

SPECIAL ACCESS PERMIT - DOUGLAS COUNTY ROAD 5

THIS SPECIAL ACCESS PERMIT entered into this 10th day of February, 2014 by and between Daniel J. Reid & Constance A. Reid, its successors and assigns ("Owner") and Department of Public Works Engineering, County of Douglas, a County of the State of Colorado ("County").

WHEREAS, the Owner is the owner of certain land known or described as State Parcel No. 2355-251-00-001 and State Parcel No. 2355-251-00-002 aka 3755 N. Rampart Range Road, Littleton, CO 80125. The property is one parcel located in two separate tax districts, which is assigned two separate state parcel numbers ("Owner Property"); and

WHEREAS, the County owns a County Right-of-Way known as County Road 5, a portion of which is restricted to vehicular access pursuant to Resolution No. R-001-129 and No. R-013-137, passed by the Douglas County Board of County Commissioners on October 24, 2001 and December 10, 2013 respectively, and recorded at Book 2162, Page 211 and Reception No. 2013095381, respectively, of the records of the Douglas County Clerk and Recorder ("Restricted Road"); and

WHEREAS, Owner needs ingress and egress to and from the Owner Property over and on the Restricted Road for single family residential purposes and/or related agricultural uses, subject to the existing zoning of the Owner Property; and

WHEREAS, said Resolutions authorize the County to issue a special use access permit ("Permit") allowing property owners, including the Owner herein, and their guests' vehicular access to their property over and on the Restricted Road;

WHEREAS, the limits of the "Permit Area", on the Restricted Road, are described in Exhibit A, attached hereto.

NOW THEREFORE, the County hereby issues this Permit subject to the following terms and conditions:

1. Purpose. The purpose of this Permit is to allow the Owner, the Owner's guests and invitees a special use access permit for ingress and egress over and on the Permit Area to the Owner Property for and restricted to such uses as are governed by the existing zoning of the Owner Property. The Owner shall have the right to invite building or maintenance contractors, or other such workman, as long as their purpose to be on the Permit Area adheres to the terms and conditions of this Permit. The limits of this Permit specifically does not allow for any type of vehicular access beyond the south end of the Owner Property except in the case of an emergency.

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1 OF 6, Rec Fee \$36.00
Douglas County CO Jack Arrowsmith,
Clerk & Recorder

2. Owner's Responsibilities. Owner shall be responsible for any damage done to that part of the Restricted Road subject to this Permit from Owner's negligence or invitees of the Owner whose negligence resulted in said damage. Owner understands that the enforcement of the uses allowed under this Permit are subject to criminal penalties pursuant to Colorado Revised Statutes (C.R.S.) 18-9-117, as amended, and are enforceable by the Douglas County Sheriff's Office and any park ranger of the Colorado Division of Parks and Outdoor Recreation. It shall be the Owner's responsibility to ensure that the use of the Permit Area is not in violation of the terms and conditions of this Permit. The terms and conditions of any permit issued by the County are binding upon all successors and assigns, heirs, and occupants. If any significant changes are made or will be made in the use of the Owner Property which will affect access, operation, traffic volumes, or vehicle type, the Owner shall contact the County to determine if a new permit and/or modification to this Permit are required.

3. Owner Maintenance, Repair and Alteration. The Owner covenants and agrees not to make or permit to be made any alterations in, or additions to, the Permit Area without prior written consent of the Public Works Engineering Director, hereinafter "Engineer", and to keep the Permit Area free from litter, dirt, debris and obstruction if such are caused by Owner or Owner's guests and invitees.

4. Driveway Permit Requirements. This Permit does not obviate the Owner from the requirement to obtain a driveway permit from the County, which permit shall not be unreasonably withheld, with future building permit applications.

5. Permit Area "As Is". The County will continue to provide limited maintenance for County Road 5, which includes the Permit Area, as the County deems fit. The Owner understands and agrees that the Permit Area is permitted "as is".

6. Compliance with Laws. Owner, and all guests or invitees, shall observe and comply with all Federal, State and local laws while using said restricted road. Owner will be solely responsible for any and all claims, costs and liabilities arising out of or in connection with the Owner's use of Permit Area.

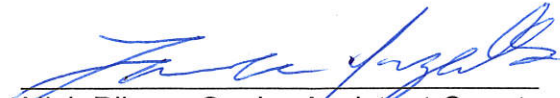
7. Liability. The County shall not be liable for any loss, injury, death or damage to any person or personal property which may arise from the use or condition of the Permit Area (including, but not limited to, loss, injury, death or damage resulting from ice, water, rain, snow, fire, theft) during the term of this Permit or any renewal thereof.

8. Term. The term of this Permit shall run with the land and cannot be revoked by transfer or other means by County without due process of law. Notwithstanding anything to the contrary, the County may suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with C.R.S. 24-4, as amended.

9. Notification. The Owner shall be responsible to notify the Engineer of any change in ownership of the Owner Property no later than 30 days after the change.

IN WITNESS WHEREOF, the parties have executed this Permit in the day and year first above written.

APPROVED AS TO FORM:


Nick Pijoan, Senior Assistant County
Attorney for the County of Douglas
Engineering

APPROVED:


Frederick H. Koch, P.E., Director
Department of Public Works

ACCEPTED BY OWNER:

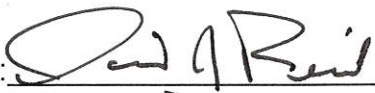
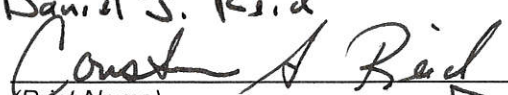
By: 
Daniel J. Reid

(Print Name) Constance A. Reid

EXHIBIT A

DC#5 LEGAL DESCRIPTION OF ACCESS TO PROPERTY LOCATED WITHIN ROXBOROUGH STATE PARK

A DESCRIPTION OF A 20 FOOT WIDE SPECIAL ACCESS PERMIT ALONG A PORTION OF DOUGLAS COUNTY ROAD #5 (ALSO KNOWN AS RAMPART RANGE ROAD), BEING 10 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO;

THENCE SOUTH 0° 19' 19" EAST A DISTANCE OF 2514.38 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 23; THENCE NORTH 34° 26' 30" WEST A DISTANCE OF 166.26 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 34° 26' 30" EAST A DISTANCE OF 200.49 FEET;

THENCE SOUTH 37° 35' 18" EAST A DISTANCE OF 172.94 FEET;

THENCE SOUTH 23° 58' 53" EAST A DISTANCE OF 40.97 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET AND A CENTRAL ANGLE OF 40° 41' 17", AN ARC LENGTH OF 46.16 FEET (CHORD BEARING SOUTH 44° 19' 31" EAST, 45.20 FEET);

THENCE SOUTH 64° 40' 10" EAST A DISTANCE OF 46.68 FEET;

THENCE SOUTH 73° 36' 25" EAST A DISTANCE OF 213.92 FEET;

THENCE SOUTH 64° 24' 19" EAST A DISTANCE OF 204.82 FEET;

THENCE SOUTH 56° 40' 41" EAST A DISTANCE OF 87.22 FEET;

THENCE SOUTH 48° 26' 39" EAST A DISTANCE OF 79.46 FEET;

THENCE SOUTH 42° 26' 49" EAST A DISTANCE OF 120.78 FEET;

THENCE SOUTH 51° 58' 00" EAST A DISTANCE OF 89.45 FEET;

THENCE SOUTH 55° 49' 24" EAST A DISTANCE OF 90.41 FEET;

THENCE SOUTH 40° 04' 51" EAST A DISTANCE OF 55.11 FEET;

THENCE SOUTH 32° 50' 20" EAST A DISTANCE OF 318.72 FEET;

THENCE SOUTH 29° 18' 24" EAST A DISTANCE OF 133.53 FEET;

THENCE SOUTH 38° 46' 44" EAST A DISTANCE OF 213.04 FEET;

THENCE SOUTH 45° 01' 12" EAST A DISTANCE OF 39.32 FEET;

THENCE SOUTH 32° 35' 17" EAST A DISTANCE OF 237.04 FEET;

THENCE SOUTH 36° 36' 25" EAST A DISTANCE OF 246.48 FEET;

THENCE SOUTH 28° 26' 35" EAST A DISTANCE OF 118.80 FEET;

THENCE SOUTH 30° 44' 12" EAST A DISTANCE OF 76.93 FEET;

THENCE SOUTH 19° 02' 19" EAST A DISTANCE OF 487.27 FEET;

THENCE SOUTH 18° 46' 25" EAST A DISTANCE OF 304.22 FEET;

Page 2 of 3 - DC5 LEGAL DESCRIPTION OF ACCESS EASEMENT

THENCE SOUTH 23° 49' 02" EAST A DISTANCE OF 84.83 FEET TO A POINT ON THE NORTH LINE OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 69 WEST OF THE 6th P.M. AS DETERMINED BY RECORD INFORMATION, FROM WHICH THE NORTH ONE-QUARTER CORNER OF SAID SECTION 25 BEARS SOUTH 88° 57' 58" EAST A DISTANCE OF 538.68 FEET;
THENCE CONTINUING SOUTH 23° 49' 02" EAST A DISTANCE OF 168.63 FEET;
THENCE SOUTH 33° 11' 48" EAST A DISTANCE OF 34.86 FEET;
THENCE SOUTH 43° 35' 18" EAST A DISTANCE OF 63.52 FEET;
THENCE SOUTH 57° 06' 48" EAST A DISTANCE OF 90.93 FEET;
THENCE SOUTH 60° 21' 46" EAST A DISTANCE OF 176.99 FEET;
THENCE SOUTH 49° 02' 28" EAST A DISTANCE OF 66.13 FEET;
THENCE SOUTH 32° 17' 38" EAST A DISTANCE OF 50.44 FEET;
THENCE SOUTH 19° 32' 47" EAST A DISTANCE OF 84.74 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 149.62 FEET AND A CENTRAL ANGLE OF 38° 07' 53", AN ARC DISTANCE OF 99.58 FEET (CHORD BEARING OF SOUTH 38° 36' 44" EAST, 97.75 FEET);
THENCE SOUTH 57° 40' 40" EAST A DISTANCE OF 60.36 FEET;
THENCE SOUTH 49° 17' 58" EAST A DISTANCE OF 117.01 FEET;
THENCE SOUTH 38° 47' 17" EAST A DISTANCE OF 133.38 FEET;
THENCE SOUTH 31° 23' 28" EAST A DISTANCE OF 269.47 FEET;
THENCE SOUTH 12° 05' 06" EAST A DISTANCE OF 43.21 FEET;
THENCE SOUTH 05° 47' 11" EAST A DISTANCE OF 89.10 FEET;
THENCE SOUTH 18° 26' 51" EAST A DISTANCE OF 24.84 FEET;
THENCE SOUTH 35° 24' 50" EAST A DISTANCE OF 52.32 FEET;
THENCE SOUTH 44° 43' 51" EAST A DISTANCE OF 91.03 FEET;
THENCE SOUTH 42° 02' 46" EAST A DISTANCE OF 60.73 FEET, TO THE **POINT OF TERMINUS.**

This description was written by Ron Coontz with Douglas County Engineering Services, and was taken in part from the centerline survey of Douglas County Road No. 5, dated Aug. 29, 2000 by John Christy with Foresight West Surveying Inc.

