

A G R E E M E N T

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This agreement made this 7th day of June,

A.D., 1961, by and between the ALTURA SANITATION DISTRICT, a quasi municipal corporation, hereinafter called first party, and CARL E. BAESSLER and BERNICE E. BAESSLER, hereinafter called the second parties;

WITNESSETH:

WHEREAS parties of the second part are engaged in the construction of improvements upon the following described property, situated in the County of Arapahoe, State of Colorado, to-wit:

Tract Eleven (11) Except Roads, ALTURA FARMS,
Arapahoe County, State of Colorado;

AND WHEREAS second parties have poured a foundation which encroaches upon an easement granted to first party for the construction of sanitary sewer lines, across the above described property;

AND WHEREAS it is the intention of the parties hereto to enter into a perpetual covenant and agreement with respect to said land and the encroachment thereon, said covenant to be recorded and be a covenant to run with the above-described property.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, it is mutually agreed by and between the parties as follows:

1. Second parties agree to install, in lieu of the present vitreous clay tile sewer pipe, a sewer pipe of metal construction approved by the Board of Directors of the Altura Sanitation District.

2. It is mutually agreed that the within instrument shall be recorded and shall constitute a covenant running with the land.

3. In the event first party, by reason of emergencies or otherwise, is compelled to make repairs on said line due to the absence, refusal or neglect of second parties and/or their heirs, successors or assigns, as herein provided, second parties, by their signatures hereto, their heirs, successors and assigns, agree to save-harmless, and release first party from and on

Account of any work done on said line and more particularly, but not in any way by way of limitation, the loss of lateral support to the foundations of any improvement now being constructed or which will hereafter be constructed by second parties, their heirs, successors and assigns on said property.

This agreement shall extend to and be binding upon the heirs, successors and assigns of the parties hereto.

WITNESS our hands and is this day and year first above written.

ALTURA SANITATION DISTRICT

By: [Signature]
President



[Signature]
Secretary

[Signature]
Second Party

[Signature]
Second Party