



PLANNING & DEVELOPMENT MEMORANDUM
#40-2022

DATE: Dec. 12, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Brook Svoboda, Director of Planning & Development 
Ashley McFarland, Planner II

SUBJECT: CR-173 – 128th and Claude Court Easement Vacation

PURPOSE

To consider CR-173, a resolution approving the vacation of a utility easement located north of East 128th Avenue and Claude Court in the City of Thornton.

BACKGROUND

On Feb. 25, 1980, the City of Northglenn was granted possession and responsibility of a 20-foot utility easement located near East 128th Avenue and Claude Court in the City of Thornton. At the time of the easement grant, the property was owned by the Adams 12 Five Star School District. The easement was granted for a sanitary sewer force main. A copy of the recorded easement is provided as Attachment 1.

Northglenn recently installed a replacement sanitary sewer force main in a different location, meaning this line has been abandoned. The property in Thornton is now owned by a developer, Maiker Housing Partners, which is seeking to develop the property and is requesting Northglenn vacate or release the easement that bisects its property.

Because the utility line has been abandoned, there is no need for Northglenn to hold or maintain the easement. Also, Northglenn would not be responsible for removing the line in the future.

BUDGET/TIME IMPLICATIONS

There is no financial impact to the City.

Should City Council approve the proposed vacation request, the resolution would be recorded on the property, thereby vacating Northglenn's interest in the easement.

STAFF RECOMMENDATION

Staff recommends approval of CR-173.

STAFF REFERENCE

If Council members have any questions, please contact Brook Svoboda, Director of Planning & Development, at bsvoboda@northglenn.org or 303.450.8937.

ATTACHMENTS

1. Easement Agreement, Book 2437, Page 350
2. ALTA Survey

CR-173 – 128th and Claude Court Easement Vacation

16

Parcel #20 - S.D. #12

B 2 5 2 8 6 0

252860

ATTACHMENT 1

BOOK 2437 PAGE 350

WILLIAM SOKOL
COUNTY RECORDER
ADAMS COUNTY, COLO.

EASEMENT

MAR 11 10 40 AM '80

THIS EASEMENT, made this 25 day of February, 1980, between School District Number 12, Adams County, Colorado

(hereinafter referred to as "grantor"), party or parties of the first part, and the CITY OF NORTHGLENN, a Municipal corporation of the State of Colorado, (hereinafter referred to as "Northglenn"), party of the second part.

In consideration of the payment by Northglenn to School District Number 12, Adams County, Colorado

of the sum of \$ 7,365.00, receipt of which is hereby acknowledged, grantor hereby grants, conveys, and quitclaims to Northglenn, its successors and assigns, a nonexclusive easement for the construction, maintenance, repair, removal, and replacement of pipelines, and appurtenances thereto, in, upon, over, under, through, and across such property described on Exhibits A, A.1 attached hereto and incorporated herein, as a 20 -foot permanent easement together with a temporary construction easement 50 -feet in width during the period of construction of such pipelines described on Exhibits B, B.1 as a 50 -foot temporary construction easement and drawn on a map attached hereto and incorporated herein as Exhibits C, C.1. The easement hereby granted includes the right of necessary use of the surface and subsurface of such land for the construction, laying, maintenance, repair, removal, and replacement of such pipelines. Such easements are subject to any prior easements, grants or prior conveyances.

Northglenn is hereby given and granted possession of the above described premises for the purposes aforesaid, and the undersigned, for itself and its successors, and assigns covenants and agrees that no tree, building, structure, or other fixture, improvement, or obstruction above or below ground that will interfere with the purposes aforesaid will be planted, placed, erected, installed, or permitted on the above-described premises except as otherwise provided herein and further covenants and agrees that in the event the terms of this paragraph are violated by the undersigned or by any person in privy with the grantor, such violation shall be promptly corrected and/or eliminated upon receipt of notice from Northglenn and in the alternative Northglenn shall have right to correct and/or eliminate such violation, and the undersigned, its successors, and assigns, shall promptly pay the actual cost thereof.

The work of installing, maintaining, repairing, and reconstructing Northglenn's pipelines shall be done with care and all damage to grantor's caused thereby shall be paid for or repaired at the expense of Northglenn. Northglenn agrees that during the installation, maintenance, repair or reconstruction of the lines, it will, to the greatest extent practicable, confine its ingress and egress to the boundaries of the easement described in Exhibits A, A.1. If it is necessary to obtain such access across other land belonging to grantor, Northglenn shall obtain permission from grantor and will use diligence not to damage such additional land. Any damage to grantor, its successors, and assigns resulting from such access shall be promptly repaired by Northglenn.

In the case of abandonment of said easement all right, privilege, and interest herein granted shall end, cease, and terminate and Northglenn shall promptly execute and record an instrument releasing and relinquishing all rights under this easement.

It is mutually agreed that in the event either party is required to bring any court proceedings for the enforcement of the terms and provisions of this easement, the unsuccessful party shall pay all costs and expenses incurred, including reasonable attorneys' fees and court costs, for such enforcement.

b-2 Permanent easement with temporary construction easement--corporate

Parcel #20 - S.D. #12 - Weld County

The word grantor as used herein, whenever the context requires or permits shall include the successors, grantees, and assigns of each of the owners of the land described above or the respective owners from time to time of portions thereof and the burdens of benefits of the portions of this agreement shall be deemed covenants running with said easement and said land.

The terms and provisions of this agreement, except as qualified above, shall be binding upon and shall inure to the benefit of the respective heirs, personal representatives, beneficiaries, successors, grantees and assigns of the parties hereto.

Other provisions of the easement are as follows:

Grantor specifically reserves the right to construct and maintain across said easement such walks, roads, paths, utilities, and similar ways as are reasonably necessary or convenient for purposes of the grantor, its successors or assigns. Northglenn may disturb the same to the purposes of the easement but in such event shall bear the cost of restoring the same.



EXECUTED and delivered the day and year first above written.

ATTEST: Charles C. Winburn
Charles C. Winburn, Secretary

Henry E. Bollman
by Henry E. Bollman, President

STATE OF COLORADO)SS.
COUNTY OF ADAMS)

Before me, the undersigned, a Notary Public in and for the said County and State, on this 25 day of February, 1980, Henry E. Bollman, President, and Charles C. Winburn, Secretary, to me known as the identical persons who executed the foregoing instrument and acknowledged to me that the president and secretary executed the same as their free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.
My Commission Expires: April 15, 1981



Marlyce M. Harris
Notary Public Marlyce M. Harris

City of Northglenn, Colorado,
a Municipal Corporation,

By: Jerome D. Starling
Jerome D. Starling
Director of Community
Development

by: Stanley Bender
Stanley Bender
City Manager

Approved as to Form:

by: Odell C. Barry
Odell C. Barry
Mayor

Helen M. Knoll
Helen M. Knoll, City Atty.

b-2 Permanent easement with temporary construction easement -- corporate

LIND-AYRES & ASSOCIATES, INC.

PO Box 658 17 North 12th Ave.
Brighton, Colo. 80601 659-1157

SCHOOL DISTRICT NO. 12

An easement for the construction and maintenance of an underground water line being 20 feet wide, in the Southeast one-quarter of Section 26, Township 1 South, Range 68 West of the 6th Principal Meridian, Adams County, Colorado, being more particularly described as the Easterly 20.00 feet of the following described tract of land: Beginning at the South 1/4 Corner said Section 26; thence $N00^{\circ}48'25''W$ on an assumed bearing along the West line said Southeast one-quarter a distance of 2625.30 feet to the Northwest corner said Southeast one-quarter; thence $S89^{\circ}40'35''E$ along the North line said Southeast one-quarter a distance of 1290.01 feet to a point on the Westerly R.O.W. line of the Union Pacific Railroad; thence $S28^{\circ}41'15''W$ along said Westerly R.O.W. line a distance of 708.78 feet to the beginning of a spiral curve to the left, the angle of said spiral is $3^{\circ}36'$; thence along said spiral and said Westerly R.O.W. line a distance of 240.00 feet to the end of spiral, said end being the beginning of a curve to the left, the delta of said curve is $37^{\circ}45'10''$, the radius of said curve is 1985.0 feet; thence along the arc of said curve and said Westerly R.O.W. line a distance of 1307.94 feet to the most Northerly corner of a parcel of land described in book 270 at Page 526, Adams County records; thence $S47^{\circ}46'00''W$ along the Northwesterly line of said Parcel a distance of 764.76 feet more or less to a point on the South line said Southeast one-quarter; thence $N89^{\circ}50'15''W$ along said South line a distance of 94.21 feet to the point of beginning. EXCEPT the South 60 feet of So. Easterly 20 feet
Contains 1.01 Acres, more or less.

EXHIBIT B

A temporary easement for construction and maintenance of an underground water line being 50 feet wide, in the Southeast one-quarter of Section 26, Township 1 South, Range 68 West of the 6th Principal Meridian, Adams County, being more particularly described as the Easterly 50.00 feet of the following described tract of land; Beginning at the South 1/4 corner said Section 26; thence $N00^{\circ}48'25''W$ on an assumed bearing along the West line said Southeast one-quarter a distance of 2625.30 feet to the Northwest corner said Southeast one-quarter; thence $S89^{\circ}40'35''E$ along the North line said Southeast one-quarter a distance of 1290.01 feet to a point on the Westerly R.O.W. line of the Union Pacific Railroad; thence $S28^{\circ}41'15''W$ along said Westerly R.O.W. line a distance of 708.78 feet to the beginning of a spiral curve to the left, the angle of said spiral is $3^{\circ}36'$; thence along said spiral and said Westerly R.O.W. line a distance of 240.00 feet to the end of spiral, said end being the beginning of a curve to the left, the delta of said curve is $37^{\circ}45'10''$ the radius of said curve is 1985.0 feet; thence along the arc of said curve and said Westerly R.O.W. line a distance of 1307.94 feet to the most Northerly corner of a parcel of land described in Book 270 at Page 526, Adams County records; thence $S47^{\circ}46'00''W$ along the Northwesterly line of said parcel a distance of 764.76 feet more or less to a point on the South line said Southeast one-quarter; thence $N89^{\circ}50'15''W$ along said South line a distance of 94.21 feet to the point of beginning.

Contains 2.52 Acres, more or less.

EXCEPT the South 60 feet of said Easterly 50 feet

Phone 659-1157

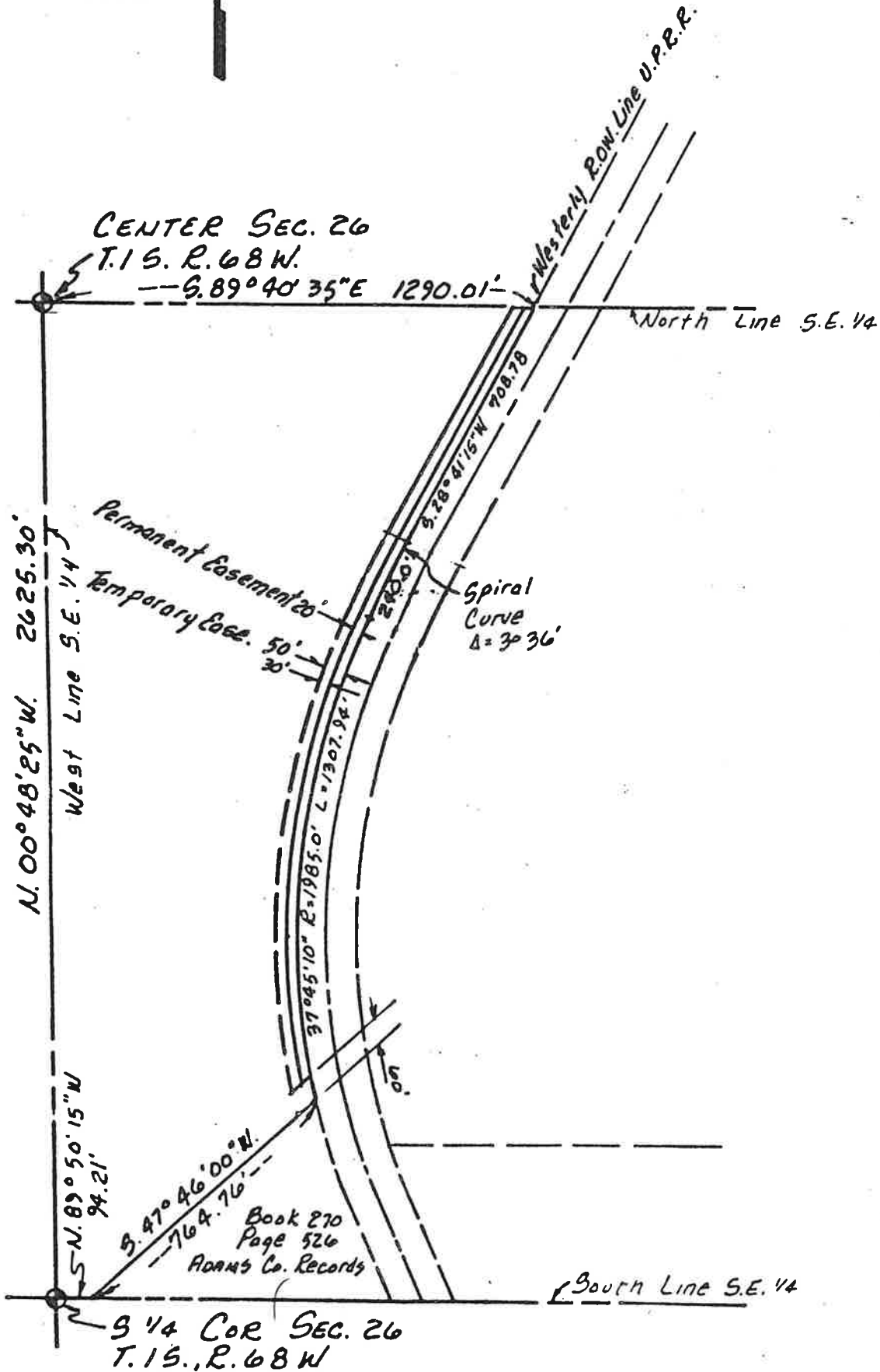
LIND ENGINEERING, INC.
P. O. BOX 475
17 North 12th Ave.
BRIGHTON, COLORADO 80601

CIVIL ENGINEERING
LAND SURVEYING

SCALE



1" = 400'



Easement ~ Map & Legal Description			
Part of the S.E. 1/4 SEC. 26 T. 15., R. 68 W - ADAMS CO			
Scale:	1" 400'	Date	JUNE 20, 1979
		File No.	26-18-82
Field Book No.	Page No.	Sheet	2 of 2

School District No. 12

(Rev 11-28-79)

An easement for the construction and maintenance of an underground sewer line being 20 feet wide, lying Westerly and Northerly of the following described line: Beginning at the South one-quarter corner of Section 26, Township 1 South, Range 68 West of the 6th Principal Meridian, Adams County, Colorado; thence S89°50'15"E on an assumed bearing along the South line said Section 26 a distance of 94.21 feet; thence N00°09'45"E a distance of 30.00 feet to the Southwest corner of a parcel of land recorded in Book 270 at Page 526, Adams County records; thence N47°46'00"E along the Northerly line of said parcel a distance of 431.82 feet to the true point of beginning of said described line; thence N17°30'15"W a distance of 86.06 feet; thence N49°19'00"E a distance of 335.0 feet more or less to a point 20.0 feet Westerly of the Westerly R.O.W. line of the Union Pacific Railroad, said point being the end of said described line.
Contains 0.2 acres, more or less.

School District No. 12

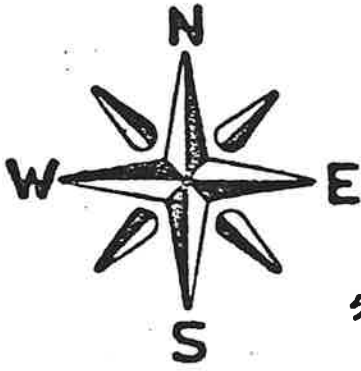
(Rev. 11-28-79)

A temporary easement for the construction and maintenance of an underground sewer line being 50 feet wide, lying Westerly and Northerly of the following described line; Beginning at the South one-quarter corner of Section 26, Township 1 South, Range 68 West of the 6th Principal Meridian, Adams County, Colorado; thence $S89^{\circ}50'15''E$ on an assumed bearing along the South line said Section 26 a distance of 94.21 feet; thence $N00^{\circ}09'45''E$ a distance of 30.00 feet to the Southwest corner of a parcel of land recorded in Book 270 at Page 526, Adams County records; thence $N47^{\circ}46'00''E$ along the Northerly line of said parcel a distance of 431.82 feet to the true point of beginning of said described line; thence $N17^{\circ}30'15''W$ a distance of 66.06 feet; thence $N49^{\circ}19'00''E$ a distance of 290.0 feet more or less to a point 50.0 feet Westerly of the Westerly R.O.W. line of the Union Pacific Railroad, said point being the end of said described line.
Contains 0.44 acres, more or less.

Phone 639-1157

LIND ENGINEERING, INC.
P. O. BOX 475
17 North 12th Ave.
BRIGHTON, COLORADO 80601

CIVIL ENGINEERING
LAND SURVEYING



Scale: 1"=100'

20' Permanent Easement

50' Temporary Easement

20' Permanent Easement
50' Temporary Easement

2 Westerly R.O.W. Line.
U.P.R.R.

Signal Ditch

20' permanent Easement

50' Temporary Easement

Pipe Line

Water Well

128 TH AVENUE

South Line SE 1/4

Found BH. on
W/Adm. Cap
L.S. # 15651 JEM.
S/4 Cor. Sec. 26
T.1S, R.6W.

Found BH. on
W/Adm. Cap
L.S. # 15651 JEM.

REVISED: Nov. 27, 1979

Easement - Map & Legal Description

Part of the SE 1/4 SEC. 26 T.1S, R.6W. Adams

ATTACHMENT 2

ALTA/NSPS LAND TITLE SURVEY

(12800 CLAUDE COURT)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO

LEGAL DESCRIPTION PER TITLE COMMITMENT

A PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, ALSO BEING PART OF TRACTS "E" AND "F" OF HUNTERS GLEN LAKESHORE SUBDIVISION FILING NO. 1, RECORDED JUNE 8, 1984 AT RECEPTION NO. B508587, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 26;
THENCE S89°50'10"E ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 89.99 FEET;
THENCE N47°44'00"E 44.46 FEET TO THE POINT OF BEGINNING, SAID POINT BEING 30.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26;
THENCE CONTINUING N47°44'00"E 29.64 FEET TO A POINT BEING ON THE SOUTHEASTERLY LINE OF SAID TRACT "E", SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF 128TH AVENUE (50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST 1/4) AS PLATTED IN HUNTERS GLEN LAKESHORE SUBDIVISION FILING NO. 1;
THENCE N89°50'10"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF 128TH AVENUE 32.98 FEET TO A POINT AT THE SOUTHEAST CORNER OF LOT 8, THE ENCLAVE AT HUNTERS GLEN, AS PER THE PLAT THEREOF RECORDED MAY 1, 1998 AT RECEPTION NO. C0391633;
THENCE ALONG THE EASTERLY LINE OF SAID LOT 8, N30°25'41"E 33.09 FEET;
THENCE ALONG THE EASTERLY LINE OF LOT 8 AND LOT 7 OF SAID SUBDIVISION, N43°14'04"E 87.09 FEET;
THENCE ALONG THE EASTERLY LINE OF LOTS 3 THROUGH 7 OF SAID SUBDIVISION, N48°05'58"E 623.03 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "F", SAID POINT ALSO BEING ON THE WESTERLY LINE OF A 150 FOOT WIDE RIGHT-OF-WAY BELONGING TO THE UNION PACIFIC RAILROAD COMPANY;
THENCE ON AN ANGLE TO THE RIGHT OF 119°27'18" AND SOUTHERLY ALONG SAID EASTERLY LINE OF TRACT "F" AND ALONG THE WESTERLY LINE OF SAID U.P.R.R. RIGHT-OF-WAY AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,875.00 FEET, A CENTRAL ANGLE OF 01°13'24" AND AN ARC LENGTH OF 40.03 FEET;
THENCE ALONG THE FOLLOWING THREE ADDITIONAL COURSES ON SAID WESTERLY LINE OF THE U.P.R.R. RIGHT-OF-WAY:
1. THENCE ON AN ANGLE TO THE RIGHT OF 00°47'20" AND SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,985.00 FEET, A CENTRAL ANGLE OF 07°00'50" AND AN ARC LENGTH OF 242.99 FEET;
2. THENCE ON AN ANGLE TO THE LEFT OF 01°08'09" AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5,785.93 FEET, A CENTRAL ANGLE OF 02°25'23" AND AN ARC LENGTH OF 244.69 FEET TO A POINT OF TANGENT;
3. THENCE N89°50'10"W PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4 713.02 FEET TO THE POINT OF BEGINNING,

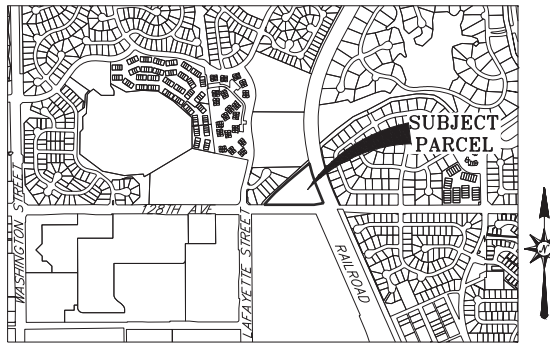
EXCEPT THAT PART TAKEN BY THE CITY OF THORNTON BY ORDER FOR POSSESSION RECORDED JULY 28, 2004 AT RECEPTION NO. 20040728000677260, AND STIPULATED RULE AND ORDER RECORDED JUNE 23, 2005 AT RECEPTION NO. 20050623000664880,

AND

EXCEPT THAT PART CONVEYED TO THE CITY OF THORNTON BY SPECIAL WARRANTY DEED RECORDED JANUARY 11, 2018 AT RECEPTION NO. 2018000003496.

GENERAL NOTES

- UTILITY INFORMATION WAS OBTAINED FROM FIELD OBSERVATION, UTILITY LOCATE SERVICE, AND RECORD MAPS. THE LOCATION OF UNDERGROUND UTILITIES ARE SHOWN BASED ON VISIBLE EVIDENCE ONLY AND NO RESPONSIBILITY IS ACCEPTED FOR THEIR ACCURACY. THE LOCATIONS OF UNDERGROUND UTILITIES MUST BE FIELD VERIFIED PRIOR TO ANY DIGGING ON OR ADJACENT TO THE SUBJECT PROPERTY. UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987.
CENTURYLINK AND WATER LINES ARE NOT SHOWN HEREON AS THEY WERE NOT ABLE TO BE LOCATED BY THE UTILITY LOCATE SERVICE.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
- BEARINGS ARE BASED ON THE THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M. SAID LINE BEARS NORTH 89°55'28" EAST, AND IS MONUMENTED AT THE SOUTH QUARTER CORNER AND THE SOUTHEAST CORNER OF SAID SECTION 26 BY A #6 REBAR WITH 3-1/4" ALUMINUM CAP STAMPED "LS27259" 0.3' DEEP IN MONUMENT BOX.
- LINEAR DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.



VICINITY MAP SCALE: 1" = 1,000'

GENERAL NOTES CONTINUED

- FLOOD NOTE: THE SUBJECT PARCEL LIES WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEDERAL FLOOD INSURANCE RATE MAP FOR ADAMS COUNTY, COLORADO MAP NO. 08001C0312J, EFFECTIVE DATE: DECEMBER 2, 2021.
NOTE: THIS STATEMENT IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND SHALL IN NO WAY CONSTITUTE A BASIS FOR A FLOOD CERTIFICATE. NO FIELD WORK WAS PERFORMED TO ESTABLISH THE BOUNDARIES OF THIS ZONE. THE INFORMATION WAS DERIVED BY SCALING THE SUBJECT PROPERTY ON THE ABOVE REFERENCED MAP.
- SITE ADDRESS: 12800 CLAUDE COURT, THORNTON, COLORADO, 80241 (NOT POSTED - VACANT LAND).
- SUBJECT PARCEL CONTAINS 163,047 SQUARE FEET OR 3.743 ACRES.
- THERE WAS NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON ANY OF THE SUBJECT PROPERTY OBSERVED AT THE TIME OF THE SURVEY FIELD WORK.
- CLIENT DID NOT INDICATE THAT THEY HAD DIRECTED ANY WETLANDS STUDIES TO BE PERFORMED. NO WETLANDS MARKINGS PLACED BY APPROPRIATE AUTHORITIES WERE OBSERVED AT THE TIME OF THE SURVEY FIELD WORK.
- PROPOSED CHANGES IN STREET RIGHT-OF-WAY HAVE NOT BEEN PROVIDED OR VERIFIED. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE ARE NO DESIGNATED PARKING SPACES ON SUBJECT PARCEL.
- SUBJECT PARCEL IS LOCATED APPROXIMATELY 170 FEET EAST OF THE NORTHEAST CORNER OF THE INTERSECTION OF EAST 128TH AVENUE AND LAFAYETTE STREET.

REFERENCE MAP INDEX

- (R1) REC. NO. 2018000003496
(R2) REC. NO. 20040728000677260
(R3) THE ENCLAVE AT HUNTER'S GREEN REC. NO. C0391633

SURVEY CERTIFICATION

TO: LAURETTA LAMBERTSON, AS TO AN UNDIVIDED 33-1/3% INTEREST AND EDNA M. MALMSTROM AND JOHN L. MALMSTROM, AS TO AN UNDIVIDED 33-1/3% INTEREST AND GLEN H. LAMBERTSON AND SUSAN H. LAMBERTSON, AS TO AN UNDIVIDED 33-1/3% INTEREST;
TO: ADAMS COUNTY HOUSING AUTHORITY D/B/A MAIKER HOUSING PARTNERS;
TO: FIDELITY NATIONAL TITLE, NATIONAL COMMERCIAL SERVICES;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7A, 8, 9, 11(B), 13, 16, & 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 1, 2022.

STACY LYNN BALZER P.L.S.
COLORADO REG. NO. 38495
FOR AND ON BEHALF OF
R&R ENGINEERS-SURVEYORS, INC.

BENCHMARK

ORIGINATING BENCHMARK:
SET 5/8" REBAR WITH PINK PLASTIC CAP MARKED "CONTROL POINT"
APPROXIMATELY 7.70 SOUTH OF THE SUBJECT PROPERTY. USED OPUS PROCESSING FOR COORDINATE AND ELEVATION RESULT ON NOVEMBER 2, 2022, HAVING USED 14287 OF 15259 OBSERVATIONS (94%) AND FIXED AMBIGUITIES 64 OF 70 (91%).

ELEVATION = 5262.83' (NAVD 1988 DATUM)

INDEXING CERTIFICATE

DEPOSITED THIS _____ DAY OF _____, 20____ AT _____, __M.

IN BOOK _____ OF THE COUNTY SURVEYOR'S LAND

SURVEY/RIGHT-OF-WAY SURVEYS AT PAGE _____

RECEPTION NO. _____

By: _____
COUNTY SURVEYOR/DEPUTY COUNTY SURVEYOR

	R&R ENGINEERS-SURVEYORS, INC. 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 303-753-6730 WWW.RRENINEERS.COM WWW.RRENINEERS.COM
	REVISIONS
File No. MH22213-ALTA Date Drawn 11/01/22 Drawn By JDM Checked By SLJ Job No. MH22213	

ALTA/NSPS LAND TITLE SURVEY
(12800 CLAUDE COURT)
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 1 OF 3

ALT/NSPS LAND TITLE SURVEY

(12800 CLAUDE COURT)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO

TITLE COMMITMENT NOTES

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY R&R ENGINEERS-SURVEYORS, INC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENT, RIGHT-OF-WAY AND TITLE OF RECORD, R&R ENGINEERS-SURVEYORS, INC. RELIED UPON TITLE COMMITMENT NO. 100-N0030429-030-85B, AMENDMENT NO. 2 DATED MARCH 23, 2021 PREPARED BY FIDELITY NATIONAL TITLE, NATIONAL COMMERCIAL SERVICES.

THIS PROPERTY MAY BE SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, OBLIGATIONS, AND RESERVATIONS CONTAINED IN THE FOLLOWING RECORDED INSTRUMENTS:

◆ - INDICATES THE EXCEPTION NUMBER WITHIN SCHEDULE B-2 OF THE ABOVE MENTIONED TITLE COMMITMENT.

ITEMS 1 THROUGH 8, INCLUSIVE, 12, 14, 17, ARE NOT SURVEY ITEMS AND AS SUCH ARE NOT LISTED AND SHOWN HEREON.

9 RESERVATIONS CONTAINED IN THE PATENT

FROM: THE UNITED STATES OF AMERICA
TO: WILLOUGHBY HARDY
FILING DATE: AUGUST 30, 1886
RECORDING NO: VOLUME 27 AT PAGE 161 AND AS EVIDENCED BY THE INSTRUMENT RECORDED AUGUST 22, 2014 AT RECEPTION NO. 2014000056810 WHICH AMONG OTHER THINGS RECITES AS FOLLOWS:
SUBJECT TO ANY VESTED AND ACCRUED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING OR OTHER PURPOSES AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS, AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY THE LOCAL CUSTOMS, LAWS AND DECISIONS OF THE COURTS; AND ALSO SUBJECT TO THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AS PROVIDED BY LAW; AND THE RESERVATION FROM THE LANDS HEREBY GRANTED OF A RIGHT OF WAY THEREON FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES. THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY WITH OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

10 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE FARMERS RESERVOIR AND IRRIGATION CO.
PURPOSE: PIPELINE
RECORDING DATE: JULY 11, 1912
RECORDING NO: BOOK 57 AT PAGE 554. THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY AND OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

◆11 RIGHT OF WAY FOR THE SIGNAL DITCH ALONG THE NORTHWESTERLY LINE OF SAID LAND AS THE SAME NOW EXISTS. APPROXIMATE LOCATION OF DITCH SHOWN HEREON.

◆13 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF NORTHGLENN
PURPOSE: PIPELINES
RECORDING DATE: MARCH 11, 1980
RECORDING NO: BOOK 2437 AT PAGE 350.
NOTE: THIS AFFECTS THE PORTION OF SAID LAND THAT IS CONTAINED WITHIN TRACT "E" OF HUNTERS GLEN LAKESHORE SUBDIVISION FILING NO. 1. THE ABOVE REFERENCED EASEMENT IS SHOWN AND PLOTTED HEREON.

◆15 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF NORTHGLENN
PURPOSE: WATER LINE
RECORDING DATE: FEBRUARY 23, 1981
RECORDING NO: BOOK 2533 AT PAGE 343. THE ABOVE REFERENCED EASEMENT IS SHOWN AND PLOTTED HEREON.

16 ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF THE LAND IN THE NORTHERN METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENT(S) RECORDED DECEMBER 27, 1983 AT BOOK 2823 AT PAGE 763. THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

TITLE COMMITMENT NOTES CONTINUED

18 SUBJECT TO THE EFFECT OF THE PLAT FOR HUNTERS GLEN LAKESHORE SUBDIVISION FILING NO. 1 RECORDED JUNE 8, 1984 AT RECEPTION NO. B508587. NOTE: THE PORTIONS OF SAID LAND THAT ARE INCLUDED WITHIN THIS SUBDIVISION WERE NOT OWNED BY THE PARTIES THAT PLATTED THE SUBDIVISION, AND THE CURRENT OWNERS OR THEIR PREDECESSORS DID NOT JOIN IN THE EXECUTION OF SAID PLAT. HOWEVER, THE DEEDS IN THE CHAIN OF TITLE INTO THE CURRENT OWNERS HAVE ALWAYS REFERRED TO PORTIONS OF TRACTS "E" AND "F" AS BEING A PART OF THEIR PROPERTY. TRACT "E" WAS REPLATTED INTO THE ENCLAVES AT HUNTERS GLEN, AND THE PORTION OF THE FORMER TRACT "E" WAS EXCLUDED FROM THE REPLAT. THE AREA DESCRIBED IN THE ABOVE REFERENCED DOCUMENT LIES OUTSIDE OF AND DOES NOT AFFECT THE SUBJECT PROPERTY.

◆19 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF NORTHGLENN
PURPOSE: PIPELINE
RECORDING DATE: JANUARY 23, 1992
RECORDING NO: BOOK 3858 AT PAGE 600. THE ABOVE REFERENCED EASEMENT IS SHOWN AND PLOTTED HEREON.

20 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF NORTHGLENN
PURPOSE: PIPELINE
RECORDING DATE: APRIL 9, 1992
RECORDING NO: BOOK 3889 AT PAGE 708
MAY AFFECT A PORTION OF SAID LAND CONTAINED WITHIN TRACT "F". THE AREA DESCRIBED IN THE ABOVE REFERENCED DOCUMENT LIES OUTSIDE OF AND DOES NOT AFFECT THE SUBJECT PROPERTY.

◆21 EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF THORNTON
PURPOSE: TRANSPORTATION IMPROVEMENTS
RECORDING DATE: MARCH 12, 2003
RECORDING NO: RECEPTION NO. C1110258.
THE ABOVE REFERENCED EASEMENTS ARE SHOWN AND PLOTTED HEREON; THE EASEMENTS LIE OUTSIDE OF THE SUBJECT PROPERTY WITHIN PUBLICLY DEDICATED RIGHT-OF-WAY.

◆22 EASEMENTS FOR SLOPE PURPOSES AS TAKEN BY THE CITY OF THORNTON IN THE ORDER FOR POSSESSION RECORDED JULY 28, 2004 AT RECEPTION NO. 20040728000677260 AND IN THE STIPULATED RULE AND ORDER RECORDED JUNE 23, 2005 AT RECEPTION NO. 20050623000664880. THE ABOVE REFERENCED EASEMENT IS SHOWN AND PLOTTED HEREON.

23 TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE MEMORANDUM OF LEASE FROM EDNA M. MALMSTROM AND JOHN L. MALMSTROM, GLEN H. LAMBERTSON AND SUSAN H. LAMBERTSON, AND LEROY L. LAMBERTSON AND LAURETTA LAMBERTSON, LESSORS, TO SUNCOR ENERGY (U.S.A.) PIPELINE COMPANY AS SET FORTH BELOW:
RECORDING DATE: MAY 6, 2014
RECORDING NO.: RECEPTION NO. 2014000027542.

NOTE: AMENDMENT TO MEMORANDUM OF LEASE RECORDED MAY 11, 2015 AT RECEPTION NO. 2015000034872. THE ABOVE REFERENCED DOCUMENT DESCRIBES A LEASE OVER THE ENTIRE SUBJECT PROPERTY, NOT INCLUDING THE SLOPE EASEMENTS; SAID LEASE IS NO LONGER IN EFFECT AND HAD BEEN TERMINATED ON APRIL 22, 2015.


24 MINERALS AND MINERAL RIGHTS GRANTED TO THE AUDREY L. HLAUS FAMILY TRUST, ANGELA K. RICHISON, THE PARKER M. INMAN TRUST, THE MOLLY B. INMAN TRUST AND THE CARSON H. INMAN TRUST, BY THE CES TRUST DTD 11/13/1987, IN MINERAL AND ROYALTY QUIT CLAIM DEED, DATED FEBRUARY 3, 2017, RECORDED FEBRUARY 28, 2017 AT RECEPTION NO. 2017000017963. THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY WITH OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

TITLE COMMITMENT NOTES CONTINUED

25 AN OIL AND GAS LEASE IN FAVOR OF GRIZZLY PETROLEUM COMPANY, LLC FOR THE TERM THEREIN PROVIDED WITH CERTAIN COVENANTS, CONDITIONS AND PROVISIONS, TOGETHER WITH EASEMENTS, IF ANY, AS SET FORTH THEREIN, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
RECORDING DATE: FEBRUARY 7, 2019
RECORDING NO: RECEPTION NO. 2019000009182 THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY WITH OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

26 AN OIL AND GAS LEASE IN FAVOR OF GRIZZLY PETROLEUM COMPANY, LLC FOR THE TERM THEREIN PROVIDED WITH CERTAIN COVENANTS, CONDITIONS AND PROVISIONS, TOGETHER WITH EASEMENTS, IF ANY, AS SET FORTH THEREIN, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
RECORDING DATE: FEBRUARY 7, 2019
RECORDING NO: RECEPTION NO. 2019000009183
THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY WITH OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

27 AN OIL AND GAS LEASE IN FAVOR OF GRIZZLY PETROLEUM COMPANY, LLC FOR THE TERM THEREIN PROVIDED WITH CERTAIN COVENANTS, CONDITIONS AND PROVISIONS, TOGETHER WITH EASEMENTS, IF ANY, AS SET FORTH THEREIN, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
RECORDING DATE: MARCH 4, 2019
RECORDING NO: RECEPTION NO. 2019000015769
THE ABOVE REFERENCED DOCUMENT AFFECTS THE ENTIRE SUBJECT PROPERTY WITH OTHER LANDS; NO PLOTTABLE RIGHTS ARE DESCRIBED THEREIN.

	R&R ENGINEERS-SURVEYORS, INC. 1635 W. 13TH AVENUE, SUITE 310 DENVER, COLORADO 80204 303-753-6730 WWW.RRENGINEERS.COM WWW.RRENGINEERS.COM	
	REVISIONS	File No. MH22213-ALTA Date Drawn 11/01/22 Drawn By JDM Checked By SLJ Job No. MH22213

ALT/NSPS LAND TITLE SURVEY

(12800 CLAUDE COURT)
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS,
STATE OF COLORADO

Nov 09, 2022 7:47am Plotted by: jmoraffey C:\Users\jmoraffey\OneDrive\Temp\MapData\Local\Temp\MapData\Local\Temp\MH22213-ALTA.dwg

ALTA/NSPS LAND TITLE SURVEY

(12800 CLAUDE COURT)

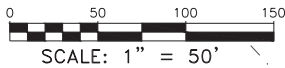
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO

CURVE DATA TABLE

CURVE #	RADIUS	CHORD BEARING	CHORD LENGTH	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	1875.00'(M)	1875.00'(L)	39.94'(C)	40.03'(L)	1°13'13"	N12°52'11"W 39.94'
C2	1875.00'(M)	1875.00'(L)	7.85'(M)	7.77'(R2)	0°14'23"	N13°21'36"W 7.85'
C3	1985.00'(M)	1985.00'(L)	244.02'(M)	242.99'(L)	7°02'37"	N17°01'09"W 243.87'
C4	5785.93'(M)	5785.93'(L)	238.10'(M)	242.99'(L)	2°21'31"	N22°08'46"W 238.08'
C5	510.00'(M)	510.00'(R2)	46.80'(M)	46.80'(R2)	5°15'31"	S46°44'49"W 46.79'
C6	992.91'(C)	990.00'(R2)	18.93'(C)	18.17'(R2)	1°05'31"	S48°49'02"W 18.92'
C7	5785.93'(M)	5785.93'(R2)	5.43'(M)	5.43'(R1)	2°27'03"	S23°39'47"E 5.44'

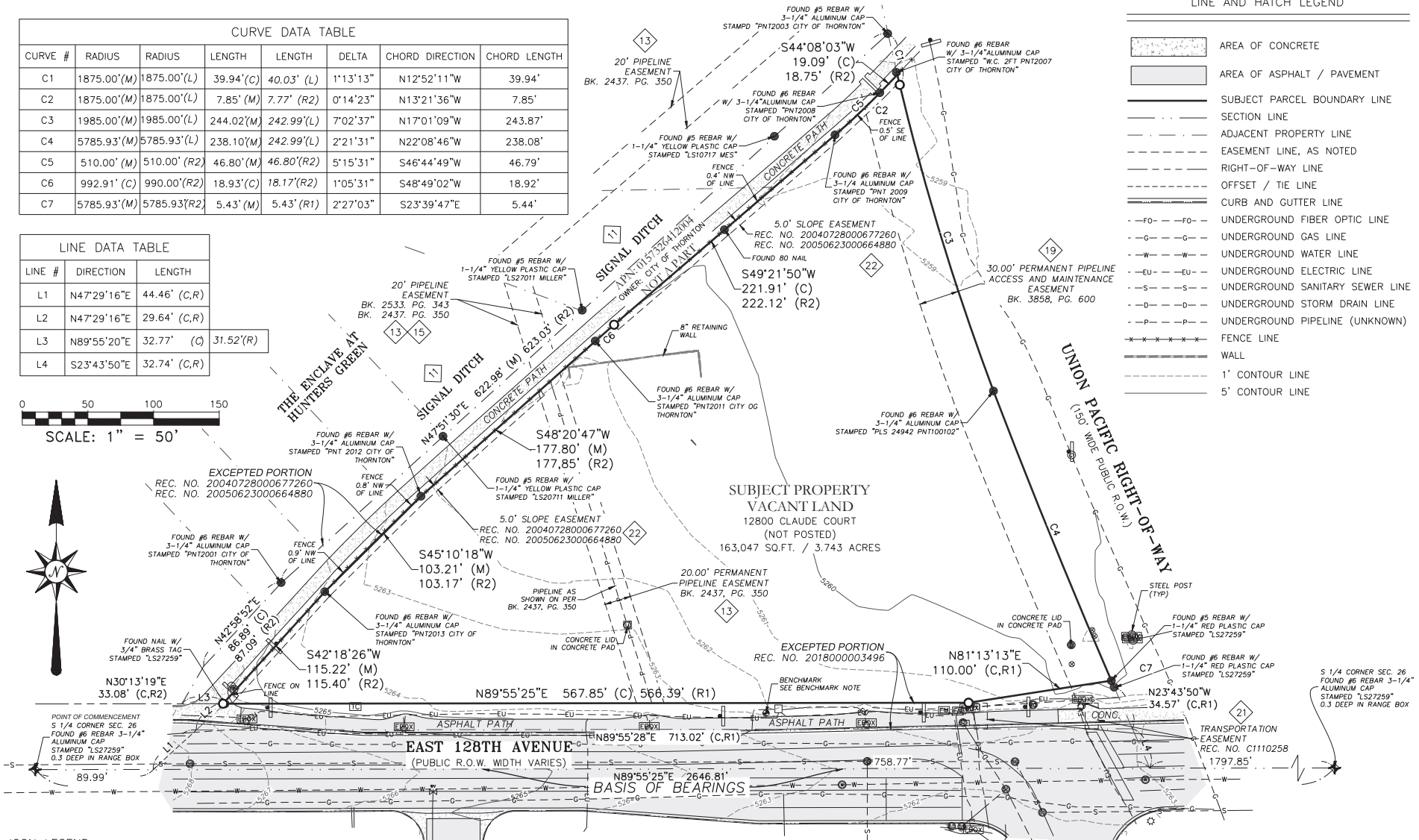
LINE DATA TABLE

LINE #	DIRECTION	LENGTH
L1	N47°29'16"E	44.46' (C,R)
L2	N47°29'16"E	29.64' (C,R)
L3	N89°55'20"E	32.77' (C)
L4	S23°43'50"E	32.74' (C,R)



LINE AND HATCH LEGEND

- AREA OF CONCRETE
- AREA OF ASPHALT / PAVEMENT
- SUBJECT PARCEL BOUNDARY LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- EASEMENT LINE, AS NOTED
- RIGHT-OF-WAY LINE
- OFFSET / TIE LINE
- CURB AND GUTTER LINE
- UNDERGROUND FIBER OPTIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND STORM DRAIN LINE
- UNDERGROUND PIPELINE (UNKNOWN)
- FENCE LINE
- WALL
- 1' CONTOUR LINE
- 5' CONTOUR LINE



ICON LEGEND

- FOUND MONUMENT, AS NOTED
- SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 38495"
- SECTION CORNER, AS NOTED
- B-2 EXCEPTION PER TITLE COMMITMENT
- APN: ASSESSOR'S PARCEL ID NUMBER
- L1 LINE DATA NUMBER
- C1 CURVE DATA NUMBER
- (R) RECORD DISTANCE
- (R1) SEE SHEET 1
- (R2) SEE SHEET 1
- (M) MEASURED DIMENSION
- (L) LEGAL DESCRIPTION
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- SIGN
- WATER MANHOLE
- GAS VALVE
- LIGHT POST
- WATER VALVE
- BOLLARD
- MANHOLE-UNKNOWN PURPOSE
- COMMUNICATIONS MANHOLE
- WATER METER
- TELEPHONE PEDESTAL

NOTE: SEE SHEET 1 OF REFERENCE MAP INDEX

R&R ENGINEERS-SURVEYORS, INC.
1635 W. 13TH AVENUE, SUITE 310
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303-753-6730 WWW.RRENGINEERS.COM
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REVISIONS	
File No. MH22213-ALTA	Date Drawn 11/01/22
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ALTA/NSPS LAND TITLE SURVEY

(12800 CLAUDE COURT)
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 3 OF 3

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-173
Series of 2022

Series of 2022

A RESOLUTION VACATING AN EASEMENT GRANTED TO THE CITY OF NORTHGLENN FOR THE CONSTRUCTION AND MAINTENANCE OF AN UNDERGROUND WATER LINE

WHEREAS, the City of Northglenn (the "City") currently holds a permanent easement (the "Easement") granted by School District Number 12 on February 25, 1980 for construction and maintenance of an underground pipeline;

WHEREAS, the Easement was recorded with the Adams County Clerk and Recorder on March 11, 1980, Reception No. B252860, Book 2437, Page 350, and affects a portion of land contained in Tract "E" of Hunters Glen Lakeshore Subdivision Filing No. 1, located at 12800 Claude Court in Thornton, Colorado;

WHEREAS, the City has constructed a replacement sanitary sewer force main in a different location and the Easement is no longer needed;

WHEREAS, the property at 12800 Claude Court is now owned by a developer, Maiker Housing Partners, which is seeking to develop the vacant land and has requested the City vacate the Easement;

WHEREAS, the City does not foresee that there will be a need for the placement of any utilities within the Easement; and

WHEREAS, City Council finds that vacation of the Easement is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO THAT:

Section 1. City Council finds that the Easement described in Exhibit A.1 and depicted in Exhibit C.1, attached hereto, is no longer necessary for the public use and therefore vacates the Easement.

Section 2. City Council directs the City Clerk to forthwith record a certified copy of this Resolution or other appropriate certificate with the Adams County Clerk and Recorder.

DATED, at Northglenn, Colorado, this _____ day of _____, 2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

School District No. 12

(Rev 11-28-79)

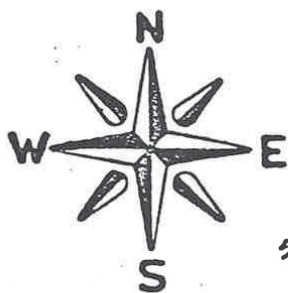
An easement for the construction and maintenance of an underground sewer line being 20 feet wide, lying Westerly and Northerly of the following described line: Beginning at the South one-quarter corner of Section 26, Township 1 South, Range 68 West of the 6th Principal Meridian, Adams County, Colorado; thence S89°50'15"E on an assumed bearing along the South line said Section 26 a distance of 94.21 feet; thence N00°09'45"E a distance of 30.00 feet to the Southwest corner of a parcel of land recorded in Book 270 at Page 526, Adams County records; thence N47°46'00"E along the Northerly line of said parcel a distance of 431.82 feet to the true point of beginning of said described line; thence N17°30'15"W a distance of 66.06 feet; thence N49°19'00"E a distance of 335.0 feet more or less to a point 20.0 feet Westerly of the Westerly R.O.W. line of the Union Pacific Railroad, said point being the end of said described line.

Contains 0.2 acres, more or less.

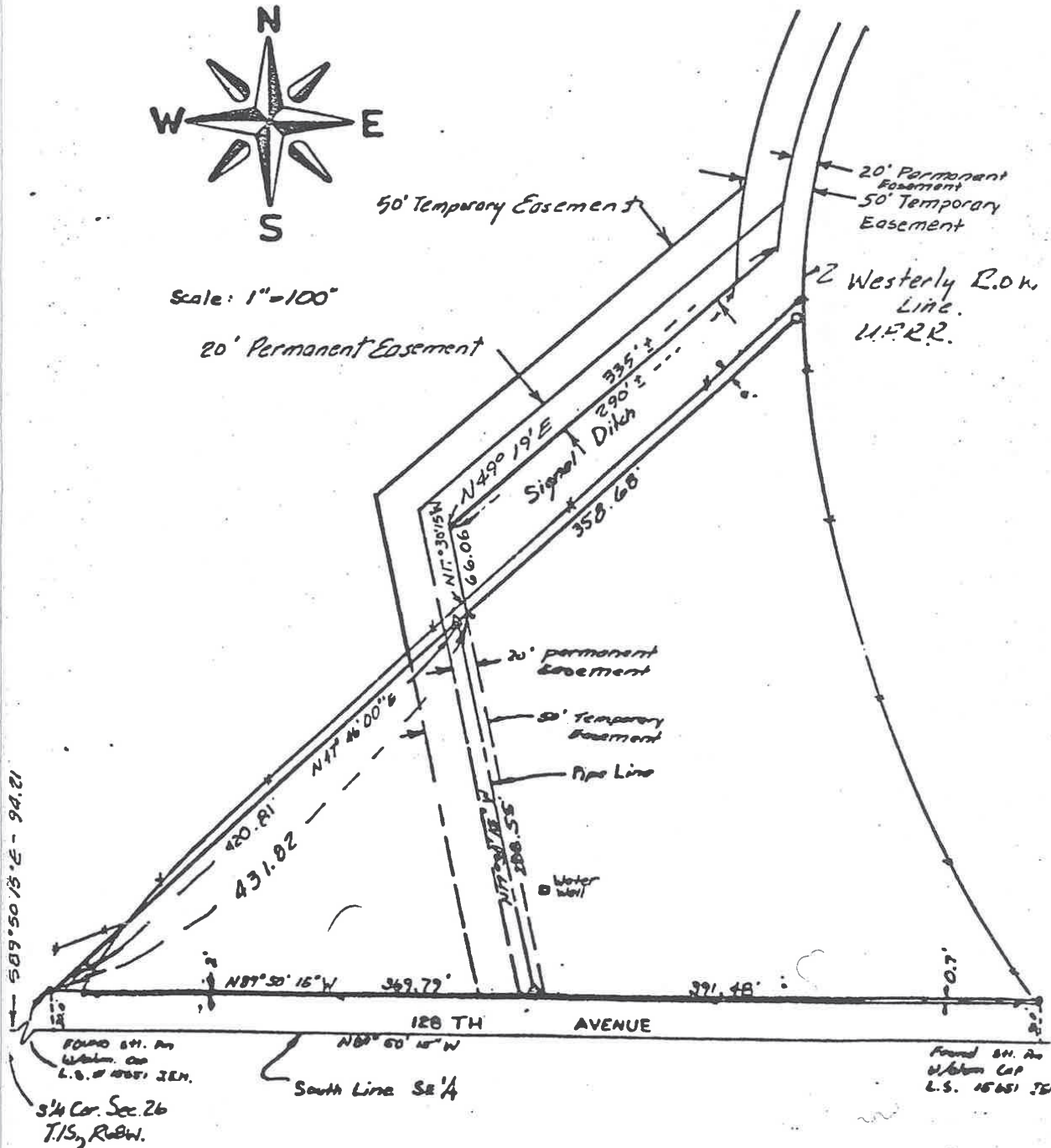
Phone 639-1157

LIND ENGINEERING, INC.
P. O. BOX 475
17 North 12th Ave.
BRIGHTON, COLORADO 80601

CIVIL ENGINEERING
LAND SURVEYING



Scale: 1"=100'



1276 - 3.5105.685

REVISED: Nov. 27, 1979

Easement - Map & Legal Description

Part of the SE 1/4 SEC. 26 T.1S, R.68W. Adams