

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

107 This Pre-Annexation Agreement (the "Agreement") is made and entered into this day March, 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.

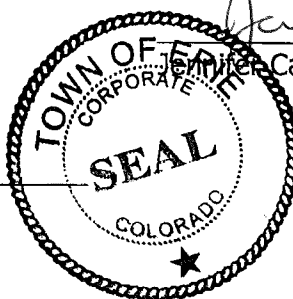
j. *Force Majeure.* No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake or perform any of the duties under this Agreement due to acts of God, floods, storms, 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**

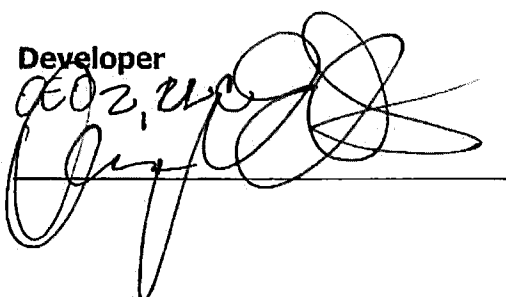
Attest:

Heidi Leatherwood, Town Clerk



Jennifer Carroll, Mayor

Developer

By: 

State of Colorado )

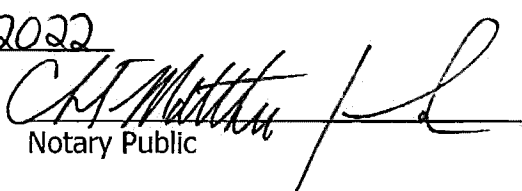
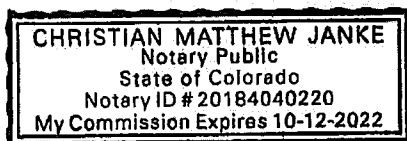
) ss.

County of Arapahoe )

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

|                            |
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| <b>EXHIBIT</b><br><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.

**SCHICTEL 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

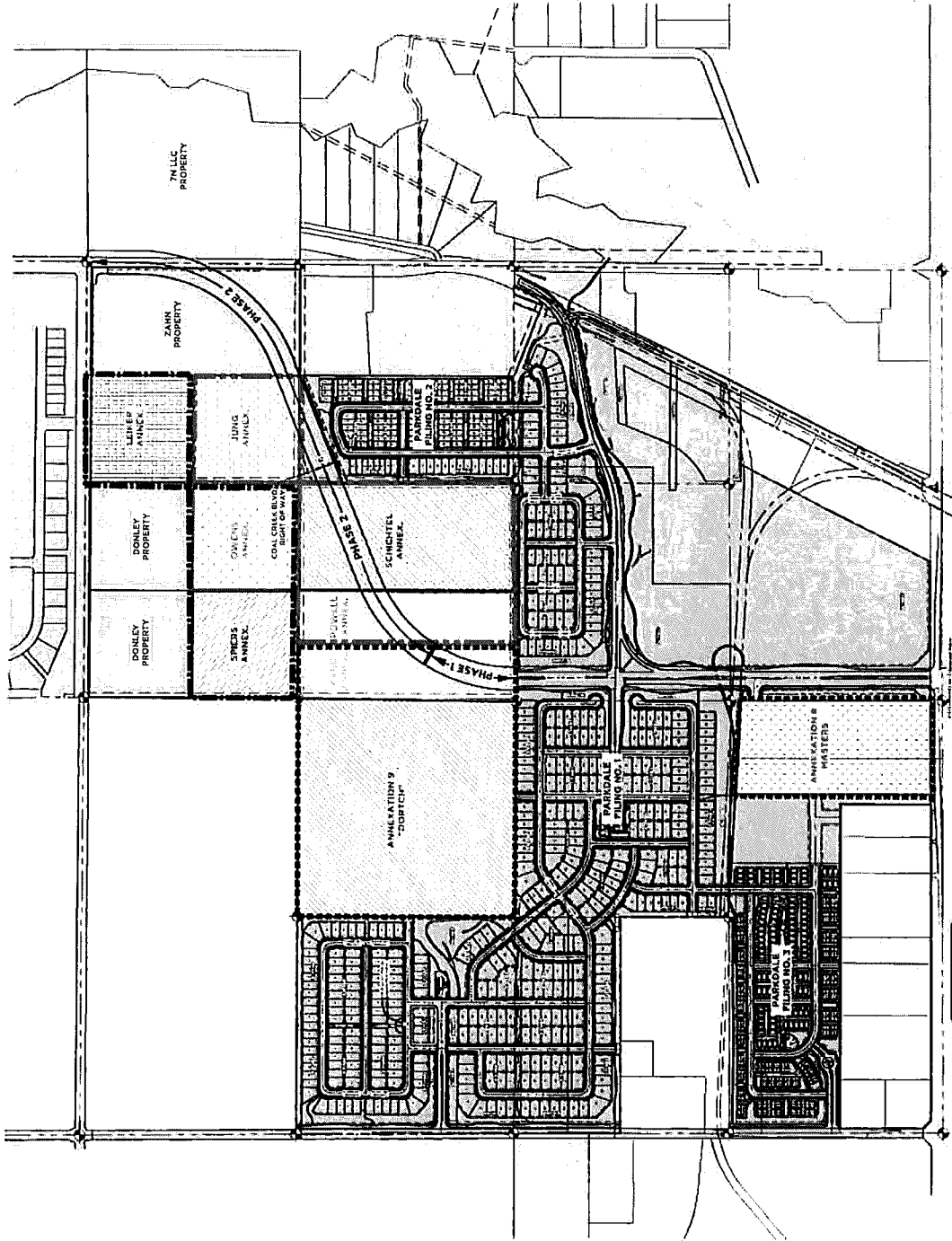
-  EXISTING TOWN OF CNE
-  EXISTING CITY OF LAFAVETTE
-  PREVIOUS PARKDALE ANNEXATIONS

#### FUTURE ANNEXATIONS

- SEE CROSS-HATCHING ON MAP

#### FUTURE ANNEXATION PHASING

-  PHASE 1
  - DOWDY PROPERTY
  - HANCOCK PROPERTY
  - PALLAS PROPERTY
-  PHASE 2
  - JUNG PROPERTY
  - POWELL PROPERTY
  - TOWN OF LAFAVETTE
-  PHASE 2 OR PHASE 3
  - SHAW PROPERTY
  - TOWN OF LAFAVETTE
  - LEROY PROPERTY



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# EXHIBIT C

## PARKDALE COAL CREEK BLVD. PHASING PLAN

### COMPLETED ANNEXATIONS

-  EXISTING TOWN OF CURE
-  EXISTING CITY OF LAKEVIEW
-  PREVIOUS PARKDALE ANNEXATIONS

### FUTURE ANNEXATIONS

- SEE CROSS HATCHING ON MAP

### FUTURE ANNEXATION PHASING

-  PHASE 1
  - DUSTY PROPERTY
  - MASTERS PROPERTY
-  PHASE 2
  - JUNGLE PROPERTY
  - SCHICHEL PROPERTY
  - SCHICHEL PROPERTY
-  PHASE 3 OR PHASE 3
  - SHIPS PROPERTY
  - SHIPS PROPERTY
  - LEVAT PROPERTY

### COAL CREEK BLVD. PHASING

**COAL CREEK BLVD. PHASE 1**  
SHALL BE CONSTRUCTED PRIOR TO PHASING OF ANY OTHER PHASES ON ANY OF THE BUILDING PHASES 1 PHASES.

**COAL CREEK BLVD. PHASE 2**  
SHALL BE CONSTRUCTED PRIOR TO THE PHASING OF ANY BUILDING PHASES 2 PHASES.



KT

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