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FAYD \$ 8.00

State of Colorado)
County of San Miguel) ss

Filed for record: May 20, 1976
and duly recorded in Book 359 Pages 199-202
Gay Cappis-Recorder
by *T. H. ...* Deputy

RESOLUTION

WHEREAS, it has come to the attention that B. R. Telluride Properties, a partnership, Burt M. Richmond and Dorothea D. Richmond, of the County of San Miguel, State of Colorado, are the owners of the property formerly known as the "Brown Homestead" in the old Town of San Miguel, State of Colorado;

AND WHEREAS they need a sewer line easement down the county road known as the "Boomerang Road" to connect to the city sewer line;

AND WHEREAS there is a dispute as to the ownership of the Boomerang Road and a dispute as to the county's rights in and to the Boomerang Road, and the extent of those rights;

AND WHEREAS it is felt that it would be beneficial to the applicants as well as to the inhabitants of the County of San Miguel if said easement be granted,

THEREFORE, BE IT RESOLVED, that a non-exclusive easement be and the same should be granted unto B. R. Telluride Properties, a partnership, Burt M. Richmond and Dorothea D. Richmond, upon the condition that others be allowed to tie onto the easement, if feasible, and that such easement be non-exclusive; and that other easements can be placed in same easement-way if they do not obstruct or prevent proper flow of sewage in the easement herein granted;

AND FURTHER, BE IT RESOLVED that said grant of easement shall be without any warranty of title whatsoever, whether the same be express or implied, and shall quit claim unto the grantees only such rights as the county has, whatever they may be;

AND FURTHER, That Tillman Reed be and he is hereby appointed as Commissioner to convey and execute said Grant of Easement for Sewer Line on behalf of the Board of County Commissioners in and for the County of San Miguel, State of Colorado; and that a copy of this Resolution be attached to the Grant of Non-Exclusive Easement for Sewer Line and incorporated therein.

Dated this 17th day of May, 1976.

Tillman Reed
Chairman, Board of County Commissioners,
San Miguel County, Colorado

Attest

Gay Cappis
County Clerk and Recorder.

GRANT OF NON-EXCLUSIVE EASEMENT

FOR SEWER LINE

THIS INSTRUMENT dated this 17th day of May, 1976, by and between THE COUNTY OF SAN MIGUEL, COLORADO, a body politic, acting through its Board of County Commissioners, Grantor, and B. R. TELLURIDE PROPERTIES, a partnership, BURT M. RICHMOND and DOROTHEA D. RICHMOND, Grantees, all parties of the County of San Miguel, State of Colorado

WITNESSETH

THAT WHEREAS Grantees are the owners in fee of the following described property located in the County of San Miguel, State of Colorado, to-wit:

Beginning at Corner 1 from which the Southeast corner of Block 11, San Miguel Townsite bears North 74° 10' West 61.40 feet, and Corner 1 of the Ohio Placer Survey No. 194 bears North 57° 38' East 648.18 feet; thence North 80° 36' West 423.50 feet to Corner 2; thence North 11° 05' East 220.16 feet to Corner 3; thence South 81° 22' 30" East 157.57 feet to Corner 4; thence North 40° 41' 30" East 65.28 feet to Corner 5; thence South 81° 43' 30" East 232.18 feet to Corner 6; thence South 10° 44' West 282.63 feet to Corner 1, the true point of beginning.

AND WHEREAS, the Town of Telluride, Colorado has agreed to provide sewer and water services to the above-described property, and in order to complete the sewer service to said property, it shall be necessary to connect said property, by a single sewer outfall line, to the main outfall line which serves the sewer lagoons located in the Town of Telluride sewer treatment facility.

NOW, THEREFORE, in consideration of their mutual promises, the parties hereto resolve and agree as follows:

(1) Grantor hereby grants to grantees, their successors and assigns forever, without any warrants of title whatsoever, whether the same be express or implied, and only to the extent that the County has the legal authority and ability and legal ownership to make such grant, whatever those legal rights and the extent thereof may be, a non-exclusive easement to construct and maintain a single sewer outfall line from the above described property along and under that county road generally known as the "Boomerang Road" to the main outfall line which serves the sewer lagoons located in the Town of Telluride sewer treatment facility.

The specific location of said sewer outfall line on and under said Boomerang Road shall be designated by Grantor at such time when Grantees are ready to commence construction of said line.

(2) It is agreed that all construction and maintenance shall be at Grantees' sole expense, and shall be in accordance with generally accepted engineering standards and practices. Construction shall be in accordance with plans approved by the State Department of Public Health. All such construction shall be subject to reasonable inspection and examination by authorized representatives of Grantor during the period of construction, PROVIDED, HOWEVER, that such inspection and examination shall be at the sole expense of Grantor. Construction shall be done as quickly and expeditiously as possible. All backfillings shall be mechanically tamped and compacted, and any disturbed portion of the Boomerang Road shall be restored to its original condition. During the period of construction, access for the general public shall, at all times, be allowed to the Boomerang Road.

(3) It is further agreed that Grantees shall maintain the installation of said sewer outfall line at all times and hold Grantor and its officers and employees harmless from any and all loss and damage which may arise out of or be connected with the construction and maintenance of any work in connection therewith within the area affected by such work.

(4) Grantees will allow other parties to tie onto said line, if feasible, and will allow other easements to be installed and placed in the same easement if same can be so placed without obstructing or preventing proper flow of sewage in the easement herein granted.

IN WITNESS WHEREOF, the parties have affixed their hands and seals to this instrument the day and year first above written.

SAN MIGUEL COUNTY, COLORADO
acting through its Board of County
Commissioners

Tillman Reed
Tillman Reed, Commissioner to Convey

Attest:

Gay Cappis
Gay Cappis, County Clerk & Recorder

STATE OF COLORADO)
)S
COUNTY OF SAN MIGUEL)

The foregoing instrument was acknowledged before me this
17th day of May, 1976, by Tillman Reed, Commissioner to Convey, of
the Board of County Commissioners of San Miguel County, Colorado,
and by Gay Capps, as San Miguel County Clerk and Recorder.

Witness my hand and official seal.

Gay Capps
***** COUNTY CLERK

