

09-110
Asset Mgmt. #:

RETURN TO:
D.V. OF RE
DEPT. # 1010
201 W. COLFAX
DEN, CO 80202

PERMANENT NON-EXCLUSIVE EASEMENT

This permanent non-exclusive easement, made DEC. 9, 2009, between the Housing Authority of the City and County of Denver, a quasi-municipal corporation, whose legal address is 777 Grant Street, Denver, Colorado 80203 ("Grantor(s)" or "Owner(s)") and the City and County of Denver, a municipal corporation of the State of Colorado, whose address is 1437 Bannock Street, Denver, Colorado 80202 ("City" or "Grantee")

The Grantor(s) are the owner of the property commonly known and addressed as Park Ave Redevelopment Block 5B (the "Project"), described in the attached Exhibit "A", which will be served by one or more privately owned Wastewater Facilities (which includes sanitary sewer, storm sewer, permanent aboveground water quality ponds, and permanent underground detention structure without pump(s) and storm sewer outlet pipe) (the "Facility(ies)"), which will render the Owner(s) jointly and equally responsible for the maintenance and service of such privately owned Facilities to ensure conformance with all applicable plans approved by the City and County of Denver, or in the event of Owner's failure to do so, by the City at its option; and

The Owner(s) (and their heirs, successors, and assigns) hereby grant(s) and convey(s) a permanent non-exclusive easement to each of the Owner(s) and to the City, for ingress and egress over private property contained within the Project, for purposes of providing privately owned Facility maintenance and repairs, together with any and all rights-of-way, easements or rights of ingress and egress, necessary or convenient to the Owner(s) and/or the City to accomplish such purposes. PROVIDED, HOWEVER, that in non-dedicated driveways or privately maintained systems existing within the Project, the City shall not be obligated or expected to perform any construction, re-construction, maintenance, repair, cleaning, snow removal, street lighting, traffic control or regulation or any other services on property contained within the Project.

The Owner(s) shall pay for and be responsible for all costs to construct, reconstruct, repair and maintain all private driveways and privately owned Facilities contained within the Project to ensure conformance with all applicable plans approved by the City and County of Denver and in such condition so as to be usable by the other Owner(s).

If, in the sole opinion of the City, the private driveways or privately owned Facilities are not properly maintained or are closed, blocked or vacated, the City shall give notice to the Owner(s) and if repairs or corrections are not made within the time designated in such notice, the City is authorized to make or have made repairs or corrections and will charge and collect the cost thereof from the Owner(s). However, in cases of emergency (as

Project Description: Wald
Park Ave. RE-Development

solely determined by the City and County of Denver), the City may choose to make immediate repairs or corrections and to collect the cost thereof from the Owner(s).


The Owner(s) shall in no way consider or hold the City or its personnel guilty of trespass in the performance of any of the municipal services, duties or responsibilities referred to herein.

The Owner(s) agree to: defend, indemnify, and hold harmless the City, its officers, agents, and employees against any and all claims for damage to property or injuries to or death of any person or persons which may result from the City service operations at the Project, provided, however that Owner(s) need not indemnify, defend, or hold harmless the City, its officers, agents, and employees from their own negligence, recklessness, or willful misconduct.

The grant of easement and duties contained herein shall run with the land and shall be binding upon, jointly and severally, and shall inure to the benefit of, the parties hereto, their heirs, successors, or assigns, and the Owner(s) agrees to that upon sale of any portion of the above-described Property a copy of this Permanent Non-Exclusive Easement will be given to the purchaser.

IN WITNESS WHEREOF, the OWNER(s) hereto have executed this Permanent Non-Exclusive Easement to the City & County of Denver as of the day and year first above written.

OWNER: Housing Authority of the City and County of Denver, a quasi-municipal corporation

BY:  EXECUTIVE DIRECTOR
Person(s) and Title(s)

ISMAEL GUERRERO
Printed Name(s)

STATE OF COLORADO

CITY OF DENVER

COUNTY OF DENVER

The foregoing instrument was acknowledged before me this 9th day of December, 2009, by Ismael Guerrero as Executive Director for the Denver Housing Authority, as the "Owner(s)".

Witness my hand and official seal.

My commission expires: 5/29/2011



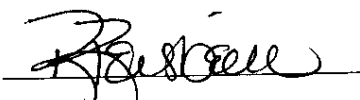

Notary Public
777 Grant St
Denver CO 80203
Address

EXHIBIT "A"

Property Legal Description

Lot 1, Block 2, Park Avenue South Filing No. 1, as recorded on October 15, 2007, Reception No. 2007161040 in the City and County of Denver Clerk and Recorder's office.