

ORDINANCE NO. 09-17

INTRODUCED BY:

Councilperson Coppola

Councilperson Dooley

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH, COLORADO
APPROVING INITIAL ZONING OF PROPERTY KNOWN AS THE CANYONS
NORTH PROPERTY FROM DOUGLAS COUNTY PLANNED DEVELOPMENT
TO CITY OF CASTLE PINES NORTH PLANNED DEVELOPMENT,
ADOPTING THE CANYONS PLANNED DEVELOPMENT PLAN, AND
AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, Canyons North LLLP and Judge, Inc. (collectively, the "Owners") have petitioned the City of Castle Pines North City Council for annexation of three separate parcels: Canyons North Annexation No. 1 (343.883 acres), Canyons North Annexation No. 2 (1210.660 acres) and Canyons North Annexation No. 3 (1787.816 acres); collectively totaling 3,342.359 acres and referred to herein collectively as the "Property". The Property is generally located east of Interstate I-25, south of land owned by Freshfields Inc. and Parker Water and Sanitation District, west of Castle Park Ranches properties and North of Crowfoot Valley Road, Sapphire Pointe, and Happy Canyon Ranches, and legally described on **Exhibit A** attached hereto and incorporated herein; and

WHEREAS, in conjunction with annexation, the Owners have submitted to the City for approval an application for zoning of the Property from Douglas County Planned Development to City of Castle Pines North Planned Development ("PD"), which request is accompanied by a PD plan exhibit (the "PD Plan") on file in the Castle Pines North Community Development Department; and

WHEREAS, in conjunction with the annexation and PD, the Owners and the City have negotiated the terms of an Annexation and Development Agreement ("Development Agreement"), a copy of which will be on file in the Castle Pines North Community Development Department on or after August 27, 2009 and is incorporated herein by reference; and

WHEREAS, the City Council of the City of Castle Pines North has determined that annexation of the Property is in the best interests of the City and thus approved Ordinance Nos. 09-14, 09-15 and 09-16 to serially annex the Property into the City of Castle Pines North; and

WHEREAS, concurrent with its consideration of annexation of the Property, the City Council considered initial zoning of the Property from Douglas County Planned Development to City of Castle Pines North Planned Development; and

WHEREAS, the initial zoning is accompanied by a request to adopt the Canyons Planned

Development exhibit (“PD Plan”) as the governing zoning document and development plan for the Property; and

WHEREAS, copies of the PD Plan are on file with the Castle Pines North Community Development Department and are incorporated herein by reference; and

WHEREAS, under Section 31-12-115(2) of the Municipal Annexation Act, C.R.S., property annexed to the City must be zoned pursuant to the City’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinance; and

WHEREAS, public notice has been properly given of such proposed zoning of the Property in accordance with the City of Castle Pines North Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, in accordance with the Zoning Ordinance, a public hearing was held before the City Council at which time evidence and testimony were presented to the City Council concerning said zoning proposal; and

WHEREAS, the legislative record for this case includes, but is not limited to, the Zoning Ordinance, City of Castle Pines North Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with the PD Plan and accompanying maps, reports, studies and all other submittals of the Applicant, any written evidence or correspondence submitted at the public hearing, and the staff report pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; meets the criteria of approval set forth in Section 15 of the Zoning Ordinance; is generally in conformance with the City’s Comprehensive Master Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City Council hereby grants and approves zoning of the Property from Douglas County Planned Development to City of Castle Pines North Planned Development, subject to and in accordance with the terms and conditions of the Canyons PD Plan and the Development Agreement.

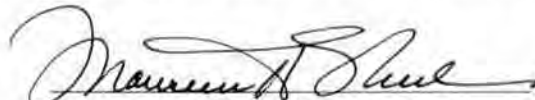
Section 3. The Zoning Map of the City of Castle Pines North shall be amended to conform to and reflect the Property’s PD zoning and the associated PD Plan.

Section 4. Effective Date. Except as otherwise expressly provided herein, this Ordinance shall become effective thirty (30) days after final publication.

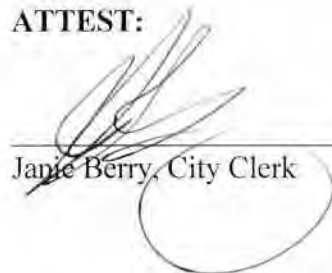
INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 27th day of August, 2009.

READ, AND PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 22nd day of October, 2009.

CITY OF CASTLE PINES NORTH:


Maureen A. Shul, Mayor

ATTEST:


Janie Berry, City Clerk

Approved as to form:


Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on August 27, 2009; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on October 22, 2009, following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on November 5, 2009.

ATTEST:

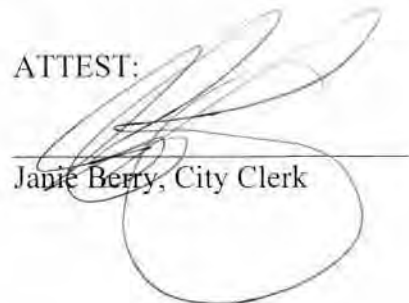

Janie Berry, City Clerk

EXHIBIT A LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 1, 2, 3, 10, 11, 12, 13, 14, 15, 24 and 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, AND BEING A PORTION OF THOSE PARCELS OF LAND OF RECORD AT RECEPTION NUMBER 2006073538 AND IN BOOK 471 AT PAGE 536, RECORDS OF THE RECORDER'S OFFICE, DOUGLAS COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MONUMENTED AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 13 BY A RECOVERED AND ACCEPTED 2 INCH ALUMINUM CAP STAMPED "RMC, T7S, R67W, 1/4, S14/S13, 2002, PLS 23515" AND MONUMENTED AT THE NORTHWEST CORNER OF SAID SECTION 13 BY A RECOVERED AND ACCEPTED 2 INCH ALUMINUM CAP STAMPED "RMC, T7S, R67W, S11/S12/S14/S13, 2002, PLS 23515", WITH THE LINE CONSIDERED TO BEAR N00°06'11"W, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE S89°54'53"W ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 2672.88 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 11;

THENCE S89°54'53"W ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1169.50 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 14;

THENCE S01°05'10"E ALONG THE EAST LINE OF SAID WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 14, A DISTANCE OF 675.92 FEET TO THE SOUTHEAST CORNER OF SAID WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 14;

THENCE S89°48'36"W ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1494.10 FEET TO THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 14;

THENCE N89°20'06"W ALONG SAID NORTHERLY BOUNDARY LINE OF HAPPY CANYON FILING NO. 3, AND ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 1306.50 FEET TO THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15;

THENCE N01°02'28"W ALONG THE WEST LINE OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15 AND ALONG THE EAST BOUNDARY LINE OF HAPPY CANYON FILING NO. 1, SECOND AMENDMENT OF RECORD AT RECEPTION NO. 9014294, A DISTANCE OF 674.06 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15;

THENCE N89°31'53"W ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 5.81 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE U.S. INTERSTATE No. 25 CORRIDOR;

THENCE THE FOLLOWING TWENTY-THREE (23) COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE U.S. INTERSTATE No. 25 CORRIDOR:

1. N02°06'30"E, A DISTANCE OF 89.03 FEET;
2. N87°53'30"W, A DISTANCE OF 200.00 FEET;
3. N80°46'00"W, A DISTANCE OF 403.10 FEET;
4. N12°22'00"W, A DISTANCE OF 694.62 FEET;
5. N15°42'55"E, A DISTANCE OF 286.49 FEET;
6. N13°10'36"E, A DISTANCE OF 219.82 FEET;
7. N64°02'52"W, A DISTANCE OF 145.35 FEET;
8. N02°06'30"E, A DISTANCE OF 369.49 FEET TO A POINT OF CURVATURE;
9. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11360.00 FEET, A CENTRAL ANGLE OF 05°02'00", A DISTANCE OF 997.96 FEET TO A POINT OF TANGENCY;
10. N07°08'30"E, A DISTANCE OF 1478.18 FEET;
11. N17°30'02"E, A DISTANCE OF 119.03 FEET;
12. N36°16'28"E, A DISTANCE OF 78.57 FEET;
13. N75°42'58"E, A DISTANCE OF 52.95 FEET;
14. N38°27'09"E, A DISTANCE OF 78.12 FEET;
15. N36°39'22"W, A DISTANCE OF 38.26 FEET;
16. N60°50'11"W, A DISTANCE OF 62.80 FEET;
17. N26°07'43"W, A DISTANCE OF 72.63 FEET;
18. N07°08'30"E, A DISTANCE OF 540.25 FEET;
19. S83°30'59"E, A DISTANCE OF 299.66 FEET;
20. N48°16'26"E, A DISTANCE OF 114.63 FEET;
21. N24°38'27"W, A DISTANCE OF 293.06 FEET;
22. N52°10'54"W, A DISTANCE OF 256.60 FEET;
23. N07°08'30"E, A DISTANCE OF 482.14 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 1 OF RECORD AT RECEPTION NO. 2003135860;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 1 OF RECORD AT RECEPTION NO. 2003135860:

1. N26°01'01"E, A DISTANCE OF 411.99 FEET;

- 2. N07°09'27"E, A DISTANCE OF 185.00 FEET TO A POINT OF CURVATURE;
- 3. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 40°39'11", A DISTANCE OF 567.62 FEET TO A POINT OF TANGENCY;
- 4. N47°48'38"E, A DISTANCE OF 651.62 FEET TO THE SOUTHEAST CORNER OF PARCEL 2 OF RECORD AT RECEPTION NO. 2003135858;

THENCE N31°53'34"E ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 2 A DISTANCE OF 399.07 FEET TO A POINT ON A NON-TANGENT CURVE AT THE SOUTHWESTERLY CORNER OF PARCEL 2B OF RECORD AT RECEPTION NUMBER 2003135858;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 2B:

- 1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS S21°27'40"W, HAVING A RADIUS OF 1920.00 FEET, A CENTRAL ANGLE OF 05°53'33", A DISTANCE OF 197.46 FEET TO A POINT OF TANGENCY;
- 2. S62°38'47"E, A DISTANCE OF 171.27 FEET TO THE SOUTHWESTERLY CORNER OF PARCEL 1A OF RECORD AT RECEPTION NUMBER 2003135860;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND EASTERLY BOUNDARY LINE OF SAID PARCEL 1A:

- 1. S62°38'47"E, A DISTANCE OF 191.88 FEET;
- 2. N27°21'13"E, A DISTANCE OF 160.00 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1A, ALSO BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 2B OF RECORD AT RECEPTION NUMBER 2003135858;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINE OF SAID PARCEL 2B:

- 1. N62°38'47"W, A DISTANCE OF 363.16 FEET TO A POINT OF CURVATURE;
- 2. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2080.00 FEET, A CENTRAL ANGLE OF 00°11'07", A DISTANCE OF 6.73 FEET TO A POINT ON A NON-TANGENT CURVE;
- 3. ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N67°25'02"W, HAVING A RADIUS OF 580.00 FEET, A CENTRAL ANGLE OF 49°35'58", A DISTANCE OF 502.09 FEET TO A POINT OF TANGENCY;
- 4. N27°01'00"W, A DISTANCE OF 709.99 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 3;

THENCE S89°46'20"E ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 3, A DISTANCE OF 422.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 3;

THENCE N89°40'49"E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 2674.50 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 2 OF SAID NORTHWEST ONE-QUARTER OF SECTION 2;

THENCE N00°09'47"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2 OF THE NORTHWEST ONE-QUARTER OF SECTION 2, A DISTANCE OF 1314.50 FEET TO THE NORTH ONE-QUARTER CORNER OF SAID SECTION 2;

THENCE N89°12'20"E ALONG THE NORTH LINE OF GOVERNMENT LOT 1 OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 2250.99 FEET TO A POINT ON "PARCEL 1 REVISED" AS SHOWN ON THE "ORDER FOR IMMEDIATE POSSESSION", DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO CASE NUMBER 08-CV-1689 OF RECORD AT RECEPTION NUMBER 2008057654; THENCE THE FOLLOWING FIFTY-FIVE (55) COURSES ALONG THE WESTERLY, SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID "PARCEL 1 REVISED" OF RECORD AT RECEPTION NO. 2008057654;

1. S32°36'41"W, A DISTANCE OF 45.64 FEET;
2. S45°50'00"W, A DISTANCE OF 120.00 FEET;
3. S22°42'21"E, A DISTANCE OF 180.00 FEET;
4. S39°20'25"W, A DISTANCE OF 100.00 FEET;
5. N31°50'22"W, A DISTANCE OF 185.00 FEET;
6. N86°43'27"W, A DISTANCE OF 120.00 FEET;
7. S77°39'47"W, A DISTANCE OF 350.00 FEET;
8. N34°14'40"W, A DISTANCE OF 100.00 FEET;
9. N67°07'22"W, A DISTANCE OF 220.00 FEET;
10. S64°32'16"W, A DISTANCE OF 150.00 FEET;
11. S17°27'33"E, A DISTANCE OF 275.00 FEET;
12. S52°33'17"E, A DISTANCE OF 250.00 FEET;
13. S57°06'30"W, A DISTANCE OF 455.00 FEET;
14. S85°32'06"W, A DISTANCE OF 262.45 FEET;
15. S71°09'56"W, A DISTANCE OF 135.00 FEET;
16. N78°50'43"W, A DISTANCE OF 140.00 FEET;
17. S71°21'21"W, A DISTANCE OF 240.00 FEET;
18. S49°49'00"W, A DISTANCE OF 170.00 FEET;
19. S68°30'42"W, A DISTANCE OF 86.02 FEET;
20. S05°50'35"W, A DISTANCE OF 156.25 FEET;
21. S79°17'18"E, A DISTANCE OF 231.62 FEET;
22. S70°32'06"E, A DISTANCE OF 195.00 FEET;
23. S69°10'13"E, A DISTANCE OF 430.00 FEET;

24. S18°59'23"W, A DISTANCE OF 345.00 FEET;
25. S82°28'32"W, A DISTANCE OF 110.00 FEET;
26. S33°56'15"W, A DISTANCE OF 150.00 FEET;
27. S31°25'01"E, A DISTANCE OF 155.00 FEET;
28. S19°43'30"W, A DISTANCE OF 235.00 FEET;
29. S12°31'11"W, A DISTANCE OF 310.00 FEET;
30. S02°42'25"E, A DISTANCE OF 225.00 FEET;
31. S13°07'44"W, A DISTANCE OF 260.00 FEET;
32. S08°24'12"W, A DISTANCE OF 135.00 FEET;
33. S06°05'13"W, A DISTANCE OF 250.00 FEET;
34. S20°48'29"W, A DISTANCE OF 170.00 FEET;
35. S39°21'53"W, A DISTANCE OF 221.31 FEET;
36. S18°44'17"E, A DISTANCE OF 296.54 FEET;
37. N67°10'35"E, A DISTANCE OF 278.16 FEET;
38. N06°45'01"E, A DISTANCE OF 133.08 FEET;
39. N46°05'31"E, A DISTANCE OF 91.67 FEET;
40. N63°36'35"E, A DISTANCE OF 222.60 FEET;
41. N20°28'12"E, A DISTANCE OF 240.39 FEET;
42. N30°38'19"E, A DISTANCE OF 61.62 FEET;
43. N24°59'03"E, A DISTANCE OF 115.00 FEET;
44. N13°13'20"E, A DISTANCE OF 140.00 FEET;
45. N82°45'32"E, A DISTANCE OF 130.00 FEET;
46. N37°25'06"E, A DISTANCE OF 145.00 FEET;
47. N52°50'09"W, A DISTANCE OF 150.00 FEET;
48. N37°45'39"E, A DISTANCE OF 470.00 FEET;
49. S81°39'48"E, A DISTANCE OF 150.00 FEET;
50. N22°03'27"E, A DISTANCE OF 520.00 FEET;

51. N35°41'01"E, A DISTANCE OF 315.00 FEET;
52. N22°11'16"E, A DISTANCE OF 305.00 FEET;
53. N57°52'06"E, A DISTANCE OF 325.00 FEET;
54. S43°52'31"E, A DISTANCE OF 190.00 FEET;
55. N61°52'03"E, A DISTANCE OF 157.02 FEET TO A POINT ON THE WEST LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 1 AS SHOWN ON SAID "ORDER FOR IMMEDIATE POSSESSION", DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO CASE NUMBER 08-CV-1689 OF RECORD AT RECEPTION NUMBER 2008057654;

THENCE S01°07'38"E ALONG SAID WEST LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 1 A DISTANCE OF 1161.23 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 1;

THENCE N89°15'37"E ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 1034.67 FEET TO A POINT ON "PARCEL 3 REVISED" AS SHOWN ON THE "ORDER FOR IMMEDIATE POSSESSION", DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO CASE NUMBER 08-CV-1689 OF RECORD AT RECEPTION NUMBER 2008057654;

THENCE THE FOLLOWING FORTY-TWO (42) COURSES ALONG THE WESTERLY, SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID "PARCEL 3 REVISED" OF RECORD AT RECEPTION NO. 2008057654;

1. S08°14'06"E, A DISTANCE OF 8.23 FEET;
2. S58°33'35"E, A DISTANCE OF 249.77 FEET;
3. S34°15'30"E, A DISTANCE OF 212.57 FEET;
4. S10°33'16"W, A DISTANCE OF 72.81 FEET;
5. S64°46'21"W, A DISTANCE OF 52.38 FEET;
6. N71°12'30"W, A DISTANCE OF 60.75 FEET;
7. S60°16'11"W, A DISTANCE OF 13.65 FEET;
8. S20°59'07"E, A DISTANCE OF 27.19 FEET;
9. S25°18'29"W, A DISTANCE OF 131.41 FEET;
10. S54°40'50"W, A DISTANCE OF 99.61 FEET;
11. S20°27'19"W, A DISTANCE OF 154.05 FEET;
12. S34°55'08"E, A DISTANCE OF 44.79 FEET;
13. N48°28'08"E, A DISTANCE OF 324.71 FEET;
14. S63°35'16"E, A DISTANCE OF 157.44 FEET;
15. S18°22'50"E, A DISTANCE OF 324.38 FEET;

16. S53°50'19"W, A DISTANCE OF 270.57 FEET;
17. S03°46'27"W, A DISTANCE OF 54.35 FEET;
18. N88°42'25"E, A DISTANCE OF 318.12 FEET;
19. S04°58'23"W, A DISTANCE OF 195.15 FEET;
20. S18°07'17"E, A DISTANCE OF 196.02 FEET;
21. S23°40'10"W, A DISTANCE OF 63.75 FEET;
22. S12°57'56"E, A DISTANCE OF 284.56 FEET;
23. S34°31'45"E, A DISTANCE OF 185.55 FEET;
24. S50°33'04"W, A DISTANCE OF 292.34 FEET;
25. S59°03'06"E, A DISTANCE OF 84.73 FEET;
26. N86°27'51"E, A DISTANCE OF 321.36 FEET;
27. S45°46'02"E, A DISTANCE OF 117.99 FEET;
28. S51°01'02"E, A DISTANCE OF 205.89 FEET;
29. N66°18'35"E, A DISTANCE OF 36.11 FEET;
30. N35°47'25"W, A DISTANCE OF 360.50 FEET;
31. N03°11'24"E, A DISTANCE OF 476.66 FEET;
32. N78°08'52"E, A DISTANCE OF 164.52 FEET;
33. N21°10'36"E, A DISTANCE OF 230.00 FEET;
34. N05°44'33"W, A DISTANCE OF 150.00 FEET;
35. N30°52'07"W, A DISTANCE OF 220.00 FEET;
36. N15°53'23"W, A DISTANCE OF 380.00 FEET;
37. N13°00'17"E, A DISTANCE OF 150.00 FEET;
38. N62°58'34"E, A DISTANCE OF 225.00 FEET;
39. N01°56'09"W, A DISTANCE OF 140.00 FEET;
40. N76°04'17"W, A DISTANCE OF 160.00 FEET;
41. N14°23'15"E, A DISTANCE OF 170.00 FEET;

42. N31°35'48"E, A DISTANCE OF 150.73 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 1;

THENCE N89°15'37"E ALONG SAID NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 295.62 FEET TO THE CENTER ONE-QUARTER CORNER OF SAID SECTION 1;

THENCE N89°15'37"E ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 2324.33 FEET TO A POINT ON THE BOUNDARY LINE OF "EXCHANGE PARCEL 5" AS SHOWN ON THE "ORDER FOR IMMEDIATE POSSESSION", DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO CASE NUMBER 08-CV-1689 OF RECORD AT RECEPTION NUMBER 2008057654;

THENCE THE FOLLOWING SIX (6) COURSES ALONG THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID "EXCHANGE PARCEL 5" OF RECORD AT RECEPTION NO. 2008057654;

1. S08°50'56"W, A DISTANCE OF 54.98 FEET;
2. S16°27'41"E, A DISTANCE OF 275.00 FEET;
3. S34°16'19"W, A DISTANCE OF 180.00 FEET;
4. S01°22'03"E, A DISTANCE OF 340.00 FEET;
5. N84°35'57"E, A DISTANCE OF 165.00 FEET;
6. N34°48'34"E, A DISTANCE OF 271.83 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 1;

THENCE S00°22'38"E ALONG SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 1, A DISTANCE OF 2078.77 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 1;

THENCE S00°20'29"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 2640.72 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 12;

THENCE S00°21'11"E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 2641.03 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 12;

THENCE S00°21'43"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2640.26 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE S00°39'08"E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2641.17 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13;

THENCE S00°12'36"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 2652.51 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 24;

THENCE S00°12'31"E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 2010.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD, RECORDED IN BOOK 1926 AT PAGE 2195 AND A POINT ON A NON-TANGENT CURVE;

THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD, OF RECORD IN BOOK 1926 AT PAGE 2195:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS N54°44'25"W, HAVING A RADIUS OF 1587.00 FEET, A CENTRAL ANGLE OF 20°06'37", A DISTANCE OF 557.02 FEET TO A POINT OF TANGENCY;
2. S55°22'12"W, A DISTANCE OF 1122.70 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25;

THENCE N00°20'10"W ALONG SAID WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25 A DISTANCE OF 383.18 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24;
 THENCE S89°57'35"W ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24, A DISTANCE OF 1322.39 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24;
 THENCE N00°20'59"W ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24, A DISTANCE OF 2652.80 FEET TO THE CENTER ONE-QUARTER CORNER OF SECTION 24;
 THENCE N00°20'59"W ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1312.32 FEET TO THE EAST ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;
 THENCE N89°53'31"W ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1320.59 FEET TO THE CENTER ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;
 THENCE N00°19'49"W ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1316.50 FEET TO THE NORTH ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;
 THENCE N89°42'37"W ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1320.18 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13;
 THENCE N00°05'44"W ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2674.87 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 13;
 THENCE N00°06'11"W ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 593.96 FEET TO A POINT ON THE EASTERLY FACE OF A FENCE LINE ON THE EASTERLY SIDE OF LOT 1, HAPPY CANYON RANCHES, OF RECORD AT RECEPTION 232235, DELINEATING THE OCCUPATION LIMITS OF SAID LOT 1;
 THENCE THE FOLLOWING FIFTY-SEVEN (57) COURSES ALONG SAID OCCUPATION LIMITS OF LOT 1:

1. N09°56'21"E, A DISTANCE OF 10.07 FEET;
2. N02°54'58"E, A DISTANCE OF 33.75 FEET;
3. N02°01'23"E, A DISTANCE OF 30.33 FEET;
4. N00°07'38"E, A DISTANCE OF 33.15 FEET;
5. N00°00'50"E, A DISTANCE OF 33.20 FEET;
6. N00°30'10"W, A DISTANCE OF 44.93 FEET;
7. N00°23'11"W, A DISTANCE OF 26.55 FEET;
8. N00°11'03"W, A DISTANCE OF 37.48 FEET;
9. N00°33'29"W, A DISTANCE OF 41.35 FEET;
10. N01°07'23"W, A DISTANCE OF 25.03 FEET;
11. N00°10'08"W, A DISTANCE OF 28.90 FEET;
12. N00°15'37"W, A DISTANCE OF 31.09 FEET;
13. N01°19'28"E, A DISTANCE OF 45.17 FEET;

14. N01°19'34"E, A DISTANCE OF 35.89 FEET;
15. N00°58'31"W, A DISTANCE OF 38.98 FEET;
16. N00°06'41"W, A DISTANCE OF 20.35 FEET;
17. N00°06'08"E, A DISTANCE OF 46.65 FEET;
18. N00°22'21"W, A DISTANCE OF 39.92 FEET;
19. N00°25'40"E, A DISTANCE OF 37.99 FEET;
20. N00°44'19"W, A DISTANCE OF 52.47 FEET;
21. N06°36'09"E, A DISTANCE OF 19.51 FEET;
22. N02°44'53"E, A DISTANCE OF 37.90 FEET;
23. N08°45'59"W, A DISTANCE OF 20.98 FEET;
24. N07°40'24"W, A DISTANCE OF 11.21 FEET;
25. N03°30'32"W, A DISTANCE OF 20.06 FEET;
26. N02°51'03"E, A DISTANCE OF 22.60 FEET;
27. N02°27'29"W, A DISTANCE OF 38.15 FEET;
28. N00°39'10"W, A DISTANCE OF 31.95 FEET;
29. N00°24'38"E, A DISTANCE OF 42.00 FEET;
30. N00°07'34"W, A DISTANCE OF 28.72 FEET;
31. N00°04'14"W, A DISTANCE OF 41.23 FEET;
32. N01°31'07"W, A DISTANCE OF 86.05 FEET;
33. N02°09'07"W, A DISTANCE OF 14.81 FEET;
34. N00°06'11"W, A DISTANCE OF 193.75 FEET;
35. N05°32'40"E, A DISTANCE OF 41.34 FEET;
36. N01°10'28"E, A DISTANCE OF 21.99 FEET;
37. N00°09'04"E, A DISTANCE OF 33.72 FEET;
38. N00°33'37"E, A DISTANCE OF 31.73 FEET;
39. N01°22'58"W, A DISTANCE OF 25.26 FEET;

40. N01°14'40"W, A DISTANCE OF 28.06 FEET;
41. N00°39'24"E, A DISTANCE OF 36.44 FEET;
42. N03°38'35"W, A DISTANCE OF 35.40 FEET;
43. N00°18'51"W, A DISTANCE OF 30.50 FEET;
44. N00°49'02"E, A DISTANCE OF 44.68 FEET;
45. N00°21'55"E, A DISTANCE OF 30.19 FEET;
46. N01°11'54"W, A DISTANCE OF 44.51 FEET;
47. N01°51'28"E, A DISTANCE OF 29.85 FEET;
48. N00°16'46"E, A DISTANCE OF 45.06 FEET;
49. N00°05'16"E, A DISTANCE OF 45.50 FEET;
50. N01°19'53"W, A DISTANCE OF 29.31 FEET;
51. N00°18'30"W, A DISTANCE OF 29.59 FEET;
52. N00°53'24"W, A DISTANCE OF 44.59 FEET;
53. N00°48'41"W, A DISTANCE OF 29.94 FEET;
54. N00°32'55"W, A DISTANCE OF 44.15 FEET;
55. N00°46'05"W, A DISTANCE OF 45.51 FEET;
56. N00°25'20"W, A DISTANCE OF 32.52 FEET;
57. N79°30'23"W, A DISTANCE OF 0.97 FEET TO THE **POINT OF BEGINNING**,

CONTAINING A CALCULATED GROSS AREA OF 145,746,397 SQUARE FEET OR 3,345.877 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PARCEL OF RECORD IN BOOK 297 AT PAGE 644, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE N43°20'49"E ACROSS THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12 A DISTANCE OF 1,025.17 FEET TO THE POINT OF BEGINNING; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID PARCEL OF RECORD IN BOOK 297 AT PAGE 644:

1. N01°27'51"E A DISTANCE OF 300.00 FEET;
2. S88°41'43"E A DISTANCE OF 300.00 FEET;
3. S01°27'51"W A DISTANCE OF 300.00 FEET;
4. N88°41'43"W A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 90,000 SQUARE FEET OR 2.066 ACRES, MORE OR LESS, **ALSO EXCEPTING THEREFROM** THAT PARCEL OF RECORD IN BOOK 157 AT PAGE 30, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 11;

THENCE N00°14'30"W ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 11 A DISTANCE OF 438.50 FEET;

THENCE LEAVING SAID WEST LINE, S33°31'38"E A DISTANCE OF 525.50 FEET TO THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 11;

THENCE S89°54'53"W ALONG SAID SOUTH LINE A DISTANCE OF 288.40 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 63,231 SQUARE FEET OR 1.452 ACRES, MORE OR LESS.

CALCULATED TOTAL NET AREA FOR THIS LEGAL DESCRIPTION:

145,593.166 SQUARE FEET OR 3,342.359 ACRES, MORE OR LESS.

I, CHARLES BERESFORD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



CHARLES BERESFORD, PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION No. 35583
FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.
8000 S. CHESTER STREET, SUITE 200
CENTENNIAL, COLORADO 80112