

DISTRICT COURT, SUMMIT COUNTY, COLORADO
Court Address: P.O. Box 269, 501 N. Park Ave
Breckenridge, CO 80424
Phone Number: (970) 453-2241

**Plaintiff(s): ALPENSEE WATER DISTRICT, a
Colorado Municipal Corporation and
FARMER'S KORNER, INC., a Colorado
Corporation**

v.

**Defendant(s): STATE OF COLORADO,
DEPARTMENT OF TRANSPORTATION and**

**Designated Non Parties
ZAK DIRT, INC. a Colorado Corporation and
SUMMIT SCHOOL DISTRICT RE-1**

Attorney: Ronald W. Carlson
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CASE NO. 08 CV 138

**This case is NOT subject to the
simplified
Procedures for court actions under Rule
16.1 because:**

**Claims against any party exceed \$100,000
[see C.R.C.P. 16.1(b)(2) and (c)]**

STIPULATED SETTLEMENT AND MOTION DISMISSAL

COMES NOW the Parties, by and through their attorneys of record and state:

1. The Parties have meet and agreed upon a design modification satisfactory to all that addresses the concerns raised in this lawsuit. The design modification is outlined in Plan Sheet No. 93 and the letter of Gray Pearson, both dated May 13, 2008, attached as Exhibit A.
2. The Parties agree that the lawsuit be dismissed, and that the temporary restraining order and show cause hearing for May 15, 2008 be vacated.

WHEREFORE, the Parties pray this Honorable Court make this stipulation an Order of the Court vacate the Temporary Restraining Order and Dismiss the case.

Respectfully submitted this _____ day of _____, 2008.
JOHN W. SUTHERS, Attorney General CARLSON, CARLSON
Attorney for Defendant Colorado Department & DUNKELMAN, LLC,
Of Transportation

Electronically filed via Lexisnexis

*Electronically filed via Lexisnexis
/s/ Christopher D. Tomchuck
original signature on file with firm*

original signature on file with firm

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