

ORDINANCE NO. 7432

AN ORDINANCE ADOPTING THE BOULDER COUNTY AND  
CITY OF BOULDER JOINTLY OWNED OPEN SPACE  
MANAGEMENT INTERGOVERNMENTAL AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. The city council hereby adopts and approves the intergovernmental agreement, titled "Boulder County and City of Boulder Jointly Owned Open Space Management Intergovernmental Agreement," included as Attachment A and incorporated herein by this reference.

Section 2. The mayor is directed to sign the Boulder County and City of Boulder Jointly Owned Open Space Management Intergovernmental Agreement

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 6th day of September, 2005.

By: Mark R. Pappas  
Mayor

Attest:

Alicia D. Lewis  
City Clerk on behalf of the  
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 20 day of September 2005.

By: Mat Pappas  
Mayor

Attest:

Alisa D Lewis  
City Clerk on behalf of the  
Director of Finance and Record

**BOULDER COUNTY AND CITY OF BOULDER JOINTLY OWNED OPEN SPACE  
MANAGEMENT INTERGOVERNMENTAL AGREEMENT**

**THIS INTERGOVERNMENTAL AGREEMENT** ("Agreement") by and between the City of Boulder, a Colorado home-rule municipal corporation (the "City") and the County of Boulder, a body corporate and politic of the State of Colorado (the "County") (collectively the "Parties") is made and entered into on this 18<sup>th</sup> day of October, 2005.

**WITNESSETH**

WHEREAS, pursuant to Sections 29-1-203 and 30-11-410, C.R.S. as amended, local governments may cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting units when such agreements are authorized by each Party to the agreement with the approval of the governing body and are encouraged to cooperate to promulgate regulations regarding the use and provision of regulatory enforcement for land within their respective ownerships and jurisdictions; and

WHEREAS, the Parties jointly own certain open space properties identified in Exhibit A attached hereto and incorporated herein by reference ("the Properties") and as legally described in Exhibit B attached hereto and incorporated herein by reference, and agree that it is in the best interest of the Parties and the citizens of the City and the County to further clarify their responsibilities with respect to management of the Properties; and

WHEREAS, the Parties intend to improve management of jointly owned open space by identifying a lead agency ("Lead Agency") for each of the Properties and to provide that the Lead Agency's rules, regulations, policies and plans shall control for those Properties to which it has been entrusted with management authority. The Lead Agency shall be either the City of Boulder's Open Space and Mountain Parks Department ("OSMP") or Boulder County's Parks and Open Space Department ("BCPOS"); and

WHEREAS, the Parties wish to affirm their existing and successful management relationship on jointly owned properties; and

WHEREAS, to the extent of any conflict, this Agreement shall replace the conditions of all previous agreements between the Parties relating to the identification of a lead land management entity and the handling of property management and management expenses or revenues, as well as regulatory or policy jurisdiction, such as purchase agreements, management plans and/or conservation easements for the following properties:

- Beech
- Beech Aircraft (aka Beech)
- Foothill Business Park (aka Beech)
- Superior Associates (aka Telleen)
- Arsenault (aka Mayhoffer/Singletree)
- Cito Company
- Imel
- Suits (aka Suits North)
- Turunjian

IBM (aka IBM-Monarch); and

WHEREAS, the Parties have previously agreed to convert their separate interests in the Beech and Suitts properties into undivided fee ownership with mutual conservation easements.

NOW THEREFORE, in consideration of the above recitals and the mutual covenants and commitments herein, the Parties agree as follows:

**I. PROPERTIES**

The Properties shown on Exhibit A shall be managed in accordance with the terms and conditions of this Agreement. The Lead Agency for each of the Properties shall be as indicated on Exhibit A and set forth below:

City of Boulder Open Space and Mountain Parks Management..... Approximate Acreage

Beech.....	1,267
Superior Associates (Telleen).....	955
<b>Total Approximate Acreage (City Lead) .....</b>	<b>2,222</b>

Boulder County Parks and Open Space Management..... Approximate Acreage

Arsenault (Mayhoffer/Singletree).....	169
Cito Company .....	148
Imel .....	576
Suitts .....	142
Turunjian.....	58
IBM – Monarch.....	186

**Total Approximate Acreage (County Lead).....1,279**

**Total Approximate Acreage Joint Fee Ownership Properties .....3,501**

**II. PROPERTY USE**

Use of the Properties shall be consistent with the purpose of existing acquisition agreements and in accordance with an approved management plan for each of the Properties.

**III. PROPERTY MANAGEMENT**

**A. Rules, Regulations, Policies, and Plans**

The rules, regulations, policies, and plans of the Lead Agency, as the Lead Agency is identified in Exhibit A, shall apply to each open space property jointly owned by the Parties. Notwithstanding the designation of a Lead Agency, the Parties shall retain their respective rights and responsibilities of land use review as otherwise provided by law. To the greatest extent possible, the Lead Agency management plan shall be consistent with existing conservation easements. In addition, neither Party shall accept any



To the City: Boulder City Manager  
P.O. Box 791  
Boulder, CO 80306-0791

With a copy to: Boulder City Attorney  
P.O. Box 791  
Boulder, CO 80306-0791

## V. LIABILITY

Subject to the provisions of the Colorado Governmental Immunity Act, each Party assumes liability for injury to persons and damage to property arising out of its occupancy and maintenance of the sites. Nothing contained in this Agreement shall constitute any waiver by the City or the County of the provisions of the Colorado Governmental Immunity Act or any other immunity or defense provided by statute or common law.

The City and the County certify that they are self-insured for property and general liability coverage, including errors and omissions to the limits set forth in the Colorado Governmental Immunity Act.

Each Party agrees to notify the other of any defects or potential defects, dangerous conditions or potential dangerous conditions, claims or potential claims from damage or injury that come to its attention in connection with its usage. Within fifteen (15) days after any litigation commenced against either Party that contains allegations against the other, the Parties will meet to explore efficiencies and determine the course of action in providing a defense, including, but not limited to, the potential for a joint defense.

The Lead Agency shall be solely responsible for any costs or liabilities arising out of environmental conditions (such as hazardous waste contamination) that have been created or exacerbated by the conduct of the Lead Agency.

## VI. AMENDMENTS

This Agreement contains the entire agreement of the Parties and any amendment may take place only upon the approval adopted by the governing body of each of the Parties after notice and hearing as required by law, other than those management plan amendments delegated to staff in Section III. B.

## VII. SEVERABILITY

If any portion of this Agreement is held by a court of competent jurisdiction to be unenforceable as to any Party, the entire Agreement shall be terminated, it being the understanding and intent of the Parties that every portion of the Agreement is essential to and not severable from the remainder.

## VIII. BENEFICIARIES

The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the Agreement and no other person or entity is so intended or may bring any action, including a derivative action, to enforce the Agreement.

## **IX. GOVERNING LAW AND VENUE**

This Agreement shall be governed by the laws of the State of Colorado, and venue shall lie in the County of Boulder. To the extent that any local law or ordinance of either Party conflicts with the provisions of a Lead Agency management plan, the local law or ordinance shall not be applied and an exemption in such local law or ordinance shall be in effect. To the extent of any conflict, Lead Agency management plans authorized by this Agreement shall supersede the terms of any conservation agreement applicable to the Properties that are the subject of this Agreement, provided however that there shall be no waiver or estoppel of either Party's ability to enforce any conservation agreement upon termination of this Agreement, and any period of limitations shall be tolled during the term of this Agreement.

## **X. WAIVER OF BREACH**

A waiver by any Party or the breach of any term or provision of this Agreement shall not operate to be construed as a waiver of any subsequent breach by either Party.

## **XI. AGREEMENTS**

Nothing in this Agreement shall affect any other agreements between the City and the County now in effect but shall replace, void, and supersede any and all existing or former joint maintenance language, management delegation, management expenses, and lease revenues contained in the specific purchase agreements and conservation easements listed in Paragraph I of this Agreement.

## **XII. TERM AND EFFECTIVE DATE.**

This Agreement shall become effective upon the date set forth above after signature of an authorized representative of the governing bodies of each of the Parties. The term of this Agreement shall be ten years from its effective date. The Agreement may be renewed or terminated only upon the mutual written agreement of the Parties.

**WHEREFORE**, the Parties have entered into the foregoing Agreement to be effective on the date first above written.

*(remainder of this page intentionally left blank)*

CITY OF BOULDER

By: Matthew Ryznar  
Mayor 10-19-2005

ATTEST:

[Signature]  
City Clerk on behalf of  
the Director of Finance and Record

Approved as to Form:

[Signature]  
Ariel Pierre Calonne  
City Attorney

Date: 10/18/05

COUNTY OF BOULDER  
Board of County Commissioners

By: Ben Karlinson 10/18/05  
Chair

ATTEST:

[Signature]  
Clerk to the Board

Approved as to Form:

[Signature]  
H. Lawrence Hoyt  
County Attorney



Date: 10/18/05

# Management of Joint Fee Ownership: City of Boulder OSMP and Boulder County Parks and Open Space

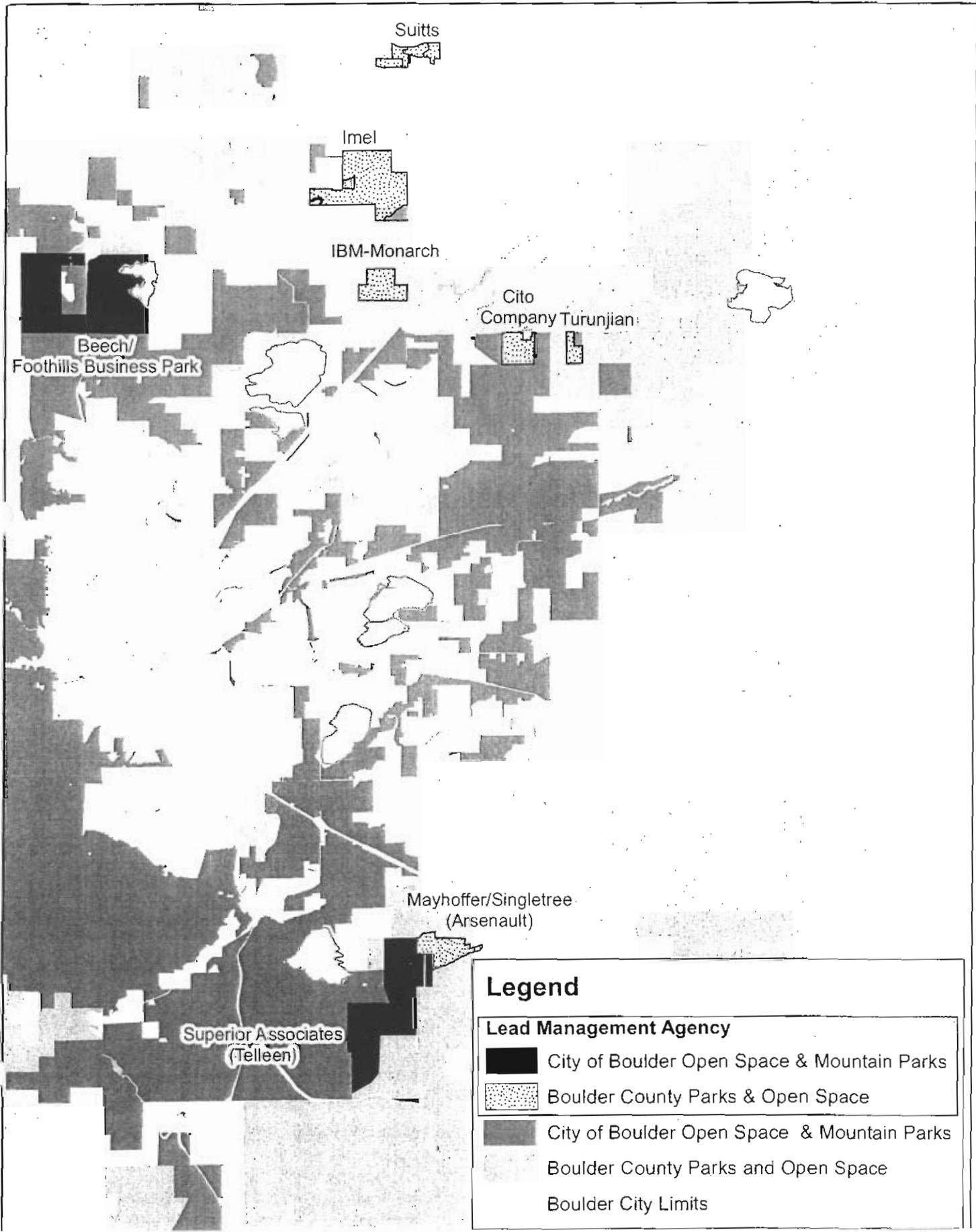




EXHIBIT E

Legal Descriptions of the Properties

Beech/Beech Aircraft (aka Beech)  
Foothill Business Park (aka Beech)  
Superior Associates (aka Telleen)  
Arsenault (aka Mayhoffer/Singletree)  
Cito Company  
Imel  
Suits (aka Suits North)  
Turunjan  
IBM (aka IBM-Monarch)



## LEGAL DESCRIPTION

PARCEL I:

A part of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 30 and a part of Section 31, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 31, from whence the Northwest corner of said Section 31, bears North  $00^{\circ}00'$  East, 5275.67 feet; thence South  $89^{\circ}22'45''$  East, along the South line of said Section 31; 74.50 feet to a point on the Easterly right-of-way line of North Foothills Highway (U.S. Highway No. 36) as it is presently fenced, monumented and occupied, the TRUE POINT OF BEGINNING; thence Northerly, along said Easterly right-of-way line as follows: North  $00^{\circ}07'50''$  East, 791.22 feet; North  $00^{\circ}09'28''$  East, 1586.84; North  $39^{\circ}23'36''$  East, 77.73 feet; North  $00^{\circ}31'29''$  West, 58.80 feet; North  $50^{\circ}15'18''$  West, 63.10, North  $00^{\circ}12'44''$  East, 304.63 feet; along the arc of a 5650.00 foot radius curve to the right, 197.03 feet, said curve being subtended by a chord bearing North  $01^{\circ}12'20''$  East, 197.02 feet; North  $02^{\circ}12'30''$  East, 397.04 feet; North  $02^{\circ}11'09''$  East, 1189.17 feet; along the arc of a 5810.00 foot radius curve to the left; 369.33 feet, said curve being subtended by a chord bearing North  $00^{\circ}19'43''$  East, 369.27 feet; North  $17^{\circ}25'09''$  East, 211.71 feet; North  $02^{\circ}10'28''$  West, 564.10 feet; North  $21^{\circ}30'47''$  East, 330.98 feet to the South right-of-way line of Neva Road, as it is presently fenced and occupied; thence Easterly along said South right-of-way line as follows: North  $74^{\circ}53'01''$  East, 423.27 feet; along the arc of a 603.00 foot radius curve to the left; 237.33 feet, said curve being subtended by a chord bearing North  $63^{\circ}36'30''$  East, 235.80 feet; North  $52^{\circ}19'59''$  East, 213.22 feet; along the arc of a 543.00 foot radius curve to the right, 360.32 feet, said curve being subtended by a chord bearing North  $71^{\circ}20'36''$  East, 353.75 feet; South  $89^{\circ}38'48''$  East, 3737.77 feet to its intersection with the boundary of the Left Hand Valley Reservoir property as it is presently fenced and occupied; thence along said boundary; as fenced and occupied as follows: South  $00^{\circ}20'04''$  West, 539.99 feet; South  $66^{\circ}44'18''$  West, 621.56 feet; North  $48^{\circ}46'45''$  West, 426.72 feet; South  $48^{\circ}48'55''$  West, 639.84 feet; North  $72^{\circ}53'19''$  West, 547.15 feet; South  $49^{\circ}00'08''$  West, 717.20 feet; South  $06^{\circ}28'49''$  East, 197.39 feet; South  $56^{\circ}16'27''$  East, 316.24 feet; South  $85^{\circ}22'06''$  East, 900.34 feet; South  $49^{\circ}59'24''$  East, 207.87 feet; South  $63^{\circ}20'30''$  East, 222.39 feet; North  $68^{\circ}39'40''$  East, 313.28 feet; South  $44^{\circ}36'12''$  East, 414.74 feet; South  $38^{\circ}32'04''$  West, 183.59 feet; South  $30^{\circ}25'25''$

Continued....

LEGAL DESCRIPTION

CONTINUED

PARCEL I Continued:

West, 438.38 feet; North 43°47'47" West, 340.78 feet; South 29°15'09" West, 163.76 feet; South 50°33'36" West, 378.33 feet; South 63°48'45" West, 320.44 feet; South 81°34'51" West, 168.35 feet; South 29°21'59" East, 257.64 feet; South 43°55'23" East, 317.17 feet; South 51°57'42" East, 277.06 feet; South 75°36'52" East, 445.94 feet; South 30°23'39" East, 510.77 feet; South 34°48'18" East, 613.04 feet; North 89°58'17" East, 251.62 feet; to a point on the East line of the Southeast  $\frac{1}{4}$  of said Section 31; thence South 00°03'06" West, along the East line of the Southeast  $\frac{1}{4}$  of said Section 31; 2133.10 feet to the Southeast corner of said Section 31; thence North 89°22'45" West, along the South line of said Section 31, 2665.86 feet to the South  $\frac{1}{2}$  corner of said Section 31; thence North 89°22'45" West, along the South line of said Section 31, 2471.40 feet to the TRUE POINT OF BEGINNING.

Grantor reserves to itself, its successors and assigns the following permanent easement for an existing water pipeline described as follows:

A 30 foot Wide Waterline Easement in the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 30, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado, being 10 feet East of and 20 feet West of the following described line:

Commencing at the South  $\frac{1}{2}$  corner of said Section 30, from whence the Southwest corner of said Section 30, bears North 89°25'38" West, 2574.00 feet; Thence North 80°50'28" West, 1177.37 feet to the TRUE POINT OF BEGINNING; Thence North 07°22'22" West, more or less along the centerline of an existing water pipe line, 1072.43 feet to a point on the South right-of-way line of Neva Road.

Grantor reserves to itself, successors and assigns the following permanent easement for a new water line from the meter pit:

A 30 foot Wide Waterline Easement in the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 30, Township 2, North, Range 70 West, of the 6th P.M., Boulder County, Colorado, being 10 feet South of and 20 feet North of the following described line:

Commencing at the South  $\frac{1}{2}$  corner of said Section 30, from whence the Southwest corner of said Section 30 bears North 89°25'38" West, 2574.00 feet; Thence North 79°45'04" West, 1163.50 feet to the TRUE POINT OF BEGINNING; Thence North 89°21'38" West, more or less along the centerline of an existing water pipe line, 1227.15 feet to a point on the East right-of way line of No. Foothills Highway (U.S. Highway No. 36).

Continued.....

LEGAL DESCRIPTION

CONTINUED

PARCEL II:

A part of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 25, and a part of Section 36, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, from whence the Northeast corner of said Section 36, bears North  $00^{\circ}00'$  East, 5275.67 feet; thence North  $89^{\circ}52'47''$  West, along the South line of the Southeast  $\frac{1}{4}$  of said Section 36, 2651.44 feet to the South  $\frac{1}{4}$  corner of said Section 36, Thence North  $89^{\circ}52'42''$  West, along the South line of the Southwest  $\frac{1}{4}$  of said Section 36, 2651.75 feet to the Southwest corner of said Section 36; thence North  $00^{\circ}24'51''$  West, along the West line of the Southwest  $\frac{1}{4}$  of said Section 36, 2651.55 feet, to the West  $\frac{1}{4}$  corner of said Section 36; thence North  $00^{\circ}24'08''$  West, along the West line of the Northwest  $\frac{1}{4}$  of said Section 36, 2656.73 feet, to the Northwest corner of said Section 36; thence North  $00^{\circ}16'16''$  West, along the West line of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of said Section 25, 1328.96 feet to the Northwest corner of said South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ ; thence South  $89^{\circ}26'41''$  East, along the North line of the said South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ , 2662.21 feet, to the Northwest corner of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 25; thence South  $89^{\circ}20'49''$  East, along the North line of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 2681.41 feet to the Northeast corner of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ ; thence South  $00^{\circ}10'21''$  East, along the East line of said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 991.93 feet to a point from whence the Southeast corner of said Section 25, bears South  $00^{\circ}10'21''$  East, 324.33 feet; thence North  $89^{\circ}52'47''$  West, parallel with and 5600 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36; 1999.03 feet thence South  $00^{\circ}00'$  East, parallel with the East line of said Section 36, 5580.00 feet to a point 20 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36; thence South  $89^{\circ}52'47''$  East, parallel with and 20 feet from the South line of the said Southeast  $\frac{1}{4}$  of Section 36, 2000.00 feet to a point on the East line of said Section 36; thence South  $00^{\circ}00'$  East, along the East line of said Section 36, 20.00 feet to the POINT OF BEGINNING.

EXCEPT,

A Parcel in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Continued....

LEGAL DESCRIPTION

CONTINUED

Commencing at the Southeast corner of said Section 25, from whence the Southeast corner of Section 36, Township 2 North, Range 71 West, bears South 00°00" East, 5275.67 feet, thence North 53°52'35" West, 1433.79 feet to the TRUE POINT OF BEGINNING; thence South 90°00' West, 208.71 feet; thence North 00°00' East, 208.71; thence North 90°00' East, 208.71 feet, thence South 00°00' East, 208.71 feet to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT,

A Parcel in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 25, from whence the Southeast corner of Section 36, Township 2 North, Range 71 West, bears South 00°00' East, 5275.67 feet; thence North 00°10'21" West, along the East line of said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 324.33 feet; thence North 89°52'47" West, parallel with and 5600.00 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36, 1080.32 feet to the TRUE POINT OF BEGINNING; thence North 89°52'47" West, 208.71; thence North 00°07'13" East, 208.71 feet, thence South 89°52'47" East, 208.71 feet, thence South 00°07'13" West, 208.71 feet to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT

Any part of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 25 and all of Section 36, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado, that lies South of the Fence Line that runs generally along the South line of said Section 36, and that lies West of the Fence Line that runs generally along the West line of said Section 36, and the West line of the said South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 25, and that lies North of the Fence Line that runs generally along the North line of the said South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 25.

AND ALSO EXCEPT

A Part of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Continued....

LEGAL DESCRIPTION

CONTINUED

Commencing at the Southeast corner of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , from whence the Northeast corner of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  bears North  $00^{\circ}10'21''$  West, 1316.26 feet; Thence North  $00^{\circ}10'21''$  West, along the East line of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 324.33 feet to the TRUE POINT OF BEGINNING: Thence North  $89^{\circ}52'47''$  West, 50.81 feet to a point of the Westerly right-of-way line of No. Foothills Highway (U.S. Highway No. 36) as it is presently fenced, monumented and occupied; Thence Northerly, along said Westerly right-of-way line as follows: North  $02^{\circ}04'56''$  West, 695.33 feet; North  $01^{\circ}34'50''$  East, 246.96 feet North  $05^{\circ}56'37''$  West, 51.18 to a point on the North line of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ ; Thence South  $89^{\circ}20'49''$  East, along said North line, 71.58 feet to the Northeast corner of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ ; Thence South  $00^{\circ}10'21''$  East, along the East line of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 991.93 feet to the TRUE POINT OF BEGINNING, containing 1.47 acres, more or less.

AND ALSO EXCEPT

A Part of the Southeast  $\frac{1}{4}$  of Section 36, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, from whence the Northeast corner of said Section 36, bears North  $00^{\circ}00'$  East, 5275.67 feet; Thence North  $89^{\circ}52'47''$  West, along the South line of the said Southeast  $\frac{1}{4}$ , 40.00 feet to the Westerly right-of-way line of No. Foothills Highway (U.S. Highway No. 36) as presently fenced, monumented and occupied; Thence North  $00^{\circ}01'44''$  East, along said Westerly right-of-way line, 20.00 feet; Thence South  $89^{\circ}52'47''$  East, parallel with and 20.00 feet from the South line of the said Southeast  $\frac{1}{4}$ , 39.99 feet to a point on the East Line of the said Southeast  $\frac{1}{4}$ ; Thence South  $00^{\circ}00'$  East, along said East line, 20.00 to the TRUE POINT OF BEGINNING, containing 800 square feet (0.02 acres).

Grantor reserves for itself, its successors and assigns a temporary easement for the reclamation of the waste disposal pits and a temporary access and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and property use of such easement, in and to, over, under and across the following described real property;

Continued....

LEGAL DESCRIPTION

CONTINUED

Description of a 2.3 Acre Temporary Clean-up Easement Around the Waste Disposal Pit

An Easement of 2.3 Square Acres in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 25, from whence the Southeast corner of Section 36, Township 2 North, Range 71 West, bears South  $00^{\circ}00''$  East, 5275.67 feet; Thence North  $54^{\circ}22'21''$  West, 1358.51' feet to the TRUE POINT OF BEGINNING; Thence South  $90^{\circ}00''$  West, 316.52 feet; Thence North  $00^{\circ}00'$  East, 316.52 feet; Thence North  $90^{\circ}00'$  East, 316.52 feet; Thence South  $00^{\circ}00'$  East, 316.52 feet to the TRUE POINT OF BEGINNING.

Description of 20.00 foot Wide Access Easement to the Waste Disposal Sites.

An Easement 20 feet Wide, 10 feet on both sides of the following described center line, in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Southeast corner of said Section 25, from whence the Southeast corner of Section 36, Township 2 North, Range 71 West, bears South  $00^{\circ}00'$  East, 5275.67 feet; Thence North  $00^{\circ}10'21''$  West, along the East line of the said South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , 324.33 feet; Thence North  $89^{\circ}52'47''$  West, parallel with and 5600.00 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36, 1388.43 feet to the TRUE POINT OF BEGINNING; Thence North  $52^{\circ}45'49''$  East, 112.29 feet; Thence North  $33^{\circ}39'58''$  East, 139.68 feet; Thence North  $09^{\circ}35'04''$  West, 124.49 feet; Thence North  $23^{\circ}08'22''$  East 81.70 feet, Thence North  $30^{\circ}11'39''$  East, 74.05 feet, Thence North  $09^{\circ}08'26''$  East, 72.86 feet to Point of Terminus.

Grantor will maintain the Property at its expense. Grantor hereby agrees that upon termination of this temporary easement by the parties hereto, the property shall be restored to its original condition at the expense of Grantor. Grantee herein agrees that no permanent structures or improvements shall be placed on said easement by it, its successors or assigns and that said use of such easement shall not otherwise be obstructed or interfered with during the reclamation of the waste disposal pit.

LEGAL DESCRIPTION

CONTINUED

Grantor reserves for itself, its successors and assigns, a permanent, non-exclusive easement for the installation, construction, repair, maintenance, reconstruction, replacement of, reconfiguration of, increasing the number of, adding to and taking away of water storage tanks and underground water utility lines and appurtenances, without limitation and subject to Boulder County regulation, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under, and across the following real property;

Description of One Acre Square Storage Tank Easement.

An Easement One Square Acre in the Northeast  $\frac{1}{4}$  of Section 36, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said Section 36, from whence the Southeast corner of said Section 36 bears South  $00^{\circ}00'$  East, 5275.67 feet; Thence North  $00^{\circ}10'21''$  West, along the East line of the said South  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, 324.33 feet; Thence North  $89^{\circ}52'47''$  West, parallel with and 5600.00 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36, 1999.03 feet; Thence South  $00^{\circ}00'$  East, 438.74 feet; Thence South  $86^{\circ}30'$  West, 320.00 to the TRUE POINT OF BEGINNING; Thence South  $00^{\circ}00'$  East, 208.71 feet; thence South  $90^{\circ}00'$  West, 208.71 feet; Thence North  $00^{\circ}00'$  East, 208.71 feet; Thence North  $90^{\circ}00'$  East, 208.71 feet to the TRUE POINT OF BEGINNING.

Description of Access and Waterline Easement to Storage Tank Easement.

An Easement in the Northeast  $\frac{1}{4}$  of Section 36, Township 2 North, Range 71 West, of the 6th P.M., Boulder County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said Section 36, from whence the Southeast corner of said Section 36, bears South  $00^{\circ}00'$  East, 5275.67 feet; Thence North  $00^{\circ}10'21''$  West, along the East line of the said South  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 2 North, Range 71 West, 324.33 feet; Thence North  $89^{\circ}52'47''$  West, parallel with and 5600.00 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 36, 1999.03 feet; Thence South  $00^{\circ}00'$  East, 438.74 feet to the TRUE POINT OF BEGINNING; Thence South  $86^{\circ}30'$  West, 320.00 feet; Thence South  $00^{\circ}00'$  East, 91.78 feet; Thence North  $80^{\circ}00'$  East, 324.33 feet; Thence North  $00^{\circ}00'$  East, 55.00 feet to the TRUE POINT OF BEGINNING, containing 0.538 acres, more or less.

Continued....

LEGAL DESCRIPTION

CONTINUED.

Grantee herein for itself, its successors and assigns does hereby covenant and agree that no permanent structures or improvements shall be placed on said easement and right-of-way by itself or its successors or assigns, and that said use of such easement and right-of-way shall not otherwise be obstructed or interfered with.

Grantor will maintain the easement area and all improvements thereon at its expense. Grantor hereby indemnifies Grantee, its successors or assigns and will hold Grantor harmless against all claims and liability for damage, loss or expense caused by injury or death to any person or damage to property with respect to this easement and the improvements thereon. This easement shall be binding upon Grantee, its successors and assigns, its agents and lessees, and shall continue as a servitude running in perpetuity with the easement reserved above.

PARCEL III:

Lot 11,  
OLDE STAGE SETTLEMENT, UNIT ONE,  
County of Boulder,  
State of Colorado.

Foothill Business Park (aka Beech)

A parcel in the Southeast 1/4 of Section 36, Township 2 North, Range 71 West, 6th P.M., Boulder County, Colorado, said parcel being the South 35 acres of that property described in Bargain and Sale Deed recorded on Film 2178, at Reception No. 1568383, Boulder County Records.

Said Parcel being more particularly described as follows:  
Commencing at the Southeast corner of said Section 36, from when the Northeast corner of said Section 36, bears North 00°00'00" West, 5275.67 feet (the basis of all bearings in this description);  
Thence North 00°00'00" West, 20.00 feet along the East line of the said Southeast 1/4 to the POINT OF BEGINNING;  
Thence North 00°00'00" West, 782.30 feet along the East line of the said Southeast 1/4;  
Thence North 89°52'47" West, 2000.00 feet, parallel with and 782.30 feet North of the South line of the said Southeast 1/4;  
Thence South 00°00'00" East, 762.30 feet, parallel with and 2000.00 feet West of the East line of the said Southeast 1/4;  
to a point 20.00 feet North of the South line of the said Southeast 1/4; thence South 89°52'47" East, 2000.00 feet, parallel with and 20.00 feet North of the South line of the said Southeast 1/4, to the POINT OF BEGINNING.

SUPERIOR ASSOCIATES

(aka Telleen)

418 acres, located in T1S, R70W, 6th P.M., to be conveyed by Superior Associates to the City of Boulder.

The SE ¼ of Section 23 (160.36 acres);

The SW ¼ of the SW ¼ of Section 24, except part conveyed to Public Service Co. of Colo. (35.58 acres);

The NW ¼ of the NW ¼ of Section 25, except part conveyed to Public Service Co. of Colo. (35.65 acres);

The NE ¼ of Section 26, LESS the SE ¼ thereof, and LESS the following:

Beginning at the intersection of the W. line of said NE ¼ and the Centerline of Coal Creek Drive;

Thence S.00°15'22"W., along said W. line, 1689.23', more or less, to the SW Corner of said NE ¼;

Thence N.89°39'38"E., along the S. line of said NE ¼, 713.07'; Thence N.20°18'W., 1461.12';

Thence N.00°15'22"E., 464.64', more or less, to the Centerline of Coal Creek Drive;

Thence S.53°13'12"W., more or less, along said Centerline, 250.54', to the Pt. of Beginning (105.58 acres).

The W. 331.13' of the SW ¼ of Section 26 (20.20 acres);

The E. ¼ of the E. ½ of the SE ¼ of Section 27 (20.09 acres);

The E. 20 rods and the N. 26 2/3 rods of the W. 60 rods of the NE ¼ of the NE ¼ of Sec. 34 (20.16 acres);

The W. 331.13' of the NW ¼ of Section 35 (20.38 acres).

Arsenault (aka Mayhoffer/Singletree)

Parcel Description (Mayhoffer Property)

(Provided by First National Title Services, LLC)

EXHIBIT A

THOSE PORTIONS OF THE SW<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub>; THE SE<sup>1</sup>/<sub>4</sub>; THE E<sup>1</sup>/<sub>2</sub> OF THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

PARCEL A: THOSE PARCELS DESCRIBED IN INSTRUMENTS RECORDED MAY 28, 1943 IN BOOK 727 AT PAGE 580, MAY 28, 1943 IN BOOK 727 AT PAGE 585 AND OCTOBER 8, 1949 IN BOOK 681 AT PAGE 248 AND, <sup>751</sup>

PARCEL B: THE SURFACE ONLY OF THOSE PARCELS DESCRIBED IN INSTRUMENTS RECORDED NOVEMBER 21, 1947 IN BOOK 810 AT PAGE 412 AND JUNE 13, 1986 ON FILM 572 AT RECEPTION NO. 817833 AND,

EXCEPTING FROM PARCELS A AND B, ANY PORTION LYING IN WEST ADDITION TO SUPERIOR, SOUTH ADDITION TO SUPERIOR AND THOSE PARCELS CONVEYED TO THE TOWN OF SUPERIOR BY INSTRUMENTS RECORDED AUGUST 22, 1990 ON FILM 1640 AT RECEPTION NO. 1059889 AND FEBRUARY 13, 1990 ON FILM NO. 1614 AT RECEPTION NO. 1028078,

AND TOGETHER WITH THE ADDITIONAL ACREAGE GAINED BY THAT CERTAIN BOUNDARY AGREEMENT RECORDED IN THE RECORDS OF THE BOULDER COUNTY CLERK AND RECORDER ON JUNE 28, 1999, AS RECEPTION NO. 1954258;

BUT EXCEPTING AND EXCLUDING FROM THE ABOVE-DESCRIBED REAL ESTATE, HOWEVER, THAT PORTION THEREOF CONVEYED TO THE COUNTY OF BOULDER BY DEED RECORDED IN THE RECORDS OF THE BOULDER COUNTY CLERK AND RECORDER ON AUGUST 5, 1999, AS RECEPTION NO. 1968620 AND RECEPTION NO. 1968621,

ALL IN THE COUNTY OF BOULDER,  
STATE OF COLORADO.

Cito Company

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION SIX, TOWNSHIP ONE NORTH, RANGE SIXTY-NINE WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION SIX, TOWNSHIP ONE NORTH, RANGE SIXTY-NINE WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION SIX BEARS  $N00^{\circ}10'55''E$ , AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6,  $N00^{\circ}10'55''E$  A DISTANCE OF 2594.08 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 52; THENCE ALONG SAID SOUTH RIGHT-OF-WAY,  $N89^{\circ}00'48''E$  A DISTANCE OF 480.74 FEET; THENCE  $S89^{\circ}59'12''E$  A DISTANCE OF 1209.53 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY,  $S00^{\circ}12'29''E$  A DISTANCE OF 632.53 FEET; THENCE  $N89^{\circ}47'31''E$  A DISTANCE OF 660.00 FEET; THENCE  $N00^{\circ}12'29''W$  A DISTANCE OF 288.19 FEET; THENCE  $S89^{\circ}59'12''E$  A DISTANCE OF 114.26 FEET; THENCE  $N00^{\circ}12'29''W$  A DISTANCE OF 341.79 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. 52; THENCE ALONG SAID SOUTH RIGHT-OF-WAY,  $S89^{\circ}59'12''E$  A DISTANCE OF 215.01 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE ALONG SAID EAST LINE,  $S01^{\circ}07'44''W$  A DISTANCE OF 2567.00 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6,  $S89^{\circ}13'56''W$  A DISTANCE OF 2637.39 FEET TO THE POINT OF BEGINNING.

Prepared by:

A. Michael Hascall  
Hascall Surveys Inc.  
P.O. Box 928 - 309 Mountain Avenue Suite 205  
Berthoud CO 80513  
Tel: (970) 532-9824

Cito Company  
(continued)

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION SIX, TOWNSHIP ONE NORTH, RANGE SIXTY-NINE WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION SIX, TOWNSHIP ONE NORTH, RANGE SIXTY-NINE WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER BEARS N89°47'31"E, 330.00 FEET AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE S00°12'29"E, 30.02 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 52, SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S89°59'12"E A DISTANCE OF 114.26 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, S00°12'29"E A DISTANCE OF 341.79 FEET; THENCE N89°59'12"W A DISTANCE OF 114.26 FEET; THENCE N00°12'29"W A DISTANCE OF 341.79 FEET TO THE TRUE POINT OF BEGINNING.

Prepared by:

A. Michael Hascall  
Hascall Surveys Inc.  
P.O. Box 928 - 309 Mountain Avenue Suite 205  
Berthoud CO 80513  
Tel: (970) 532-9824

LEGAL DESCRIPTION

Parcel 1

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, EXCEPTING THEREFROM THAT PORTION AS CONVEYED BY RAY C. IMEL, INC., A COLORADO CORPORATION, TO ERIC ALAN JOHNSON AND DEBRA JAN JOHNSON BY QUITCLAIM DEED RECORDED OCTOBER 29, 1999 AS RECEPTION NO. 1994966, AND DESCRIBED AS FOLLOWS:

A STRIP OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE SOUTH 89 DEG. 47'25" WEST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 22, 766.00 FEET; THENCE SOUTH 00 DEG. 00'46" EAST PARALLEL TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 22, 105.00 FEET; THENCE NORTH 89 DEG. 47'25" EAST PARALLEL TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 22, 766.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE NORTH 00 DEG. 00'46" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22, 105.00 FEET TO THE POINT OF THE BEGINNING;

AND FURTHER EXCEPTING THEREFROM THOSE TRACTS AS CONVEYED BY LLOYD K. RUDD TO THE UNITED STATES OF AMERICA BY WARRANTY DEED RECORDED OCTOBER 2, 1953 IN BOOK 937 AT PAGE 458, AND BEING MORE FULLY DESCRIBED THEREIN.

THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO.

THE SOUTHEAST 1/4; THE SOUTH 1/2 OF THE NORTHWEST 1/4; THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THE SOUTH 440 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4; AND THE SOUTH 440 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, ALL IN SECTION 23, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO.

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO;

EXCEPTING HOWEVER FROM THE AFORESAID NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 26 AND AFORESAID SOUTHWEST 1/4 OF SECTION 23, THE FOLLOWING DESCRIBED PARCELS OF LAND, AND FOR IDENTIFICATION PURPOSES, TO BE KNOWN AS LOTS A, B, AND C:

LEGAL DESCRIPTION  
(continued)

## LOT A

A PARCEL OF LAND BEING A PORTION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, FROM WHENCE THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26 BEARS SOUTH 89 DEG. 50'17" WEST, 2641.06 FEET; THENCE NORTH 00 DEG. 11'08" WEST, ALONG THE EAST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEG. 50'17" WEST, PARALLEL TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1269.84 FEET;  
 THENCE NORTH 02 DEG. 20'20" EAST, 187.58 FEET;  
 THENCE NORTH 80 DEG. 57'41" EAST, 126.47 FEET;  
 THENCE NORTH 64 DEG. 14'49" EAST, 75.19 FEET;  
 THENCE NORTH 43 DEG. 05'33" EAST, 232.89 FEET;  
 THENCE NORTH 73 DEG. 14'32" EAST, 274.74 FEET;  
 THENCE NORTH 19 DEG. 03'01" EAST, 180.56 FEET;  
 THENCE NORTH 07 DEG. 06'36" EAST, 275.60 FEET;  
 THENCE NORTH 41 DEG. 11'16" WEST, 84.28 FEET;  
 THENCE 84.55 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 240.21 FEET, A CENTRAL ANGLE OF 20 DEG. 09'59", AND A CHORD THAT BEARS NORTH 53 DEG. 03'42" EAST, 84.11 FEET;  
 THENCE NORTH 42 DEG. 58'42" EAST, 155.36 FEET;  
 THENCE NORTH 43 DEG. 43'08" EAST, 53.02 FEET;  
 THENCE SOUTH 75 DEG. 50'30" EAST, 45.79 FEET;  
 THENCE NORTH 76 DEG. 24'58" EAST, 54.02 FEET;  
 THENCE NORTH 60 DEG. 43'22" EAST, 49.94 FEET;  
 THENCE NORTH 70 DEG. 16'40" EAST, 116.50 FEET;  
 THENCE SOUTH 83 DEG. 28'44" EAST, 58.03 FEET;  
 THENCE SOUTH 75 DEG. 35'33" EAST, 51.77 FEET;  
 THENCE SOUTH 58 DEG. 00'30" EAST, 19.25 FEET;  
 THENCE SOUTH 43 DEG. 21'48" EAST, 18.77 FEET;  
 THENCE SOUTH 80 DEG. 12'06" EAST, 9.11 FEET TO A POINT ON THE EAST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26;  
 THENCE SOUTH 00 DEG. 11'08" EAST ALONG THE EAST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1216.11 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION  
(continued)

## LOT B

A PARCEL OF LAND BEING A PORTION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOUDLER, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, FROM WHENCE THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26 BEARS SOUTH 89 DEG. 50'17" WEST, 2641.06 FEET; THENCE NORTH 00 DEG. 11'08" WEST, ALONG THE EAST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 30.00 FEET; THENCE SOUTH 89 DEG. 50'17" WEST, PARALLEL TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1269.84 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEG. 50'17" WEST, PARALLEL TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 656.38 FEET;  
THENCE NORTH 23 DEG. 41'21" EAST, 124.08 FEET;  
THENCE NORTH 37 DEG. 44'32" EAST, 92.57 FEET;  
THENCE NORTH 32 DEG. 58'15" EAST, 126.63 FEET;  
THENCE NORTH 54 DEG. 14'09" EAST, 130.88 FEET;  
THENCE SOUTH 68 DEG. 31'46" EAST, 32.87 FEET;  
THENCE SOUTH 69 DEG. 59'16" EAST, 112.59 FEET;  
THENCE NORTH 71 DEG. 49'42" EAST, 169.80 FEET;  
THENCE NORTH 48 DEG. 28'24" EAST, 76.25 FEET;  
THENCE NORTH 47 DEG. 09'17" EAST, 270.83 FEET;  
THENCE NORTH 35 DEG. 00'09" EAST, 105.31 FEET;  
THENCE NORTH 38 DEG. 45'42" EAST, 212.39 FEET;  
THENCE NORTH 59 DEG. 49'33" EAST, 36.95 FEET;  
THENCE NORTH 66 DEG. 41'20" EAST, 116.89 FEET;  
THENCE NORTH 63 DEG. 08'42" EAST, 166.70 FEET;  
THENCE SOUTH 41 DEG. 11'16" EAST, 84.28 FEET;  
THENCE SOUTH 07 DEG. 06'36" WEST, 275.60 FEET;  
THENCE SOUTH 19 DEG. 03'01" WEST, 180.56 FEET;  
THENCE SOUTH 73 DEG. 14'32" WEST, 274.74 FEET;  
THENCE SOUTH 43 DEG. 05'33" WEST, 232.89 FEET;  
THENCE SOUTH 64 DEG. 14'49" WEST, 75.19 FEET;  
THENCE SOUTH 80 DEG. 57'41" WEST, 126.47 FEET;  
THENCE SOUTH 02 DEG. 20'20" WEST, 187.58 FEET TO THE POINT OF BEGINNING.

Imel  
LEGAL DESCRIPTION  
(continued)

LOT C

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 23, FROM WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23 BEARS SOUTH 00 DEG. 03'07" EAST, 1321.82 FEET; THENCE SOUTH 00 DEG. 03'07" EAST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, 592.67 FEET; THENCE NORTH 89 DEG. 56'53" EAST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 86 DEG. 10'59" EAST, 159.90 FEET;  
THENCE NORTH 87 DEG. 49'28" EAST, 143.02 FEET;  
THENCE NORTH 78 DEG. 11'05" EAST, 126.49 FEET;  
THENCE NORTH 69 DEG. 11'04" EAST, 307.13 FEET;  
THENCE NORTH 62 DEG. 03'15" EAST, 97.54 FEET;  
THENCE NORTH 81 DEG. 40'06" EAST, 72.64 FEET;  
THENCE NORTH 73 DEG. 31'10" EAST, 63.21 FEET;  
THENCE NORTH 64 DEG. 53'26" EAST, 25.77 FEET;  
THENCE SOUTH 00 DEG. 03'07" EAST, 692.63 FEET;  
THENCE SOUTH 01 DEG. 31'28" EAST, 296.33 FEET;  
THENCE SOUTH 88 DEG. 34'03" WEST, 194.89 FEET;  
THENCE NORTH 65 DEG. 44'55" WEST, 99.14 FEET;  
THENCE SOUTH 89 DEG. 54'56" WEST, 495.37 FEET;  
THENCE NORTH 89 DEG. 54'24" WEST, 182.60 FEET;  
THENCE NORTH 00 DEG. 03'07" WEST, PARALLEL TO, AND MEASURED 30.00 FEET PERPENDICULARLY FROM, THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, 717.23 FEET TO THE POINT OF BEGINNING.

together with

Parcel 2

An easement for ingress and egress across Lot A, Lot B, and Lot C, as described above (collectively, the "Retained Parcels"), for maintenance, repair and replacement of the carrier, lateral and wastewater ditches which carry irrigation and wastewater across the Retained Parcels to the Property.

PERMITTED EXCEPTIONS

TAXES AND ASSESSMENTS FOR THE YEAR 2001, A LIEN, BUT NOT YET DUE OR PAYABLE.

ANY RIGHTS, INTEREST OR EASEMENTS IN FAVOR OF THE RIPARIAN OWNERS, THE STATE OF COLORADO, THE UNITED STATES OF AMERICA, OR THE GENERAL PUBLIC, WHICH EXIST, HAVE EXISTED, OR ARE CLAIMED TO EXIST IN AND OVER THE WATERS AND PRESENT AND PAST BED AND BANKS OF LEFT HAND CREEK AND OF DRY CREEK.

RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR NORTH 63RD STREET, ALSO KNOWN AS COUNTY ROAD NO. 39, AND FOR OXFORD ROAD AND NIMBUS ROAD, ALSO KNOWN AS COUNTY ROAD NO. 26, OVER, UPON, ACROSS AND THROUGH PORTIONS OF SUBJECT PROPERTY.

RESERVATION OF RIGHT OF PROPRIETOR OF ANY PENETRATING VEIN OR LODE TO EXTRACT HIS ORE, IN U.S. PATENT RECORDED JUNE 14, 1880 IN BOOK 59 AT PAGE 107 AFFECTING THAT PORTION OF SUBJECT PROPERTY LYING WITHIN THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22 AND IN U.S. PATENT RECORDED JANUARY 4, 1881 IN BOOK 59 AT PAGE 154 AFFECTING THAT PORTION OF SUBJECT PROPERTY LYING WITHIN THE NORTHEAST 1/4 OF SECTION 23.

THE BUDD RESERVOIR (NOW KNOWN AS LEFT HAND RESERVOIR) AND A RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR THE BUDD DITCH AS SHOWN ON THE MAP THEREOF RECORDED IN BOOK D OF MAPS, PAGE 92.

RIGHTS OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR THE HOLLAND DITCH, FOR THE BUDD AND HORNBAKER DITCH AND FOR THE CAVEY DITCH, ALL AS SHOWN ON THE MAP OF THE LEFT HAND PARK RESERVOIR RECORDED IN BOOK E OF MAPS AT PAGE 53.

RIGHT OF WAY THROUGH, OVER AND ALONG A STRIP OF LAND 2 RODS WIDE OFF OF THE EAST SIDE OF SECTION 26 FOR A PRIVATE ROAD AS ESTABLISHED AND PROVIDED FOR IN THE DECREE CONFIRMING REPORT OF COMMISSIONERS ON PARTITION OF PROPERTY IN THE MATTER OF THE ESTATE OF SYLVANUS BUDD, DECEASED, RECORDED MAY 23, 1911 IN BOOK 337 AT PAGE 331.

EASEMENT AND RIGHT OF WAY IN SECTION 22 FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DITCHES AND OTHER WORKS FOR THE OPERATION AND MAINTENANCE OF BOULDER CREEK SUPPLY CANAL, AS GRANTED TO THE UNITED STATES OF AMERICA BY INSTRUMENT RECORDED OCTOBER 2, 1953 IN BOOK 937 AT PAGE 458, AND BEING MORE FULLY DESCRIBED THEREIN.

NOTICE RECORDED OCTOBER 16, 1981 ON FILM 1184 AS RECEPTION NO. 468684, STATING THAT POUDDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC., MAY HAVE UNDERGROUND FACILITIES OR MAY PLACE UNDERGROUND FACILITIES IN THE FUTURE ANYWHERE WITHIN ITS GENERAL SERVICE AREA.

RIGHT-OF-WAY EASEMENT ADJACENT TO NIMBUS ROAD IN SECTION 26 BETWEEN COUNTY ROAD NO. 26 AND LEFT HAND CREEK AS GRANTED UNTO POUDDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC., IN THE INSTRUMENT RECORDED NOVEMBER 16, 1987 ON FILM 1504 AS RECEPTION NO. 888993.

Imel

PERMITTED EXCEPTIONS  
(continued)

EASEMENT FOR THE PURPOSE OF PROVIDING AND MAINTAINING LATERAL SUPPORT AND PROPER DRAINAGE GRADE FOR A PUBLIC ROADWAY, ROAD SHOULDER AND ATTENDANT ROAD IMPROVEMENTS AND CONSTRUCTION AS GRANTED TO THE COUNTY OF BOULDER IN THE INSTRUMENT RECORDED MARCH 4, 1991 ON FILM 1663 AS RECEPTION NO. 1090347, OVER, ACROSS AND ON A TRACT OF LAND IN SECTION 26, AND BEING MORE FULLY DESCRIBED THEREIN.

OIL AND GAS LEASE BY AND BETWEEN RAY C. IMEL, INC., AS LESSOR, AND CHRIS L. CHRISTENSEN, AS LESSEE, RECORDED MAY 14, 1984 ON FILM 1302 AS RECEPTION NO. 620783 AND RE-RECORDED MAY 31, 1984 ON FILM 1304 AS RECEPTION NO. 624323.

RIGHTS-OF-WAY 20 FEET IN WIDTH TO LAY, CONSTRUCT, MAINTAIN, LOWER, INSPECT, REPAIR, REPLACE, OPERATE AND REMOVE PIPELINES AS GRANTED UNTO GCSI GATHERING & PROCESSING CO., A TEXAS CORPORATION, IN THE INSTRUMENTS RECORDED JULY 10, 1986 ON FILM 1418 AS RECEPTION NO. 772664 AND NOVEMBER 13, 1986 ON FILM 1441 AS RECEPTION NOS. 804731 AND 804733, TOGETHER WITH TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS, ALL AS MORE FULLY DESCRIBED AND SET FORTH THEREIN.

THE EFFECT OF THE EXISTENCE OF UTILITY SERVICE LINE OR LINES IN SECTION 22 AS DISCLOSED IN GENERAL CROSSING AGREEMENT BY AND BETWEEN HOLLAND DITCH COMPANY, A COLORADO CORPORATION, AND THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A COLORADO CORPORATION, RECORDED FEBRUARY 21, 1990 ON FILM 1615 AS RECEPTION NO. 1029125.

THE EFFECT OF THE EXISTENCE OF A STEEL OIL AND GAS PIPELINE IN THE SOUTHERLY PORTION OF SECTION 22 AS DISCLOSED IN OIL AND GAS PIPELINE AGREEMENT BETWEEN GCSI GATHERING & PROCESSING CO., A TEXAS CORPORATION, AND THE HOLLAND DITCH COMPANY, A COLORADO CORPORATION, RECORDED NOVEMBER 13, 1986 ON FILM 1441 AS RECEPTION NO. 804732.

TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION 99-165 OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY AFFECTING SECTION 22, ATTACHED TO AND MADE PART OF EXEMPTION FROM BOULDER COUNTY SUBDIVISION EXEMPTION RECORDED OCTOBER 29, 1999 AS RECEPTION NO. 1994965.

MONTH TO MONTH AGRICULTURE LEASE WITH DWAYNE CUSHMAN

FENCE ENCROACHMENTS AS NOTED ON THE IMPROVEMENT SURVEY PLAT OF THE IMEL PROPERTY PREPARED BY BOULDER LAND CONSULTANTS, INC. DATED JUNE 1, 2001; PROJECT NO. 141COB00.

Imel  
(continued)

**RESERVED EASEMENT**

An easement for ingress and egress across the Property for the benefit of the Retained Parcels, for maintenance, repair and replacement of the carrier, lateral and wastewater ditches which carry irrigation and wastewater across the Property to the Retained Parcels.

Suitts (aka Suitts North)

PARCEL 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 70 WEST, SIXTH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12;

THENCE S 00°08'27" W 1329.80 FEET ALONG THE EASTERLY BOUNDARY OF SAID SOUTHWEST QUARTER OF SECTION 12;

THENCE N 88°49'39" W 457.31 FEET;

THENCE S 00°33'10" E 441.31 FEET;

THENCE S 86°47'47" W 99.70 FEET;

THENCE N 68°57'47" W 297.10 FEET;

THENCE N 08°48'36" E 221.40 FEET;

THENCE N 15°19'08" W 126.07 FEET;

THENCE N 49°16'46" W 239.43 FEET;

THENCE S 79°38'14" W 204.24 FEET;

THENCE N 72°22'22" W 130.72 FEET;

THENCE N 03°02'33" E 331.10 FEET;

THENCE N 58°09'24" E 453.31 FEET;

THENCE N 12°46'08" W 530.09 FEET TO THE SOUTHERLY RIGHT OF WAY OF NELSON ROAD;

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWO COURSES:

1. N 77°45'22" E 71.00 FEET;

2. N 77°57'56" E 269.88 FEET TO THE NORTHERLY BOUNDARY OF SAID SOUTHWEST QUARTER OF SECTION 12;

THENCE S 89°49'37" E 712.10 FEET ALONG SAID NORTHERLY BOUNDARY OF SAID SOUTHWEST QUARTER OF SECTION 12 TO THE POINT OF BEGINNING.

Suits  
(continued)

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 70 WEST, SIXTH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 12;

THENCE N 89°49'36" W 2655.12 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 12;

THENCE S 00°03'59" W 399.56 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 12 TO THE SOUTHERLY RIGHT OF WAY OF NELSON ROAD, THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY OF NELSON ROAD THE FOLLOWING SIX COURSES:

1. S 88°44'30" E 323.82 FEET;
2. N 81°41'38" E 401.26 FEET;
3. N 73°04'40" E 159.07 FEET;
4. N 72°07'40" E 443.20 FEET;
5. N 72°00'25" E 202.75 FEET;
6. N 77°45'22" E 125.38 FEET;

THENCE S 12°46'08" E 530.09 FEET;

THENCE S 58°09'24" W 463.31 FEET;

THENCE S 03°02'33" W 331.10 FEET;

THENCE S 84°43'31" W 360.15 FEET;

THENCE N 81°32'53" W 485.82 FEET;

THENCE N 60°58'52" W 193.87 FEET;

THENCE N 82°05'15" W 139.86 FEET;

THENCE S 00°25'07" E 690.15 FEET;

THENCE S 38°42'05" W 12.06 FEET;

THENCE S 89°30'03" W 128.96 FEET;

THENCE N 00°25'07" W 715.07 FEET;

THENCE N 74°24'15" W 497.90 FEET;

THENCE N 00°15'34" W 226.31 FEET;

THENCE N 83°36'52" E 388.96 FEET;

THENCE N 03°14'10" E 201.69 FEET TO THE SAID SOUTHERLY RIGHT OF WAY OF NELSON ROAD;

THENCE S 88°44'30" E 50.41 FEET ALONG SAID SOUTHERLY RIGHT OF WAY OF NELSON ROAD TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID SECTION 12 CONVEYED TO THE CLOVER BASIN DITCH AND RESERVOIR COMPANY BY DEED RECORDED JULY 13, 1911 IN BOOK 362 AT PAGE 33.

Suite  
(continued)

PARCEL 3:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 70 WEST, SIXTH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 12;

THENCE N 89°49'36" W 2655.12 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12;

THENCE S 00°03'59" W 399.59 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 12 TO THE SOUTHERLY RIGHT OF WAY OF NELSON ROAD;

THENCE N 88°44'30" W 50.41 FEET ALONG SAID SOUTHERLY RIGHT OF WAY OF NELSON ROAD TO THE POINT OF BEGINNING;

THENCE S 03°14'10" W 201.69 FEET;

THENCE S 83°36'52" W 388.96 FEET;

THENCE S 00°15'34" E 226.31 FEET;

THENCE S 74°24'15" E 497.90 FEET;

THENCE S 00°25'07" E 715.07 FEET;

THENCE S 89°30'03" W 6.20 FEET;

THENCE S 00°25'07" E 339.52 FEET;

THENCE N 87°23'57" W 462.25 FEET;

THENCE S 89°48'11" W 51.44 FEET;

THENCE N 00°00'00" E 709.96 FEET;

THENCE S 90°00'00" W 844.85 FEET TO THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE N 00°04'46" E 1188.97 FEET ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11 TO THE SAID SOUTHERLY RIGHT OF WAY OF NELSON ROAD;

THENCE ALONG SAID RIGHT OF WAY OF NELSON ROAD THE FOLLOWING COURSES:

1. S 68°36'03" E 278.06 FEET;
2. S 68°39'27" E 398.84 FEET;
3. S 88°46'44" E 601.35 FEET;
4. S 88°44'30" E 40.57 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST 1/4 SOUTHEAST 1/4 OF SAID SECTION 11 AS CONVEYED IN DEED RECORDED OCTOBER 2, 1956 IN BOOK 1206 AT PAGE 267.

Suits  
(continued)

PARCEL 4:

THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 70 WEST, SIXTH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE S 00°04'46" W 1318.49 FEET ALONG THE WESTERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11 TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, THE POINT OF BEGINNING;

THENCE S 90°00'00" E 844.85 FEET;

THENCE S 00°00'00" W 709.96 FEET;

THENCE S 89°48'11" W 525.75 FEET;

THENCE N 86°26'17" W 454.62 FEET;

THENCE S 82°49'38" W 537.29 FEET;

THENCE N 77°22'30" W 354.68 FEET;

THENCE S 88°56'22" W 310.54 FEET TO THE WESTERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11;

THENCE N 00°05'32" E 673.34 FEET TO THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE N 89°45'44" E 1323.24 FEET TO THE POINT OF BEGINNING.

Turunjia

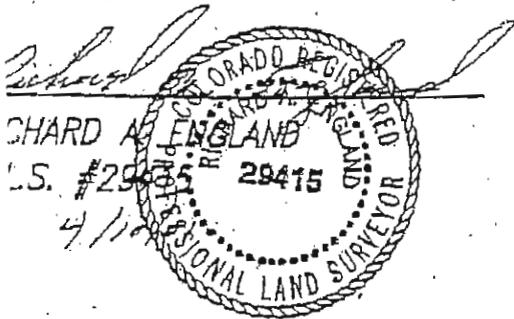
APRIL 10, 2001

## LEGAL DESCRIPTION

### PARCEL 1.

A PORTION OF LAND LOCATED IN THE W. 1/2 OF THE N.E. 1/4 OF SECTION 5, T1N, R69W OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N. 1/4 CORNER OF SAID SECTION 5;  
THENCE ALONG THE NORTH LINE OF SAID SECTION 5, S89°28'00"E, 610.76 FEET;  
THENCE LEAVING SAID NORTH LINE, S00°10'37"W, 1244.60 FEET;  
THENCE S89°28'00"E, 700.00 FEET TO A POINT ON THE EAST LINE OF THE ~~W. 1/2~~ OF THE N.E. 1/4 OF SAID SECTION 5;  
THENCE ALONG SAID EAST LINE, S00°10'37"W, 1359.42 FEET TO THE CENTER-EAST 1/16TH CORNER;  
THENCE LEAVING SAID EAST LINE, AND ALONG THE EAST-WEST CENTER OF SECTION LINE, N88°50'48"W, 1323.73 FEET, (DEEDED 1326 FEET) TO THE CENTER 1/4 OF SAID SECTION 5;  
THENCE ALONG THE NORTH-SOUTH CENTER OF SECTION LINE, N00°27'36"E, 2589.65 FEET, (DEEDED 2603.20 FEET) TO THE N. 1/4 CORNER OF SECTION 5 AND BEING THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINING 58.523 ACRES, MORE OR LESS.



Legal description prepared by:

Richard A. England  
England Surveying, Inc.  
P.O. Box 908  
Ft. Collins, CO 80540

IBM (aka IBM-Monarch)

TO  
GENERAL WARRANTY DEED

LEGAL DESCRIPTION  
MONARCH ROAD LAND

A TRACT OF LAND LOCATED IN THE N1/2 OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6<sup>TH</sup> P.M., FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 2 BEARS SOUTH 00°03'11" EAST, 2616.54 FEET, THENCE NORTH 00°06'30" WEST, 2612.71 FEET ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 2 TO THE NORTHWEST CORNER OF SAID SECTION 2; THENCE NORTH 00°05'54" WEST, 2650.82 FEET ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 35 TO THE W1/4 CORNER OF SAID SECTION 35; THENCE SOUTH 89°50'31" EAST, 1329.87 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 35 TO THE SOUTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35; THENCE NORTH 00°06'08" EAST 30.00 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35 TO THE NORTH LINE OF THE SOUTH 30.00 FEET OF THE N1/2 OF SAID SECTION 35 AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°06'08" EAST, 1292.94 FEET ALONG THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35 TO THE NORTHWEST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35;

THENCE SOUTH 89°45'35" EAST, 664.77 FEET ALONG THE NORTH LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35 TO THE SOUTHWEST CORNER OF E1/2 OF THE NE1/4 OF THE NW1/4 OF SAID SECTION 35;

THENCE NORTH 00°05'43" EAST, 1291.99 FEET ALONG THE WEST LINE OF THE E1/2 OF THE NE1/4 OF THE NW1/4 OF SAID SECTION 35 TO THE SOUTH LINE OF THE NORTH 30.00 FEET OF THE NW1/4 OF SAID SECTION 35;

THENCE SOUTH 89°40'39" EAST, 664.61 FEET ALONG THE SOUTH LINE OF THE NORTH 30.00 FEET OF THE NW1/4 OF SAID SECTION 35 TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 35;

THENCE NORTH 00°05'17" EAST, 30.00 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 35 TO THE N1/4 CORNER OF SAID SECTION 35;

THENCE SOUTH 89°57'28" EAST, 1615.68 FEET ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 35 TO THE WEST LINE EXTENDED NORTHERLY OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED JANUARY 2, 1979 ON FILM 1044 AT RECEPTION NO. 316584 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE SOUTH 00°07'58" WEST, 1247.85 FEET ALONG THE WESTERLY LINE EXTENDED NORTHERLY AND THE WESTERLY LINE AND THE WESTERLY LINE EXTENDED SOUTHERLY OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED JANUARY 2, 1979 ON SAID FILM 1044 AT RECEPTION NO. 316584 TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED DECEMBER 11, 1978 ON FILM 1041 AT RECEPTION NO. 313459 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE SOUTH 89°52'27" EAST, 1016.33 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED DECEMBER 11, 1978 ON SAID FILM 1041 AT RECEPTION NO. 313459 TO THE WEST LINE OF THE EAST 30.00 FEET OF THE NE1/4 OF SAID SECTION 35;

THENCE SOUTH 00°15'20" EAST, 1268.10 FEET ALONG THE WEST LINE OF THE EAST 30.00 FEET OF THE NE1/4 OF SAID SECTION 35 TO THE NORTH LINE OF THE SOUTH 30.00 FEET OF THE N1/2 OF SAID SECTION 35;

THENCE NORTH 89°50'31" WEST, 3968.43 FEET ALONG THE NORTH LINE OF THE SOUTH 30.00 FEET OF THE N1/2 OF SAID SECTION 35 TO THE WEST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 35 AND THE TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

LOREN K. SHANKS, PLS 28285  
DREXEL BARRELL & COMPANY  
4840 PEARL EAST CIRCLE, #114  
BOULDER, COLORADO 80301-2475  
(303) 442-4338

IBM  
(continued)

TO  
GENERAL WARRANTY DEED

Exceptions to Title

1. TAXES AND ASSESSMENTS FOR THE YEAR 2001 AND SUBSEQUENT YEARS, A LIEN, NOT YET DUE OR PAYABLE.
2. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER COVENANT RESTRICTING DEVELOPMENT RECORDED JANUARY 2, 1979 ON FILM 1044 AT RECEPTION NO. 316585.
3. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE STATUTORY LIEN RECORDED NOVEMBER 4, 1988 ON FILM 1553 AT RECEPTION NO. 00951494.
4. THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT OR REMOVE HIS ORE, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES THEREBY GRANTED AND RIGHTS OR WAY FOR DITCHES AND CANALS AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 11, 1871 IN BOOK O AT PAGE 38, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
5. THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT OR REMOVE HIS ORE, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES THEREBY GRANTED AND RIGHTS OR WAY FOR DITCHES AND CANALS AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 13, 1877 IN BOOK 38 AT PAGE 508, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
6. THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT OR REMOVE HIS ORE, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES THEREBY GRANTED AND RIGHTS OF WAY FOR DITCHES AND CANALS AS RESERVED IN UNITED STATES PATENT RECORDED MARCH 1, 1873 IN BOOK V AT PAGE 516, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
7. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE VESTED RIGHTS, PUD AND DEVELOPMENT AGREEMENT RECORDED OCTOBER 29, 1997 AT RECEPTION NO. 1742820 AND LIMITED ASSIGNMENT OF RIGHTS UNDER VESTED RIGHTS, PUD AND DEVELOPMENT AGREEMENT RECORDED MARCH 31, 1999 AT RECEPTION NO. 1922429.
8. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED UNDER THE APPLICATION RECORDED NOVEMBER 4, 1997 AT RECEPTION NO. 1744914.

9. TERMS, CONDITIONS, PROVISIONS, AGREEMENT, EASEMENTS AND OBLIGATIONS SPECIFIED UNDER THE WATER LINE EASEMENT TO LEFT HAND WATER DISTRICT RECORDED NOVEMBER 17, 1997 AT RECEPTION NO. 1748144.
10. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, EASEMENTS AND OBLIGATIONS SPECIFIED UNDER THE DECLARATION OF COVENANTS AND EASEMENT (MONARCH ROAD LAND/PLANT SITE) RECORDED ON OR ABOUT THE DATE OF RECORDING OF THIS DEED.

UNOFFICIAL COPY

