

294392

**EASEMENT**

THIS EASEMENT, granted this 31st day of August, 1994, by **SAMS-TELCO PARTNERSHIP**, a Colorado general partnership ("Grantor") to **MOUNTAIN VILLAGE METROPOLITAN DISTRICT**, a quasi-municipal entity ("Grantee").

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Grantee a perpetual, non-exclusive easement and right of way for ingress and egress, together with a utility easement for the excavation, installation, construction, maintenance, repair, alteration and replacement of a sewer service line and associated equipment, including a burrito drain for drainage of ground water and/or storm water (the "Utility System"), all of which is to be placed and maintained upon, over, under and across the property of the Grantor, as depicted on Exhibit SM-1 which is attached hereto and incorporated herein and more particularly described as follows:

Lot 68R, Telluride Mountain Village access and sewer service line utility easement legal description:

An access and sewer service line utility easement located on Lot 68R as shown on Lot 68R, Insubstantial Amendment to Final Plat of Lot 68R, Filing 1, Telluride Mountain Village, according to the Plat recorded in the San Miguel County Clerk and Recorder's office on August 19, 1994 in Plat Book 1 at Page 1727. Said access and sewer service line utility easement being more fully described as follows:

The Three Dimensional Sewer Easement is an underground corridor being 10.00 (ten) feet wide measured perpendicularly from the side lines and 6.00 (six) feet vertically with a slope of 0.020243 feet per foot and with horizontal dimensions and location as shown in the map hereon and with the bottom elevation of the westerly end near Grid Line 10 being 9498.75 and the top elevation being 9504.75 and with the bottom elevation near Grid Line 14 being 9499.25 and top elevation being 9505.25 and with the bottom elevation of the easterly end near Grid Line 10 being 9499.92 and top elevation being 9505.92 and with horizontal dimensions being more particularly described as follows:

Beginning at the most southwesterly corner of the Sewer Easement whence the southwesterly corner of the entryway near Grid Line 16 of the foot print bears S 65° 06' 39" E, 4.55 feet:

1. Thence N 19° 56' 40" W, 3.04 feet;
2. Thence N 64° 56' 40" W, 11.58 feet;
3. Thence N 77° 54' 41" E, 64.69 feet;

4. Thence S 70° 03' 20" W, 33.56 feet;
5. Thence S 19° 56' 40" E, 5.46 feet;
6. Thence S 77° 54' 41" W, 22.54 feet to the Point of Beginning.

The horizontal surface as described above of the Three Dimensional Sewer Easement contains 332.0 square feet (0.0076 acres) more or less.

NOTE: Grid bearings compatible with the Telluride Company Grid System are given.

Grantee shall, in connection with the use of the Easement and the maintenance of the Utility System, utilize proper construction and maintenance methods, including but not limited to, the utilization of proper replacement techniques for the replacement of any material removed from, adjacent to or beneath any structure located on Lot 68R and Grantee shall be responsible for and shall repair any damage or disturbance caused by Grantee in the exercise of its rights created herein.


Grantee shall indemnify and hold Grantor harmless from and against any and all loss or damage occasioned by the operation of the Utility System, including but not limited to, the negligent exercise of its rights created hereunder or by any negligent act or omission of its agents or employees committed in the course of their employment.

This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the respective parties, their successors and assigns.

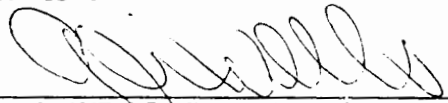
**GRANTOR:**

**SAMS-Telco Partnership, a Colorado general partnership**

**By THE TELLURIDE COMPANY, a Colorado corporation, General Partner**

By:   
**JOHN J. HORN, Executive Vice-President**

**ATTEST:**

  
**A. J. WELLS, Executive Vice-President and Secretary**

Signatures and Acknowledgements continued on the next page.

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SAN MIGUEL )

The foregoing instrument was acknowledged before me on the 31st day of August, 1994, by John J. Horn, Executive Vice-President and A. J. Wells, Secretary for The Telluride Company, a Colorado corporation.



WITNESS my hand and official seal.  
My commission expires: 7-5-96

*Rebecca A. Padella*  
Notary Public

GRANTEE

MOUNTAIN VILLAGE METROPOLITAN DISTRICT, a quasi-municipal entity

By *A. J. Wells*  
A. J. WELLS, President

ATTEST:

*David C. Flatt*  
DAVID C. FLATT, Secretary

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SAN MIGUEL )

The foregoing instrument was acknowledged before me on the 31st day of August, 1994, by A. J. Wells, President and David C. Flatt, Secretary for the Mountain Village Metropolitan District, a quasi-municipal entity.

WITNESS my hand and official seal.  
My commission expires: 5/29/98

*Rebecca A. Padella*  
Notary Public



Re:mvmddic.eas  
vim:August 31, 1994

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BANNER ASSOCIATES, INC.  
2777 CROSSROADS BLVD. GRAND JUNCTION, COLORADO 81506

JOB NUMBER: 8047-72  
FND WALL FOOT PRINT OF 68R IN CORE, TELL MTN VILL, SHAW CONSTR  
THIS IS 8274-01-02 COPY WITH FND WALL COORDS ADDED.  
JULY 21, 1994, 8047-72, W. E. BEEDLE.

TELL 10

SCALE: 1 INCH = 10 FEET

COORDINATE BOUNDARIES:  
NORTHING = 471712.5684 TO 471749.6900  
EASTING = 324138.5560 TO 324219.4520

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