

GRANT OF EASEMENT

WHEREAS, Dolores G. LaVigne, hereinafter the "Grantor", owns the Southeast quarter of Section 35, Township 13S, Range 86 West of the 6th Principal Meridian, County of Gunnison, State of Colorado, hereinafter referred to as the "Servient Estate"; and

WHEREAS, it is Grantor's desire to grant an easement and right of way as hereinafter described to the Town of Mt. Crested Butte, a home rule municipal corporation of the State of Colorado;

NOW, THEREFORE, for good and valuable consideration received, Grantor, for herself, her heirs, representatives, successors and assigns, does hereby grant and convey to the Town of Mt. Crested Butte, hereinafter referred to as "Grantee", for use by the public, full, complete and unrestricted right for the Grantee and its residents, visitors, invitees and licensees at all times hereafter, only on bicycles, rollerblades, skateboards, on foot or on cross-country skis, to pass and repass across the easement area described on attached Exhibit A. Grantee shall have the right to construct a public recreation path in the easement area. No motor vehicles or horses of any kind shall be allowed upon the easement area.

Such easement is granted subject to the following conditions:

1. Grantee shall construct and maintain on the east side of the easement area described on attached Exhibit A a single rail cross buck fence designed as depicted on attached Exhibit B.
2. Grantee shall not disturb, destroy or remove any improvement that Grantor may now have on the Servient Estate without Grantor's prior written approval. Grantor, her successors and assigns, shall have the right to cross the easement area with streets, utilities and for such other purposes as will not interfere with Grantee's full enjoyment of the rights hereby granted.
3. Immediately upon completion of a path to be constructed upon the easement area, Grantee shall restore all property disturbed or damaged to a condition as near as reasonably possible as it was prior to the construction of such path.
4. Grantee shall repair any damage that Grantee or Grantee's contractor shall do to the landscaping, vegetation, structures and/or other improvements upon Grantor's property and shall further indemnify and hold harmless Grantor, her heirs, representatives, successors or assigns, against any and all costs, expense, claim or damage of any kind, including reasonable attorneys' fees, which shall be caused by the exercise of the privileges granted pursuant to this Grant of Easement.
5. This Grant of Easement replaces and supplants the Grant of Easement recorded on June 16, 1995 in Book 765 at Page 660 of the Gunnison County records. By executing below Grantee hereby releases, sells, conveys and quit claims to Grantor any and all interest which the Grantee has in the Grant of Easement recorded June 16, 1995 in Book 765 at Page 660 of the Gunnison County records.

TO HAVE AND TO HOLD the easement and right of way hereby granted unto the Grantee, its representatives, successors and assigns forever as a burden upon said Servient Estate.

EXHIBIT A

EASEMENT DESCRIPTION.

A twenty-foot wide easement situated in the East one-half of the Southwest one-quarter (E1/2 SW1/4), and the West one-half of the Southeast one-quarter (W1/2 SE1/4) of Section 35, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, said easement lying ten feet on each side of the following described centerline:

Commencing at the Center one-quarter corner of said Section 35, as monumented by a 3-1/4" aluminum cap "Benner PLS 9476", and with all bearing contained herein being relative to South 00°13'24" West between said Center one-quarter corner and a 3-1/4" aluminum cap "Thompson-Langford Corporation PLS 18480" at the South one-quarter corner of said Section 35;

Thence along the North line of the W1/2 SE1/4 of said Section 35, North 89°48'39" East a distance of 18.15 feet to the **Point of Beginning**, being on a 75.00 foot radius non-tangent curve to the right, whence the radius point bears North 89°44'09" West;

Thence 30.57 feet along the arc of said curve, through a central angle of 23°21'10", with a chord bearing South 11°56'26" West a distance of 30.36 feet;

Thence South 23°37'01" West tangent to said curve, a distance of 90.85 feet;

Thence 31.83 feet along the arc of of a 75.00 foot radius tangent curve to the left, through a central angle of 24°18'49", with a chord bearing South 11°27'37" West a distance of 31.59 feet;

Thence South 00°41'48" East tangent to said curve, a distance of 274.53 feet;

Thence 46.25 feet along the arc of of a 400.00 foot radius tangent curve to the left, through a central angle of 6°37'31", with a chord bearing South 04°00'33" East a distance of 46.23 feet to a point of reverse curvature;

Thence 136.41 feet along the arc of a 600.00 foot radius curve to the right, through a central angle of 13°01'34", with a chord bearing South 00°48'32" East a distance of 136.11 feet to a point of reverse curvature;

Thence 43.70 feet along the arc of a 400.00 foot radius curve to the left, through a central angle of 6°15'34", with a chord bearing South 02°34'28" West a distance of 43.68 feet;

Thence South 00°33'19" East tangent to said curve, a distance of 158.54 feet;

Thence 57.55 feet along the arc of of a 400.00 foot radius tangent curve to the left, through a central angle of 8°14'36", with a chord bearing South 04°40'37" East a distance of 57.50 feet;

Thence South 08°47'54" East tangent to said curve, a distance of 225.64 feet;

Thence 47.87 feet along the arc of of a 400.00 foot radius tangent curve to the left, through a central angle of 6°51'27", with a chord bearing South 12°13'38" East a distance of 47.85 feet to a point of reverse curvature;

Thence 67.92 feet along the arc of a 200.00 foot radius curve to the right, through a central angle of 19°27'24", with a chord bearing South 05°55'39" East a distance of 67.59 feet to a point of reverse curvature;

Thence 131.72 feet along the arc of a 200.00 foot radius curve to the left, through a central angle of 37°44'04", with a chord bearing South 15°03'59" East a distance of 129.35 feet to a point of reverse curvature;

Thence 258.15 feet along the arc of a 250.00 foot radius curve to the right, through a central angle of 59°09'53", with a chord bearing South 04°21'05" East a distance of 246.84 feet to a point of reverse curvature;

Thence 105.93 feet along the arc of a 200.00 foot radius curve to the left, through a central angle of 30°20'45", with a chord bearing South 10°03'29" West a distance of 104.69 feet to a point of reverse curvature;

Thence 270.39 feet along the arc of a 500.00 foot radius curve to the right, through a central angle of 30°59'05", with a chord bearing South 10°22'39" West a distance of 267.11 feet to a point of reverse curvature;

Thence 73.95 feet along the arc of a 200.00 foot radius curve to the left, through a central angle of 21°11'07", with a chord bearing South 15°16'38" West a distance of 73.53 feet to a point of compound curvature;

Thence 249.79 feet along the arc of a 500.00 foot radius curve to the left, through a central angle of 28°37'25", with a chord bearing South 09°37'38" East a distance of 247.20 feet to a point of reverse curvature;

Thence 193.37 feet along the arc of a 200.00 foot radius curve to the right, through a central angle of 55°23'43", with a chord bearing South 03°45'31" West a distance of 185.92 feet to a point of reverse curvature;

Thence 108.84 feet along the arc of a 200.00 foot radius curve to the left, through a central angle of 31°10'49", with a chord bearing South 15°51'58" West a distance of 107.50 feet;

Thence South 00°16'34" West tangent to said curve, a distance of 107.88 feet; to the South line of the SE1/4 of said Section 35, the Point of Termination of the easement herein described.

The sidelines of said easement shall be shortened or extended to terminate at the intersecting property lines.

This description was prepared by:
 Dennis R. Shellhorn
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NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

FENCE DESIGN - LAVIGNE

