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DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Civil Action No. 96 CV 3569,

Courtroom No. 2

RULE AND DECREE IN CONDEMNATION

CITY AND COUNTY OF DENVER, a municipal corporation,

Petitioner,

v.

PLATTE VALLEY BASEBALL, L.L.C., a Colorado Limited Liability Company; 2800 BRIGHTON BLVD., L.L.C., a Colorado Limited Liability Company; PEAK NATIONAL BANK; U.S. WEST COMMUNICATIONS, formerly THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY; PUBLIC SERVICE COMPANY OF COLORADO, a Colorado public utility; UNION PACIFIC RESOURCES CORPORATION, formerly UNION PACIFIC LAND RESOURCES CORPORATION, a Utah corporation; ELBRA WEDGEWORTH, as the Public Trustee for the City and County of Denver; CHERYL COHEN, as the Manager of Revenue for the City and County of Denver; All Unknown Owners of the Real Properties Sought to be Condemned Herein; and All Unknown Persons Who Claim Any Interest in the Subject Matter of this Action,

Respondents.

THIS MATTER having come on to be heard on the Petition of the City and County of Denver, a municipal corporation, for the taking of fee simple title (Parcels 202 and 238), a permanent easement (PE-238), and temporary construction easements (TE-202, TE-238, TE-238A and TE-238B) with respect to certain real property hereinafter described ("Property"), and for the ascertainment of the compensation to be paid therefor and by reason thereof and the time now being at hand for the entry of a Rule and Decree, the Court,

DOTH FIND:

1. That the Petitioner is authorized by eminent domain proceedings to appropriate property for its local and municipal purposes, and, in particular, is authorized to appropriate the properties hereinafter described.

2. That the Court has jurisdiction of the parties herein and of the subject matter of this action.

3. That the parties have agreed on a disposition of this matter as it relates to the real property described herein without the necessity of a trial.

4. That Respondent Platte Valley Baseball, L.L.C., a Colorado limited liability company, has an ownership interest in the real property described herein by virtue of certain instruments recorded among the records of the Clerk and Recorder of the City and County of Denver and State of Colorado and that said Respondent has appeared herein.

5. That Respondent 2800 Brighton Blvd. L.L.C. has an interest in the real property described herein as a beneficiary of a Deed of Trust and that said Respondent has appeared herein.

6. That Respondent Peak National Bank has an interest in the real property described herein as a beneficiary of a Deed of Trust and that said Respondent has appeared herein.

7. That Respondent Public Trustee has an interest in the Property by reason of the Deeds of Trust and said Respondent has appeared herein.

8. That Respondent U.S. West Communication has an easement in the Property; however, the Petitioner is taking the Property subject to that easement. This Respondent has entered an appearance and disclaimed any further interest in the Property.

9. That Respondent Public Service Company of Colorado has an easement in the Property; however, the Petitioner is taking the Property subject to that easement. This Respondent has entered an appearance and disclaimed any further interest in the Property.

10. That Respondent Manager of Revenue of the City and County of Denver has appeared herein asserting a claim for any and all outstanding tax liens including interest, as the same have accrued on the Property hereinafter described prior to August 29, 1996, the date of possession by Petitioner and that said Respondent now states that the 1996 taxes have been paid.

11. That Respondent Union Pacific Resources Corporation has certain interests in the Property; however, Petitioner is taking the Property subject to those interests. This Respondent has entered an appearance and disclaimed any further interest in the Property.

12. That other than the persons aforesaid no other person, firm or corporation has appeared herein or has any claim or claims to, any interest or interests in, or any lien or liens, encumbrance or encumbrances pertaining to the Property hereinafter described.

13. That an accurate description of the Property, situated in the City and County of Denver, Colorado, with respect to which Property the Petitioner is acquiring fee simple title is as follows:

FEE SIMPLE

Parcel 202

A PARCEL OF LAND CONTAINING 36713 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE NE¼ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C¼ CORNER OF SAID SECTION 27; THENCE N00°18'21"W ALONG THE NORTH-SOUTH CENTERLINE OF THE NORTH ONE-HALF OF SAID SECTION 27, A DISTANCE OF 385.74 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING N00°18'21"W ALONG SAID NORTH-SOUTH CENTERLINE OF THE NORTH ONE-HALF OF SAID SECTION 27, A DISTANCE OF 149.95 FEET; THENCE THE FOLLOWING SIX (6) COURSES ALONG THE NORTHWESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408, CITY AND COUNTY OF DENVER RECORDS:

1. THENCE ON A CURVE TO THE RIGHT, HAVING CENTRAL ANGLE OF 23°22'59", A RADIUS OF 235.82 FEET, AN ARC LENGTH OF 96.24 FEET, THE CHORD OF WHICH BEARS N32°50'07"E, A DISTANCE OF 95.57 FEET;
2. THENCE N44°31'36"E, A DISTANCE OF 207.21 FEET;
3. THENCE S45°28'24"E, A DISTANCE OF 43.00 FEET;
4. THENCE N44°31'36"E, A DISTANCE OF 114.53 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 29TH STREET;
5. THENCE S46°34'55"E, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 29TH STREET, A DISTANCE OF 12.00 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 29TH STREET AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD;
6. THENCE N44°31'36"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 86.06 FEET TO A POINT BEING THE NORTHERLY CORNER OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408;

THENCE S45°28'24"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL DESCRIBED IN RECEPTION NO. 9500091408, A DISTANCE OF 29.55 FEET; THENCE S44°31'36"W PARALLEL WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRIGHTON BOULEVARD, A DISTANCE OF 364.62 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 18°54'54", A RADIUS OF 750.65 FEET, AN ARC LENGTH OF 247.81 FEET, THE CHORD OF WHICH BEARS S35°04'09"W, A DISTANCE OF 246.69 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.843 ACRES/36713 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N03°14'29"W. THE S¼ CORNER BEING A 3-½" ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C¼ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

Parcel 238

A PARCEL OF LAND CONTAINING 1245 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE SW¼ OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C¼ CORNER OF SAID SECTION 27; THENCE S56°00'34"W, A DISTANCE OF 247.50 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258, CITY AND COUNTY OF DENVER RECORDS; THENCE N09°12'44"W, A DISTANCE OF 56.16 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 00°26'18", A RADIUS OF 900.65 FEET, AN ARC LENGTH OF 6.89 FEET, THE CHORD OF WHICH BEARS N08°59'38"W, A DISTANCE OF 6.89 FEET TO AN ANGLE POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258; THENCE S58°18'20"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 52.06 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND; THENCE ALONG SAID SOUTHERLY LINE ON A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 00°57'08", A RADIUS OF 2940.90 FEET, AN ARC LENGTH OF 48.87 FEET, THE CHORD OF WHICH BEARS S44°27'34"W, A DISTANCE OF 48.87 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.029 ACRES/1245 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE S¼ CORNER BEING A 3-½" ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C¼ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

14. That an accurate description of the Property, situated in the City and County of Denver, state of Colorado, which Petitioner is acquiring a permanent easement for subsurface use is as follows:

PERMANENT EASEMENT

Parcel PE-238

A PARCEL OF LAND CONTAINING 2684 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE SW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C $\frac{1}{4}$ CORNER OF SAID SECTION 27; THENCE S51°51'40"W, A DISTANCE OF 447.39 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258, CITY AND COUNTY OF DENVER RECORDS; THENCE N12°33'26"W, A DISTANCE OF 65.81 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND; THENCE N47°59'26"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 45.94 FEET; THENCE S12°33'26"E, A DISTANCE OF 65.70 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID PARCEL OF LAND; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID SOUTHERLY LINE:

1. S47°38'34"W, A DISTANCE OF 31.65 FEET;
2. ON A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 01°27'25", A RADIUS OF 564.03 FEET, AN ARC LENGTH OF 14.34 FEET, THE CHORD OF WHICH BEARS S48°22'17"W, A DISTANCE OF 14.34 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.060 ACRES/2684 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE S $\frac{1}{4}$ CORNER BEING A 3- $\frac{1}{2}$ " ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C $\frac{1}{4}$ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

15. That accurate descriptions of the Properties, situated in the City and County of Denver, state of Colorado, which Petitioner is acquiring temporary construction easements until the dates set forth below are as follows:

TEMPORARY EASEMENTS

TE-238A - Temporary construction easement until June 30, 1998.

A PARCEL OF LAND CONTAINING 18584 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE SW¼ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C¼ CORNER OF SAID SECTION 27; THENCE S51°51'40"W, A DISTANCE OF 447.39 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258, CITY AND COUNTY OF DENVER RECORDS; THENCE N12°33'26"W, A DISTANCE OF 65.81 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTHERLY LINE;

1. S47°59'26"W, A DISTANCE OF 21.33 FEET;
2. S89°41'40"W, A DISTANCE OF 17.22 FEET;

THENCE S48°11'53"W, A DISTANCE OF 93.17 FEET; THENCE S53°55'22"W, A DISTANCE OF 49.98 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 53°38'21", A RADIUS OF 443.37 FEET, AN ARC LENGTH OF 415.07 FEET, THE CHORD OF WHICH BEARS S80°44'32"W, A DISTANCE OF 400.08 FEET; THENCE S00°20'56"E, A DISTANCE OF 1.23 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258; THENCE ALONG SAID SOUTHERLY LINE ON A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 59°48'39", A RADIUS OF 564.03 FEET, AN ARC LENGTH OF 588.79 FEET, THE CHORD OF WHICH BEARS N79°03'18"E, A DISTANCE OF 562.42 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.427 ACRES/18584 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE S¼ CORNER BEING A 3-½" ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C¼ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

TE-238B - Temporary construction easement until June 30, 1998.

A PARCEL OF LAND CONTAINING 2634 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE SW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C $\frac{1}{4}$ CORNER OF SAID SECTION 27; THENCE S51°51'40"W, A DISTANCE OF 447.39 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258, CITY AND COUNTY OF DENVER RECORDS; THENCE N12°33'26"W, A DISTANCE OF 65.81 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND; THENCE N47°39'26"E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 45.94 FEET; THENCE S12°33'26"E, A DISTANCE OF 65.70 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID PARCEL OF LAND; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID SOUTHERLY LINE:

1. S47°38'34"W, A DISTANCE OF 31.65 FEET;
2. ON A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 01°27'25", A RADIUS OF 564.03 FEET, AN ARC LENGTH OF 14.84 FEET, THE CHORD OF WHICH BEARS S48°22'17"W, A DISTANCE OF 14.34 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.060 ACRES/2634 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE SW $\frac{1}{4}$ CORNER BEING A 3- $\frac{1}{2}$ " ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C $\frac{1}{4}$ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

TE-202 -Temporary construction easement until February 28, 1999.

A PARCEL OF LAND CONTAINING 55669 SQUARE FEET, MORE OR LESS, BEING A PORTION OF NE¼ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C¼ CORNER OF SAID SECTION 27; THENCE N00°18'21"W ALONG THE NORTH-SOUTH CENTERLINE OF THE NORTH ONE-HALF OF SAID SECTION 27, A DISTANCE OF 135.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408, CITY AND COUNTY OF DENVER RECORDS; THENCE CONTINUING N00°18'21"W ALONG SAID NORTH-SOUTH CENTERLINE OF THE NORTH ONE-HALF OF SAID SECTION 27, A DISTANCE OF 250.74 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 18°54'54", A RADIUS OF 750.65 FEET, AN ARC LENGTH OF 247.81 FEET, THE CHORD OF WHICH BEARS N35°04'09"E, A DISTANCE OF 246.69 FEET; THENCE N44°31'36"E, A DISTANCE OF 364.62 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408; THENCE S45°28'24"E ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 9.84 FEET; THENCE S44°31'36"W, A DISTANCE OF 364.62 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 02°57'30", A RADIUS OF 740.81 FEET, AN ARC LENGTH OF 33.94 FEET, THE CHORD OF WHICH BEARS S43°12'51"W, A DISTANCE OF 33.94 FEET; THENCE S00°18'21"E PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF THE NORTH ONE-HALF OF SAID SECTION 27, A DISTANCE OF 320.35 FEET; THENCE N53°55'22"E, A DISTANCE OF 305.86 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°02'33", A RADIUS OF 939.94 FEET, AN ARC LENGTH OF 43.91 FEET, THE CHORD OF WHICH BEARS N52°24'08"E, A DISTANCE OF 49.90 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408; THENCE S46°05'08"W ALONG SAID SOUTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408, A DISTANCE OF 64.79 FEET TO A POINT BEING THE EASTERLY CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500069687, CITY AND COUNTY OF DENVER RECORDS; THENCE S46°36'41"W ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500069687, A DISTANCE OF 195.44 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500069687; THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHEASTERLY AND SOUTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500091408:

1. S46°25'43"W, A DISTANCE OF 196.62 FEET;
2. S88°56'27"W, A DISTANCE OF 76.70 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.278 ACRES/55669 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE S¼ CORNER BEING A 6-7/8" ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25379 AND THE C¼ CORNER BEING A 1-1/2" VERTICAL RAIL AND A 1-1/2" HORIZONTAL RAIL WITH PUNCH MARKS FOUND BETWEEN TWO RAILS.

TE-238 - Temporary construction easement until November 30, 1993.

A PARCEL OF LAND CONTAINING 6640 SQUARE FEET, MORE OR LESS, BEING A PORTION OF THE SW¼ OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF DENVER, COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE C¼ CORNER OF SAID SECTION 27; THENCE S56°00'34"W, A DISTANCE OF 247.50 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258, CITY AND COUNTY OF DENVER RECORDS; THENCE N09°12'44"W, A DISTANCE OF 56.16 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 03°26'18", A RADIUS OF 900.65 FEET, AN ARC LENGTH OF 6.89 FEET, THE CHORD OF WHICH BEARS N08°59'38"W, A DISTANCE OF 6.89 FEET TO AN ANGLE POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258; THENCE S47°59'26"W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 157.17 FEET; THENCE S12°33'26"E, A DISTANCE OF 65.70 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NO. 9500028258; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID SOUTHERLY LINE:

1. N47°38'34"E, A DISTANCE OF 16.35 FEET;
2. ON A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 02°42'31", A RADIUS OF 2940.90 FEET, AN ARC LENGTH OF 139.02 FEET, THE CHORD OF WHICH BEARS N45°17'19"E, A DISTANCE OF 139.01 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.198 ACRES/6640 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. THE GRID BEARING ON THE NORTH-SOUTH CENTERLINE OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS N00°14'29"W. THE S¼ CORNER BEING A 3-½" ALUMINUM CAP FOUND IN RANGE BOX STAMPED LS 25679 AND THE C¼ CORNER BEING A VERTICAL RAILROAD RAIL (WITH PUNCH MARK) FOUND BETWEEN TWO RAILS.

Petitioner, however, agrees to remove any railroad tracks and fencing from TE-238A and TE-238B on or before the first home game of the 1998 Rockies' season. Any resurfacing to be done by Petitioner not completed by such time shall be done in a manner and at a time not disruptive to Respondent Platte Valley Baseball's use of the Property as parking for baseball games. Petitioner further agrees to vacate all of TE-238 except the easterly fifty feet thereof by the first home game of the 1998 Rockies' season.

16. That Petitioner shall resurface all portions of the temporary easement areas that were surfaced prior to possession by Petitioner. Petitioner shall leave the ballast for the railroad shoofly on the temporary easement areas and shall have no further liability for such ballast. Respondents may use or dispose of such ballast as they deem appropriate.

17. That Petitioner has been in possession of the Property since August 29, 1996, pursuant to an Order for Possession under which the Petitioner deposited into the Registry of the Court the sum of \$288,000.00, which amount is to be applied toward the just compensation awarded herein.

18. That pursuant to this Rule and Decree, the sum of \$369,000.00 is the total compensation due the Respondents for the taking of fee simple title to, a permanent easement for subsurface use, and temporary easements for the Property described herein including, but not limited to, the value of said Property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, and expenses other than appraisal costs which have been previously or will be paid by Petitioner; said sum shall not be subject to adjustment as provided in Section 38-1-114, C. R. S.; all of the foregoing being pursuant to and in accordance with the stipulation as hereinafter set forth.

19. That the just compensation of \$369,000.00 includes \$81,000.00 in damages to the remainder as a result of the condemnation of the Property.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder and owner of fee simple title to the real property described in Paragraph 13 herein, free and clear of all rights, title, interests, easements, liens or encumbrances of the Respondents, or any of them, and also free of all rights of reversion or reversionary interests, including but not limited to, the possibility of reverter and rights of entry for conditions broken, in and said real property sought to be acquired and heretofore described except for the rights of U.S. West Communications as described in paragraph 8 above, the rights of Public Service Company as described in paragraph 9 above, and the rights of Union Pacific Land Resources Corporation as described in paragraph 11 above.

2. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder of a permanent easement for subsurface use for the real property described in paragraph 14 herein, free and clear of all rights, title and interests of the Respondents or any of them except as set forth in paragraphs 8, 9 and 11 above.

3. That the Petitioner City and County of Denver, a municipal corporation, be and it hereby is adjudged to be the absolute holder of temporary construction easements for the time periods set forth in paragraph 15 above, for the real property described in paragraph 15 above, free and clear of all rights, title, and interests of the Respondents or any of them except as set forth in paragraphs 8, 9 and 11 above. Petitioner, however, shall remove any railroad tracks and fencing from TE-238A and TE-238B on or before the first home game of the 1998 Rockies' season. Any resurfacing to be done by Petitioner not completed by such time shall be done in a manner and at a time not disruptive to Respondent Platte Valley Baseball's use of the Property as parking for baseball games. Petitioner further agrees to vacate all of TE-238 except the easterly fifty feet thereof by the first home game of the 1998 Rockies' season.

4. That Petitioner shall resurface all portions of the temporary easement areas that were surfaced prior to possession by Petitioner. Petitioner shall leave the ballast for the railroad shoofly on the temporary easement areas and shall have no further liability for such ballast. Respondents may use or dispose of such ballast as they deem appropriate.

5. That the sum of \$369,000.00 be and is hereby determined to be the total compensation due the Respondents for the taking of the Property described in paragraphs 13, 14 and 15 above and the interests hereinabove described including, but not limited to, the value of said Property, the damages to the residue or remainder of any property not taken and any and all attorneys' fees, interest, costs, disbursements, expenses other than appraisal costs which have been previously or will be paid by Petitioner, which compensation shall not be subject to adjustment as provided in Section 38-1-114, C.R.S.

6. That \$288,000.00 of the total compensation has previously been deposited by Petitioner into the Registry of the Court pursuant to an Order for Possession and that Petitioner shall deposit an additional \$81,000.00 into the Registry of the Court in an interest bearing account for total just compensation of \$369,000.00.

7. That a certified copy of this Rule and Decree in Condemnation be recorded and indexed in the Office of the Clerk and Recorder of the City and County of Denver and State of Colorado in like manner and with like effect as if it were a deed of conveyance and permanent easement from the owners and parties interested to the Petitioner herein.

DONE this 9 day of July, 1998

BY THE COURT:

AA
JUDGE

IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES HERETO THAT THE ABOVE RULE AND DECREE IN CONDEMNATION MAY BE ENTERED HEREIN:

DANIEL E. MUSE - #6229
City Attorney

ROBERT M. KELLY - #3935
KAREN A. AVILÉS - #13989
Assistant City Attorneys


Aviles shall serve
copies of the Order on all parties
pursuant to C.R.C.P. 5 and file a
certificate of service with the
Court within 10 days

By Karen A. Aviles
Karen A. Avilés
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 640-2665
Attorneys for the Petitioner

WEINER, SCHILLER and MAY, P.C.

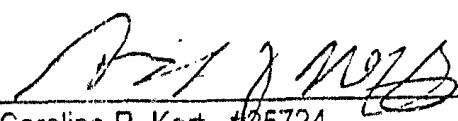
By Mark E. May
Mark E. May - #12049
6412 S. Quebec Street
Englewood, CO 80111
Telephone: (303) 779-5200
Attorney for Respondent
Platte Valley Baseball L.L.C.

LOHF, SHAIMAN & JACOBS, P.C.

By 


Robert Shaiman - #3510
950 S. Cherry Street, Suite 900
Denver, Colorado 80222
Telephone: (303) 753-9000
Attorney for Respondent
2800 Brighton Blvd., L.L.C.

KILKENNY DONELSON & MUSYL, P.C.

By  Branch President
for Peak National Bank

Caroline R. Kert - #25724
303 East 17th Avenue, Suite 660
Denver, Colorado 80202
Telephone: (303) 831-0403
Attorney for Respondent Peak National Bank

OFFICE OF THE CITY ATTORNEY

By 

Patrick A. Wheeler - #14358
353 City and County Building
Denver, Colorado 80202
Telephone: (303) 640-2665
Attorney for Respondent
Manager of Revenue of the
City and County of Denver