



EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is entered into this 17th day of August, 2009, by and between **James L. Treat** and **Wanda L. Treat** of 225 G Street, Salida, CO 81201 (herein "Treat") and the **Robert G. Engles**, of 7618 County Road 120, Salida, CO 81201, (herein "Engles").

WHEREAS, Treat is the record owner certain real property in Chaffee County, Colorado described in that Warranty Deed recorded at Book 446, Pages 682-683 of the records of Chaffee County, Colorado, (the "Treat Property"); and

WHEREAS, Engles is the record owner certain real property in the City of Salida, Chaffee County, Colorado described in that Warranty Deed recorded at Reception No. 378682 of the records of Chaffee County, Colorado, (the "Engles Property"); and

WHEREAS, the parties desire to execute this Easement Agreement to grant an easement for an existing individual sewage disposal system (the "Easement), as described on the attached Exhibit "A" and shown on the attached Exhibit "B";

NOW, THEREFORE, for and valuable consideration the receipt and sufficiency of which is acknowledged, and for and in consideration of the mutual covenants and agreements contained in this Agreement, the parties agree as follows:

1. Treat grants and conveys to Engles, his successors and assigns, a non-exclusive easement limited to serve the existing individual sewage disposal system on and under that portion of the Treat Property as described on Exhibits "A" and "B", herein referred to as "the Easement".
2. This Easement shall be solely and exclusively for operation and maintenance of the existing individual sewage disposal system, which includes a septic tank, leach field, and associated pipes or lines. The existing individual sewage disposal system must be operated and maintained in accordance with all applicable regulations. Engles shall promptly repair the leach field should it cease to function in accordance with regulations or in the event that it becomes an environmental or health hazard.
3. Treat retains the right to make full use of the Treat Property, except for such use as might interfere with Engles' use of the Easement as set forth herein.
4. After maintenance or repair activities related to the individual sewage disposal system, Engles shall replace or repair surface disturbance as promptly as is reasonably possible and shall be responsible for the revegetation of the Easement. Engles shall bear or reimburse Treat for the reasonable cost of repair of any damage to Treat Property, including, but not limited to, damage to landscaping, structures or improvements caused by Engles, or his agents in connection with the repair and maintenance of the individual sewage disposal system.



**LEGAL DESCRIPTION
OF A
SEPTIC SYSTEM EASEMENT**

AN EASEMENT ENCOMPASSING A SEPTIC SYSTEM LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 49 NORTH, RANGE 9 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTHWESTERLY PROPERTY LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED FILED AS RECEPTION NO. 378682 OF THE CHAFFEE COUNTY RECORDS FROM WHENCE THE NORTHWESTERLY CORNER OF SAID TRACT OF LAND BEARS NORTH 35°52'34" WEST, A DISTANCE OF 46.30 FEET, SAID NORTHWESTERLY CORNER BEING MARKED BY A 1 ½" STEEL DISC ON #4 REBAR STAMPED LS 6753 AND IS ON THE SOUTHEASTERLY RIGHT-OF-WAY OF CHAFFEE COUNTY ROAD NO. 120;

THENCE SOUTH 63°46'31" WEST, A DISTANCE OF 59.25 FEET;

THENCE SOUTH 26°13'29" EAST, A DISTANCE OF 17.00 FEET;

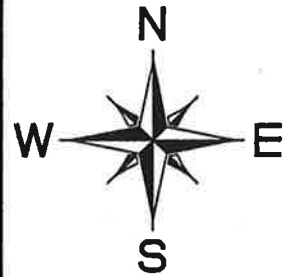
THENCE NORTH 63°46'31" EAST, TO SAID SOUTHWESTERLY PROPERTY LINE, A DISTANCE OF 62.14 FEET;

THENCE NORTH 35°52'34" WEST ALONG SAID SOUTHWESTERLY PROPERTY LINE, A DISTANCE OF 17.24 FEET TO THE POINT OF BEGINNING.

Exhibit "A"

SEPTIC SYSTEM EASEMENT

EXHIBIT B



SCALE
1"=40'

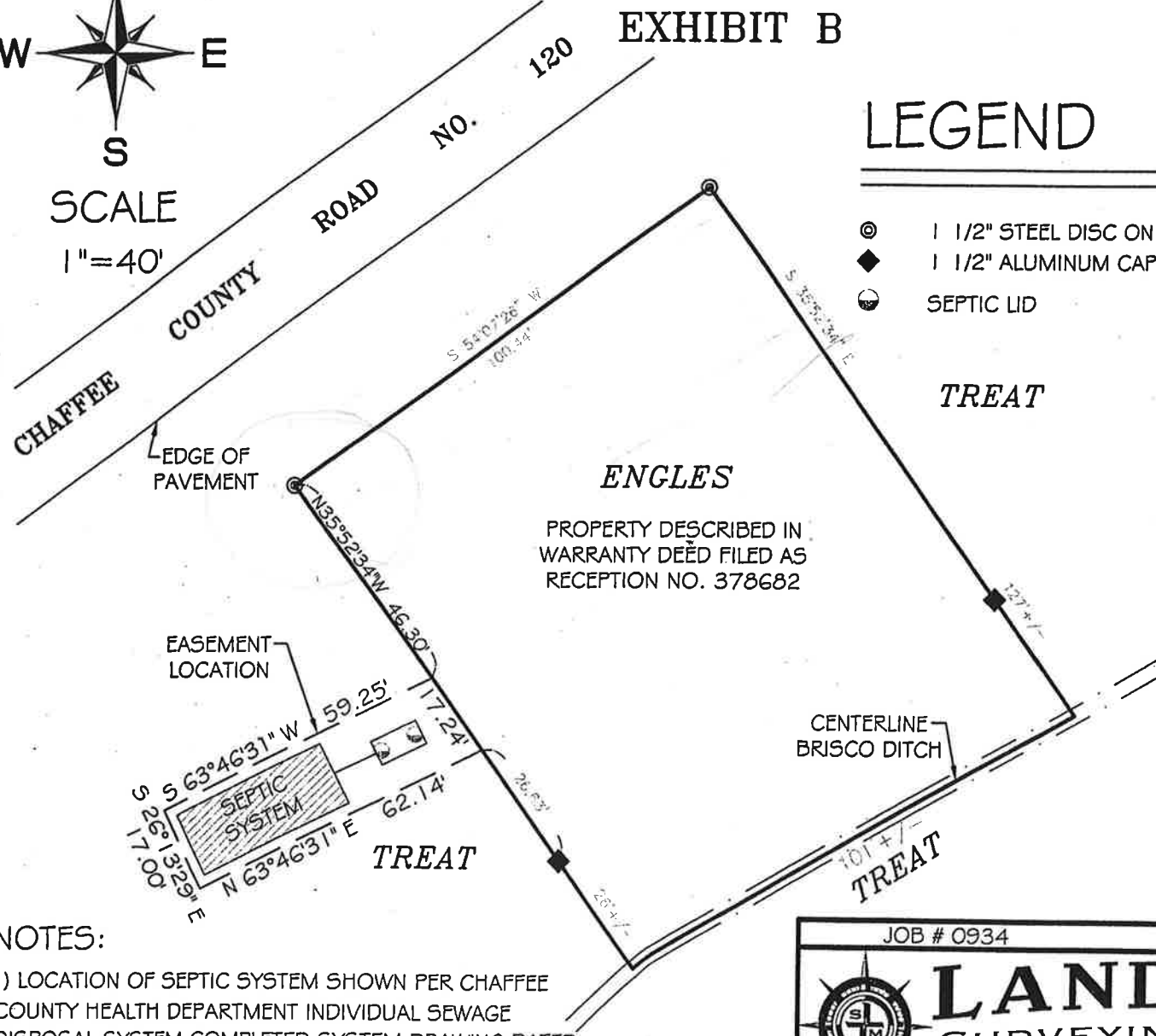
LEGEND

- ⊙ 1 1/2" STEEL DISC ON #4 REBAR-LS 6753
- ◆ 1 1/2" ALUMINUM CAP LS 37937 (WITNESS CORNER)
- SEPTIC LID

JOYCE M. RENO
Chaffee County Clerk



383186 8/19/2009 11:31 AM
5 of 5 EASE R\$26.00 D\$0.00



NOTES:

1) LOCATION OF SEPTIC SYSTEM SHOWN PER CHAFFEE COUNTY HEALTH DEPARTMENT INDIVIDUAL SEWAGE DISPOSAL SYSTEM COMPLETED SYSTEM DRAWING DATED 12/2/86



Exhibit "B"

JOB # 0934

DATE: MAY 13, 2009



LANDMARK
SURVEYING & MAPPING

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