

QUITCLAIM DEED

MARK E. CUSACK ("Grantor"), whose street address is 242 N. Guadalupe, San Marcos, Texas 78666, for good and valuable consideration, including the settlement of Grantor’s lawsuit against Daniela F. Cusack and the City of Colorado Springs titled *Mark E. Cusack v. Daniela F. Cusack and the City of Colorado Springs, a Municipal Corporation*, El Paso County Dist. Court, Case No. 2013CV32158, hereby sells and quitclaims to **THE CITY OF COLORADO SPRINGS, A HOME RULE CITY AND MUNICIPAL CORPORATION, by and through its enterprise, Colorado Springs Utilities**, whose operating street address is 30 South Nevada Avenue, Suite 606, Colorado Springs, Colorado 80901, the below interest, title, and rights that the "Grantor" has or may have in and to the following real property, to wit:

The exact location of the real property is particularly described on Exhibit 1 and Exhibit 2 (Collectively "The Property"), attached hereto and by this reference incorporated herein and made a part hereof. All interest, title, and rights described in Exhibit 2, shall merge with all interest, title, and rights, described in Exhibit 1.

Neither the Ute Pass Regional Trail nor any other hiking, equestrian or motorized trail shall be located within or on the Property, described in Exhibits 1 and 2 or any City-owned property that is contiguous to properties owned by Mark Cusack or Daniela Cusack, located in the West ½ of the SE ¼ of Section 26, T.13 S, R.68 W of the 6th P.M. , subject to the following exception: The City may grant a license or other permission to construct an extension or segment of the Ute Pass Regional Trail on City-owned property near and roughly parallel to the easterly boundary of the Property and parcels of land currently owned by Daniela Cusack, identified by El Paso County Assessor’s Schedule Nos 8326400006 and 8326400009. Such exception shall also include a twenty-five (25) foot wide strip of land located within, along, and contiguous to the northern boundary of the Property where it abuts the CDOT right-of-way for Highway 24. The 25-foot strip shall run parallel to the common boundary between the Property and the CDOT right-of-way and shall run along the entire northern boundary of the Property. Grantor reserves unto himself, his heirs and assigns an easement for ingress and egress over and across the Property described in **Exhibit 1** and **Exhibit 2**, and Grantor, his heirs and assigns shall have the unlimited right to access the Property described in **Exhibit 1** and **Exhibit 2** for hiking and recreational use.

The Grantor reserves no other rights, title or interests. This Quitclaim Deed is part of the settlement agreement, contemporaneously recorded herewith, resolving the above-described lawsuit.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed and delivered by this _____ day of _____ 2016.

Grantor

Mark E. Cusack

By: _____
Mark E. Cusack

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2016, by Mark E. Cusack.

Witness my hand and seal

My Commission Expires: _____

Notary Public

Acceptance by the City of Colorado Springs:

By: _____
Ronald Evans Carlentine
Real Estate Services Manager

State of Colorado)
) ss.
County of El Paso)

The foregoing instrument was acknowledged before me this _____ day of _____
2016, by Ronald Evans Carlentine.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

Approved as to Form:
City of Colorado Springs
City Attorney's Office

By: _____

Date: _____