

**PUBLIC TRAIL EASEMENT**

THIS EASEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the Archuleta County Board of County Commissioners (the "Grantor"), successors and assigns, and the Town of Pagosa Springs, Colorado, a home rule municipality and political subdivision of the State of Colorado (the "Town")

WITNESSETH:

That for and in consideration and the sum of one dollar (\$1.00) and other good and valuable consideration paid by the Town to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Town, its successors and assigns, a perpetual Public Trail Easement and right to construct, install, remove, replace, add to, maintain, repair, operate, change or alter the Public Trail on the following described easement premises, situate in the County of Archuleta, State of Colorado, to wit:

See **Exhibit A** legal description and **Exhibit B** map attached hereto and incorporated herein by reference.

Grantor warrants that the Grantor has the lawful right to grant such easement, and that the Grantor, and any successors and assigns, will, at no time, permit any building, substantial landscaping or other permanent improvements to be hereafter constructed within said easement.

Following the completion of the purpose of any entry by the Town upon said easement for any of the aforesaid objects, the Town shall restore the premises to substantially the same condition existing at the time of the entry.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

GRANTOR:  
BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
Alvin Schaaf, Chair

ACCEPTED by the TOWN OF PAGOSA SPRINGS, COLORADO this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

TOWN:

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**EXHIBIT A**  
**LEGAL DESCRIPTION OF EASEMENT**

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MAY 28, 2021  
LEGAL DESCRIPTION

An easement for public pedestrian access across a parcel of land located in the north half of Henry Foote's Valentine Scrip, Townsite of Pagosa Springs, Archuleta County, Colorado, which parcel is more particularly described in the document recorded under reception number 97003967 (currently owned by Archuleta County Board of County Commissioners) in the records of the Archuleta County Clerk and Recorder, which easement being an irregularly shaped strip of land of varying width and one hundred fifty feet long along the easterly boundary of said parcel, which strip of land is more particularly described as follows, to wit:

Beginning at the northeasterly corner of said subject parcel, which corner is also the northwest corner of the parcel described in the document recorded under reception number 94002883 (currently owned by James D. and Nancy L. Smith) in the records of the Archuleta County Clerk and Recorder, which corner is monumented by a 1 ½" brass cap set in concrete sidewalk, PLS 26973, whence the northwest corner of said Valentine Scrip bears S 89° 51' 20" W 474.89 feet distant;

Thence South, 105.00 feet along the easterly boundary of said subject parcel, also being the westerly boundary of said parcel described in the document recorded under reception number 94002883, to the southwesterly corner of said parcel described in the document recorded under reception number 94002883, also being a corner of the parcel of land described in reception number 20804196 (currently owned by Magdaleno and Maria I. Garcia) in the records of the Archuleta County Clerk and Recorder, which corner is monumented with a ½" rebar with a 1" yellow plastic cap, PLS 23894;

Thence South, 45.00 feet along the easterly boundary of said subject parcel, also being the westerly boundary of said parcel described in the document recorded under reception number 20804196, to the southeasterly corner of said subject parcel, which corner is monumented with a ½" rebar with a 1 ½" aluminum cap, PLS 26973, whence the northwest corner of said Valentine Scrip bears N 72° 36' 06" W, 497.65 feet distant;

Thence S 89° 51' 20" W, 12.84 feet along the southerly boundary of said subject parcel;

Thence N 09° 27' 02" W, 33.74 feet along a line approximately paralleling and westerly of an existing asphalt pedestrian path and an existing wooden 2 rail fence to the southerly edge of an existing asphalt driveway/parking area;

May 28, 2021

Legal Description - portion of rec. # 97003967

Thence N 31° 34' 20" E, 18.46 feet to the intersection with the westerly extension of the northerly limit of a 16 foot wide non-exclusive access easement as depicted on Survey Deposit Map S 2342 in the records of the Archuleta County Clerk and Recorder;

Thence N 00° 00' 55" W, 20.43 feet to the approximate southeast corner of the building on said subject parcel;

Thence N 00° 00' 55" W, 80.57 feet along the easterly edge of said building and extending to the northerly boundary of said subject parcel;

Thence N 89° 51' 20" E, 8.74 feet along the northerly boundary of said subject parcel to the point of beginning.

Said strip of land containing ±1,614.42 square feet.

It is the intent to describe a continuous strip of land for a public pedestrian access easement which occurs on two contiguous parcels of land and between two existing buildings, one building being on each parcel, which parcels being those aforementioned and described in the documents recorded under reception numbers 97003967 and 94002883. This document describes the westerly portion of said continuous strip.

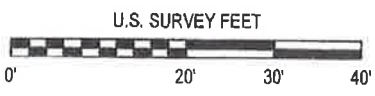
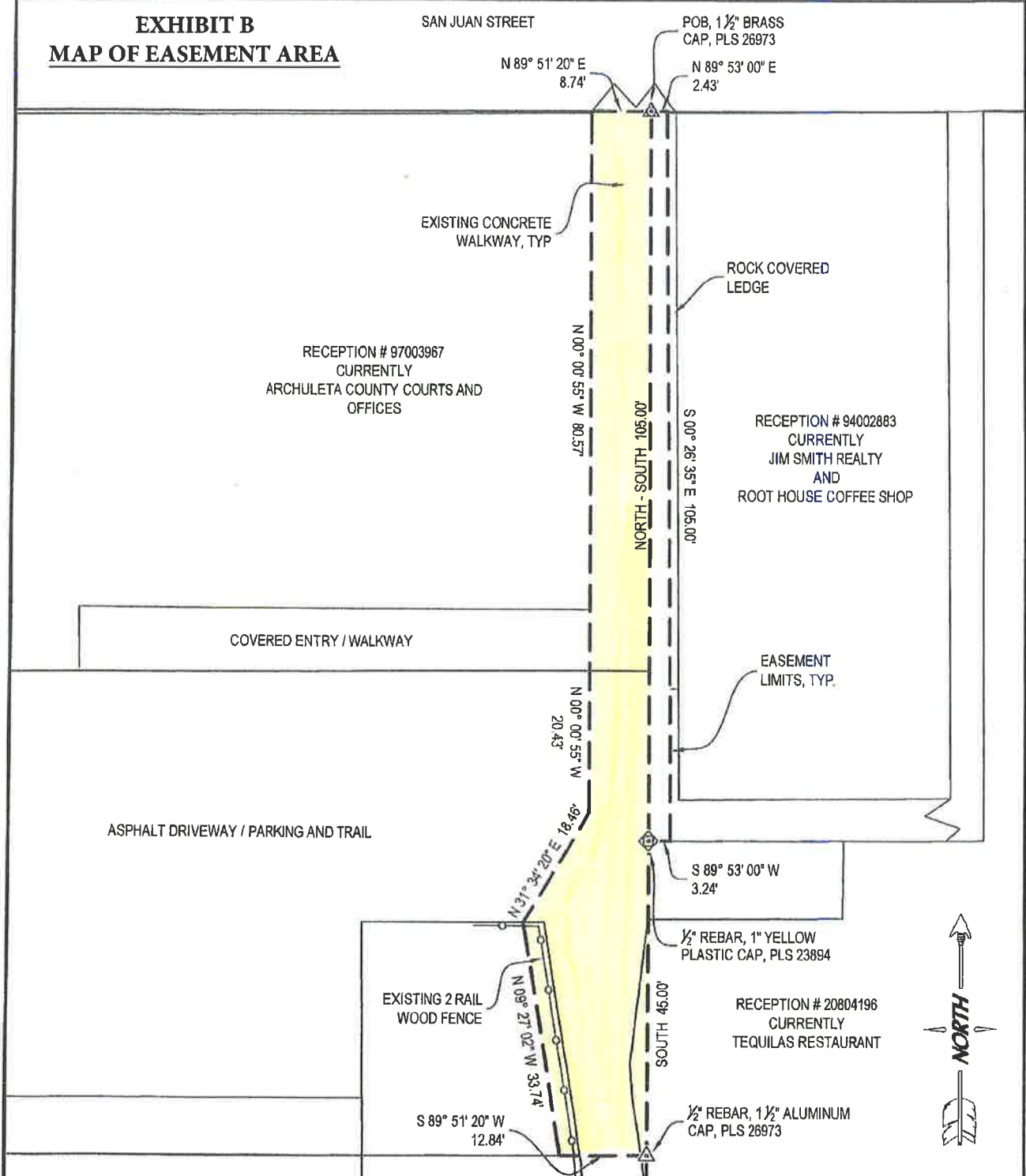
This description is based on two field surveys performed by Davis Engineering Service, Inc., being deposited under Survey Deposit Map S 1197 and S 2342 in the records of the Archuleta County Clerk and Recorder.

Prepared by S. Myron Stretton

Colorado Certificate No. 38352



**EXHIBIT B  
MAP OF EASEMENT AREA**



SINCE 1848

**DAVIS ENGINEERING SERVICE, INC.**

188 SOUTH 8th STREET - P.O. BOX 1208  
PAGOSA SPRINGS, COLORADO 81147  
PHONE: (970) 264-5055  
FAX: (970) 264-9210

**EASEMENT EXHIBIT**  
Located in the North Half of the Valentine Scrip, Townsite of Pagosa Springs, Archuleta County, Colorado

REV	DATE	BY	APVD

Town of Pagosa Springs	1 OF 1
JNS	1" = 20'
SMS	06/01/21
SMS	P08219