

SOUTHEAST METRO STORMWATER AUTHORITY
Acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 12-43

Authorization to Accept a Special Warranty Deed from Utes Real Estate Company

WHEREAS, SEMSWA has been organized to manage and maintain regional stormwater facilities within its boundaries; and

WHEREAS, Havana Tributary A to Cottonwood Creek, a regional stormwater conveyance channel, traverses through a parcel known as Tract A Fulton Valley Professional Offices Subdivision A Replat of Lot 8 Rampart Business Center Filing No. 6, which is further depicted in Exhibit A; and

WHEREAS, Tract A, Fulton Valley Professional Offices Subdivision, County of Arapahoe, State of Colorado (Property) is owned by Utes Real Estate Company; and

WHEREAS, fee title to the Property would enable SEMSWA to maintain the existing tributary and stormwater facilities within Tract A to function effectively and efficiently; and

WHEREAS, the SEMSWA Board has determined that it is in the best interest of the citizens living and working within SEMSWA's boundaries to accept a Special Warranty Deed to the Property.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board authorizes the acceptance of the Special Warranty Deed from Utes Real Estate Company to Tract A, Fulton Valley Professional Offices Subdivision, County of Arapahoe, State of Colorado which is attached hereto as Exhibit B.

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

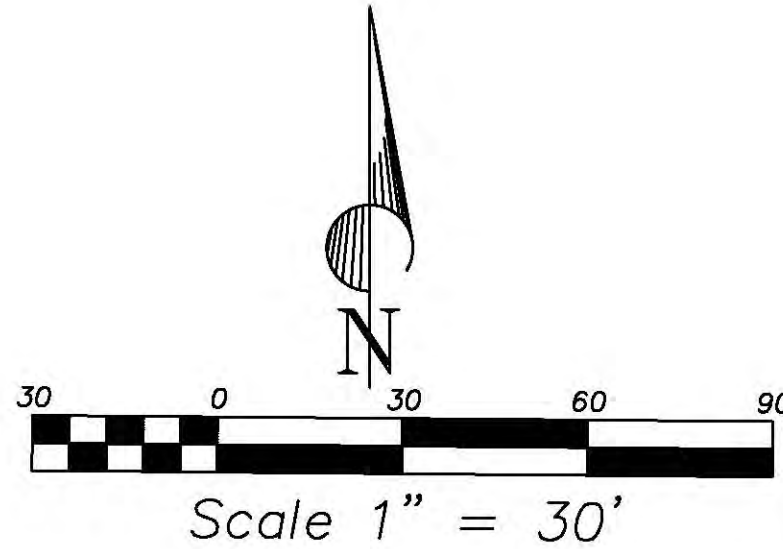
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

REPLAT
FULTON VALLEY PROFESSIONAL OFFICES
SUBDIVISION

A REPLAT OF LOT 8, RAMPART BUSINESS CENTER FILING NO. 6

PART OF THE E 1/2 OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF CENTENNIAL, ARAPAHOE COUNTY, STATE OF COLORADO

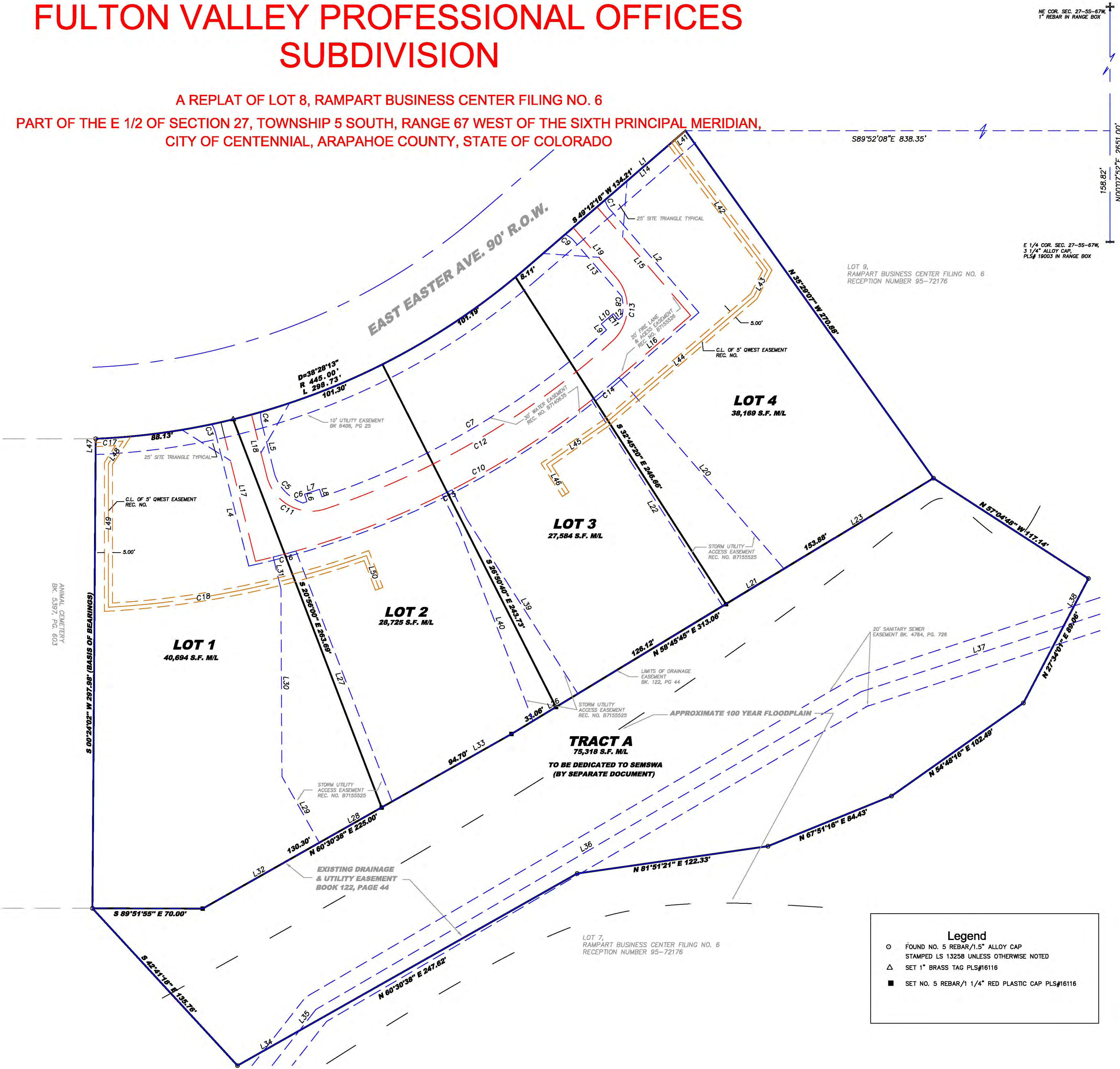


EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 49°12'18" W	67.46'
L2	S 40°47'42" E	87.68'
L3	S 49°12'18" W	65.24'
L4	N 14°01'55" W	87.37'
L5	S 14°01'55" E	34.59'
L6	N 18°04'12" W	5.00'
L7	N 72°00'23" E	10.00'
L8	S 18°04'12" E	5.00'
L9	N 40°47'42" W	5.00'
L10	N 49°12'18" E	10.00'
L11	S 40°47'42" E	5.00'
L12	N 49°12'18" E	3.10'
L13	N 40°47'42" W	47.73'
L14	S 49°12'18" W	74.15'
L15	S 40°47'42" E	91.00'
L16	S 49°12'18" W	60.06'
L17	N 13°57'13" W	91.02'
L18	S 13°57'13" E	40.55'
L19	N 40°47'42" W	41.87'
L20	S 40°45'25" E	160.46'
L21	S 58°48'01" W	45.56'
L22	S 32°29'11" E	154.96'
L23	S 58°48'01" W	110.77'
L24	S 26°44'03" E	20.78'
L25	S 26°44'03" E	23.71'
L26	S 58°48'01" W	33.32'
L27	S 20°59'17" E	170.27'
L28	S 60°30'38" W	52.99'
L29	N 29°29'22" W	48.22'
L30	N 00°18'10" W	118.95'
L31	N 13°33'47" W	20.87'
L32	N 60°30'38" E	84.99'
L33	N 60°14'41" E	103.03'
L34	N 60°30'38" E	45.17'
L35	N 38°00'39" E	17.04'
L36	N 59°45'00" E	400.00'
L37	N 72°00'00" E	159.66'
L38	S 27°34'01" W	33.91'
L39	S 32°27'50" E	131.41'
L40	S 21°00'08" E	131.08'

CENTERLINE OF QWEST EASEMENT LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L41	S 49°12'18" W	11.63'
L42	S 36°50'58" E	101.37'
L43	S 27°31'39" W	18.60'
L44	S 49°27'07" W	123.91'
L45	S 55°09'32" W	45.61'
L46	S 32°45'20" E	22.60'
L47	S 00°24'02" W	2.50'
L48	S 33°03'15" W	17.07'
L49	S 00°00'00" W	91.15'
L50	S 20°56'00" E	22.57'

EASEMENT CURVE TABLE					
NUMBER	IC	CD	R'	L'	LC'
C1	15°53'35"	S 25°01'06" E	20.00	5.55	5.53
C2	28°25'31"	S 63°25'02" W	538.00	266.91	264.18
C3	16°40'28"	N 23°45'19" W	20.00	5.82	5.80
C4	16°26'35"	S 03°08'39" E	20.00	5.74	5.72
C5	52°52'07"	S 44°10'31" E	29.00	26.76	25.82
C6	00°18'28"	N 72°43'24" E	508.00	2.73	2.73
C7	23°46'40"	N 59°36'57" E	508.00	210.82	209.31
C8	25°33'35"	N 01°05'48" W	29.00	12.94	12.83
C9	15°58'48"	N 55°37'25" W	20.00	5.58	5.56
C10	27°54'31"	S 63°09'33" W	536.00	261.08	258.51
C11	94°35'07"	S 61°15'06" E	29.00	47.87	42.62
C12	23°32'46"	N 59°40'23" E	516.00	212.05	210.56
C13	88°41'17"	N 03°34'46" E	29.00	44.89	40.54
C14	02°25'12"	N 50°24'07" E	536.00	22.64	22.64
C15	00°44'56"	N 63°17'06" E	536.00	7.01	7.00
C16	01°35'38"	N 75°03'12" E	536.00	14.91	14.91

CENTERLINE OF QWEST EASEMENT CURVE TABLE			
NUMBER	DIRECTION	DISTANCE	LC'
C17	02°14'02"	N 86°32'36" E	17.45
C18	16°12'10"	N 78°41'11" E	166.96



Legend

○

 FOUND NO. 5 REBAR/1.5" ALLOY CAP
STAMPED LS 13258 UNLESS OTHERWISE NOTED

△

 SET 1" BRASS TAG PLS#16116

■

 SET NO. 5 REBAR/1 1/4" RED PLASTIC CAP PLS#16116

SPECIAL WARRANTY DEED

THIS DEED, made this 20th day of November, 2012, between **UTES REAL ESTATE COMPANY**, a Colorado Corporation, of the County of Boulder, State of Colorado, Grantor, and the **SOUTHEAST METRO STORMWATER AUTHORITY**, a political subdivision and a public corporation of the State of Colorado, with a legal address of 76 Inverness Dr. E. Englewood, Colorado 80112, of the County of Arapahoe, State of Colorado, Grantee;

WITNESSETH, That Grantor, for and in consideration of the sum of Less Than Five Hundred Dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's heirs, successors, and assigns forever, all the real property, together with all improvements, if any, situate, lying and being in the County of Arapahoe, State of Colorado, described as follows:

Tract A
Fulton Valley Professional Offices Subdivision
A Replat of Lot 8 Rampart Business Center Filing No. 6
The Replat being recorded in the records of the Clerk and Recorder of Arapahoe County on November 7, 2012 at Reception No. D2128678
County of Arapahoe, State of Colorado

Reserving, however, unto the Grantor, a non-exclusive easement benefiting each of Lots 1, 2, 3 and 4, Fulton Valley Professional Offices Subdivision, over Tract A for the construction, maintenance, installation, reinforcement, repair and removal of a sanitary sewer service connection to the sewer line running through Tract A. Such sanitary sewer easement being recorded in the records of the Clerk and Recorder of Arapahoe County on May 27, 1986 in Book 4764 at Page 726

also known by street and number as: vacant land;

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee's heirs, successors, and assigns forever. Grantor, for Grantor and Grantor's heirs, successors, and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's heirs, successors, and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, and those items listed in **Exhibit A** attached hereto.

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth above.

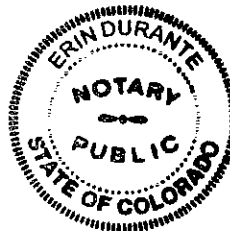
UTES REAL ESTATE COMPANY:

By: Corey Wagner, Vice President

STATE OF COLORADO)

COUNTY OF Arapahoe)

) ss.



My Commission Expires 08/05/2013

The foregoing instrument was acknowledged before me this 20th day of November, 2012, by Corey Wagner as Vice President of Utes Real Estate Company.

Witness my hand and official seal.

My commission expires: 8/5/13

[Signature]
Notary Public

EXHIBIT A

An easement for utility lines and incidental purposes granted to Castlewood Sanitation District by the instrument recorded May 27, 1986 in Book 4764 at Page 726.

Any assessment or lien of Local Improvement District No. 5 as disclosed by the instrument recorded July 7, 1987 in Book 5200 at Page 786; January 20, 1995 in Book 7389 at Page 300; and January 20, 1995 in Book 7839 at Page 302.

An easement for utility lines and incidental purposes granted to Public Service Company of Colorado by the instrument recorded March 16, 1992 in Book 6406 at Page 25.

Terms, conditions, provisions, agreements and obligations specified under the Subdivision Improvement Agreement and Restriction on Conveyance recorded May 16, 1995 in Book 7955 at Page 42.

Easements, notes, terms, conditions, provisions, agreements and obligations as shown on the plat of Rampart Business Center, Filing No. 6 recorded July 21, 1995 in Book 122 at Page 44.

Terms, agreements, provisions, conditions, obligations, (including common expenses, fees and costs under the Common Interest Ownership Act) easements and restrictions, if any, which do not contain a forfeiture or reverter clause, (deleting any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as contained in instrument recorded August 18, 1995 at Reception No. in Book 8073 at Page 613 and First Amendment recorded May 13, 1997 at Reception No. A7056196.

Easements as reserved in Resolution No. 499-95B of the Board of County Commissioners of Arapahoe County recorded August 29, 1995 in Book 8085 at Page 360.

Easements, terms, conditions, provisions, agreements and obligations specified under the Easement, Maintenance Agreement and Authorization for Increased Use of Existing Easements recorded September 24, 1997 at Reception No. A7120322.

Terms, conditions, provisions, agreements and obligations specified under the Easement and Maintenance Agreement recorded May 19, 1999 at Reception No. A9083680.

Terms, conditions, provisions, agreements and obligations specified under the Agreement Relating to the Development of Rampart Business Center #6 Lot 81 Rampart Office recorded December 22, 1999 at Reception No. A9199344.

Amendment One to the Subdivision Improvement Agreement dated September 7, 1999 recorded September 12, 2000 at Reception No. B0116061.

Reservations made by the Union Pacific Railway Company in Deed recorded November 9, 1889 in Book 547 at Page 312, providing substantially as follows: Reserving unto the company and its assigns all coal that may be found underneath surface of land herein described and the exclusive right to prospect and mine for same, also such right of way and other grounds as may appear necessary for proper working of any coal mines that may be developed upon said premises, and for transportation of coal from same; and any and all assignments thereof or interests therein.

The effect of Resolution of the City Council of the City of Centennial, Colorado approving the Fulton

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Valley Professional Offices Final Development Plan, Case No. LU-0603099 recorded December 7, 2006 at Reception No. B6172663.

Any assessments or liens based upon assessments imposed by any recorded declaration of covenants, conditions or restrictions or imposed by law for the benefit of a homeowners association or a common interest ownership association.

Concrete spillway and concrete trickle channel as disclosed by survey by Frontler Surveying, Inc., dated January 27, 2006, Job No. 06-105.

Terms, conditions, provisions, agreements, easements and obligations specified under the Easement Agreement by and between Rampart 8 Partners LLC, a Colorado limited liability company and the City and County of Denver, acting by and through its Board of Water Commissioners recorded November 2, 2007 at Reception No. B7140635.

Terms, agreements, provisions, conditions and obligations as contained in Fulton Valley Professional Offices Final Development Plan recorded December 12, 2007 at Reception No. B7155519.

Terms, agreements, provisions, conditions and obligations as contained in Subdivision Improvement Agreement recorded December 12, 2007 at Reception No. B7155524 and First Amendment recorded October 14, 2008 as Reception No. B8114438.

Terms, agreements, provisions, conditions and obligations as contained in Permanent Drainage, Access and Utility Easement recorded December 12, 2007 at Reception No. B7155525.

Terms, agreements, provisions, conditions and obligations as contained in Emergency Access/Fire Lane Easement recorded December 12, 2007 at Reception No. B7155526.

Terms, agreements, provisions, conditions and obligations as contained in Public Service Company of Colorado Easement recorded April 30, 2009 at Reception No. B9043923.

Notes and easements as shown on the recorded plat of said subdivision.

Any existing leases or tenancies.

Any assessment or lien of Castlewood Sanitation District as disclosed by the instrument recorded December 22, 1983 in Book 4047 at Page 762.

Any assessment or lien of Interstate South Metropolitan District as disclosed by the instrument recorded July 30, 1984 in Book 4224 at Page 212.

Terms, conditions, provisions, agreements, obligations and easements specified under the Standard Avigation and Hazard Easement recorded March 7, 1985 in book 4384 at Page 411.

CRW