

After recording, please return to:
City and County of Denver
1437 Bannock Street, Room 353
Denver, CO 80202
Attention: Karen Aviles

2011 - 799

FIRST AMENDMENT TO PERMANENT EASEMENT

THIS FIRST AMENDMENT TO PERMANENT EASEMENT (this "Amendment") is entered into as of _____, 2011, by **DENARGO MARKET L.P.**, a Delaware limited partnership, by Cypress Denargo GP, LLC, a Delaware limited liability company, its general partner ("Grantor"), and the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado ("City" or "Grantee").

RECITALS

A. Grantor and Grantee previously entered into that certain Permanent Easement on July 7, 2008, recorded on July 14, 2008 at Reception No. 2008096448, as corrected by that certain Correction Easement recorded on October 28, 2008 at Reception No. 2008146409 (the "Permanent Easement"). Capitalized terms used herein without definition shall have the same meaning as assigned in the Permanent Easement.

B. Grantor has requested that Grantee release a certain portion of the Property from the Permanent Easement, and Grantee has requested that Grantor include an additional portion of property within the Property subject to the Permanent Easement.

C. Grantor and Grantee now desire to amend the legal description of the Property in the Permanent Easement as more specifically set forth below.

AMENDMENT

NOW, THEREFORE, the Permanent Easement is amended as follows:

1. New Legal Description. Exhibit A is hereby deleted in its entirety and in its place the legal description of the Property attached hereto as Exhibit A and incorporated herein is inserted. From and after the date hereof all portions of property not included in the Property as legally described on Exhibit A attached hereto are hereby released from the Permanent Easement and all portions of property now included in the Property as legally described on Exhibit A attached hereto are made subject to the Permanent Easement.

2. Effect of this Amendment. Subject only to the provisions of this Amendment, the Permanent Easement shall remain unmodified and in full force and effect in accordance with its terms.

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IN WITNESS WHEREOF, Grantor and Grantee have executed this Amendment as of the day and year first above written.

GRANTOR:

DENARGO MARKET L.P.,
a Delaware limited partnership

By: Cypress Denargo GP, LLC,
a Delaware limited liability company,
its general partner

By: *M. Timothy Clark*
Name: M. Timothy Clark
Title: President

STATE OF TEXAS)

) ss.

COUNTY OF Travis)

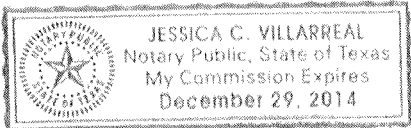
The foregoing instrument was acknowledged before me this 6th day of September 2011, by M. Timothy Clark, as President of Cypress Denargo GP, LLC, a Delaware limited liability company, as general partner of Denargo Market, L.P. a Delaware limited partnership.

Witness my hand and official seal.

Jessica C. Villarreal

Notary Public

My Commission expires: 12/29/2014



ATTEST:

GRANTEE:

CITY AND COUNTY OF DENVER,
a Colorado municipal corporation

DEBRA JOHNSON
Clerk and Recorder, *Ex-Officio Clerk* of
the City and County of Denver

MICHAEL HANCOCK
Mayor

APPROVED AS TO FORM:
DOUGLAS J. FRIEDNASH
City Attorney
for the City and County of Denver

By: _____
Assistant City Attorney

**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PART OF DENARGO MARKET SUBDIVISION FILING NO. 1, PER THE PLAT RECORDED AT RECEPTION NO. 2009018921 ON FEBRUARY 17, 2009 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, COLORADO CLERK AND RECORDER'S OFFICE, LOCATED IN THE WEST HALF OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON AND BEARING NORTH 00°01'41" WEST.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 27;

THENCE SOUTH 11°19'01" WEST, A DISTANCE OF 1311.52 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF ARKINS COURT AS DESCRIBED AND RECORDED IN BOOK 5309 AT PAGE 272 ON JUNE 08, 1939 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER AND DEDICATED AS RIGHT-OF-WAY BY ORDINANCE NO. 284 OF SERIES 2001 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 29TH STREET AS RECORDED IN BOOK 5348 AT PAGE 374 IN SAID RECORDS ON OCTOBER 02, 1939 AND DEDICATED BY ORDINANCE NO. 281 OF SERIES 2001;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF 29TH STREET SOUTH 46°11'13" EAST, A DISTANCE OF 359.51 FEET TO THE MOST NORTHERLY CORNER OF THAT EASEMENT DESCRIBED AND RECORDED UNDER RECEPTION NO. 2008096448 IN SAID RECORDS ON JULY 14, 2008 AND **THE POINT OF BEGINNING**;

THENCE ALONG THE BOUNDARY OF SAID EASEMENT THE FOLLOWING EIGHT (8) COURSES:

1. CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 46°11'13" EAST, A DISTANCE OF 30.00 FEET;
2. DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 43°48'47" WEST, A DISTANCE OF 569.86 FEET;
3. SOUTH 46°11'13" EAST, A DISTANCE OF 126.91 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 179.50 FEET;
4. SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°09'32" AN ARC LENGTH OF 144.61 FEET;
5. SOUTH 00°01'41" EAST, A DISTANCE OF 374.85 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED AS PARCEL NO. 203 AND RECORDED UNDER RECEPTION NO. 9800181458 ON OCTOBER 30, 1998 IN SAID RECORDS AND DEDICATED AS RIGHT-OF-WAY BY ORDINANCE NO. 280 OF SERIES 2001, AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 900.65 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 88°16'46" EAST;
6. SOUTHERLY ALONG THE WESTERLY BOUNDARY OF SAID PARCEL NO. 203 AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°14'17" AN ARC LENGTH OF 3.74 FEET;

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Page 1 of 6

EXHIBIT A
LEGAL DESCRIPTION CONT.

7. NON-TANGENT TO SAID CURVE, SOUTH 34°35'16" WEST, A DISTANCE OF 123.96 FEET;
8. SOUTH 67°28'19" WEST, A DISTANCE OF 39.97 FEET;

THENCE DEPARTING SAID BOUNDARY SOUTH 00°23'25" EAST, A DISTANCE OF 25.64 FEET TO THE SOUTHERLY BOUNDARY OF TRACT B (WEWATTA WAY) PER SAID DENARGO MARKET SUBDIVISION FILING NO. 1;

THENCE CONTINUING SOUTH 00°23'25" EAST, A DISTANCE OF 193.09 FEET TO THE SOUTHEASTERLY BOUNDARY OF TRACT G, SAID DENARGO MARKET SUBDIVISION FILING NO. 1;

THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, SOUTH 48°04'18" WEST, A DISTANCE OF 5.02 FEET TO THE SOUTHWEST CORNER OF SAID TRACT G;

THENCE ALONG THE WEST BOUNDARY OF SAID TRACT G, NORTH 00°01'41" WEST, A DISTANCE OF 195.46 FEET TO SAID SOUTHERLY BOUNDARY OF TRACT B AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 195.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 20°58'00" WEST;

THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY BOUNDARY OF TRACT B AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°55'15" AN ARC LENGTH OF 33.76 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND NON-TANGENT TO SAID CURVE, NORTH 00°23'25" WEST, A DISTANCE OF 53.83 FEET TO A POINT ON THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT;

THENCE ALONG SAID SOUTHWESTERLY EXTENSION AND ALONG SAID NORTHWESTERLY BOUNDARY, NORTH 67°28'19" EAST, A DISTANCE OF 56.70 FEET;

THENCE CONTINUING ALONG SAID NORTHWESTERLY BOUNDARY, NORTH 34°35'16" EAST, A DISTANCE OF 16.64 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 139.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 44°09'31" WEST;

THENCE DEPARTING SAID NORTHWESTERLY BOUNDARY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°30'26" AN ARC LENGTH OF 54.80 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID EASEMENT;

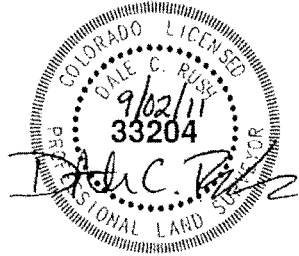
THENCE ALONG THE BOUNDARY OF SAID EASEMENT THE FOLLOWING FIVE (5) COURSES:

1. NON-TANGENT TO SAID CURVE, NORTH 34°35'16" EAST, A DISTANCE OF 34.86 FEET;
2. NORTH 00°01'41" WEST, A DISTANCE OF 369.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 149.50 FEET;
3. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°09'32" AN ARC LENGTH OF 120.44 FEET;
4. NORTH 46°11'13" WEST, A DISTANCE OF 156.91 FEET;

**EXHIBIT A
LEGAL DESCRIPTION CONT.**

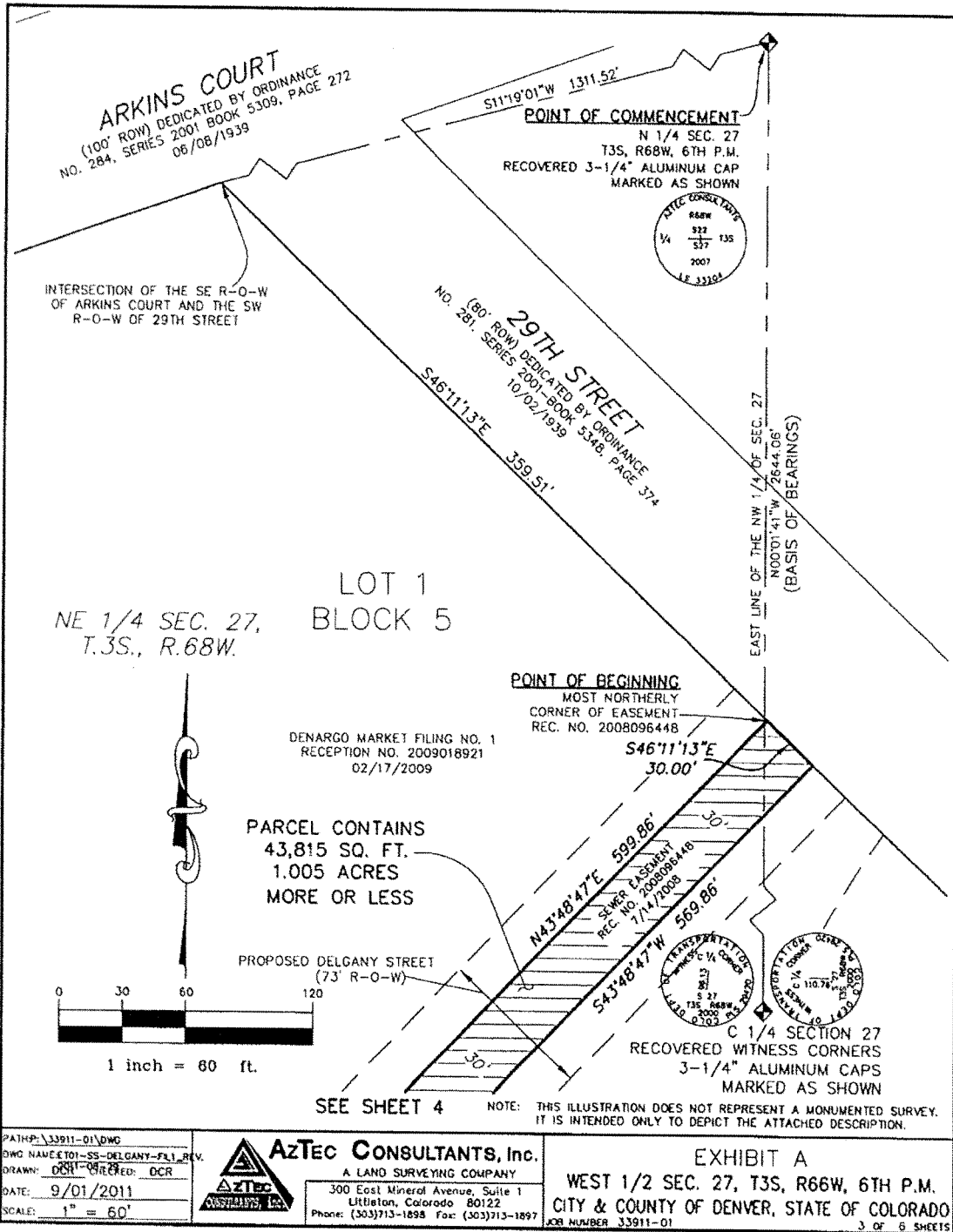
5. NORTH 43°48'47" EAST, A DISTANCE OF 599.86 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID 29TH STREET AND THE POINT OF BEGINNING.

CONTAINING 1.005 ACRES (43,815 SQ. FT.), MORE OR LESS.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

ILLUSTRATION TO EXHIBIT A

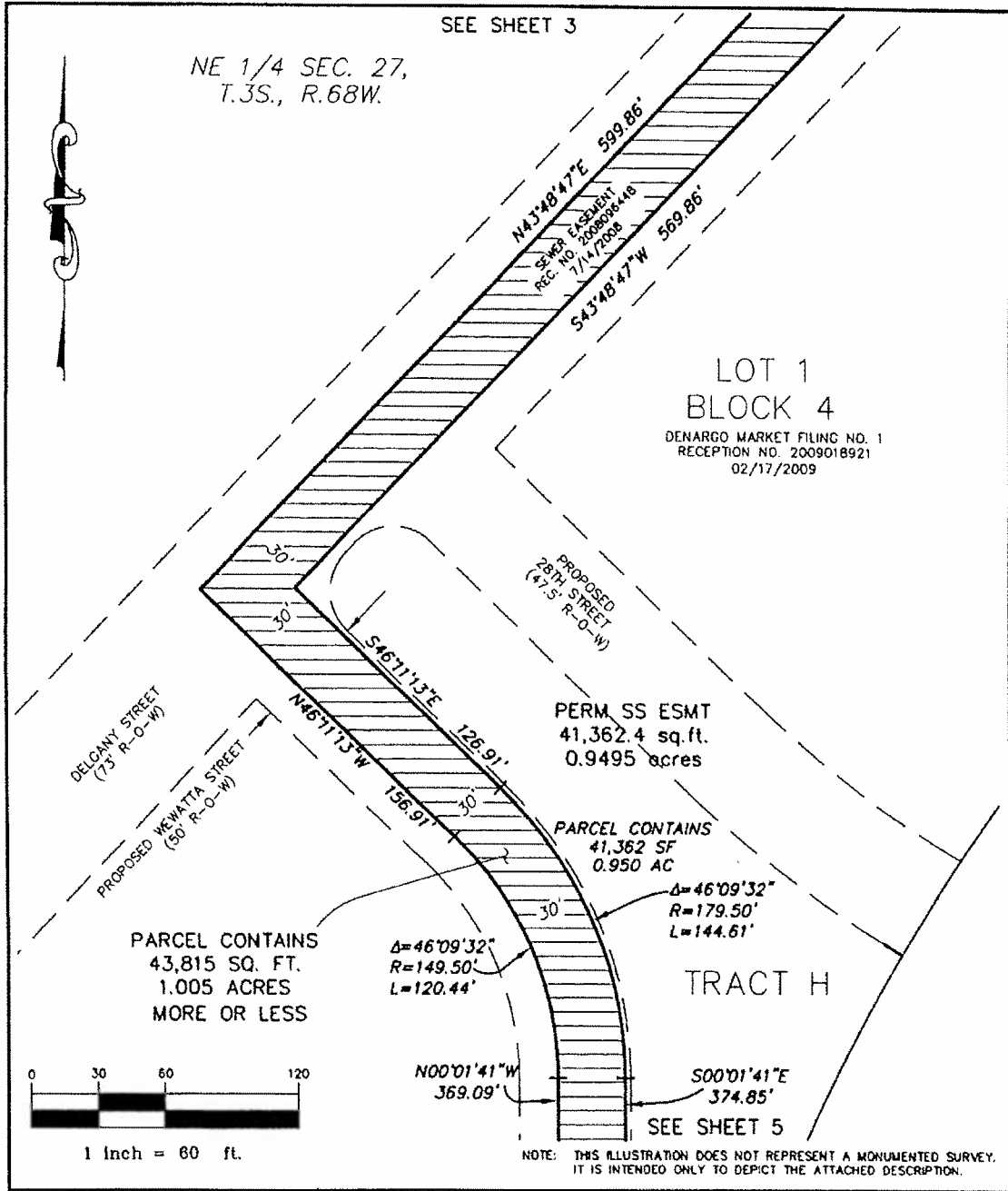


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 SCALE: 1" = 60'

AzTEC CONSULTANTS, Inc.
 A LAND SURVEYING COMPANY
 300 East Mineral Avenue, Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898 Fax: (303)713-1897

EXHIBIT A
 WEST 1/2 SEC. 27, T3S, R66W, 6TH P.M.
 CITY & COUNTY OF DENVER, STATE OF COLORADO
 JOB NUMBER 33911-01
 3 OF 6 SHEETS

ILLUSTRATION TO EXHIBIT A



PATH: 33911-01\DWG
DWG NAME: 2701-SS-DELGANY-FR1.RVT
DRAWN: DCR
DATE: 9/01/2011
SCALE: 1" = 60'



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WEST 1/2 SEC. 27, T3S, R66W, 6TH P.M.
CITY & COUNTY OF DENVER, STATE OF COLORADO
JOB NUMBER 33911-01 4 OF 6 SHEETS

