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COUNTY OF JEFFERSON
STATE OF COLORADO
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DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

15.5
CASE NO. 84 CV 2998, Division 5

ORDER

WASHINGTON INDUSTRIAL BANK, a Colorado corporation,

Petitioner,

vs.

WILLOWBROOK ASSOCIATION, INC., a Colorado non-profit corporation,
and RUTH M. KLEIN, TRUSTEE,

Respondents.

CASE NO. 86 CV 1546

WASHINGTON INDUSTRIAL BANK, a Colorado corporation,

Plaintiff,

vs.

FIRST CAPITOL CORPORATION, a Colorado corporation, and KEN-CARYL
RANCH CORPORATION, a Delaware corporation.

Defendants.

This matter having come on for hearing for determination of Washington Industrial Bank's First Claim for Relief in Civil Action 86 CV 1546, in the District Court for the County of Jefferson, State of Colorado, and Plaintiff being present through counsel, and Defendant First Capitol Corporation being present through counsel, and the Court having reviewed the pleadings, heard the testimony and arguments of counsel, enters the following findings of fact and Order:

1. That Washington Industrial Bank is the owner of property identified as:

A portion of the Northwest one-quarter of Section 19, Township 5 South, Range 69 West of the 6th Principal Meridian, County of Jefferson, State of Colorado, being more particularly described as follows:

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Commencing at the Northwest corner of said Section 19, said point being the true Point of Beginning; thence N89°52'01"E and along the North line of the Northwest one-quarter of said Section 19 a distance of 2,551.57 feet to the North one-quarter corner of said Section 19; thence S00°00'28"W and along the North-South centerline of said Section 19 a distance of 600.00 feet; thence S89°52'01"W a distance of 2,550.64 feet to a point on the West line of the Northwest one-quarter of said Section 19; thence N00°04'52"W and along the West line of the Northwest one-quarter of said Section 19 a distance of 600.00 feet to the true Point of Beginning,

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The East 1,600 feet of a parcel of property situated in the Northwest one-quarter of Section 19, Township 5 South, Range 69 West of the 6th Principal Meridian more particularly described as follows:

Beginning in the Northwest corner of said Section 19, thence S89°55'8"E a distance 2,551.57 feet to the North one-quarter corner of Section 19, thence S0°13'19" W a distance of 600 feet to a point, thence N89°55'8"W a distance of 2,550.64 feet to a point of the West line of said Section 19, thence N0°7'59"E a distance of 600 feet to the point of beginning,

known as 5900 South Crest Brook Drive

and hereinafter referred to as Parcel B.

2. That First Capitol Corporation is the owner of property identified as:

A portion of the Northwest one-quarter of said Section 19 in Township 5 South, Range 69 West of the 6th Principal Meridian more particularly described as follows:

Commencing at the West one-quarter corner of said Section 19 said point being the true point of beginning; thence N00°04'52"W and along the West line of the Northwest

one-quarter of said Section 19 a distance of 2,039.18 feet; thence N89°52'01"E and parallel to the North line of the Northwest one-quarter of said Section 19 a distance of 2,550.64 feet to a point on the East line of the Northwest one-quarter of said Section 19; thence S00°00'28"W and along the East line of the Northwest one-quarter of said Section 19 a distance of 2,040.01 feet; to the Southeast corner of the Northwest one-quarter of said Section 19; thence S89°53'08"W and along the South line of the Northwest one-quarter of said Section 19 a distance of 2,547.47 feet to the true point of beginning, containing 119.353 acres

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hereinafter referred to as parcel A.

3. That Washington Industrial Bank has filed an action against Willowbrook Association, Inc., in Civil Action 84 CV 2998, in the District Court for the County of Jefferson, State of Colorado, in the nature of a private condemnation.

4. That Washington Industrial Bank subsequently filed an action against First Capitol Corporation and Ken-Caryl Ranch Corporation, Civil Action 86 CV 1546, above referenced.

5. That the actions were consolidated and a hearing was set to determine as a preliminary matter the allegations of Plaintiff Washington Industrial Bank in its First Claim for Relief in Case No. 86 CV 1546, above referenced, which matter came on for hearing on March 24, 1987.

6. That Washington Industrial Bank has granted to Defendant Ken-Caryl Ranch Corporation an extension of time to answer until such time as the issue involving Defendant First Capitol Corporation is determined.

7. That Plaintiff Washington Industrial Bank and Defendant First Capitol Corporation have stipulated that Washington Industrial Bank is entitled to an ingress/egress easement across the property of First Capitol Corporation, above defined as Parcel A, connecting Washington Industrial Bank's property, above defined as Parcel B, with the North Ranch Road, a county road abutting Parcel A.

8. That Washington Industrial Bank shall have a fifty foot non-exclusive ingress/egress easement over property of First Capitol Corporation identified as Parcel A.

9. That the easement in question shall connect Parcel B to the North Ranch Road in the North Ranch and shall provide for vehicular and pedestrian traffic.

10. That the easement shall be twenty-five feet on either side of the centerline of the existing easement which presently connects the North Ranch Road to Parcel B and which is further identified in a right-of-way easement from First Capitol Corporation or its predecessor in interest to Ken-Caryl Ranch Corporation and recorded at Reception No. 79018071 in the records of the Office of the Clerk and Recorder, County of Jefferson, State of Colorado. 4

11. That neither First Capitol Corporation nor Washington Industrial Bank shall have any responsibility for improving or maintaining the easement granted herein. Should Washington Industrial Bank desire to make improvements within the easement, it shall be entitled to do so upon written notice thereof to First Capitol Corporation given not less than ten nor more than thirty days prior to the commencement of said improvement work. Said notice of improvement shall include a statement of location and nature of the work and improvements to be performed.

12. That First Capitol Corporation may, on prior written notice to Plaintiff, relocate the easement, or any part thereof, so long as First Capitol Corporation provides Washington Industrial Bank with a comparable road and continuing ingress/egress access and so long as the terminus of the easement at the Washington Industrial Bank/First Capitol Corporation property line remains in the same position. Should First Capitol Corporation dedicate a road across Parcel A to the County of Jefferson as part of a platting process or any other process, Washington Industrial Bank shall sign any such plat or other document required by the County, and permit its easement to become a dedicated public right-of-way.

13. That granting of the easement by First Capitol Corporation and acceptance thereof by Washington Industrial Bank shall not constitute a limitation on the part of either party as to the utilization of their respective properties, Parcel A and Parcel B. Should either First Capitol Corporation or Washington Industrial Bank petition Jefferson County for platting, subdivision, or any other permission to use their parcel of property in a particular way, that party shall provide the other party with notice of such filing at the time it is filed and thereby provide the other party with the full opportunity to appear, comment, approve, object, or seek limitations as may be available through the county zoning procedures.

14. That Washington Industrial Bank shall have the right to require of Defendant Ken-Caryl Ranch Corporation a response to the Second Claim for Relief in Civil Action 86 CV 1546, above referenced, and proceed to a determination of the issues raised therein.

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15. That the easement granted by this Order shall run with the land and be binding upon the parties, their successors and assigns.

DONE IN OPEN COURT this 4 day of May, 1987.

Stephen F. Perrone

District Court Judge

APPROVED AS TO FORM BY:

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DISTRICT COURT
County of Jefferson, Colorado
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Clerk of the District Court
By: *J. J. Devitt*
Deputy Clerk
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