

ACCESS TRAIL LICENSE AGREEMENT

This Access Trail License Agreement (the “License”) is entered into this ____ day of _____, 2023, by and between the **Somerset Estates Homeowners Association, Inc.**, a Colorado nonprofit corporation, whose legal address is P.O. Box 621, Niwot, CO 80544 (“Licensor”) and the **County of Boulder**, a body corporate and politic, whose legal address is P.O. Box 471, Boulder, CO 80306 (“Licensee”) (collectively referred to as the “Parties”).

RECITALS

- A. Licensor owns the real property known as Outlot D of Block 3 of the Replat of Somerset Estates (the “Licensor’s Property”);
- B. Licensee owns the right of way for Somerset Drive and real property west of Somerset Drive, known as Outlot A of Block 5 of the Replat of Somerset Estates (the “Licensee’s Property”);
- C. An unpermitted social trail currently extends from an improved County trail on Licensee’s Property, across Licensor’s Property, connecting to an improved County trail on the east side of Licensor’s Property, in what is known as Legend Ridge Estates;
- D. Licensee’s 2006 Niwot Trails Master Plan proposed to establish a formal soft surface trail connection between Somerset Estates and Legend Ridge;
- E. Licensee desires to design and construct a formal trail connection (“Access Trail”) between the improved trails for public use in the location along the line of the social trail, as depicted on Exhibit A; and
- F. Licensor desires to grant to Licensee a License to enter on Licensor’s Property to construct, improve and maintain the Access Trail for the benefit of the public, upon the terms set forth herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained in this License, and an all-inclusive administrative fee of One Thousand Five Hundred Dollars (\$1,500.00), the receipt of which is hereby acknowledged, and subject to the covenants, conditions, and limitations hereinafter set out, Licensor and Licensee agree as follows:

1. License. Subject to the terms and conditions set forth herein, Licensor hereby grants to Licensee a non-exclusive license over a parcel fifteen feet wide (“License Area”), which represents seven and one-half feet (7.5) feet on either side of the center line of the Access Trail to be built within the limits of disturbance that is generally depicted on Exhibit A.

2. Term. The term of this License shall begin on the date it is executed and shall extend for a period of ten (10) years, provided that this license shall automatically renew for successive periods of ten (10) years each unless terminated by either Party by written notice not less than thirty (30) days prior to the expiration of the current term.

3. Purpose. Licensee's use of the License Area shall be limited to the planning, design, construction, improvement, and maintenance of the Access Trail, and enforcement, noxious weed removal, hazard tree removal, fire-protection, public safety activities, emergency access, and other purposes associated with the construction, use and management of the Access Trail as a public passive recreational trail.

4. Construction and Maintenance. Licensee shall be responsible for all design and construction costs of the Access Trail and shall thereafter be responsible for any repairs or maintenance of the Access Trail and the costs thereof, so long as this License is in effect. To discourage other social trails of other trespassing, Licensee shall construct fences along the sides of the Access Trail of like kind, style, and materials as other boundary fences around Licensor's Property, and Licensee shall post notices stating that the property outside of the Access Trail is private property.

5. Public Use. Upon completion of the Access Trail by Licensee, public access will be allowed on the Access Trail, and it shall be limited to passive non-motorized recreational uses, together with all rights and privileges necessary or incidental to the reasonable and proper use of the Access Trail by the public and shall be subject to all of Boulder County's existing and future Rules and Regulations for Parks & Open Space Areas ("Rules and Regulations").

6. Notice. Any notice provided pursuant to this License shall be to the following address and/or fax numbers, unless a Party gives written notice of change:

To the Licensee: The Director
 Boulder County Parks & Open Space Department
 P.O. Box 471
 Boulder, Colorado 80306
 Facsimile: 303-678-6179

With a Copy to: Boulder County Attorney
 P.O. Box 471
 Boulder, Colorado 80306
 Facsimile: 303-441-4794

To Licensor: Somerset Estates Homeowners Association, Inc.
 P.O. Box 621
 Niwot, Colorado 80544

7. Exhibits. All references to exhibits herein shall incorporate such exhibits by their reference.

8. Complete Agreement. The Parties agree that this License embodies the entire understanding and agreement of the Parties with respect to the issues referenced herein, and that, unless terminated upon the conditions set forth herein, this License shall extend to and be binding upon the Parties and their respective employees, agents, contractors, heirs, personal representatives, successors and assigns, as the case may be. This License is personal to Licensee and may not be assigned without the Licensor's written consent.

9. Governance. This License shall, in all respects, be governed, construed, applied and enforced in accordance with the laws of the State of Colorado.

10. Counterparts. This License may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement. Facsimile and other electronic signatures shall be acceptable to and binding upon all Parties.

[Remainder of page intentionally left blank]

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

Somerset Estates Homeowners Association, Inc., a
Colorado nonprofit corporation

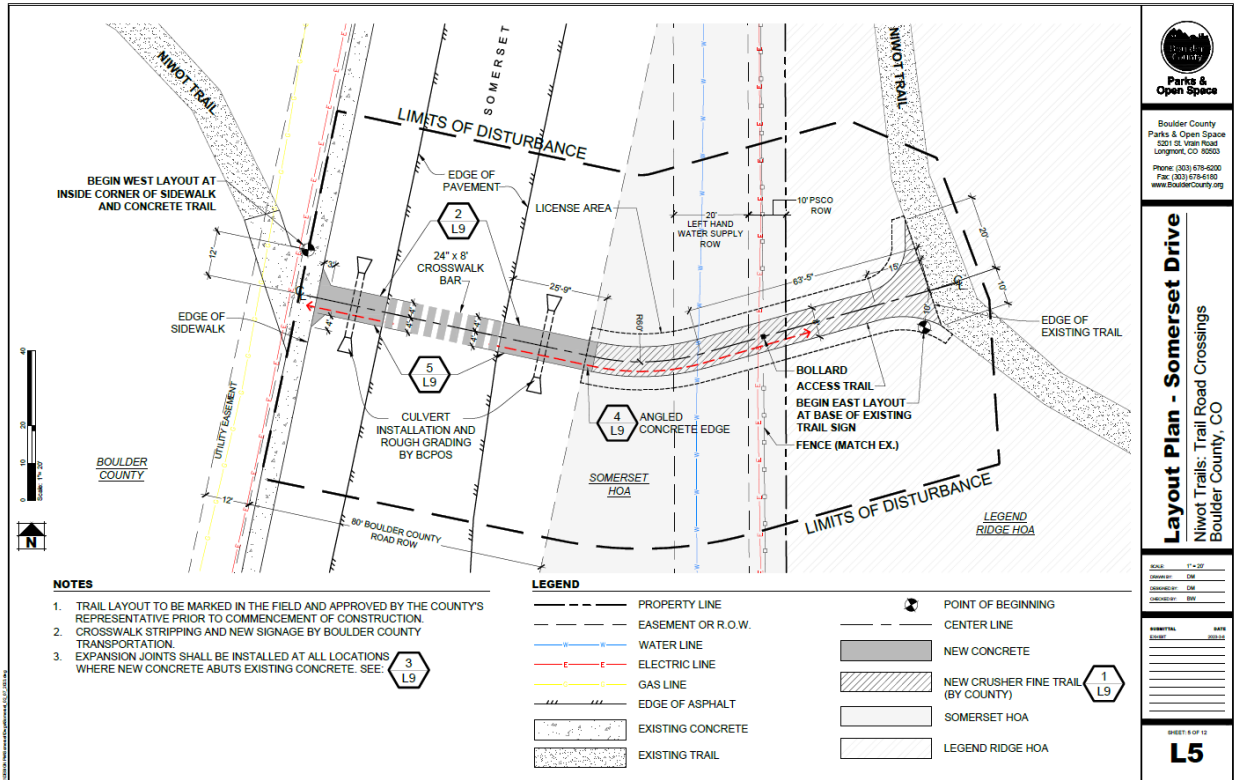
By: _____
Title: _____

COUNTY OF BOULDER, a body corporate and
politic

By: _____
Therese Glowacki, Director
Parks and Open Space Department

EXHIBIT A

Map



Boulder County Parks & Open Space
 Boulder County Parks & Open Space
 3201 E. Vine Road
 Longmont, CO 80503
 Phone: (303) 679-4200
 Fax: (303) 679-6193
 www.BoulderCounty.org

Layout Plan - Somerset Drive
 Niwot Trails: Trail Road Crossings
 Boulder County, CO

DATE:	7-27
DESIGNED BY:	DM
CHECKED BY:	DM
DATE:	08/14

SHEET # OF 12
L5