#0006758 12/23/86 11:53 AM REAL ES E RECORDS
F0091 FE CIA MUFTIC DENVER COUNTY C RECORDER

XBRMU 0033(2)
Par ER-7B
IR 25-2(174)
Par TE-14

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.) a Delaware corporation, of 3300 Continental Plaza, 777 Main Street, Fort Worth, Texas 76102, Grantor, for Sixteen Thousand Eight Hundred and No/100 Dollars ($16,800.00) to it paid by STATE OF COLORADO DEPARTMENT OF HIGHWAYS, Grantee, and the promises of the Grantee hereinafter specified, does hereby remise, release and quitclaim unto the Grantee, subject to the terms and conditions hereinafter set forth, an EASEMENT for the use, construction and maintenance of a highway ramp, hereinafter called Highway, and for no other purpose, over, upon and across the following described premises, situated in Denver County, State of Colorado, to-wit:

A tract or parcel of land No. ER-7B of the State Department of Highways, Division of Highways, State of Colorado, Project No. IR 25-2(174) Sec. 1 containing 5,600 sq. ft., more or less, in the NW¼ of Section 9, Township 4 South, Range 68 West, of the Sixth Principal Meridian, in Denver County, Colorado, at approximate Mile Post 2.40 of the Burlington Northern Railroad Company's Sheridan Branch, said tract or parcel being more particularly described as follows:

Commencing at a point from which the Northwest corner of the NE¼ of the NW¼ of Section 9, Township 4 South, Range 68 West, bears N 07°10'30" W a distance of 959.1 feet, said point also being the most Easterly point of the easement dated the 1st day of June, 1959, from the Colorado Southern Railway Company to the Department of Highways, State of Colorado, as recorded in Book No. 8608, Pages 598 to 600 inclusive of the records of the Clerk and Recorder, City and County of Denver; thence S 20°51'30" W along East line of said easement a distance of 40.70 feet; thence S 23°53'00" W continuing along East line of said easement a distance of 117.40 feet to the Southeast corner of said easement and the True Point of Beginning; MISC 1 12.00

1. Thence S 23°53'00" W a distance of 54.96 feet;

2. Thence N 49°35'20" W a distance of 104.29 feet;

3. Thence N 23°53'00" E a distance of 57.06 feet, to the Southwest corner of said easement dated the 1st day of June, 1959;

4. Thence S 48°29'30" E along the South line of said easement a distance of 104.90 feet, more or less, to the True Point of Beginning.

The above described parcel contains 5,600 sq. ft., more or less.

All bearings used in the above described parcel are oriented to The Modified Colorado Coordinate System (Central Zone).

The Grantor for the consideration of Eight Thousand Three Hundred Fifty and No/100 Dollars ($8,350.00), does hereby also grant to the Grantee permission to use in connection with the construction of said highway the following described property, which rights shall cease 6 months from the date hereof, or earlier date as the Grantee's District Engineer determines by formal order that it is no longer needed for construction purposes.

A tract or parcel of land No. TE-14 Rev. of the State Department of Highways, Division of Highways, State of Colorado, Project No. BRMU 0033(2), containing 25,104 sq. ft., more or less, in vacated Larimer Street, in the SW¼ of Section 33, Township 3 South, Range 68 West, of the Sixth principal Meridian, in Denver County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point which is the most Easterly corner of Block 264, WEST DENVER Subdivision;

1. Thence S 30°28'52" E, along the Southeasterly line of said Block 264 extended, a distance of 40.0 feet;

2. Thence S 59°38'38" W a distance of 37.0 feet;

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The Department of Highways of the State of Colorado
Highway Office Building
4201 East Arkansas Avenue
Denver, Colorado 80222

ATTENTION: Right of Way Section

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3. Thence S 30°28'52" E a distance of 40.0 feet to a point on the Northwesterly line of Lot 6, Block 265, WEST DENVER Subdivision;

4. Thence S 59°38'38" W, along the Northwesterly line of said Block 265, a distance of 95.00 feet to the Northwesterly corner of said Lot 6, Block 265;

5. Thence N 30°28'52" W a distance of 40.00 feet;

6. Thence S 59°38'38" W a distance of 16.60 feet;

7. Thence S 30°28'52" E a distance of 40.00 feet to the Northeasterly corner of Lot 7, Block 265, WEST DENVER Subdivision;

8. Thence S 59°38'38" W, along the Northwesterly line of Lot 7 and Lot 7 extended, a distance of 212.00 feet to the Northeasterly corner of Lot 6, Block 268, WEST DENVER Subdivision;

9. Thence N 30°28'52" W a distance of 40.00 feet;

10. Thence N 59°38'38" E a distance of 40.00 feet;

11. Thence N 30°28'52" W a distance of 40.00 feet to the Southeasterly line of Block 264 extended;

12. Thence N 59°38'38" E, along said Southeasterly line, a distance of 320.60 feet, more or less, to the Point of Beginning.

The above described temporary easement contains 25,104 sq. ft., more or less, and is for the removal of Larimer Viaduct.

All bearings described in this parcel are oriented to the Modified Colorado Coordinate System Grid (Central Zone).

RESERVING, however, unto the Grantor, its successors and assigns, the right to construct, maintain, use, operate, relocate, reconstruct and renew such tracks and facilities as it may at any time, and from time to time, desire within the limits of the land hereinbefore described, including the right and privilege to use said land for any and all purposes, not inconsistent with the use thereof for Highway purposes.

The foregoing easement is made subject to and upon the following express conditions:

1. To existing interests in the above-described premises to whomsoever belonging and of whatsoever nature and any and all extensions and renewals thereof, including but not limited to underground pipe line or lines, or any type of wire line or lines, if any.

2. Any and all cuts and fills, excavations or embankments necessary in the construction, maintenance, or future alteration of said Highway shall be made and maintained in such manner, form and extent as will provide adequate drainage of and from the adjoining lands and premises of the Grantor; and wherever any such fill or embankment shall or may obstruct the natural and pre-existing drainage from such lands and premises of the Grantor, the Grantee shall construct and maintain such culverts or drains as may be requisite to preserve such natural and pre-existing drainage, and shall also wherever necessary, construct extensions of existing drains, culverts or ditches through or along the premises of the Grantor, such extensions to be of adequate sectional dimensions to preserve the present flowage of drainage or other waters, and of materials and workmanship equally as good as those now existing.

3. The Grantee shall bear the cost of removal, relocation or reconstruction of any and all right-of-way fences, telephone or telegraph poles, or other facilities, the removal, relocation or reconstruction of which may be made necessary by reason of the use of said premises for said Highway purposes.

4. The Grantee shall, at its own cost and expense, make adjustment with industries or other lessees of Grantor for buildings or improvements that may have to be relocated, reconstructed or destroyed by reason of the construction and maintenance of said Highway on said premises.

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The Department of Highways of the State of Colorado
Highway Office Building
4201 East Arkansas Avenue
Denver, Colorado 80222

ATTENTION: Right of Way Section

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5. This instrument is granted according to the terms and conditions of that certain Contract between the Grantor and the Grantee dated October 7, 1985 and made subject to the terms and conditions contained therein.

6. The Grantee shall, or shall require its contractor to, notify the Grantor's Regional Chief Engineer a sufficient time in advance whenever the Grantee or its contractor is about to perform work on or adjacent to Grantor's right-of-way and tracks to enable Grantor to furnish flagging and such other protective service as might be necessary and Grantee shall reimburse Grantor for the cost thereof.

7. The Grantee shall notify the Regional Chief Engineer of the Grantor at least five days prior to entering the Grantor's right-of-way.

8. If said described premises, or any part thereof, shall at any time cease to be used by said Grantee, or by the public, for the purpose, as aforesaid, or should they be converted to any other use whatsoever, or should the Grantee fail to perform any of the conditions herein expressed, then and in any such event, all the right, title, interest, benefits and enjoyment of said Grantee, or of the public, in and to said premises, for any purpose whatsoever, shall immediately cease and determine, and the said Grantor, its successors and assigns, may, at its or their option, re-enter, retake and hold said described lands and premises as of the present estate of said Grantor without compensation to said Grantee, the public, or any other person whomsoever, for improvements or property removed, taken or destroyed, or liability for loss of, or damage to any premises or the improvements thereon abutting on said easement area or any part thereof.

The Grantor does not warrant its title to said premises nor undertake to defend the Grantee in the peaceable possession, use or enjoyment thereof; and the grant herein made is subject to all outstanding rights or interest of others, including the tenants and licensees of the Grantor.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging to Grantee for public use and enjoyment for the purposes aforesaid and for no other purpose whatsoever subject to the terms and conditions hereinbefore stated.

IN WITNESS WHEREOF, the Grantor has caused its corporate seal to be hereunto affixed, and these presents to be executed by duly authorized officers this 20th day of November, 1986.

BURLINGTON NORTHERN RAILROAD COMPANY

BY H. D. Shane
DIRECTOR - PROPERTY MANAGEMENT

ATTEST:

BY J. L. Hanks
Assistant Secretary

ACCEPTED:

STATE OF COLORADO DEPARTMENT OF HIGHWAYS

BY Albert S. Vonderhuck
Title: Staff R/W Mgr.

AFTER RECORDING PLEASE MAIL TO:

[illegible] of Highways of the State of Colorado
[illegible] Building
[illegible] East Arkansas Avenue
[illegible], Colorado 80222

ATTENTION: Right of Way Section

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STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 8th day of December, 1986, by Albert T. Vonderheid as Staff Right of Way Manager and _____ as _____, of Colorado Department of Highways, ~~a corporation.~~

WITNESS my hand and official seal.

My Commission Expires June 21, 1987.

Frances E. Torosley
Notary Public.
4201 East Arkansas, Denver, Colorado

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

The foregoing instrument was acknowledged before me this 20th day of November, 1986, by H. S. Shane as DIRECTOR - PROPERTY MANAGEMENT and J. T. Hanks as Assistant Secretary of Burlington Northern Railroad Company, a corporation.

WITNESS my hand and official seal.

My Commission Expires January 4, 1989.

Madylene Andrews
Notary Public.

Madylene Andrews
Notary Public State of Texas
Commission Expires 1-04-89

AFTER RECORDING PLEASE MAIL TO:

The Department of Highways of the State of Colorado
Highway Office Building
4201 East Arkansas Avenue
Denver, Colorado 80222

ATTENTION: Right of Way Section

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RAILROAD EASEMENT
TO BE ACQUIRED
FROM

Parcel No. ER-7B
STA. 772+ to STA. 724+

BURLINGTON NORTHERN RAILROAD COMPANY
a Delaware Corporation

FOR

IR 25-2(174) Sec. 1
I-25 AT 6th AVENUE

STATE HIGHWAY NO. 25

DESCRIPTION

A tract or parcel of land No. ER-7B of the State Department of Highways, Division of Highways, State of Colorado, Project No. IR 25-2(174) Sec. 1 containing 5,600 sq. ft., more or less, in the NW 1/4 of Section 9, Township 4 South, Range 68 West, of the Sixth Principal Meridian, in Denver County, Colorado, at approximate Mile Post 2.40 of the Burlington Northern Railroad Company's Sheridan Branch, said tract or parcel being more particularly described as follows:

Commencing at a point from which the northwest corner of the NE 1/4 of the NW 1/4 of Section 9, Township 4 South, Range 68 West, bears N. 07° 10' 30" W. a distance of 959.1 feet, said point also being the most easterly point of the easement dated the 1st day of June, 1959, from the Colorado Southern Railway Company to the Department of Highways, State of Colorado, as recorded in Book No. 8608, Pages 598 to 600 inclusive of the records of the Clerk and Recorder, City and County of Denver; thence S. 20° 51' 30" W. along east line of said easement a distance of 40.70 feet; thence S. 23° 53' 00" W. continuing along east line of said easement a distance of 117.40 feet to the SE corner of said easement and the true point of beginning;

1. Thence S. 23° 53' 00" W. a distance of 54.96 feet;

2. Thence N. 49° 35' 20" W. a distance of 104.29 feet;

3. Thence N. 23° 53' 00" E. a distance of 57.06 feet, to the SW corner of said easement dated the 1st day of June, 1959;

4. Thence S. 48° 29' 30" E. along the south line of said easement a distance of 104.90 feet, more or less, to the true point of beginning.

The above described parcel contains 5,600 sq. ft., more or less.

All bearings used in the above described parcel are oriented to The Modified Colorado Coordinate System (Central Zone).