

AGREEMENT TO CONVEY EASEMENT UPON PARTITION OF PROPERTIES

THIS AGREEMENT TO CONVEY is entered into by and between _____ (“Property Owner”) and Boulder County Public Health, a political subdivision of the State of Colorado (“BCPH”).

WHEREAS, Property Owner owns the following described real property located in the County of Boulder, State of Colorado.

Parcel 1:

Parcel 2:

and

WHEREAS, Property Owner desires to install, maintain, and repair, if and when necessary, an Onsite Wastewater Treatment System (OWTS) on Parcel 1 as depicted on Exhibit A, which will provide for the treatment and disposal of all sewage from Parcel 2; and

WHEREAS, BCPH ordinarily requires similarly situated parcels owned by different parties to enter into an “Onsite Wastewater Treatment System Easement and Maintenance Agreement” on the form provided by BCPH as part of an OWTS application, in order to ensure the maintenance and repair of the OWTS in perpetuity (“OWTS Agreement”); and

WHEREAS, the doctrine of merger prevents the Property Owner from entering into such an Agreement at this time.

NOW, THEREFORE, in consideration of the recitals, promises, payments, covenants, and undertakings described above and hereinafter set forth, BCPH and Property Owner agree as follows:

1. Property Owner agrees that at the time that ownership of Parcels 1 and 2 are severed, Property Owner will enter into an OWTS Agreement conveying a perpetual easement over Parcel 1 for the benefit of Parcel 2 to install, maintain and repair, if and when necessary, an OWTS on, over, and across the portion of Parcel 1 upon which the easement is needed.
2. If the Property Owner fails to enter into such an OWTS Agreement, BCPH’s final approval of the OWTS for Parcel 2 will be considered removed and the permit null and void.
3. This Agreement to Convey shall be binding upon the parties, their successors and assigns.

