to costs and reasonable expert and attorney fees incurred in connection with such litigation.

11. Complete Agreement. This Easement consists of all the agreements, understandings, and promises between the parties with respect to the subject matter of this Easement, and there are no agreements, understandings or promises between the parties other than those set forth in this Easement.

12. Governing Law. This Easement and all of the terms and provisions hereof shall be governed by and construed in accordance with the laws of the State of Colorado, with venue in Jefferson County.

ACCEPTED BY THE CITY OF GOLDEN THIS _____ DAY OF _____,
2000.

ATTEST:

City Manager

City Clerk

COLFAX WEST MINI-STORAGE
JN. 399090.3
AUGUST 22, 2000
REVISED:
SEPTEMBER 14, 2000
SHEET 1 OF 2

PARCEL DESCRIPTION FOR EXHIBIT "A"

A PARCEL OF LAND GENERALLY TWENTY (20') FEET IN WIDTH SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE N 00° 10' 30" W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, 489.83 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE S 70° 09' 24" W, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 3.91 FEET TO THE POINT OF BEGINNING; THENCE S 11° 41' 15" W, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 22.48 FEET; THENCE S 67° 44' 03" W, 422.85 FEET; THENCE S 54° 50' 55" W, 68.19 FEET TO THE SOUTHERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. F1018198 IN THE RECORDS OF JEFFERSON COUNTY; THENCE N 89° 07' 26" W, ALONG SAID SOUTHERLY BOUNDARY LINE, 34.00 FEET; THENCE N 54° 50' 55" E, DEPARTING SAID SOUTHERLY BOUNDARY LINE, 97.95 FEET; THENCE N 67° 44' 03" E, 405.72 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE; THENCE N 70° 09' 24" E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 31.97 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 10,253 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PARCEL BEING THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10 AS MARKED BY A 3-1/4" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#14112 ON THE SOUTH END AND BY A 1-1/2" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#7696 ON THE NORTH END, SAID LINE BEARS N 00° 10' 30" W (ASSUMED).

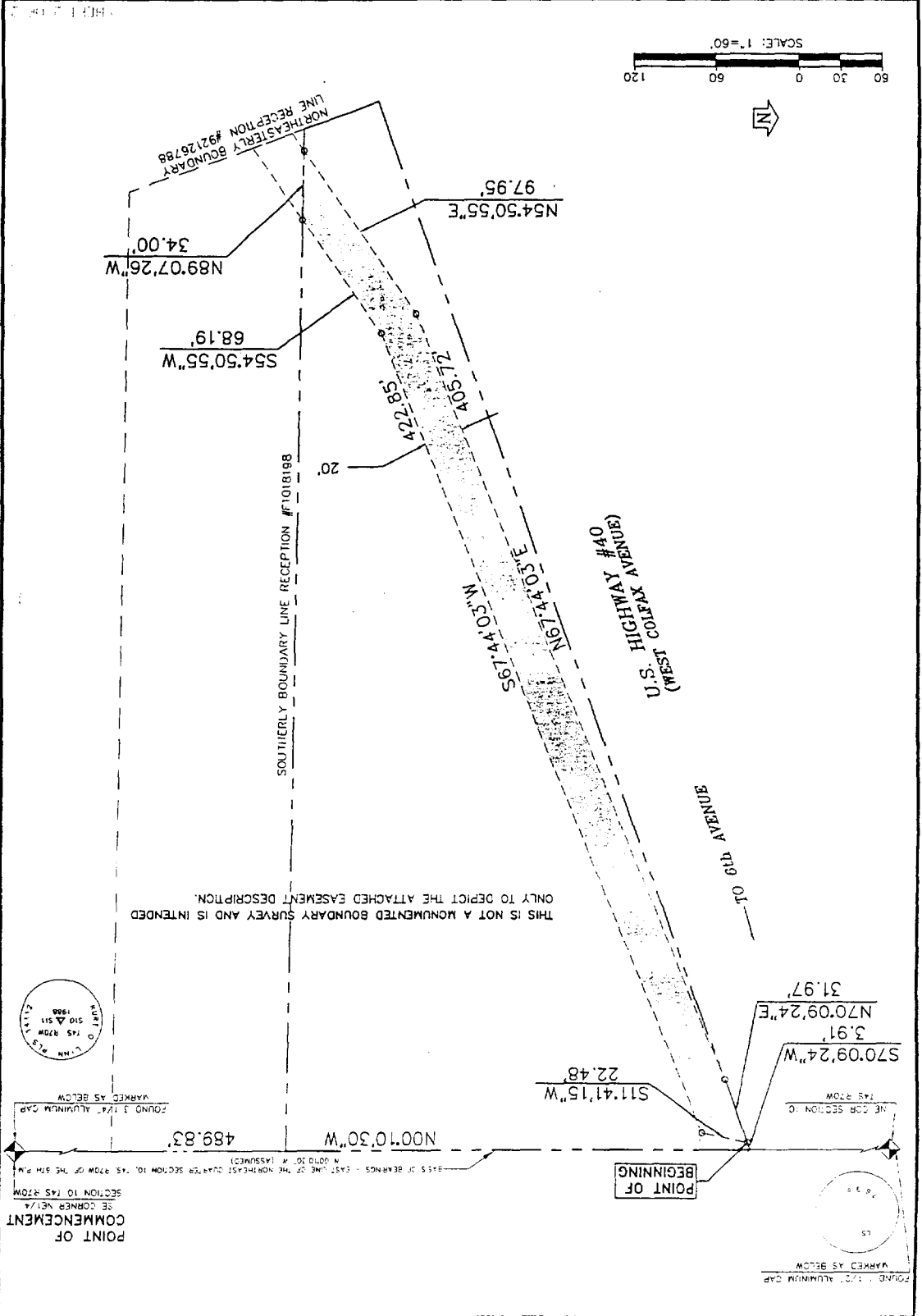
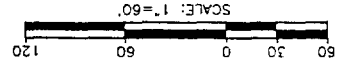
THE ABOVE PARCEL DESCRIPTION WAS PREPARED BY DAVID L. STUFFLEBEAM UNDER THE SUPERVISION OF STEVEN A. DYNES, PLS#24949.

FOR AND ON BEHALF OF: **BENCHMARK SURVEYING**
a member of the Farnsworth Metric Group
2696 SOUTH COLORADO BLVD.
SUITE 250
DENVER, COLORADO 80222



CHECKED BY: SAD	DATE: 6/21/2000	JOB NO.: 399090.3
DRAWN BY: EJM	DWG NAME: 0046FIG-1A.dwg	
BENCHMARK SURVEYING 2696 SOUTH COLORADO BLVD., SUITE 250 DENVER, COLORADO 80222 (303) 692-8483 <i>a member of the Fenwick Group</i>		

EXHIBIT A
SANITARY SEWER EASEMENT



COLFAX WEST MINI-STORAGE
JN. 399090.3
AUGUST 22, 2000
REVISED: SEPTEMBER 15, 2000
SHEET 1 OF 2

PARCEL DESCRIPTION FOR EXHIBIT "B"

A PARCEL OF LAND GENERALLY TWENTY (20') FEET IN WIDTH SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

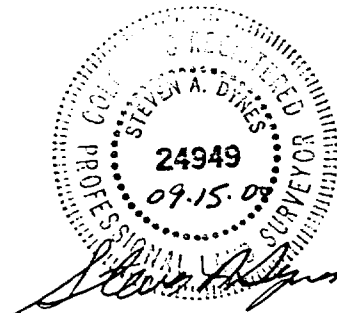
COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE N 00° 10' 30" W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, 489.83 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE S 70° 09' 24" W, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 16.21 FEET; THENCE S 42° 01' 09" W, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 44.17 FEET; THENCE S 67° 44' 03" W, 383.35 FEET; THENCE S 54° 50' 55" W, 68.19 FEET TO THE SOUTHERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. F1018198 IN THE RECORDS OF JEFFERSON COUNTY BEING THE POINT OF BEGINNING; THENCE S 54° 50' 55" W, CONTINUING ALONG LAST SAID COURSE, 42.95 FEET TO THE NORTHEASTERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 92126788 IN THE RECORDS OF SAID JEFFERSON COUNTY; THENCE N 19° 50' 36" W, ALONG SAID NORTHEASTERLY BOUNDARY LINE, 20.74 FEET; THENCE N 54° 50' 55" E, DEPARTING SAID NORTHEASTERLY BOUNDARY LINE, 9.97 FEET THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL DESCRIBED IN RECEPTION NO. F1018198; THENCE S 89° 07' 26" E, ALONG SAID SOUTHERLY BOUNDARY LINE, 34.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 529 SQUARE FEET MORE OR LESS.

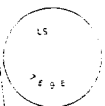
THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PARCEL BEING THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10 AS MARKED BY A 3-1/4" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#14112 ON THE SOUTH END AND BY A 1-1/2" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#7696 ON THE NORTH END, SAID LINE BEARS N 00° 10' 30" W (ASSUMED).

THE ABOVE PARCEL DESCRIPTION WAS PREPARED BY DAVID L. STUFFLEBEAM UNDER THE SUPERVISION OF STEVEN A. DYNES, PLS#24949.

FOR AND ON BEHALF OF: **BENCHMARK SURVEYING**
a member of the Farnsworth Wylie Group
2696 SOUTH COLORADO BLVD.
SUITE 250
DENVER, COLORADO 80222



FOUND 1 1/2" ALUMINUM CAP
MARKED AS BELOW



POINT OF
COMMENCEMENT
SE CORNER NE1/4
SECTION 10 T4S R70W

BASIS OF BEARINGS - EAST LINE OF THE NORTHEAST QUARTER SECTION 10, T4S, R70W OF THE 6TH P.M.
N 00°10'30"W (ASSUMED)

NE COR SECTION 10
T4S R70W

FOUND 3 1/4" ALUMINUM CAP
MARKED AS BELOW

S70°09'24"W
16.21'

S42°01'09"W
44.17'

N00°10'30"W
489.83'



THIS IS NOT A MONUMENTED BOUNDARY SURVEY AND IS INTENDED
ONLY TO DEPICT THE ATTACHED EASEMENT DESCRIPTION.

TO 6th AVENUE

U.S. HIGHWAY #40
(WEST COLFAX AVENUE)

S 67°44'05" N

383.35'

SOUTHERLY BOUNDARY LINE RECEPTION #F1018198

S54°50'55"W
68.19'

POINT OF
BEGINNING

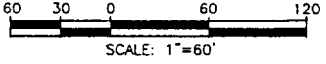
S89°07'26"E
34.00'

S54°50'55"W
42.95'

N54°50'55"E
9.97'

NORTHEASTERLY BOUNDARY
LINE RECEPTION #92126788

N19°50'36"W
20.74'



SHEET 2 OF 2
REVISED: 9/15/00, DSL

'EXHIBIT B'
SANITARY SEWER EASEMENT

BENCHMARK SURVEYING
a member of the Farnsworth Wylie Group
2696 SOUTH COLORADO BLVD., SUITE 250
DENVER, COLORADO 80222
(303) 692-8483

DRAWN BY:	EJM	DWG NAME:	0046FIG-1B.dwg
CHECKED BY:	SAD	DATE:	6/21/2000
		JOB NO.:	399090.3

0046FIG-1B.dwg 6/21/2000 11:42:43 am EJM

COLFAX WEST MINI-STORAGE
JN. 399090.3
AUGUST 21, 2000
REVISED:
SEPTEMBER 14, 2000
SHEET 1 OF 2

PARCEL DESCRIPTIONS FOR EXHIBIT "C"

TWO PARCELS OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE N 00° 10' 30" W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, 333.44 FEET TO THE POINT OF BEGINNING; THENCE S 89° 49' 30" W, DEPARTING SAID EAST LINE, 10.00 FEET; THENCE N 00° 10' 30" W, PARALLEL WITH SAID EAST LINE, 112.87 FEET; THENCE N 24° 31' 26" W, 57.84 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE N 70° 09' 24" E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 10.03 FEET; THENCE S 24° 31' 26" E, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 59.18 FEET TO THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER; THENCE S 00° 10' 30" E, ALONG SAID EASTERLY LINE, 115.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1,725 SQUARE FEET MORE OR LESS.

PARCEL 2

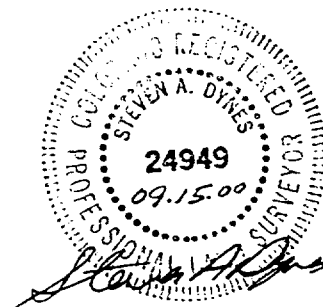
COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE N 00° 10' 30" W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, 489.83 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE S 70° 09' 24" W, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 345.80 FEET TO THE POINT OF BEGINNING; THENCE S 22° 00' 51" E, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 34.84 FEET; THENCE S 67° 59' 09" W, 10.00 FEET; THENCE N 22° 00' 51" W, 35.22 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE N 70° 09' 24" E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 10.01 FEET TO THE POINT OF BEGINNING.

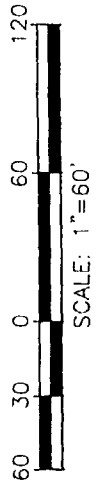
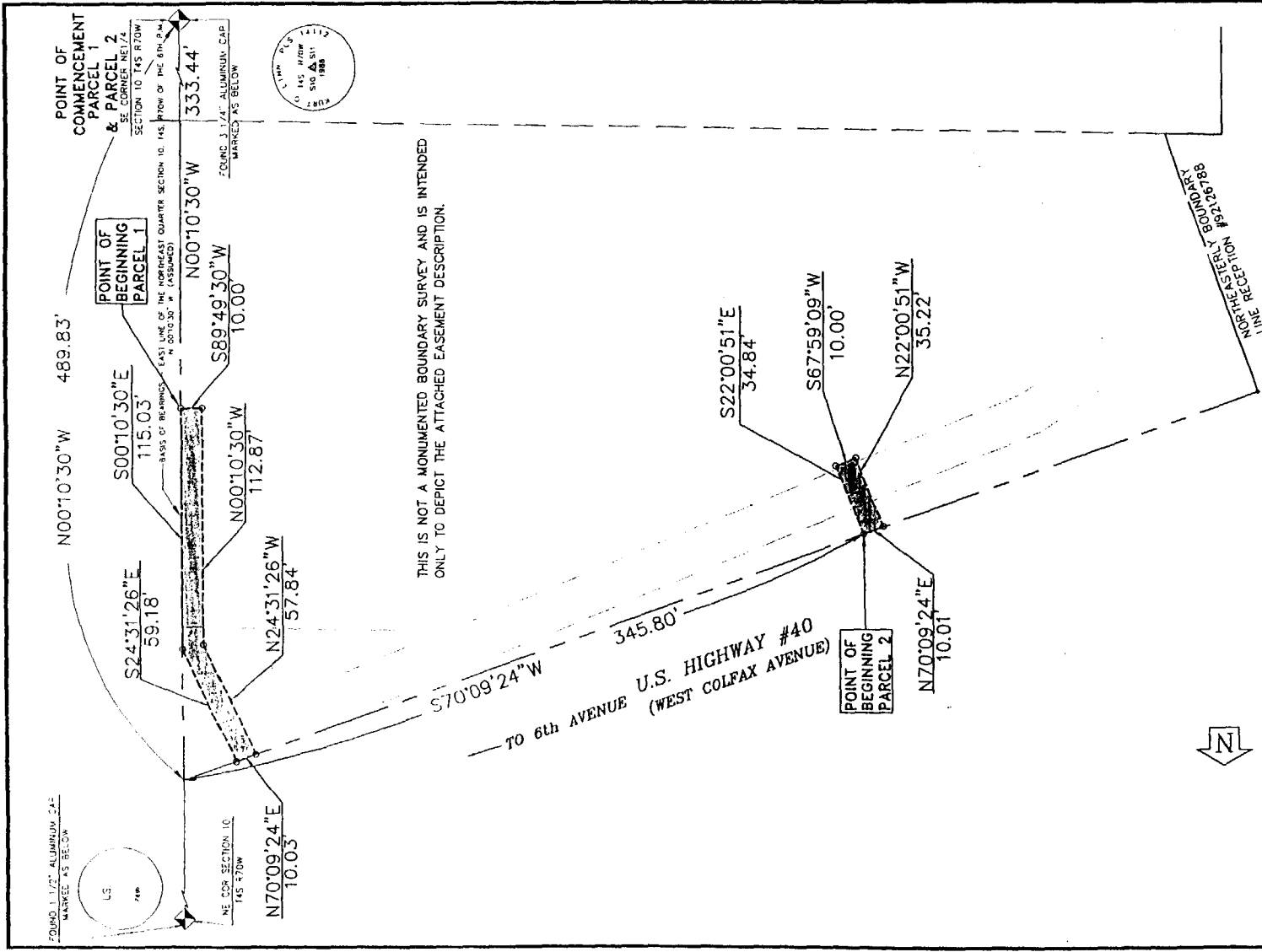
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 350 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PARCEL BEING THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10 AS MARKED BY A 3-1/4" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#14112 ON THE SOUTH END AND BY A 1-1/2" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#7696 ON THE NORTH END, SAID LINE BEARS N 00° 10' 30" W (ASSUMED).

THE ABOVE PARCEL DESCRIPTION WAS PREPARED BY DAVID L. STUFFLEBEAM UNDER THE SUPERVISION OF STEVEN A. DYNES, PLS#24949.

FOR AND ON BEHALF OF: **BENCHMARK SURVEYING**
a member of the Farnsworth Wylie Group
2696 SOUTH COLORADO BLVD
SUITE 250
DENVER, COLORADO 80222





BENCHMARK SURVEYING
a member of the Fairweather Mfg Group
 2696 SOUTH COLORADO BLVD., SUITE 250
 DENVER, COLORADO 80222
 (303) 692-8483

BENCHMARK SURVEYING
 DRAWN BY: EJM
 DNG NAME: 0046FIG-1C.dwg
 CHECKED BY: SAD
 DATE: 8/8/2000
 JOB NO.: 399090.3

'EXHIBIT C'
 WATER EASEMENTS

**EXHIBIT 2
EASEMENT**

THIS EASEMENT, effective this _____ day of _____, 2000, by and between CARL D. and PATRICIA BECKER ("Owner"), and the CITY OF GOLDEN, 911 10th Street, Golden, CO, 80401, a municipal corporation, ("City").

1. Consideration. For and in consideration of the sum of One Dollar and no/100ths (\$1.00) and other good and valuable consideration paid by the City to the Owner, the receipt of which is hereby acknowledged, Owner hereby sells, conveys and grants unto the City a permanent Easement and right-of-way over, upon, across, through and under the property described in Exhibit "D", attached and made part hereof ("Property"), situated in the City of Golden, Jefferson County, Colorado, for the uses and purposes and upon the terms hereinafter set forth.
2. Purpose. This easement and right-of-way is for the purpose of granting the City the right to construct, inspect, maintain, operate and make available for the construction, maintenance, improvement and operation of:

STORM WATER DETENTION AND ACCESSORY FACILITIES

("Improvement(s)"), upon, across, over, under, through, and within the property.

3. Indemnification. To the extent allowed by law, if at all, the City hereby agrees to hold and save Owner harmless from damages arising from the City's negligent use of the easement and right-of-way herein granted and, to the extent allowed by law, if at all, agrees to pay damages which may arise to the property, premises or rights of the Owner through the City's negligent use, occupation, and possession of the rights herein granted. This provision shall not preclude or waive any of the City's rights, defenses or limitations on damages under the Colorado Governmental Immunity Act (Section 24-10-101, et seq., C.R.S.) or other applicable laws.
4. Hazardous Substances. Owner covenants, represents and warrants to the City, that, to the best of Owner's knowledge and belief, as of the date of the execution of this Easement, and with respect to the Property:
 1. the Property has never been used as a waste dump; and
 2. that there has been no installation in, or production, disposal, or storage on, the Property of any hazardous substances, including, without limitation, asbestos, by Owner, Owner's tenants, or any previous owner or previous tenants, or any other activity which could have toxic results; and
 3. there is no remaining underground storage tank on the property; and
 4. there is no proceeding or inquiry by any governmental authority or agency

with respect thereto.

For the purposes of this Easement, hazardous substances means all hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42U.S.C. 9601, et seq.) and in Section 25-5-502 of the Colorado Revised Statutes, and petroleum and petroleum products.

5. Representations of Owner.

(A) The Owner, for itself, its successors, assigns and all parties with interest in the Property, does hereby covenant and agree not to construct improvements of any kind or nature whatsoever on, over, across or under the Property or to take or fail to take any action of any kind or nature whatsoever which would interfere with the City's use of the Property for the purposes herein granted.

(B) Owner hereby covenants with the City that it will maintain the Property (not the public Improvement(s) upon, across, over, under, through or within the Property) in accordance with all applicable laws, codes, rules, regulations, policies and requirements.

(C) Owner hereby warrants and represents to the City that, Owner is seized with fee title to underlying real property and that except as listed below, there are no other parties with interest; and that the rights conveyed herein are free and clear of other liens and encumbrances; and that Owner has sole and exclusive authority to enter into this Easement.

(D) Parties in Interest and Existing Encumbrances are as follows:

1. Carl D. and Patricia Becker
- 2.

6. Survival of Indemnifications and Representations. All representations, obligations, warranties, liabilities, covenants and agreements of Owner and the City in this Easement shall survive the consummation of the transactions contemplated in this Easement; provided, however, nothing contained herein shall imply or import a covenant on the part of the Owner for quiet enjoyment.

7. Notices. Any notices given under the provisions of this Easement shall be valid if deposited with the United States Postal Service addressed to Owner or to the City at the addresses stated above.

8. Effect of Easement. This Easement is superior and paramount to the rights of the parties hereto in the respective servient estates so created.

9. Binding Effect. This grant of the Easement shall run with the Property and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, and all parties in interest, provided nothing contained herein shall be construed to be an abandonment or

dedication of such public way to any public entity.

10. Attorneys Fees and Costs. In the event of any litigation between the parties relating to this Easement, the prevailing party shall be entitled to costs and reasonable expert and attorney fees incurred in connection with such litigation.

11. Complete Agreement. This Easement consists of all the agreements, understandings, and promises between the parties with respect to the subject matter of this Easement, and there are no agreements, understandings or promises between the parties other than those set forth in this Easement.

12. Governing Law. This Easement and all of the terms and provisions hereof shall be governed by and construed in accordance with the laws of the State of Colorado, with venue in Jefferson County.

ACCEPTED BY THE CITY OF GOLDEN THIS _____ DAY OF _____,
2000.

ATTEST:

City Manager

City Clerk

OWNER:

By: _____
Carl D. Becker

By: _____
Patricia Becker

NOTARIAL:

STATE OF COLORADO)
)ss.
COUNTY OF)

The foregoing signature was acknowledged before me this _____ day of _____, 2000, by Carl D. and Patricia Becker.

Witness my hand and official seal:

_____ My Commission Expires: _____
Notary Public

COLFAX WEST MINI-STORAGE
JN. 399090.3
AUGUST 21, 2000
REVISED: SEPTEMBER 15, 2000
SHEET 1 OF 2

PARCEL DESCRIPTION FOR EXHIBIT "D"

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE N 00° 10' 30" W, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, 416.31 FEET TO THE POINT OF BEGINNING; THENCE N 89° 07' 26" W, DEPARTING SAID EASTERLY LINE, 149.69 FEET; THENCE N 19° 50' 36" W, PERPENDICULAR TO THE FOLLOWING DESCRIBED COURSE, 16.27 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #40 (ALSO KNOWN AS WEST COLFAX AVENUE); THENCE N 70° 09' 24" E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 164.76 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT-OF-WAY LINE WITH THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER; THENCE S 00° 10' 30" E, 73.52 FEET TO THE POINT OF BEGINNING.

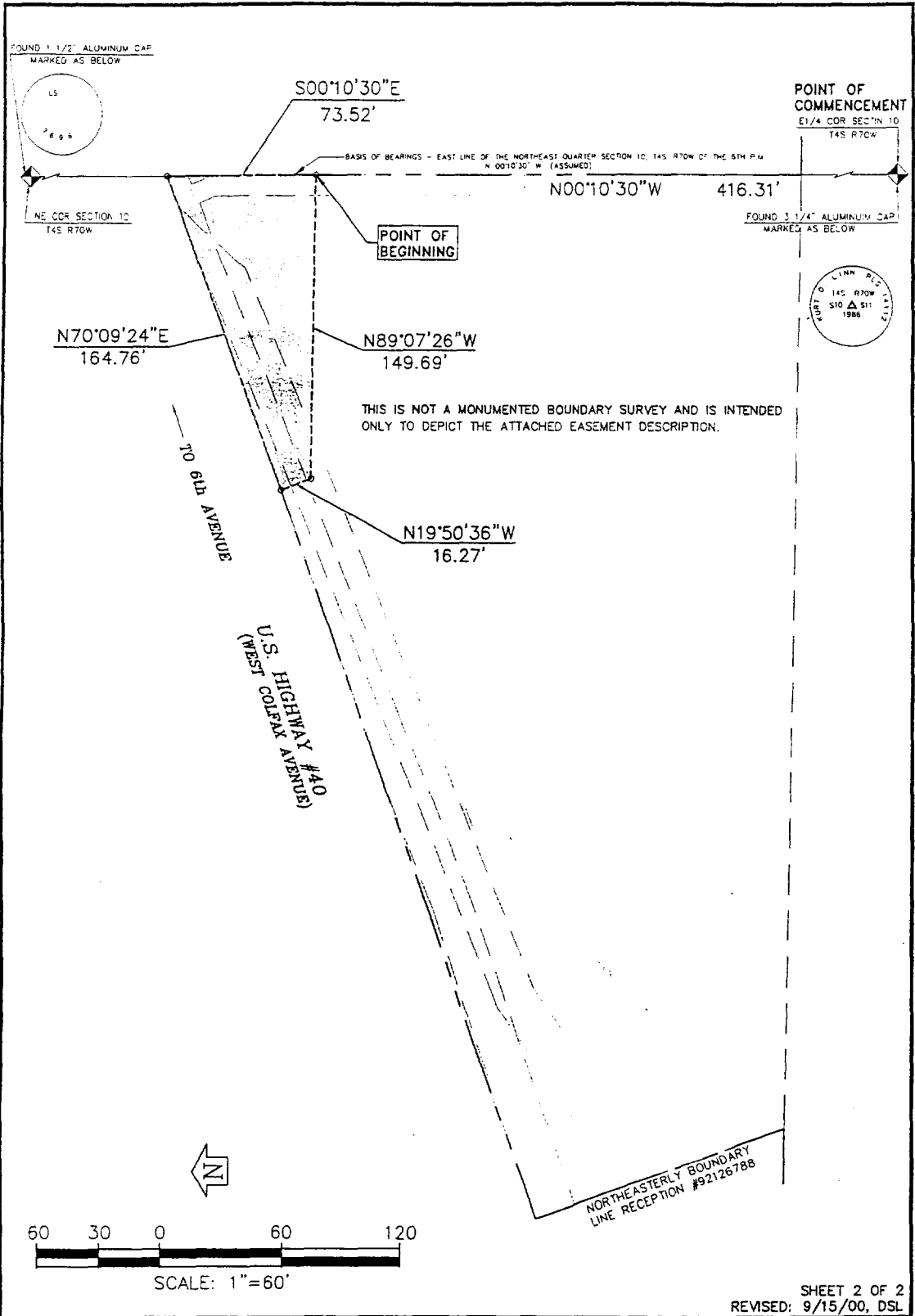
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6,843 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PARCEL BEING THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 10 AS MARKED BY A 3-1/4" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#14112 ON THE SOUTH END AND BY A 1-1/2" ALUMINUM CAPPED MONUMENT SCRIBED WITH LS#7696 ON THE NORTH END, SAID LINE BEARS N 00° 10' 30" W (ASSUMED).

THE ABOVE PARCEL DESCRIPTION WAS PREPARED BY DAVID L. STUFFLEBEAM UNDER THE SUPERVISION OF STEVE A. DYNES, PLS#24949.

FOR AND ON BEHALF OF: **BENCHMARK SURVEYING**
a member of the Farnsworth Wylie Group
2696 SOUTH COLORADO BLVD
SUITE 250
DENVER, COLORADO 80222





'EXHIBIT D'
DETENTION POND EASEMENT

BENCHMARK SURVEYING
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