

890135 1/4

DIAMOND SHAMROCK CORNERSTORE NO. 2 SUBDIVISION FILING NO. 1

A RESUBDIVISION OF A PART OF LOT 2, BLOCK 1 MISSION VIEJO PLAZA SHOPPING CENTER SUBDIVISION FILING NO. 1,
SITUATED IN THE SW 1/4 OF SECTION 5, T.5 S., R.66 W., OF THE 6th P.M.,
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO.

NON-EXCLUSIVE SIDEWALK EASEMENTS ARE HEREBY GRANTED TO THE CITY OF AURORA FOR THE PURPOSE OF MAINTAINING, RECONSTRUCTING, CONTROLLING AND USING SUCH SIDEWALKS TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, PROVIDED THAT THE CITY WILL NOT INTERFERE WITH ANY OTHER STRUCTURES OR IMPROVEMENTS.

MISSION VIEJO PLAZA SHOPPING CENTER SUBDIVISION FILING NO. 1

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned warrants that it is the owner of a part of Lot 2, Block 1 Mission Viejo Plaza Shopping Center Subdivision Filing No. 1, situated in the SW 1/4 of Section 5, T.5 S., R. 66 W., of the 6th P.M., City of Aurora, County of Arapahoe, State of Colorado, more particularly described as follows:

Commencing at the NW Corner of said Lot 2, Block 1 Mission Viejo Plaza Shopping Center Subdivision Filing No. 1, said point lying on the East R.O.W. Line of South Chambers Road; thence S00°56'14"W and along the West Line of said Lot 2 and along said East R.O.W. Line a distance of 0.69 feet to the Point of Beginning; thence S 89°03'46" E a distance of 235.00 feet; thence S 00°56'14" W and parallel with the West Line of said Lot 2 a distance of 178.69 feet to a point lying South Line of said Lot 2 being the North R.O.W. Line of East Quincy Avenue; thence S 89°59'41" W and along said South Line and said North R.O.W. Line a distance of 209.62 feet to a point lying on a non-tangent curve; thence along a curve to the right whose chord bears N 44°30'37" W and continuing along said South Line and said North R.O.W. Line and said East R.O.W. Line, said curve having a central angle of 90°59'30", a radius of 25.00 feet, an arc length of 39.70 feet to a point lying on the West Line of said Lot 2 being the East R.O.W. Line of South Chambers Road; thence N 00°56'14" E and along said West Line and said East R.O.W. Line a distance of 157.12 feet to the Point of Beginning, containing (42,307 square feet) 0.9712 acres, have laid out, platted and subdivided the same into a lot and a block as shown on this plat under the name and style of DIAMOND SHAMROCK CORNERSTORE NO. 2 SUBDIVISION FILING NO. 1, and by these presents do hereby dedicate to the City of Aurora, Colorado, for the perpetual use of the public, all streets and easements shown hereon and not previously dedicated to the public.

COVENANT

The undersigned owner for itself, its heirs, successors and assigns; covenant and agree with the City of Aurora that no structure constructed on any portion of the platted land herein shall be occupied or used unless and until all public improvements, as defined by Article XXII, Chapter 41, of the City Code of Aurora, Colorado are in place and accepted by the City, or cash funds or other security for the same are escrowed with the City of Aurora and a Certificate of Occupancy has been issued by the City.

The undersigned owner for itself, its heirs, successors and assigns; covenant and agree with the City that all electrical and community utility lines and services, and all street lighting circuits, except as provided in Section 39-133 of the City Code as the same may be amended from time to time shall be installed underground. All crossings or encroachments by private utilities into easements owned by the City of Aurora are acknowledged by the undersigned as being subject to the City of Aurora's use and occupancy of the said easements.

The undersigned, its successors and assigns, hereby agree to indemnify the City of Aurora for any loss, damage or repair to City facilities that may result from the installation, operation or maintenance of said private utilities.

The undersigned, its successors and assigns further agree to hold harmless the City of Aurora, its agents and employees from and against all claims of damages to private utilities arising from the City's use or occupancy of the easements owned by the City of Aurora.

OWNER: MISSION VIEJO PLAZA, LTD., A COLORADO LIMITED PARTNERSHIP

Theodore P. Demis
THEODORE P. DEMIS, GENERAL PARTNER

NOTARIAL

State of Colorado)
County of Arapahoe) ss

The foregoing was acknowledged before me this 12th day of September, 1989 A.D. by Theodore P. Demis as General Partner of Mission Viejo Plaza, Ltd., a Colorado Limited Partnership

Witness my Hand and Official Seal *Cheryl Beck* Notary Public May 18, 1991

CONTRACT PURCHASER: DIAMOND SHAMROCK REFINING AND MARKETING COMPANY, A DELAWARE CORPORATION

John V. Warden
BY: Vice-President

NOTARIAL

State of Colorado)
County of Denver) ss

The foregoing was acknowledged before me this 11th day of September, 1989 A.D. by John V. Warden as VICE PRESIDENT of Diamond Shamrock Refining and Marketing Company, a Delaware Corporation as contract purchaser.

Witness my Hand and Official Seal *Donna Turella* Notary Public

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I was in responsible charge of the survey work used in the preparation of this plat; that the positions of the platted points shown hereon have an accuracy of not less than one foot in ten thousand (10,000) feet prior to the adjustments, and that all boundary monuments and control corners shown hereon were in place as described on June 20, 1989.

Hayward Miller, Jr.
HAYWARD MILLER, JR., PROFESSIONAL L.S. #9652

CITY OF AURORA APPROVALS

CITY ENGINEER *J.P. Demis* DATE 10/17/89
CITY ATTORNEY *John J. Gorman* DATE 10-23-89
PLANNING COMMISSION *John J. Gorman* DATE 10/17
Chairman

The foregoing instrument is approved for filing, and conveyance of streets and easements shown hereon is accepted by the City of Aurora, Colorado, this 24th day of October, 1989 A.D., subject to the condition that the City shall undertake maintenance of any such streets only after construction has been completed by the subdivider to the City of Aurora specifications.

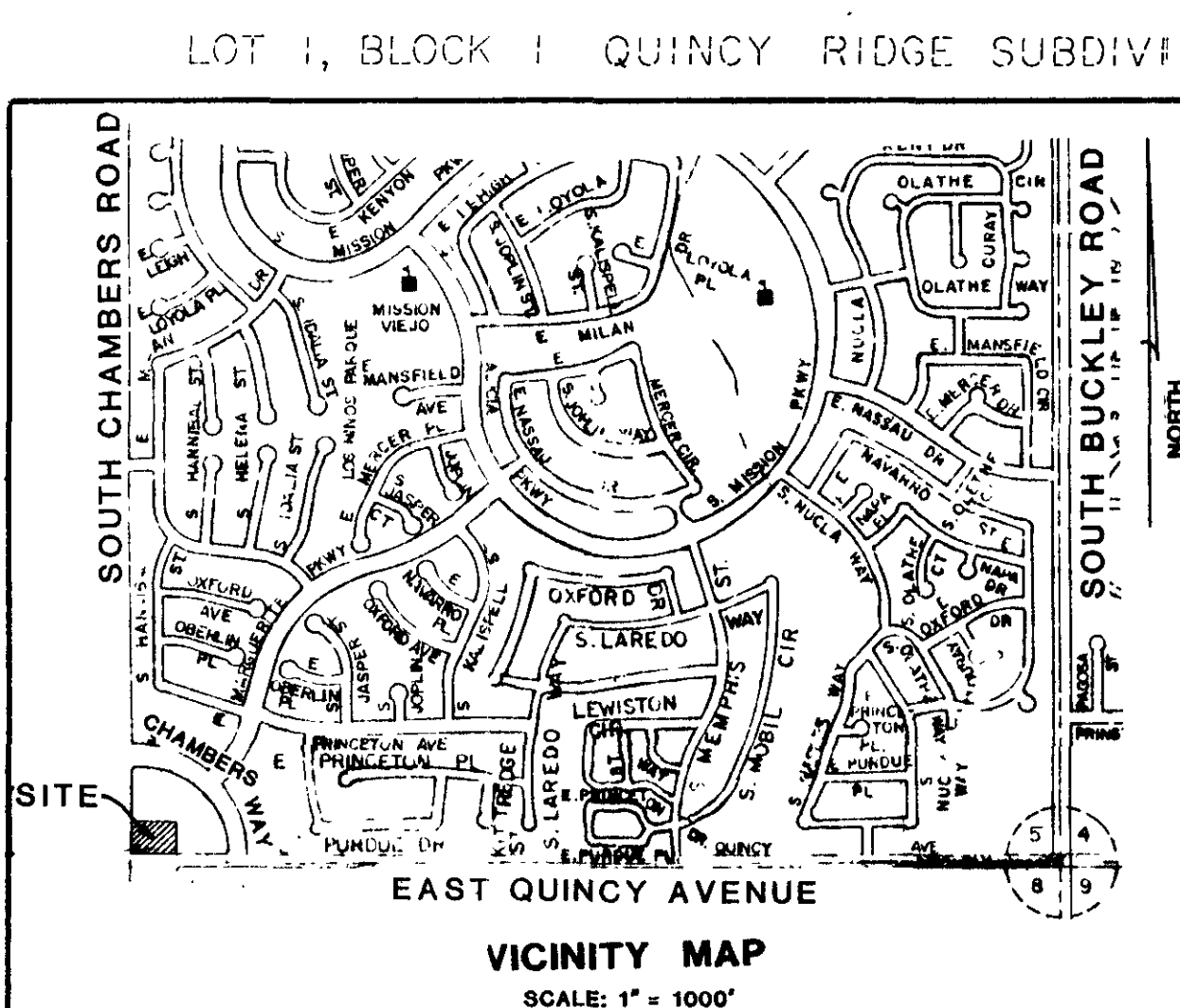
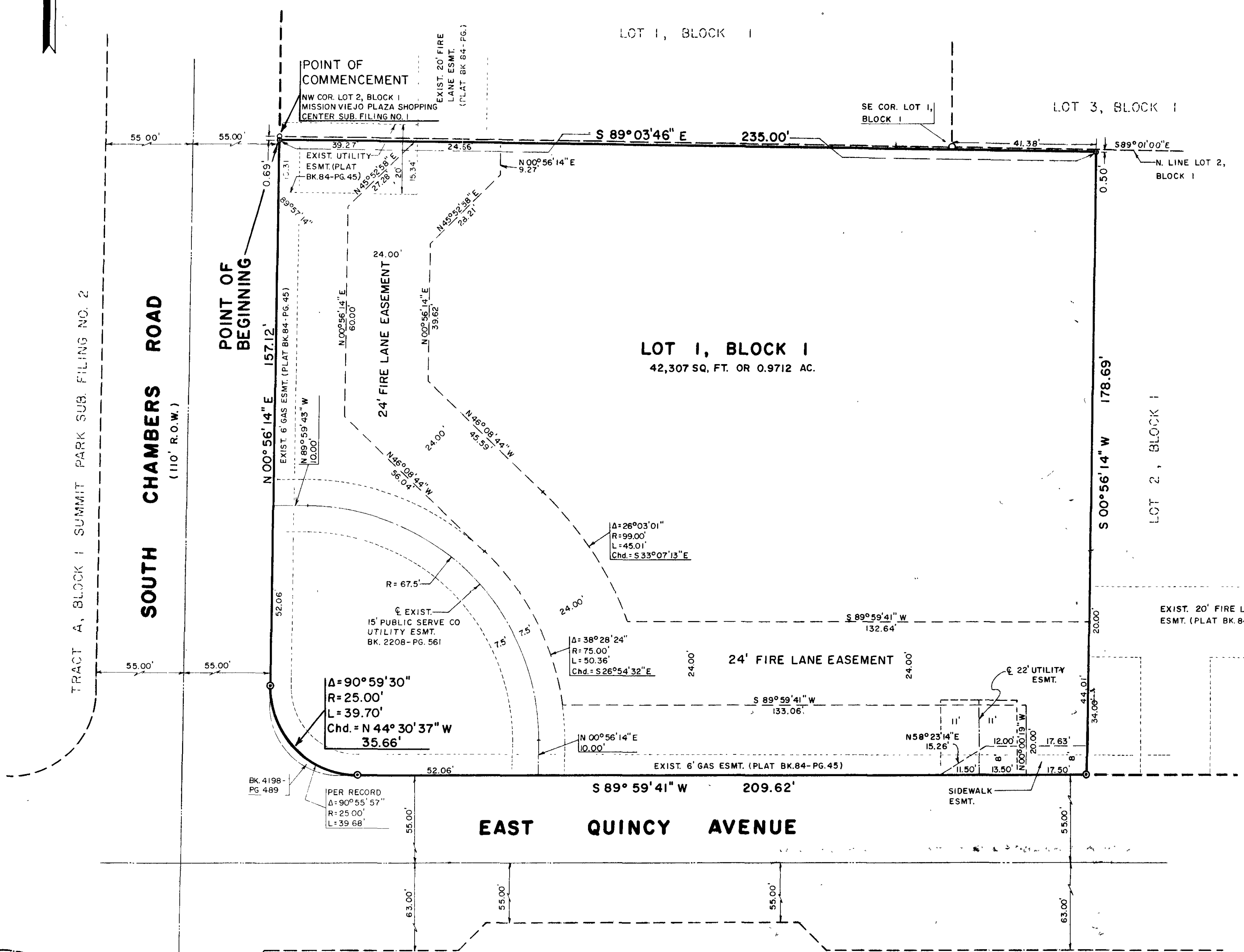
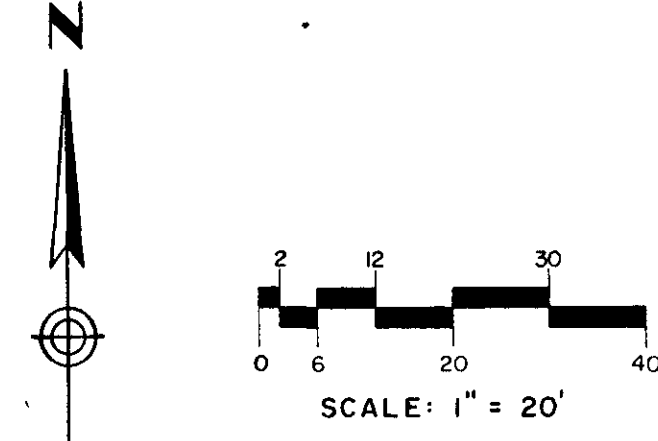
MAYOR _____ CITY CLERK *Donna L. Young*

RECORDER'S CERTIFICATE

Accepted for filing in the office of the Clerk and Recorder of Arapahoe County, Colorado, at _____ o'clock This _____ day of _____, 1989 A.D.

CLERK and RECORDER _____
DEPUTY _____

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NOTES:
Right-of-Way for ingress and egress for service and emergency vehicles is granted over, across, on and through any and all private roads and ways now or hereafter established on the described property, and the same are hereby designated as fire lanes and emergency and service vehicle roads, and shall be posted "No Parking Fire Lane".
The easement area within each lot is to be continuously maintained by the owner of the lot, excepting the City of Aurora from such responsibility. Any structures inconsistent with the use granted in the easement are prohibited.
● Denotes 5/8" x 24" Pin & Cap L.S. No. 9652 (found).
⊙ Denotes 5/8" x 24" Pin & Cap L.S. No. 9652 (set).
○ Denotes 5/8" x 24" Pin & Cap L.S. No. 2132 (found).
Bearing used on this subdivision plat are based on the assumption that the northerly line of Lot 2, Block 1 Mission Viejo Plaza Shopping Center Subdivision Filing No. 1, bears S 89°01'00" E as shown on the recorded plat thereof, bounded by the monuments as shown hereon.
The easement hereon shown and labeled "6' GAS EASEMENT" are for the exclusive use as gas easements, except that other utilities, service walks and driveways may cross said easements at substantially right angles.
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

ESL Engineering Service Company
975 Montview Boulevard Aurora Colorado 8000
(303) 364-7468