

GRANT OF EASEMENT

City of Brighton, GRANTOR (whether one or more), whose address is 500 S. 4th Avenue, Brighton, CO 80601, in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, grants and conveys unto UNITED POWER, INC., GRANTEE, whose address is 500 Cooperative Way, Brighton, Colorado 80603, its successors and assigns, a non-exclusive easement and the right to construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove utility, electrical and communications facilities and all fixtures and devices appurtenant thereto, as may from time to time be useful to, or required by Grantee, on, over, under, and across the following described property in the County of Adams, State of Colorado to-wit:

Easement description as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Those facilities may be overhead, underground and/or at grade and may include, but shall not be limited to, poles, cables, conduits, wire, conductors, transformers, manholes and supports of whatever materials, including braces, guides, and other fixtures or devices used or useful in connection therewith.

Grantee shall have the right of ingress and egress 24 hours a day, 7 days a week, over and across the lands of the Grantor to and from the easement described in Exhibit "A" to survey, construct, operate, maintain, replace, enlarge, reconstruct, improve, inspect, repair and remove utility, electrical and communications facilities and all fixtures and devices appurtenant thereto, and the right to remove any objects interfering therewith, including but not limited to, the trimming of trees and bushes as may be necessary. Grantee shall have the right to use additional lands of Grantor for temporary workspace during construction, maintenance, replacement, enlargement, reconstruction, improvement, inspection, repairs and removal as may be required to permit the operation of standard utility construction or repair machinery or the operation of any other equipment within the boundaries of this easement.

Grantor reserves the right to occupy, use, and landscape said easement for all purposes not inconsistent with the rights granted to Grantee so long as said use does not damage or interfere with the Grantee's facilities or the construction, operation, maintenance, replacement, enlargement, reconstruction, improvement, inspection, repair and removal thereof. Grantor shall not plant any tree or bush within 5.0 feet of any existing Grantee facilities or within 10.0 feet of the opening side of any transformer or cabinet without the prior written approval of Grantee. Grantor shall not install, or permit the installation of, any buildings or permanent structures or facilities of any kind on, over, under, or across said easement without the prior written approval of Grantee.

Upon completion of construction, Grantee shall restore the surface of Grantor's property to substantially the same level and condition as existed prior to construction.

Each and every one of the benefits and burdens of this Grant of Easement shall run with the land and shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto. The rights of Grantee hereunder may be exercised by its employees, licensees, contractors and permittees.

Grantee shall defend, indemnify and hold harmless Grantor, its affiliates and the officers, directors, employees and agents of both, from any and all claims for personal injury to Grantor's personnel or damage to Grantor's property or to the property of Grantor's personnel, occurring as a result of Grantee's activities described herein, howsoever caused.

The venue for any dispute arising from this Grant of Easement shall be in the courts of Adams County, Colorado.

Unless special provisions are listed below and/or attached, the above constitutes the entire agreement between the parties and no additional or different oral representation; promise or agreement shall be binding on any of the parties with respect to the subject matter of this Grant of Easement.

SIGNED AND SEALED BY GRANTOR this ____ day of _____ 2023.

**GRANTOR:
CITY OF BRIGHTON**

BY: _____

ITS: _____

STATE OF COLORADO)
)
COUNTY OF _____)

ACKNOWLEDGMENT

This record was acknowledged before me on _____, 2023

by _____ as _____ of
City of Brighton.

(Notary's official signature)

(Commission Expiration)

APPROVED AS TO FORM:

Michael Davis, Assistant City Attorney

[Acknowledgements continue on following page.]

**GRANTEE:
UNITED POWER, INC.**

BY: _____

ITS: _____

STATE OF COLORADO)
)
COUNTY OF _____)

ACKNOWLEDGMENT

This record was acknowledged before me on _____, 2023

by _____ as _____ of United
Power, Inc.

(Notary's official signature)

(Commission Expiration)

“Exhibit A”

EXHIBIT A

CITY OF BRIGHTON
UTILITY EASEMENT

PROPERTY DESCRIPTION

A 10-FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, LYING 5.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MONUMENTED AT BOTH ENDS BY A 3-1/4" ALUMINUM CAP STAMPED "LS 11434", BEARING N89°19'57"E AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE NAD(83).

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5;

THENCE N85°54'37"E A DISTANCE OF 1005.09 FEET TO A POINT ON THE EASTERLY LINE OF BRENTWOOD VILLAGE APARTMENTS P.U.D. RECORDED IN FILE 14 AT MAP 999 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON A LINE BEING 60.00 FEET NORTHERLY AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, N89°19'57"E A DISTANCE OF 316.76 FEET TO A POINT ON THE WESTERLY LINE OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 2016000034594, SAID POINT BEING THE POINT OF TERMINUS, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 5 BEARS S88°05'27"E A DISTANCE OF 1334.58 FEET.

THE SIDE LINES OF THIS EASEMENT ARE LENGTHENED OR SHORTENED TO TERMINATE AT THE WESTERLY LINE OF SAID PROPERTY RECORDED UNDER RECEPTION NO. 2016000034594, AND AT THE EASTERLY LINE OF SAID BRENTWOOD VILLAGE APARTMENTS P.U.D. RECORDED IN FILE 14 AT MAP 999.

THE LENGTH OF THIS EASEMENT IS 316.76 LINEAR FEET, CONTAINING A CALCULATED AREA OF 3,168 SQUARE FEET.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PROPERTY DESCRIPTION STATEMENT

I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING, LLC



EXHIBIT A

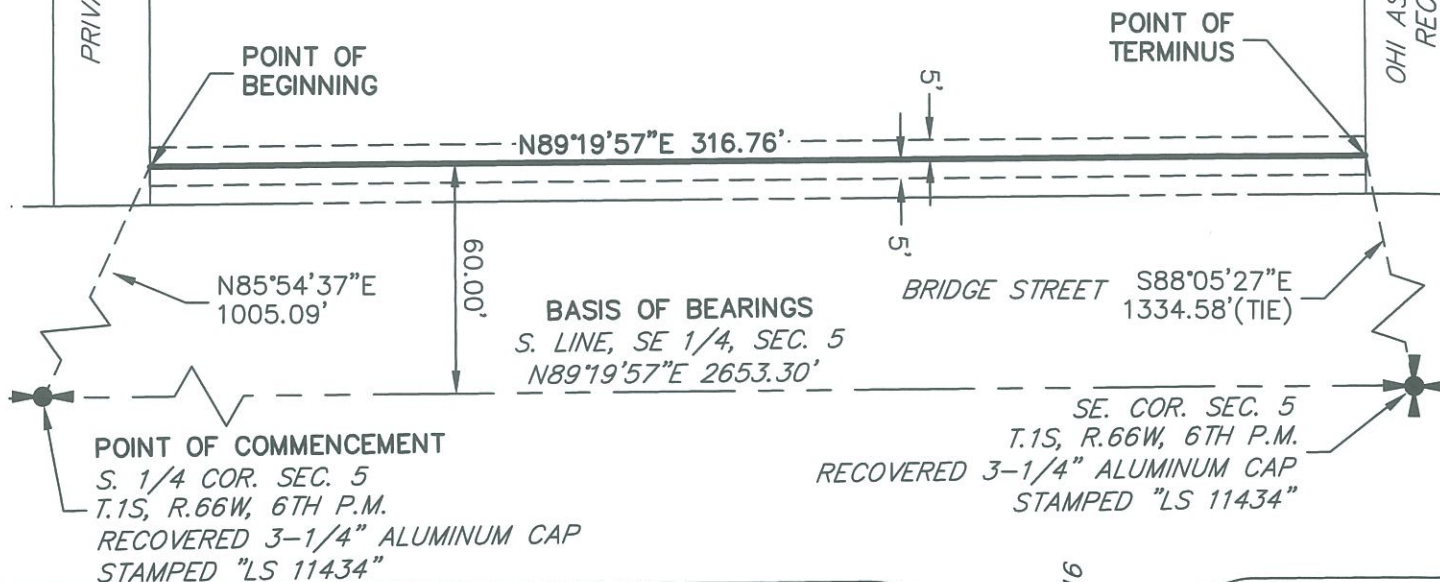
SE1/4, SEC. 5,
T1S, R66W, 6TH P.M.

UNPLATTED
CITY OF BRIGHTON
REC. NO.

BRENTWOOD VILLAGE
APARTMENTS P.U.D.
FILE 14 MAP 999

PRIVATE DRIVE

OHI ASSET (CO) BRIGHTON LLC
REC. NO. 2016000034594
UNPLATTED



LOT 1,
FULTON VILLAGE
REC. NO. B223233

S 22ND AVE
(60' ROW)
REC. NO. A018816



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

UTILITY EASEMENT
UNITED POWER BRIDGE STREET
PROJECT NO.: 16072.05
DATE: 10/3/2023





EXHIBIT A

CITY OF BRIGHTON
UTILITY EASEMENT

PROPERTY DESCRIPTION

A 10-FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, LYING 5.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, MONUMENTED AT BOTH ENDS BY A 3-1/4" ALUMINUM CAP STAMPED "LS 11434", BEARING N89°19'57"E AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE NAD(83).

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5;

THENCE N87°12'41"E A DISTANCE OF 1621.18 FEET TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 2016000034594 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON A LINE BEING 60.00 FEET NORTHERLY AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, N89°19'57"E A DISTANCE OF 227.84 FEET, TO THE POINT OF TERMINUS, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 5 BEARS 86°24'25"E A DISTANCE OF 807.62 FEET.

THE SIDE LINES OF THIS EASMENT ARE LENGTHENED OR SHORTENED TO TERMINATE AT THE EASTERLY LINE OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 2016000034594.

THE LENGTH OF THIS EASEMENT IS 227.84 FEET, CONTAINING A CALCULATED AREA OF 2,278 SQUARE FEET OR 0.0523 ACRES.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PROPERTY DESCRIPTION STATEMENT

I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING, LLC

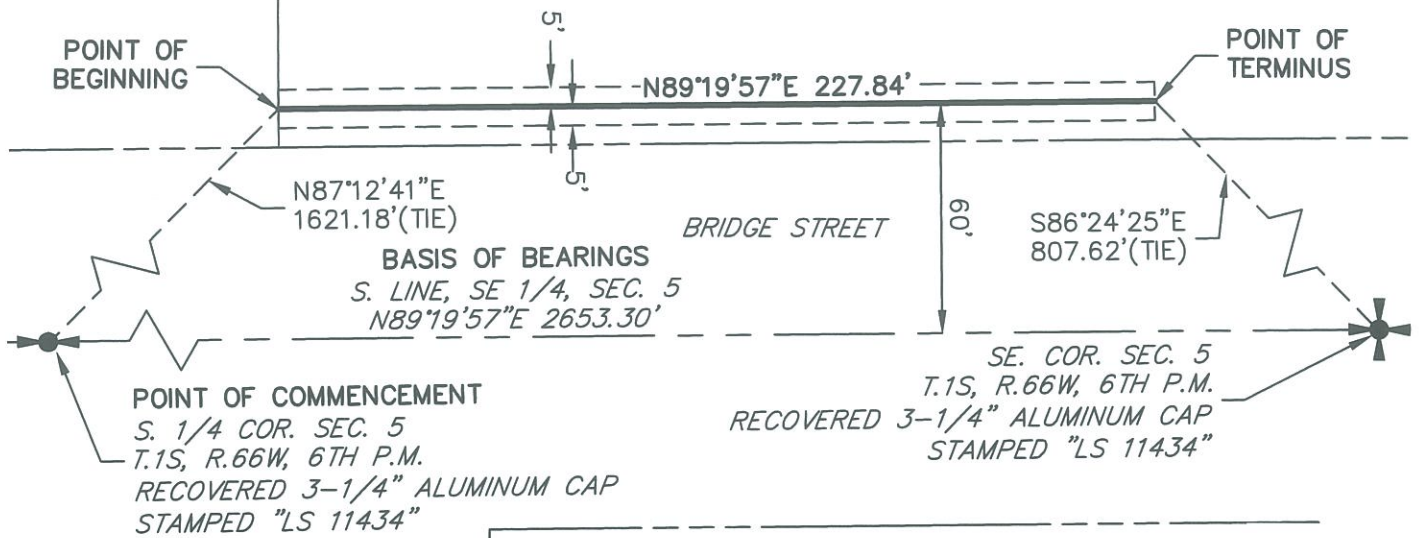


EXHIBIT A

OHI ASSET (CO) BRIGHTON LLC
REC. NO. 2016000034594
UNPLATTED

SE1/4, SEC. 5,
T1S, R66W, 6TH P.M.

UNPLATTED
CITY OF BRIGHTON



LOT 1,
BRIGHTON CENTER -
FILING NO. 2
REC. NO. 2012000081290

LOT 1,
BRIGHTON CENTER - FILING NO. 2,
AMENDMENT 1
REC. NO. 2017000014854



50 25 0 50

ORIGINAL SCALE: 1" = 50'

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

UTILITY EASEMENT
UNITED POWER BRIDGE STREET
PROJECT NO.: 16072.05
DATE: 10/5/2023

SHEET: 4 OF 4



J-R ENGINEERING

A Westrian Company

Centennial 303-740-9393 • Colorado Springs 719-583-2593
Fort Collins 970-491-9888 • www.jrengineering.com