

1/5/1953 Deed of Easement; Book 7233,  
Page 117 and 2/24/1972 Permit

ATT 6657

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DEED OF EASEMENT

JAN -5 1953

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KNOW ALL MEN BY THESE PRESENTS:

Radiant Heating Co., Inc.

That T. Paul Jones

of the City and County of Denver, State of Colorado, for and in consideration of One (\$1.00) Dollar and other good and valuable considerations, in hand paid, do hereby grant and convey to the City and County of Denver, a municipal corporation duly organized and existing under and by virtue of the Constitution of the State of Colorado, an easement and right-of-way, for a sewer over, upon, across, in, through and under the following described real property situate in the City and County of Denver, State of Colorado, to-wit:

The east seven and one-half feet ( $7\frac{1}{2}$ ) of Lots 21, 22, 23 and 24, and the west seven and one half feet ( $7\frac{1}{2}$ ) of Lots 25, 26, 27 and 28, all in Block One (1) Vanderbilt Park, City and County of Denver.

CITY ATTY'S OFFICE

APPROVED FOR RECORDING  
LAND OFFICE

As to Form

Reserving, however, to the undersigned, his heirs and assigns, the right to utilize and enjoy the above described premises, providing the same shall not interfere with the construction, maintenance, repairing, inspection, and operation of said sewer, and providing further that the grantor shall not erect or place any building or tree on the above described right-of-way and the City shall not be liable for their removal if they are so placed.

Signed and delivered this 20 day of Feb. 1951, A.D.

1949.

Radiant Heating Co., Inc.  
T. Paul Jones, Gen. Mgr.

(STATE OF COLORADO)  
DUL CITY AND  
COUNTY OF DENVER).

The foregoing instrument was acknowledged before me this 20th

February 1949, A.D. 1949 by T. Paul Jones as General Manager

Radiant Heating Co., Inc.

Witnessed and sealed

My commission expires

EDWARD C. BOTHGREN, JR.  
NOTARY PUBLIC  
CITY & COUNTY OF DENVER, COLORADO  
BY COMMISSION EXPIRING JUNE 1953

7233 118

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RETURN TO  
LAND OFFICE ROOM 424

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111-553-462000 3 REHS

RECEIVED ON DEPT OF STATE

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PERMIT

THIS PERMIT, made and executed this 21<sup>st</sup> day of February, A.D., 1972, by the CITY AND COUNTY OF DENVER, a municipal corporation duly organized and existing under and by virtue of the Constitution of the State of Colorado, hereinafter referred to as the "CITY," and granted to THE RADIANT HEATING COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Colorado, hereinafter referred to as the "PERMITTEE":

WITNESSED

WHEREAS, the Permittee is the owner of the following described property situate in the City and County of Denver, State of Colorado, to-wit:

Lots 21 to 28 Inclusive, Block 1, Vanderbilt Park, City and County of Denver, State of Colorado

WHEREAS, by Deed of Easement recorded January 5, 1953 in Book 7233 page 117, F. Paul Jones as General Manager for The Radiant Heating Company granted to the City and County of Denver an easement and right-of-way for a sewer over, upon, across, in, through and under the following described real property situate in the City and County of Denver, State of Colorado, to-wit:

The east seven and one-half feet ( $7\frac{1}{2}'$ ) of Lots 21, 22, 23 and 24, in the west seven and one-half feet ( $7\frac{1}{2}'$ ) of Lots 25, 26, 27 and 28, all in Block 11, Vanderbilt Park, City and County of Denver, and

WHEREAS, the Permittee, acting as lessee and lessor of an oil and gas lease, has granted to the lessee, the lessor's interest in and to the above described property, as follows: That the lessee shall have the right to explore for and produce oil and gas from and through the above described property, in such manner as the lessee may determine, and shall not be required to pay to the lessor any part of the net proceeds of any oil or gas produced in excess of the amount necessary to pay the expenses of production.

That the lessor shall receive, as compensation for the interest granted to the lessee, ten percent (10%) of the net proceeds of oil and gas produced from and through the above described property, after deducting all expenses of production, and that the lessor shall have no right to receive any part of the net proceeds of oil and gas produced from and through the above described property, if the lessee fails to pay the lessor the compensation hereinabove provided for.

and maintain the said structure as heretofore approved by the Wastewater Control Services Division over, above, across and around the said sanitary sewer line. The City, however, reserves the right to do all things reasonably necessary or proper for the inspection, operation, maintenance, repair, replacement and relocation of the sanitary sewer line in said easement.

(A) The Permittee hereby agrees to save the City harmless and to repair or pay for the repair of any and all damages to the said sanitary sewer line which may be caused by or in any way result from the construction or the maintenance thereafter of said structure over, above, across or around said sanitary sewer line. The Permittee further agrees to pay all cost and expense for the relocation of the said sanitary sewer line, should such relocation become necessary.

(B) The Permittee agrees to indemnify and save harmless the City of Salt Lake from all liability for damages or injuries to any person or property resulting from a misaligned line or condition of the sewer line due to the improper quality, placement, or alignment of the

sanitary sewer line.

On or about the 10th day of October, 1960, and now,

the undersigned, being duly sworn, deposes and says:

I have read the foregoing terms and conditions for myself, my heirs, executors, administrators, successors, assigns, and all persons who may hereafter be in possession of the property,

and I do hereby agree to and accept the same.

In witness whereof, I have hereunto set my hand this 10th day of October, 1960.

Attest: (Signature)

CITY AND COUNTY OF DENVER

By John W. Nichols  
Mayor

ATTEST:

F. J. Serafini, Clerk and Recorder,  
Ex-Officio Clerk of the City and  
County of Denver.

By F. J. Serafini  
Clerk and Recorder

RECOMMENDED AND APPROVED:

By H. M. Wolfe  
Manager of Public Works

APPROVED:

Max P. Zall, Attorney for the  
City and County of Denver

By W. W. Clark  
Deputy City Attorney

By J. C. Grace  
Deputy Manager of Public Works-Engineering

By James L. Smith  
Director of Wastewater Control Services

REGISTERED AND COUNTERSIGNED:

By Charles H. Lyons  
Auditor

RADIANT HEATING COMPANY

By T. Paul Jones  
T. Paul Jones, President

ATTEST:

(John F. Ross, Jr., Secretary) (SEAL)

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STATE OF COLORADO  
CLERK OF THE CITY AND COUNTY OF DENVER  
MAR 27 1972  
RECORDED MAR 27 1972  
CLERK OF THE CITY AND COUNTY OF DENVER

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