

**GRANT OF PERMANENT ACCESS AND COMMON EASEMENT FOR ALLEY WAY.**

Ryberg Construction Company, Inc., A Colorado Corporation is the owner of certain real property located in the City and County of Denver, State of Colorado, described as lots 1 through 48 inclusive and all of the vacated alley adjacent to Block 3, Midland Addition in the City and County of Denver, and now hereby declares in respect the above described property as follows:

**Section One  
Definition of Premises:**

The term premises as used in this Declaration is the entire parcel of property described above, consisting of Lots 1 through 48 inclusive.

**Section Two  
Grant of Permanent Easement for Access**

Ryberg Construction Company, Inc., hereby grants a perpetual easement over and across that portion of Grantor's above described property which is necessary for the use of any of the described lots for joint access purposes, and for emergency services access, more particularly describing the easement as referenced in the attached **Exhibit A, Access Easement, Block 3, Midland Addition** which description is by this reference incorporated herein and which easement shall run with the real property and the title to such property, and be binding upon the Grantor and its heirs and successors and any person who shall after the date of this instrument, acquire title to Grantor's property or any portion thereof.

**Section Three  
Emergency Services Access**

An access easement for emergency services is hereby granted on and across all areas for police, fire, medical and other emergency vehicles and for the provision of emergency services.

**Section Four  
Creation of Cross Easement**

- A. If at any time in the future, any one or more of the separate lots constituting the above described property shall be severed from the other lots, then in such case, the owner of each and every one of the parcels, shall have access to and the right to use in common with the owners and occupants of each of the other lots, any portion of the described common access easement for alleyway. .
- B. The above stated right also carries with it a responsibility upon the owner of the lot or lots claiming this right paying that proportional part of the cost of maintenance, use and operation of such common access easement for alleyway as the total number of lots whose owner claims the right under the easement bears to the total number of all lots.

*Return To: - 2 pgs  
Ryberg Construction Co., Inc  
17843 W CR 6  
Brighton, Co 80603*

**Section Five**

**Rights Concerning Common Access Easement for Alleyway**

The owner of each of the lots described as Lots 1 through 48 shall have the right to use the described common access easement for alleyway for accessing their property and for certain permitted functions such as placement of trash receptacles for pick up and for use in providing emergency services access. At no time shall any individual lot owner have any right to obstruct or otherwise interfere with or prevent any other lot owner from utilizing such common access easement.

**Section Five  
Binding Effect**

This Grant and Declaration shall be binding upon and inure to the benefit of Ryberg Construction Company, Inc. and its successors and assigns, and any person or entity that at any time hereafter shall become the owner of any one or more of the lots or any portion of such lots described above.

IN WITNESS WHEREOF, this Declaration of Easement has been executed on June 12, 2003, with the intent that it shall be recorded in the office of the Clerk and Recorder in the City and County of Denver, State of Colorado.

Ernie Ryberg  
Ernie Ryberg, President-Ryberg  
Construction Company, Inc.

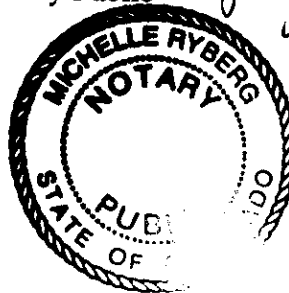
Attest:

By Judith Ryberg  
Judith Ryberg, Secretary

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF WELD        )

Subscribed and sworn to before me this 12<sup>th</sup> day of June, 2003, by Ernie Ryberg, President of Ryberg Construction Company, Inc.

My commission expires: Nov 13, 2004 Michelle Ryberg  
Notary Public



My Commission Expires Nov. 13, 2004