

# Colorado Springs Utilities

It's how we're all connected

Memorandum of Agreement

APN. 9532006040

For Revegetation

Property Owner Thomas C. Dees

Southern Delivery System

Segment Work Package S2

Property Address: 623 N Canvas Dr, Pueblo West, CO 81007

Parcel Description: See Exhibit A for property owner's property. See Exhibits B and C for the areas of Revegetation Activities. Revegetation activities are intended to occur where Southern Delivery System construction disturbances have occurred on owner's property.

1. The undersigned owner agrees to allow revegetation activities (as defined on the attached scope of work) on his/her property for a one-year term renewable for two additional terms upon the mutual agreement of both parties. Payment shall be made for each separate term following the execution and delivery of the license agreement or a renewal of the license agreement.
2. It is understood by the owner that the revegetation access is for a public purpose and is voluntary and may be revoked upon thirty (30) days written notice. Revocation of access shall constitute a waiver of future revegetation work and a release of Colorado Springs Utilities (CSU) from performing and completing such work on the owner's property, excepting the removal of all or a portion of the irrigation system and fencing.
3. If the owner declines to execute a Revegetation License Agreement, owner understands that no future agreements will be offered or are available. By declining the Revegetation Offer, owner acknowledges that the Southern Delivery System shall not conduct its revegetation activities on the owner's property.
4. Payment for Year One shall be \$300.00. Payment for Year Two shall be \$200.00. Payment for Year Three shall be \$100.00. Each payment shall be made in a separate calendar year. Samples of the Agreements are attached for reference purposes.
5. The memorandum shall not be considered as binding upon the parties until such time as all of the hereinbelow signatures have been obtained.
6. This Agreement shall be construed in accordance with the laws of the State of Colorado.

The parcel proposed to be revegetated contains 4,903 square feet in Permanent Easement;  
7,004 square feet in Temporary Construction Easement  
and improvements as follows: \_\_\_\_\_

Compensation shall be paid upon execution and acceptance of each Revegetation License Agreement.

Colorado Springs Utilities

[Signature] 9/6/12  
Real Estate Specialist Date

APPROVED:

[Signature] 9/11/12  
SDS Land Team Date

[Signature] 9/11/12  
City Attorney's Office Date

[Signature] 9-11-12  
SDS Director/Deputy Director Date

Owner

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

### Revegetation Waiver

I hereby decline having my property revegetated following construction of the Southern Delivery System pipeline, waive any obligation that Colorado Springs Utilities has to do so, and understand that I will not be offered the opportunity to include my property in the revegetation activities in the future.

Owner [Signature] Date 8/22/12

APN 9532006040

I, Thomas Dees, would like no revegetation to occur on my property at 623 N. Canvas Drive in Pueblo West as a part of the revegetation program for the Southern Delivery System. I plan on constructing a corral using the rear of my property for my horses and the proposed revegetation program would interfere with my plans. I acknowledge that I will not be paid for the license agreement, however, believe that this course is in my best interest. Staff from SDS has explained the program and been professional and courteous and I appreciate their time and effort. David Marciniak had told me that by putting portable panels around my property where the water line exists would not interfere with my plans for my property.

Regards,  
(sign)



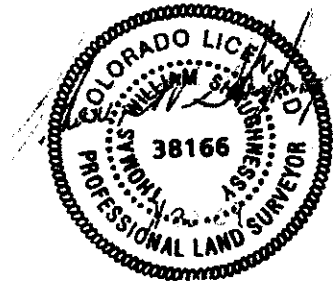
Thomas Dees



PARCEL DESIGNATION:	9532006040	DATE:	November 10, 2009
OWNER:	NOWACK, JARED M., (Owner current as of the date of certification hereon)		

**EXHIBIT A**

LOT 39, BLOCK 6, TRACT NO. 233, PUEBLO WEST COLORADO, located in the South Half of Section 32, Township 19 South, Range 65 West of the Sixth Principal Meridian, Pueblo County, Colorado, according to the plat thereof recorded in Book 1667 at Page 727 of the records of Pueblo County.



Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 90 South Cascade Ave., Suite 700, Colorado Springs, Co, 80903



PARCEL DESIGNATION:	9532006040	DATE:	November 10, 2009
OWNER:	NOWACK, JARED M., (Owner current as of the date of certification hereon)		

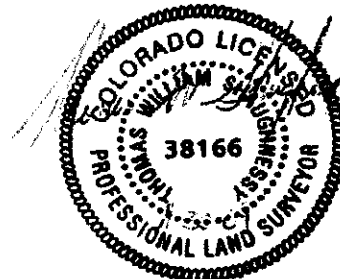
**EXHIBIT B**  
**LEGAL DESCRIPTION**

A permanent easement situated in LOT 39, BLOCK 6, TRACT NO. 233, PUEBLO WEST COLORADO, located in the South Half of Section 32, Township 19 South, Range 65 West of the Sixth Principal Meridian, Pueblo County, Colorado, as recorded in Book 1667 at Page 727 of the records of Pueblo County, more particularly described as follows:

The east 35.01 feet of the west 60.01 feet of said Lot 39.

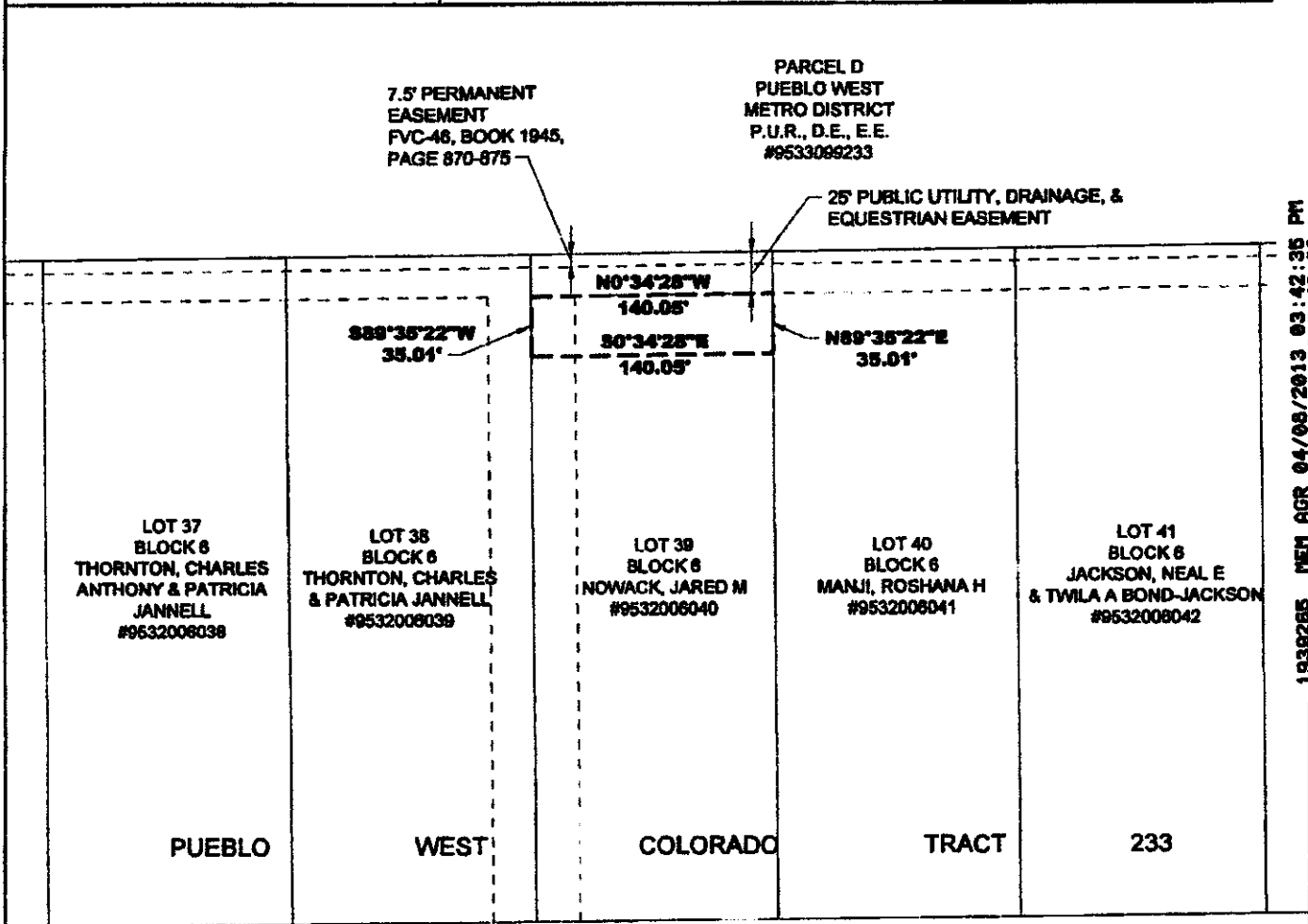
Said easement contains 4,903 square feet or 0.113 acres more or less.

EXHIBIT C SKETCH is attached hereto and is only intended to depict Exhibit B -- Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.



Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 90 South Cascade Ave., Suite 700, Colorado Springs, Co, 80903

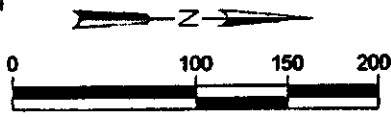
DATE: 18-NOV-2009	<b>EXHIBIT C SKETCH</b> PERMANENT EASEMENT PARCEL #9532006040 SECTION 32 T19S, R65W, 6TH P.M. PUEBLO COUNTY, COLORADO	<b>CITY OF COLORADO SPRINGS</b>
DRAWN BY: L STUDER		
CHECKED BY: B HANSON		
APPROVED BY: T SHAUGHNESSY		
DRAWING: 9532006040_EXC		



1938285 MEN\_AGR 04/08/2013 03:42:35 PM  
 Page: 5 of 5 R 46.00 D 0.00 T 46.00  
 Gilbert Ortiz Clerk/Recorder, Pueblo County, Co

**NOTES.**

- This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit B - Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.
- Bearings are based on a line from NGS Station "Pueblo CBL 973" (PID JK1355), monumented by a 3" brass disk set in 1.5' diameter concrete pad to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear North 13°33'20" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.
- P.U.E., D.E., E.E. = Public Utility Easement, Drainage Easement and Equestrian Easement. Per Subdivision Plat.



SCALE: 1" = 100'

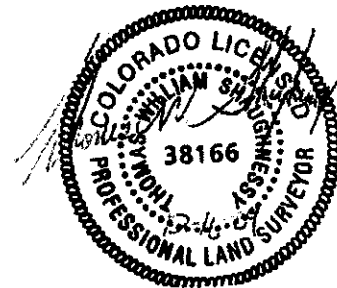
SHEET 1 OF 1



PARCEL DESIGNATION:	9532006040	DATE:	December 14, 2009
OWNER:	NOWACK, JARED M. (Owner current as of the date of certification hereon)		

**EXHIBIT A**

LOT 39, BLOCK 6, TRACT NO. 233, PUEBLO WEST COLORADO, located in the South Half of Section 32, Township 19 South, Range 65 West of the Sixth Principal Meridian, Pueblo County, Colorado, according to the plat thereof recorded in Book 1667 at Page 727 of the records of Pueblo County.



Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 90 South Cascade Avenue, Suite 700, Colorado Springs, CO, 80903



PARCEL DESIGNATION:	9532006040	DATE:	December 14, 2009
OWNER:	NOWACK, JARED M. (Owner current as of the date of certification hereon)		

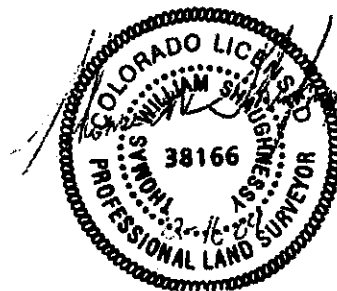
**EXHIBIT B**  
**LEGAL DESCRIPTION**

A temporary construction easement situated in LOT 39, BLOCK 6, TRACT NO. 233, PUEBLO WEST COLORADO, located in the South Half of Section 32, Township 19 South, Range 65 West of the Sixth Principal Meridian, Pueblo County, Colorado, as recorded in Book 1667 at Page 727 of the records of Pueblo County, more particularly described as follows:

The east 50.01 feet of the west 110.02 feet of said Lot 39.

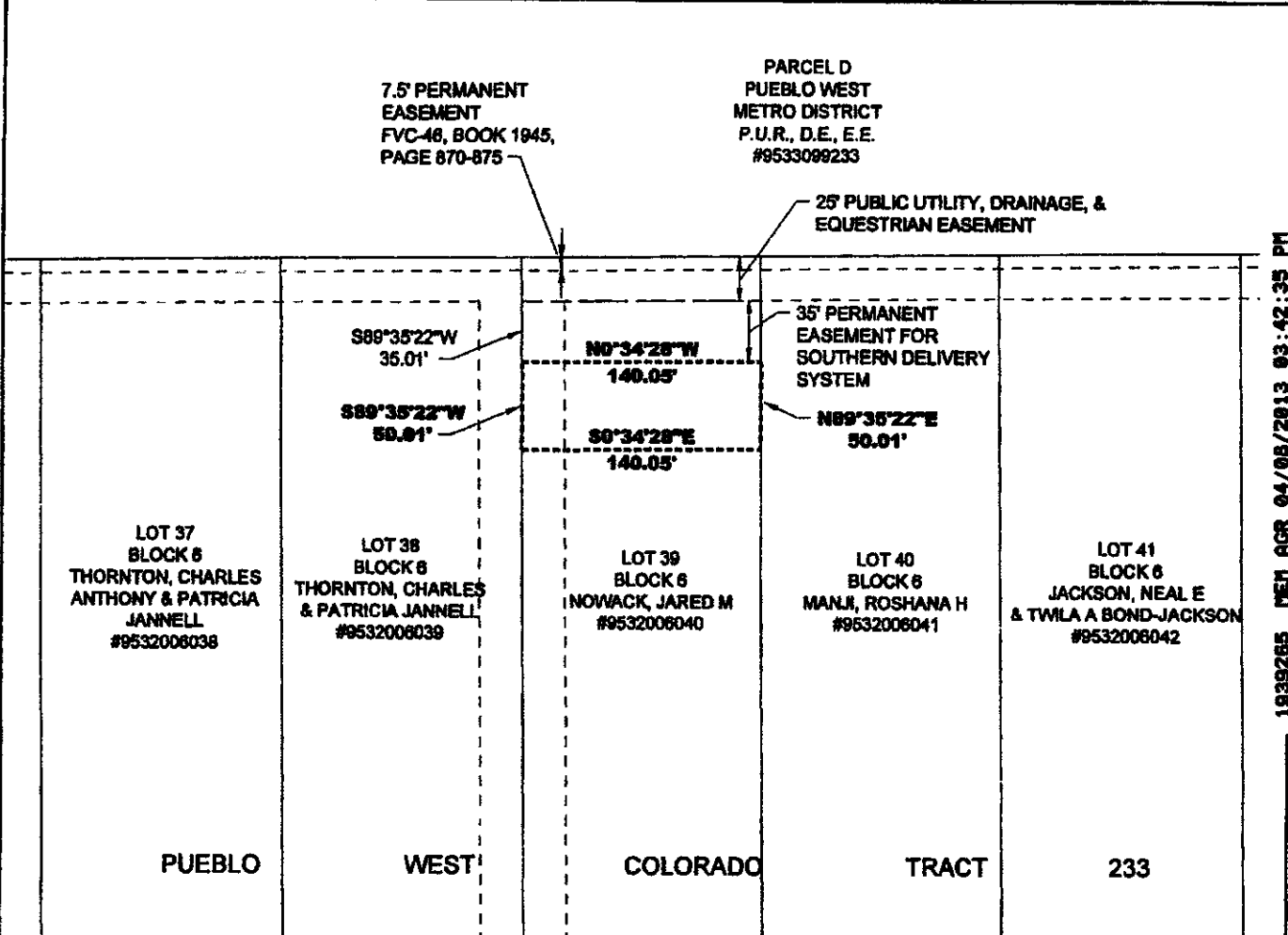
Said easement contains 7,004 square feet or 0.161 acres more or less.

EXHIBIT C SKETCH is attached hereto and is only intended to depict Exhibit B – Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.



Prepared for and on behalf of Colorado Springs Utilities by: Thomas W. Shaughnessy, L.S. 38166, of CRITIGEN, LLC, 90 South Cascade Avenue, Suite 700, Colorado Springs, CO, 80903

DATE: 11-DEC-2009	<b>EXHIBIT C SKETCH</b> TEMPORARY CONSTRUCTION EASEMENT PARCEL #9532006040 SECTION 32 T19S, R65W, 6TH P.M. PUEBLO COUNTY, COLORADO	<b>CITY OF COLORADO SPRINGS</b>
DRAWN BY: L STUDER		
CHECKED BY: B HANSON		
APPROVED BY: T SHAUGHNESSY		
DRAWING: 9532006040TE_EXC		



1839285 DEM\_AGR\_04/06/2013 03:42:35 PM  
 Page: 8 of 8 R 46.00 D 0.00 T 46.00  
 Gilbert Ortiz Clerk/Recorder, Pueblo County, Co

**CANVAS DRIVE**

**NOTES:**

- This sketch does not constitute a land survey plat by CRITIGEN, LLC., and is only intended to depict Exhibit B - Legal Description. In the event that Exhibit B contains an ambiguity, Exhibit C may be used to solve said ambiguity.
- Bearings are based on a line from NGS Station "Pueblo CBL 973" (PID JK1355), monumented by a 3" brass disk set in 1.5' diameter concrete pad to NGS Station "Clevenger" (PID JK1353), monumented by a stainless steel rod set in concrete, said line was assumed to bear North 13°33'20" West according to a survey control diagram prepared by Kirkham Michael Consulting Engineers deposited with the El Paso County Surveyor on August 10, 2004 at Survey Deposit Number 204900110.
- P.U.E., D.E., E.E. = Public Utility Easement, Drainage Easement and Equestrian Easement. Per Subdivision Plat.

SCALE: 1" = 100'

**SHEET 1 OF 1**