

Grant of Easement for Drainage Ditch

Whereas, Mill Village Ventures, LLC (MVV) is the owner of Mill Village Subdivision, an approved subdivision located in the City of Longmont, County of Boulder, State of Colorado and Larry Ohmie (Ohmie) is the owner of lands adjoining said Mill Village Subdivision.

Now therefore, in consideration of ten dollars, receipt whereof is hereby acknowledged and the intent to construct the improvements and ditch or ditches indicated upon Exhibit A, attached hereto and made a part hereof, including a control of sufficient nature to direct the flow of the waters in said ditch to an area directed by Ohmie, and the benefits they may derive therefrom, and other good and valuable consideration, Ohmie and MVV, have agreed as follows:

1. That MVV, its heirs and assigns, forever, may construct, maintain, deepen and keep in repair an open ditch, drain, detention area and/or culvert, over, across, and/or under said lands of Ohmie, his heirs and assigns, of such character and size as to make a proper and sufficient outlet forever for said drainage system which shall be established upon the lands in accordance with the plans attached as Exhibit A and Exhibit B so as to sufficiently drain the same.

2. That the historic flows discharging upon Ohmie's lands are as follows:

Discharge point L	28 cfs
Discharge point M	23 cfs
Discharge point P	61 cfs

Said discharge points are more fully described and shown upon Exhibit B.

3. That the developed flows discharging upon Ohmie's lands from Mill Village are intended to be as follows:

Discharge point L	110 cfs
Discharge point M	64 cfs
Discharge point P	181 cfs

Said discharge points are more fully described and shown upon Exhibit B.

In addition, a discharge point carrying the flows from the Oligarchy Ditch Overflow Structure as more fully described upon Exhibit A may also flow upon Ohmie's land.

4. That MVV makes no representation that any water will ever flow in any ditch constructed hereunder nor that MVV will ever construct said ditches shown on Exhibit A.

L OB

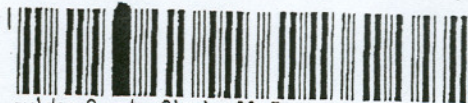




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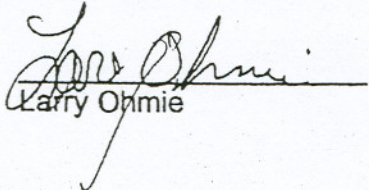
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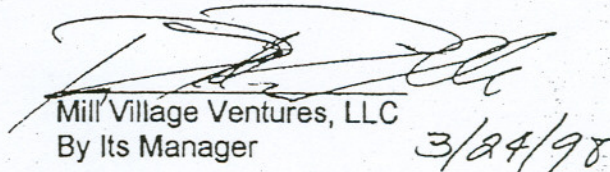
5. That MVV shall and does hereby grant, bargain, sell, release, and quitclaim to Ohmie, his successors and assigns, forever, all the right of flowage caused by the ditch, over Ohmie's land, if any of such rights shall be owned by MVV, which makes no representation as to owning any of such flowage. To have and to hold the same, together with all and singular the hereditaments and appurtenances thereunto belonging to MVV, its successors and assigns, if any, forever.
6. That Ohmie reserves all other uses and the right to use said property for any purpose not inconsistent with the ditch plans on Exhibit A and Exhibit B.

In Witness Whereof, the parties hereto have set their signatures.

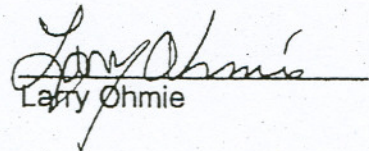
Grantor

  
Larry Ohmie

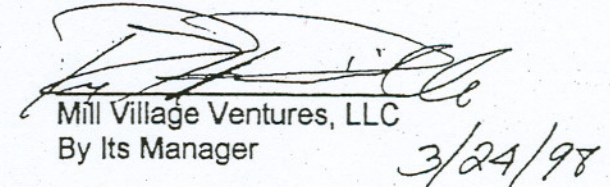
Grantee

  
Mill Village Ventures, LLC  
By Its Manager 3/24/98

Grantee

  
Larry Ohmie

Grantor

  
Mill Village Ventures, LLC  
By Its Manager 3/24/98

RECORDER'S NOTE: 7-10-01  
PORTION OF DOCUMENT IS A  
PHOTOCOPY.





Exhibit  
A-1



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### Easement Description

Sheet 1 of 2

An easement for drainage for the Mill Village Subdivision Drainage Easement located in the Northeast Quarter of Section 12, Township 2 North, Range 69 West of the 6th P.M., City of Longmont, County of Boulder, State of Colorado, more particularly described as follows:

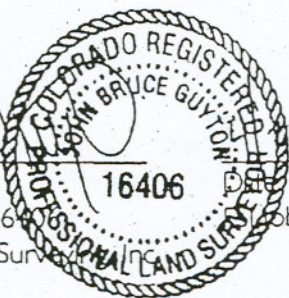
The basis of bearings for this description is along the North-South centerline of said Section 12 from the North Quarter corner to the Center Quarter corner and being South 00°19'35" East.

COMMENCING at the North Quarter corner of said Section 12; thence South 46°00'40" East a distance of 1,853.23 feet to a Southerly corner of Mill Village Filing No. 3 and the POINT OF BEGINNING; thence North 88°29'51" East a distance of 50.01 feet along a Southerly line of said Mill village Filing No. 3; thence South 00°12'53" East a distance of 378.56 feet; thence South 53°20'41" East a distance of 250.00 feet; thence South 00°12'53" East a distance of 467.23 feet; thence South 76°41'39" East a distance of 150.00 feet to a non-tangent curve to the right; thence along the arc of said non-tangent curve a distance of 716.15 feet, said curve having a radius of 3,989.83 feet, a central angle of 10°17'03" and being subtended by a chord which bears South 82°02'09" East a distance of 715.19 feet; thence South 00°06'15" East a distance of 170.75 feet to a point on the South line of said Northeast quarter of Section 12; thence South 88°37'05" West a distance of 1,103.66 feet along said South line; thence North 00°12'53" West a distance of 793.71 feet to a Southerly corner of said Mill Village Filing No. 3; thence North 00°12'53" West a distance of 531.00 feet along an Easterly line of said Mill Village Filing No. 3 to the POINT OF BEGINNING.

Said right-of-way containing 454,320 square feet (10.43 acres) more or less.

EXCEPT that portion of the 100 foot wide Chicago, Burlington and Quincy Railroad right-of-way lying within said parcel.

*John B. Guyton*  
John B. Guyton  
Colorado P.L.S. # 16406  
President, Flatirons Surveyors



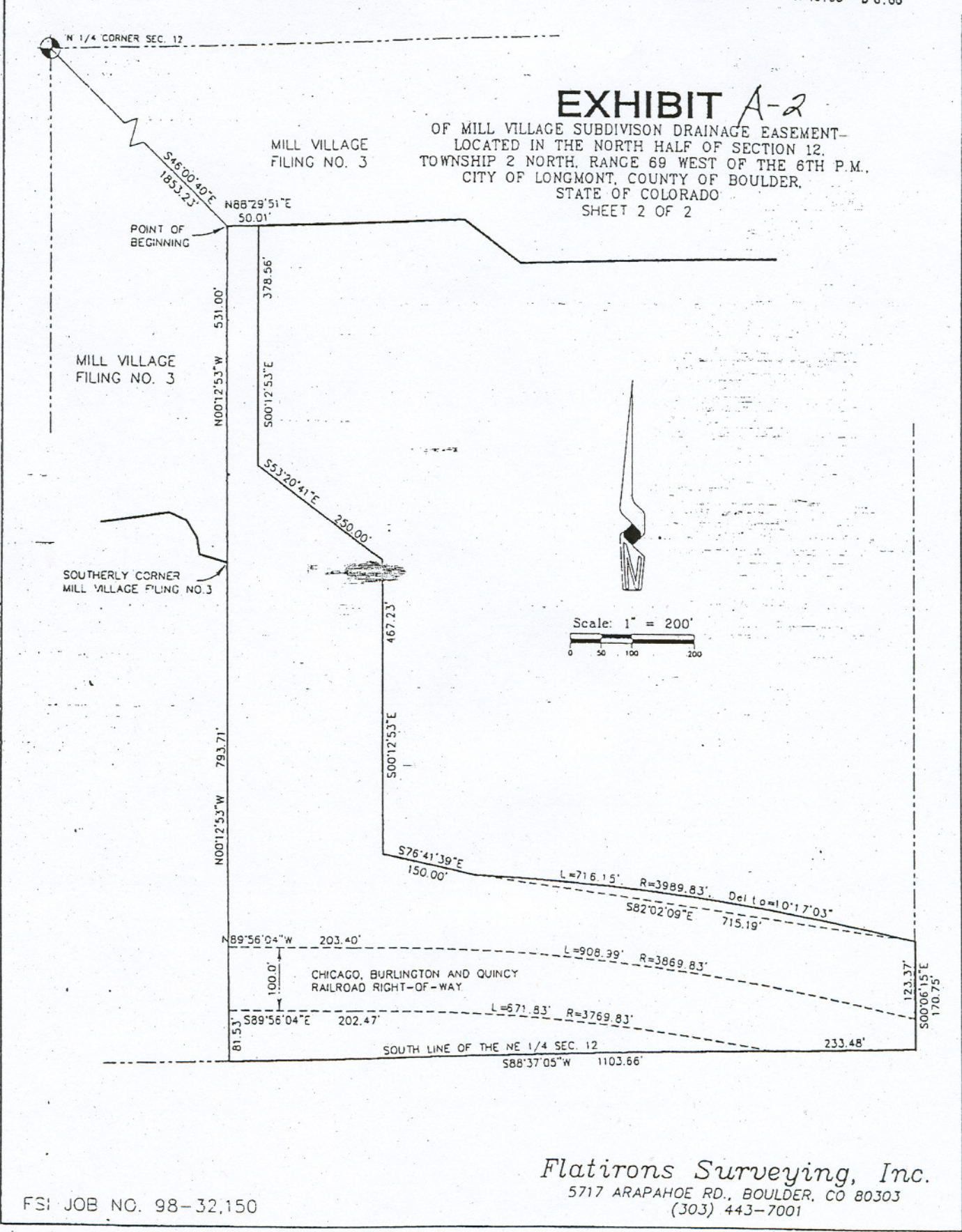
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Job No. 98-32,150



# EXHIBIT A-2

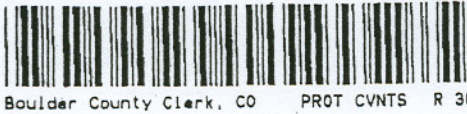
OF MILL VILLAGE SUBDIVISION DRAINAGE EASEMENT-  
 LOCATED IN THE NORTH HALF OF SECTION 12,  
 TOWNSHIP 2 NORTH, RANGE 69 WEST OF THE 6TH P.M.,  
 CITY OF LONGMONT, COUNTY OF BOULDER,  
 STATE OF COLORADO  
 SHEET 2 OF 2



Flatirons Surveying, Inc.  
 5717 ARAPAHOE RD., BOULDER, CO 80303  
 (303) 443-7001

FS: JOB NO. 98-32,150





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EXHIBIT A-3

# Exhibit A-3

## Easement Description

Sheet 1 of 2

A 20 foot wide drainage easement over, under and across a strip of land located in the Northeast Quarter of Section 12, Township 2 North, Range 69 West of the 6th P.M., City of Longmont, County of Boulder, State of Colorado, more particularly described as follows:

The basis of bearings for this description is along the North-South centerline of said Section 12 from the North Quarter corner to the Center Quarter corner and being South 00°19'35" East.

COMMENCING at the North Quarter corner of said Section 12; thence South 46°00'40" East a distance of 1,853.23 feet to a Southerly corner of Mill Village Filing No. 3; thence along the Southerly lines of Mill Village Filing No. 3 the following three courses and distances:

North 88°29'51" East a distance of 380.22 feet

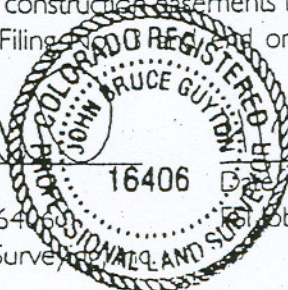
South 53°14'22" East a distance of 113.04 feet

North 88°29'51" East a distance of 328.75 feet to the POINT OF BEGINNING;

thence continuing North 88°29'51" East a distance of 20.01 feet; thence South 03°16'05" East a distance of 415.76 feet to a tangent curve to the right; thence along the arc of said tangent curve a distance of 160.61 feet, said curve having a radius of 380.00 feet, a central angle of 24°12'57", and being subtended by a chord which bears South 08°50'24" West a distance of 159.41 feet to a tangent line; thence South 20°56'52" West a distance of 458.17 feet along said tangent line to a point on the Northerly right-of-way of the Mill Village Subdivision Drainage Easement and a non-tangent curve to the left; thence along the arc of said non-tangent curve a distance of 20.67 feet, said curve having a radius of 3989.83 feet, a central angle of 00°17'58", and being subtended by a chord which bears North 83°39'06" West a distance of 20.67 feet; thence North 20°56'52" East a distance of 463.38 feet to a tangent curve to the left; thence along the arc of said tangent curve a distance of 152.15 feet, said curve having a radius of 360.00 feet, a central angle of 24°12'57", and being subtended by a chord which bears North 08°50'24" East a distance of 151.02 feet to a tangent line; thence North 03°16'05" West a distance of 416.37 feet along said tangent line to the POINT OF BEGINNING.

Said drainage easement to include a 10 foot wide construction easement adjacent to and on each side. The side lines of the construction easements to be shortened or lengthened to begin on the Southerly lines of Mill Village Filing No. 3 and on the Northeasterly lines of the Mill Village Subdivision Drainage Easement.

John B. Guyton  
Colorado P.L.S. # 16406  
President, Flatirons Surveyors, Inc. Job No. 98-32,150



Phone (303)443-7001

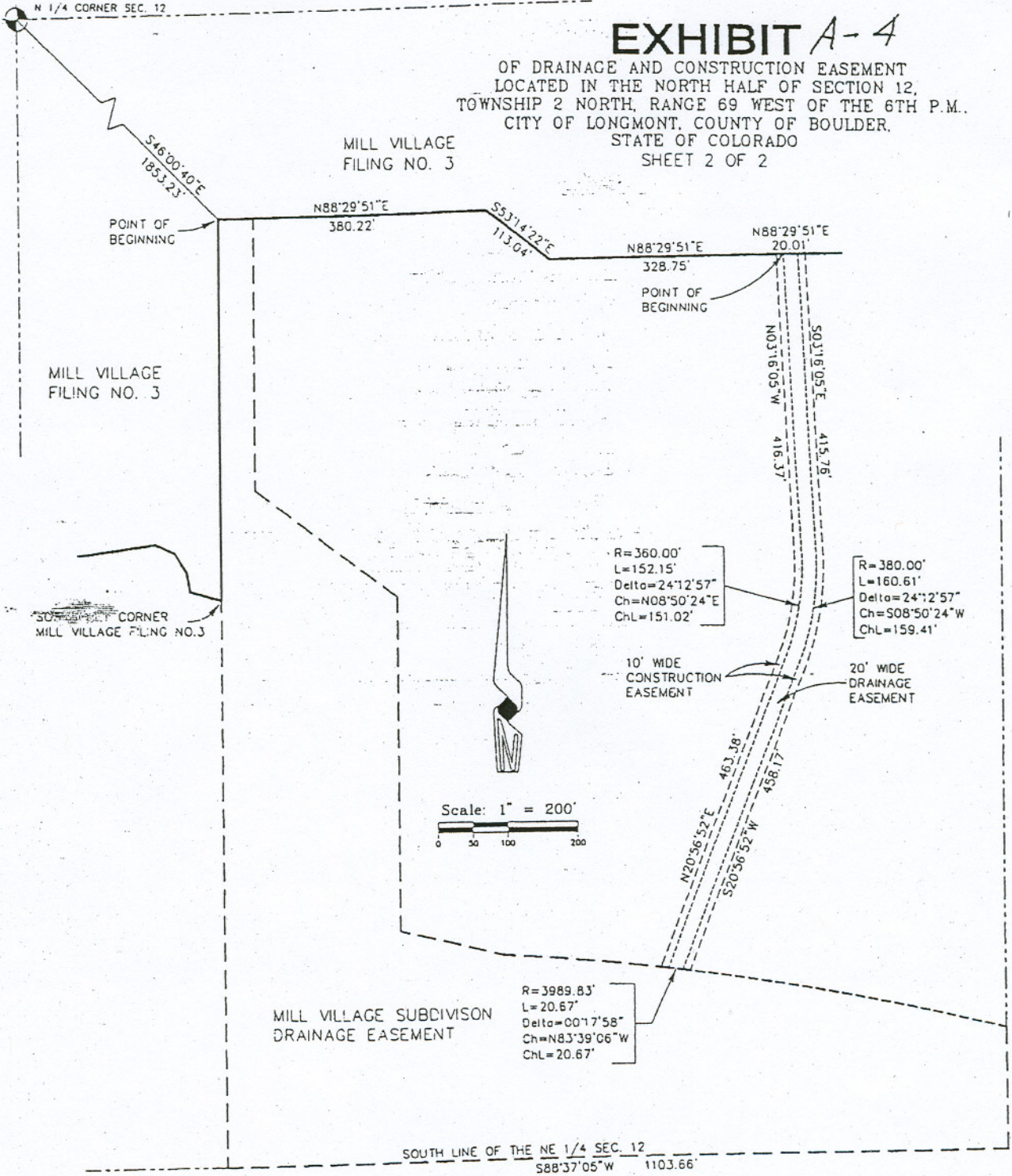
Fax (303)443-9830

<http://www.flatsurv.com>



# EXHIBIT A-4

OF DRAINAGE AND CONSTRUCTION EASEMENT  
 LOCATED IN THE NORTH HALF OF SECTION 12,  
 TOWNSHIP 2 NORTH, RANGE 69 WEST OF THE 6TH P.M.,  
 CITY OF LONGMONT, COUNTY OF BOULDER,  
 STATE OF COLORADO  
 SHEET 2 OF 2



Flatirons Surveying, Inc.  
 5717 ARAPAHOE RD., BOULDER, CO 80303  
 (303) 443-7001

FSI JOB NO. 98-32,150





Exhibit  
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## Easement Description

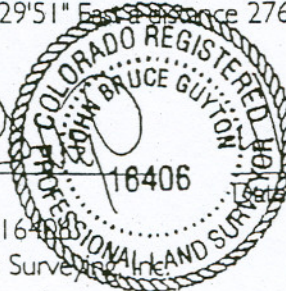
Sheet 1 of 2

A 10 foot wide easement for the installation and maintenance of a storm sewer line over, under and across a parcel of land located in the Northeast Quarter of Section 12, Township 2 North, Range 69 West of the 6th P.M., City of Longmont, County of Boulder, State of Colorado, more particularly described as follows:

COMMENCING at the most Southeast corner of MILL VILLAGE FILING NO. 2, said corner being the intersection of the South right-of-way line of Great Western Drive and the West right-of-way line of County Line Road; thence South  $88^{\circ}29'51''$  West along said South right-of-way line of Great Western Drive a distance of 470.42 feet to the POINT OF BEGINNING; thence South  $01^{\circ}30'09''$  East a distance of 10.00 feet; thence South  $88^{\circ}29'51''$  West along a line 10.00 feet South of and parallel with said South right-of-way line of Great Western Drive a distance of 276.18 feet to a tangent curve to the right; thence along the arc of said tangent curve a distance of 60.04 feet, said curve having a radius of 235.00 feet, a central angle of  $14^{\circ}38'14''$ , and being subtended by a chord which bears North  $84^{\circ}11'02''$  West a distance of 59.87 feet; thence North  $13^{\circ}08'05''$  East a distance of 10.00 feet to a point on said South right-of-way line of Great Western Drive and to a non-tangent curve to the left; thence along the Southerly right-of-way line of Great Western Drive the following two courses and distances:

1. thence along the arc of a non-tangent curve a distance of 57.48 feet, said curve having a radius of 225.00 feet, a central angle of  $14^{\circ}38'14''$ , and being subtended by a chord which bears South  $84^{\circ}11'02''$  East a distance of 57.32 feet to a tangent line;
2. North  $88^{\circ}29'51''$  East a distance 276.18 feet to the POINT OF BEGINNING.

*J. B. Guyton*  
John B. Guyton  
Colorado P.L.S. #16406  
President, Flatirons Surveyors, Inc.



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# EXHIBIT A-6

OF DRAINAGE EASEMENT LOCATED IN THE  
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH,  
RANGE 69 WEST OF THE 6TH P.M., CITY OF LONGMONT,  
COUNTY OF BOULDER, STATE OF COLORADO

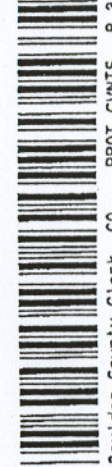
SHEET 2 OF 2

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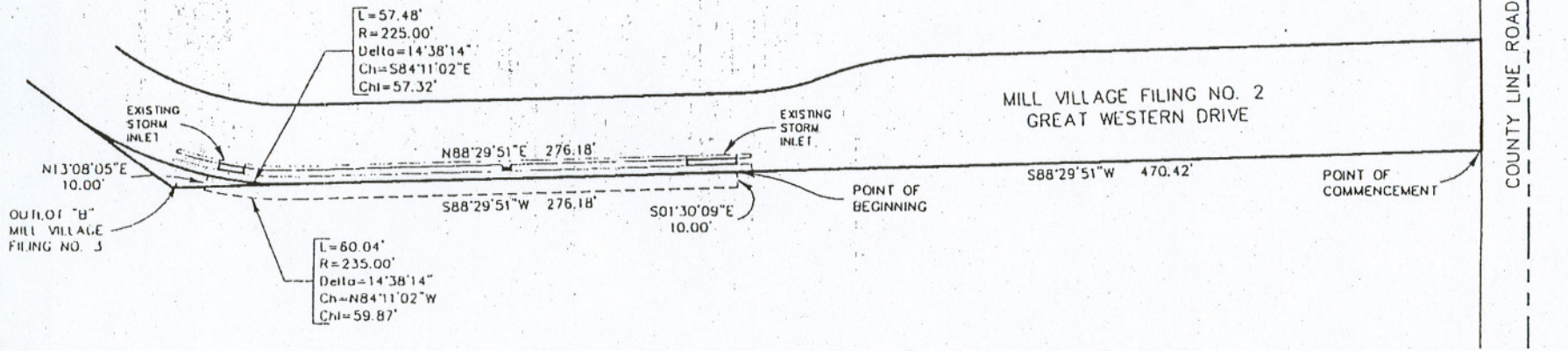
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Scale: 1" = 100'



*Flatirons Surveying, Inc.*  
5717 ARAPAHOE RD., BOULDER, CO 80303  
(303) 443-7001



# Exhibit B

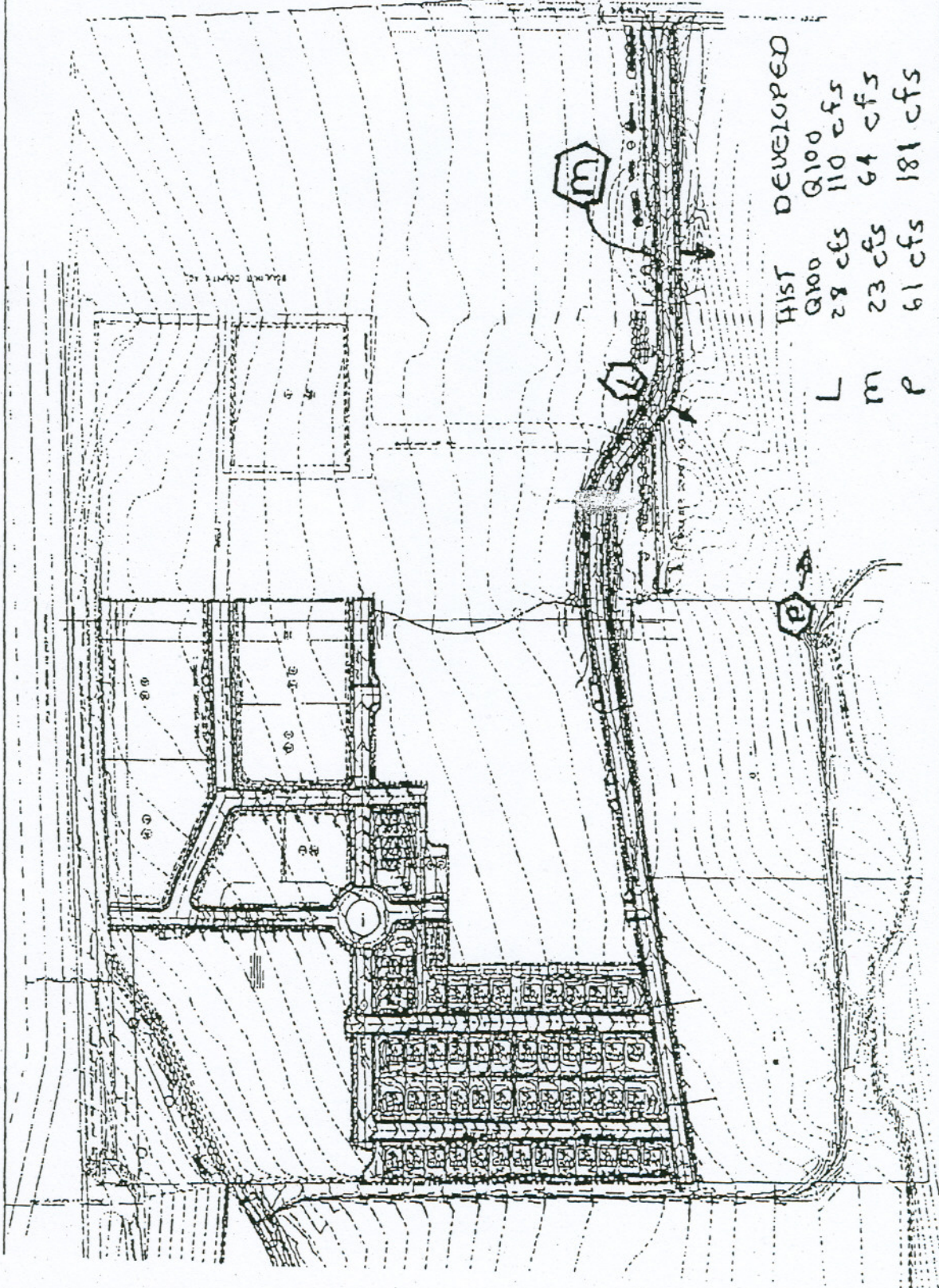
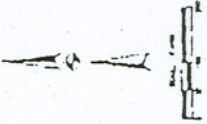
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	HIST	DEVELOPED
L	Q100 28 cfs	Q100 110 cfs
M	23 cfs	64 cfs
P	61 cfs	181 cfs

PLANNING AGENCY: KENTUCKIA LLC  
MILL VILLAGE ENTERPRISES LLC

PROJECT: MILL VILLAGE, PHASE 2  
PRELIMINARY SITE PLAN

DATE: 07/10/2001