

**EASEMENT AND RESERVATION OF RIGHTS**

THIS EASEMENT is given, granted and created this 16th day of October by Antelope Butte, LLC, a Colorado limited liability company ("Grantor").

- I. The Grantor is the owner of certain real property described on Exhibit A attached hereto and incorporated herein. This servient estate is referred to as the "Burdened Parcel."
- II. Grantor is also the owner of certain real property described on Exhibit B attached hereto and incorporated herein and such additional real property immediately adjacent thereto, which the Grantor may hereafter acquire. Such real property currently owned by the Grantor and such additional real property to which Grantor may acquire title, which Grantor submits to the terms of this Easement shall be the dominant estate, collectively referred to as the "Benefitted Parcel."
- III. Grantor desires to create for itself and for all who claim an interest in any and all of the Benefitted Parcel certain rights and easements described below and that the same shall run with and burden the Burdened Parcel and shall inure to the benefit of any and all who own all or a portion of the Benefitted Parcel.

**THE GRANTOR STATES AS FOLLOWS:**

1. Rights Created. There shall be an access easement for ingress and egress to and from the Benefitted Parcel over, across, under, through and upon the Burdened Parcel ("Access Easement") for ingress to and egress from the Benefitted Parcel and for the placement, repair and maintenance of underground utilities within the Burdened Parcel, described as follows:

(a) The Access Easement shall be located within that portion of the Burdened Parcel shown as "roadway easements" on any and all plats for Beulah Highlands ("Plats") as the same may be recorded in the real property records for Pueblo County, Colorado (collectively, "Roadways").

(b) The Roadways include all landscaping and drainage constructed or installed within the easement shown on the Plats.

(c) The Roadways shall be located upon the Plats; provided, however, in the event the Roadways are relocated, enlarged or realigned in any manner, the Access Easement shall continue to exist and shall be deemed "relocated" as well.

(d) The Access Easement shall be a nonexclusive easement and shall permit all travel over, across, through and upon the Roadways for ingress, egress and access to the Burdened Parcel, by Grantor and its successors and assigns and all employees, agents, invitees and contractors

LTP #17P80004012

and all who own have any interest in the Benefitted Parcel and their employees, agents, invitees and contractors.

(e) The Access Easement shall be a nonexclusive easement and shall permit the placement of underground utilities by Grantor and its successors and assigns and all employees, agents, invitees and contractors and all who own have any interest in the Benefitted Parcel and their employees, agents, invitees and contractors or by any governmental entities or utility companies providing underground utility or cable services to the Benefitted Parcel, access and maintenance easements upon, across, over, and under all of the Burdened Parcel. This easement shall be solely for the installation of underground utilities and services and shall not entitle the holders to construct or install any of the foregoing systems, facilities, or utilities in any other manner. Any damage to the Burdened Parcel resulting from the exercise of the easement described in this Paragraph 1 shall promptly be repaired by, and at the expense of, the person exercising the easement.

2. Platting of Lots Within the Benefitted Parcel. In the event any portion of the Burdened Parcel is platted into Lots, the owners of such lots shall have the obligation to annex their lots to the planned community known as "Beulah Highlands." Such annexation must be completed within sixty (60) days from the date any such plat or plats are recorded and shall be in accordance with any declaration recorded which creates Beulah Highlands. Thereafter, such lots will be subject to all covenants contained or referenced in any recorded instrument creating Beulah Highlands, including mandatory membership in a unit owners association and the payment of common expense assessments (which include the maintenance, operation, repair, improvement and replacement of the Roadways and snow removal) as more particularly described in such documents.

3. Perpetual Easement. This Access Easement shall run in perpetuity and shall encumber all of the Burdened Parcel.

4. After-Acquired Title. All real property acquired by the Grantor after the date hereof, and located at, on, or immediately adjacent to the real property described on Exhibit B shall be included as a portion of the Benefitted Parcel and the owner thereof shall have all rights set forth in this Easement, without the necessity of executing and recording any further documentation. However, Grantor does reserve the right to unilaterally amend this Easement solely for the purpose of adding the legal description of such additional real property to Exhibit B and thereby subjecting it to all rights set forth herein. The obligations of the Burdened Parcel shall then inure to such additional real property and the same shall be considered the Benefitted Parcel as if now owned by the Grantor. Nevertheless, any and all owners of the Burdened Parcel and any others who have rights of access in and to the Roadways shall take such actions and execute and deliver such additional instruments as the owner of this after-acquired property shall reasonably require to further evidence or confirm the subjection of the obligations of the Burdened Parcel as set forth in this Easement to any such property.

5. Successors and Assigns. The benefits and burdens of this Access Easement shall inure to the benefit of and burden the Grantor's successors and assigns, their officers, employees, agents, invitees, contractors, lessees, licensees, and guests and all who claim any interest in the Benefitted Parcel and the Burdened Parcel.



Exhibit A

**BEULAH HIGHLANDS ROAD:**

An ingress-egress and utility easement located within a portion of the SW 1/4 of the SW 1/4 of Section 3, a portion of the NW 1/4 of the NW 1/4 of Section 10 and a portion of the NE 1/4 of the NE 1/4 and a portion of the NW 1/4 of the NE 1/4 of Section 9 Township 23 South, Range 68 West of the Sixth Principal Meridian, County of Pueblo, State of Colorado;

An ingress-egress and utility easement being 60.00 feet in width, 30.00 feet on each side of the following described centerline:

**COMMENCING** at the NE corner of the said SW 1/4 of the SW 1/4 of said Section 3, from which the NE corner of said Section 9 bears S 46°16'24"W (bearings based on the north line of said Section 9, monumented on the east end with a 1.5'X0.7'X0.4' sandstone and on the west end with a General Land Office Survey 3" brass cap properly marked, to bear N 89°10'49"W, as established by the Colorado State Plane Coordinate System of the 1992 South Zone on the North American Datum of 1992) a distance of 1875.19 feet; thence S 00°05'11"W, along the east line of the said SW 1/4 of the SW 1/4 of said Section 3, a distance of 30.00 feet to the **POINT OF BEGINNING**, thence in a southwesterly direction the following courses;

1. S 89°00'25"W, a distance of 242.56 feet;
2. S 75° 53'56"W, a distance of 41.13 feet;
3. Along the arc of a curve to the left having a central angle of 37°54'56" and a radius of 80.00 feet, a distance of 52.94 feet;
4. S 37°58'48"W, a distance of 62.84 feet;
5. S 36°07'25"W, a distance of 90.69 feet;
6. S 29°24'29"W, a distance of 99.42 feet;
7. S 14°24'10"W, a distance of 60.35 feet;
8. S 22°09'01"W, a distance of 61.96 feet;
9. S 35°06'18"W, a distance of 18.46feet;
10. Along the arc of a curve to the right having a central angle of 104°18'25" and a radius of 80.00 feet, a distance of 145.64 feet;

11. N 40°35'28"W, a distance of 71.88 feet;
12. Along the arc of a curve to the left having a central angle of 48°46'06" and a radius of 100.00 feet, a distance of 85.12 feet;
13. N 89°21'37"W, a distance of 148.70 feet;
14. S 76°06'33"W, a distance of 122.50 feet;
15. Along the arc of a curve to the left having a central angle of 108°14'32" and a radius of 62.00 feet, a distance of 117.13 feet;
16. S 32°08'00"E, a distance of 149.81 feet;
17. Along the arc of a curve to the right having a central angle of 47°09'39" and a radius of 456.00 feet, a distance of 375.34
18. S 15°01'39"W, a distance of 190.93 feet;
19. S 37°38'21"W, a distance of 224.08 feet;
20. S 35°56'36"W, a distance of 165.36 feet;
21. Along the arc of a curve to the left having a central angle of 51°23'29" and a radius of 120.00 feet, a distance of 107.63 feet;
22. S 15°26'53"E, a distance of 96.45 feet;
23. Along the arc of a curve to the right having a central angle of 54°39'59" and a radius of 60.00 feet, a distance of 57.25 feet;
24. S 39°13'06"W, a distance of 30.13 feet;
25. S 69°25'59"W, a distance of 24.13 feet;
26. Along the arc of a curve to the right having a central angle of 32°27'29" and a radius of 375.00 feet, a distance of 212.44 feet;
27. N 78°06'32"W, a distance of 209.09 feet;
28. Along the arc of a curve to the left having a central angle of 73°00'33" and a radius of 128.13 feet, a distance of 163.27 feet;

29. Along the arc of a curve to the left having a central angle of  $35^{\circ}47'58''$  and a radius of 160.00 feet, a distance of 99.97 feet;
30.  $S 06^{\circ}55'06''E$ , a distance of 79.03 feet;
31. Along the arc of a curve to the right having a central angle of  $30^{\circ}47'43''$  and a radius of 130.00 feet, a distance of 69.87 feet;
32.  $S 23^{\circ}52'37''W$ , a distance of 112.06 feet;
33. Along the arc of a curve to the left having a central angle of  $32^{\circ}26'30''$  and a radius of 190.00 feet, a distance of 107.58 feet;
34.  $S 08^{\circ}33'53''E$ , a distance of 100.91 feet;
35. Along the arc of a curve to the right having a central angle of  $29^{\circ}21'04''$  and a radius of 250.00 feet, a distance of 128.07;
36.  $S 20^{\circ}47'11''W$ , a distance of 69.71 feet;

to a point at the center of a cul-de-sac, having a radius of 60.00 feet, thence continuing along the centerline of said easement westerly and southerly the following courses:

37.  $N 80^{\circ}26'35''W$ , a distance of 141.01 feet;
38. Along the arc of a curve to the right having a central angle of  $24^{\circ}24'46''$  and a radius of 304.92 feet, a distance of 129.92 feet;
39.  $N 56^{\circ}01'49''W$ , a distance of 253.98 feet;
40. Along the arc of a curve to the left having a central angle of  $79^{\circ}00'43''$  and a radius of 125.00 feet, a distance of 172.38 feet;
41.  $S 44^{\circ}57'27''W$ , a distance of 38.91 feet;
42. Along the arc of a curve to the right having a central angle of  $16^{\circ}35'21''$  and a radius of 200.00 feet, a distance of 57.91 feet;
43.  $S 61^{\circ}32'49''W$ , a distance of 89.23 feet;
44. Along the arc of a curve to the left having a central angle of  $65^{\circ}29'22''$  and a radius of 120.00 feet, a distance of 137.16 feet;

45. S 03°56'33"E, a distance of 67.02 feet;

to a point on the south line of the said NW 1/4 of the NE 1/4 of said Section 9, said point being the **POINT OF TERMINUS**, from which the said NE corner of said Section 9 bears N 47°29'50"E, a distance of 1900.75 feet.

**GLENDALE ROAD:**

An ingress-egress and utility easement located within a portion of the NW 1/4 of the NW 1/4 of Section 10, Township 23 South, Range 68 West of the Sixth Principal Meridian, County of Pueblo, State of Colorado;

An ingress-egress and utility easement being 60.00 feet in width, 30.00 feet on each side of the following described centerline:

**BEGINNING** at a point from which the NW corner of said Section 10, also being the NE corner of Section 9, bears N 23°21'57"W (bearings based on the north line of said Section 9, monumented on the east end with a 1.5'X0.7'X0.4' sandstone and on the west end with a General Land Office Survey 3" brass cap properly marked, to bear N 89°10'49"W, as established by the Colorado State Plane Coordinate System of the 1992 South Zone on the North American Datum of 1992.) a distance of 362.66 feet; thence easterly, southerly, and westerly the following courses;

1. S 37° 26'02"E, a distance of 97.89 feet;
2. Along the arc of a curve to the left having a central angle of 120°09'05" and a radius of 40.00 feet, a distance of 83.88 feet;
3. N 22°24'52"E, a distance of 174.46 feet;
4. N 35°39'39"E, a distance of 77.94 feet;
5. Along the arc of a curve to the right having a central angle of 103°29'18" and a radius of 100.00 feet, a distance of 180.62 feet;
6. S 40°51'03"E, a distance of 123.45 feet;
7. Along the arc of a curve to the left having a central angle of 108°12'57" and a radius of 40.00 feet, a distance of 75.55 feet;

8. N 30°56'00"E, a distance of 88.00 feet;
9. Along the arc of a curve to the right having a central angle of 56°32'39" and a radius of 200.00 feet, a distance of 197.38 feet;
10. N 87°28'39"E, a distance of 108.23 feet;
11. S 81°04'19"E, a distance of 78.42 feet;
12. S 74°14'27"E, a distance of 65.14 feet;
13. Along the arc of a curve to the right having a central angle of 71°42'36" and a radius of 40.00 feet, a distance of 50.06 feet;
14. S 02°31'50"E, a distance of 124.25 feet;
15. S 03°00'26"W, a distance of 684.30 feet;
16. Along the arc of a curve to the right having a central angle of 86°30'38" and a radius of 100.00 feet, a distance of 150.99 feet;
17. S 89°31'03"W, a distance of 195.47 feet;
18. N 82°44'08"W, a distance of 135.05 feet;
19. Along the arc of a curve to the left having a central angle of 47°41'30" and a radius of 100.00 feet, a distance of 83.24 feet;
20. S 49°34'22"W, a distance of 56.23 feet;

to the **POINT OF TERMINUS**, said point being the center of a cul-de-sac, having a radius of 60.00 feet, from which the NW corner of said Section 10 bears N 28°27'08"W, a distance of 1243.54 feet.

Exhibit B

(Pueblo County Tax Schedule No's 38-100-10-011, 38-100-11-002, 38-100-11-003, 38-100-11-004, 38-100-11-011)

Lots 1 through 38, inclusive in Block 3 in GLENDALE, according to the plat thereof recorded January 9, 1903 at Reception No. 118485, EXCEPT that portions of Lots 1 and 2 in said Block 3 lying South of the South line of the Northwest quarter of Section 10, Township 23 South, Range 68 West of the Sixth Principal Meridian; TOGETHER WITH the Northerly 57.2 feet of Block 4 in GLENDALE, according to the plat thereof recorded January 9, 1903 at Reception No. 118485 and TOGETHER WITH a non-exclusive easement for ingress and egress purposes as described in the instrument recorded June 11, 1997 in Book 3005 at Page 543,

County of Pueblo,  
State of Colorado.

The North one-half (N 1/2) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section Nine (9), Township Twenty-three (23) South, of Range Sixty-eight (68) West, of the Sixth (6) Principal Meridian in Pueblo County, Colorado