

**When recorded return to:**

Davis &amp; Ceriani, P.C.

1600 Stout Street, Suite 1710

Denver, CO 80202

Attention: Edward R. Gorab

**QUITCLAIM DEED**

WITNESSETH, **Ella Masters** (Grantor) for and in consideration of the sum of Ten Dollars (\$10.00), and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have remised, released, sold and QUIT CLAIMED, and by these presents do remise, release, sell and QUIT CLAIM unto **OEO 2, LLC**, a Colorado limited liability company (Grantee) whose address is 7353 S. Alton Way, Suite A-100, Englewood, Colorado 80112 all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Boulder and State of Colorado, to wit:

**EXHIBIT A attached hereto and incorporated herein ("Property");**

Signed this 9<sup>th</sup> day of June, 2021

**Ella Masters**

By: *Kelly Masters*

Attorney-in-fact for Ella Masters

Name: Kelly Masters

STATE OF COLORADO )

COUNTY OF Weld )

) ss.

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of June, 2021, by Kelly Masters, as Attorney-in-fact for Ella Masters.

Witness my hand and official seal.

My Commission Expires: 8/25/2024

*Chandra R Nay*  
Notary Public

CHANDRA R NAY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20004008847  
MY COMMISSION EXPIRES AUGUST 25, 2024

Recording Requested by:

20026237

Ella Masters

By: Joella Opatril  
Attorney-in-fact for Ella Masters  
Name: Joella Opatril

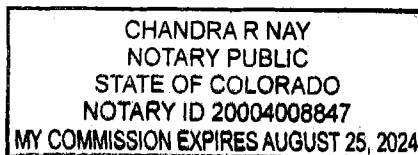
STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF Weld                    )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of June, 2021, by Joella Opatril, as Attorney-in-fact for Ella Masters.

Witness my hand and official seal.

My Commission Expires: 8/25/2024

Chandra R Nay  
Notary Public



**EXHIBIT A**

## Property

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°36'44" W AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF SECTION 36, BEING A FOUND 2.25" ALUMINUM CAP IN RANGE BOX, PLS 28656 PER MON REC DATED 12-2-93.

-SOUTH 1/4 CORNER OF SECTION 36, BEING A FOUND 3.25" ALUMINUM CAP, AS A 75' W.C. RLS 4846 PER MON REC DATED 9-10-08.

**COMMENCING** AT THE SOUTH QUARTER CORNER OF SECTION 36;

THENCE N 00°20'01" W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 75.00' FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 7 (BASELINE ROAD) AND THE **POINT OF BEGINNING**;

THENCE S 89°36'44" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 576.06 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038 THE FOLLOWING TWO (2) COURSES;

1) N 00°11'08" W A DISTANCE OF 1209.44 FEET;

2) S 87°03'19" E A DISTANCE OF 573.88 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3685550, SAID LINE ALSO BEING SAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36;

THENCE S 00°20'01" E ALONG SAID WESTERLY BOUNDARY AND SAID EAST LINE A DISTANCE OF 1176.06 FEET TO THE **POINT OF BEGINNING**.

Along with any and all interest in the railroad right of way which includes the property legally described as follows:

**LAND DESCRIPTION****SHEET 1 OF 4**

BNSF PARCEL 1 REV-2 8.14.17 CHM

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36 BEING N 00°11'12" E AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846.

-SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846.

**POINT OF COMMENCEMENT (POC)** AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36.

THENCE S 51° 42' 02" E A DISTANCE OF 145.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THAT RAILROAD RECORDED AT B149 P470 AND B149 P257 AND THE **POINT OF BEGINNING (POB);**

THENCE ALONG THE EASTERLY, SOUTHERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD RECORDED AT B149 P470 AND B149 P257 THE FOLLOWING THIRTEEN (13) COURSES:

1) S 26°47'28" W A DISTANCE OF 58.55 FEET;

2) ALONG A CURVE TO THE **RIGHT** HAVING A DELTA OF 06°23'50", A RADIUS OF 750.00 FEET, AN ARC LENGTH OF 83.74 FEET, AND WHOSE LONG CHORD BEARS S 89°48'55" W FOR A DISTANCE OF 83.70 FEET;

3) N 86°59'11" W A DISTANCE OF 333.47 FEET;

4) ALONG THE ARC OF A CURVE TO THE **RIGHT** HAVING A DELTA OF 67°02' 57", HAVING A RADIUS OF 725.00 FEET, AN ARC LENGTH OF 848.42 FEET, AND WHOSE LONG CHORD BEARS S 32°03'30" E FOR A DISTANCE OF 800.83 FEET;

5) S 26°13'11" W A DISTANCE OF 154.73 FEET;

6) ALONG THE ARC OF A CURVE TO THE **LEFT** HAVING A DELTA OF 100°28'03", HAVING A RADIUS OF 875.00 FEET, AN ARC LENGTH OF 1183.60 FEET, AND WHOSE LONG CHORD BEARS N 36°45'09" W FOR A DISTANCE OF 1037.69 FEET.

7) N 86°59'11" W A DISTANCE OF 2059.44 FEET.

8) N 00°14'20" W A DISTANCE OF 50.08 FEET;

9) S 86°59'11" E A DISTANCE OF 1195.21 FEET;

10) S 89°49'19" E A DISTANCE OF 126.67 FEET;

11) S 00°20'01" E A DISTANCE OF 6.28 FEET;

**LAND DESCRIPTION****SHEET 2 OF 4**

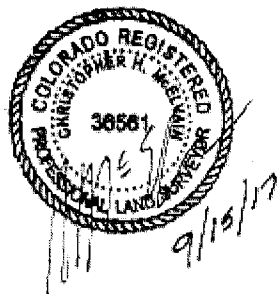
BNSF PARCEL 1 REV-2 9.14.17 CHM

12) S 88°59'11" E A DISTANCE OF 1338.24 FEET;

13) ALONG THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 08°48'25", HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 107.60 FEET, AND WHOSE LONG CHORD BEARS N 88°35'37" E FOR A DISTANCE OF 107.49 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 186,437 SQUARE FEET, OR 4.2800 ACRES MORE OR LESS.

I, CHRISTOPHER H. McELVAIN, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

CHRISTOPHER H. McELVAIN, P.L.S. NO. 36561  
FOR AND ON BEHALF OF KT ENGINEERING, LLC







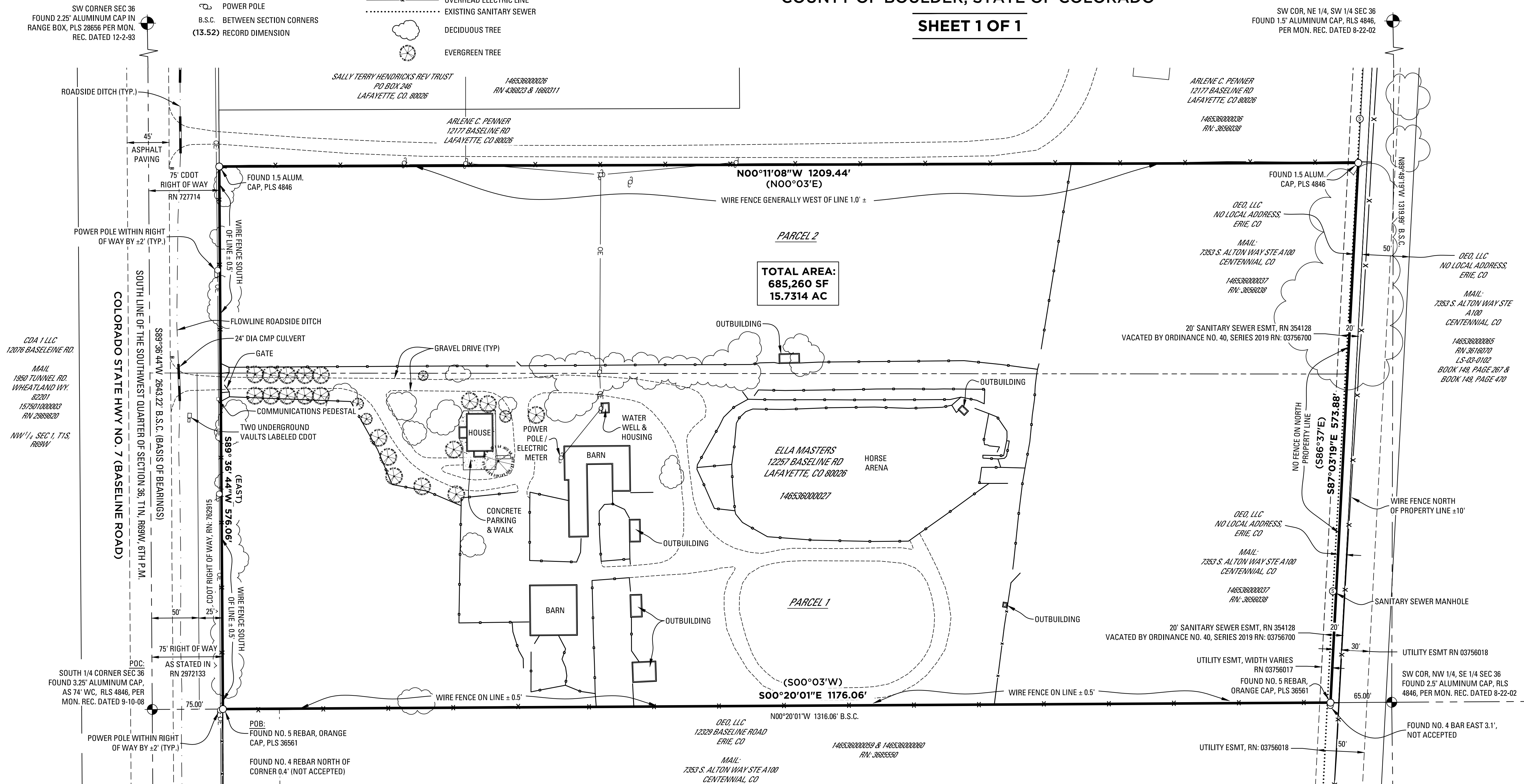
# ALTA / NSPS LAND TITLE SURVEY

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36,  
TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M.,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

## LEGEND:

- |  |  |  |                         |
|--|--|--|-------------------------|
|  | SECTION CORNER   |  | SECTION LINE            |
|  | FOUND PROPERTY PIN AS DESCRIBED                                |  | EASEMENT LINE           |
|  | SET 18" NO. 5 REBAR WITH ORANGE PLASTIC CAP, PLS 36561, KT ENG |  | DITCH FLOWLINE          |
|  | SANITARY SEWER MANHOLE   |  | METAL RAIL FENCE        |
|  | POWER POLE   |  | WIRE FENCE AS DESCRIBED |
|  | B.S.C. BETWEEN SECTION CORNERS                                 |  | OVERHEAD ELECTRIC LINE  |
|  | (13.52) RECORD DIMENSION                                       |  | EXISTING SANITARY SEWER |
|  |  |  | DECIDUOUS TREE          |
|  |  |  | EVERGREEN TREE          |



## PROVIDED DESCRIPTION:

TITLE REPORT NO.: H0637215-023-CN4-CN  
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BOULDER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**  
A TRACT OF LAND BEGINNING AT THE SE CORNER OF THE SW 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., THENCE NORTH 00°03' EAST 50 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 00°03' EAST 1198.68 FEET ALONG THE EAST LINE OF SAID SW 1/4, THENCE NORTH 86°37' WEST 357.84 FEET ON A LINE PARALLEL WITH THE SOUTHERLY LINE OF THE C&B&Q R.R. RIGHT OF WAY, THENCE SOUTH 00°03' WEST 1219.80 FEET, THENCE EAST 357.27 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

**PARCEL 2:**  
THE EAST 219 FEET OF A TRACT OF LAND SITUATED IN THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BOULDER COUNTY COLORADO DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 36, THENCE WEST 357.27 FEET ALONG THE SOUTH LINE OF SAID SOUTH WEST 1/4, THENCE N 00°03' E, 75.0 FEET TO THE TRUE POINT OF BEGINNING ON THE NORTH RIGHT OF WAY LINE OF BASELINE ROAD, THENCE N 00°03' E, 1204.8 FEET PARALLEL TO THE EAST LINE OF SAID SOUTH WEST 1/4, THENCE N 86°37' W, 249.44 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE C.B. AND Q. RAILROAD, THENCE S 00°03' W, 1219.52 FEET PARALLEL TO THE EAST LINE OF THE SOUTH WEST 1/4 OF SAID SECTION 36 TO THE NORTH RIGHT OF WAY LINE OF BASELINE ROAD, THENCE EAST ALONG THE NORTH LINE OF SAID BASELINE ROAD RIGHT OF WAY 249.0 FEET TO THE TRUE POINT OF BEGINNING, LESS THE NORTH 10 FEET OF SAID TRACT, COUNTY OF BOULDER, STATE OF COLORADO.

## REVISED DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°36'44" W AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF SECTION 36, BEING A FOUND 2.25" ALUMINUM CAP IN RANGE BOX, PLS 28656 PER MON REC DATED 12-2-93.

-SOUTH 1/4 CORNER OF SECTION 36, BEING A FOUND 3.25" ALUMINUM CAP, AS A 75' W.C. RLS 4846 PER MON REC DATED 9-10-08.

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 36;

THENCE N 00°20'01" W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 75.00' FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 7 (BASELINE ROAD) AND THE POINT OF BEGINNING;

THENCE S 89°36'44" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 576.06 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038 THE FOLLOWING TWO (2) COURSES;

- N 00°11'08" W A DISTANCE OF 1209.44 FEET;
- S 87°03'19" E A DISTANCE OF 573.88 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3685550, SAID LINE ALSO BEING SAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36;

THENCE S 00°20'01" E ALONG SAID WESTERLY BOUNDARY AND SAID EAST LINE A DISTANCE OF 1176.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 685,260 SQUARE FEET OR 15.7314 ACRES MORE OR LESS.

## NOTES REGARDING THE TITLE COMMITMENT:

NOTES REGARDING THE TITLE COMMITMENT PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY TITLE REPORT NO.: H0637215-023-CN4-CN EFFECTIVE DATE FEBRUARY 23, 2021 AT 8:00 A.M.

- ITEMS 1-8: EXCEPTIONS 1-8 ARE STANDARD EXCEPTIONS
- ITEM 9: RESERVATION OF COAL, OIL GAS AND OTHER MINERALS AS SET FORTH IN QUIT CLAIM DEED RECORDED OCTOBER 28, 1891 IN BOOK 148 AT PAGE 90.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEM 10: RESERVATION OF A ONE-HALF INTEREST IN OIL, GAS AND OTHER MINERALS AS RESERVED IN CORPORATION SPECIAL WARRANTY DEED RECORDED NOVEMBER 4, 1947 IN BOOK 810 AT PAGE 272, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEM 11: RESERVATION OF COAL, OIL GAS AND OTHER MINERALS AS SET FORTH IN HIGHWAY DEED RECORDED MAY 8, 1964 AT RECEPTION NO. 727714. (ADAMS COUNTY RECORDS)  
*ADJOINS PROPERTY ON THE SOUTH SIDE*
- ITEM 12: RESERVATION OF COAL, OIL GAS AND OTHER MINERALS AS SET FORTH IN HIGHWAY DEED RECORDED AUGUST 12, 1964 AT RECEPTION NO. 762915.  
*ADJOINS PROPERTY ON THE SOUTH SIDE*
- ITEM 13: AN EASEMENT FOR SEWER TRANSMISSION MAINS AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF LAFAYETTE, COLORADO, A MUNICIPAL CORPORATION, AS SET FORTH IN AN INSTRUMENT RECORDED AUGUST 15, 1979 AT RECEPTION NOS. 354128, 354129 AND 354130.  
*EASEMENT VACATED PER ORDINANCE BELOW*
- ORDINANCE NO. 40, SERIES 2019 VACATING UTILITY EASEMENTS RECORDED DECEMBER 23, 2019 AT RECEPTION NO. 3756700.  
*AS SHOWN ON NORTHERN SIDE OF PROPERTY*
- ITEM 14: OIL AND GAS LEASE RECORDED FEBRUARY 1, 1982 AT RECEPTION NO. 481868, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
- NOTE: AFFIDAVIT OF LEASE EXTENSION OR PRODUCTION IN CONNECTION THEREWITH RECORDED AUGUST 29, 1983 AT RECEPTION NO. 571674.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*

- ITEMS 15: OIL AND GAS LEASE RECORDED FEBRUARY 3, 1983 AT RECEPTION NO. 531577, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.  
NOTE: AFFIDAVIT OF LEASE EXTENSION OR PRODUCTION IN CONNECTION THEREWITH RECORDED AUGUST 29, 1983 AT RECEPTION NO. 571667.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEMS 16: OIL AND GAS LEASE RECORDED FEBRUARY 3, 1983 AT RECEPTION NO. 531578, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.  
NOTE: AFFIDAVIT OF LEASE EXTENSION OR PRODUCTION IN CONNECTION THEREWITH RECORDED AUGUST 29, 1983 AT RECEPTION NO. 571668.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEMS 17: OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1983 AT RECEPTION NO. 574634, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEMS 18: OIL AND GAS LEASE RECORDED MARCH 20, 1992 AT RECEPTION NO. 01169318, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.  
*AFFECTS PROPERTY, HOWEVER NOTHING TO SHOW*
- ITEMS 19: TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS AND AGREEMENTS AS SET FORTH IN THE UTILITY EASEMENT AND AGREEMENT RECORDED DECEMBER 19, 2019 AT RECEPTION NO. 03756017  
*AS SHOWN ON NORTH SIDE OF PROPERTY*

## NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S CERTIFICATE SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY KT ENGINEERING, LLC TO DETERMINE OWNERSHIP OF THIS TRACT OR TO VERIFY THE DESCRIPTION HEREON, OR THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR EASEMENTS OF RECORD.
- KT ENGINEERING, LLC HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS RECORDED/UNRECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE INSURANCE COMMITMENT MAY DISCLOSE.
- THE LINEAL UNITS USED ON THIS SURVEY ARE U.S. FEET, THE BEARINGS ARE IN DEGREES-MINUTES-SECONDS.
- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW 1/4 OF SECTION 36 BEING S 89°36'44" W (NAD83).
- COMMONWEALTH LAND TITLE INSURANCE COMPANY TITLE REPORT NO.: H0637215-023-CN4-CN WAS RELIED UPON FOR THIS ALTA/NSPS SURVEY.
- DISTANCES ON THIS SURVEY ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A UNITED STATES (U.S.) FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SUCH PERSON OR ENTITY.
- THIS IS AN ABOVE GROUND SURVEY. THE UNDERGROUND UTILITIES SHOWN, IF ANY, ARE BASED ON ABOVE GROUND EVIDENCE AND THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND UNVERIFIED. THERE ARE MOST LIKELY UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY.
- THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- DATE OF FIELD SURVEY - JUNE 1, 2019.

## SURVEYOR'S CERTIFICATE:

TO: OEO 2, LLC, A COLORADO LIMITED LIABILITY COMPANY  
ELLA MASTERS  
HERITAGE TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 4, 7A, 8 AND 13 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON 6/1/19.

DATE OF PLAT OR MAP: 03/12/21



CHRISTOPHER H. McELVAIN  
REGISTERED COLORADO LAND SURVEYOR NO. 36561  
FOR AND ON BEHALF OF KT ENGINEERING, LLC.



**KT ENGINEERING**  
ENGINEERS • SURVEYORS

12500 W. 58th AVE. #230  
ARVADA, CO 80002  
PH: 720.638.5190

DATE: 03.12.2021  
JOB NO: 0043-1913



**Pre-Annexation Agreement**  
**(Parkdale)**

This Pre-Annexation Agreement (the "Agreement") is made and entered into this \_\_\_\_ day \_\_\_\_\_, 2021 (the "Effective Date"), by and between the Town of Erie, a Colorado municipal corporation with an address of P.O. Box 750, Erie, CO 80516 (the "Town"), and OEO 2, LLC, a Colorado limited liability company with a principal place of business at 7353 S. Alton Way, Suite A-100, Centennial, CO 80112 ("Developer") (each a "Party" and collectively the "Parties").

Whereas, Developer has acquired or intends to acquire the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (each a named "Property" as set forth in Exhibit A, and collectively the "Properties");

Whereas, Developer wishes to annex the Properties to the Town and thereafter develop the Properties as part of the Parkdale Development (the "Development"); and

Whereas, the Parties acknowledge and agree that the matters hereinafter set forth are reasonable conditions and requirements to be imposed by the Town in connection with the annexation of the Properties to the Town, and that such matters are necessary to protect, promote and enhance the public health, safety and welfare of the Town.

Now, Therefore, in consideration of the promises and the mutual covenants herein contained, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Ownership of Properties. The Town acknowledges that, as of the Effective Date, Developer does not own all of the Properties. Developer shall use commercially reasonable efforts to acquire the Properties in accordance with this Agreement.
2. Annexation of Properties. The Properties may be annexed in up to 3 phases (each an "Annexation Phase") in accordance with **Exhibit B** attached hereto and incorporated herein by this reference, in the following order and subject to the following limitations:
  - a. Annexation Phase 1 shall include the Masters Property, the Dortch Property and the Kano Property.
  - b. Annexation Phase 2 shall include the Jung Property, the Powell Property and the Schichtel Property.
  - c. The Spiers Property, the Owens Property and the Leiker Property may be annexed in Annexation Phase 2 or in a subsequent Annexation Phase 3.
  - d. The Parties acknowledge that the Zahn Property has already been annexed to the Town.

3. Coal Creek Boulevard. The portion of Coal Creek Boulevard needed to serve the Annexation Phase 1 Properties and connecting to Parkdale Filing No. 1 shall be constructed prior to the issuance of any building permits on any of the Annexation Phase 1 Properties. The remainder of Coal Creek Boulevard shall be constructed prior to the issuance of any building permits on any of the Annexation Phase 2 Properties. All construction of Coal Creek Boulevard shall be in accordance with **Exhibit C**, attached hereto and incorporated herein by this reference.

4. Zoning of Future Development. The Parties acknowledge that Developer will seek to rezone the Properties for residential uses in conformance with the Town's Comprehensive Plan and other applicable regulations. Nothing in this Agreement shall require the Town to approve such rezoning applications or affect the quasi-judicial decision-making authority of the Board of Trustees.

5. Existing Structures. At the time of submission of a final plat including any of the Properties, Developer shall submit to the Town a list of existing structures that will remain on the Properties (the "Retained Structures"). Each of the Retained Structures shall be located on a platted lot, and shall be improved so that it meets all current requirements of the Erie Municipal Code (the "Code"), including without limitation connection to Town utilities when the Code so requires. All other structures and utilities on the Properties shall be demolished and removed in compliance with applicable law, prior to the issuance of any building permit for any new structure on such Properties.

6. Detention Pond. Developer shall, at its sole cost, either: design and construct an off-site detention pond on the 7 North Property; or design and construct an on-site detention pond on one of the Properties. The detention pond shall be designed and constructed in compliance with all applicable law, and shall be constructed prior to issuance of any building permit for any of the Annexation Phase 1 Properties or Phase 2 Properties.

7. Water Line. Prior to the issuance of any building permit for the Development, Developer shall install a 12" water line connection to the existing water system in the Compass Subdivision, in compliance with the Town's Water Master Plan dated August 2020 and all other applicable Town regulations.

8. Additional Right-of-Way. On each final plat for any of the Properties, Developer shall dedicate or convey to the Town all required additional right-of-way to accommodate roadway and intersection improvements to 119<sup>th</sup> Street, Arapahoe Road and State Highway 7 within the Development, as deemed necessary by the Town.

9. Development Agreements. Nothing in this Agreement shall be deemed to supersede any provision of the Filing No. 1 Development Agreement, as amended, the Filing No. 2 Development Agreement, as amended, or any subsequently executed development agreement for any of the Properties. Developer acknowledges that a development agreement will be necessary for each final plat.

10. Breach.

a. *Remedies.* If Developer breaches this Agreement, the Town make take such action as permitted or authorized by law, this Agreement or the ordinances of the Town, as the Town deems necessary to protect the public health, safety and welfare, including without limitation:

- i. The refusal to issue any building permit or certificate of occupancy;
- ii. The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party; and
- iii. Any other remedy availability at law or in equity.

b. *Notice.* Unless necessary to protect the immediate health, safety and welfare of the Town the Town shall provide the Developer with 30 days' written notice of its intent to take action under this Section during which Developer may cure the breach.

c. *Nature of Remedies.* The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

d. *Refusal to Annex.* Notwithstanding anything to the contrary in this Agreement, Developer acknowledges and agrees that the Town is not obligated to annex any of the Properties at any time under any circumstances, and that breach of this Agreement may cause the Town to reject any annexation.

11. Miscellaneous.

a. *Assignment.* This Agreement shall not be assigned by Developer in whole or in part without the prior written authorization of the Town.

b. *Governing Law and Venue.* The laws of the State of Colorado shall govern this Agreement, and the exclusive venue for any legal proceeding arising out of this Agreement shall be in Boulder County, Colorado.

c. *No Third-Party Beneficiaries.* There are no intended third-party beneficiaries to this Agreement.

d. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

e. *Governmental Immunity.* Nothing herein shall be construed as a waiver of any protections or immunities the Town or its employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. §§ 24-1-101, *et seq.*, as amended.

f. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

g. *Notice.* Notices under this Agreement shall be sufficiently given if sent by regular U.S. mail, postage prepaid, to the address on the first page of this Agreement.

h. *Integration.* This Agreement, together with all exhibits attached hereto, constitute the entire understanding and agreement of the Parties, integrates all the terms and conditions mentioned herein or incidental thereto, and supersedes all negotiations or previous arrangements between the Parties with respect to any and all of the subject matter hereof.

i. *Subject to Annual Appropriation.* Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

j. *Force Majeure.* No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake or perform any of the duties under this Agreement due to acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, the authority and orders of government or pandemic.

In witness whereof, the Parties have executed this Agreement as of the Effective Date.

**Town of Erie, Colorado**

\_\_\_\_\_  
Jennifer Carroll, Mayor

Attest:

\_\_\_\_\_  
Heidi Leatherwood, Town Clerk

Developer

By: \_\_\_\_\_

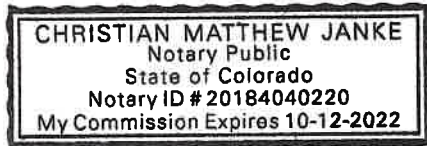
State of Colorado )  
County of Arapahoe ) ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 8<sup>th</sup> day of February, 2021, by Christopher Elliott as the Manager of OEO 2, LLC.

My commission expires: Oct 12, 2022

(Seal)

Notary Public





## **Exhibits List**

**Exhibit A** – Legal Descriptions of Properties

**Exhibit B** – Annexation Phasing Plan

**Exhibit C** – Coal Creek Boulevard Plans

<b>EXHIBIT</b> <b>A</b>
----------------------------

**MASTERS DESCRIPTION:**

6/5/19

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°36'44" W AND MONUMENTED AS FOLLOWS:

-SOUTHWEST CORNER OF SECTION 36, BEING A FOUND 2.25" ALUMINUM CAP IN RANGE BOX, PLS 28656 PER MON REC DATED 12-2-93.

-SOUTH 1/4 CORNER OF SECTION 36, BEING A FOUND 3.25" ALUMINUM CAP, AS A 75' W.C. RLS 4846 PER MON REC DATED 9-10-08.

**COMMENCING** AT THE SOUTH QUARTER CORNER OF SECTION 36;

THENCE N 00°20'01" W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 75.00' FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 7 (BASELINE ROAD) AND THE **POINT OF BEGINNING**;

THENCE S 89°36'44" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 576.06 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038;

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 3656038 THE FOLLOWING TWO (2) COURSES;

1) N 00°11'08" W A DISTANCE OF 1209.44 FEET;

2) S 87°03'19" E A DISTANCE OF 573.88 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 3685550, SAID LINE ALSO BEING SAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36;

THENCE S 00°20'01" E ALONG SAID WESTERLY BOUNDARY AND SAID EAST LINE A DISTANCE OF 1176.06 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 685,260 SQUARE FEET OR 15.7314 ACRES MORE OR LESS.

**DORTCH DESCRIPTION:**

10/22/2019

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36 BEING S 89°56'15" E AND MONUMENTED AS FOLLOWS:

-W 1/16 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

-CENTER 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

**BEGINNING** AT THE CENTER 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

THENCE N 89°56'15" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 36 A DISTANCE OF 1319.94 FEET TO THE W 1/16 CORNER OF SECTION 36 BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846;

THENCE N 00°04'29" E ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 36 A DISTANCE OF 1345.89 FEET TO THE NW 1/16 SECTION 36 BEING A FOUND 2" ALUMINUM CAP, PLS 28273;

THENCE S 89°58'43" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 36 A DISTANCE OF 1332.41 FEET TO THE N 1/16 SECTION 36 BEING A FOUND 2" ALUMINUM CAP, PLS 28273;

THENCE S 00°00'21" E ALONG THE ACCEPTED PRACTICAL EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 36 A DISTANCE OF 1346.59 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 36;

THENCE S 89°00'36" W ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 36 A DISTANCE OF 14.36 FEET TO THE **POINT OF BEGINNING**;

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 1,795,195 SQUARE FEET, OR 41.2120 ACRES MORE OR LESS.

**KANO DESCRIPTION:**

4/17/2020

THE WEST HALF OF TRACT R-7 ON SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 89°00'36" E AND MONUMENTED AS FOLLOWS:

-EAST CENTER 1/16 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

-CENTER 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

**BEGINNING** AT THE NORTH 1/16 CORNER SECTION 36, BEING A FOUND 2" ALUMINUM CAP, PLS 28273,

THENCE ALONG THE BOUNDARY OF SAID WEST HALF OF TRACT R-7 ON SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING FOUR (4) COURSES:

- 1) N 89°57'26" E A DISTANCE OF 330.02 FEET;
- 2) S 00°00'40" W A DISTANCE OF 1341.14 FEET;
- 3) S 89°00'36" W A DISTANCE OF 329.68 FEET;
- 4) N 00°00'21" W A DISTANCE OF 1346.59 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 443,241 SQUARE FEET, OR 10.1754 ACRES MORE OR LESS.

**JUNG DESCRIPTION:**

4/23/2020

TRACT R-6 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 00°00'45" W AND MONUMENTED AS FOLLOWS:

-NORTH 1/16 CORNER OF SECTION 36, BEING A FOUND 2" ALUMINUM CAP, RLS 28273.

-NORTH 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, PLS 28656.

**COMMENCING** AT THE NORTH 1/16 CORNER OF SECTION 36;

THENCE N 89°57'26" E ALONG SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 A DISTANCE OF 1320.10 FEET TO THE NE 1/16 CORNER OF SECTION 36 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE BOUNDARY OF TRACT R-6 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING FIVE (5) COURSES:

1) N 00°01'24" W A DISTANCE OF 660.00 FEET;

2) S 89°50'34" E A DISTANCE OF 659.55 FEET;

3) S 00°02'56" E A DISTANCE OF 659.68 FEET;

4) S 89°59'59" W A DISTANCE OF 659.85 FEET;

5) N 00°18'01" W A DISTANCE OF 1.49 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 435,787 SQUARE FEET, OR 10.0043 ACRES MORE OR LESS.



**POWELL DESCRIPTION:**

11/25/2019

THE EAST HALF OF TRACT R-7 ON SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 89°00'36" E AND MONUMENTED AS FOLLOWS:

-EAST CENTER 1/16 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

-CENTER 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

**COMMENCING** AT THE CENTER 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

THENCE N 89°00'36" E ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 36 A DISTANCE OF 344.04 FEET TO SOUTHWEST CORNER OF THE EAST HALF OF TRACT R-7 ON SURVEY RECORDED AT RECEPTION NO. 807363 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE BOUNDARY OF SAID EAST HALF OF TRACT R-7 ON SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING FOUR (4) COURSES:

- 1) N 00°00'40" E A DISTANCE OF 1341.14 FEET;
- 2) N 89°57'26" E A DISTANCE OF 330.02 FEET;
- 3) S 00°01'27" W A DISTANCE OF 1335.69 FEET;
- 4) S 89°00'36" W A DISTANCE OF 329.77 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 441,502 SQUARE FEET, OR 10.1355 ACRES MORE OR LESS.

**SCHICHTEL DESCRIPTION:**

1/3/18

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36 BEING S 89°56'15" E AND MONUMENTED AS FOLLOWS:

-NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

-CENTER 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

**COMMENCING** AT SAID NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846,

THENCE ALONG THE EAST-WEST CENTERLINE OF SECTION 36 THE FOLLOWING TWO (2) COURSES;

1) S 89°56'15" E A DISTANCE OF 1319.94 FEET TO SAID CENTER 1/4 CORNER OF SECTION 36 TO A POINT BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846;

2) N 89°00'36" E A DISTANCE OF 673.81 FEET TO THE SOUTHWEST CORNER OF TRACT R-8, OF PLAT OF SURVEY BY EUGENE PADON RLS 2065 AND RECORDED AT RECEPTION NO. 807363 (AKA 90807363) SAID POINT ALSO BEING THE **POINT OF BEGINNING**,

THENCE N 00°01'27" E A DISTANCE OF 1335.69 FEET TO THE NORTHWEST CORNER OF SAID TRACT R-8 BEING A FOUND 2" ALUMINUM CAP, UNREADABLE;

THENCE N 89°57'26" E ALONG THE NORTHERLY LINE OF SAID TRACT R-8 A DISTANCE OF 660.05 FEET TO THE NORTHEAST CORNER OF SAID TRACT R-8 BEING A FOUND 2" ALUMINUM CAP, PARTIALLY UNREADABLE, PLS 14083;

THENCE S 00°18'01" E ALONG THE EASTERLY LINE OF SAID TRACT R-8 A DISTANCE OF 1324.66 FEET TO THE SOUTHEAST CORNER OF SAID TRACT R-8, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846;

THENCE S 89°00'36" W ALONG SAID EAST-WEST CENTERLINE OF SECTION 36 A DISTANCE OF 667.65 FEET TO THE **POINT OF BEGINNING**

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 882,982 SQUARE FEET, OR 20.2705 ACRES MORE OR LESS.

**SPIERS DESCRIPTION:**

4/22/20

TRACT R-4 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 00°00'45" W AND MONUMENTED AS FOLLOWS:

-NORTH 1/16 CORNER OF SECTION 36, BEING A FOUND 2" ALUMINUM CAP, RLS 28273.

-NORTH 1/4 CORNER OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP IN RANGE BOX, PLS 28656.

**BEGINNING** AT THE NORTH 1/16 CORNER OF SECTION 36;

THENCE ALONG THE BOUNDARY OF TRACT R-4 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING FOUR (4) COURSES:

- 1) N 00°00'45" W A DISTANCE OF 659.63 FEET;
- 2) N 89°56'07" E A DISTANCE OF 659.86 FEET;
- 3) S 00°01'43" E A DISTANCE OF 659.88 FEET;
- 4) S 89°57'26" W A DISTANCE OF 660.05 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 435,408 SQUARE FEET, OR 9.9956 ACRES MORE OR LESS.

**OWENS DESCRIPTION:**

4/27/20

TRACT R-5 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 89°57'26" E AND MONUMENTED AS FOLLOWS:

-NORTH 1/16 OF SECTION 36, BEING A FOUND 2" ALUMINUM CAP, PLS 28273.

-NORTHEAST 1/16 CORNER OF SECTION 36 BEING A FOUND 2" ALUMINUM CAP, PLS 14083, PARTIALLY ILLEGIBLE.

**BEGINNING** AT THE NORTHEAST 1/16 OF SECTION 36;

THENCE ALONG THE BOUNDARY OF TRACT R-5 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING FOUR (4) COURSES:

- 1) S 89°57'26" W A DISTANCE OF 660.05 FEET;
- 2) N 00°01'43" W A DISTANCE OF 659.88 FEET;
- 3) N 89°56'49" E A DISTANCE OF 660.11 FEET;
- 4) S 00°01'24" E A DISTANCE OF 660.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 435,614 SQUARE FEET, OR 10.0003 ACRES MORE OR LESS.

**LEIKER DESCRIPTION:**

4/27/20

A PORTION OF TRACT R-3 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 AND LOCATED IN THE NORTHEAST 1/4 SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36 BEING N 89°57'26" E AND MONUMENTED AS FOLLOWS:

-NORTH 1/16 OF SECTION 36, BEING A FOUND 2" ALUMINUM CAP, PLS 28273.

-NORTHEAST 1/16 CORNER OF SECTION 36 BEING A FOUND 2" ALUMINUM CAP, PLS 14083, PARTIALLY UNREADABLE.

**COMMENCING** AT THE NORTHEAST 1/16 OF SECTION 36;

THENCE N 00°01'24" W ALONG THE WESTERLY LINE OF TRACT R-6 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 A DISTANCE OF 660.00 FEET TO THE SOUTHWEST CORNER OF TRACT R-3 ON SAID PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 AND **THE POINT OF BEGINNING**;

THENCE N 00°01'24" W ALONG THE WESTERLY BOUNDARY OF SAID TRACT R-3 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 A DISTANCE OF 634.63 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ARAPAHOE ROAD RECORDED AT BOULDER COUNTY COMM. JOURNAL 4, PAGE 569 7-21-1886;

THENCE S 89°57'39" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE DISTANCE OF 659.27 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT R-3 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363;

THENCE ALONG SAID EASTERLY AND SOUTHERLY BOUNDARY OF SAID TRACT R-3 ON PLAT OF SURVEY RECORDED AT RECEPTION NO. 807363 THE FOLLOWING TWO (2) COURSES:

1) S 00°02'56" E A DISTANCE OF 635.99 FEET;

2) N 89°50'34" W A DISTANCE OF 659.55 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 418,928 SQUARE FEET, OR 9.6173 ACRES MORE OR LESS.



# EXHIBIT B

## PARKDALE

### ANNEXATION PHASING PLAN

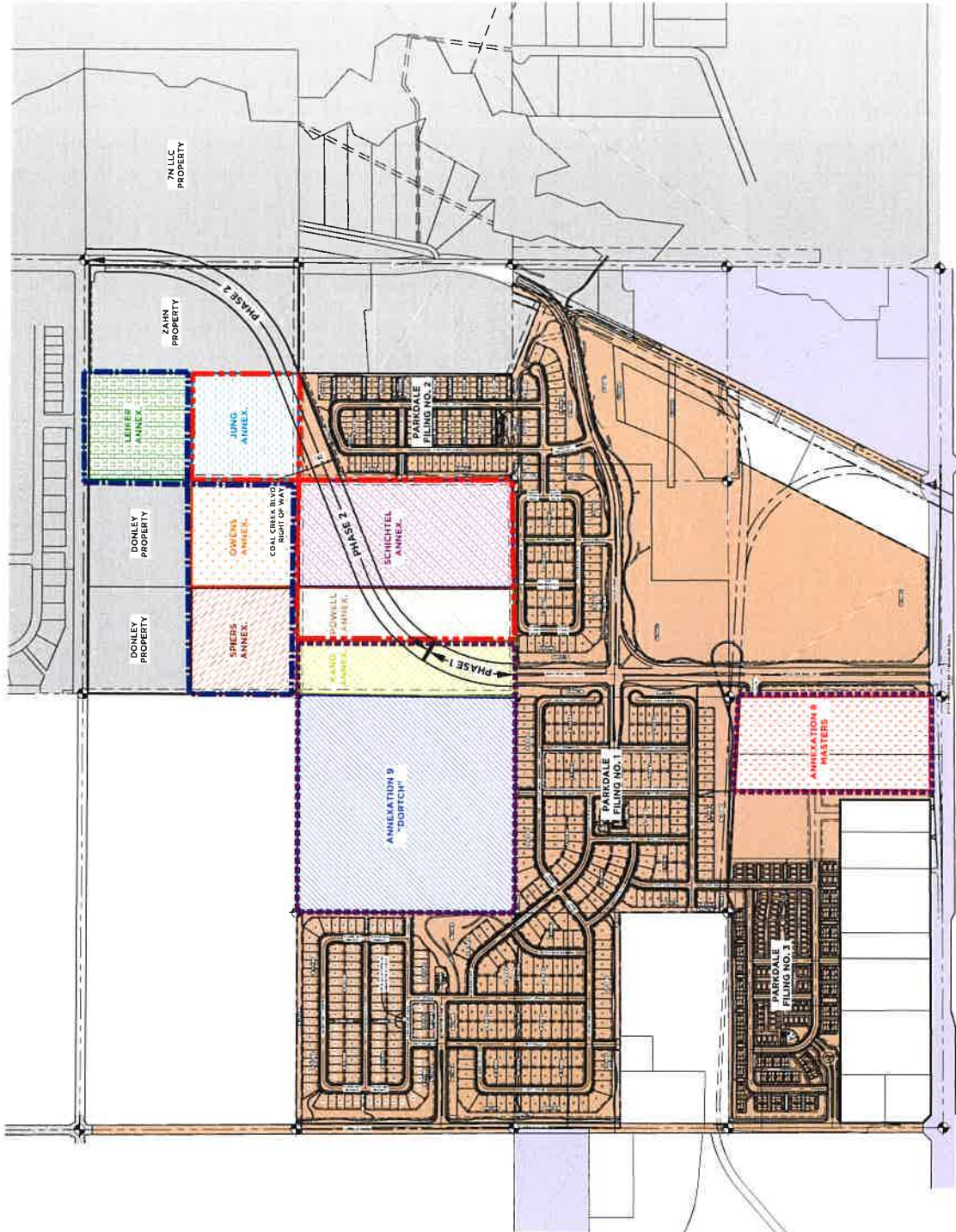
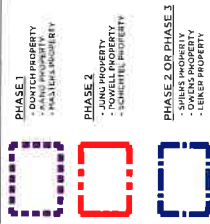
#### COMPLETED ANNEXATIONS



#### FUTURE ANNEXATIONS

- SEE CROSS HATCHING ON MAP

#### FUTURE ANNEXATION PHASING



**KT ENGINEERING**  
 12300 W. 130th AVE #210  
 PARKDALE, CO 80132  
 303.708.8500

02/14/2023

# EXHIBIT C

## PARKDALE

### COAL CREEK BLVD. PHASING PLAN

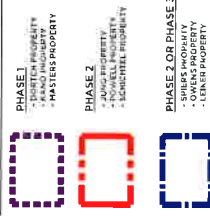
#### COMPLETED ANNEXATIONS



#### FUTURE ANNEXATIONS

- SEE CROSS HATCHING ON MAP

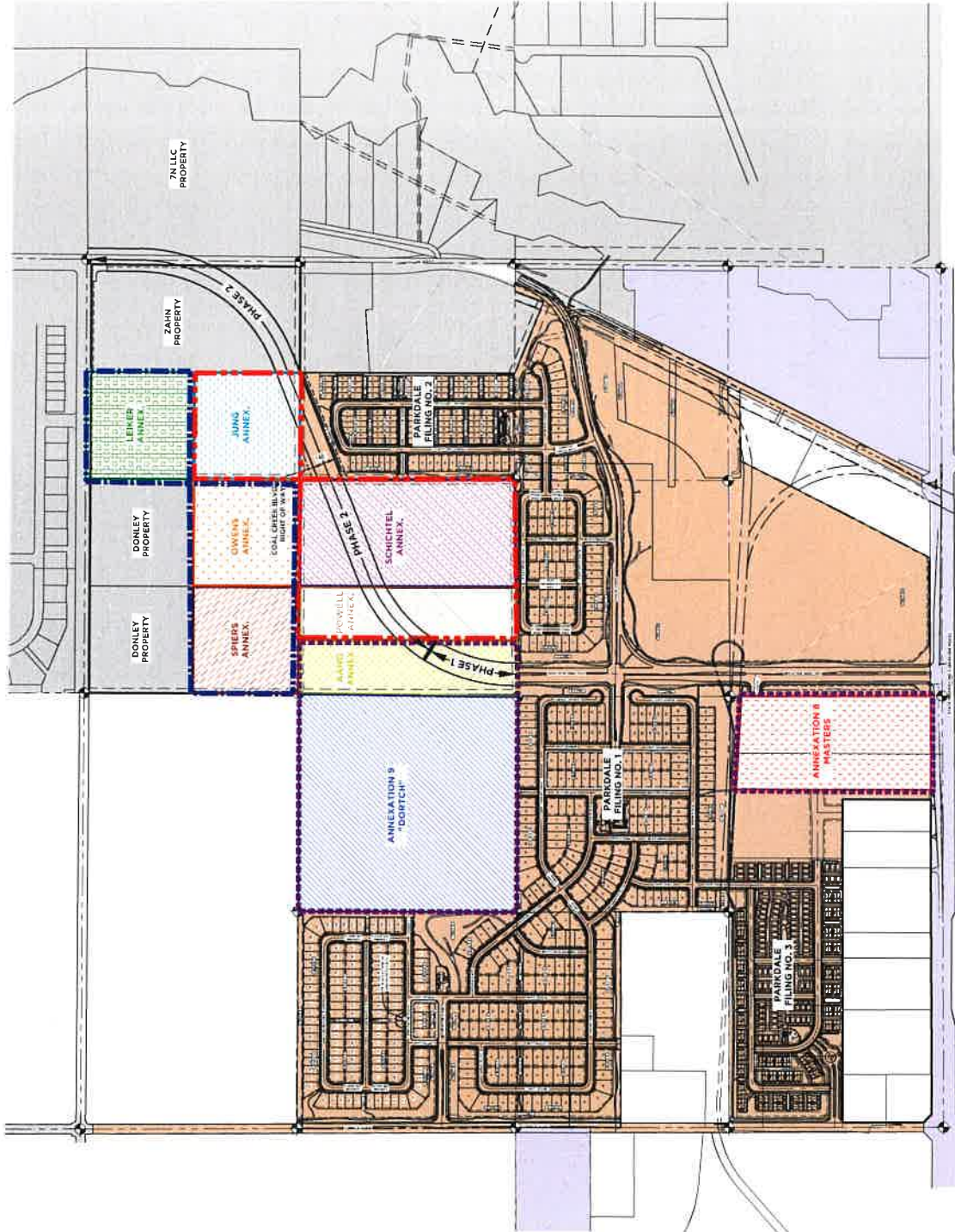
#### FUTURE ANNEXATION PHASING



#### COAL CREEK BLVD. PHASING

COAL CREEK BLVD. PHASE 1  
SHALL BE CONSTRUCTED PRIOR TO ANY ANNEXATION OF PHASE 2 OR PHASE 3 ON ANY OF THE ANNEXATION PHASE 1 PROPERTIES

COAL CREEK BLVD. PHASE 2  
SHALL BE CONSTRUCTED PRIOR TO THE ANNEXATION OF ANY ANNEXATION PHASE 2 PROPERTIES



**KT ENGINEERING**  
 10000 N. 30th Ave. #200  
 Aurora, CO 80016  
 PH: 303.440.8800  
 FX: 303.440.8800

1.27.2021