

**AMENDMENT TO SHARED PARKING AND ACCESS
EASEMENT DEED AND AGREEMENT**

THIS AMENDMENT TO SHARED PARKING AND ACCESS EASEMENT DEED AND AGREEMENT (“Amendment”), dated _____, 2023, is entered into by and between DILLON COMPANIES, LLC, a Kansas limited liability company f/k/a DILLON COMPANIES, INC., a Kansas corporation (“Grantor”) and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation (“Grantee”).

Recitals:

A. Grantor and Grantee entered into a Shared Parking and Access Easement Deed and Agreement on May 29, 2014 and recorded with the Larimer County Clerk and Recorder’s on August 28, 2014 at Reception No. 20140048657 (the “Agreement”). (Initially capitalized terms not defined herein have the same meaning as in the Agreement); and

B. Grantor and Grantee have agreed to revise the shared parking areas on the Property;

C. Grantor and Grantee desire to amend the Agreement in the manner and form herein set forth.

NOW, THEREFORE, for good and valuable consideration, Grantor and Grantee hereby agree as follows:

1. BRT Easement Tract. The BRT Easement Tract is amended to add 34 spaces, for a total of 94 spaces, legally described on Exhibit A and depicted on Exhibit B attached hereto and to revise and amend the area of the initial spaces granted to that legally described on Exhibit C and depicted on Exhibit D attached hereto.

2. Parking Spaces. Paragraph 2 is amended to expand the number of Parking Spaces to a total of 94.

3. Grantor’s Rights in Easement Area. Paragraph 4 is amended to reflect the expansion of Parking Spaces and the minimum number of spaces is 94.

4. Full Force and Effect. Except as amended herein, all terms and conditions of the Agreement shall continue in full force and effect. The Agreement is hereby ratified and affirmed by the parties, and is binding upon the parties in accordance with its terms.

5. Counterparts. This Amendment may be executed in counterparts which when taken together shall constitute one document.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

[SIGNATURE PAGES FOLLOW]

GRANTOR:

DILLON COMPANIES, LLC, a
Kansas limited liability company

By: _____

Its: _____

Date: _____

STATE OF OHIO)
)ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2023, by _____ as _____ of Dillon Companies, LLC,
a Kansas limited liability company.

Witness my hand and official seal.

My commission expires: _____

Notary Public

GRANTEE:

THE CITY OF FORT COLLINS, COLORADO, a
Municipal corporation

By: _____

Its: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

STATE OF COLORADO)
)ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me this ____ day of
_____, 2023, by _____ as _____ of the City of Fort Collins,
Colorado, a municipal corporation.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Exhibit A

LEGAL DESCRIPTION
SHARED PARKING EASEMENT

A SHARED PARKING EASEMENT OVER PART OF LOT 2, EXTENSION OF K-MART PLAZA PLAT, RECORDED AT BOOK 5, PAGE 4 AND PART OF TRACT 2, K-MART PLAZA PLAT, RECORDED AT BOOK K, PAGE 3 AND PART OF A TRACT DEEDED TO DILLION COMPANY INC., RECORDED AT RECEPTION NO. 20140048658, ALL RECORDED IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, ALL LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO, SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE S01°22'03"W, A DISTANCE OF 87.39 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE S88°37'57"E, A DISTANCE OF 16.96 FEET, MEASURED PERPENDICULAR TO SAID WEST LINE, TO THE POINT OF BEGINNING;

THENCE S88°40'35"E, A DISTANCE OF 15.50 FEET;

THENCE S01°19'25"W, A DISTANCE OF 415.00 FEET;

THENCE N88°40'35"W, A DISTANCE OF 15.50 FEET;

THENCE N01°19'25"E, A DISTANCE OF 415.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,432 SQUARE FEET OR 0.148 ACRES.

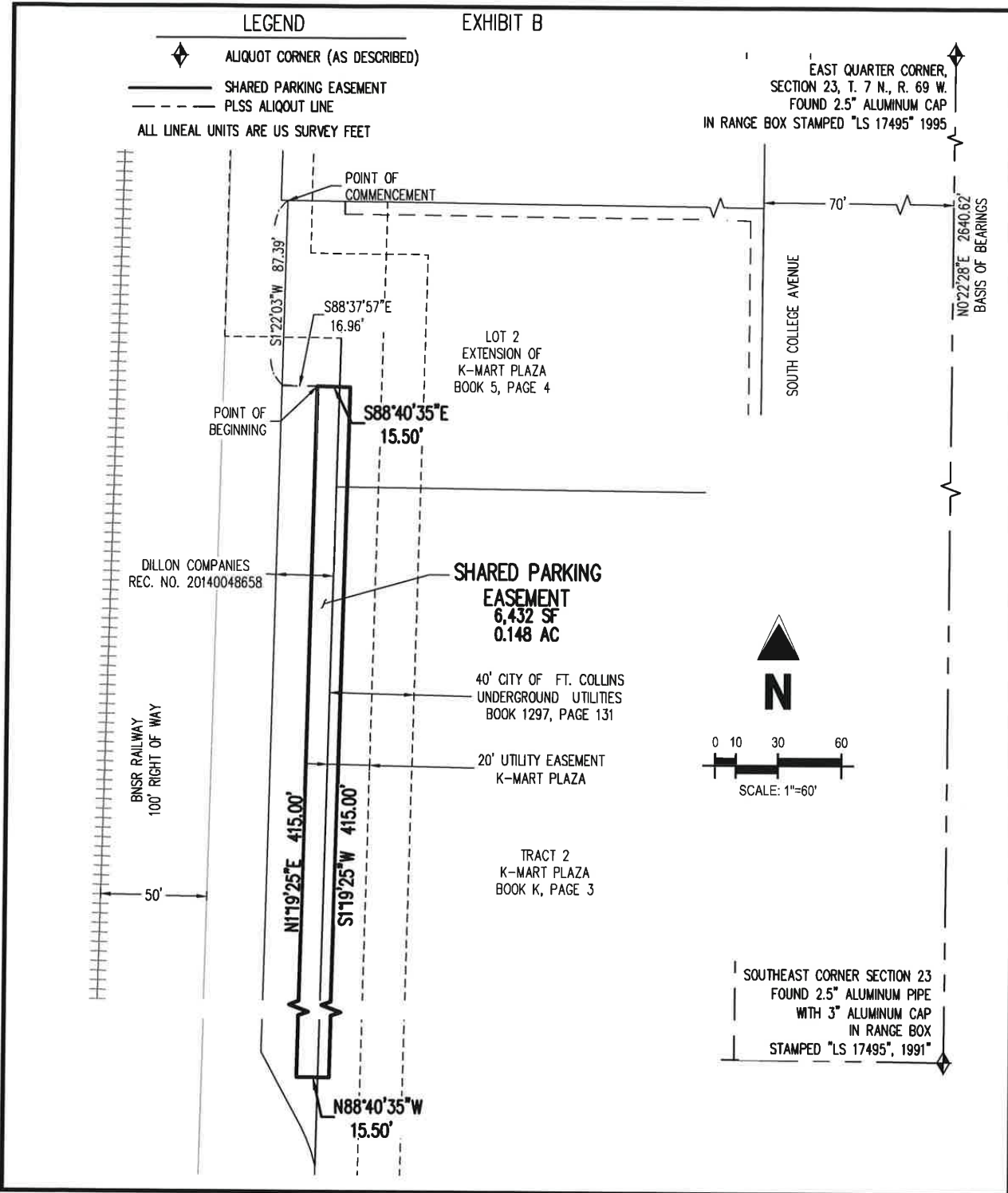
BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, IS ASSUMED TO BEAR NORTH 00°22'28" EAST, A DISTANCE OF 2640.62 FEET, MONUMENTED AT THE SOUTH END BY A 2-5" ALUMINUM PIPE WITH 3" ALUMINUM CAP IN A RANGE BOX STAMPED LS 17495, 1991 AND MONUMENTED AT THE NORTH END BY A 2.5" ALUMINUM CAP IN A RANGE BOX, STAMPED LS 17495, 1995, WITH ALL OTHER BEARINGS REFERENCED THERETO.

EXHIBIT B IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT A - LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT A CONTAINS AN AMBIGUITY, EXHIBIT B MAY BE USED TO RESOLVE SAID AMBIGUITY.



PREPARED FOR AND ON BEHALF OF GALLOWAY
BY FRANK A. KOHL, PLS# 37067

November 30, 2022
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SharedParkingEasement-West.doc



PART OF THE SOUTHEAST QUARTER OF SECTION 23, T. 7 N., R. 69 W. OF THE 6TH P.M. CITY OF FORT COLLINS, COUNTY OF LARIMER, COLORADO

SHARED PARKING EASEMENT EXHIBIT

Project No: KSS000018.02
 Drawn By: AN
 Checked By: FAK
 Date: 11/30/2022

Galloway

5285 Ronald Reagan Blvd., Suite 210
 Johnstown, CO 80534
 970.800.3300 • GallowayUS.com

Exhibit C

LEGAL DESCRIPTION
SHARED PARKING EASEMENT

A SHARED PARKING EASEMENT OVER PART OF TRACT 2, K-MART PLAZA PLAT, RECORDED AT BOOK K PAGE 3 RECORDED IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO, SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 2;

THENCE N89°27'52"W, A DISTANCE OF 119.21 FEET ON THE SOUTH LINE OF SAID TRACT 2;

THENCE N00°32'08"E, A DISTANCE OF 16.62 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DRAKE STREET AND POINT OF BEGINNING;

THENCE S81°27'51"W, A DISTANCE OF 44.12 FEET ON SAID NORTH RIGHT-OF-WAY LINE TO AN ANGLE POINT THEREIN;

THENCE N89°31'52"W, A DISTANCE OF 249.71 FEET CONTINUING ON SAID NORTH RIGHT-OF-WAY LINE TO THE EAST LINE OF A TRACT DEEDED TO THE CITY OF FORT COLLINS AT RECEPTION NO. 20140048667;

THENCE ON SAID EAST LINE FOR THE FOLLOWING THREE (3) COURSE;

1. THENCE N01°41'18"E, A DISTANCE OF 19.83 FEET;
2. THENCE N88°54'47"W, A DISTANCE OF 7.28 FEET;
3. THENCE N01°22'06"E, A DISTANCE OF 173.39 FEET;

THENCE S88°39'54"E, A DISTANCE OF 33.02 FEET;

THENCE S00°04'39"E, A DISTANCE OF 91.71 FEET;

THENCE S89°28'09"E, A DISTANCE OF 262.80 FEET;

THENCE S00°01'32"W, A DISTANCE OF 93.89 FEET TO THE POINT OF BEGINNING.

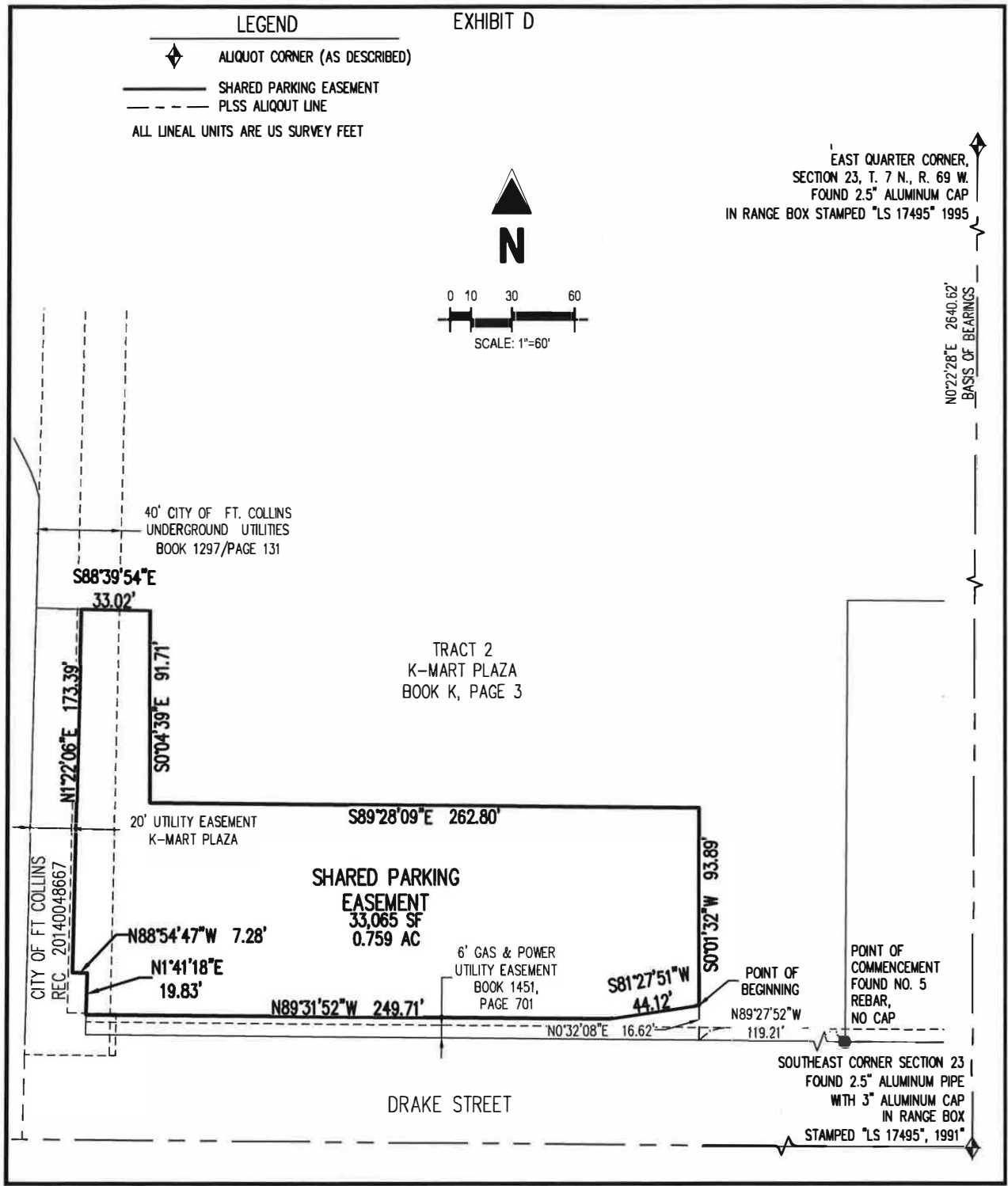
PARCEL CONTAINS 33,065 SQUARE FEET OR 0.759 ACRES.

BASIS OF BEARING: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, IS ASSUMED TO BEAR NORTH 00°22'28" EAST, A DISTANCE OF 2640.62 FEET, MONUMENTED AT THE SOUTH END BY A 2-5" ALUMINUM PIPE WITH 3" ALUMINUM CAP IN A RANGE BOX STAMPED LS 17495, 1991 AND MONUMENTED AT THE NORTH END BY A 2.5" ALUMINUM CAP IN A RANGE BOX, STAMPED LS 17495, 1995, WITH ALL OTHER BEARINGS REFERENCED THERETO.

EXHIBIT D IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT C - LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT C CONTAINS AN AMBIGUITY, EXHIBIT D MAY BE USED TO RESOLVE SAID AMBIGUITY.

PREPARED FOR AND ON BEHALF OF GALLOWAY
BY FRANK A. KOHL, PLS# 37067





PART OF TRACT 2, K-MART PLAZA, LOCATED
IN THE SOUTHEAST QUARTER OF SECTION 23
T. 7 N., R. 69 W. OF THE 6TH P.M. FORT COLLINS, LARIMER COU, CO

SHARED PARKING EASEMENT EXHIBIT

Project No:	KSS000018.02
Drawn By:	AN
Checked By:	FAK
Date:	4/11/2023

Galloway

5285 Ronald Reagan Blvd., Suite 210
Johnstown, CO 80534
970.800.3300 • GallowayUS.com