

7/7/87

1-10

DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That TEMPLE HOYNE BUELL FOUNDATION, a Colorado not for profit corporation, whose address is 730 Fourteenth Street, Denver, Colorado 80202, hereinafter sometimes referred to as "Grantor," for and in consideration of One Dollar (\$1.00), receipt of which is acknowledged, and the prospective benefits to be derived by reason of the locating, establishing and constructing of drainage facilities for water and sewage under the supervision of and for the City and County of Denver, and other good and valuable consideration in hand paid, does hereby grant, convey and release to the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado, its successors and assigns, sometimes hereinafter referred to as the "City" or "Grantee," an exclusive and perpetual easement and right-of-way for drainage facilities for water and sewage across lands owned by Grantor, and situated in the City and County of Denver, State of Colorado.

Grantor hereby grants to Grantee the perpetual right to enter, re-enter and use the hereinafter described easement to locate, construct, inspect, operate, maintain, repair, remove, replace, relocate and reconstruct drainage facilities for water and sewage, including underground and surface facilities and appurtenances thereto, into, within, over, upon, across, through and under the parcel of land for which the easement and right-of-way is hereby granted, and said parcel of land is more particularly described as follows, to wit:

#98

Six (6) parcels of land described in Exhibits B, C and E attached hereto, which by reference are expressly incorporated herein.

The Grantor hereby warrants that Grantor has full right and lawful authority to make the grant herein contained and that Grantor has fee simple title to the land over which said easement is granted.

If ingress to and egress from the parcel of land for which an easement is hereby granted from and to a public road or highway is not available, the Grantor grants to Grantee the right of ingress to and egress from said parcel over and across the land owned by Grantor by means of roads and lanes thereon, if such exist, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor; provided that such right of ingress and egress shall not extend to any portion of said land which is isolated from the strip by any public road or highway now crossing or hereafter crossing said land; and provided further, that if any portion of said land is or shall be subdivided and dedicated roads or highways on such portion shall extend to the strip, the right of ingress and egress on that portion shall be confined to such dedicated roads and highways.

Grantor further grants to Grantee the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on the strip which now or hereafter, in the opinion of Grantee, may be a hazard to the said facilities, or appurtenances thereto, or may interfere with the exercise of Grantee's rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all tops, lops, brush and refuse wood shall be burned or removed by Grantee. Upon completion by Grantee of any work in the easement area, Grantee shall return the surface area thereof to a condition similar to that which existed prior to the performance of such work.

MISC 1 .00

APPROVED FOR RECORDING
LAND OFFICE
MAY

AS to Form
[Signature]
City Atty's Office

Cherry Creek Shopping Center
First Avenue and Steele Street
Storm Sewer Outfalls

Project No. SP-09-87 WMD No. 1152.02-DE thru
1152.06-DE and
1152.08-DE

2-10

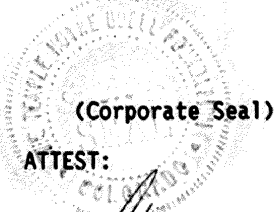
Grantor releases the City and County of Denver from any and all claims for damages arising in any way or incident to the construction and/or maintenance by Grantor, or his agents, of the said facilities across the described land.

Reserving, however, to the undersigned and their successors in interest and assigns the right to use and enjoy the above-described premises, providing such use and enjoyment shall not interfere with the installation, construction, maintenance, repair, inspection and operation of said facilities installed or permitted to be installed by the City and County of Denver, and providing further that the Grantor shall not erect or place any building, tree or other obstruction on the above-described easement and right-of-way and the City shall not be liable for their removal if they are so placed. Use of said premises for driveway, parking and landscaping purposes is expressly permitted. Grantee agrees to perform all work in the easement area as expeditiously as is reasonably practical and with a minimum of interference to Grantor's adjoining property. Grantor reserves the right, at its sole cost and expense, to relocate the sewer and necessary easement area, subject, however, to the prior approval of Grantee as to the location of the relocated easement and the plans and specifications for any such work.

Signed and delivered this 24th day of July, A.D., 1987.

TEMPLE HOYNE BUELL FOUNDATION,
a Colorado not for profit corporation

By: Temple H. Buell
Temple H. Buell
President



(Corporate Seal)

ATTEST:

Alexander M. Gross
Secretary

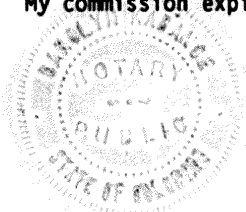
"Grantor"

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 24th day of July, A.D., 1987, by Alexander M. Gross as Secretary and Temple H. Buell as President of TEMPLE HOYNE BUELL FOUNDATION, a Colorado not for profit corporation.

Carolyn Rabance
Notary Public

My commission expires: 6-24-89



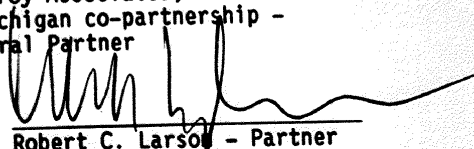
3-10

CONSENT OF TAUBMAN-CHERRY CREEK LIMITED PARTNERSHIP

TAUBMAN-CHERRY CREEK LIMITED PARTNERSHIP, Ground Lessee under and pursuant to the Ground Lease entered into with the predecessor in interest of TEMPLE HOYNE BUELL FOUNDATION, hereby consents to the execution of the foregoing Deed of Easement.

TAUBMAN-CHERRY CREEK LIMITED PARTNERSHIP, a Colorado limited partnership

By: TL-Troy Associates,
a Michigan co-partnership -
General Partner

By: 
Robert C. Larson - Partner

Instrument drafted by:

Richard J. Burstein, Esquire
Honigman Miller Schwartz and Cohn
2290 First National Building
Detroit, Michigan 48226
(313) 256-7671

A13581

LEGAL DESCRIPTION

4-10

A tract of land located in the Southwest 1/4 of Section 12, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, described as follows:

Commencing at the West 1/4 Corner of said Section 12; thence South 00°06'30" East, along the west line of said Southwest 1/4, a distance of 792.49 feet; thence North 89°53'30" East, at right angles to said west line, 130.00 feet to the intersection of the east line of University Boulevard and the north line of vacated Cherry Creek North Drive, said north line being a 2794.58 foot radius, non-tangent curve which is concave southerly, a radial line from said intersection bears South 09°40'31" East; thence easterly, along said north line, through a central angle of 00°23'35" an arc distance of 19.17 feet to a point from which a radial line bears South 09°16'56" East, said point being the Point of Beginning; thence North 05°36'24" West, 95.63 feet; thence North 00°07'59" West, 567.77 feet to a point in a segment of the south line of 1st Avenue, said segment being a 65 foot radius, non-tangent curve which is concave southerly, a radial line from said point bears South 33°16'26" East; thence easterly, along said south line through a central angle of 43°58'38" an arc distance of 49.89 feet to a point of tangency; thence South 79°17'48" East, along said tangent south line, 68.95 feet; thence North 87°12'54" West, 73.37 feet; thence South 56°24'59" West, 20.61 feet; thence South 00°07'59" East, 555.40 feet; thence South 05°36'24" East, 92.94 feet to a point in said north line from which a radial line bears South 08°46'08" East; thence westerly, along said north line, through a central angle of 00°30'48" an arc distance of 25.04 feet to the Point of Beginning.

Said tract of land contains 17,341 square feet (0.398 acres), more or less.

Basis of Bearings:

The north line and the west line of said Southwest 1/4 being North 90°00'00" East and South 00°06'30" East, respectively. The monuments used to establish the Southwest 1/4 are described as follows:

- Southwest corner - "4" chiseled in concrete.
- West 1/4 corner - 3 1/2" dia. brass cap in range box.
- Center - 3 1/2" dia. brass cap in range box.
- South 1/4 corner - 1 1/2" dia. axle in range box.

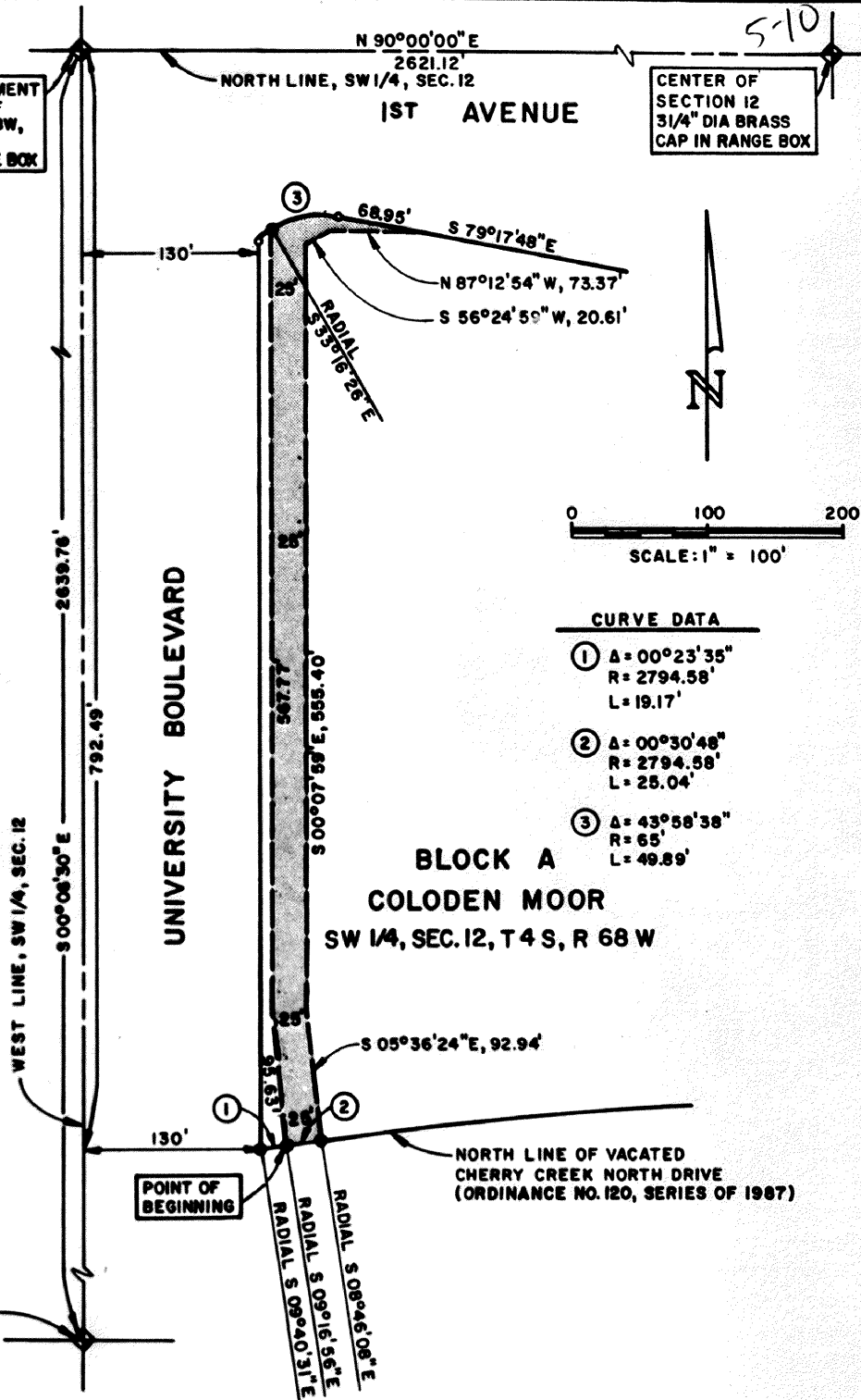
James T. Jones
 CERTIFICATION: REGISTERED LAND SURVEYOR

			EXHIBIT "B"			
	REVISED		PREPARED BY	CENTENNIAL ENGINEERING, INC. STAPLETON PLAZA, SUITE 9090 3333 QUEBEC STREET DENVER, CO 80207 (303) 320-5544		
	APPROVED		PROJECT	CHERRY CREEK SHOPPING CENTER FIRST AVENUE STORM SEWER OUTFALL		
	CHECKED		LOCATION (RT. 68)	R68W, T4S, SEC. 12, SW 1/4 (684-12.3)		
	DRAWN		JOB NO.	PROJECT NO.	R/W FILE NO.	SHEET
	SURVEYED		BY	DATE	SP-09-87	1152.02-DE

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

POINT OF COMMENCEMENT
WEST 1/4 CORNER OF
SECTION 12, T4S, R68W,
9th P.M. - 3 1/4" DIA.
BRASS CAP IN RANGE BOX

5-10
CENTER OF
SECTION 12
3 1/4" DIA BRASS
CAP IN RANGE BOX



SW CORNER OF
SECTION 12
CHISELED
IN CONCRETE

James T. Jones
CERTIFICATION: REGISTERED LAND SURVEYOR

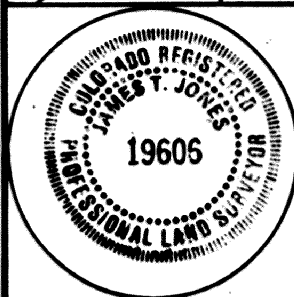


			EXHIBIT "B"			
REVISED	W.A.C.	5-87	PREPARED BY CENTENNIAL ENGINEERING, INC. 3333 QUEBEC STREET SUITE 9090 STAPLETON PLAZA DENVER, COLORADO 80207 PHONE: 320-5544 OR 333-2300			
APPROVED			PROJECT CHERRY CREEK SHOPPING CENTER FIRST AVENUE STORM SEWER OUTFALL			
CHECKED	A.E.P.	5-87	LOCATION (BY - 50) R.68 W. T.4 S., SECTION 12, SW1/4 (884-12.3)			
DRAWN	W.A.C.	5-87				
SURVEYED						
ACTION	BY	DATE	JOB NO.	PROJECT NO.	R/W FILE NO.	SHEET
				SP-09-87	1182.02-DE	2 of 2

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

LEGAL DESCRIPTION

6-10

Four tracts of land located in the Southwest 1/4 of Section 12, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, Colorado, described as follows:

Tract 1 (1152.03-DE)

Commencing at the West 1/4 corner of said Section 12; thence North 90°00'00" East, along the north line of said Southwest 1/4, a distance of 1016.11 feet; thence South 00°00'00" East, at a right angle, 145.00 feet to a point on the south line of 1st Avenue which is the Point of Beginning; thence South 00°00'00" East, 5.00 feet; thence South 90°00'00" East, 10.00 feet; thence North 00°00'00" West, 5.00 feet to said south line; thence North 90°00'00" West, along said south line, 10.00 feet to the Point of Beginning.

Said Tract 1 contains 50 square feet, more or less.

Tract 2 (1152.04-DE)

Commencing at the West 1/4 corner of said Section 12; thence North 90°00'00" East, along the north line of said Southwest 1/4, a distance of 1342.21 feet; thence South 00°00'00" East, at a right angle, 145.00 feet to a point on the south line of 1st Avenue which is the Point of Beginning; thence South 00°00'00" East, 5.00 feet; thence South 90°00'00" East, 10.00 feet; thence North 00°00'00" West, 5.00 feet to said south line; thence North 90°00'00" West, along said south line, 10.00 feet to the Point of Beginning.

Said Tract 2 contains 50 square feet, more or less.

Tract 3 (1152.05-DE)

Commencing at the West 1/4 corner of said Section 12; thence North 90°00'00" East, along the north line of said Southwest 1/4, a distance of 1505.21 feet; thence South 00°00'00" East, at a right angle, 145.00 feet to a point on the south line of 1st Avenue which is the Point of Beginning; thence South 00°00'00" East, 5.00 feet; thence South 90°00'00" East, 10.00 feet; thence North 00°00'00" West, 5.00 feet to said south line; thence North 90°00'00" West, along said south line, 10.00 feet to the Point of Beginning.

Said Tract 3 contains 50 square feet, more or less.

Tract 4 (1152.06-DE)

Commencing at the West 1/4 corner of said Section 12; thence North 90°00'00" East, along the north line of said Southwest 1/4, a distance of 1976.21 feet; thence South 00°00'00" East, at a right angle, 145.00 feet to a point on the south line of 1st Avenue which is the Point of Beginning; thence South 00°00'00" East, 5.38 feet; thence South 83°12'23" East, 74.64 feet; thence North 00°00'00" West, 14.21 feet to said south line; thence North 90°00'00" West, 74.12 feet along said south line to the Point of Beginning.

Said Tract 4 contains 726 square feet (0.017 acres), more or less.

Basis of Bearings:

The north line and the west line of said Southwest 1/4 being North 90°00'00" East and South 00°06'30" East, respectively. The monuments used to establish the Southwest 1/4 are described as follows:

- Southwest corner - "+" chiseled in concrete.
- West 1/4 corner - 3 1/2" dia. brass cap in range box.
- Center - 3 1/2" dia. brass cap in range box.
- South 1/4 corner - 1 1/2" dia. axle in range box.

James T. Jones
 CERTIFICATION: REGISTERED LAND SURVEYOR

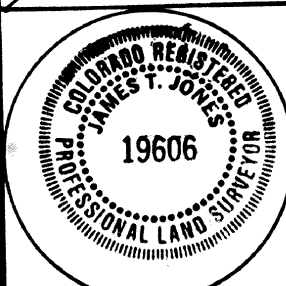
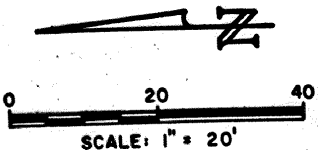


				EXHIBIT "C"			
REVISED				PREPARED BY CENTENNIAL ENGINEERING, INC. STAPLETON PLAZA, SUITE 9090 3333 QUEBEC STREET DENVER, CO 80207 (303) 320-5544			
APPROVED				PROJECT CHERRY CREEK SHOPPING CENTER FIRST AVENUE STORM SEWER OUTFALL			
CHECKED				LOCATION (BT. 80) R68W, T4S, SEC. 12, SW 1/4 (684-12.3)			
DRAWN				JOB NO. PROJECT NO. RW FILE NO. SHEET			
SURVEYED				SP-09-87		1152.03-06-DE 1 of 2	
ACTION		BY		DATE			

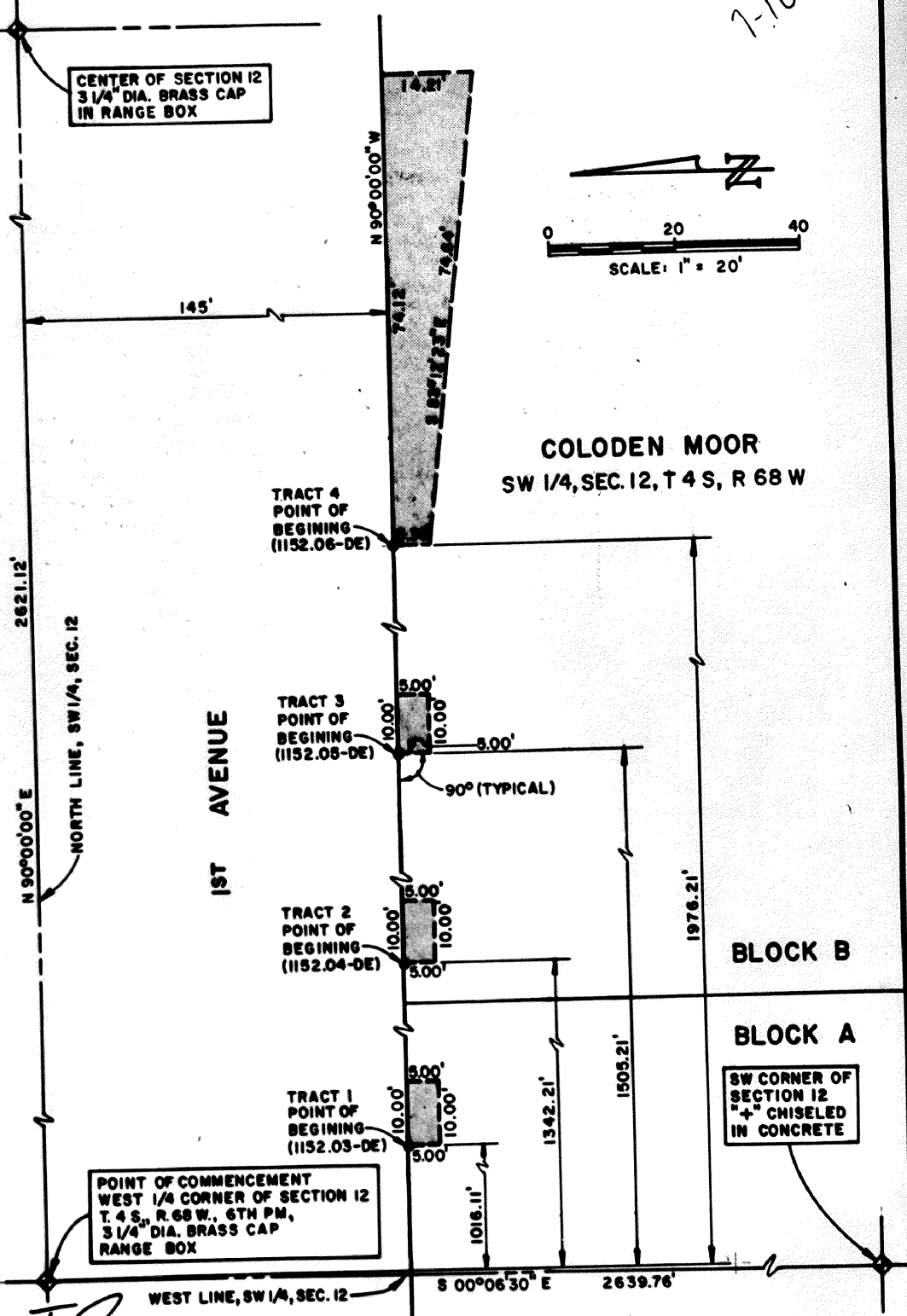
CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

7-10

CENTER OF SECTION 12
3 1/4" DIA. BRASS CAP
IN RANGE BOX

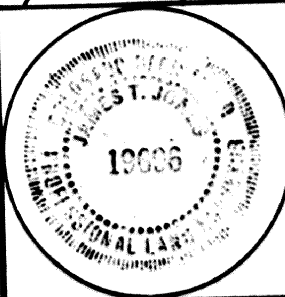


COLODEN MOOR
SW 1/4, SEC. 12, T 4 S, R 68 W



James T. Jones
CERTIFICATION: REGISTERED LAND SURVEYOR

EXHIBIT "C"



REVISED	C. J. H.	5-87	PREPARED BY	CENTENNIAL ENGINEERING, INC. 3333 QUEBEC STREET SUITE 9090 STAPLETON PLAZA DENVER, COLORADO 80207 PHONE: 320-5544 OR 333-2300		
APPROVED			PROJECT	CHERRY CREEK SHOPPING CENTER FIRST AVENUE STORM SEWER OUTFALL		
CHECKED	A. E. P.	5-87	LOCATION (BY-80)	R. 68 W., T. 4 S., SECTION 12, SW 1/4 (684-12.3)		
DRAWN	C. J. H.	5-87	PROJECT NO.	FILE NO.	SHEET	
SURVEYED			SP-09-87	1152.03-06-DE	2 of 2	
ACTION	BY	DATE	JOB NO.	PROJECT NO.	FILE NO.	SHEET

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

LEGAL DESCRIPTION

8-10

A tract of land located in the Southwest 1/4 of Section 12, Township 4 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, described as follows:

Commencing at the Center of said Section 12; thence South 00°07'51" East, along the east line of said Southwest 1/4, a distance of 471.73 feet; thence South 89°52'09" West, at right angles to said east line, 11.28 feet to a point in the west line of Steele Street which is the Point of Beginning; thence South 00°01'46" East, along said west line, 234.08 feet; thence South 26°11'37" West, 57.04 feet; thence South 38°58'22" East, 40.10 feet to said west line; thence South 00°01'46" East along the west line of both Steele Street and South Steele Street, 31.82 feet; thence North 38°58'22" West, 62.63 feet; thence South 59°32'41" West, 61.78 feet; thence South 29°42'55" West, 29.95 feet; thence South 00°01'46" East, parallel with said west line, 451.05 feet; thence South 39°04'27" West, 31.40 feet to the south line of Coloden Moor as platted in the records of said City and County; thence North 89°54'37" West, along said south line, 51.46 feet; thence North 39°04'27" East, 73.35 feet; thence North 00°01'46" West, parallel with said west line, 414.95 feet; thence North 29°42'55" East, 50.67 feet; thence North 59°32'41" East, 72.73 feet; thence North 26°11'37" East, 69.65 feet; thence North 03°09'01" East, 212.95 feet; thence North 12°07'36" West, 70.08 feet to a point in a non-tangent curve (the radial from said point being South 68°46'44" West) which is a segment of the southwesterly line of intersection of Steele Street with 1st Avenue; thence southeasterly, along said segment, through a central angle of 13°07'47" an arc distance of 66.46 feet (the radius of said segment is 290.00 feet) to the Point of Beginning from which a radial line bears South 81°54'31" West.

Said tract of land contains 18,389 square feet (0.422 acres), more or less.

Basis of Bearings:

The north line, the east line and the south line of said Southwest 1/4 being South 90°00'00" West, South 00°07'51" East and North 89°49'14" West, respectively. The monuments used to establish the Southwest 1/4 are described as follows:

- Southwest corner - 4" chiseled in concrete.
- West 1/4 corner - 3 1/2" dia. brass cap in range box.
- Center - 3 1/2" dia. brass cap in range box.
- South 1/4 corner - 1 1/2" dia. nail in range box.

James T. Jones
 CERTIFICATION REGISTERED LAND SURVEYOR

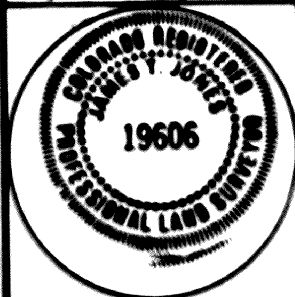


		EXHIBIT "E"	
REVISED		DESIGNED BY	CENTENNIAL ENGINEERING, INC. STAPLETON PLAZA, SUITE 9090 3333 QUEBEC STREET DENVER, CO 80207 (303) 320-5544
APPROVED		PROJECT	CHERRY CREEK SHOPPING CENTER STEELE STREET STORM SEWER OUTFALL
CHECKED		LOCATION (BY: 863)	R68W, T4S, SEC. 12, SW 1/4 (684-12.3)
DRAWN			
SURVEYED			
ACTION	BY	DATE	AND NO. PROJECT NO. FILE NO. SHEET
			SP-09-87 1152.08-DE 1 of 3

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

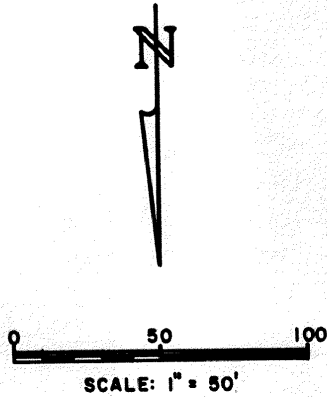
SOUTH STEELE STREET

ELLSWORTH AVENUE

STEELE STREET

EAST LINE, SW 1/4, SEC. 12

**BLOCK B
COLODEN MOOR
SW 1/4, SEC. 12, T 4 S, R 68 W**



POINT OF COMMENCEMENT
CENTER OF SECTION 12,
T 4 S, R 68 W, 6TH PM.
3 1/4 DIA. BRASS CAP IN
RANGE BOX

CURVE DATA
① A = 13° 07' 47"
R = 290.00'
L = 66.46'

WEST 1/4 CORNER OF SECTION
12, 3 1/4 DIA. BRASS CAP IN
RANGE BOX.

1ST AVENUE
S 90° 00' 00" W
2621.12'

NORTH LINE, SW 1/4, SEC. 12

James T. Jones
CERTIFICATION: REGISTERED LAND SURVEYOR

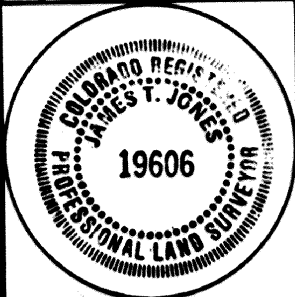


EXHIBIT "E"			
REVISED	C.J.H.	5-87	PREPARED BY CENTENNIAL ENGINEERING, INC. 3333 QUEBEC STREET SUITE 9090 STAPLETON PLAZA DENVER, COLORADO 80207 PHONE: 320-5544 OR 333-2300
APPROVED			
CHECKED	A.E.R.	5-87	PROJECT CHERRY CREEK SHOPPING CENTER STEELE STREET STORM SEWER OUTFALL
DRAWN	C.J.H.	5-87	
SURVEYED			LOCATION (BY 90) R. 68 W, T 4 S, SECTION 12, SW 1/4 (684-12.3)
ACTION	BY	DATE	JOB NO. PROJECT NO. SP-09-87
			R.W. FILE NO. 1152.08-DE
			SHEET 2 of 3

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION

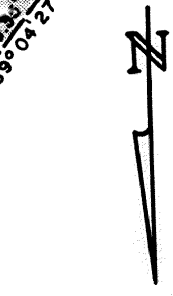
SOUTH 1/4 CORNER OF SECTION 12, 1 1/4" DIA. AXLE IN RANGE BOX

SW CORNER OF SECTION 12, 4" CHISELED IN CONCRETE

SOUTH STEELE STREET

EAST LINE, SW 1/4, SEC. 12

BLOCK B
COLODEN
MOOR



SCALE: 1" = 50'
SW 1/4, SEC. 12,
T 4 S, R 68 W

N 89°49'14"W 2622.19'

SOUTH LINE, SW 1/4, SEC. 12

SOUTH LINE OF COLODEN MOOR

127.31'
N 89°54'37"W

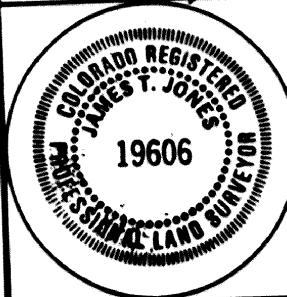
107.50'

107.50'

MATCH LINE

SEE SHEET 2 OF 3

James T. Jones
CERTIFICATION: REGISTERED LAND SURVEYOR



REVISED	C.J.H.	5-87
APPROVED		
CHECKED	A.E.P.	5-87
DRAWN	C.J.H.	5-87
SURVEYED		
ACTION	BY	DATE

EXHIBIT "E"			
PREPARED BY	CENTENNIAL ENGINEERING, INC. 3333 QUEBEC STREET SUITE 9090 STAPLETON PLAZA DENVER, COLORADO 80207 PHONE: 320-5544 OR 333-2300		
PROJECT	CHERRY CREEK SHOPPING CENTER STEELE STREET STORM SEWER OUTFALL		
LOCATION (BT-95)	R. 68 W., T. 4 S., SECTION 12, SW 1/4 (684-12.3)		
JOB NO.	PROJECT NO.	SW FILE NO.	SHEET
	SP-09-87	1152.08-DE	3 of 3

CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION