

PLAYGROUND EASEMENT AGREEMENT

THIS PLAYGROUND EASEMENT AGREEMENT (“Agreement”) is made and entered into as of this 3rd day of October, 2023, by and between the **DIVIDE GOLF**, a Limited Liability Company (“Grantor”), whose address is 1628 STS John Road, Suite 104, Keystone, CO 80435 and **LOGHILL VILLAGE PARK AND RECREATION DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (“District”) whose address is 180 Ponderosa Drive, Ridgway, CO 81432. Grantor and District are collectively referred to herein as, the “Parties.”

RECITALS

WHEREAS, Grantor is the owner of that certain real property located in Ouray County, Colorado, as legally described on **Exhibit B**, attached hereto and incorporated herein by this reference (“Grantor’s Property”); and

WHEREAS, District intends to construct, install, operate, maintain, repair, improve, and replace a recreational playground, landscaping and other related improvements over and across the Grantor’s Property (collectively, the “District Improvements”); and

WHEREAS, District desires to acquire, and Grantor is willing to convey to District, a perpetual non-exclusive easement over and across a portion of Grantor’s Property for the purposes stated herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, the Parties agree as follows:

- **Grant of Easement.** Grantor does hereby grant and convey, without warranty of title, unto the District, its successors and assigns, a permanent, non-exclusive easement (“Easement”) in, through, to, over, and across that portion of Grantor’s Property as legally described on **Exhibit A**, attached hereto and incorporated herein by this reference (“Easement Area”), together with all rights and privileges as are necessary or incidental to the reasonable and proper use of the Easement Area for the purposes stated herein.

- **Use of Easement Area.** The Easement Area may be used by the District, its agents, contractors and subcontractors for the purpose of constructing, installing, operating, maintaining, repairing, improving, and replacing the District Improvements. In addition, the Easement Area may be used by members of the general public for recreation purposes, subject to such rules and regulations as the District may adopt from time to time. The District may install signage within the Easement Area identifying the recreational playground, its location, use, rules and other matters that relate to the use and protection of the Easement Area and District Improvements.

235832

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Cristy Lynn Sulewski, Clerk & Recorder

Ouray County, CO

10-11-2023 09:47 AM Recording Fee \$48.00



- **District Improvements.** The District Improvements shall consist of such materials and shall be of such design as the District determines appropriate.

- **Costs/Permits.** The District shall pay all costs of constructing the District Improvements within the Easement Area and District shall thereafter be responsible for all repair, maintenance and replacement of the District Improvements. The District shall also be responsible for acquisition of all permits and/or licenses as may be required from any governmental entity exercising jurisdiction over the District's activities within the Easement Area.

- **No Improvements.** Except as specifically authorized in this Agreement, Grantor shall not place or construct, or permit the placement or construction of any structure, landscaping or any other improvement within the Easement Area, that would interfere with the District's uses and rights as set forth in this Agreement, without the District's prior written consent.

- 5.1 **Existing Improvements.**

Any existing trees, landscaping, structures and other improvements located within the Easement Area (collectively, the "Existing Improvements") may be removed by the District for purposes of constructing the District Improvements; provided, however, that any Existing Improvements to be removed will be identified by District in advance. If required by Grantor, the Parties shall agree on a written plan for the replacement of the Existing Improvements and/or the revegetation of the affected portion of the Easement Area.

- **Maintenance of the District Improvements.** Once constructed, the District shall be responsible for maintaining the District Improvements in good repair and to a level commensurate with the overall quality of the District's other recreational playgrounds that are open to and for the benefit of the general public.

- **Reservation of Rights.** Grantor reserves the right to use and occupy the Easement Area for any purpose not inconsistent with the rights and privileges granted herein to the District.

- **Abandonment.** In case the District shall abandon its rights herein granted or in the event that the District Improvements are abandoned, such that the public will cease to use the District Improvements located on Grantor's Property, all right, title and interest of the District hereunder shall cease and terminate.



• **Notices.** All notices, demands, requests and other communications required or made under this Agreement shall be in writing and delivered only by way of personal service or United States mail, first class, postage pre-paid to the following parties:

If to Grantor:	Divide Golf, LLC Paul Stashick, Sole owner 1628 STS John Road, Suite 104 Keystone, CO 80435
If to District:	Dickson Pratt, President Loghill Village Park and Recreation District 180 Ponderosa Drive Ridgway, Colorado 81432
With a copy to:	Collins Cole Flynn Winn & Ulmer, PLLC Attn: Allison Ulmer 165 South Union Boulevard, Suite 785 Lakewood, CO 80228

• **Governing Law and Venue.** This Agreement shall be interpreted in accordance with the laws of the State of Colorado and venue for any legal action shall lie in the District court in and for the County of Ouray, State of Colorado.

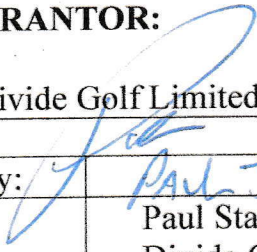
• **Entire Agreement.** This Agreement constitutes the entire understanding of the matter between the parties and no modification, change or alteration of the Agreement will be of force and effect unless in writing executed by the parties.

• **Successors and Assigns.** The rights and obligations of this Agreement shall be appurtenant to and deemed to run with the Grantor's Property. This Agreement shall be recorded in the real property records of Ouray County, Colorado.

[Signature Pages Follow]



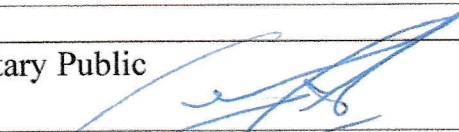
IN WITNESS WHEREOF, the Parties have executed this Playground Easement Agreement as of the day and year first above written.

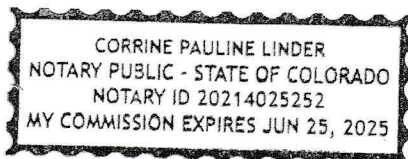
GRANTOR:	
Divide Golf Limited Liability Company	
By:	
	Paul Stashick, Sole owner Divide Golf, LLC

STATE OF COLORADO)	
)	ss.
COUNTY OF OURAY Summit)	

The foregoing instrument was acknowledged before me this 3rd day of October, 2023 by Paul Stashick, as sole owner, of Divide Golf, LLC.

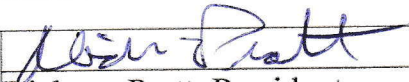
Witness my hand and official seal.

My commission expires:	<u>06/25/2025</u>	
	Notary Public	

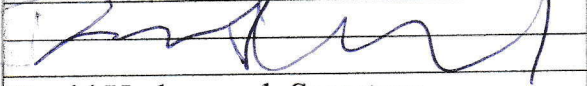


DISTRICT:

LOGHILL VILLAGE PARK AND RECREATION DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

By: 
Dickson Pratt, President

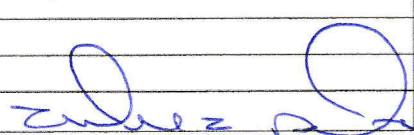
Attest:


David Underwood, Secretary

STATE OF COLORADO)	
)	ss.
COUNTY OF OURAY)	

The foregoing instrument was acknowledged before me this 3rd day of October, 2023 by Dickson Pratt, as President of Loghill Village Park and Recreation District, a quasi-municipal corporation and political subdivision of the State of Colorado.

Witness my hand and official seal.

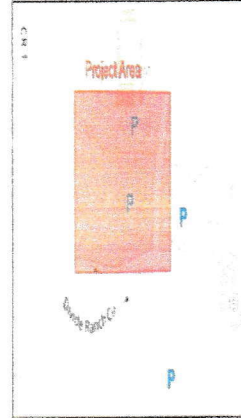
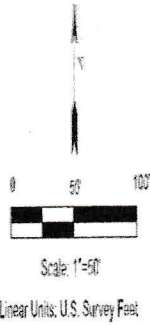
My commission expires:	<u>01.27.2025</u>	
	Notary Public	

ANDREA POLAND
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20174001733
My Commission Expires January 27, 2025



Exhibit A - Playground Easement

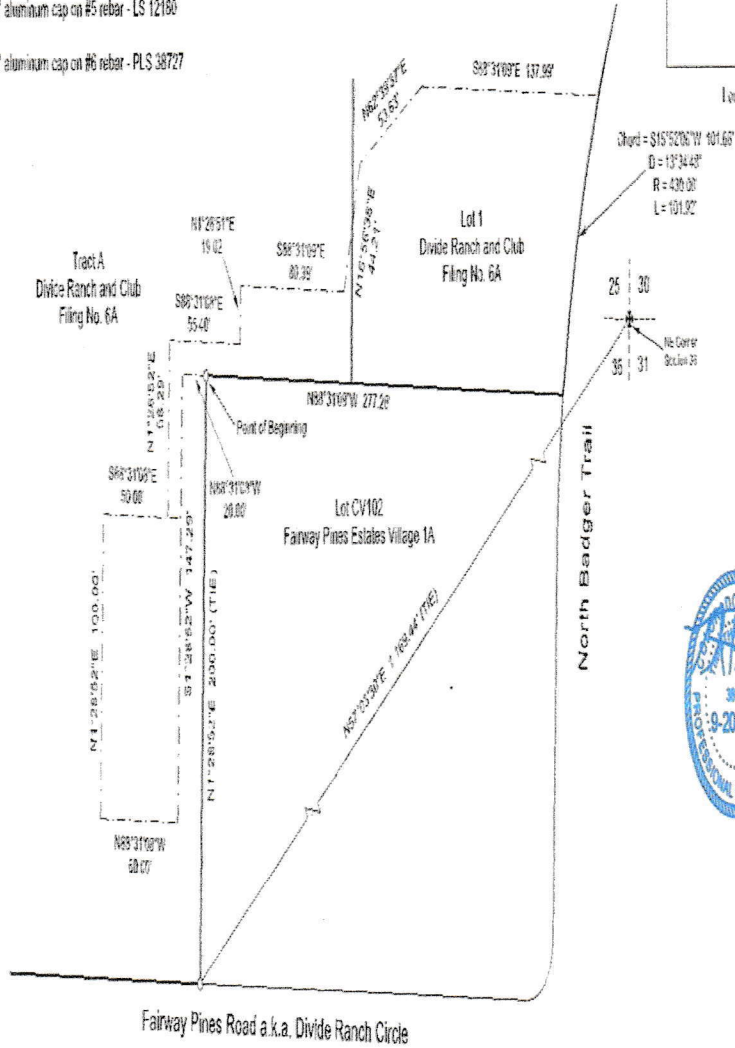
Lot 1 & Tract A
 Divide Ranch and Club Filing No. 6A
 NE 1/4 of Section 36, T46N, R9W, N.M.P.M.
 County of Ouray, State of Colorado



Location Map - not to scale

○ - Found 1-1/2" aluminum cap on #5 rebar - LS 12180

⊕ - Found 2-1/2" aluminum cap on #6 rebar - PLS 38727



IsamPC

B

EXHIBIT

Legal Description of the Grantor's Property

Lot 1 and Tract A
Divide Ranch and Club Filing 6a
NE Corner of Section 36, T46N, R9W, N.M.P.M.

County of Ouray, State of Colorado



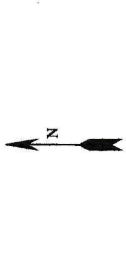
Exhibit A - Playground Easement

Lot 1 & Tract A

Divide Ranch and Club Filing No. 6A

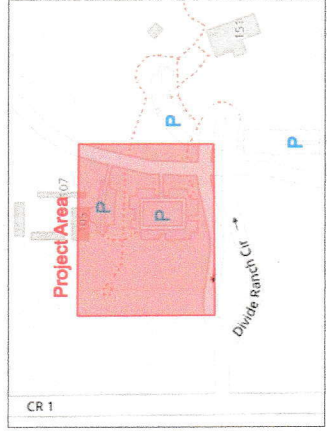
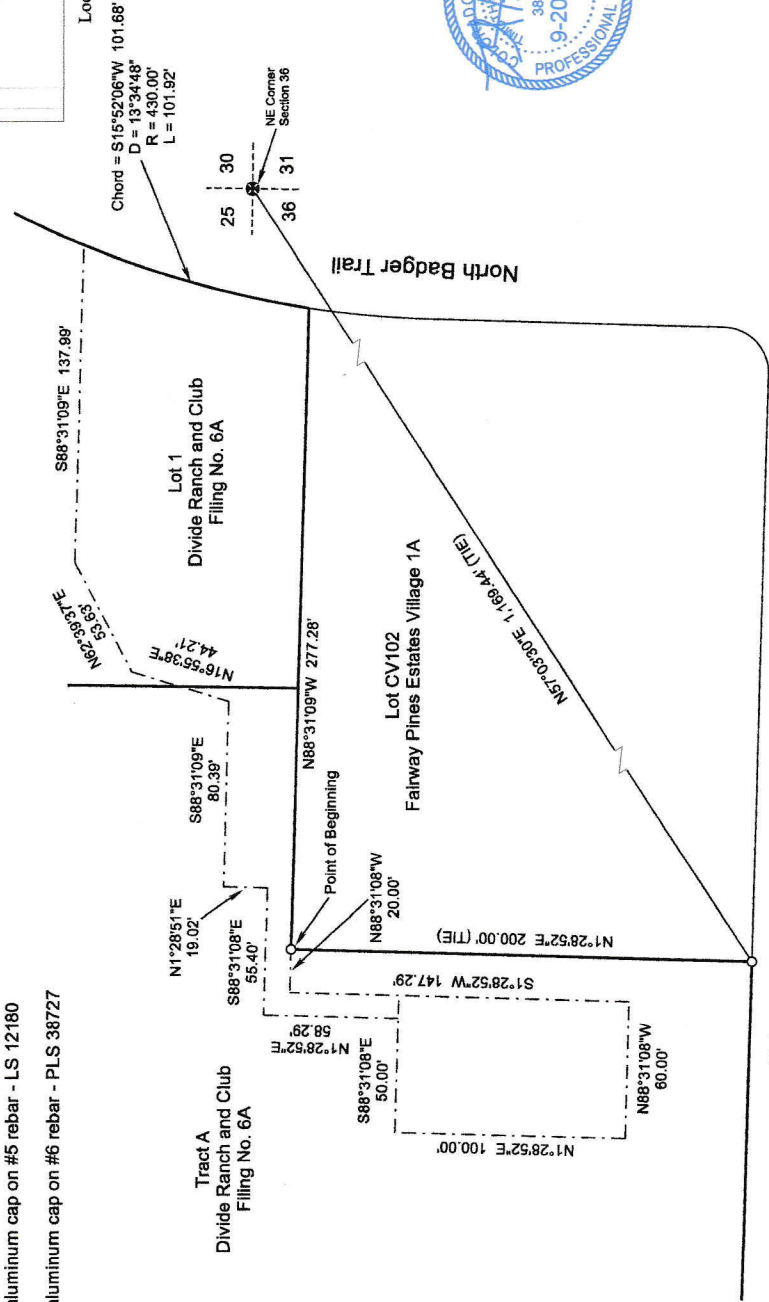
NE 1/4 of Section 36, T46N, R9W, N.M.P.M.

County of Ouray, State of Colorado



Scale: 1"=50'
Linear Units: U.S. Survey Feet

- - Found 1-1/2" aluminum cap on #5 rebar - LS 12180
- ⊙ - Found 2-1/2" aluminum cap on #6 rebar - PLS 38727



Location Map - not to scale

