

282265

EASEMENT DEED

This Easement Deed is made this 4th day of December, 1992, by and between IDARADO MINING COMPANY, a Colorado Corporation, whose address is: c/o Newmont Mining Company, 1700 Lincoln Street, Suite 3800, Denver, Colorado, 80203 ("Grantor"); and DALE ~~M~~J.DYER and BONNIE ~~M~~J.DYER, as joint tenants, (collectively, "Grantees"), who in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration paid by Grantees to Grantor, the receipt and sufficiency of which are hereby acknowledged, do hereby agree as follows:

WHEREAS, Grantor owns certain real property located in San Miguel County, Colorado which includes the property described on Exhibit "A," attached hereto and incorporated herein by reference, which property includes the areas marked as the "Easterly Idarado Easement" and the "Westerly Idarado Easement"; and

WHEREAS, Grantees own certain real property located in San Miguel County, Colorado which is subdivided into a subdivision known as The Falls Subdivision - PUD (the "Subdivision") which is adjacent to the Easterly Idarado Easement and the Westerly Idarado Easement and which is described in Exhibit "B" attached hereto (the "Dyer Property"); and

WHEREAS, The parties hereto intend hereby to create and convey to Grantees, their heirs and assigns, an easement for the benefit and use of the Dyer Property;

NOW THEREFORE, Grantor hereby conveys and delivers to Grantees perpetual non-exclusive easements over and across the areas described on Exhibit "A" as the "Easterly Idarado Easement" and the "Westerly Idarado Easement" as follows:

1. The Easterly Idarado Easement. The Easterly Idarado Easement shall be used for purposes of ingress, egress and access, the placement of underground utilities and for the construction of a roadway together with necessary retaining structures, cuts, fills, drainage improvements and earthwork and ongoing repair, maintenance and snow removal of said roadway and its associated improvements.

2. The Westerly Idarado Easement. The Westerly Idarado Easement shall be used for the same purposes as the Easterly Idarado Easement and in addition may be used for the placement of septic field facilities and water lines and associated improvements to serve the lots within the Subdivision and for similar uses necessary to serve land owned by Idarado, its successors and assigns ("Idarado Uses") lying westerly and adjacent thereto, provided the Idarado Uses are properly engineered, constructed and maintained so as not to interfere with the uses maintained for the benefit of the lots described on the Revised Plat.

Exhibit A
Pg. 1WESTERLY IDARADO EASEMENT

Beginning at a point whence Corner 1 of the Royer Creek Placer bears S 75° 09' 22" E, 448.24 feet;

1. Thence S 02° 44' 26" W, 79.76 feet;
2. Thence S 17° 02' 50" W, 103.08 feet;
3. Thence N 65° 45' 59" W, 169.56 feet;
4. Thence S 24° 14' 01" W, 104.90 feet to a point which lies on the north right-of-way line of Colorado State Highway 145 Spur.
5. Thence along said right-of-way northwesterly 88.29 feet along the arc of a circular concave to the north having a radius of 742.50 feet and a chord bearing N 71° 27' 07" W, 88.24 feet;
6. Thence N 60° 00' 00" E, 22.96 feet;
7. Thence northerly 53.15 feet along the arc of a circular curve concave to the west having a radius of 35.00 feet and a chord bearing N 16° 30' 00" E, 48.18 feet;
8. Thence N 27° 00' 00" W, 107.00 feet;
9. Thence northeasterly 185.25 feet along the arc of a circular curve concave to the southeast having a radius of 87.00 feet and a chord bearing N 34° 00' 00" E, 152.18 feet;
10. Thence S 85° 00' 00" E, 56.65 feet;
11. Thence S 19° 54' 14" W, 46.57 feet;
12. Thence S 75° 09' 22" E, 57.31 feet;
13. Thence N 89° 54' 40" W, 28.80 feet;
14. Thence S 00° 04' 28" W, 125.15 feet;
15. Thence S 89° 54' 50" E, 125.26 feet;
16. Thence N 00° 01' 14" E, 99.76 feet;
17. Thence S 75° 09' 22" E, 54.79 feet to the Point of Beginning.

The easement as described above contains 1.16 acres more or less.

WESTERLY IDARADO DISTRICT
SOUTHERN DISTRICT
SOUTHERN DISTRICT
SOUTHERN DISTRICT
SOUTHERN DISTRICT

Exhibit A

Pg. 2

EASTERLY IDARADO EASEMENT

Beginning at a point whence Corner 1 of the Royer Creek Place bears S 25° 55' 28" W, 52.21 feet:

1. Thence S 66° 31' 18" E, 101.22 feet;
2. Thence S 80° 49' 18" E, 183.79 feet;
3. Thence northeasterly 96.14 feet along the arc of a circular curve concave to the northwest having a radius of 125.00 feet and a chord bearing N 77° 08' 43" E, 93.79 feet;
4. Thence N 19° 59' 37" E, 50.61 feet;
5. Thence N 75° 07' 47" W, 89.74 feet;
6. Thence S 79° 11' 50" W, 55.00 feet;
7. Thence N 80° 49' 18" W, 100.00 feet;
8. Thence N 64° 54' 41" W, 133.80 feet;
9. Thence S 14° 52' 17" W, 87.11 feet;

The easement as described above contains 0.68 acres more or less.

RECORDED
501 NORTH 1ST AVENUE, SUITE 100
DENVER, COLORADO 80202
WILLIAM J. HARRIS
REGISTERED PROFESSIONAL SURVEYOR
NO. 12345