



Cheri Brunvand-Summit County Recorder 4/11/2003 9:32 DF: Exempt

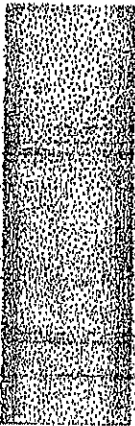


## ACCESS EASEMENT AGREEMENT

This Agreement is made and entered into this 07 day of Dec, 2001, between Flamingo Development, Inc., a Florida corporation ("Flamingo"), and The Roman Group, an Illinois corporation ("Roman").

### RECITALS

- (1) Flamingo is the owner of certain real property located in the County of Summit, State of Colorado described in Exhibit A attached hereto ("Flamingo Property").
- (2) Roman is the owner of the real property located in the County of Summit, State of Colorado described as Arapahoe P.U.D., according to the Plat thereof recorded on July 19, 1980, under Reception No. 389964. ("Roman Property")
- (3) Pursuant to a Mutual Access Easement Agreement dated July 30, 1987, and filed with the Office Summit County Clerk and Recorder on August 18, 1987 under Reception No. 341156, the predecessors of the parties in title to the Roman and Flamingo Properties granted mutual access easements over and across their respective properties as well as over and across the property adjacent to the Flamingo property.
- (4) Flamingo has recently completed construction of the Autumn Brook Townhomes on the Flamingo Property. During the course of construction, the actual location of the access road which runs across the Arapahoe property has been modified from the location set forth in the Mutual Access Agreement and subsequent agreements entered into between predecessors in title to the Roman and the Flamingo Properties.
- (5) By reason of the change in location of the access road across the Roman Property, Roman has agreed to grant a modified access easement more fully described herein and to such extent, Roman and Flamingo desire to modify the provisions of the Mutual Access Agreement, to reflect the current location of the access road and to



such extent to modify the Mutual Access Agreement.

Now therefore, the Parties agree as follows:

- 1.0 **GRANT OF EASEMENT BY ROMAN** - Roman hereby grants to Flamingo, its successors and assigns, a non-exclusive easement appurtenant to the Flamingo Property, an easement for ingress on, over and across the Roman Property along the location shown on Exhibit B, attached hereto and incorporated herein by reference, and to such extent modifies the Mutual Access Agreement, herein referred to as "Roman Access Easement".
- 2.0 **GRANT OF EASEMENT BY FLAMINGO** - Flamingo, hereby grants to Roman, its successors and assigns, as a non-exclusive easement appurtenant to the Roman Property, an easement for ingress on, over and across that portion of the Flamingo Property, as shown as Exhibit B, the current location of the access road, and to such extent modifies the Mutual Access Agreement referred to as the "Flamingo Access Easement."
- 3.0 **FULL FORCE AND EFFECT:** Except as specifically set forth herein, all of the terms of the Mutual Access Agreement shall be deemed to apply to this Access Easement Agreement, as well as the terms and conditions in the Settlement Agreement regarding Easement and Expenses, executed by the predecessors in title of the parties hereto.

FLAMINGO DEVELOPMENT, INC.

BY: 

Michael Collingwood, President

THE ROMAN GROUP

BY: 

Roman Kowalewicz, Secretary

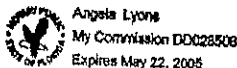


NOTARY PUBLIC

STATE OF FLORIDA }  
  } ss.  
COUNTY OF Sarasota }

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of December 2001,  
by Michael Collingwood as President of Flamingo Development, Inc.

Witness my hand and official seal.  
My Commission expires: 5/29/05

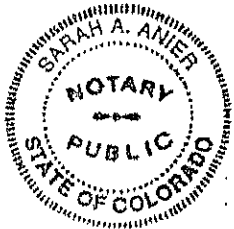



  
Notary Public

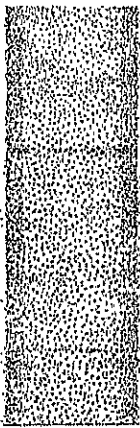
STATE OF COLORADO }  
  } ss.  
COUNTY OF SUMMIT }

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of December 2001,  
by Roman Kowalewicz, as Secretary of The Roman Group, Inc.

Witness my hand and official seal.  
My Commission expires: 9/13/03



  
Notary Public



101 101

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO, ALSO BEING A PORTION OF H.E.S. 110 (HOMESTEAD ENTRY SURVEY), AND BEING ALL OF THAT TRACT AS PREVIOUSLY DESCRIBED AT RECEPTION NUMBER 179674 OF THE COUNTY RECORDS, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF ARAPAHOE P.U.D., ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 389064 OF THE SUMMIT COUNTY RECORDS, BEING A NO. 5 REBAR; THENCE S12°58'50"E ALONG THE WEST LINE OF SAID ARAPAHOE P.U.D. A DISTANCE OF 210.47 FEET TO A REBAR WITH PLASTIC CAP P.L.S. NO. 10847; THENCE S77°03'57"W ALONG THE NORTH LINE OF THE ORO GRANDE CANAL TRACT (DENVER WATER DEPARTMENT) PREVIOUSLY DESCRIBED IN BOOK 154 AT PAGE 319. A DISTANCE OF 98.86 FEET TO A REBAR WITH PLASTIC CAP P.L.S. 10847, BEING THE SOUTHEAST CORNER OF THE ORO GRANDE LODGE CONDOMINIUM TRACT; THENCE N13°17'35"W ALONG THE EAST LINE OF SAID TRACT FOR A DISTANCE OF 210.08 FEET TO A NO. 4 REBAR BEING THE SOUTHWEST CORNER OF LOT 1, LOVELAND PASS VILLAGE, A RECORDED SUBDIVISION; THENCE N77°00'00"E ALONG THE SOUTH LINE OF SAID LOVELAND PASS VILLAGE A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING 20,907 SQUARE FEET OR 0.480 ACRES, MORE OR LESS.

UNDER THE NAME AND STYLE OF "AUTUMN BROOK TOWNHOMES" HAS LAID OUT, PLATTED AND SUBDIVIDED SAME AS SHOWN ON THIS PLAT, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE COUNTY OF SUMMIT, STATE OF COLORADO, THE STREETS, ROADS AND OTHER PUBLIC AREAS AS SHOWN HEREON FOR USE AS SUCH AND HEREBY DEDICATE THOSE PORTIONS OF LAND LABELED AS UTILITY EASEMENTS TO THE COUNTY OF SUMMIT FOR USE BY THE UTILITY COMPANIES IN THE INSTALLATION AND MAINTENANCE OF UTILITY LINES AND FACILITIES. IT IS UNDERSTOOD THAT THE DEDICATION OF PUBLIC RIGHTS-OF-WAY FOR STREETS AND ROADS DOES NOT NECESSARILY RESULT IN THE ACCEPTANCE OF ROADS CONSTRUCTED THEREIN FOR MAINTENANCE BY THE COUNTY OF SUMMIT.



ARAPAHOE P.U.D.

SUMMIT COUNTY, COLORADO

EXHIBIT B TO ACCESS EASEMENT AGREEMENT

ARAPAHOE P.U.D.  
(ARAPAHOE MOTEL)

SCALE: 1" = 30'

m. = MEASURED DIMENSION  
p. = PLATTED DIMENSION

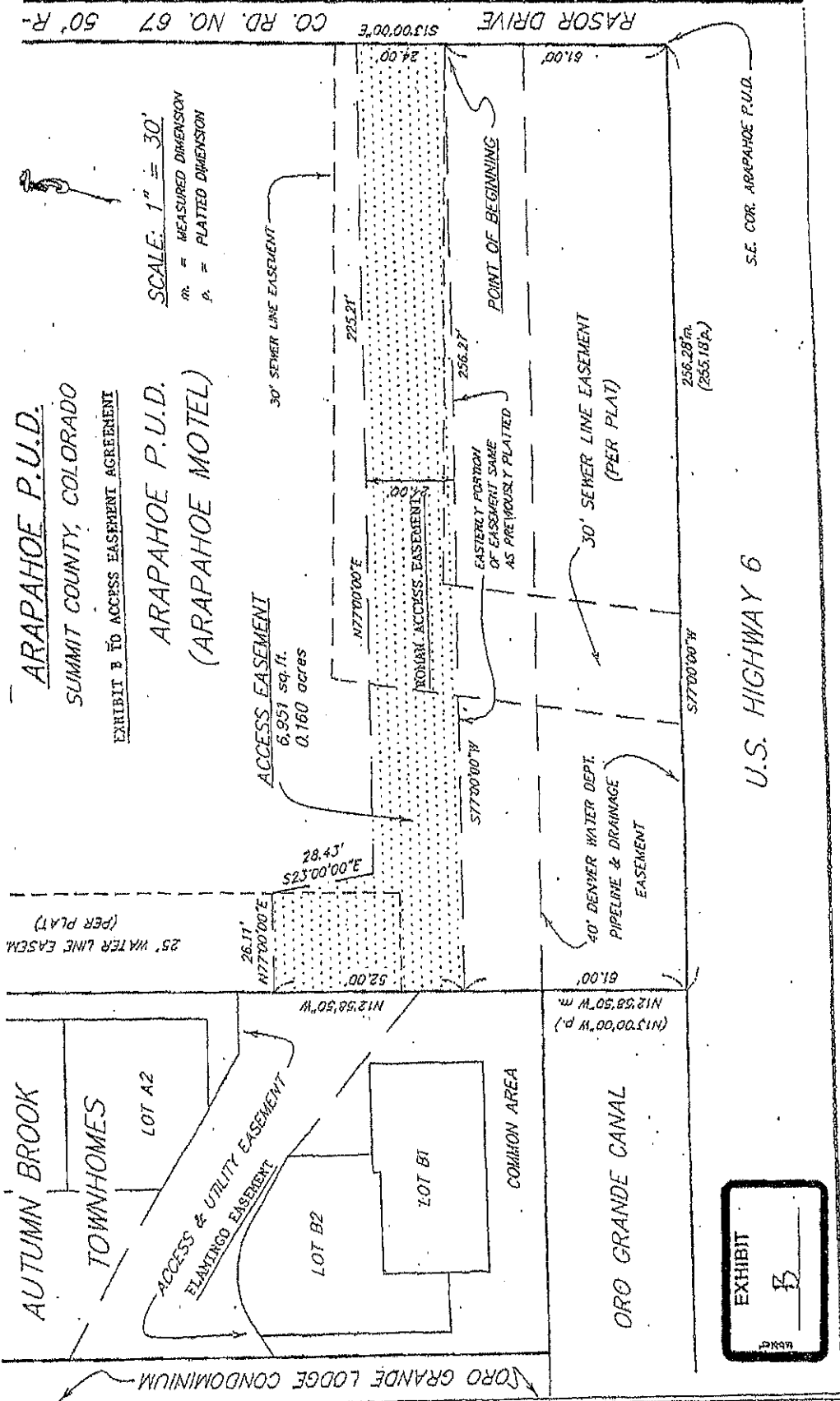


EXHIBIT  
B