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Boulder County Clerk and Recorder

Molly Fitzpatrick

Digitally signed by: Molly Fitzpatrick
Date: Oct 22, 2025 12:54 PM -06:00

#01592661 03/20/96 09:32 AM REAL ESTATE RECORDS
F2113 CHARLOTTE HOUSTON BOULDER CNTY CO RECORDER

DECLARATION OF EASEMENT

DECLARATION. Creekside III, LLC, is the owner of certain real property located in the Southeast 1/4 of Section 16, Township 2 North, Range 69 West of the 6th principal meridian, in the County of Boulder, State of Colorado, described as Lots 5, 6 and 7, Block 1, Creekside Subdivision Sixth Filing, the Plat of which is recorded as Plan File R32-1-42, County of Boulder, State of Colorado (the "Plat"), and hereby declares in respect to the above-described property as follows:

- 1. CREATION OF COMMON DRIVEWAY EASEMENT.** Creekside III, LLC hereby establishes a perpetual non-exclusive 35 foot Access and Utility Easement (the "Easement Property") over, upon and across a portion of Lot 5, Block 1, Creekside Subdivision Sixth Filing, as shown on the Plat.
- 2. USE OF THE COMMON DRIVEWAY EASEMENT.** The easement declared herein is for private access to and from Lots 5, 6, and 7 and the owners of said lots shall have no right to increased usage of the Easement Property without the prior written consent of the owners of all of said Lots.
- 3. COMMON MAILBOX.** A common mailbox shall be constructed upon the Easement Property where it meets Summitview Drive. Maintenance of the common mailbox shall be the responsibility of the owners of Lots 5, 6 and 7 as described in Paragraph 5.
- 4. LANDSCAPING.** The area of the Easement Property on each side of the driveway will be landscaped in accordance with a landscape plan approved by the Creekside I Home Owners' Association Architectural Control Committee. The costs of irrigating and maintaining the landscaping shall be shared by the owners of Lots 5, 6 and 7 in accordance with Paragraph 5.
- 5. MAINTENANCE OF EASEMENT PROPERTY.** The Owners of Lots 5, 6, and 7, and their heirs, successors and assigns shall each be responsible for proportional payment (1/3 each) of all costs and expenses for the improvement, repair and maintenance of the Easement Property, including, but not limited to, maintaining, repairing and, if needed, replacing the driveway and common mailbox and having all ground cover in the Easement Property landscaped and maintained in a manner approved by the Association in accordance with the Declaration of Covenants of Creekside, Sixth Filing. No owner shall incur any expenses over and above \$800.00, or authorize any third party to begin maintenance, repair or replacement of the Easement Property which would cost in excess of \$800.00, without the prior written consent of the other owner(s), which consent shall not be unreasonably withheld.
- 6. NO OBSTRUCTIONS.** No Owner of Lots 5, 6, or 7 shall obstruct, impede or interfere with the other owners' rights to use the driveway for ingress and egress. Any violation of this provision may be enjoined after five days' prior written notice to the other party if the cause for violation of this provision has not been terminated within such time, and the prevailing party shall be entitled to receive damages including reasonable attorneys' fees and costs. At no time shall vehicles, equipment or materials be stored within the boundaries of the Easement Property.
- 7. BINDING EFFECT.** This declaration shall be binding upon and shall inure to the benefit of the owners of Lots 5, 6 and 7 and their successors and assigns.

In witness whereof, this declaration of easement has been executed on February 28, 1996, with the intent that it shall be recorded in the office of the Clerk and Recorder, of the County of Boulder, State of Colorado.

DECLARANT:

CREEKSIDE III LLC

By

Wallace H. Grant
Wallace H. Grant, Manager
515 Kimbark Street
Longmont, Colorado 80501
(303) 776-9900 776-8105 (FAX)

STATE OF COLORADO)

COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me on February 28, 1996 by Wallace H. Grant, Manager of Creekside III LLC.

Witness my hand and official seal.

My commission expires: 04/15/96

Shirley D. Flynn
Notary Public

