

May 22, 2025

On Behalf Of:

Johnston Linda Jane Living Trust
Linda Johnston Pendleton
1401 Hickory Drive
Erie, CO 80156
303.903.1402

Re: Letter of Authorization

To: Town of Erie Planning Department
Attn: Chris LaRue
Principal Planner
Town of Erie | Planning & Development
Phone: 720-745-1030 | Fax: 303-926-2706

We the undersigned, hereby authorize PCS Group, Inc., Hurst Civil Engineering, and Cayd Bader of Affinity Holdings, LLC to act on our behalf in all manners relating to processing drawings, reports and collateral related to the multiple applications for proposed land use entitlements for the below property, which is described as:
1401 Hickory Drive, Erie, CO 80156 (+/- 19 acres, situated in Section 32, Township 1 North, Range 68 West of the 6th Principal Meridian, in the Town of Erie, County of Weld, Colorado) including, the signing of documents relating to these matters.

This authorization is valid until further written notice.

Sincerely,

Linda Pendleton owner
Title

State of CO)
County of Weld)ss

The foregoing instrument acknowledged before me this 9 day of June, 2025, by
Linda Pendleton as Johnston Linda Jane Living Trust of Trust

Witness my hand and official seal:

My commission expires: 10/05/2027

TOULY MOUA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234037795
MY COMMISSION EXPIRES OCTOBER 5, 2027

Notary Public [Signature]

pcs group

MAIL
PO Box 18287
Denver, CO 80218

LOCATION
200 Kalamath Street
Denver, CO 80223

CONNECT
(303) 531-4905
www.pcsgroupco.com



LAND USE	AC	SF	%
LOTS	12.62	549,727.00	66.26%
ROW	3.57	155,509.00	18.74%
TRACTS/OPEN SPACE	2.86	124,450.00	15.00%
TOTAL	19.05	829,686.00	100.00%

NUMBER OF UNITS	50
DU / ACRE	2.52



Vista Reserve Conceptual Site Plan

06.18.2025

Development Plan Erie, Colorado



COLORADO CULTURAL RESOURCE SURVEY


LIMITED-RESULTS CULTURAL RESOURCE SURVEY FORM

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This form (#1420) is for small scale limited results projects - block surveys less than 160 acres with linear surveys under four miles. Additionally, there should be no sites and a maximum of four Isolated Finds. This form must be typed.

I. IDENTIFICATION

1. Report Title (include County): A Class III Cultural Resources Inventory of 19 Acres for the Vista Reserve Project, Weld County (WL.LG.NR15)
2. Date of Field Work: May 15, 2025
3. Form completed by: Jesse Adams, M.A., RPA Date: May 16, 2025
4. Survey Organization/Agency: Alpenglow Cultural, LLC
Principal Investigator: Jesse Adams, M.A., RPA

Principal Investigator's Signature:  _____
Other Crew: N/A
Address: 2603 South Pennsylvania Street, Denver, CO
5. Lead Agency / Land Owner: Town of Erie
Contact: Town of Erie Planning & Development – Planning Division
Address: 645 Holbrook Street PO Box 750, Erie, CO 80516
6. Client: CORVUS Environmental Consulting, LLC.
7. Permit Type and Number: State of Colorado Archaeological Permit (84202)
8. Report / Contract Number: WL.LG.NR15
9. Comments: N/A

II. DESCRIPTION OF UNDERTAKING / PROJECT

10. Type of Undertaking: Preliminary plat submittal in support of a proposed residential development (Unified Development Code (UDC) in Title 10 of the Town of Erie Municipal Code, Section 10.7.7).
11. Size of Undertaking (acres): 19 Size of Project (if different) N/A

COLORADO CULTURAL RESOURCE SURVEY

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12. Nature of the Anticipated Disturbance: A proposed residential development will include the use of heavy earth moving machinery which has the potential to cause extensive ground disturbances. The proposed project is an approximately 19-acre residential development in Erie, Colorado. The project would include 50 residential units, three roadways, a pedestrian walkway to Linden Way Park east of the project area, two detention ponds (one in the northwest corner and one in the northeast corner of the project area), and landscape areas throughout. One of the roadways would be an extension of the existing Remuda Place continuing south past the intersection with Single Tree Lane; through the proposed project area terminating in a cul-de-sac. Another proposed roadway is an extension of Peach Place continuing northwest past the intersection with Hickory Drive; through the proposed project area terminating in a cul-de-sac. The third roadway would connect the aforementioned streets in the northern portion of the project area. The proposed project would include stormwater management facilities, sidewalks, and other attendant features typical of a residential development (Appendix A).

13. Comments: N/A

III. PROJECT LOCATION

Please attach a photocopy of USGS Quad. clearly showing the project location. The Quad. should be clearly labeled with the Prime Meridian, Township, Range, Section(s), Quad. map name, size, and date. Please do not reduce or enlarge the photocopy.

14. Description: The area of potential effect (APE or inventory area) is located at 1401 Hickory Drive, Erie, Colorado.

15. Legal Location: Quad. Map: Eries, CO Date(s): 2022

Principal Meridian: 6th X NM Ute

NOTE: Only generalized subdivision ("quarter quarters") within each section is needed

Township: 1 N Range: 68 W Sec.: 32 1/4s SW NW;

Township: 1 N Range: 68 W Sec.: 32 1/4s SE NW;

Township: 1 N Range: 68 W Sec.: 32 1/4s NW NW;

Township: 1 N Range: 68 W Sec.: 32 1/4s NE NW;

If section(s) is irregular, explain alignment method: N/A

LIMITED-RESULTS CULTURAL RESOURCE SURVEY FORM

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16. Total number of acres surveyed: 2017. Comments: N/A

IV. ENVIRONMENT

18. General Topographic Setting: The inventory area is located on a slight hill and west facing slope above a complex series of unnamed drainages, slopes, and subtle, rounded ridgelines above, and to the east of, Coal Creek. The entire landform has been heavily disturbed through various construction projects and intact, native, landforms are no longer present. The inventory area is located within the Flat to Rolling Plains portion of the High Plains ecoregion (Chapman, et. al 2006). Elevations within the inventory area range between 5,180 and 5,130 feet above mean sea level (amsl) with a moderate slope, decreasing from east to west.

Current Land Use: The inventory area is currently used as an active equestrian center consisting of a large residence and barn, several outbuildings, infrastructure (roads, etc.), and numerous fenced areas.

19. Flora: Vegetation consists of heavily manicured grasses and residential landscaping including lawn and ornamental trees.

20. Soils/Geology: The regional geology typically consists of Quaternary loess, alluvial deposits, and thin residuum, while the inventory area itself generally consists of deeply deposited, but highly disturbed, alluvial deposited clay loam associated with the surrounding unnamed drainages.

21. Ground Visibility: Vegetative cover resulted in moderate surface visibility with ground surface visibility averaging 75 percent.

22. Comments: N/A

V. LITERATURE REVIEW

23. Location of File Search: Requested through Colorado Office of Archaeology and Historic Preservation (OAHP; File Search No.: 26943); General Land Office (GLO) Plats; historic US Geologic Survey (USGS) topographic quad maps; and historic aerial photographs. The

COLORADO CULTURAL RESOURCE SURVEY

LIMITED-RESULTS CULTURAL RESOURCE SURVEY FORM

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OAHP file search included the proposed APE and a surrounding one-half-mile buffer (literature search area). Date: May 6, 2025.

24. Previous Survey Activity - In the project area: File Search No.: 26943 identified two inventories (MC.CPO.R27: Survey Report, Weld County, Colorado Farm and Ranch Inventory, Weld and Broomfield Counties; and WL.R.R26: A Class III Cultural Resource Inventory of the Vista Ridge Project, Weld County, Co) previously having been conducted within the literature search area. These inventories covered the entire inventory area; however, MC.CPO.R27 was a reconnaissance level effort and WL.R.R26 was conducted over 25 years ago, therefore, a new inventory was necessary.

In the general region: The file search identified the same two previous inventories having been conducted within the file search area but outside of the current APE.

25. Known Cultural Resources - In the project area: File Search No.: 26943 identified no previously recorded cultural resources within the current inventory area.

In the general region (summarize): No cultural resources have been documented within the literature search area.

No historic resources are depicted within the inventory area on the available 1864 and 1863 GLOs. Further, no historic resources are depicted within the inventory area on the available 1:24,000 USGS Erie, COLO. topographic quads (1950, 1951, and 1967) for the inventory area.

Historic aerial images (1948, 1949, 1955, 1956, 1963, 1964, 1966, 1969, and 1971) were also reviewed for potential historic resources within the inventory area (NETROnline 2025). Aerial images from 1948 and 1949 depict the entire inventory area as undisturbed rolling prairie with a complex series of drainages and arroyos to the west. The 1955 and 1956 aerial images indicate that the western portion of the inventory area was converted to plowed farmland, while the images from 1955, 1956, 1963, 1964, 1966, 1969, and 1971 indicate that the entire area has been plowed as farmland. No potentially historic resources are identifiable.

COLORADO CULTURAL RESOURCE SURVEY

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The Weld County Assessors website (Parcel No: 146732202016) was reviewed for potential historic buildings within the inventory area (Weld County Assessor's Office 2025). No historic buildings/built environment sites were identified through the literature search. We anticipated that the current inventory results would be consistent with previous surveys and that the numbers of previously unidentified/new cultural resources would be low to nonexistent.

VI. STATEMENT OF OBJECTIVES

27. The inventory area is currently being proposed for residential development. The developer is providing the Town of Erie, Planning & Development – Planning Division with a Preliminary Plat, therefore, under the Town of Erie UDC (Title 10 of the Town of Erie Municipal Code, Section 10-7-7), the development qualifies as an undertaking, and a cultural resources inventory for cultural resources was requested. We systematically surveyed the inventory area using pedestrian transects to identify cultural resources.

VII. FIELD METHODS

28. Definitions: **Site** A site was defined as the locus of previous human activity at which the preponderance of evidence suggests repeated and patterned use over time, or multiple classes of activities.

IF An isolated find (IF) was defined as one or more culturally modified and transportable objects representing a single activity and not found in the context of a site.

29. Describe Survey Method: Jesse Adams served as Principal Investigator and Field Director (State of Colorado Archaeological Permit No.: 84202). The inventory area was uploaded to handheld Cedar CT8X2 tablet unit set to datum and projection UTM Zone 13N NAD-83. The APE was uploaded to the GPS unit as background shapefiles to allow for an accurate determination of the APE while in the field. Hard-copy and digital topographic maps were used as backup.

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Adams conducted the inventory using systematic parallel pedestrian transects spaced no more than 15 meters apart across the APE. Transect lines were maintained by following an uploaded GPS shapefile of the APE. As needed, intuitive inventory was conducted (transect lines deviate from the parallel layout) to examine exposed subsurface profiles (shallow drainage cuts, rodent burrows, back-dirt piles, etc.) for evidence of buried cultural materials. The inventory was conducted when lighting and weather conditions permitted adequate ground surface visibility.

VIII. RESULTS

30. List IFs if applicable. Indicate IF locations on the map completed for Part III.

- A. Smithsonian Number: N/A Description: N/A.
- B. Smithsonian Number: N/A Description: N/A.
- C. Smithsonian Number: N/A Description: N/A.

31. Using your professional knowledge of the region, why are there none or very limited cultural remains in the project area? Is there subsurface potential?

The entire inventory area has been heavily disturbed, including construction of a large residence, barn, associated outbuildings, infrastructure, and fenced horse pastures/pens. Therefore, it was expected that the identification of any cultural resources was unlikely. Additionally, previous inventories did not identify any cultural resources within, or surrounding, the current inventory area. Further, because of the highly disturbed nature of the inventory area, intact, buried, cultural resources are not likely.

COLORADO CULTURAL RESOURCE SURVEY

LIMITED-RESULTS CULTURAL RESOURCE SURVEY FORM

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References:

NETROnline

2025 Historic Aerials. Electronic document, <https://www.historicaerials.com/viewer>, Accessed May 7, 2025.

United State Geologic Survey

1950 Erie, COLO. 1:24,000 Topographic Quadrangle. U.S. Geological Survey, Reston, Virginia.

1951 Erie, COLO. 1:24,000 Topographic Quadrangle. U.S. Geological Survey, Reston, Virginia.

1967 Erie, COLO. 1:24,000 Topographic Quadrangle. U.S. Geological Survey, Reston, Virginia.

Weld County Assessor's Office

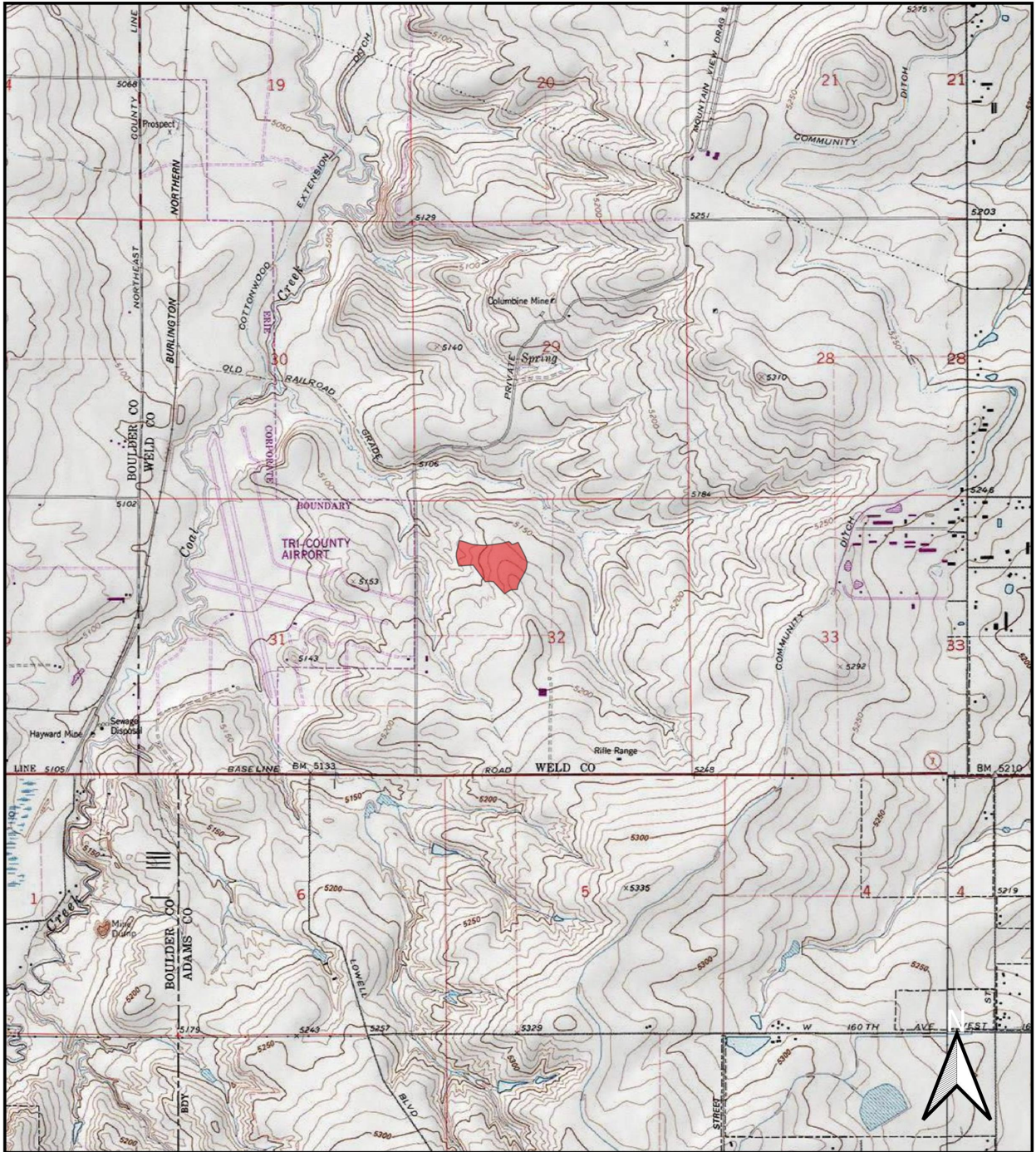
2025 Property Search. Electronic document, <https://propertyreport.weld.gov/?account=R8971253>, Accessed May 7, 2025.

History Colorado- Office of Archaeology and Historic Preservation
COLORADO CULTURAL RESOURCE SURVEY
LIMITED-RESULTS CULTURAL RESOURCE SURVEY FORM

OAHP 1420
Revised 7/2019

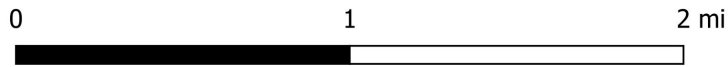
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Topographic Map



Map Key

 Inventory Area



1:24,000

Map Projection: NAD 1983, UTM Zone 13 North
Source: USGS Quadrangle(s): Erie, CO (1986)



Photographs



Photo Number: 669

Description:
Project
Overview:
western horse
pasture areas.

View: W



Photo Number: 671

Description: Project
Overview, barn,
pasture areas, and
infrastructure.

View: E



Photo Number: 672
Description: Project Overview: southern pasture area.
View: WSW



Photo Number: 670
Description: Project Overview: Residence and central pasture area.
View: E

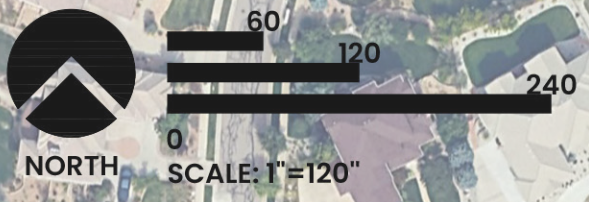
Appendix A: Vista Reserve Illustrative Site Plan

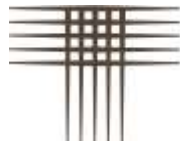


Detention Pond
 50' x 100' Oil and Gas Easement

Detention Pond
 Connection to Linden Way Park

LOT TYPE COUNT
 7 = 70'x70' BUILDING ENVELOPE
 22 = 60'x70' BUILDING ENVELOPE
 21 = 60'x70' BUILDING ENVELOPE
 50 TOTAL LOTS
 BUILDING SETBACK LINES
 FRONT & BACK YARD = 20 FT
 SIDE YARD = 5 FT





CTL|THOMPSON

Founded in 1971

PRELIMINARY GEOTECHNICAL INVESTIGATION

**19-ACRE VISTA RIDGE SITE – 1401 HICKORY DRIVE
“VISTA RESERVE”
50 SINGLE-FAMILY LOTS*
ERIE, COLORADO**

*Lots 1-2, Block 1; Lots 1-7, Block 2; Lots 1-14, Block 3; Lots 1-9, Block 4 and Lots 1-18, Block 5

Prepared for:

AFFINITY AT VISTA LLC
13330 Red Deer Trail
Broomfield, Colorado 80020

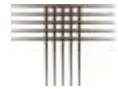
Attention:

Cayd Bader, CEO

Project No. DN52,605.000-115-R1

September 10, 2025

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FIG. 1 – LOCATIONS OF EXPLORATORY BORINGS

FIG. 2 – DEPTH AND ELEVATION OF BEDROCK

FIG. 3 – ESTIMATED RISK DUE TO HEAVE OF EXPANSIVE SOIL AND BEDROCK

FIG. 4 AND 5 – CONCEPTUAL SUB-EXCAVATION PROFILES

FIG. 6 – TYPICAL SEWER UNDERDRAIN DETAIL

FIG. 7 – TYPICAL UNDERDRAIN CUTOFF WALL DETAIL

FIG. 8 – CONCEPTUAL UNDERDRAIN PROFILE

FIG. 9 – POND LINER SYSTEM AND ANCHOR TRENCH DETAIL

APPENDIX A – SUMMARY LOGS OF EXPLORATORY BORINGS

APPENDIX B – LABORATORY TEST RESULTS AND TABLE B-I

APPENDIX C – GUIDELINE SITE GRADING SPECIFICATIONS

APPENDIX D – GUIDELINE SUB-EXCAVATION SPECIFICATIONS



SCOPE

This report presents the results of our Preliminary Geotechnical Investigation for the approximate 19-acre Vista Reserve site located at 1401 Hickory Drive in Erie, Colorado (Fig. 1). The site is being considered for residential development and construction of about 50 single-family residences and associated infrastructure and improvements. The purpose of our investigation was to evaluate site geology and subsurface conditions to assist in planning of residential site development and construction. The scope was described in Service Agreement No. DN 25-0172R dated April 8, 2025. Our scope did not include a Phase I Environmental Site Assessment to identify potential environmental hazards.

This report was prepared based on our understanding of the planned construction, subsurface conditions disclosed by exploratory drilling and sampling, results of field and laboratory tests, engineering analysis, and our experience. It contains descriptions of the subsurface conditions and bedrock/groundwater levels found in the borings, and preliminary discussions of site development, foundations, floor systems, pavements, and drainage. The discussions presented in the report are intended for planning purposes only. Additional site-specific investigations will be required to design residence and structure foundations, floor systems and pavements. A summary of our conclusions and recommendations follows, with more detailed discussions in the report.

SUMMARY

1. The site is judged suitable for residential development. The primary geotechnical concern is the presence of highly expansive soil and bedrock. We believe this concern can be mitigated with proper planning, engineering, design and construction. We believe there are no geotechnical constraints that would preclude development. Vista Ridge is known as a high-risk site from a soil movement standpoint with a documented history of distress. It is critical that the recommendations in this report are followed. You must accept the risks associated with developing this site.
2. Strata found in exploratory borings consisted of about 3 to 8 feet of sandy clay underlain by weathered and comparatively unweathered claystone, bedrock, with relatively thin layers of sandstone/siltstone, and scattered carbonaceous/lignitic particles. Estimated bedrock depths and elevations are presented on Fig. 2. Testing indicates the clay and claystone are highly expansive, with over 80 percent of the samples tested swelling more than 2 percent when wetted under approximate post-grading overburden pressures.



3. Groundwater was measured in one boring after drilling at a depth of about 28.5 feet below the existing ground surface, which is typical for Vista Ridge away from drainages and water features. Groundwater is not expected to affect the proposed construction as currently planned. Shallow claystone can function as a conveyor of water if upstream sources exist or are created. Groundwater levels may fluctuate seasonally and rise in response to development, precipitation, landscape and golf course irrigation, and changes in land-use.
4. Expansive soils and bedrock are present at depths likely to influence shallow foundations, flatwork, and pavements. We estimate total potential ground heave may range from about 2 to 14 inches with normal post-construction wetting. The site has predominantly high risk of damage due to expansive soil and bedrock (Fig. 3). To reduce potential heave to levels typically acceptable for residential construction, and provide more uniform support conditions, we recommend performing sub-excavation to a depth of at least 12 feet below the basement foundations. Sub-excavation should extend at least 5 feet laterally outside of foundations at the toe (Figs. 4 and 5).
5. We believe most of the soil and bedrock penetrated by our exploratory borings can be excavated with typical heavy-duty equipment. Hard to very hard and poorly cemented bedrock were found within expected sub-excavation cuts, and may require additional effort for efficient removal. Hard rock excavation techniques typically include combinations of heavy ripping, pneumatic hammers, rock saws and/or controlled blasting. Heavy ripping and slower than normal excavating should be anticipated in the areas of TH-5 and TH-8, and possibly other areas of the site.
6. Pavement subgrade will likely consist of highly expansive clay or claystone, or fill derived thereof. Clayey materials have poor pavement support characteristics. Mitigation of expansive subgrade consisting of sub-excavation is recommended to a depth of at least 5 feet. You may consider cement or other stabilization of the upper 12 inches to enhance support. We anticipate local streets will need a minimum composite section of 5 or 5.5 inches of asphalt over 8 inches of base course. Sections may need to be constructed over stabilized subgrade; additional mitigation such as cement or fly ash treatment, or the provision of an extra 12-inches of base course, is probable at this site, even after sub-excavation. Lime is likely not an option because of the presence of high sulfates. A subgrade investigation and pavement design should be performed after grading, utility installation, and sub-excavation are complete.
7. Perimeter drains are recommended around all basement areas. These individual residence drains should outlet into the appropriate storm sewer outfall, under-drain (if used), or to sumps where water can be removed by pumping. We recommend all sump pump and downspout extensions outlet at least 5 feet away from foundations, or more if practical.
8. Retaining walls appear to be possible along the southwest side of the development, above the Filing No. 11 lots. Foundations constructed within the influence zone of these retaining walls will have risk of settlement and distress. The only way to avoid this risk is to construct foundations below or outside of the influence



zone. If the retaining walls experience lateral or vertical deflections, the soils behind them may relax to follow, resulting in settlement distress to the residences along Block 5. This should be considered.

9. Control of surface drainage will be critical to the performance of foundations, slabs-on-grade, and pavements. Overall surface drainage should be designed to provide rapid run-off of surface water away from residences and off pavements and flatwork. Water should not be allowed to pond near the crests of slopes, near structures or on pavements and flatwork. Conservative irrigation practices should be used to reduce the risk of excessive subsurface wetting. Consideration should be given to lining detention ponds to avoid creating water-related issues for downstream residences to the northwest and northeast, or this risk should be considered if foregone.

SITE CONDITIONS

The approximate 19-acre Vista Reserve site is located at 1401 Hickory Drive within Vista Ridge Subdivision in Erie, Colorado (Fig. 1 and Photo 1). The site is bordered by Single Tree Lane to the north, Hickory Drive to the east, Filing No. 11 existing single-family residences to the south, and Vista Parkway to the west. The site is surrounded by single-family development and the Colorado National Golf Club course. Three water hazard pond features are present about ¼- to ½-mile northeast, east and southeast. Coal Creek is over 1-mile to the west, and tributaries are about ¼-mile west and northeast.

The site is currently a farmstead used for agricultural and livestock purposes. A one-story residence with a basement is present in the southeast-central part of the site. According to the Weld County Assessor, the structure was built in 1995 and has a footprint of about 3,000 square feet. A relatively large barn/equipment building with 7,500 square feet is present in the north-central part, and a small shed is present at the northeast end. The residence and barn are served by a paved asphalt driveway, and dirt drives are present in other locations. The improvements are surrounded by fencing and livestock pens. An oil/gas facility is present at the northwest corner. The ground surface slopes gently to the northwest with overall relief of about 45 feet, and the site is located toward the end of a ridge between the two tributaries, with a local topographic high-point to the southeast. Ground cover consists primarily of grasses and weeds where the surface is not covered or has vehicle and livestock paths. Fences surround various sections of the smaller sub-parcels used to contain livestock.



As part of our investigation, we reviewed historical Google Earth© photographs dating back to 1993. In 1993, the parcel appeared vacant and unused, with a drainage present on the west side of the site. In 1999, the residence and barn are present with a dirt road apparent from the northwest. Sub-excavation and site grading activities are taking place of the surrounding areas by 2002; the golf course is present and the drainage is no longer visible on the west. A paved asphalt driveway appears from Hickory Drive in November 2003. The site has remained generally unchanged since 2003, as the surrounding development was built.



Photo 1: Google Earth Aerial Photograph, March 2025

PROPOSED CONSTRUCTION

Plans prepared by Hurst & Associates, Inc. dated March 12, 2025 indicate the site is being considered for development of 50 single-family residences served by paved roadways, buried utilities and two detention ponds at the northwest and northeast corners. We anticipate the residences will be one or two-story, wood-framed structures with basements and attached multi-car garages. Relatively light foundation loads are expected. Grading plans indicate cuts of up to 12 feet and fills of up to 14 feet are proposed to establish overlot grades. Most of the cut



grading will occur in the east and north portions of the site, with fill grading predominant in the central and southwest portions. The project is planned for approximately 57,645 cubic yards of cut grading and 44,591 cubic yards of fill, resulting in a net 13,055 cubic yards of export (no adjustment).

GEOLOGY

According to the 1977 Preliminary Geologic Map of the Erie Quadrangle, Weld, and Adams Counties, Colorado (Colton, R.B., and Anderson, L.W., U.S. Geological Survey, Miscellaneous Field Studies Map, MF-882), indicates the strata consists of wind-blown loess of the Pleistocene, which mantels pre-Broadway alluvium units underlain by claystone bedrock and scattered lenses of sandstone bedrock and lignite of the Laramie Formation from the Upper Cretaceous. We also reviewed 2003 mapping “A spatial database of bedding attitudes to accompany geologic map of Boulder - Fort Collins, Greeley area, Colorado” (Brandt, T.R., Moore, D.W., Murray, K.E., and Colton, R.B., USGS Open-File Report OF-2003-24), and the 2009 “Geologic map of the Estes Park 30' x 60' quadrangle, north-central Colorado” (Cole, J.C., and Braddock, W.A., USGS Map SIM-3039) which indicated the same. The soils and bedrock encountered in our borings are consistent with the mapping. The mapping also indicates that a concealed fault line is to the south of the subject site.

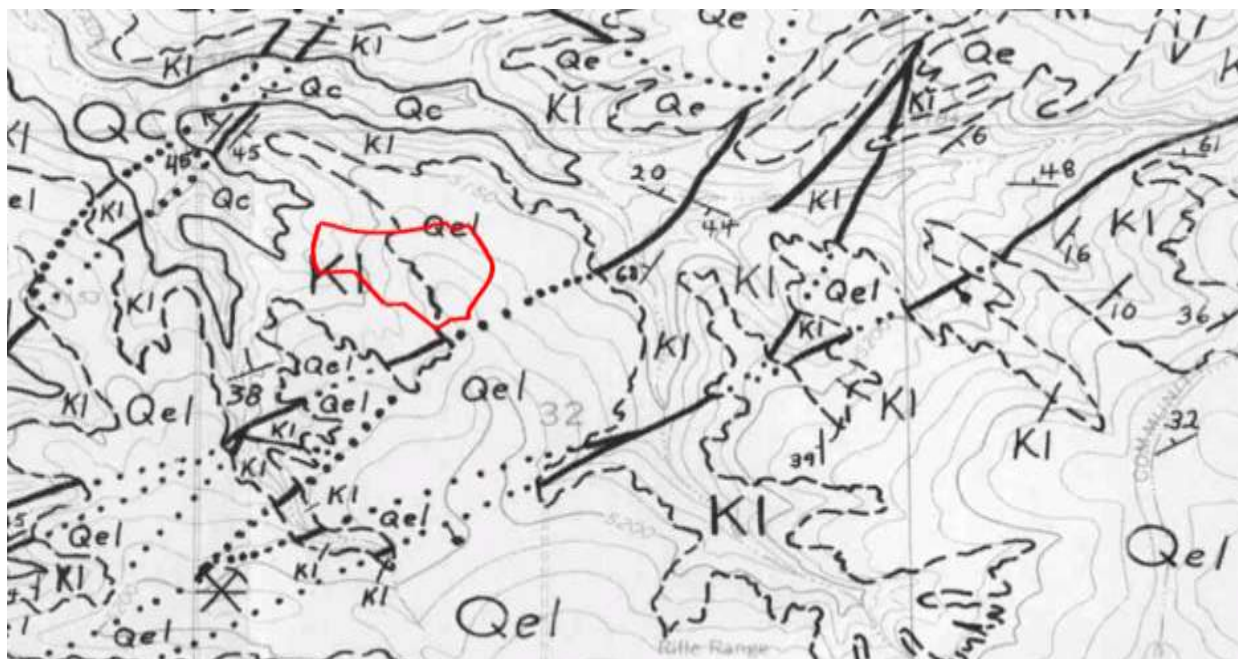


Photo 2 – Snippet of Map MF-882 (Colton, R.B., and Anderson, L.W., 1977); Subject Site is Outlined in Red



Review of the Subsidence Hazard Map of the Boulder-Weld Coal Fields, by CGS (Map No. 7361-6, by Amuedo and Ivey, dated 1974) indicates there is a hazard area boundary at the south edge of the site. There is potential that the south edge could be underlain by an abandoned coal mine, that is judged to pose low risk of subsidence-related damage. The only restrictions placed on land use would be the requirement for adequate structural design of any structures planned for this area. We should be contacted if mine subsidence is believed to be a hazard; the Town of Erie should assist this evaluation.

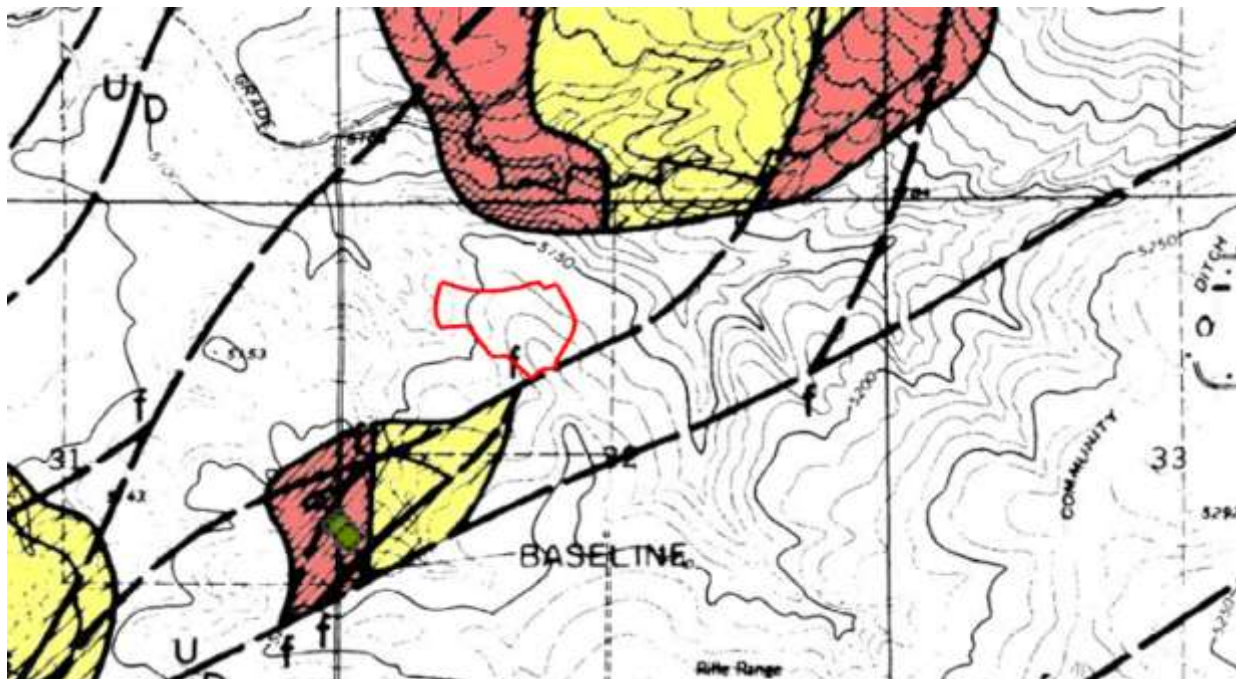


Photo 3 – Snippet of Subsidence hazard Map of the Boulder-Weld Coal Fields, by CGS, 1974; Subject Site is Outlined in Red

INVESTIGATION

We investigated subsurface conditions on June 23, 2025 by drilling and sampling 8 widely-spaced exploratory borings at the approximate locations shown on Fig. 1. The boring locations and elevations were estimated using a Leica GS18 GPS unit referencing the North American Datum of 1983 (NAD83). Prior to drilling, we contacted the Utility Notification Center of Colorado and local sewer and water districts to mark the locations of buried utilities. The borings were drilled to depths of 25 to 35 feet using 4-inch diameter, continuous-flight, solid-stem auger and truck-mounted drill rigs.



Samples of the soil and bedrock were obtained at approximate 5-foot intervals using a 2.5-inch diameter (O.D.) modified California barrel sampler driven by blows of a 140-pound hammer falling 30 inches. Our field representatives were present to observe drilling, log the strata encountered, obtain samples, and insert hand-slotted PVC pipe in three of the test holes to facilitate delayed groundwater level checks. The property owner required us to backfill five of the test holes due to concerns for her livestock. Summary logs of the exploratory borings, with results of field penetration resistance tests and a portion of the laboratory test data, are presented in Appendix A.

Samples were returned to our laboratory where they were examined, classified, and assigned testing. Laboratory tests included dry density, moisture content, percent silt and clay-sized particles (passing the No. 200 sieve), Atterberg limits, swell-consolidation, and water-soluble sulfate concentration. Swell-consolidation tests were performed by wetting the samples under approximate post-grading overburden pressures (the pressure exerted by the overlying materials after overlot grading is completed based on current grading plans). Load-back analysis was performed on select samples to estimate swelling pressures. Results of laboratory tests are presented in Appendix B and summarized in Table B-I.

SUBSURFACE CONDITIONS

Strata encountered in the exploratory borings consisted of about 3 to 8 feet of sandy clay underlain by weathered and comparatively unweathered claystone bedrock, with layers of interbedded sandstone/siltstone, and carbonaceous/lignitic particles. Some of the pertinent engineering characteristics of the soil and bedrock are described in the following paragraphs.

Sandy Clay

The overburden soils consisted of a relatively thin veneer of sandy clay with minor silt and calcareous veins. The clay was very stiff based on the result of a field penetration resistance test. One sandy clay sample swelled 0.7 percent when wetted and developed a load-back swell pressure of 1,000 psf. The sample contained 82 percent silt- and clay-sized particles and exhibited moderate plasticity. Our experience within Vista Ridge is that the clay is expansive much of the time.



Bedrock

Bedrock comprised of weathered and comparatively unweathered claystone was found at depths of approximately 3 to 8 feet below the existing ground surface, or approximate elevations 5136 to 5177 feet. The estimated bedrock depth and elevation is presented on Fig. 2. The bedrock was primarily composed of claystone, and had relatively thin lenses of interbedded sandstone/siltstone. Two borings had a layer of poorly cemented sandstone near the surface (i.e., TH-5 and TH-8 located near the central and northeast parts); penetration resistance values were 50/2 or 50/4 in these poorly cemented zones. The comparatively unweathered bedrock was considered to be medium hard to very hard.

One claystone sample did not swell and twenty-five samples swelled 0.3 to 11.1 percent when wetted, with an average swell over 5 percent. Twelve samples which swelled developed load-back swell pressures of 1,800 to 21,100 psf, with an average of over 10,000 psf. Three claystone samples contained 73 to 100 percent fines and exhibited moderate to high plasticity. One interbedded claystone/sandstone/siltstone sample contained 97 percent fines and exhibited high plasticity. Two poorly cemented sandstone/siltstone samples contained 88 and 89 percent fines and exhibited moderate plasticity.

Groundwater

Groundwater was not encountered during drilling. When the test holes were checked after drilling on July 9, 2025, water was measured in one boring at a depth of about 28.5 feet below the existing ground surface. Deep water levels are commonly found in Vista Ridge where sites are away from drainages and water features. Groundwater is not expected to affect the proposed construction as currently planned. Shallow claystone can function as a conveyor of water if upstream sources exist or are created. Similarly, downstream residences can be impacted by water from Vista Reserve if the water is conveyed downhill along the bedrock surface. Groundwater levels may fluctuate seasonally and rise in response to development, precipitation, landscape and golf course irrigation and changes in land-use.

GEOLOGIC HAZARDS

Geologic hazards were evaluated through review of geologic maps, exploratory borings, site reconnaissance, and local experience. Primary geologic hazards include expansive soils



and bedrock, and regional issues of erosion, seismicity and radioactivity. We believe potential impacts of these hazards can be reduced with proper engineering, design, and construction practices, as discussed in this report. We identified no geologic hazard which would preclude development. The hazards and conceptual mitigation methods are discussed in the following sections.

Existing Fill and Structures

Although not encountered in our borings, it is likely that there is existing fill present in some areas of the site that were rough-graded as part of construction staging activities or development of adjacent sites. Backfill is likely present adjacent to structures and foundations, as well as around utilities, and possibly for oil/gas facilities at the west end of the site. Existing fill/backfill (where present) is considered unsuitable to support improvements and should be removed and replaced as moisture conditioned, compacted fill. Utilities, structural elements, slabs and debris below the new improvements should be removed and replaced with moisture conditioned, compacted fill. If any environmental remediation has occurred or will occur for the oil well when abandoned, we should be consulted on the backfilling.

Expansive Soil and Bedrock

Colorado is a challenging location to practice geotechnical engineering. The climate is relatively dry, and the near-surface soils are typically dry and comparatively stiff. These soils and related sedimentary bedrock formations react to changes in moisture conditions. Some of the soils swell as they increase in moisture and are referred to as expansive soils. Other soils can compress significantly upon wetting and are identified as compressible or collapsible soils. Much of the land available for development east of the Front Range is underlain by expansive clay or claystone bedrock near the surface. The soils that exhibit collapsible behavior are more likely west of the Continental Divide; however, both types of soils occur throughout the state.

Covering the ground with houses, streets, driveways, patios, etc., coupled with lawn and landscape irrigation and changing drainage patterns, leads to an increase in subsurface moisture conditions. Thus, some soil movement due to heave or settlement is inevitable. There is high risk that foundations and slab-on-grade floors will experience heave and subsequent damage at this site. Conversely, fill/backfill or poorly compacted soils may compress upon loading or wetting, leading to settlement. It is critical that precautions are taken to increase the chances



that the foundations and slabs-on-grade will perform satisfactorily. Sub-excavation is a ground improvement method that can be used to reduce the impacts of swelling soils, as discussed in this report.

Expansive soil and bedrock were encountered at depths likely to affect foundations, slabs-on-grade and pavements. Engineered design of sub-excavation, grading, pavements, foundations, slabs-on-grade, and drainage can reduce, but not eliminate, the effects of expansive soil and bedrock.

Seismicity

According to the USGS, Colorado's Front Range and eastern plains are considered low seismic hazard zones. The earthquake hazard exhibits higher risk in western and southern Colorado compared to other parts of the state. The Denver Metropolitan area has experienced earthquakes within the past 100 years, shown to be related to deep drilling, liquid injection, and oil/gas extraction. Naturally occurring earthquakes along faults due to tectonic shifts are rare in this area.

The soil and bedrock at this site are not expected to respond unusually to seismic activity. According to the 2021 and 2024 International Residential Codes (Section 16) and based on the results of our investigation, we judge a Seismic Site Classification of C is appropriate for the site. The subsurface conditions indicate nil susceptibility to liquefaction from a materials and groundwater perspective.

Radioactivity

It is normal in the Front Range of Colorado and nearby eastern plains to measure radon gas in poorly ventilated spaces (e.g. residential basements and crawl spaces) in contact with soil or bedrock. Radon 222 gas is considered a health hazard and is just one of several radioactive products in the chain of the natural decay of uranium into lead. Radioactive nuclides are common in the soil and bedrock underlying the subject site. Because these sources exist or will exist on most sites in the area, there is a potential for radon gas accumulation in poorly ventilated spaces. The concentration of radon that can develop is a function of many factors, including the radionuclide activity of the soil and bedrock, construction methods and materials, soil gas pathways, and accumulation areas. The only reliable method to determine if a hazard exists



is to perform radon testing of completed residential structures to determine the level of radon gas accumulation. Typical mitigation methods consist of sealing soil gas entry areas, ventilation of below-grade spaces, and venting from foundation drain systems. We recommend provision for ventilation of foundation drain systems if radon is discovered.

Other Considerations

We observed no evidence of unstable slopes. Clay slopes as shallow as 3H:1V may exhibit creep. Erosion potential on the site is considered low due to gentle slopes. Erosion can be expected to increase during construction but should return to preconstruction rates or less if proper grading practices, surface drainage design, and revegetation efforts are implemented. Construction sites within the Denver Metropolitan area are subject to the U.S. Environmental Protection Agency (EPA) regulations regarding the control of storm water discharge and soil erosion.

We did not identify economically recoverable, high-quality aggregate in our borings. We believe there are no economic aggregate resources on the site. In most of the Denver area, oil and gas is present in deep formations, particularly shales that until recently were uneconomic for production. An oil/gas well is present at the west end of the site, implying energy resources are present in economic quantities or have been extracted.

The site is a local topographic high-point and erosion will want to occur in the downhill directions. Site topography indicates that some water would be expected to flow onto the site from the southeast. During peak precipitation events, some accumulation of surface sheet flow in drainages is expected. Development will increase the relative amount of impervious surfaces, which can lead to drainage problems and erosion if surface water flow is not adequately designed. Surface drainage design and evaluation of flood potential should be performed by a civil engineer as part of the project design. The basements adjacent to the detention ponds should be planned above the maximum water elevation to avoid causing basement flooding or moisture intrusion. This should also be considered for downstream residences within Filing Nos. 1F, 1I and 1K. We can discuss this further, if desired.



ESTIMATED POTENTIAL HEAVE

Based on the subsurface profiles, swell-consolidation test results and our experience, we calculated the potential heave at the proposed finished overlot grade for each boring, as shown in the table below. The analysis involves dividing the soil and bedrock profile into layers and modeling the heave of each layer from representative swell tests which were performed by wetting under pressures approximating the overburden after grading has occurred for the new development. We estimated potential ground heave of about 2 to 14 inches. We estimate the relative risk of heave due to expansive soil and bedrock is moderate to high (Fig. 3). Areas should be reduced to low or moderate risk after sub-excavation to depths of at least 12 feet below basement foundations. A depth of wetting of 24 feet below existing grades was considered for the analysis. This depth of wetting is typically used for irrigated residential sites with basements, such as this site. It is not certain whether the estimated heave will occur, and variations from our estimates should be anticipated.

ESTIMATED TOTAL POTENTIAL GROUND HEAVE BASED ON 24 FOOT DEPTH OF WETTING

Boring	Estimated Potential Heave at Proposed Finished Grade (inches)	Estimated Relative Risk Due to Expansive Soil and Bedrock
TH-1	10½	HIGH
TH-2	14	HIGH
TH-3	2½	MODERATE
TH-4	9½	HIGH
TH-5	11½	HIGH
TH-6	6½	HIGH
TH-7	4	MODERATE
TH-8	4	HIGH

Sub-excavation will be necessary to provide a buffer between the more expansive claystone and foundations. We desire for there be at least 12 feet or more of fill present below foundations. The majority of the sub-excavation cut is expected to be claystone which will require thorough processing and moisture conditioning. After expansive soil mitigation, it is likely that calculated potential ground heave will be reduced to about 1 to 2 inches or less, with 1 inch being more likely unless excessive wetting occurs. The probability that heave due to clay and clay-



stone below the fill will affect shallow foundations and floor slabs will be reduced if sub-excavation is performed properly. The fill will likely help buffer movement and act as a cushion or buffer which distributes heave more evenly, should it occur.

SITE DEVELOPMENT

The following preliminary site development recommendations are based on the current plans shown on Fig. 1. Changes to the development and grading plans can impact our recommendations. We should be contacted if plans change to revisit the discussions presented in this section and report.

Demolition and Undocumented Fill

The existing structures, foundations, slabs and utilities will be demolished as part of the proposed construction. Demolition should include the removal of all existing structural members (foundations, foundation walls, grade beams, and floor slabs), utilities, exterior flatwork, underground storage tanks (if found), and backfill associated with these items. We anticipate sub-excavation will remove all of these items. Existing fill, if encountered, is considered unsuitable to support improvements and should be removed and recompacted. If backfill is poorly compacted, improvements supported by the backfill may experience damaging settlement. We can assist with pre-demolition asbestos and other surveys upon request to our environmental engineers, if needed. We can also perform a Phase I ESA for the project, if requested.

Excavation

We believe most of the soil and bedrock penetrated by our exploratory borings can be excavated with typical heavy-duty equipment. Hard to very hard and poorly cemented bedrock were found within expected sub-excavation cuts, and may require additional effort for efficient removal. Hard rock excavation techniques typically include combinations of heavy ripping, pneumatic hammers, rock saws and/or controlled blasting. Heavy ripping and slower than normal excavating should be anticipated in the areas of TH-5 and TH-8, and possibly other areas of the site.



We recommend the owner and the contractor become familiar with applicable local, state and federal safety regulations, including the current Occupational Safety and Health Administration (OSHA) Excavation and Trench Safety Standards. Based on our investigation and OSHA standards, we anticipate the soils and bedrock may classify as Type B and A soils, respectively, based on OSHA Standards governing excavations published in 29 CFR, Part 1926. Type A and B soils require $\frac{3}{4}H:1V$ and $1H:1V$ for temporary excavations in dry conditions, respectively. Existing fill soils will likely require flatter slopes. Excavation slopes specified by OSHA are dependent upon soil types and groundwater/seepage conditions encountered. The contractor's "competent person" is required to identify the soils encountered in the excavations and refer to OSHA standards to determine appropriate slopes. Stockpiles of soils and equipment should not be placed within a horizontal distance equal to one-half the excavation depth, from the edge of the excavation. A professional engineer should design excavations deeper than 20 feet, if any. We should be contacted to evaluate any seepage conditions exposed in excavations made on the project, as the groundwater table is relatively deep and not expected in cuts.

Site Grading

Prior to fill placement, the ground surface in areas to be filled should be stripped of vegetation, scarified, and moisture conditioned between 1 and 4 percent above optimum moisture content for clay, or within 2 percent of optimum for sand, and compacted to at least 95 percent of standard Proctor maximum dry density (ASTM D698). Placement and compaction of fill should be observed and tested by a representative of our firm during construction. If imported fill is necessary for general site grading purposes, it should ideally consist of soil having similar or better properties than on-site soils. Potential fill should be submitted to our office for approval prior to importing to the site.

The properties of fill will affect the performance of foundations, slabs-on-grade, utilities, pavements, flatwork, and other improvements. The on-site soils are suitable for use as site grading fill provided they are substantially free of debris, organics and other deleterious materials. Fill should be placed in thin loose lifts, moisture conditioned and compacted prior to placement of the next lift using the criteria presented in the previous paragraph. The placement and compaction of site grading fill should be observed and tested by our representative during construction. Guideline Site Grading Specifications are presented in Appendix C.



Our experience indicates fill and backfill can settle, even if properly compacted to criteria provided above. Factors that influence the amount of settlement are depth of fill, material type, degree of compaction, amount of wetting, and time. The degree of compression of fill under its own weight will likely range from low for granular soils (½ percent or less), to moderate for clay/sand mixtures (1 to 2 percent), to high for fills composed of highly plastic claystone (2 percent or more). Most of this settlement usually occurs during and soon after construction; for clayey fill, it may continue for longer. Additional heave and settlement may occur after development in response to wetting. If fill will be placed on slopes of 20 percent or steeper the slopes should be benched prior to placing fill.

Slopes

We recommend permanent cut and fill slopes be designed with a maximum grade of 3H:1V, preferable 4H:1V. If site constraints (property boundaries and streets) do not permit construction with recommended slopes, we should be contacted to evaluate the subsurface soils and steeper slopes, or the civil engineer should include retaining walls in the design to provide grade separation and to allow for the recommended slope inclinations. Surface drainage should not be allowed to sheet flow across slopes or pond near the crest of slopes. Cut and fill slopes should be designed and re-vegetated as soon as possible after grading to reduce potential for erosion problems. Excavation contractors should evaluate ground conditions and control slopes in accordance with OSHA criteria.

Sub-Excavation

Deep foundations and structurally supported floor systems are sometimes used on sites with highly expansive soils. Many builder/developers choose to perform sub-excavation to reduce potential heave and provide a relatively uniform fill layer that is suitable for footings and slab-on-grade floors with tolerable post-construction movements. Sub-excavation is a ground improvement method used to reduce the potential heave and reduce the impacts of swelling soil and bedrock.

We recommend performing sub-excavation to depths of at least 12 feet below basement foundation elevations. The toe or bottom of sub-excavation should extend laterally at least 5 feet outside the largest possible foundation footprints to ensure foundations are constructed over moisture conditioned fill. The excavation slopes should meet OSHA, state, and local safety



standards, and stability of existing residences, street, sidewalks and utilities should not be compromised. Conceptual sub-excavation profiles are shown on Figs. 4 and 5 for normal and walk-out basement construction, respectively.

There can be cases where the sub-excavation limits and depth are not adequate to encompass an entire building footprint including deck, patio and porch. Thus, the building must be founded on deep foundations. Proper planning of the sub-excavation limits and depth based on the largest model plan, and as-built surveying of the limits and depth during the sub-excavation are important to reduce this risk. The sub-excavation areas should be staked by a surveyor, and we recommend periodic surveying verification of the “as-built” bottom of the excavations. An “as-built” sub-excavation plan should be prepared and provided to construction and sales staff to ensure entire building footprints are located within the sub-excavated area.

Sub-excavation has been used in the Denver area with satisfactory performance for the large majority of the sites where this ground modification method has been completed. We have seen isolated instances where settlement of sub-excavation fill has led to damage to houses supported on footings. In most cases, the settlement was caused by wetting associated with poor surface drainage or seepage, and/or poorly compacted fill placed at the horizontal limits of excavation. Wetting of the fill may cause softening and settlement.

The excavation contractor should be chosen carefully to assure they have experience with fill placement at over-optimum moisture and have the necessary compaction equipment. The contractor should provide discs to break down fill materials and anticipate use of push-pull scraper operations and dozer assistance. The operation will be relatively slow and challenging due to the fill primarily being composed of claystone bedrock. Soil and bedrock particles should be broken down to 3 inches and less. In order for the procedure to be performed properly, stringent contractor control of fill placement to specifications is required. Sub-excavation fill should be moisture conditioned between 1 and 4 percent above optimum moisture content for clay or within 2 percent of optimum for sand. Fill should be compacted to at least 95 percent of maximum standard proctor dry density (ASTM D698).

Special precautions should be taken for compaction of fill at corners, access ramps, and along the perimeters of the excavations as large compaction equipment cannot easily reach these areas. Fill compaction should be tested during placement, and hand-drive samples should



be taken at a higher frequency than usual to evaluate the swell of the fill. After sub-excavation has been performed, we should drill additional borings on individual lots to determine whether sub-excavation was effective in reducing swell and provide foundation recommendations. Guideline sub-excavation specifications are presented in Appendix D.

If the fill dries excessively prior to construction, it may be necessary to rework the upper drier materials prior to constructing foundations. We judge the fill should retain adequate moisture for about 2 years. Techniques to retain moisture in the full include covering with vegetation or a loose lift of fill, or a periodic passing by a water truck. Moisture conditions can be assessed in excavation as construction progresses, if desired.

Sub-excavation and replacement with moisture conditioned fill will likely reduce potential movements for footing foundations for lightly loaded structures and enhance performance of slab-on-grade floors. Sub-excavation will also enhance performance of concrete flatwork (driveways and sidewalks) and pavements, potentially reducing maintenance costs. Sub-excavation of 5 feet below streets is typically required by The Town of Erie where highly plastic materials are present at the street level. It may be advantageous to do street sub-excavation during or after utilities are installed. Additional mitigation such as cement stabilization or additional 12-inches of base course is probable, even after sub-excavation. Lime is likely not an option because of the presence of high sulfates. Sub-excavation should extend below curb and gutter. We suggest you consider some sub-excavation below all hardscapes (driveways, sidewalks, etc.) or expect heave of these items.

Due to the expansive nature of the materials at this site, the contractor may require double-handling the fill to thoroughly break bedrock chunks to 3 inches or less, and moisture condition. This is usually done by multiple passes of the water trucks and disks. It may be beneficial to use a more enhanced soil-handling processes to improve swell reduction from cut to fill. Moisture content of the clay and claystone will have to be increased significantly. Most of the claystone will be difficult to process to obtain uniform wetting. The contractor may consider the following techniques:



- Ripping and pre-wetting cut areas several times prior to picking up materials with scrapers,
- Excavating, stockpiling and wetting “chunky” formational materials to enhance slaking or decomposition into smaller particles by exposure to weather,
- Using a wetting agent in the added water, and/or
- Reducing the scraper-to-disc ratio to increase mechanical churning and particle breakdown.

Theoretical Bulking/Shrinkage Factor

We have attempted to estimate the probable fill bulking/shrinkage factor for planning of sub-excavation and site grading. Theoretically, the bulking/shrinkage factor may be estimated by comparing the dry density of the soils and bedrock from the cut with the dry density of compacted fill. We tested claystone samples from our borings and obtained approximate in-situ moisture and dry density values. Our estimates indicate a theoretical bulking/shrinkage factor of about 5 to 10 percent (bulking) for fill predominantly composed of claystone.

Many variables will affect the actual bulking/shrinkage factor. These variables include sample disturbance that will affect the densities used in the estimate, actual percent of compaction of the fill, subsoil profiles, compression of the natural soils below the fill, compression of lower fill, rebound of soil and bedrock during cut, stripping of topsoil, stabilization of soft soils, limitation of survey accuracy, and others. The effects of these variables on the bulking/shrinkage factor are difficult to quantify. The actual bulking/shrinkage factor will likely vary significantly from the theoretical factors estimated above. The bulking/shrinkage factor of the initial phase of the project can be tracked and used for the planning and adjustment of later phases.

Underdrain

With long-term development and subsequent irrigation, groundwater could develop and rise. We advocate that water should be controlled using an underdrain. The use of an underdrain system below or adjacent to sanitary sewer mains and services (a.k.a. area drain) is a common method to help control water and provide a gravity outlet for foundation drains. If used, the underdrain should consist of 0.75 to 1.5-inch clean, free-draining gravel surrounding a perforated PVC pipe (Fig. 6). We believe use of perforated pipe below sanitary sewer mains is the most effective approach. The line should consist of perforated or slotted, rigid PVC pipe placed at a grade of at least 0.5 percent. A positive cutoff (concrete) should be constructed around the



sewer pipe and underdrain pipe immediately downstream of the point where the underdrain pipe leaves the sewer trench (Fig. 7). Solid pipe should be used down gradient of this cutoff wall. The underdrains should be designed to discharge to a gravity outfall constructed with a permanent concrete headwall and trash rack. The underdrain should be installed with clean-outs.

Where feasible, the underdrain services should be installed deep enough so that the lowest point of the basement foundation drain can be connected to the underdrain service as a gravity outlet (Fig. 8). For non-walkout basements, the low-point of the basement foundation drain may be about 2 to 3 feet deeper than foundation excavation. For buildings with walkout basements, the low-point of the basement foundation drain will be below the frost stem wall in the rear portion of the basement. The foundation drain in a walkout basement would require a deeper underdrain service for a gravity discharge and may not be practical. For these conditions, we suggest the front portion of the foundation drain be connected to the underdrain and a sump pit use for the rear portion.

Utilities

Water and sewer lines are usually constructed beneath paved roads. Compaction of trench backfill can have a significant effect on the life and serviceability of pavements. Trench backfill should be placed in thin (6 inches or less) loose lifts and moisture conditioned and compacted to jurisdictional specifications. The placement and compaction of trench fill and backfill should be observed and tested by our firm during construction.

Our experience indicates use of a self-propelled compactor results in more reliable performance compared to backfill “compacted” by a sheepsfoot wheel attachment on a backhoe or trackhoe. The upper portion of the trenches should be wide enough to allow the use of a self-propelled compactor. Special attention should be paid to backfill placed adjacent to manholes as we have seen instances where settlement in excess of 2 percent has occurred. Any improvements placed over backfill should be designed to accommodate movement.

Pavements

Pavement subgrade soils will likely consist of clay or claystone, or fill of similar composition derived thereof. Clayey soils are considered comparatively poor pavement subgrade and



classify as A-6 or A-7-6 according to the AASHTO classification system. The Town of Erie requires at least the minimum composite pavement sections shown below. They do not allow full-depth asphalt pavement on expansive sites. Portland cement concrete pavement designs may be allowed with Town approval.

Depending on the swell and plasticity of the subgrade, sub-excavation up to 5 feet may be necessary for expansive subgrade mitigation in clay/claystone areas. Chemical stabilization may also be needed to reduce the plasticity index to less than 30. It may be advantageous to do street sub-excavation during or after utilities are installed. We anticipate local streets will need a minimum composite section of 5 or 5.5 inches of asphalt over 8 inches of base course. Sections may need to be constructed over stabilized subgrade; additional mitigation such as cement or fly ash treatment, or the provision of an extra 12-inches of base course, is probable at this site, even after sub-excavation. Lime is likely not an option because of the presence of high sulfates. The items below summarize the anticipated recommended pavement sections considering hot-mix asphalt (HMA) and aggregate base course (ABC). The Town of Erie requires the base course extend beneath the adjacent curb, gutter and attached sidewalks.

Local Residential Roadways serving <50 dwelling units:

- 4" HMA + 8" ABC where fill >5' is planned
- possibly 4.5" or 5" HMA + 8" ABC where expansive clay/claystone are present; likely sub-excavation needed

Local Residential Roadways serving >50 dwelling units:

- 4.5" HMA + 8" ABC where fill >5' is planned
- possibly 5" or 5.5" HMA + 8" ABC where expansive clay/claystone are present; likely sub-excavation needed

The design of a pavement system is as much a function of paving materials as support characteristics of the subgrade. If the pavement system is constructed of inferior material, then the life and serviceability of the pavement will be substantially reduced. Materials and placement methods should conform to the requirements of the Town of Erie. Materials planned for construction should be tested to confirm their compliance with project specifications. A design-level pavement and subgrade evaluation should be completed prior to paving.



Detention Ponds

The bottom of the ponds are expected to be cut into claystone and/or sandstone bedrock. The claystone is expected to have low permeability, and water typically travels by fractures and sandstone seams within the bedrock. The bottom of the northeast pond is planned in sandstone per TH-8, which can transmit water in the downstream direction towards the residences to the north. The design and construction of the ponds should consider impacts on the adjacent basements. The only way to positively control this is use of pond liners. Pond liners may consist of a synthetic liner or a clayey soil liner. A typical detail showing both systems (safest approach) is presented on Fig. 7. Anchor trenches should be installed if a synthetic liner is used. We can iterate with the project team on design and construction of the ponds upon request.

Retaining Walls

Retaining walls appear to be possible along the southwest side of the development, above the Filing No. 11 lots. Foundations constructed within the influence zone of these retaining walls will have risk of settlement and distress. The only way to avoid this risk is to construct foundations below or outside of the influence zone. If the retaining walls experience lateral or vertical deflections, the soils behind them may relax to follow, resulting in settlement distress to the residences along Block 5. This should be considered. We can provide consultation for design and construction of retaining walls upon request. We can also specify retaining wall drain details.

BUILDING CONSTRUCTION CONSIDERATIONS

The following discussions are preliminary and are not intended for design or construction. The discussions are based on widely spaced borings. After sub-excavation and grading are completed, design-level investigations should be performed on a lot- or building-specific basis.

Foundations

Drilled pier foundations appear merited for almost all lots unless sub-excavation is performed. Preliminary data indicates probable minimum pier lengths of 30 to 35 feet to resist uplift caused by swelling materials. Very hard bedrock and the presence of lignite/carbonaceous seams may complicate installation of drilled piers. Void below grade beams and foundation



walls of at least 8 to 16 inches are anticipated. These may not be practical or economic at this site.

Sub-excavation should reduce potential heave to levels typically acceptable for residential construction with shallow foundations and slab-on-grade basement floors, if properly performed. We preliminarily estimate maximum allowable soil pressures of 2,500 or 3,000 psf, with minimum deadload pressures of 800 to 1,000 psf. We suggest builders budget for “surprises” at 5 percent of the lots (additional sub-excavation or piers). Additional investigation of each lot should be conducted after grading and sub-excavation are completed on an individual lot-by-lot or building-by-building basis.

Floor Systems and Basement Slab Performance Risk

The site is judged to have moderate to high risk of poor slab-on-grade performance, with a majority of the site having high risk. Sub-excavation should result in low or moderate risk conditions. A structurally supported basement floor should also be used where a buyer cannot tolerate potential movement. Structurally supported floor systems should be used in all non-basement finished living areas. Slab-on-grade basement floors may be considered on low and some moderate risk sites (non-walkouts) where potential heave is acceptable to the builder and homebuyers. Structurally supported basement floors should be used on all sites with high risk of poor basement slab performance, and walkout lots judged as moderate risk, as the walkout basements are more likely to be finished quickly after construction. Sub-excavation should reduce potential heave to about 1-3 inches or less for slab-on-grade basement floors.

The performance of garage floors, driveways, sidewalks and other surface flatwork may be poor where expansive soils are present, unless sub-excavation is performed. The following precautions will be required to reduce the potential for damage due to movement of slabs-on-grade placed at this site:

1. Isolation of the slabs from foundation walls, columns and other slab penetrations;
2. Voiding of interior partition walls to allow for slab movement without transferring the movement to the structures;



3. Flexible water and gas connections to allow for slab movement. A flexible plenum above furnaces will be required; and
4. Proper surface grading and foundation drain installation to reduce water availability to sub-slab and foundation soils.

Basement Construction

Surface water can penetrate relatively permeable loose backfill soils located adjacent to structures and collect at the bottom of relatively impermeable basement or crawl space excavations, causing wet or moist conditions after construction. Foundation walls and grade beams should be designed to resist lateral earth pressures. Foundation drains should be constructed around the lowest excavation levels of basement areas. These drains could be connected to an underdrain system (Fig. 8) to provide a gravity outlet, if allowed. Sump pits should be provided if underdrains are not allowed so pumps can be installed as a backup if underdrains do not perform as intended. The drains can be connected to a gravity outfall, underdrain, or a sump pit where water can be removed by pumping.

Surface Drainage

The performance of foundations, floors, pavements and other improvements are affected by moisture changes within the soil and bedrock. This is largely influenced by surface drainage. When developing an overall drainage scheme, consideration should be given to drainage and landscaping around each residence. The ground surface around the residences should be sloped to provide positive drainage away from the foundations. We recommend a slope of at least 10 percent for the first 10 feet surrounding each residence with a basement, where practical. If the distance between houses is less than 20 feet, the slope should be 10 percent to the swale between houses. Where possible, drainage swales should slope at least 2 percent. More slope is desirable. Variation from these criteria is acceptable in some areas. For example, for lots graded to direct drainage from the rear yard to the front, it is difficult to achieve the recommended slope at the high point behind the house. We believe it is acceptable to use a slope of about 6 inches in the first 10 feet at this location. Roof downspouts and other water collection systems should discharge well beyond the limits of all backfill around residences, and preferably at least 5 feet or more from the foundations.



Proper control of surface runoff is also important to control the erosion of surface soils. Sheet flow should not be directed over unprotected slopes. Water should not be allowed to pond at the crest of slopes. Permanent slopes should be prepared to reduce erosion.

Attention should be paid to compact the soils behind curb and gutter adjacent to streets and in utility trenches during the development. If surface drainage between preliminary development and construction phases is neglected, performance of the roadways, flatwork and foundations may be poor.

CONCRETE

Concrete in contact with soil can be subject to sulfate attack. We measured water-soluble sulfate concentrations of 0.28 to 1.36 percent in three samples from this investigation, with an average of 0.75 percent. As indicated in our tests and ACI 332-20, the sulfate exposure class is *Severe* or *RS2*.

SULFATE EXPOSURE CLASSES PER ACI 332-20

Exposure Classes		Water-Soluble Sulfate (SO ₄) in Soil ^A (%)
Not Applicable	RS0	< 0.10
Moderate	RS1	0.10 to 0.20
Severe	RS2	0.20 to 2.00
Very Severe	RS3	> 2.00

A) Percent sulfate by mass in soil determined by ASTM C1580

For this level of sulfate concentration, ACI 332-20 *Code Requirements for Residential Concrete* indicates there are special cement type requirements for sulfate resistance as indicated in the table below. ACI also has another code which indicates concrete in severe exposure environments should have a minimum compressive strength of 4,500 psi.; the values provided below are minimum values.



CONCRETE DESIGN REQUIREMENTS FOR SULFATE EXPOSURE PER ACI 332-20

Exposure Class	Maximum Water/Cement Ratio	Minimum Compressive Strength ^A (psi)	Cementitious Material Types ^B			Calcium Chloride Admixtures
			ASTM C150/C150M	ASTM C595/C595M	ASTM C1157/C1157M	
RS0	N/A	2,500	No Type Restrictions	No Type Restrictions	No Type Restrictions	No Restrictions
RS1	0.50	2,500	II	Type with (MS) Designation	MS	No Restrictions
RS2	0.45	3,000	V ^C	Type with (HS) Designation	HS	Not Permitted
RS3	0.45	3,000	V + Pozzolan or Slag Cement ^D	Type with (HS) Designation plus Pozzolan or Slag Cement ^E	HS + Pozzolan or Slag Cement ^E	Not Permitted

- A) Concrete compressive strength specified shall be based on 28-day tests per ASTM C39/C39M
- B) Alternate combinations of cementitious materials of those listed in ACI 332-20 Table 5.4.2 shall be permitted when tested for sulfate resistance meeting the criteria in section 5.5.
- C) Other available types of cement such as Type III or Type I are permitted in Exposure Classes RS1 or RS2 if the C3A contents are less than 8 or 5 percent, respectively.
- D) The amount of the specific source of pozzolan or slag to be used shall not be less than the amount that has been determined by service record to improve sulfate resistance when used in concrete containing Type V cement. Alternatively, the amount of the specific source of the pozzolan or slag to be used shall not be less than the amount tested in accordance with ASTM C1012/C1012M and meeting the criteria in section 5.5.1 of ACI 332-20.
- E) Water-soluble chloride ion content that is contributed from the ingredients including water aggregates, cementitious materials, and admixtures shall be determined on the concrete mixture ASTM C1218/C1218M between 29 and 42 days.

Superficial damage may occur to the exposed surfaces of highly permeable concrete, even though sulfate levels are relatively low. To control this risk and to resist freeze-thaw deterioration, the water-to-cementitious materials ratio should not exceed 0.50 for concrete in contact with soils that are likely to stay moist due to surface drainage or high-water tables. Concrete should have a total air content of 6 percent \pm 1.5 percent. We advocate damp-proofing of all foundation walls and grade beams in contact with the subsoils (including the inside and outside faces of garage and crawl space grade beams).

RECOMMENDED FUTURE INVESTIGATIONS

We recommend the following investigations and services:

1. Review of plans for sub-excavation, underdrains and retaining walls;
2. Construction testing and observation during site development, sub-excavation, grading, and pavement construction;



3. Subgrade Investigation and Pavement Design(s) after grading;
4. Design-level Soils and Foundation Investigation(s) after grading; and
5. Foundation installation observations.

CONSTRUCTION OBSERVATIONS

This report has been prepared for the exclusive use of Affinity at Vista LLC and team for planning the proposed residential project. The information, conclusions, and recommendations presented herein are based upon consideration of many factors including, but not limited to, the type of structures proposed, geologic setting, subsurface conditions encountered, and industry standards. The conclusions and recommendations contained in the report are not valid for use by others. Standards of practice evolve in geotechnical engineering. The recommendations provided are appropriate for about three years. If the site is not developed within about three years, we should be contacted to determine if we should update this report.

We recommend that CTL|Thompson, Inc. provide construction observation services to allow us the opportunity to verify whether soil conditions are consistent with those found during this investigation. If others perform these observations, they must accept responsibility to judge whether the recommendations in this report remain appropriate.

GEOTECHNICAL RISK

The concept of risk is an important aspect with any geotechnical evaluation primarily because the methods used to develop geotechnical recommendations do not comprise an exact science. We never have complete knowledge of subsurface conditions. Our analysis must be tempered with engineering judgment and experience. Therefore, the recommendations presented in any geotechnical evaluation should not be considered risk-free. Our recommendations represent our judgment of those measures that are necessary to increase the chances that the structures will perform satisfactorily. It is critical that all recommendations in this report are followed during construction.



LIMITATIONS

Our borings were very widely spaced to provide a general picture of subsurface conditions for preliminary planning of development and residential construction. Variations from our borings should be anticipated. We believe this investigation was conducted in a manner consistent with that level of care and skill ordinarily used by geotechnical engineers practicing under similar conditions. No warranty, express or implied, is made. If we can be of further service in discussing the contents of this report or analysis of the influence of subsurface conditions on the project, please call.

CTL | THOMPSON, INC.

Deon Waldmeier, E.I.T.
Staff Engineer

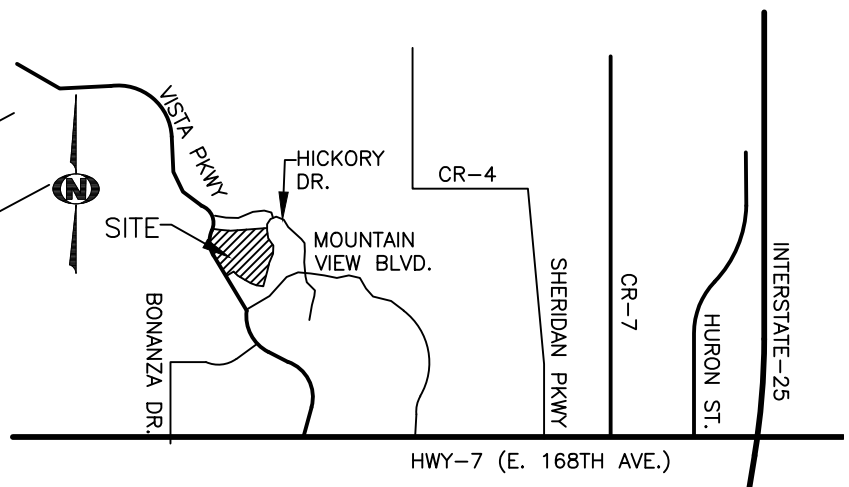
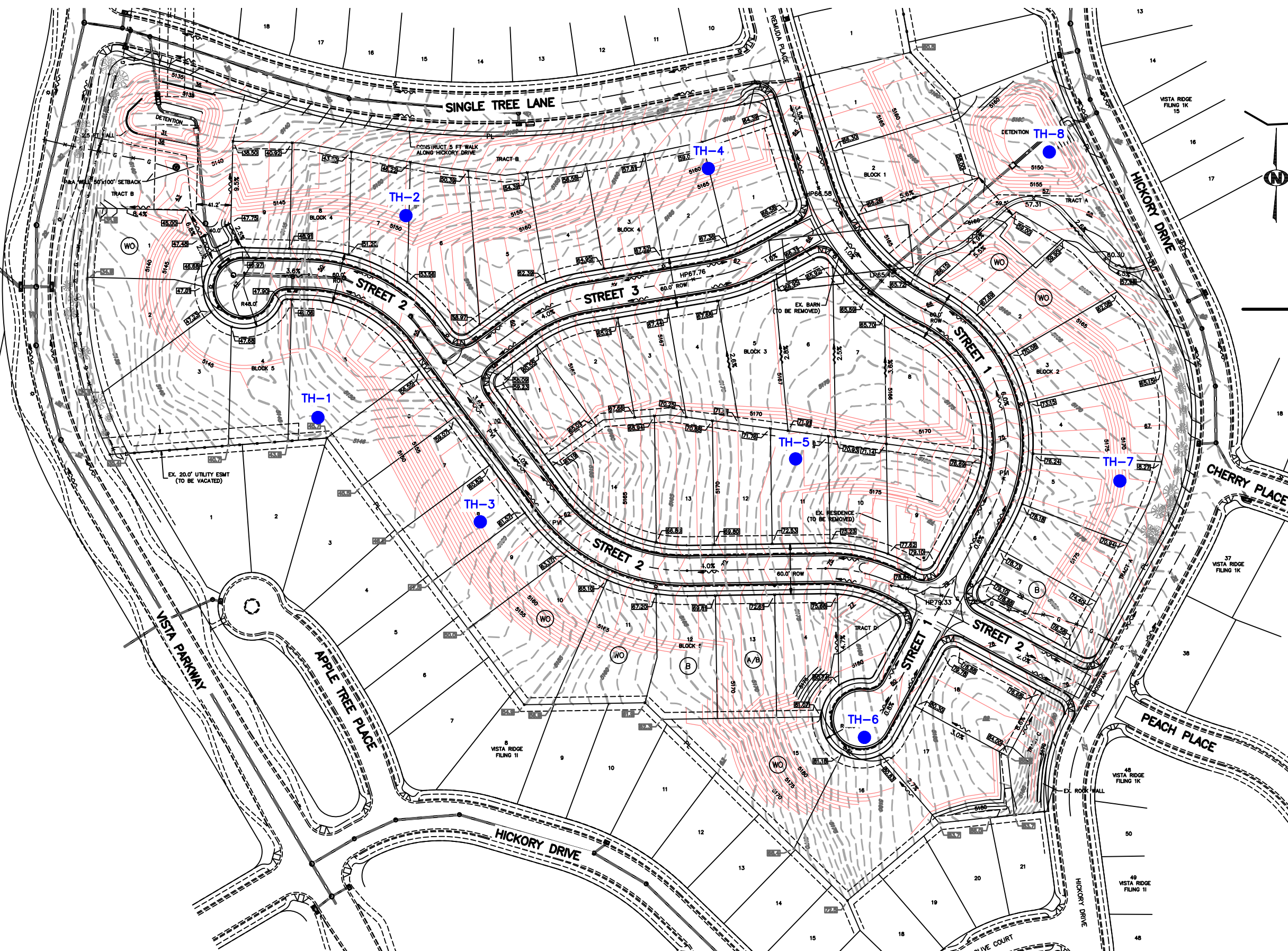
Reviewed by:

Benny I. Lujan, P.E.
Jr. Principal

Via e-mail: caydb@affinholdings.com



9/10/2025



VICINITY MAP
NOT TO SCALE

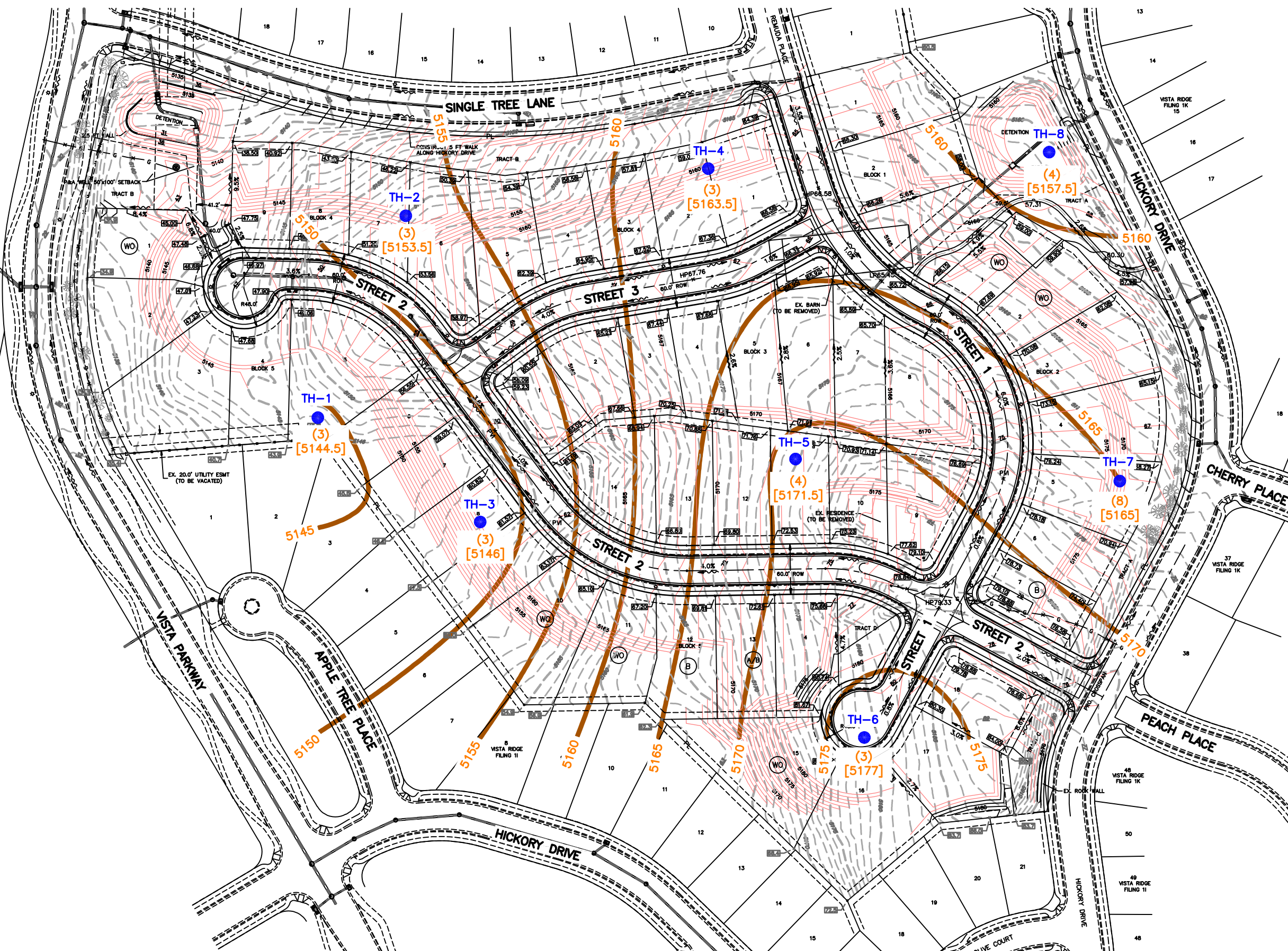
LEGEND:
● TH-1 APPROXIMATE LOCATION OF EXPLORATORY BORING



0 60' 120'
SCALE: 1" = 120'

AFFINITY AT VISTA LLC
19-ACRE VISTA RIDGE SITE - 1401 HICKORY DRIVE
CTLIT Project No. DN52,605-115-R1

Locations of Exploratory Borings

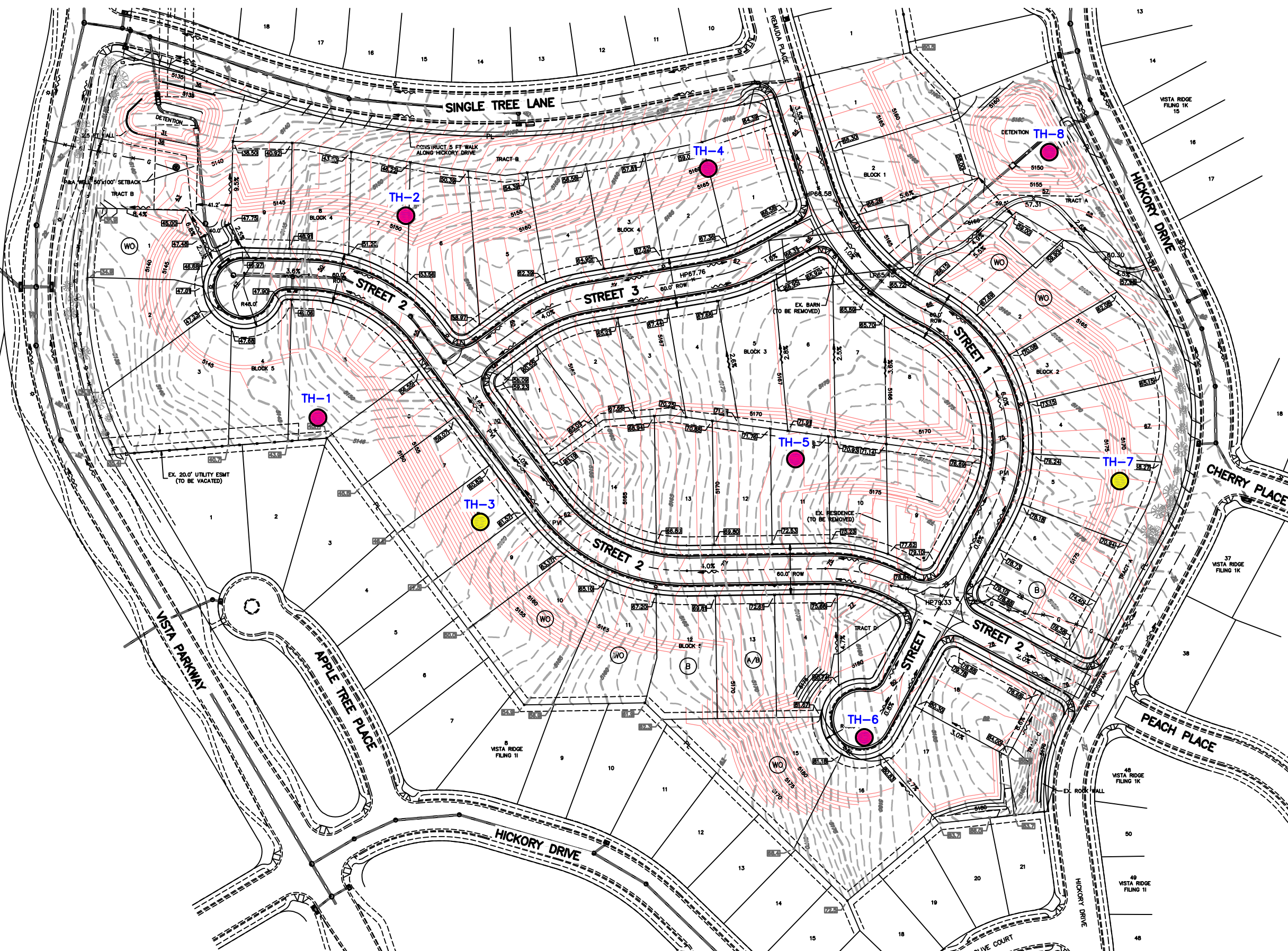
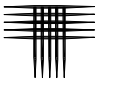


LEGEND:

- TH-1 APPROXIMATE LOCATION OF EXPLORATORY BORING
- (3) INDICATES ESTIMATED DEPTH TO BEDROCK (FEET)
- [5144.5] INDICATES ESTIMATED BEDROCK ELEVATION (FEET)
- ESTIMATED BEDROCK SURFACE ELEVATION CONTOUR (FEET)

NOTE: THIS ESTIMATE WAS BASED UPON A SUBJECTIVE ANALYSIS OF DRILL HOLE DATA AND MAY NOT REFLECT LOCAL VARIATIONS.

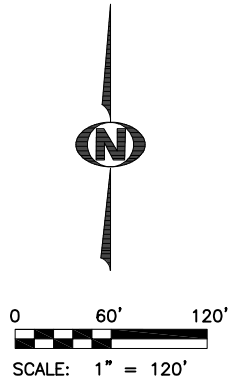


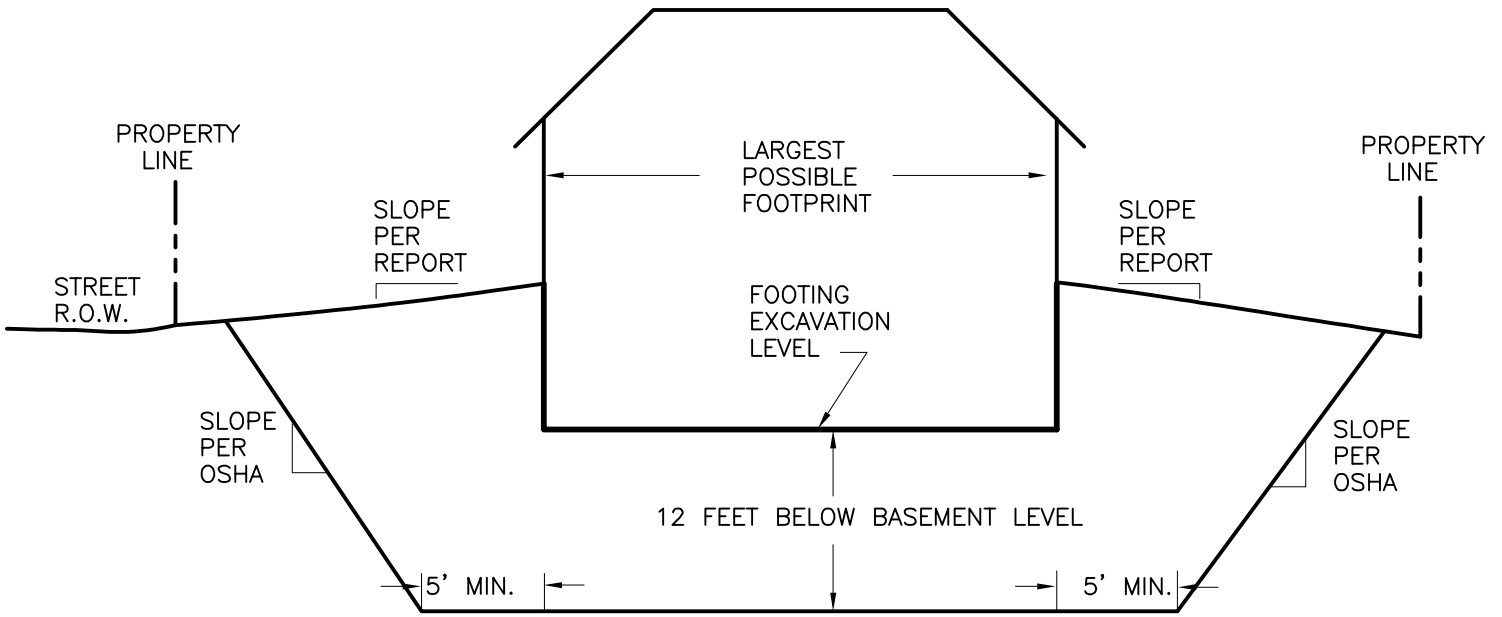
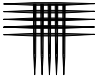


LEGEND:

- TH-1 APPROXIMATE LOCATION OF EXPLORATORY BORING
- MODERATE RISK
- HIGH RISK

NOTE: THIS ESTIMATE WAS BASED UPON A SUBJECTIVE ANALYSIS OF LABORATORY TEST RESULTS AND DRILL HOLE DATA.

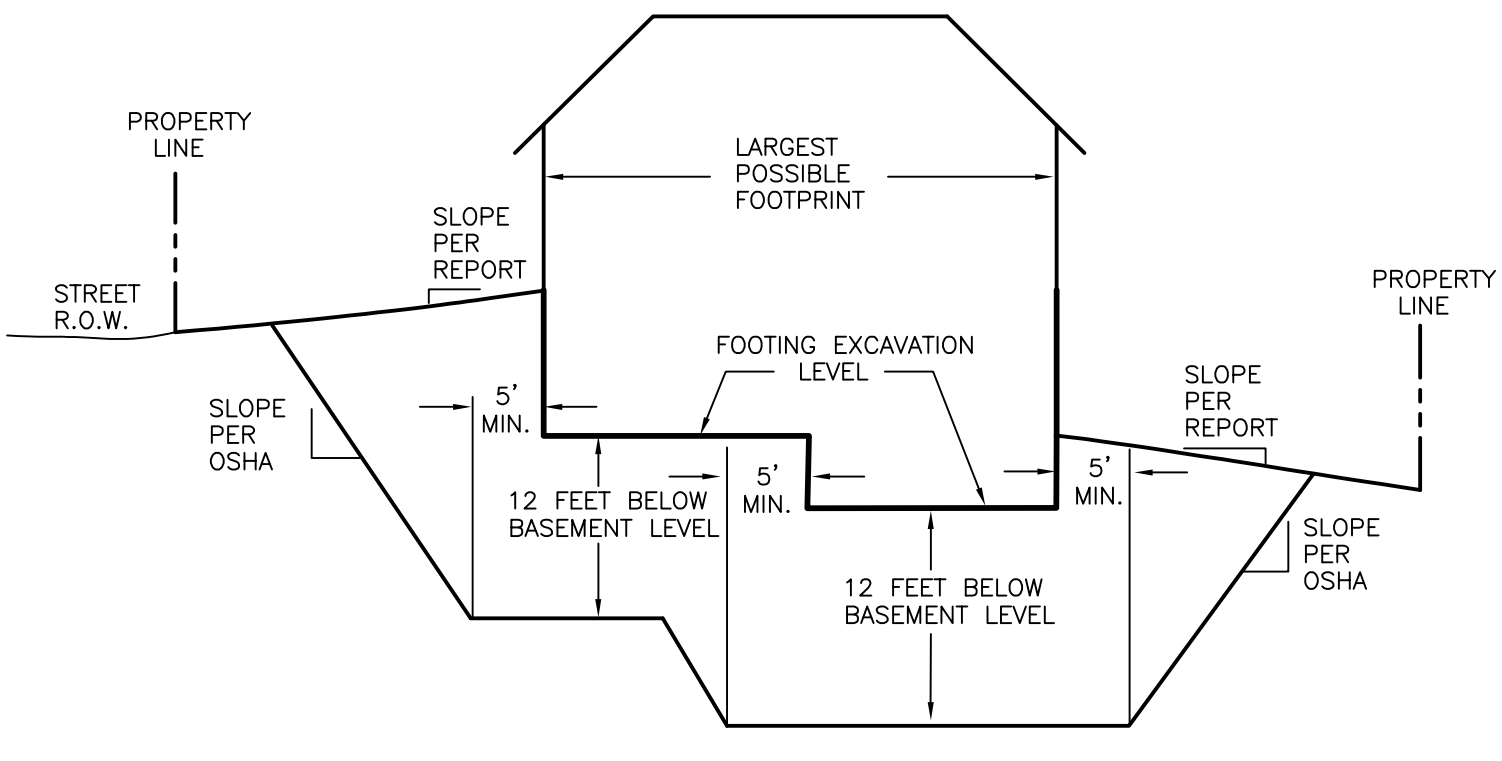




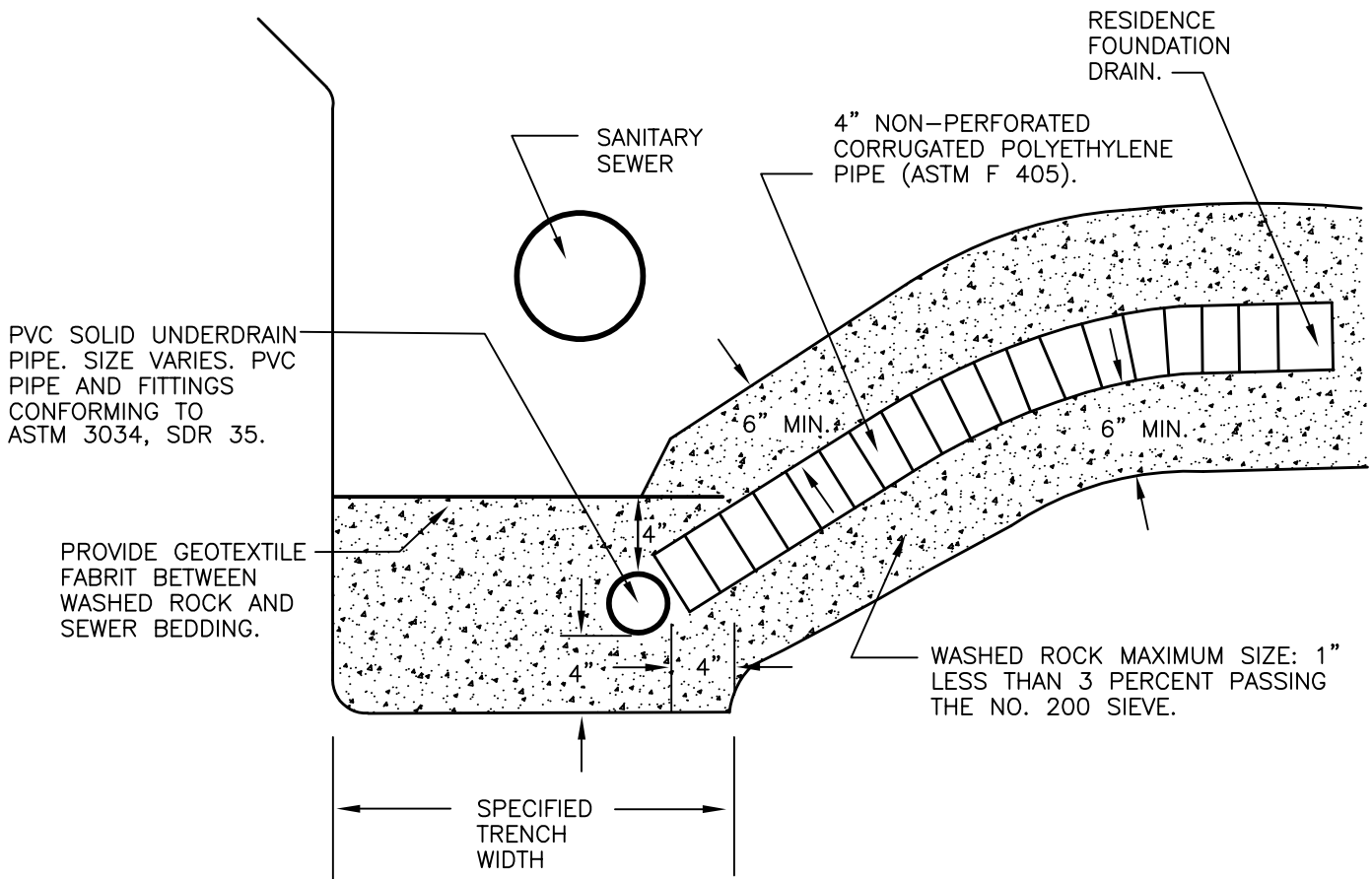
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95-SUB-EXCAVATION_03



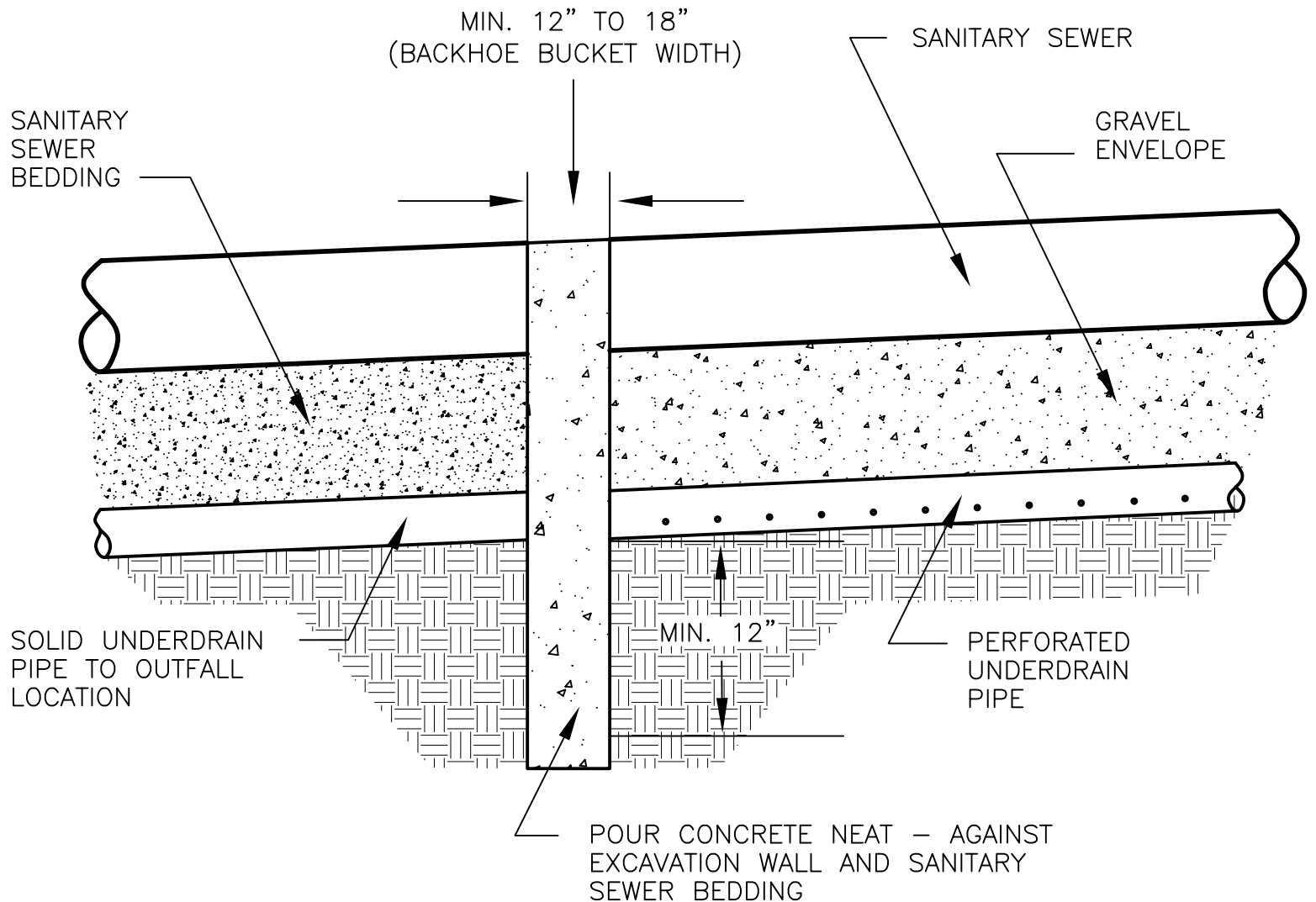
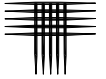
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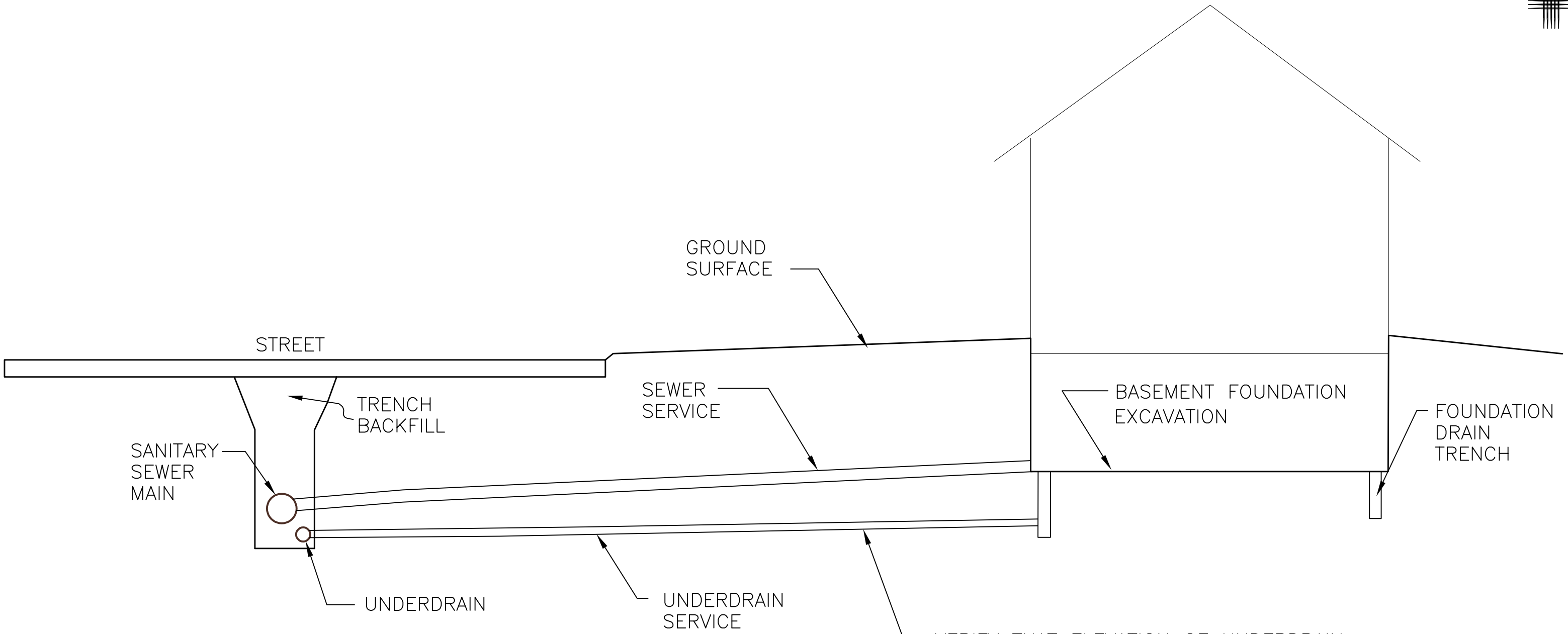
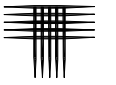
NOTE: NOT TO SCALE.

Typical Sewer Underdrain Detail

Fig. 6

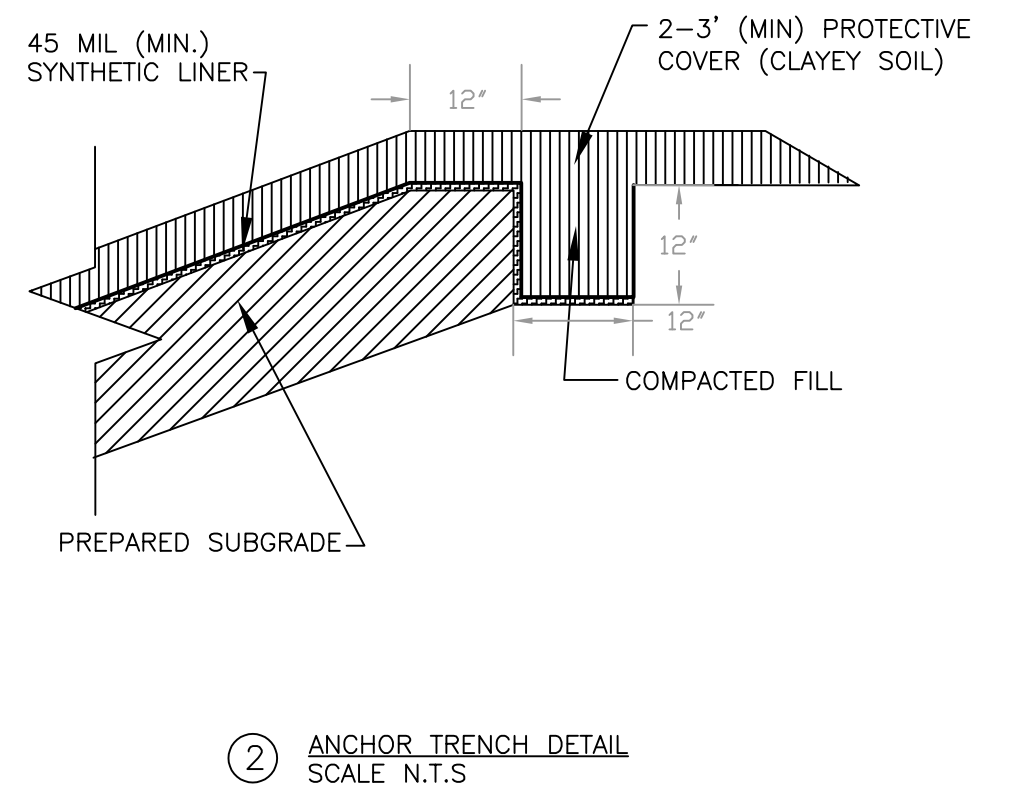
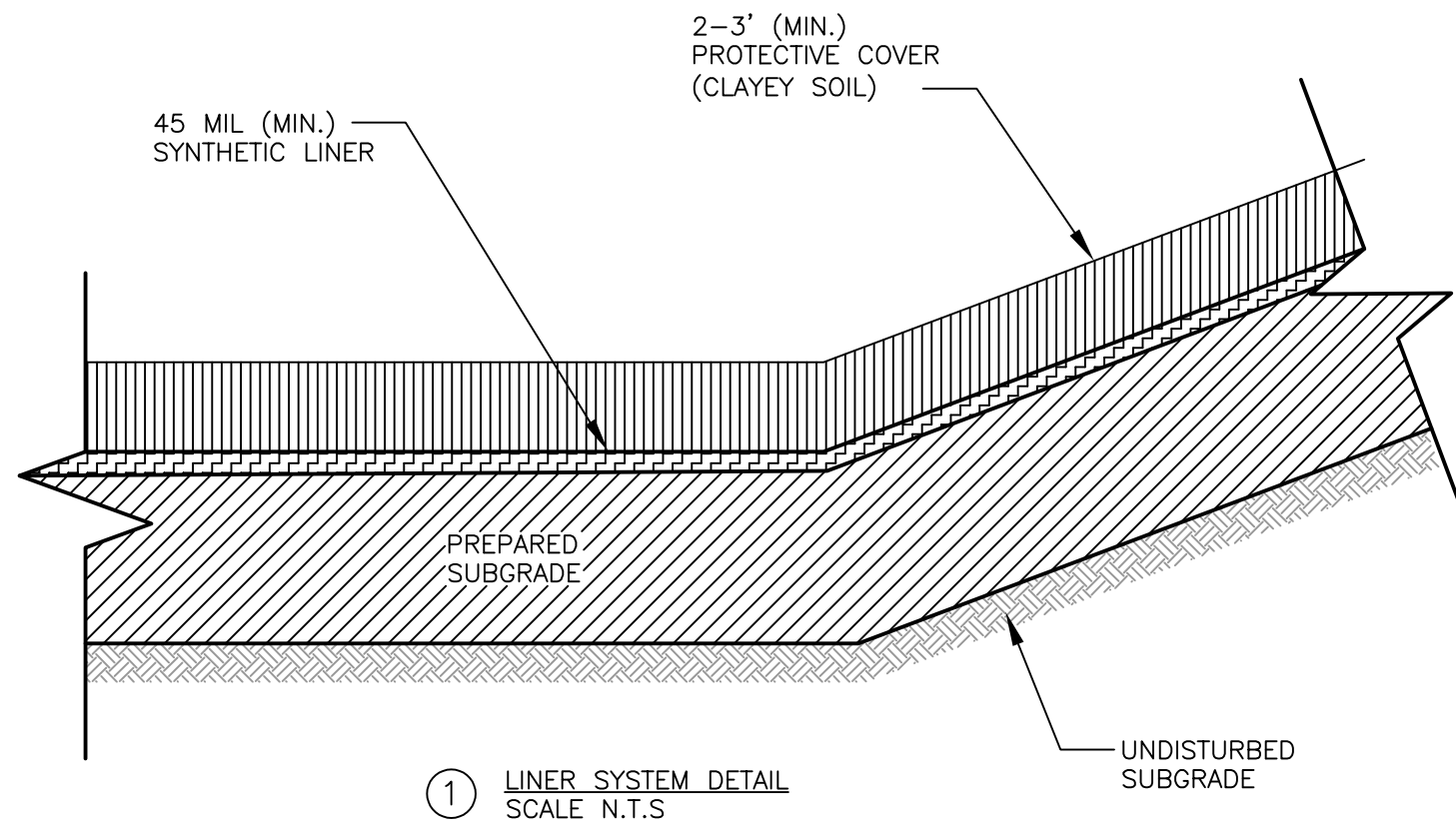
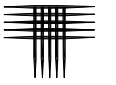


NOTE:
THE CONCRETE CUTOFF WALL SHOULD EXTEND INTO THE UNDISTURBED SOILS OUTSIDE THE UNDERDRAIN AND SANITARY SEWER TRENCH A MINIMUM DISTANCE OF 12 INCHES.



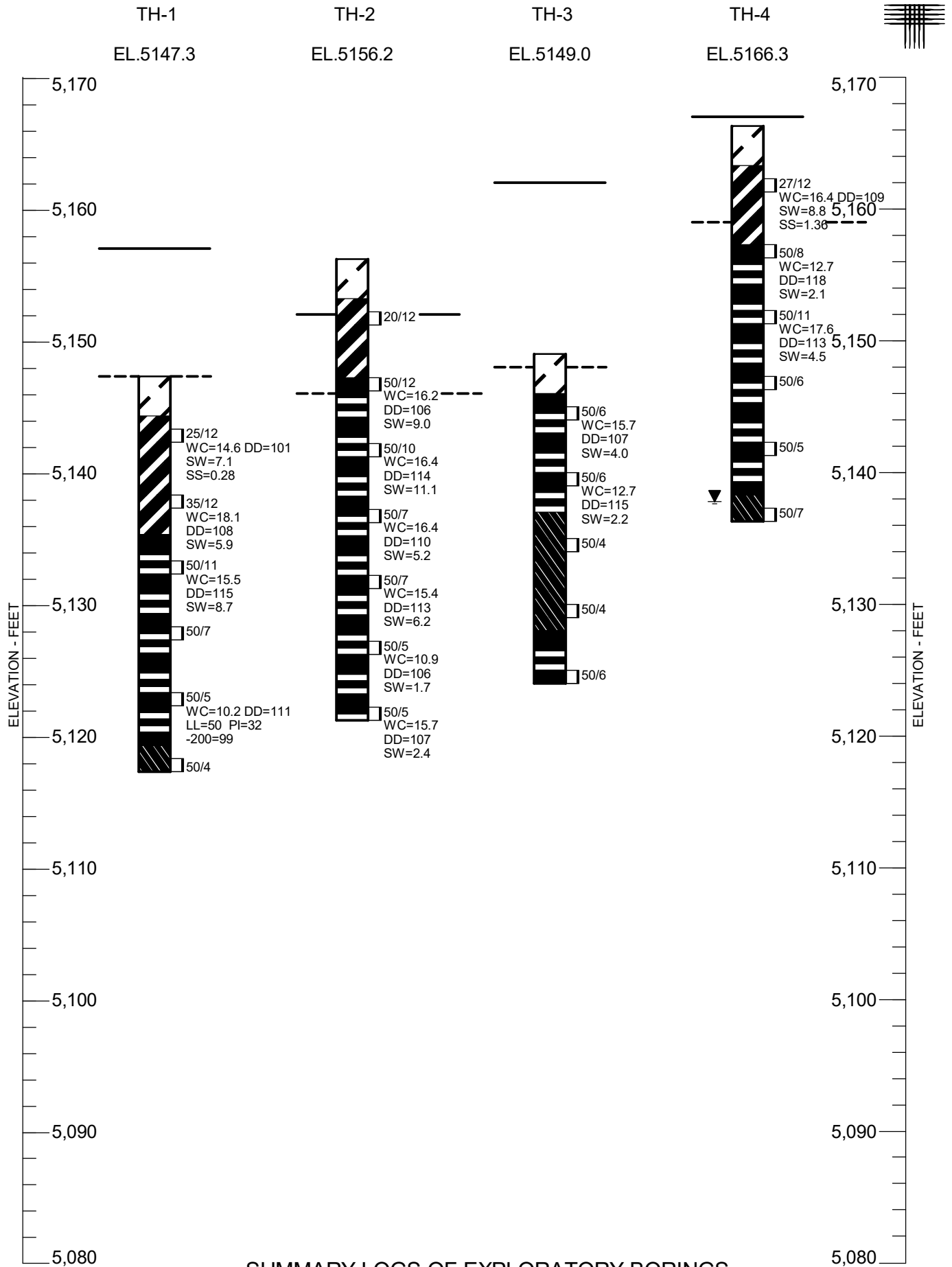
VERIFY THAT ELEVATION OF UNDERDRAIN WILL PROVIDE ADEQUATE DROP FROM FOUNDATION DRAIN TO UNDERDRAIN, PARTICULARLY WHERE DEEPER EXCAVATIONS OCCUR (WHERE STRUCTURAL FLOORS ARE PLANNED).

NOT TO SCALE

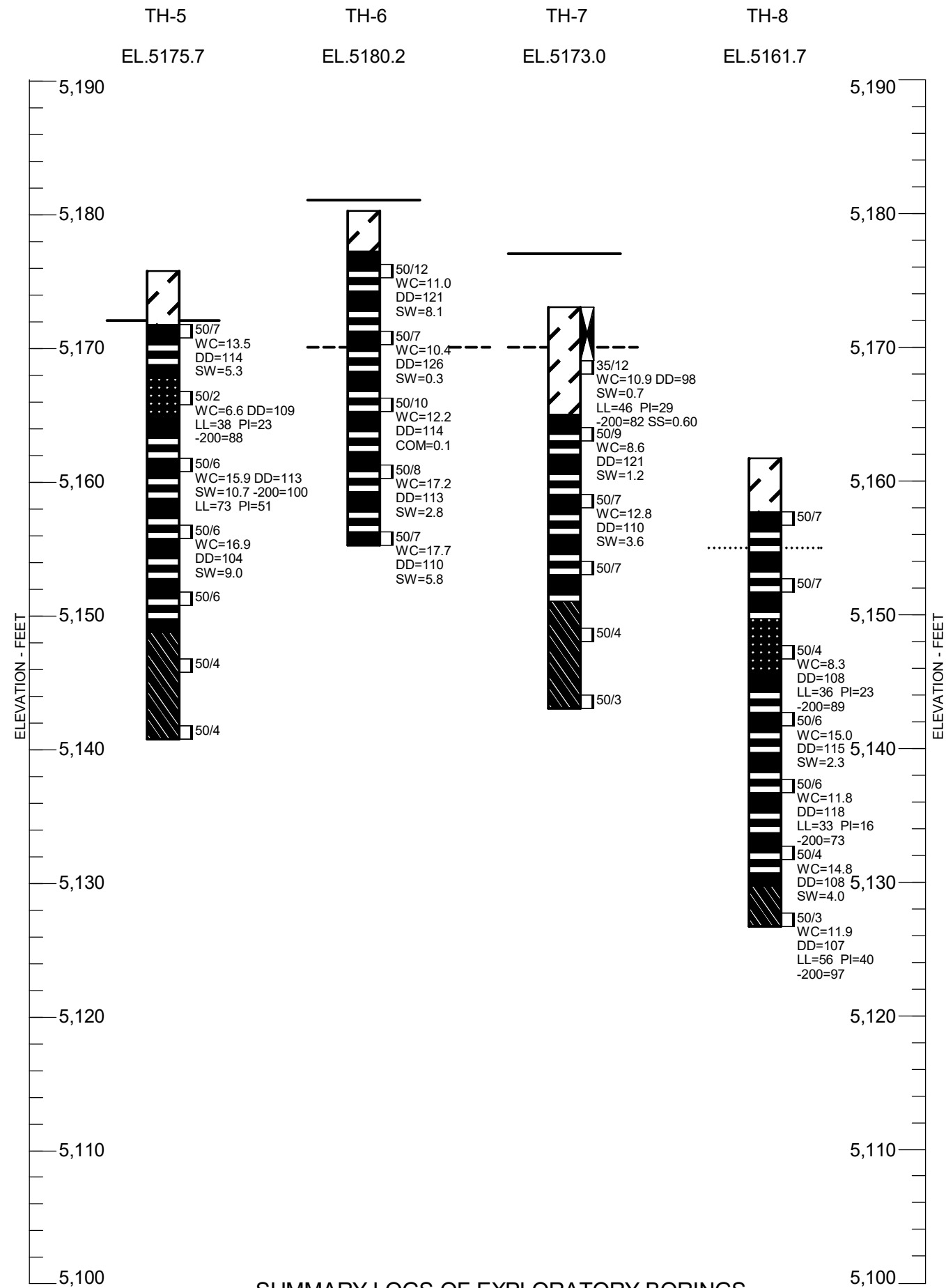
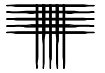




APPENDIX A
SUMMARY LOGS OF EXPLORATORY BORINGS



SUMMARY LOGS OF EXPLORATORY BORINGS

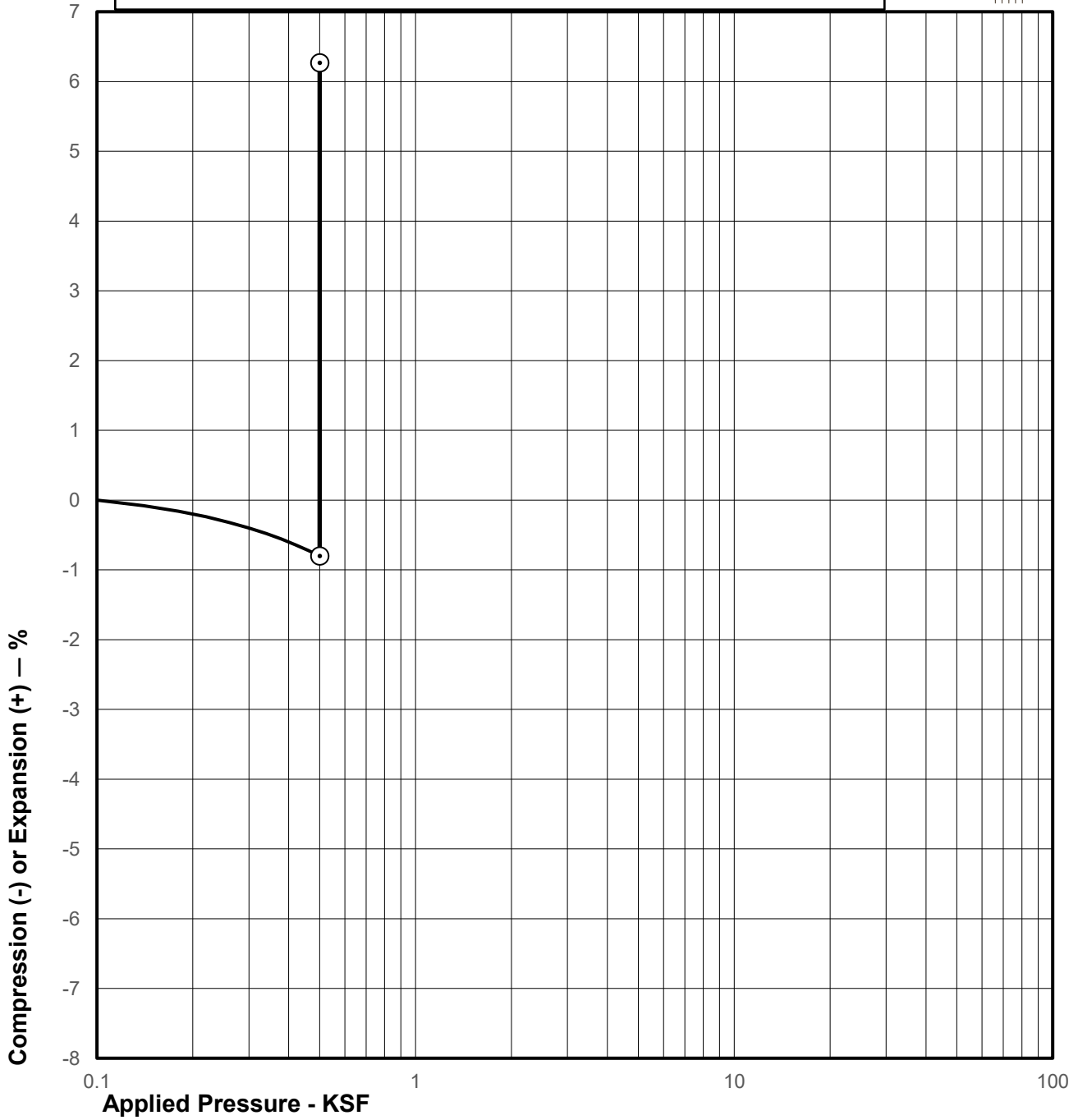
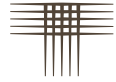


SUMMARY LOGS OF EXPLORATORY BORINGS



APPENDIX B
LABORATORY TEST RESULTS
TABLE B-I – SUMMARY OF LABORATORY TESTING

Sample exhibited expansion of 7.1 percent when wetted under an applied pressure of 500 psf.

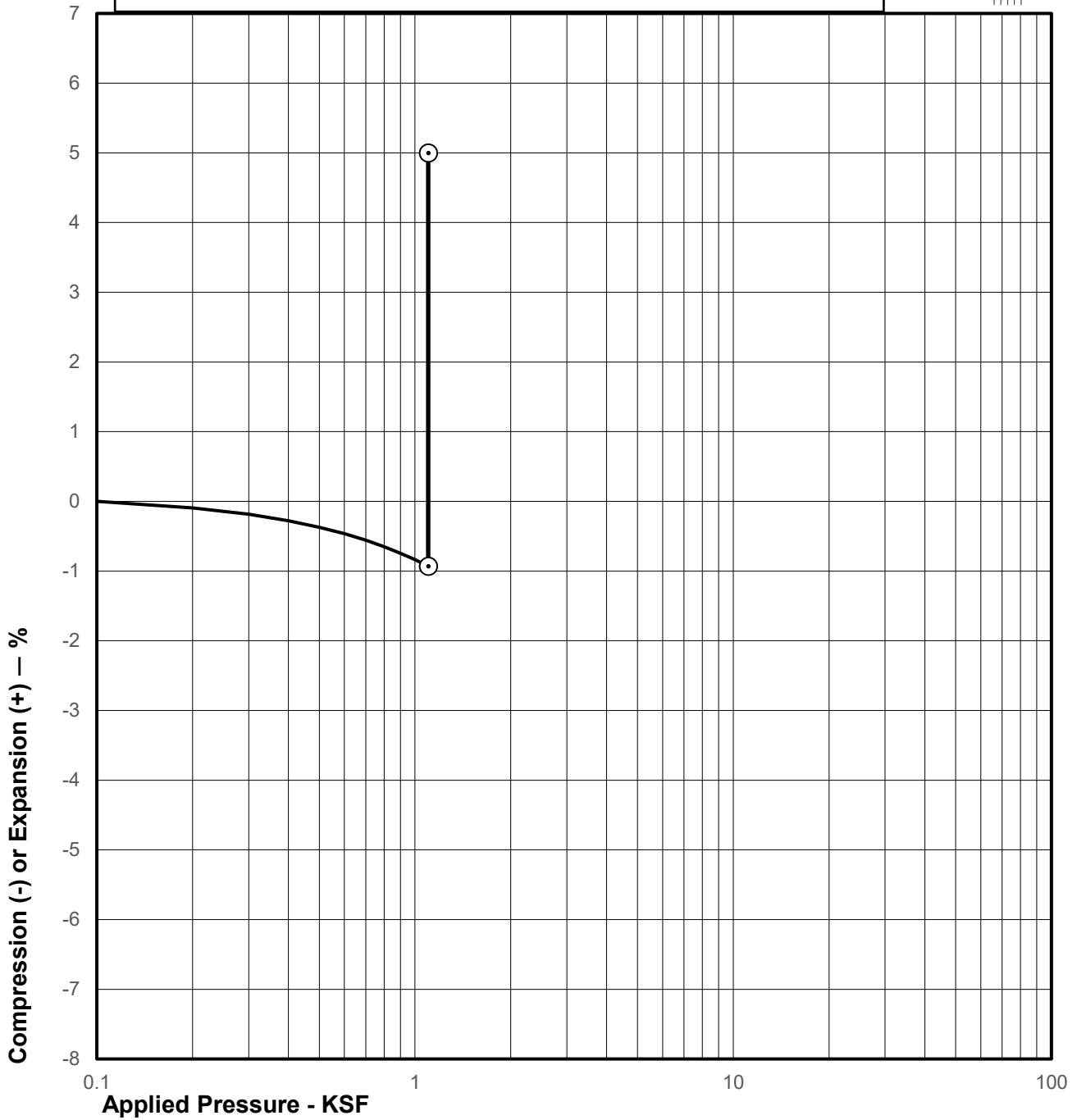
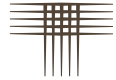


SAMPLE OF: WEATHERED CLAYSTONE
 FROM: TH-1 AT 4 FEET

MOISTURE CONTENT: 14.6 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 101 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 5.9 percent when wetted under an applied pressure of 1100 psf.

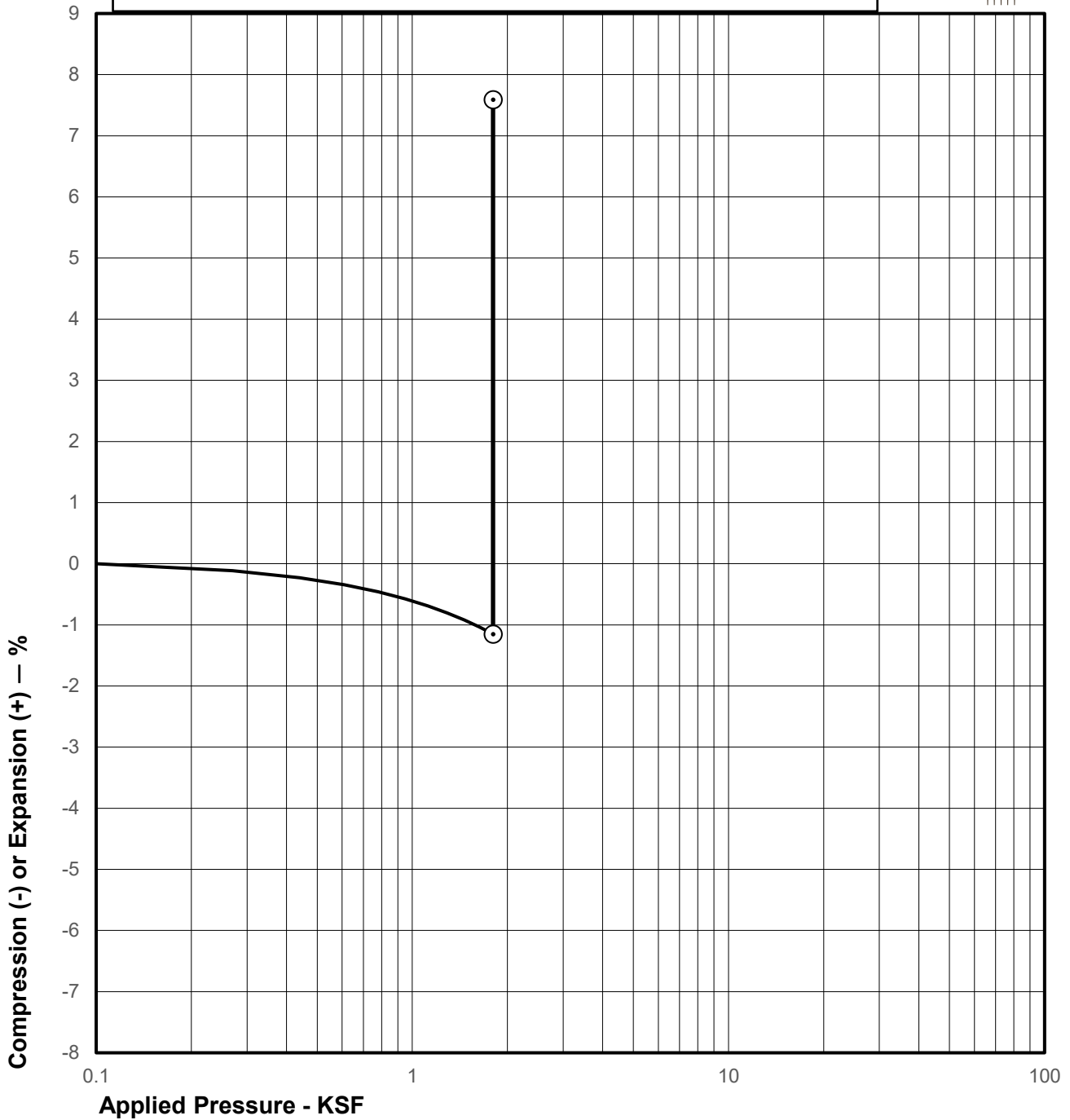
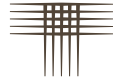


SAMPLE OF: WEATHERED CLAYSTONE
 FROM: TH-1 AT 9 FEET

MOISTURE CONTENT: 18.1 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 108 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 8.7 percent when wetted under an applied pressure of 1800 psf.

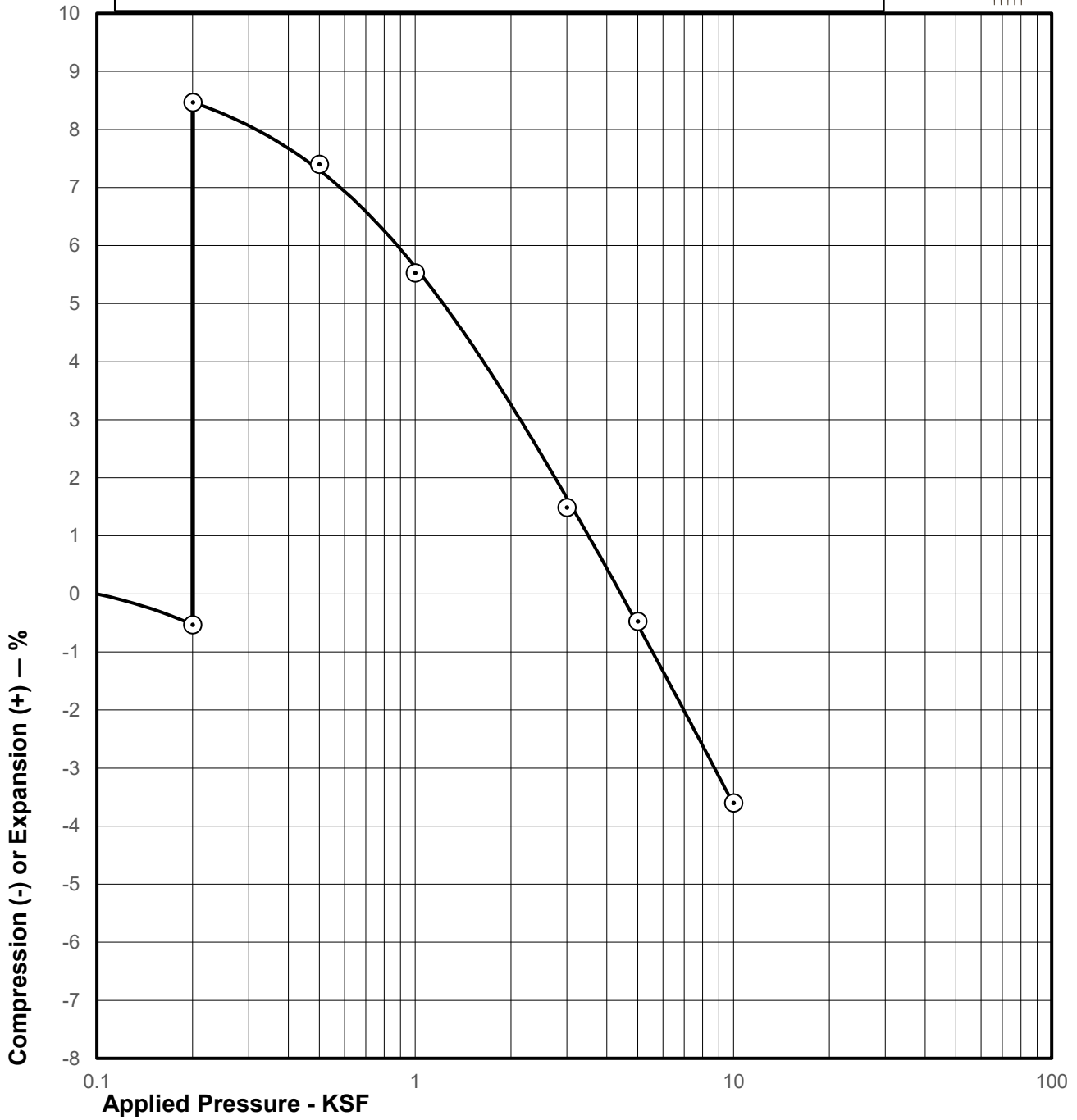
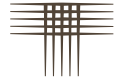


SAMPLE OF: CLAYSTONE
 FROM: TH-1 AT 14 FEET

MOISTURE CONTENT: 15.5 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 115 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 9.0 percent when wetted under an applied pressure of 200 psf, with a calculated swell pressure of 5000.0 psf.

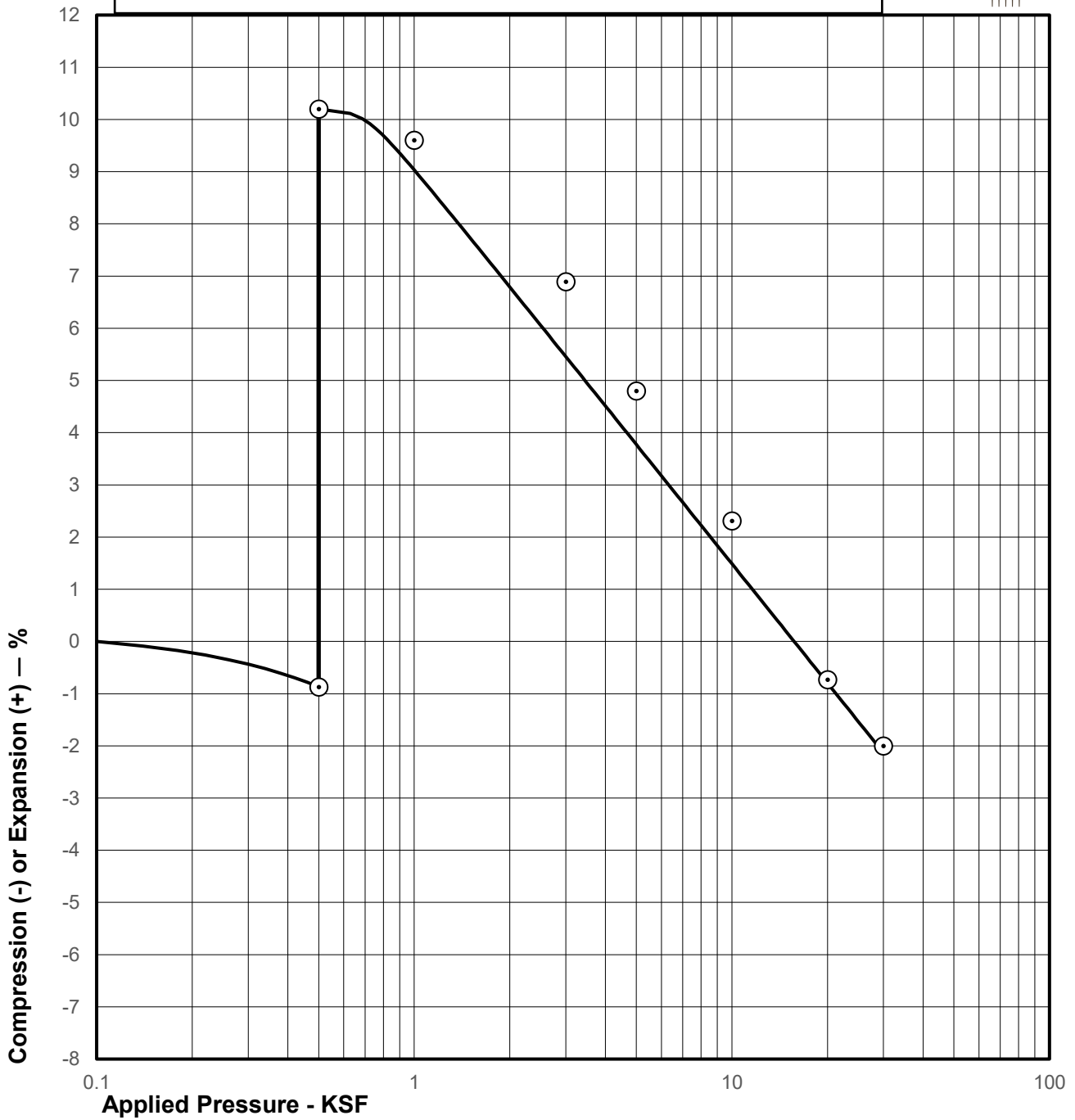
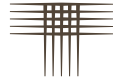


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 9 FEET

MOISTURE CONTENT: 16.2 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 106 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 11.1 percent when wetted under an applied pressure of 500 psf, with a calculated swell pressure of 20500 psf.

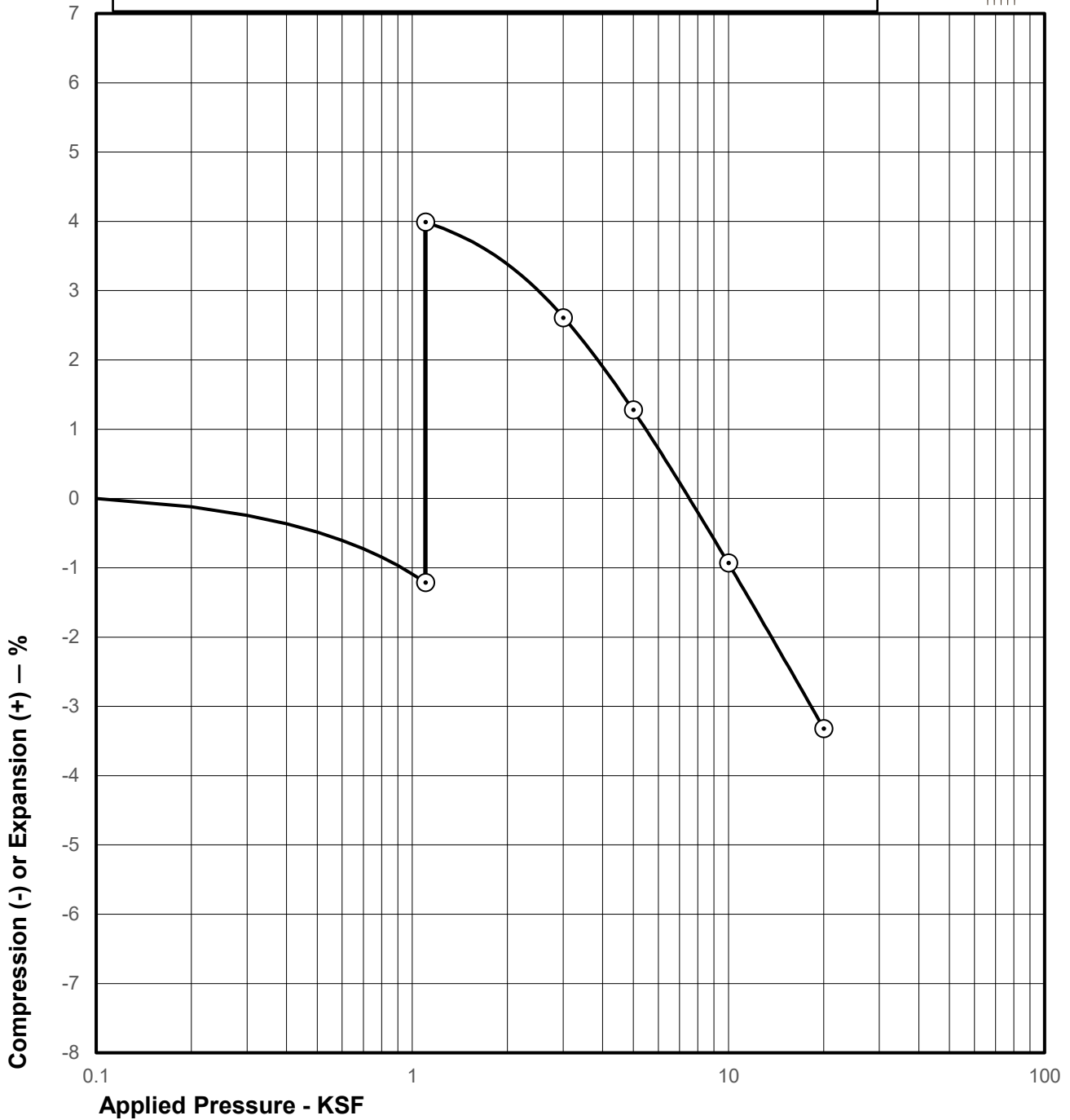
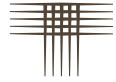


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 14 FEET

MOISTURE CONTENT: 16.4 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 114 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 5.2 percent when wetted under an applied pressure of 1100 psf, with a calculated swell pressure of 10900 psf.

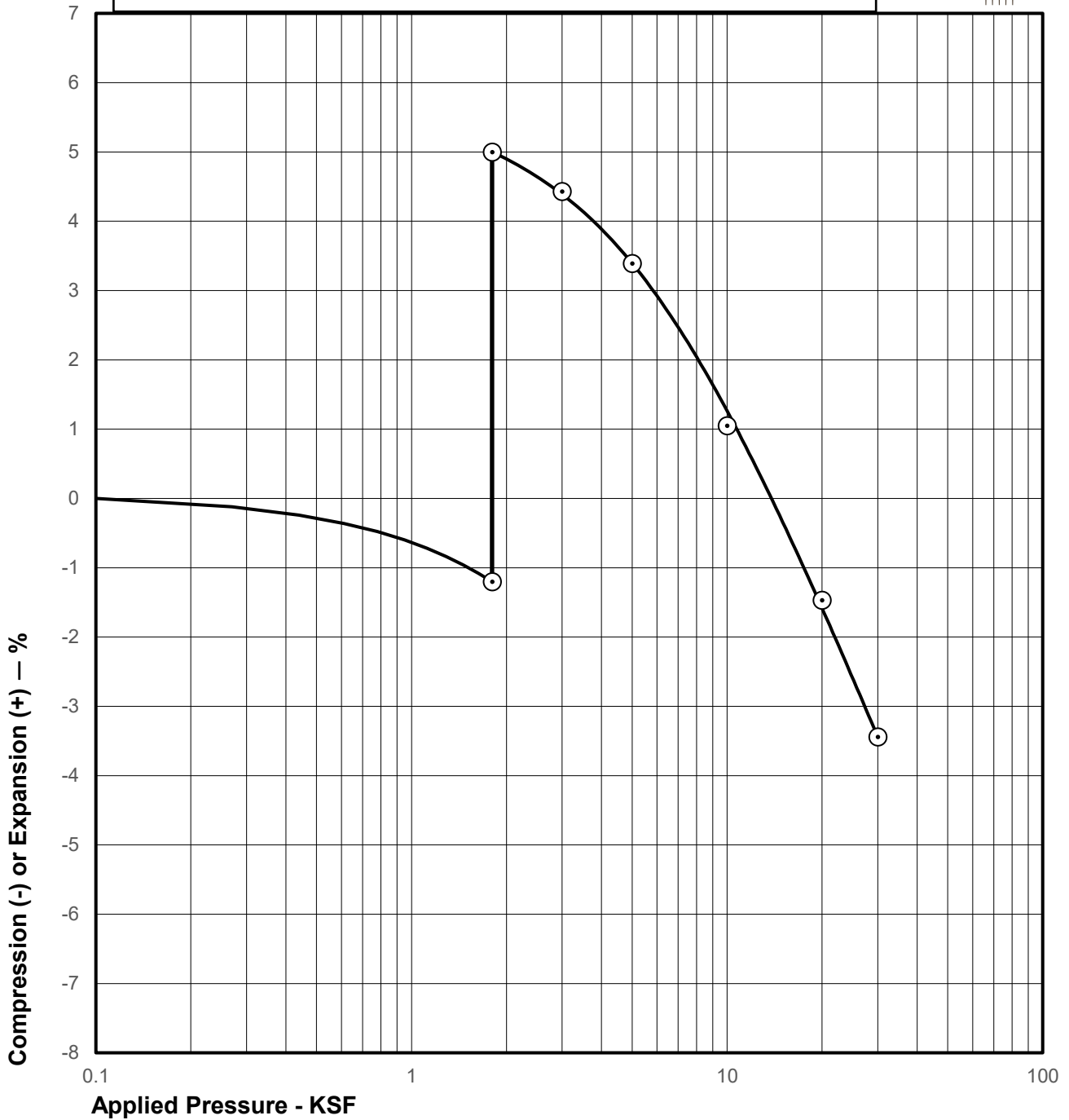
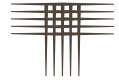


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 19 FEET

MOISTURE CONTENT: 16.4 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 110 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 6.2 percent when wetted under an applied pressure of 1800 psf, with a calculated swell pressure of 18500 psf.

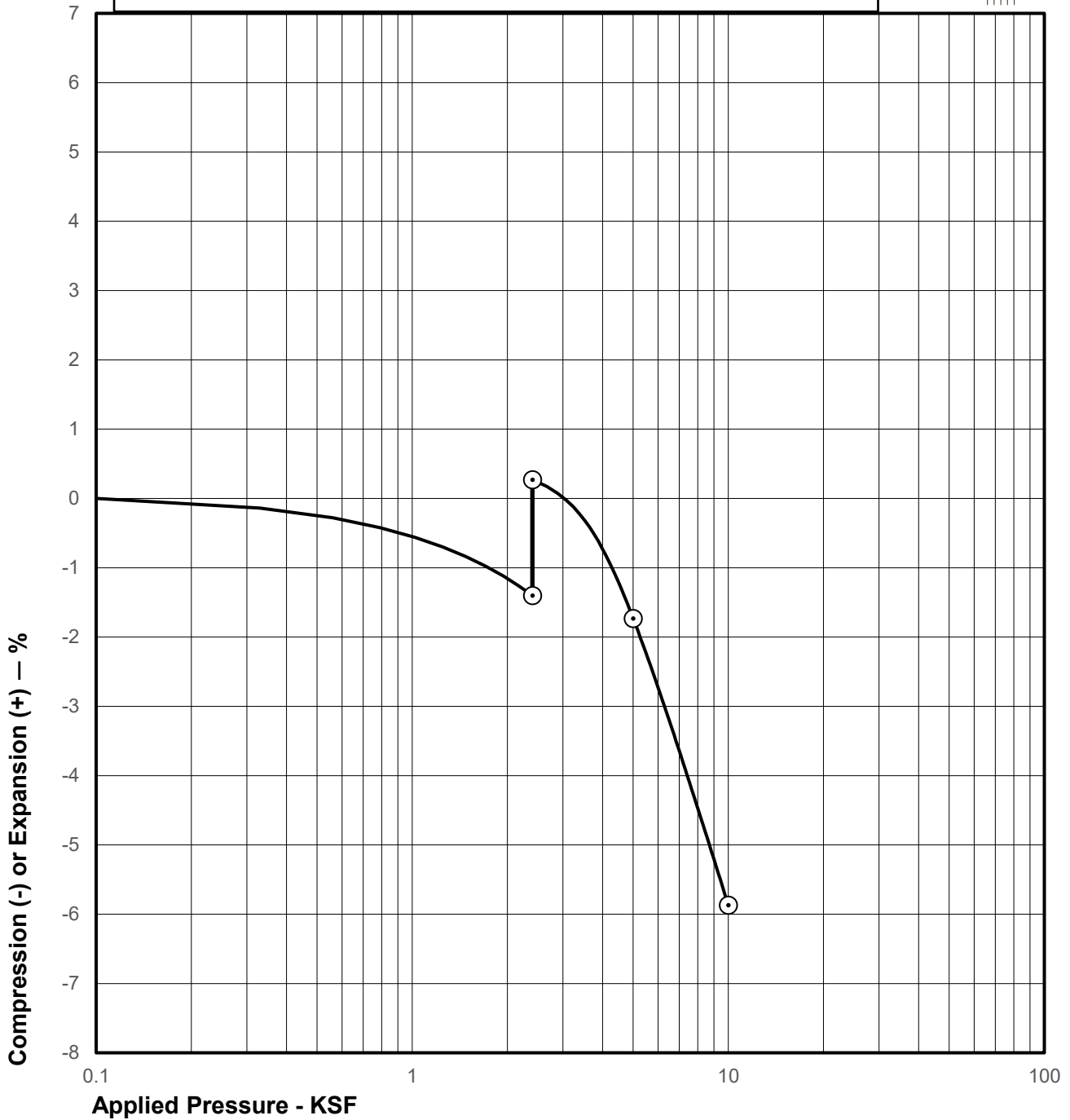
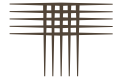


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 24 FEET

MOISTURE CONTENT: 15.4 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 113 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 1.7 percent when wetted under an applied pressure of 2400 psf, with a calculated swell pressure of 4700 psf.

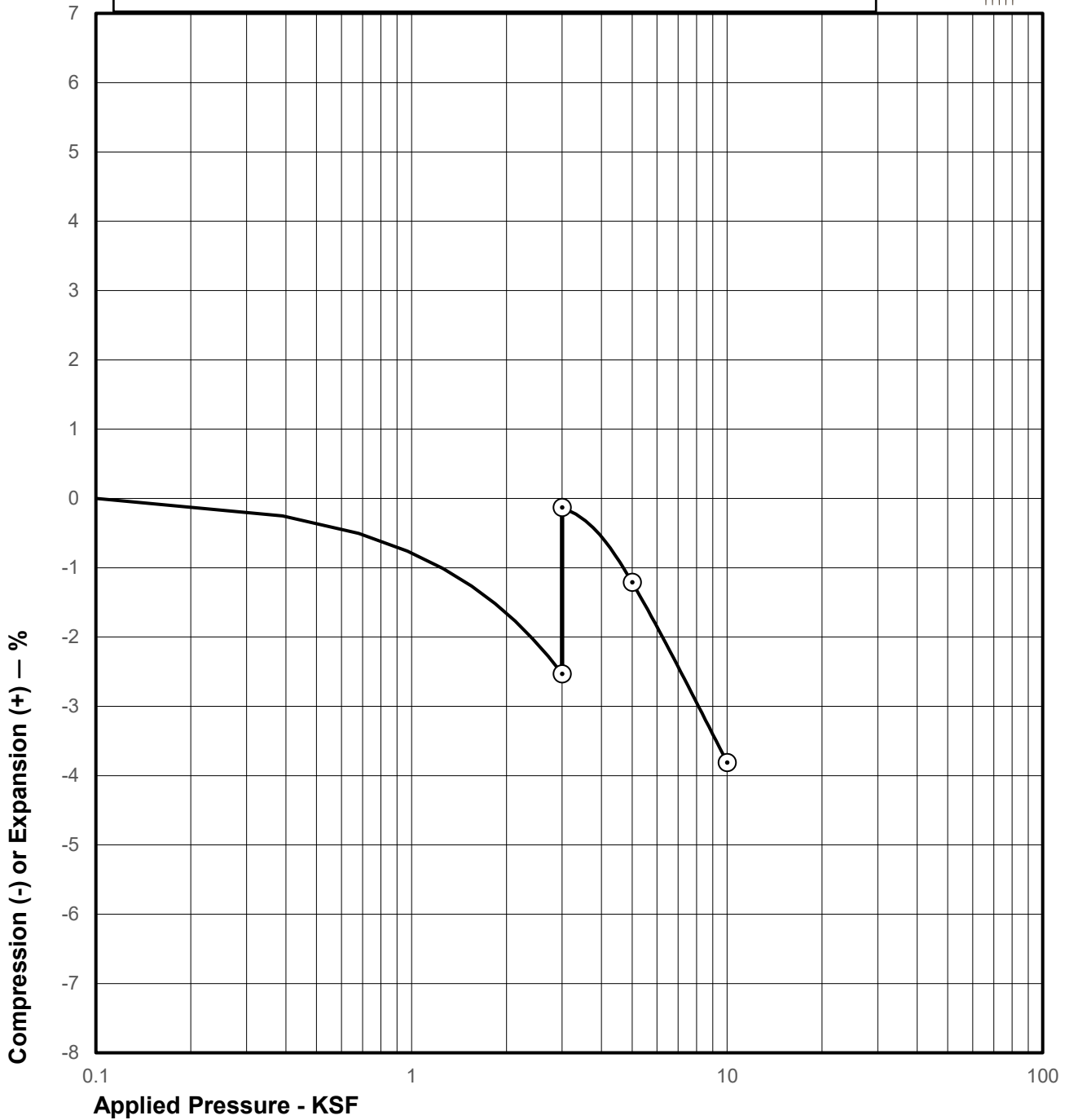
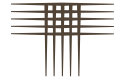


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 29 FEET

MOISTURE CONTENT: 10.9 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 106 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 2.4 percent when wetted under an applied pressure of 3000.0 psf, with a calculated swell pressure of 7100 psf.

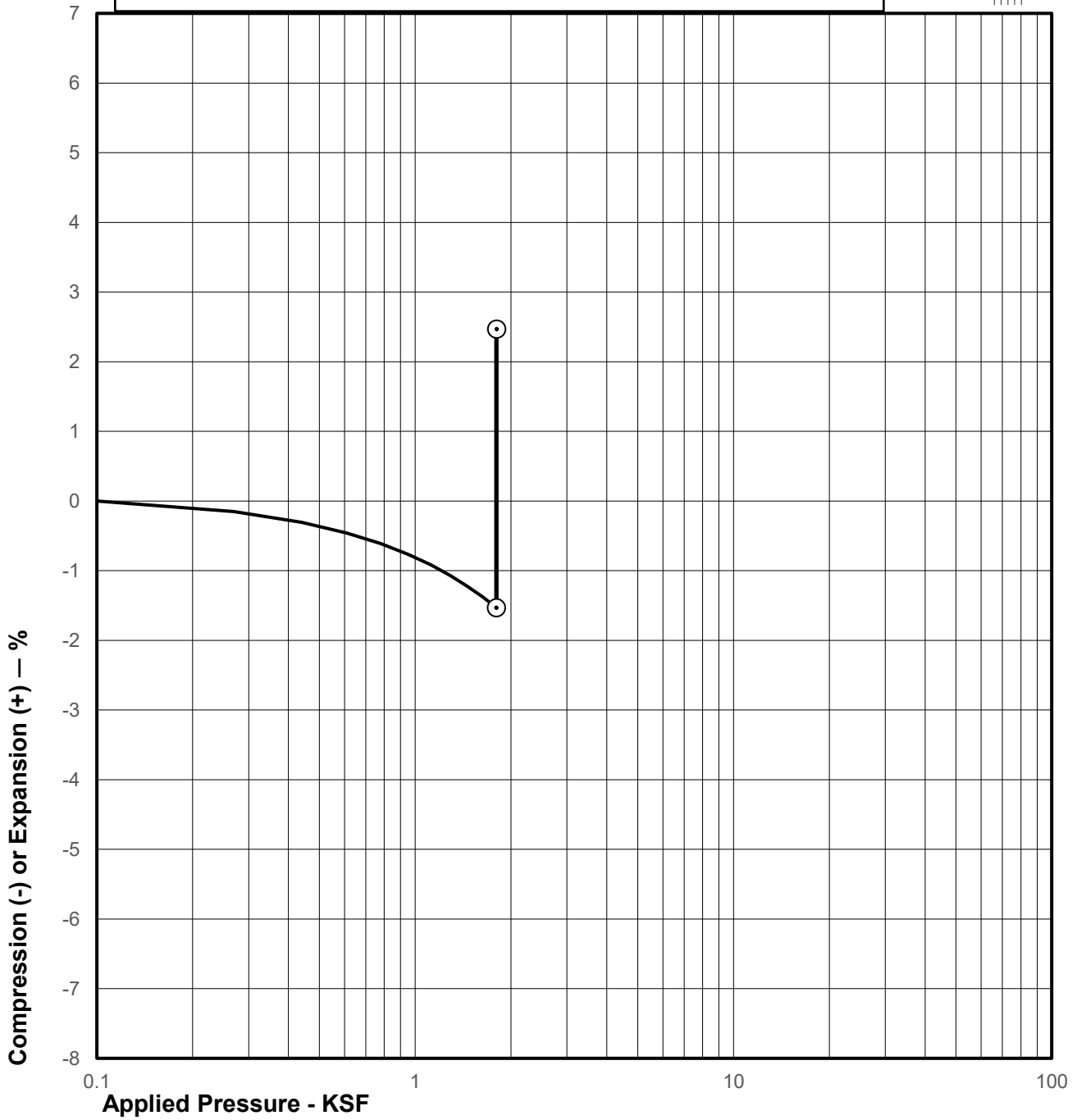
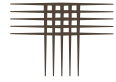


SAMPLE OF: CLAYSTONE
 FROM: TH-2 AT 34 FEET

MOISTURE CONTENT: 15.7 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 107 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 4.0 percent when wetted under an applied pressure of 1800 psf.

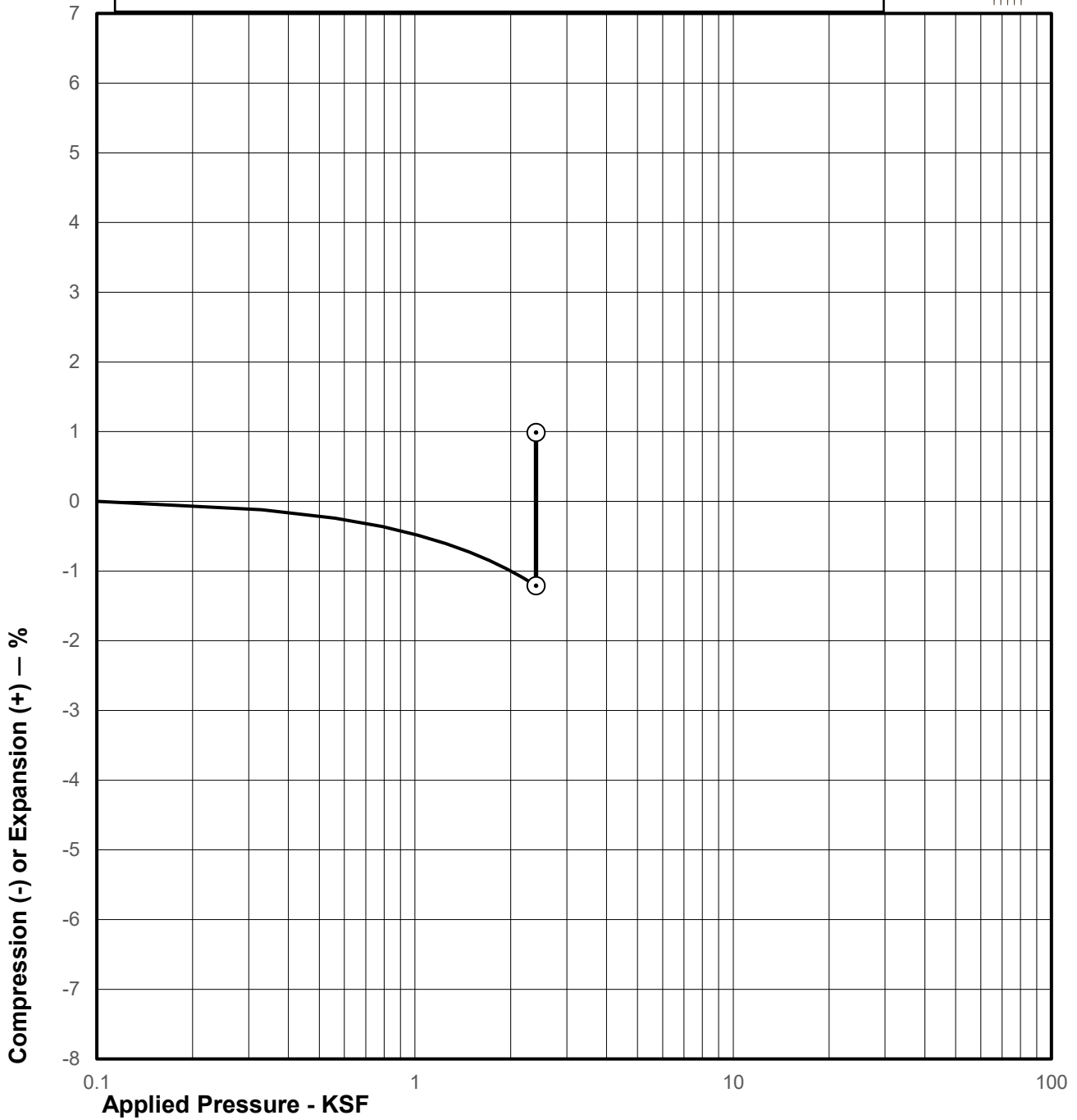
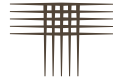


SAMPLE OF: CLAYSTONE
 FROM: TH-3 AT 4 FEET

MOISTURE CONTENT: 15.7 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 107 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 2.2 percent when wetted under an applied pressure of 2400 psf.

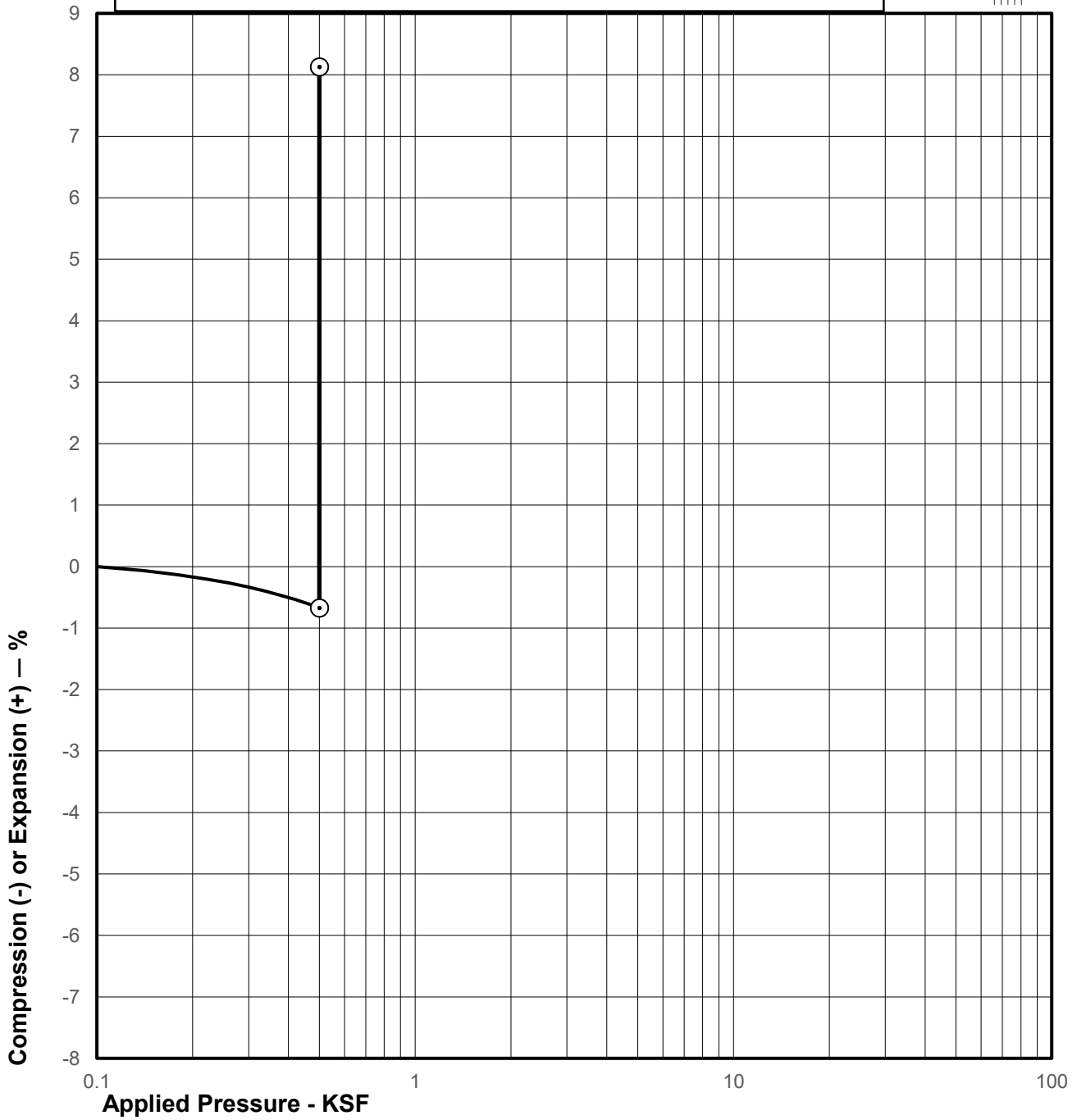
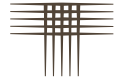


SAMPLE OF: CLAYSTONE
 FROM: TH-3 AT 9 FEET

MOISTURE CONTENT: 12.7 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 115 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 8.8 percent when wetted under an applied pressure of 500 psf.

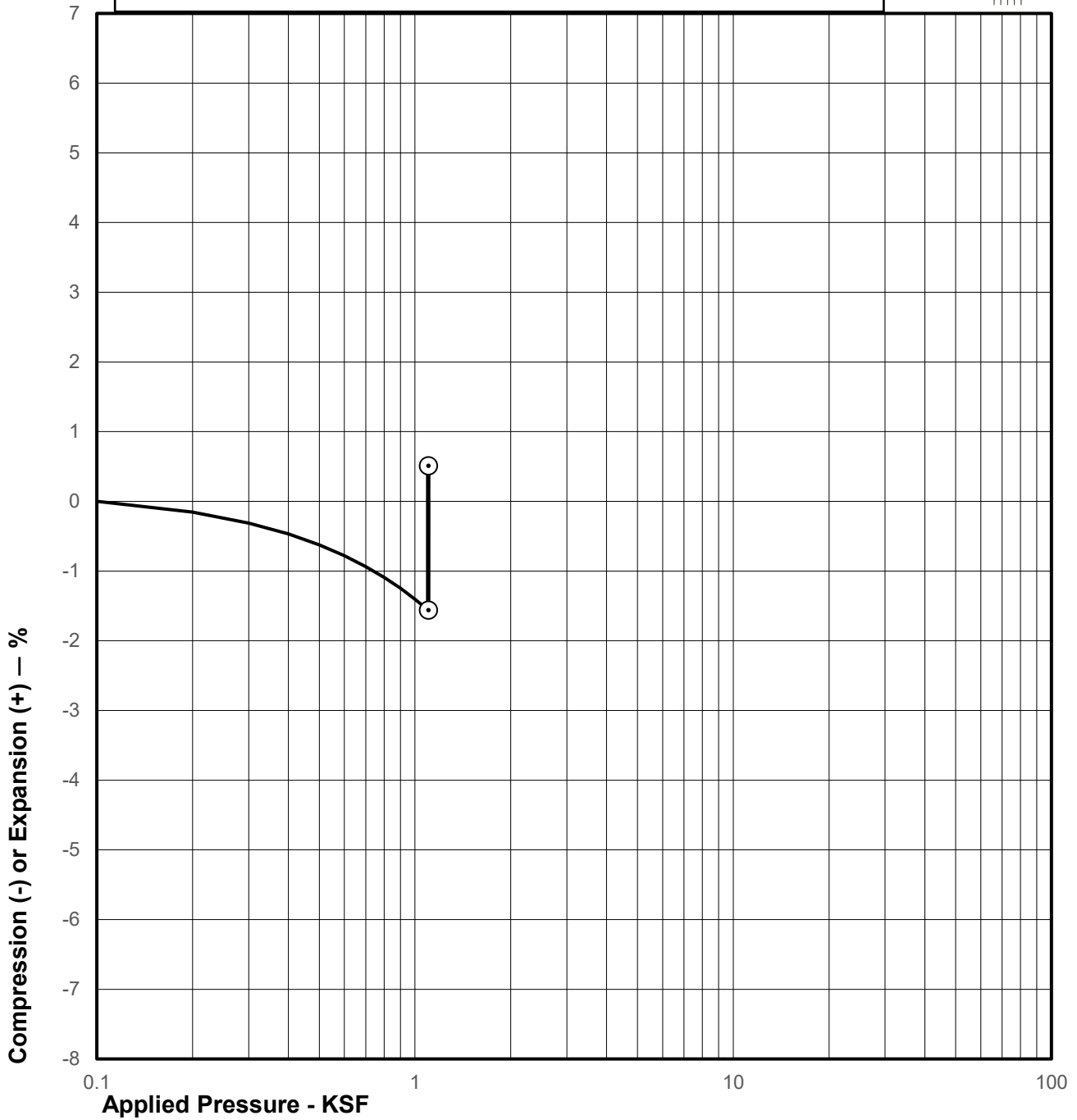
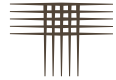


SAMPLE OF: WEATHERED CLAYSTONE
 FROM: TH-4 AT 4 FEET

MOISTURE CONTENT: 16.4 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 109 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 2.1 percent when wetted under an applied pressure of 1100 psf.

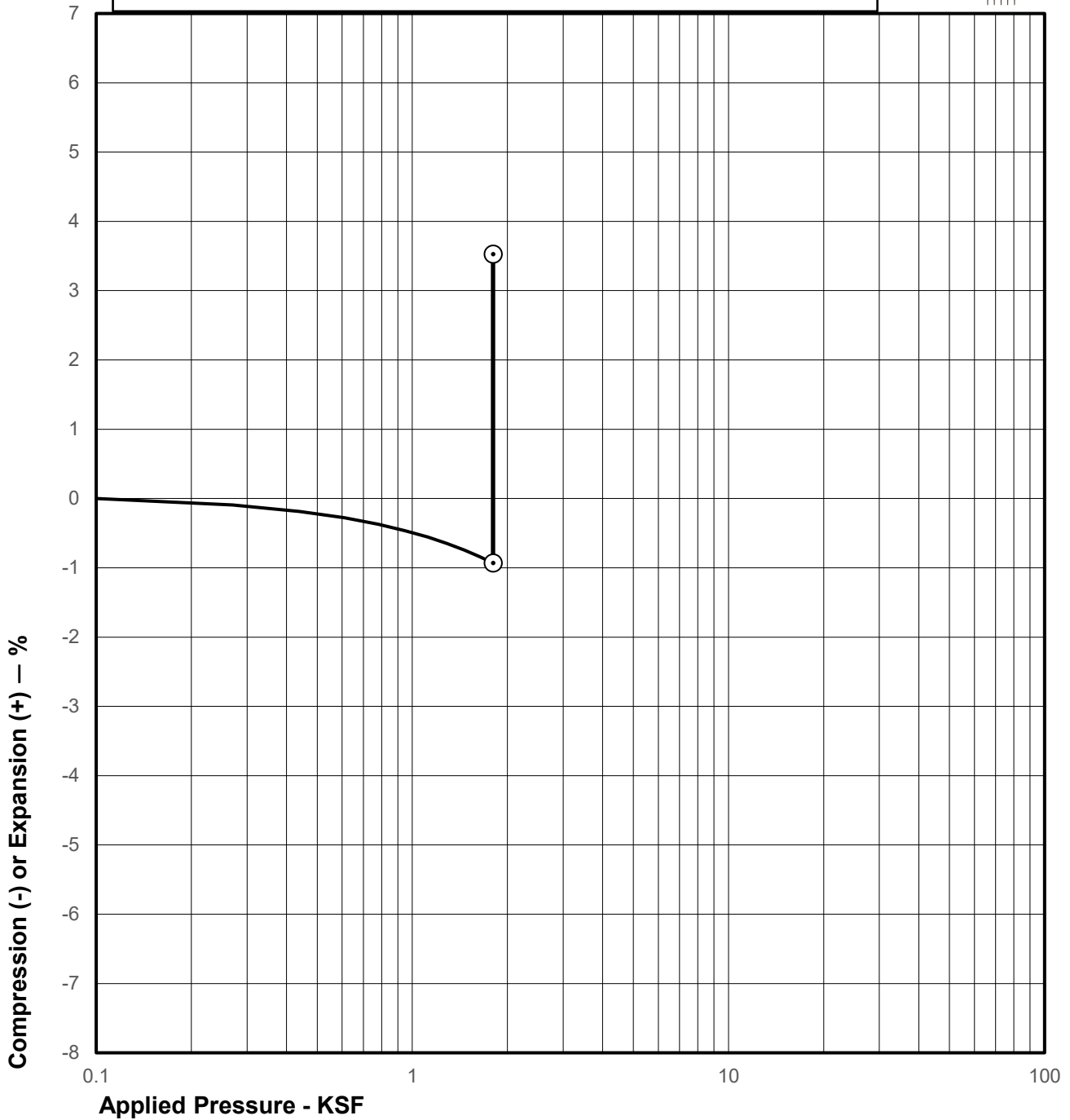
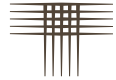


SAMPLE OF: CLAYSTONE
 FROM: TH-4 AT 9 FEET

MOISTURE CONTENT: 12.7 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 118 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 4.5 percent when wetted under an applied pressure of 1800 psf.

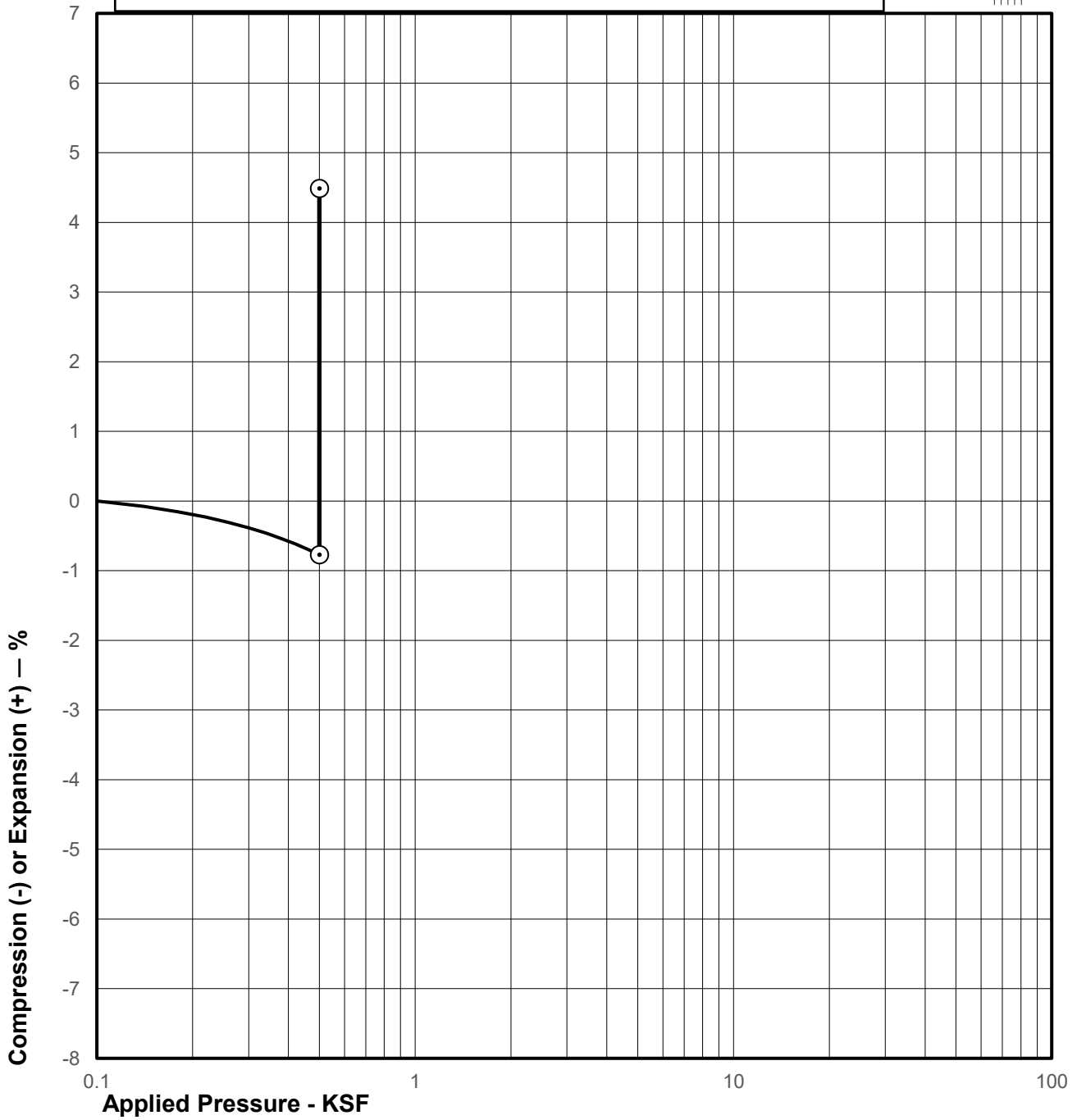
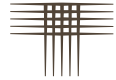


SAMPLE OF: CLAYSTONE
 FROM: TH-4 AT 14 FEET

MOISTURE CONTENT: 17.6 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 113 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 5.3 percent when wetted under an applied pressure of 500 psf.

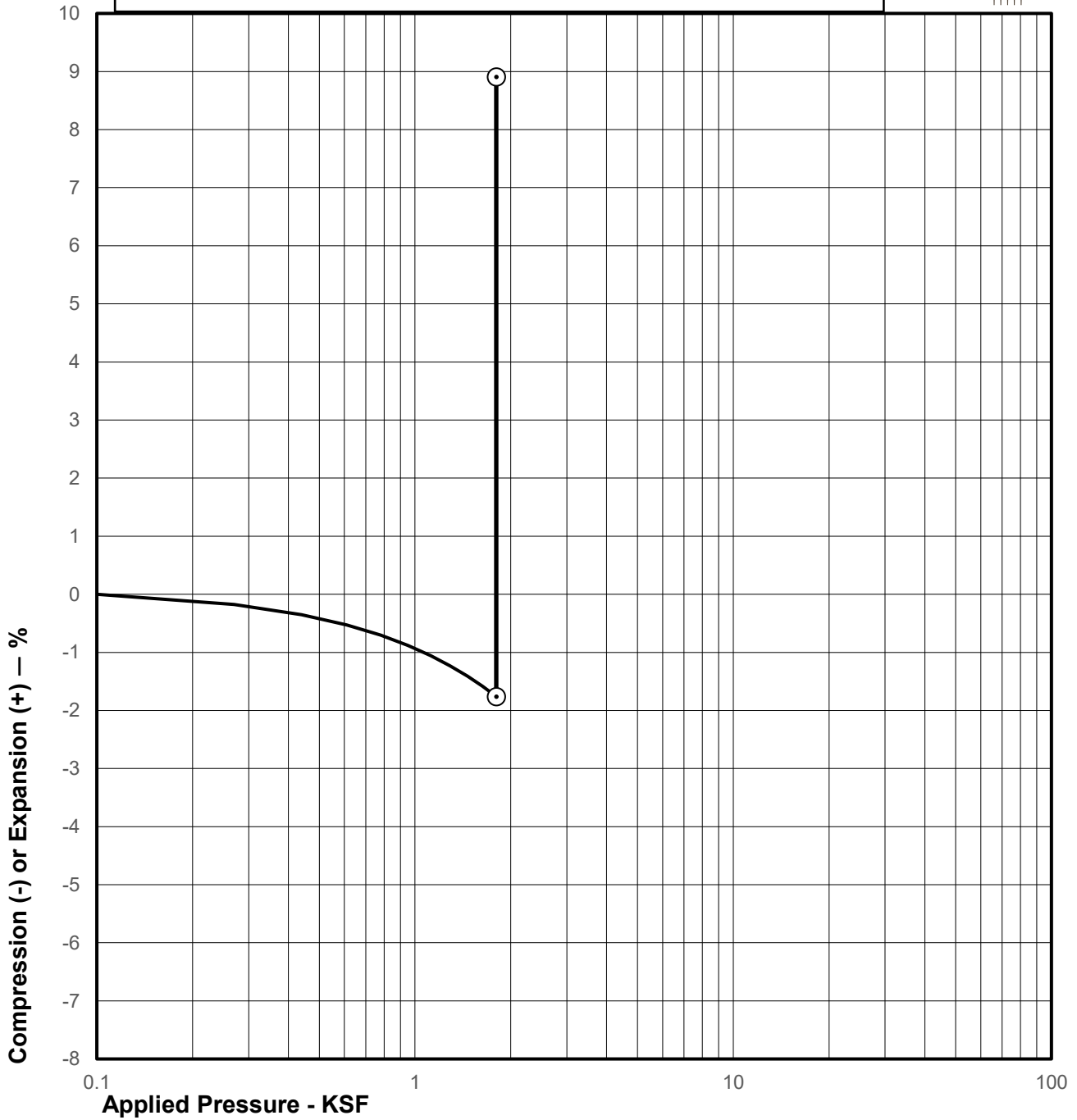
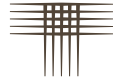


SAMPLE OF: CLAYSTONE
 FROM: TH-5 AT 4 FEET

MOISTURE CONTENT: 13.5 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 114 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 10.7 percent when wetted under an applied pressure of 1800 psf.

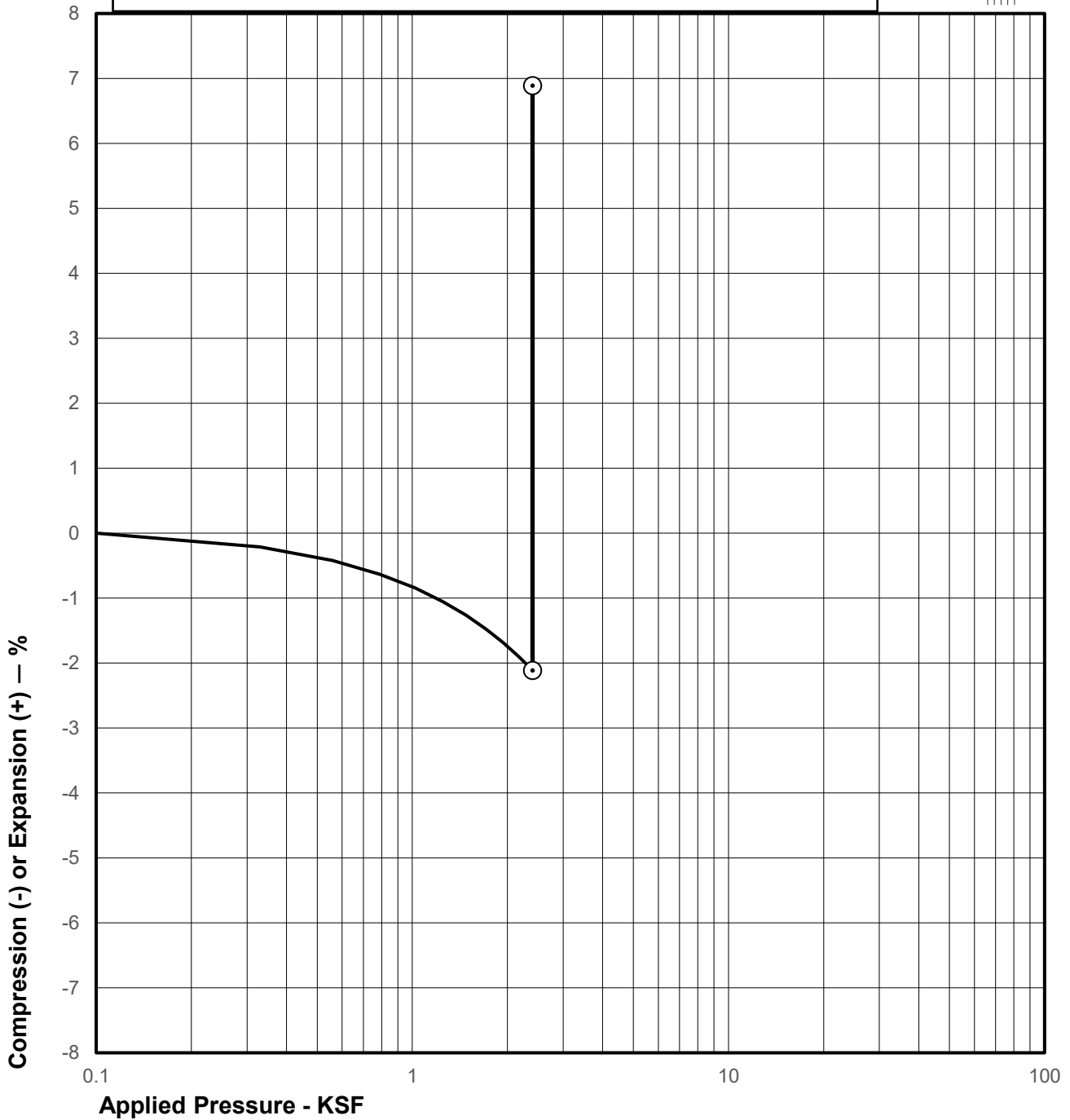
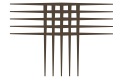


SAMPLE OF: CLAYSTONE
 FROM: TH-5 AT 14 FEET

MOISTURE CONTENT: 15.9 % LIQUID LIMIT: 73 SILT AND CLAY: 100 %
 DRY UNIT WEIGHT: 113 pcf PLASTICITY INDEX: 51 SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 9.0 percent when wetted under an applied pressure of 2400 psf.

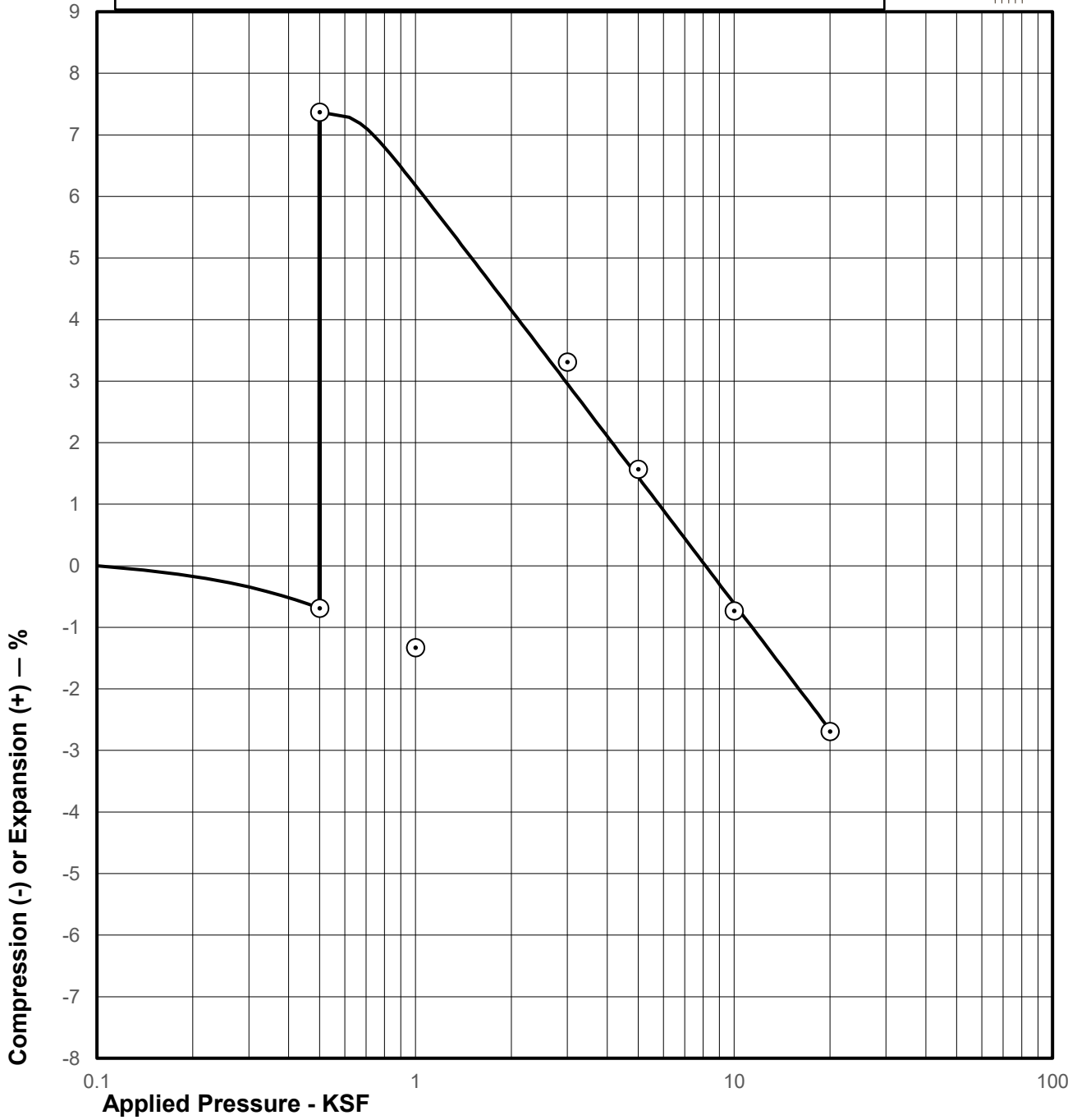
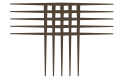


SAMPLE OF: CLAYSTONE
 FROM: TH-5 AT 19 FEET

MOISTURE CONTENT: 16.9 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 104 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 8.1 percent when wetted under an applied pressure of 500 psf, with a calculated swell pressure of 10400 psf.

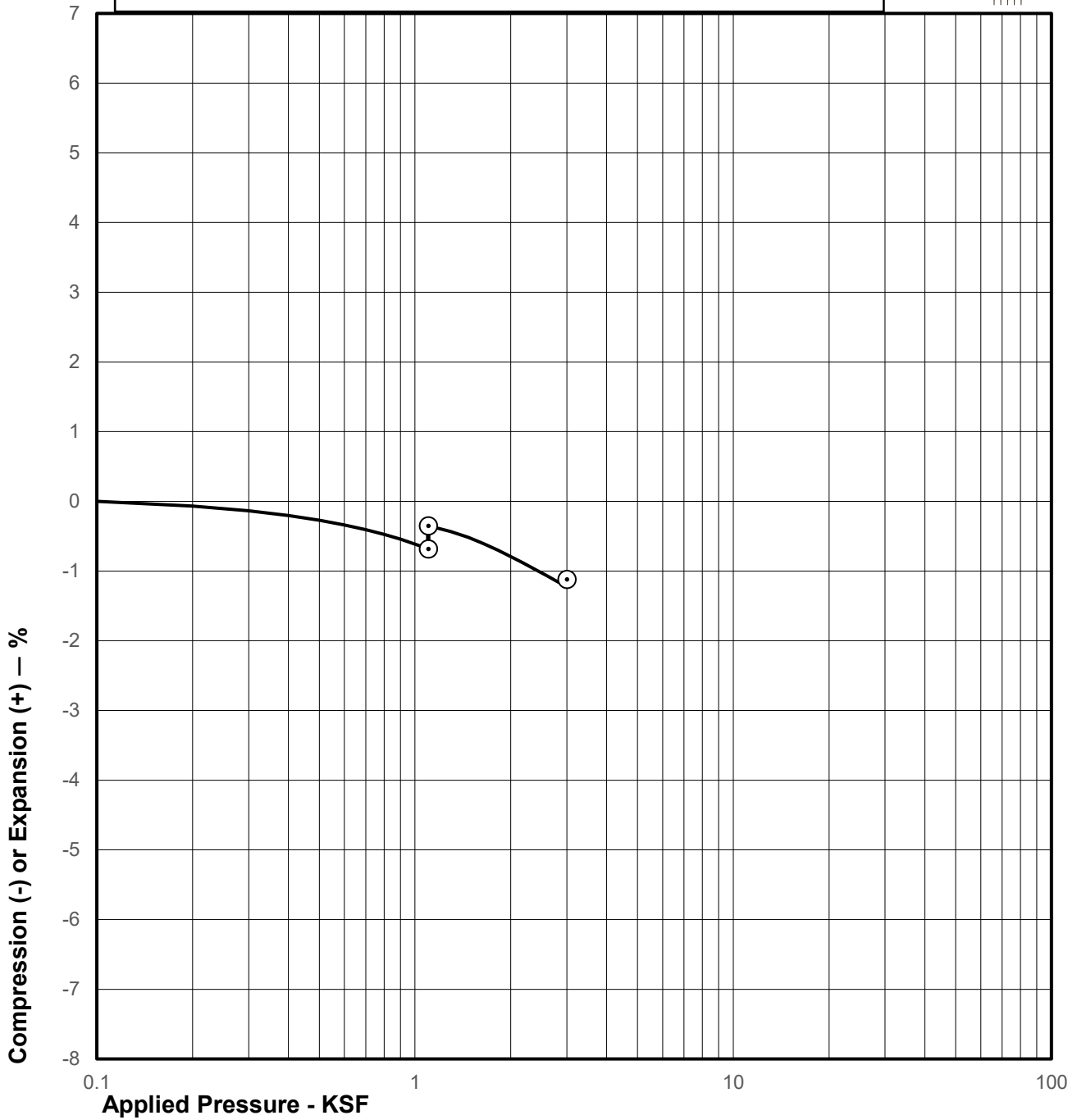
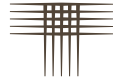


SAMPLE OF: CLAYSTONE
 FROM: TH-6 AT 4 FEET

MOISTURE CONTENT: 11.0 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 121 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 0.3 percent when wetted under an applied pressure of 1100 psf, with a calculated swell pressure of 1800 psf.

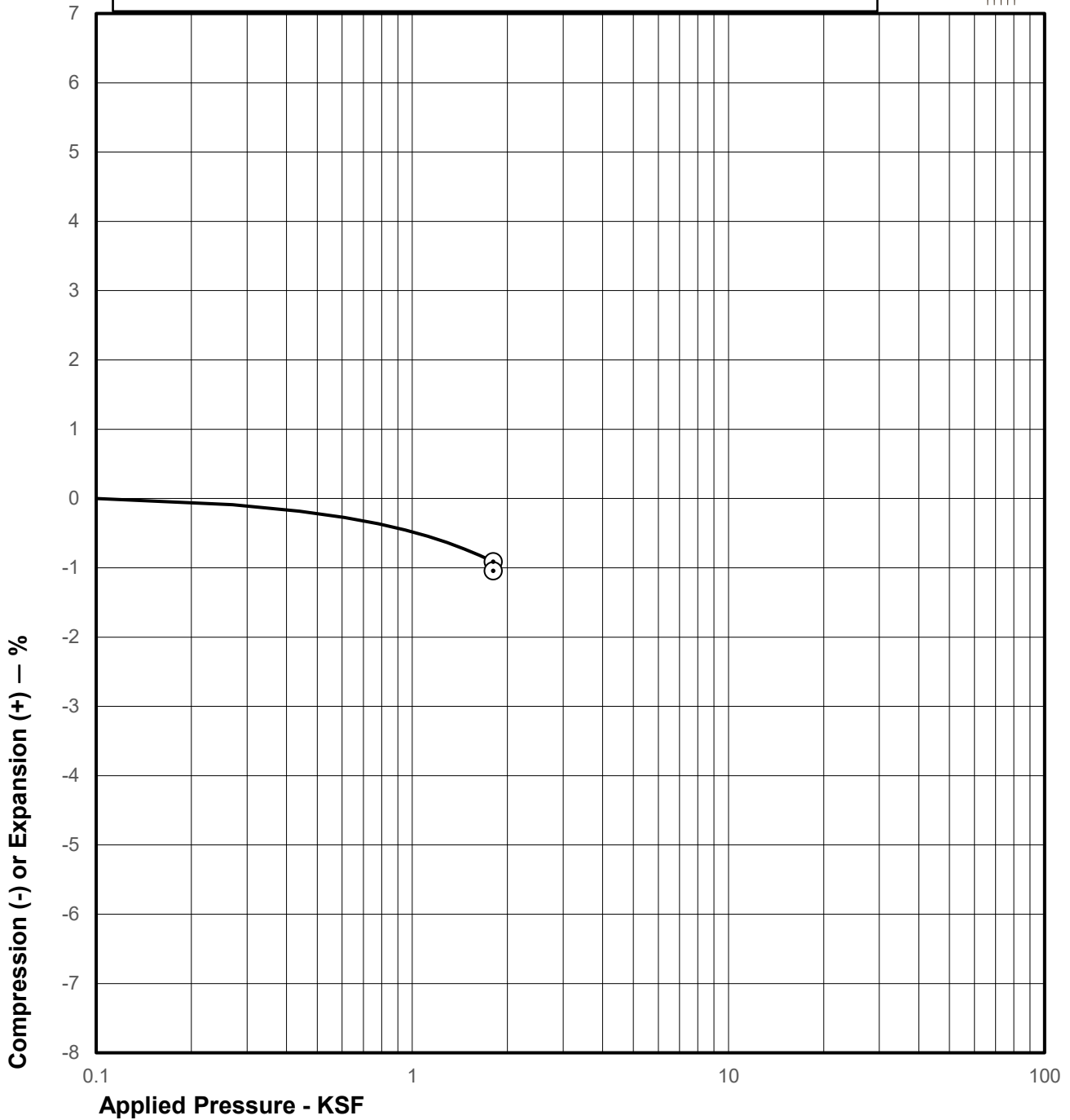
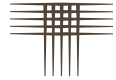


SAMPLE OF: CLAYSTONE
 FROM: TH-6 AT 9 FEET

MOISTURE CONTENT: 10.4 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 126 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited compression of 0.1 percent when wetted under an applied pressure of 1800 psf.

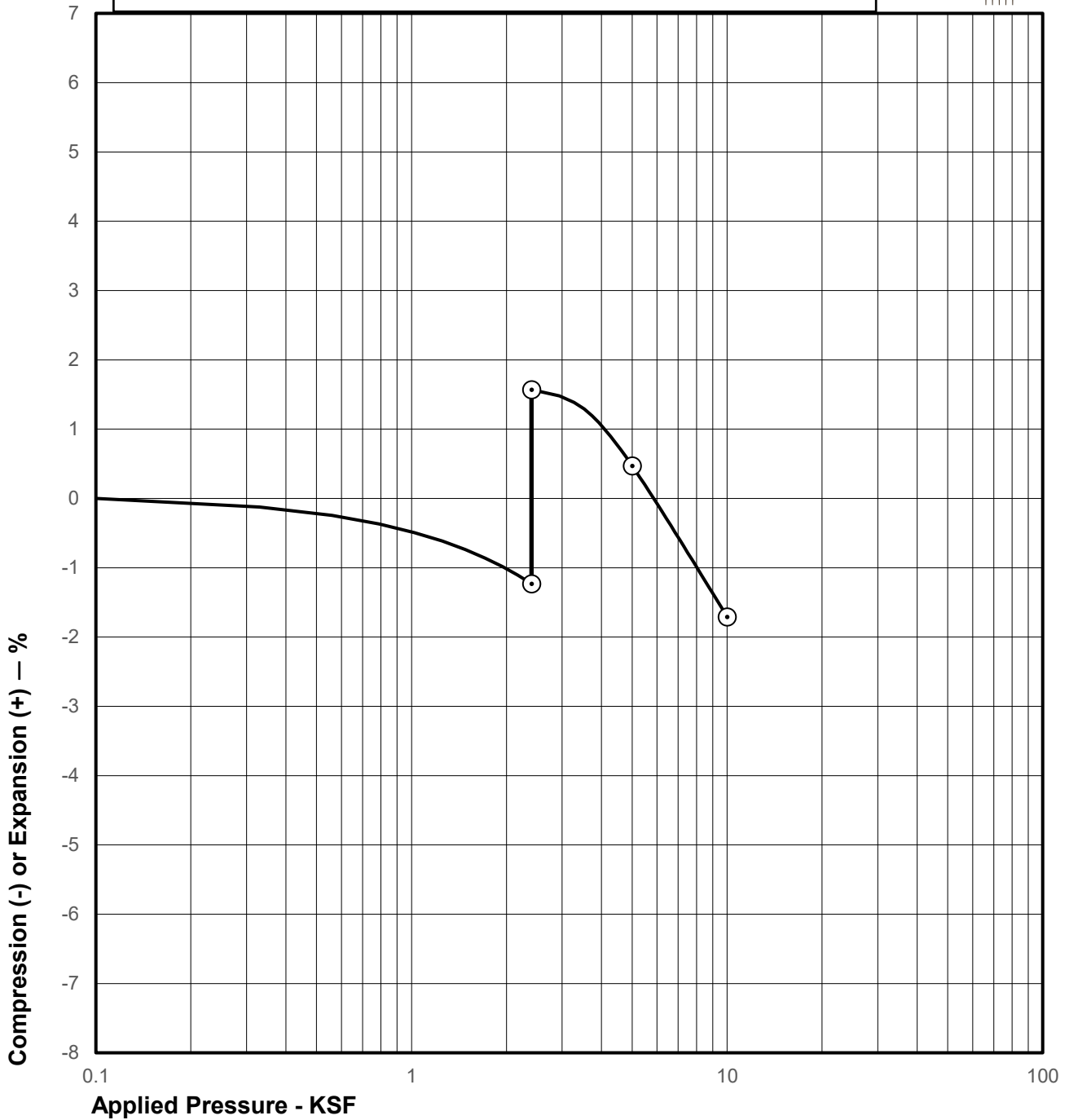
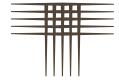


SAMPLE OF: CLAYSTONE
 FROM: TH-6 AT 14 FEET

MOISTURE CONTENT: 12.2 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 114 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 2.8 percent when wetted under an applied pressure of 2400 psf, with a calculated swell pressure of 8500 psf.

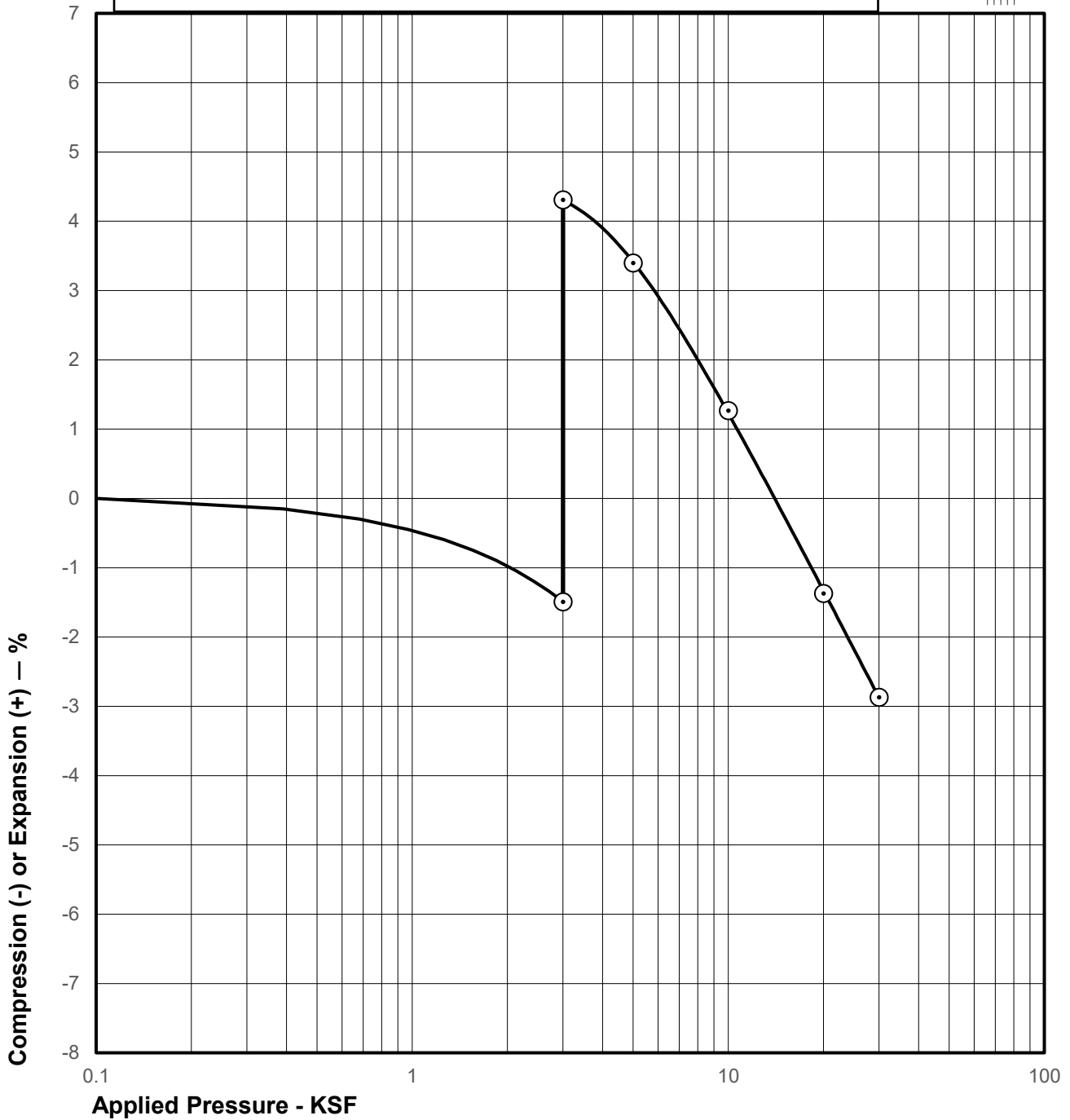
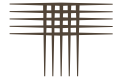


SAMPLE OF: CLAYSTONE
 FROM: TH-6 AT 19 FEET

MOISTURE CONTENT: 17.2 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 113 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 5.8 percent when wetted under an applied pressure of 3000.0 psf, with a calculated swell pressure of 21100 psf.

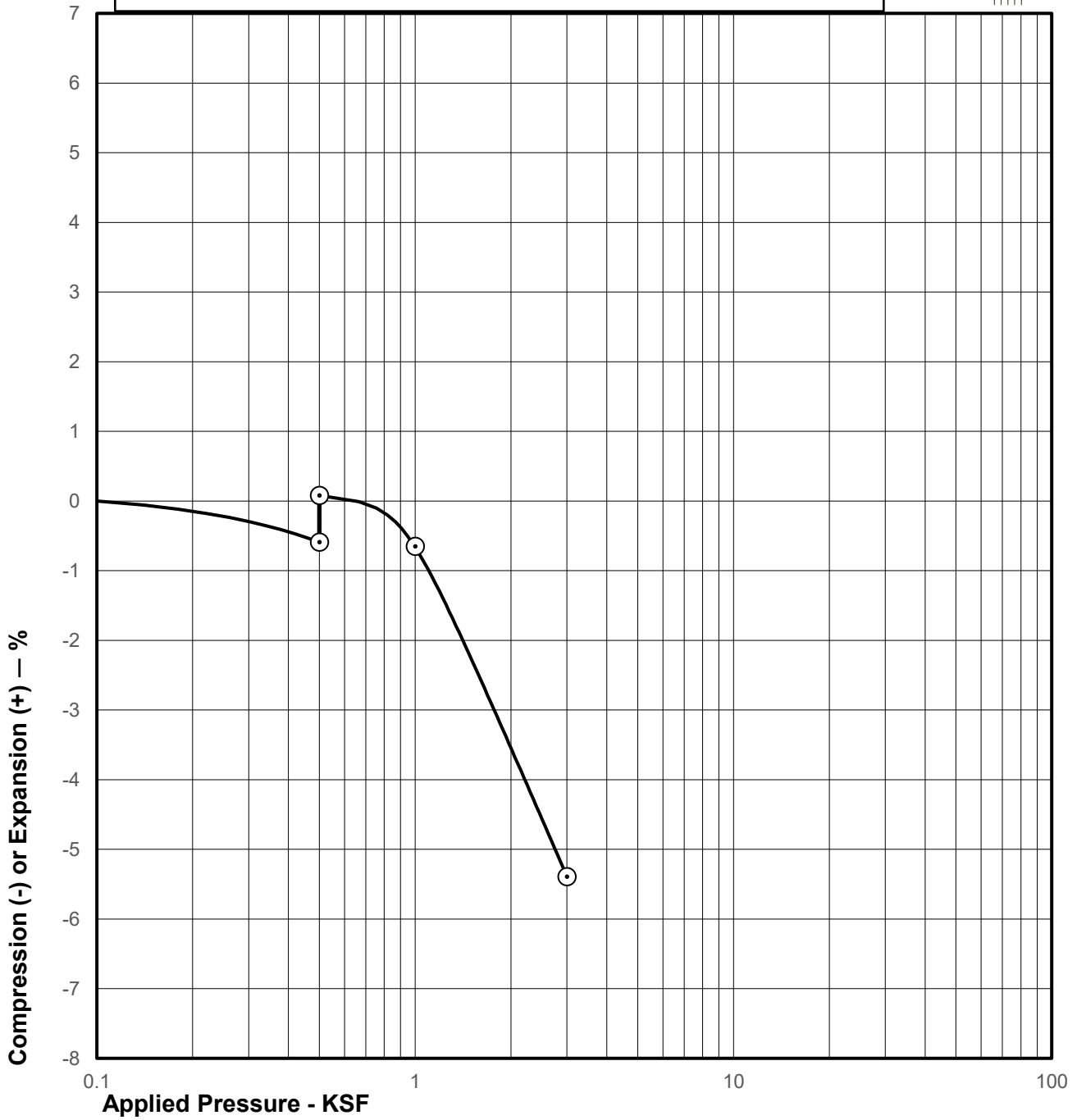
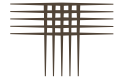


SAMPLE OF: CLAYSTONE
 FROM: TH-6 AT 24 FEET

MOISTURE CONTENT: 17.7 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 110 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 0.7 percent when wetted under an applied pressure of 500 psf, with a calculated swell pressure of 1000.0 psf.

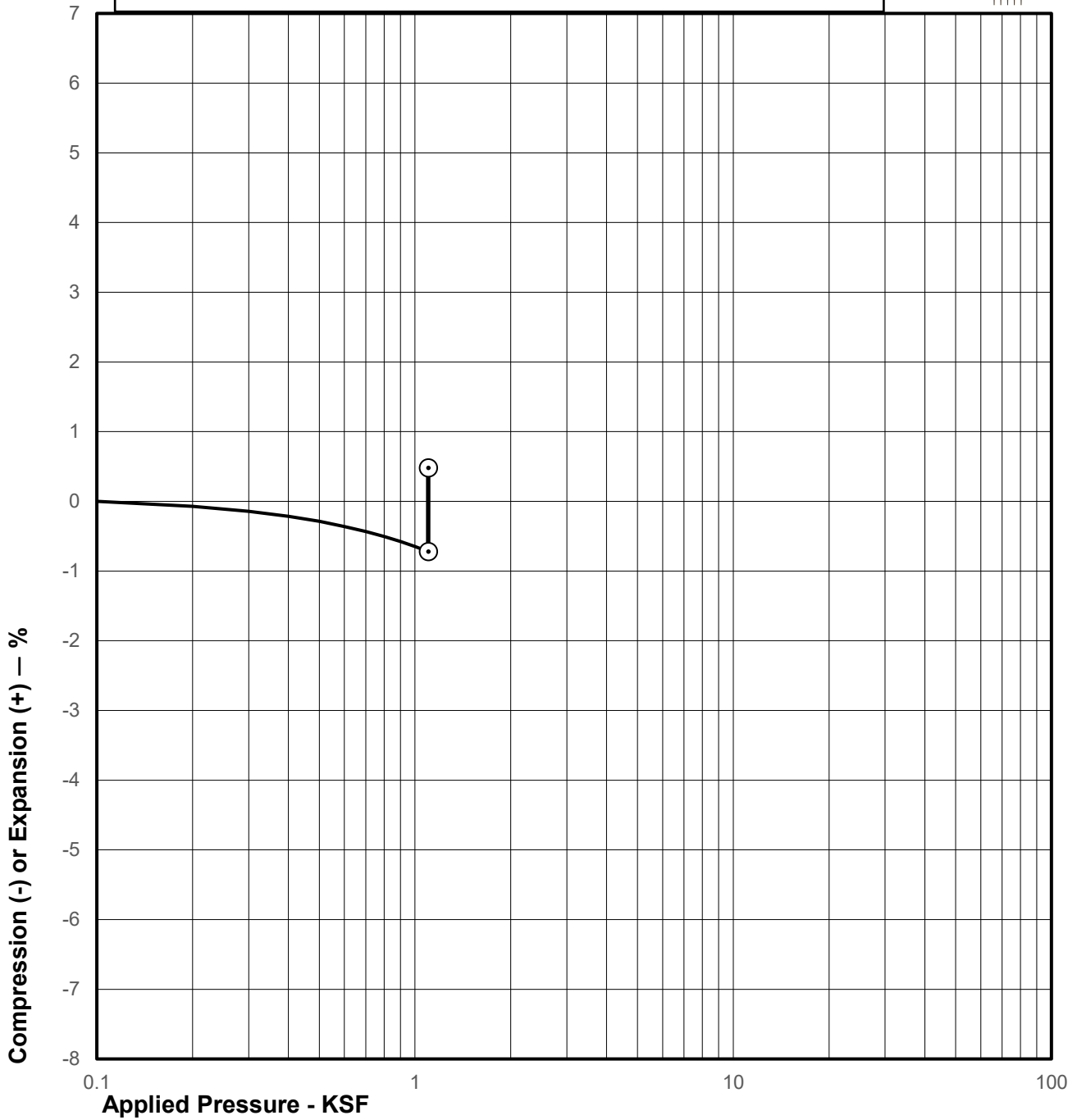
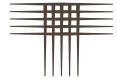


SAMPLE OF: CLAY, SANDY (CL)
 FROM: TH-7 AT 4 FEET

MOISTURE CONTENT: 10.9 % LIQUID LIMIT: 46 SILT AND CLAY: 82 %
 DRY UNIT WEIGHT: 98 pcf PLASTICITY INDEX: 29 SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 1.2 percent when wetted under an applied pressure of 1100 psf.

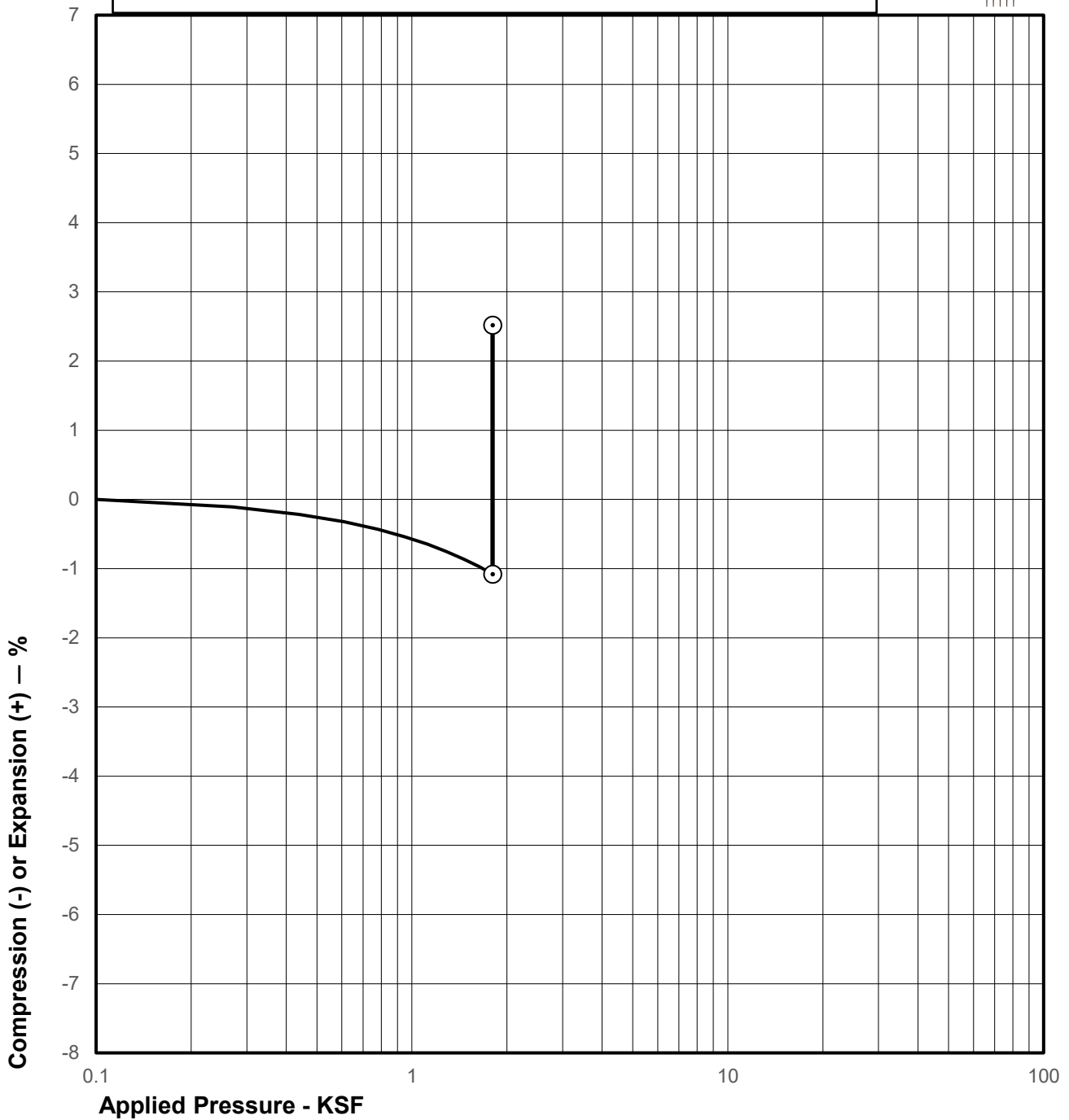
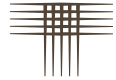


SAMPLE OF: CLAYSTONE
 FROM: TH-7 AT 9 FEET

MOISTURE CONTENT: 8.6 % LIQUID LIMIT: SILT AND CLAY: %
 DRY UNIT WEIGHT: 121 pcf PLASTICITY INDEX: SOIL SUCTION: pF

Swell Consolidation Test Results

Sample exhibited expansion of 3.6 percent when wetted under an applied pressure of 1800 psf.

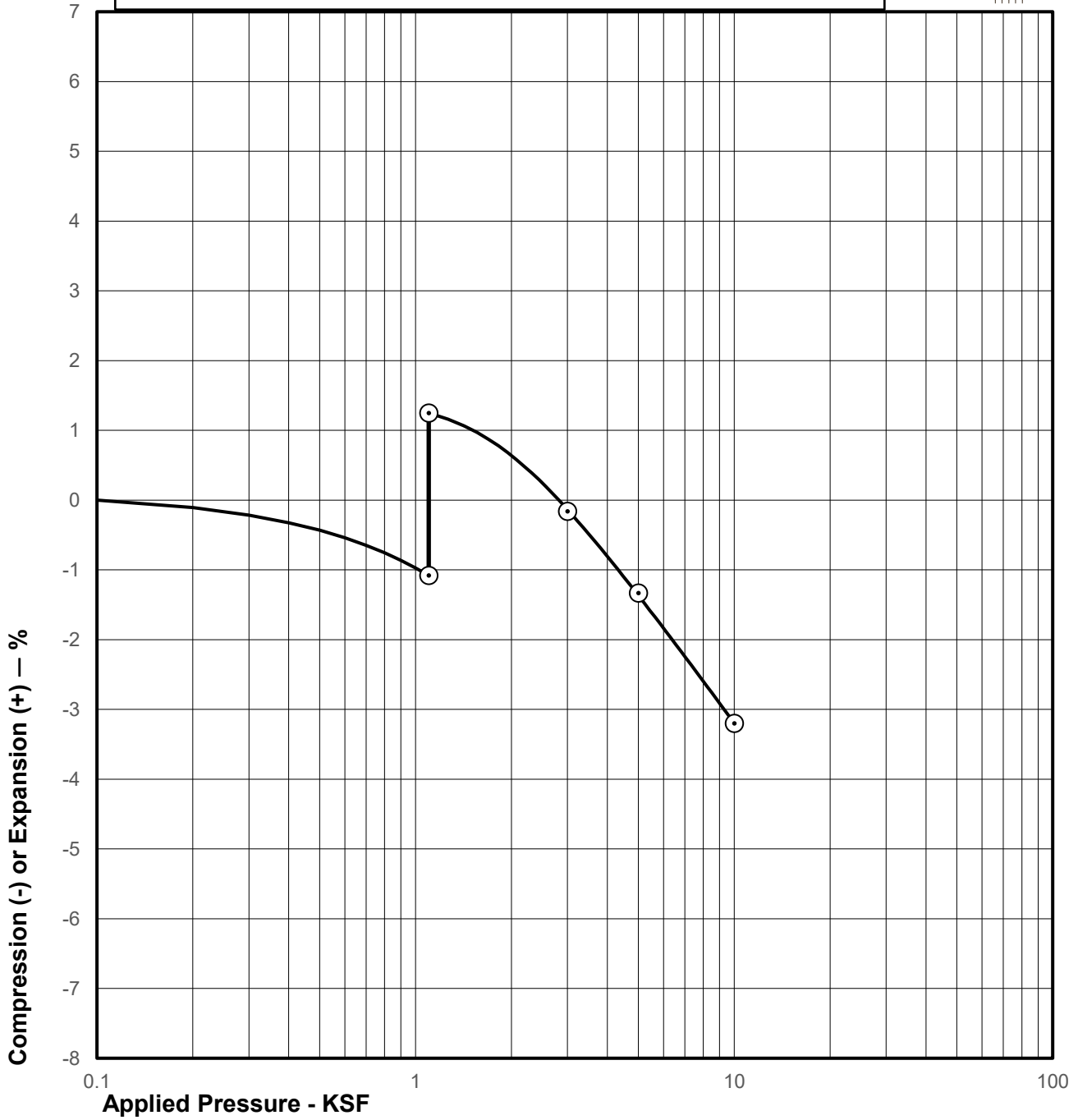
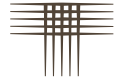


SAMPLE OF: CLAYSTONE
 FROM: TH-7 AT 14 FEET

MOISTURE CONTENT: 12.8 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 110 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 2.3 percent when wetted under an applied pressure of 1100 psf, with a calculated swell pressure of 4500 psf.

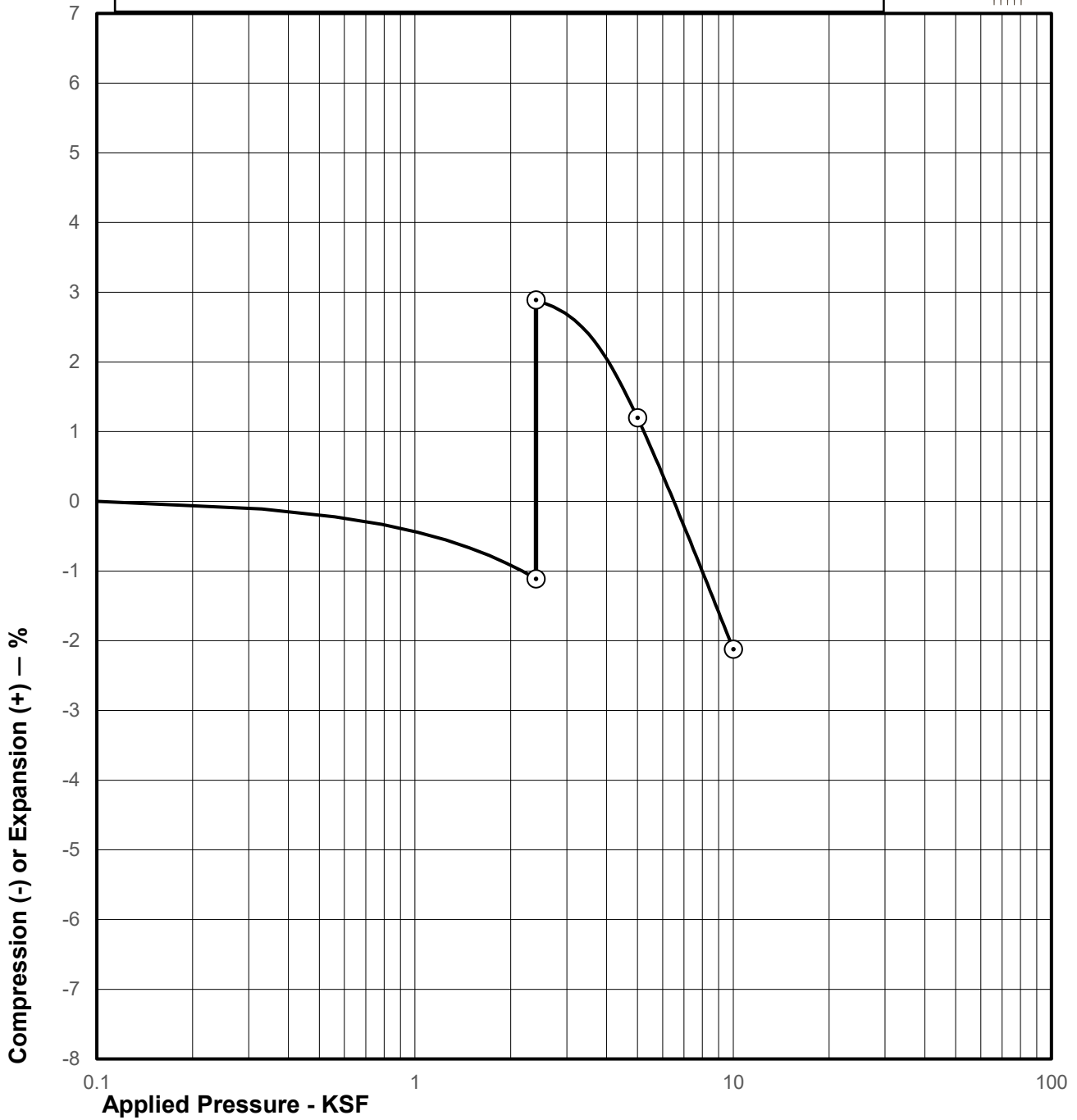
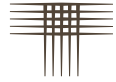


SAMPLE OF: CLAYSTONE
 FROM: TH-8 AT 19 FEET

MOISTURE CONTENT: 15.0 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 115 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

Sample exhibited expansion of 4.0 percent when wetted under an applied pressure of 2400 psf, with a calculated swell pressure of 8100 psf.



SAMPLE OF: CLAYSTONE
 FROM: TH-8 AT 29 FEET

MOISTURE CONTENT: 14.8 % LIQUID LIMIT: _____ SILT AND CLAY: _____ %
 DRY UNIT WEIGHT: 108 pcf PLASTICITY INDEX: _____ SOIL SUCTION: _____ pF

Swell Consolidation Test Results

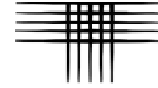


TABLE B - I

SUMMARY OF LABORATORY TEST RESULTS

BORING	DEPTH (ft)	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	SWELL TEST DATA				ATTERBERG LIMITS		SOLUBLE SULFATE CONTENT (%)	PASSING NO. 200 SIEVE (%)	SOIL TYPE
				SWELL (%)	COMPRESSION (%)	APPLIED PRESSURE (psf)	SWELL PRESSURE (psf)	LIQUID LIMIT	PLASTICITY INDEX			
TH-1	4	14.6	101	7.1		500				0.28		WEATHERED CLAYSTONE
TH-1	9	18.1	108	5.9		1100						WEATHERED CLAYSTONE
TH-1	14	15.5	115	8.7		1800						CLAYSTONE
TH-1	24	10.2	111					50	32		99	CLAYSTONE
TH-2	9	16.2	106	9.0		200	5000					CLAYSTONE
TH-2	14	16.4	114	11.1		500	20500					CLAYSTONE
TH-2	19	16.4	110	5.2		1100	10900					CLAYSTONE
TH-2	24	15.4	113	6.2		1800	18500					CLAYSTONE
TH-2	29	10.9	106	1.7		2400	4700					CLAYSTONE
TH-2	34	15.7	107	2.4		3000	7100					CLAYSTONE
TH-3	4	15.7	107	4.0		1800						CLAYSTONE
TH-3	9	12.7	115	2.2		2400						CLAYSTONE
TH-4	4	16.4	109	8.8		500				1.36		WEATHERED CLAYSTONE
TH-4	9	12.7	118	2.1		1100						CLAYSTONE
TH-4	14	17.6	113	4.5		1800						CLAYSTONE
TH-5	4	13.5	114	5.3		500						CLAYSTONE
TH-5	9	6.6	109					38	23		88	POORLY CEMENTED SANDSTONE/SILTSTONE
TH-5	14	15.9	113	10.7		1800		73	51		100	CLAYSTONE
TH-5	19	16.9	104	9.0		2400						CLAYSTONE
TH-6	4	11.0	121	8.1		500	10400					CLAYSTONE
TH-6	9	10.4	126	0.3		1100	1800					CLAYSTONE
TH-6	14	12.2	114		0.1	1800						CLAYSTONE
TH-6	19	17.2	113	2.8		2400	8500					CLAYSTONE
TH-6	24	17.7	110	5.8		3000	21100					CLAYSTONE
TH-7	4	10.9	98	0.7		500	1000	46	29	0.60	82	CLAY, SANDY (CL)
TH-7	9	8.6	121	1.2		1100						CLAYSTONE
TH-7	14	12.8	110	3.6		1800						CLAYSTONE
TH-8	14	8.3	108					36	23		89	POORLY CEMENTED SANDSTONE/SILTSTONE
TH-8	19	15.0	115	2.3		1100	4500					CLAYSTONE
TH-8	24	11.8	118					33	16		73	CLAYSTONE/SANDSTONE/SILTSTONE
TH-8	29	14.8	108	4.0		2400	8100					CLAYSTONE
TH-8	34	11.9	107					56	40		97	INTERBEDDED CLAYSTONE/SANDSTONE/SILTSTONE



APPENDIX C
GUIDELINE SITE GRADING SPECIFICATIONS



GUIDELINE SITE GRADING SPECIFICATIONS

19-Acre Vista Ridge Site (Vista Reserve)
Erie, Colorado

1. DESCRIPTION

This item shall consist of the excavation, transportation, placement and compaction of materials from locations indicated on the plans, or staked by the Engineer, as necessary to achieve preliminary street and overlot elevations. These specifications shall also apply to compaction of excess cut materials that may be placed outside of the development boundaries.

2. GENERAL

The Soils Engineer shall be the Owner's representative. The Soils Engineer shall approve fill materials, method of placement, moisture contents and percent compaction, and shall give written approval of the completed fill.

3. CLEARING JOB SITE

The Contractor shall remove all vegetation and debris before excavation or fill placement is begun. The Contractor shall dispose of the cleared material to provide the Owner with a clean, neat appearing job site. Cleared material shall not be placed in areas to receive fill or where the material will support structures of any kind.

4. SCARIFYING AREA TO BE FILLED

All topsoil and vegetable matter shall be removed from the ground surface upon which fill is to be placed. The surface shall then be plowed or scarified until the surface is free from ruts, hummocks or other uneven features, which would prevent uniform compaction.

5. COMPACTING AREA TO BE FILLED

After the foundation for the fill has been cleared and scarified, it shall be disked or bladed until it is free from large clods, brought to the proper moisture content (1 to 4 percent above optimum moisture content for clays and within 2 percent of optimum moisture content for sands) and compacted to not less than 95 percent of maximum dry density as determined in accordance with ASTM D698.

6. FILL MATERIALS

Fill soils shall be free from organics, debris or other deleterious substances, and shall not contain rocks or lumps having a diameter greater than three (3) inches. Fill materials shall be obtained from cut areas shown on the plans or staked in the field by the Engineer.

On-site materials classifying as CL, CH, SC, SM, SW, SP, GP, GC and GM are acceptable. Concrete, asphalt, organic matter and other deleterious materials or debris shall not be used as fill.



7. MOISTURE CONTENT

Fill material classifying as CH and CL shall be moisture conditioned to between 1 and 4 percent above optimum moisture content. Granular soils classifying as SC, SM, SW, SP, GP, GC and GM shall be moisture conditioned to within 2 percent of optimum moisture content as determined from Proctor compaction tests. Sufficient laboratory compaction tests shall be made to determine the optimum moisture content for the various soils encountered in borrow areas.

The Contractor may be required to add moisture to the excavation materials in the borrow area if, in the opinion of the Soils Engineer, it is not possible to obtain uniform moisture content by adding water on the fill surface. The Contractor may be required to rake or disc the fill soils to provide uniform moisture content through the soils.

The application of water to embankment materials shall be made with any type of watering equipment approved by the Soils Engineer, which will give the desired results. Water jets from the spreader shall not be directed at the embankment with such force that fill materials are washed out.

Should too much water be added to any part of the fill, such that the material is too wet to permit the desired compaction from being obtained, rolling and all work on that section of the fill shall be delayed until the material has been allowed to dry to the required moisture content. The Contractor will be permitted to rework wet material in an approved manner to hasten its drying.

8. COMPACTION OF FILL AREAS

Selected fill material shall be placed and mixed in evenly spread layers. After each fill layer has been placed, it shall be uniformly compacted to not less than the specified percentage of maximum density. Fill shall be compacted to at least 95 percent of the maximum density as determined in accordance with ASTM D 698. At the option of the Soils Engineer, soils classifying as SW, GP, GC, or GM may be compacted to 95 percent of maximum density as determined in accordance with ASTM D 1557 or 70 percent relative density for cohesionless sand soils. Fill materials shall be placed such that the thickness of loose materials does not exceed 10 inches and the compacted lift thickness does not exceed 6 inches.

Compaction as specified above, shall be obtained by the use of sheepsfoot rollers, multiple-wheel pneumatic-tired rollers, or other equipment approved by the Engineer for soils classifying as CL, CH, or SC. Granular fill shall be compacted using vibratory equipment or other equipment approved by the Soils Engineer. Compaction shall be accomplished while the fill material is at the specified moisture content. Compaction of each layer shall be continuous over the entire area. Compaction equipment shall make sufficient trips to ensure that the required density is obtained.

9. COMPACTION OF SLOPES

Fill slopes shall be compacted by means of sheepsfoot rollers or other suitable equipment. Compaction operations shall be continued until slopes are stable, but not too dense for planting, and there is not appreciable amount of loose soils on the slopes. Compaction of slopes may be done progressively in increments of three to five feet (3' to



5') in height or after the fill is brought to its total height. Permanent fill slopes shall not exceed 3:1 (horizontal to vertical).

10. PLACEMENT OF FILL ON NATURAL SLOPES

Where natural slopes are steeper than 20 percent in grade and the placement of fill is required, benches shall be cut at the rate of one bench for each 5 feet in height (minimum of two benches). Benches shall be at least 10 feet in width. Larger bench widths may be required by the Engineer. Fill shall be placed on completed benches as outlined within this specification.

11. DENSITY TESTS

Field density tests shall be made by the Soils Engineer at locations and depths of his choosing. Where sheepsfoot rollers are used, the soil may be disturbed to a depth of several inches. Density tests shall be taken in compacted material below the disturbed surface. When density tests indicate that the density or moisture content of any layer of fill or portion thereof is not within specification, the particular layer or portion shall be reworked until the required density or moisture content has been achieved.

12. SEASONAL LIMITS

No fill material shall be placed, spread or rolled while it is frozen, thawing, or during unfavorable weather conditions. When work is interrupted by heavy precipitation, fill operations shall not be resumed until the Soils Engineer indicates that the moisture content and density of previously placed materials are as specified.

13. NOTICE REGARDING START OF GRADING

The Contractor shall submit notification to the Soils Engineer and Owner advising them of the start of grading operations at least three (3) days in advance of the starting date. Notification shall also be submitted at least 3 days in advance of any resumption dates when grading operations have been stopped for any reason other than adverse weather conditions

14. REPORTING OF FIELD DENSITY TESTS

Density tests made by the Soils Engineer, as specified under "Density Tests" above, shall be submitted progressively to the Owner. Dry density, moisture content, and percentage compaction shall be reported for each test taken.

15. DECLARATION REGARDING COMPLETED FILL

The Soils Engineer shall provide a written declaration stating that the site was filled with acceptable materials and was placed in general accordance with the specifications.



APPENDIX D
GUIDELINE SUB-EXCAVATION SPECIFICATIONS

Note: This guideline is intended for use with sub-excavation, If sub-excavation is not selected, the guidelines in Appendix C should be followed.



GUIDELINE SUB-EXCAVATION SPECIFICATIONS

19-Acre Vista Ridge Site
Erie, Colorado

1. DESCRIPTION

This item shall consist of the excavation, transportation, placement and compaction of materials from locations indicated on the plans, or staked by the Engineer, as necessary to achieve preliminary street and overlot elevations. These specifications shall also apply to compaction of materials that may be placed outside of the development boundaries.

2. GENERAL

The Soils Engineer shall be the Owners representative. The Soils Engineer shall approve fill materials, method of placement, moisture content and percent compaction, and shall give written approval of the completed fill.

3. CLEARING JOB SITE

The Contractor shall remove all vegetation and debris before excavation or fill placement is begun. The Contractor shall dispose of the cleared material to provide the Owner with a clean, neat appearing job site. Cleared material shall not be placed in areas to receive fill where the material will support structures of any kind.

4. SCARIFYING AREA TO BE FILLED

All topsoil and vegetable matter shall be removed from the ground surface upon which fill is to be placed. The surface shall then be plowed or scarified until the surface is free from ruts, hummocks or other uneven features which would prevent uniform compaction.

5. COMPACTING AREA TO BE FILLED

After the foundation for the fill has been cleared and scarified, it shall be disked or bladed until it is free from large clods, brought to the proper moisture content, (1 to 4 percent above optimum) and compacted to not less than 95 percent of maximum density as determined in accordance with ASTM D698.

6. FILL MATERIALS

Fill soils shall be free from vegetable matter or other deleterious substances, and shall not contain rocks having a diameter greater than three (3) inches. Fill materials shall be obtained from cut areas shown on the plans or staked in the field by the Engineer.

On-site materials classifying as CL, CH, SC, SM, SP, GP, GC and GM are acceptable. Concrete, asphalt, and other deleterious materials or debris shall not be used as fill.

7. MOISTURE CONTENT

Fill materials shall be moisture treated to within limits of optimum moisture content specified in "Moisture Content and Density Criteria". Sufficient laboratory compaction tests



shall be made to determine the optimum moisture content for the various soils encountered in borrow areas or imported to the site.

The Contractor may be required to add moisture to the excavation materials in the borrow area if, in the opinion of the Soils Engineer, it is not possible to obtain uniform moisture content by adding water on the fill surface. The Contractor will be required to rake or disc the fill to provide uniform moisture content throughout the fill.

The application of water to embankment materials shall be made with any type of watering equipment approved by the Soils Engineer, which will give the desired results. Water jets from the spreader shall not be directed at the embankment with such force that fill materials are washed out.

Should too much water be added to any part of the fill, such that the material is too wet to permit the desired compaction from being obtained, rolling and all work on that section of the fill shall be delayed until the material has been allowed to dry to the required moisture content. The Contractor will be permitted to rework wet material in an approved manner to hasten its drying.

8. COMPACTION OF FILL MATERIALS

Selected fill material shall be placed and mixed in evenly spread layers. After each fill layer has been placed, it shall be uniformly compacted to not less than the specified percentage of maximum density given in "Moisture Content and Density Criteria". Fill materials shall be placed such that the thickness of loose material does not exceed 8 inches and the compacted lift thickness does not exceed 6 inches.

Compaction, as specified above, shall be obtained by the use of sheepsfoot rollers, multiple-wheel pneumatic-tired rollers, or other equipment approved by the Soils Engineer for soils classifying as CL, CH or SC. Granular fill shall be compacted using vibratory equipment or other equipment approved by the Soils Engineer. Compaction shall be accomplished while the fill material is at the specified moisture content. Compaction of each layer shall be continuous over the entire area. Compaction equipment shall make sufficient trips to ensure that the required density is obtained.

9. MOISTURE CONTENT AND DENSITY CRITERIA

Fill material shall be substantially compacted to at least 95 percent of maximum ASTM D698 (AASHTO T99) dry density at 1 to 4 percent above optimum moisture content for clay or within 2 percent of optimum for sand. Additional criteria for acceptance are presented in DENSITY TESTS.

10. DENSITY TESTS

Field density tests shall be made by the Soils Engineer at locations and depths of his choosing. Where sheepsfoot rollers are used, the soil may be disturbed to a depth of several inches. Density tests shall be taken in compacted material below the disturbed surface. When density tests indicate the density or moisture content of any layer of fill or portion thereof not within specifications, the particular layer or portion shall be reworked until the required density or moisture content has been achieved.



Allowable ranges of moisture content and density given in MOISTURE CONTENT AND DENSITY CRITERIA are based on design considerations. The moisture shall be controlled by the Contractor so that moisture content of the compacted earth fill, as determined by tests performed by the Soils Engineer, shall be within the limits given. The Soils Engineer will inform the Contractor when the placement moisture is less than or exceeds the limits specified and the Contractor shall immediately make adjustments in procedures as necessary to maintain placement moisture content within the specified limits, to satisfy the following requirements.

A. Moisture

1. The average moisture content of material tested each day shall not be less than 1.5 percent over optimum moisture content.
2. Material represented by samples tested having moisture lower than 1 percent over optimum will be rejected. Such rejected materials shall be reworked until moisture equal to or greater than 1 percent above optimum is achieved.

B. Density

1. The average dry density of material tested each day shall not be less than 95 percent of maximum ASTM D 698 dry density.
2. No more than 10 percent of the material represented by the samples tested shall be at dry densities less than 95 percent of maximum ASTM D 698 dry density.
3. Material represented by samples tested having dry density less than 93 percent of maximum ASTM D 698 dry density will be rejected. Such rejected materials shall be reworked until a dry density equal to or greater than 95 percent of maximum ASTM D 698 dry density is obtained.

11. INSPECTION AND TESTING OF FILL

Inspection by the Soils Engineer shall be sufficient during the placement of fill and compaction operations so that they can declare the fill was placed in general conformance with specifications. All inspections necessary to test the placement of fill and observe compaction operations will be at the expense of the Owner.

12. SEASONAL LIMITS

No fill material shall be placed, spread or rolled while it is frozen, thawing, or during unfavorable weather conditions. When work is interrupted by heavy precipitation, fill operations shall not be resumed until the Soils Engineer indicates the moisture content and density of previously placed materials are as specified.



13. REPORTING OF FIELD DENSITY TESTS

Density tests made by the Soils Engineer, as specified under “Density Tests” above, shall be submitted progressively to the Owner. Dry density, moisture content and percentage compaction shall be reported for each test taken.

Threatened and Endangered Species, Habitat, and Wetlands Report Vista Reserve

May 16, 2025

Presented to:

Cayd Bader, CEO
Affinity Holdings, LLC.

Prepared by:



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Appendix A. Photolog

Appendix B. USFWS IPaC Threatened and Endangered Species List

Appendix C. CODEX Species List

Appendix D. Illustrative Design

Table 1. Project Information Summary

Project Name	Vista Reserve
Proponent	Affinity Holdings, LLC
Proponent Contact	Cayd Bader CEO 303-246-6799 caydb@affinholdings.com
Consulting Agent	Matthew Boyer Lead Biologist/Project Manager CORVUS Environmental Consulting, LLC 785-764-1184 mboyer@corvusenv.com
Project Location	Triple J Ranch 1401 Hickory Drive Erie, Colorado 80516 The coordinates of the approximate center of the proposed project are: <ul style="list-style-type: none"> • 40.011402°, -105.031156° • S32; T1N; R68W; 6th PM • USGS 7.5-Minute Quadrangle: Erie, CO
Project Purpose and Need	Collect data on existing site conditions for threatened and endangered species, wildlife habitat, and wetlands for a preliminary plat submittal for a residential development (Appendix D).

Introduction

On behalf of Affinity Holdings, LLC, CORVUS Environmental Consulting (CORVUS) has completed this assessment of an approximately 19.0-acre parcel in Erie, Weld County, Colorado (**Figure 1**), to satisfy a documentation requirement for the Town of Erie (Town) Preliminary Plat application submittal process. This site assessment includes a sitewide botanical inventory, vegetation mapping, habitat characterization, wetland delineation, and an analysis of the presence of and potential for protected species to inhabit the site.

Study Area Description

The study area is located within Triple J Ranch, an approximately 19.0-acre equestrian property, and is bound by residential development near the Colorado National Golf Club golf course (**Figures 1 and 2**). The study area contains several horse paddocks around the exterior of the property, and has a large barn and gazebo situated in the northeastern portion of the site. A paved driveway extends from Hickory Drive (east) to a single-family residence in the eastern half of the study area. A dirt road extends from the paved driveway generally to the north and west around the large barn and exits to Single Tree Lane (north). Several horse trailers were parked in the northern portion of the study area. Fencing lines the exterior of the property.

Data Collection and Evaluation Methods

A CORVUS Biologist, Matthew Boyer, conducted a preliminary desktop analysis of the study area before visiting the site to better understand baseline conditions likely to be present. This analysis included a review of the following datasets:

- U.S. Geological Survey (USGS) 7.5-Minute Topographic Maps (USGS, 2022)
- USGS National Hydrography Dataset (NHD) (USGS, 2025)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Mapper (USFWS, 2025a)
- USFWS Information for Planning and Consultation (IPaC) System (USFWS, 2025b)
- Aerial imagery (Google Earth Pro, 2024)
- Colorado Department of Agriculture (CDA) Noxious Weed List (CDA, 2025a; CDA, 2023b)
- Colorado Natural Heritage Program (CNHP) Colorado Conservation Data Explorer (CODEX) List (CNHP, 2025)
- U.S. Department of Agriculture (USDA) soil maps (USDA, 2022)

CORVUS conducted a field assessment within the study area on April 24, 2025. The weather during the site visits consisted of cloudy skies with light-to-moderate wind, no precipitation, and an average temperature of approximately 55 degrees Fahrenheit. Observations were gathered via a pedestrian survey, covering the entire study area. Relevant natural resource data was collected using a sub-meter-accurate Global Positioning System (GPS) paired with an electronic field tablet. Photographs taken during the site assessment are included in **Appendix A**. Waters of the US (WOTUS), which include wetlands and other waters, were assessed based on observed above-ground hydrology indicators and the presence of hydrophytic vegetation.

Vegetation Communities

Uplands

The entire study area consists of upland habitat and can be characterized by two vegetation communities: Ruderal Smooth Brome Grassland and Great Plains Ruderal Weedy Forbs Meadow (NatureServe, 2025). These habitat types are present throughout the majority of the study area, apart from the areas disturbed by anthropogenic activities (driveways, residential dwelling, barn, etc.) (**Figure 3**). The Ruderal Smooth Brome Grassland community occurs outside of the active horse paddocks, generally around the residence and the areas adjacent to the public roadways around the property. The Ruderal Weedy Forbs Meadow community occurs in the pastures and horse paddocks and has been denuded by recent grazing activity. Each community type is discussed further below.

Ruderal Smooth Brome Grassland

The Ruderal Smooth Brome Grassland community occurs widely throughout disturbed montane meadows in the Rocky Mountains and on relatively mesic sites in the semi-arid interior western United States. Stands can occur in a variety of human-disturbed habitats, including highway rights-of-way, jeep trails, etc. This vegetation community has also been planted for revegetation of disturbed land, forage in pasture and hay fields, and has escaped into a variety of habitats, including prairie, riparian grasslands, and mesic mountain meadows (NatureServe, 2025).

The onsite Ruderal Smooth Brome Grassland community is dominated by smooth brome (*Bromus inermis*), cheatgrass (*Bromus tectorum*), western wheatgrass (*Pascopyrum smithii*), purple crossflower (*Chorispora tenella*), and prairie dropseed (*Sporobolus heterolepis*) throughout the herbaceous stratum. Trees within this community are entirely planted ornamentals located around the residence, lining the driveway, and along portions of the study area abutting Hickory Drive and Vista Parkway.

Great Plains Ruderal Weedy Forbs Meadow

The Great Plains Ruderal Weedy Forbs Meadow community is widely naturalized in the northern United States and Canada. Stands occur on a variety of open disturbed habitats, including pastures, ditches, bottomlands, and waste areas. The vegetation is dominated by medium-tall (0.5-1 m) forbs. Weedy forb species dominate this community with native species at generally less than 10% cover. Native species may include mixed-grass prairie grasses.

The onsite Great Plains Ruderal Weedy Forbs Meadow community is dominated by burningbush (*Bassia scoparia*), curly dock (*Rumex crispus*), hairy false goldenaster (*Heterotheca villosa*), and field bindweed (*Convolvulus arvensis*) throughout the herbaceous stratum. No trees or shrubs were observed within this community.

Riparian

No riparian habitat was observed within the study area.

Wetlands

No wetlands or other waters are depicted on either the USGS NHD (**Figure 4**) or the USFWS NWI Mapper within the study area (**Figure 5**). No above-ground hydrology indicators or hydrophytic vegetation were observed within the study area (**Figure 6**).

Soils

Soils within the study area are classified into three distinct soil types described by the Natural Resource Conservation Service (NRCS) Web Soil Survey (**Figure 7**). Acreage totals of the site’s soil types are outlined in Table 2.

Table 2. NRCS Soils

NRCS Soil Type	Acreage	Percentage
Midway-Shingle complex, 5 to 20 percent slopes	8.9	46.8%
Renohill clay loam, 3 to 9 percent slopes	2.8	14.7%
Ulm clay loam, 3 to 5 percent slopes	7.2	38.5%

None of the soils mapped within the study area on the NRCS Web Soil Survey are considered hydric soils.

Noxious Weeds

Based on their economic and ecological impact, the CDA categorizes noxious weeds as List A, List B, or List C, with varying management goals for each tier. Generally, List A species require eradication, List B species are managed to control spread, and List C species do not require management under local jurisdiction (CDA, 2023a). Noxious weeds observed within the study area are described below (Table 3); no List A, three List B, and four List C species were observed.

Table 3. Noxious Weeds

Scientific Name	Common Name	Management Requirement*	Habitats**
List A			
N/A	N/A	N/A	N/A
List B			
<i>Cirsium arvense</i>	Canada thistle	Suppression. However, starting in 2028, elimination is required prior to seed development.	RSBG
<i>Centaurea diffusa</i>	Diffuse knapweed	Suppression.	GPRWFM
<i>Centaurea stoebe ssp. micranthos</i>	Spotted knapweed	Suppression.	GPRWFM
List C			
<i>Bromus tectorum</i>	Cheatgrass	No management requirement set by the state.	RSBG / GPRWFM
<i>Convolvulus arvensis</i>	Field bindweed	No management requirement set by the state.	RSBG / GPRWFM
<i>Redstem filaree</i>	Redstem filaree	No management requirement set by the state.	RSBG / GPRWFM
<i>Verbascum thapsus</i>	Common mullein	No management requirement set by the state.	GPRWFM

*Management goal set by the State, Source: CDA, 2023b

** RSBG = Ruderal Smooth Brome Grassland, GPRWFM= Great Plains Ruderal Weedy Forb Meadow

Wildlife Habitat

Wildlife habitat is present within the study area; however, the vegetation communities lack well-developed native vegetation, which limits the overall ecological value for wildlife. Regardless, the study area provides some species of wildlife with potential nesting and foraging opportunities that may be found in similar open space vegetation communities.

Several species were observed onsite and are listed in Table 4. Other species potentially utilizing the study area may include eastern cottontail (*Sylvilagus floridanus*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), rodents (including mice and voles), and several snake and lizard species. No black-tailed prairie dog (*Cynomys ludovicianus*) burrows were observed within the study area.

Table 4. Observed Wildlife

Species	Detection
Birds	
American Robin (<i>Turdus migratorius</i>)	Visual
Blue Jay (<i>Cyanocitta cristata</i>)	Auditory
Common Raven (<i>Corvus corax</i>)	Fly over
European Starling (<i>Sturnus vulgaris</i>)	Visual
House Sparrow (<i>Passer domesticus</i>)	Visual
Killdeer (<i>Charadrius vociferus</i>)	Visual
Mourning Dove (<i>Zenaida macroura</i>)	Visual
Northern flicker (<i>Colaptes auratus</i>)	Auditory
Red-tailed Hawk (<i>Buteo jamaicensis</i>)	Visual
Say's Phoebe (<i>Sayornis saya</i>)	Visual
Mammals	
Eastern Fox Squirrel (<i>Sciurus niger</i>)	Visual

Federally Threatened and Endangered Species

The study area was assessed for potential habitat of species listed as threatened or endangered under the Endangered Species Act. CORVUS requested and received a list of threatened and endangered species that may be present in the study area from the USFWS on May 2, 2025 (USFWS, 2025c) (**Appendix B**). The listed species, preferred habitat, listing status, and potential effects are provided in Table 5. Federally listed species and associated habitats that potentially occur within the study area are discussed below.

Table 5. Federally Threatened and Endangered Species Potentially Found in the Study Area

Species	Preferred Habitat ²	Status	Potential habitat in Study Area	Potential Effect
Birds				
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	The Eastern black rail (EBR) habitat in Colorado consists of emergent wetlands with high vegetation density.	Threatened	No	No Effect
Piping Plover (<i>Charadrius melodus</i>) ¹	Plovers in the Great Plains make their nests on open, sparsely vegetated sand or gravel beaches adjacent to alkali wetlands, and on beaches, sand bars, and dredged material islands of major river systems.	Threatened	No	No Effect
Whooping Crane (<i>Grus americana</i>) ¹	Breeds, migrates, winters, and forages in a variety of wetland and other habitats in the central Great Plains.	Endangered	No	No Effect
Fish				
Pallid Sturgeon (<i>Scaphirhynchus albus</i>) ¹	Pallid sturgeon are a bottom-oriented, large river obligate fish inhabiting the Missouri and Mississippi rivers and some tributaries from Montana to Louisiana.	Endangered	No	No Effect
Flowering Plants				
Ute Ladies'-Tresses Orchid (<i>Spiranthes diluvialis</i>)	Moist meadows associated with perennial stream terraces, floodplains, oxbows, and human-modified wetlands such as gravel pits and irrigation canals at elevations between 4300-6850 feet.	Threatened	No	No Effect
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>) ¹	Found most often on unplowed, calcareous prairies and sedge meadows.	Threatened	No	No Effect
Mammals				
Preble's Meadow Jumping Mouse (<i>Zapus hudsonius preblei</i>)	Well-developed riparian habitat exhibiting a dense combination of grasses, forbs, and shrubs adjacent to an undisturbed grassland and water source. PMJM has been found to regularly use uplands at least as far out as 328 feet (100 meters) beyond the 100-year flood plain.	Threatened	No	No Effect
Insects				
Monarch Butterfly (<i>Danaus plexippus</i>)	Temperate climates with pollination access and access to obligate host plant: milkweed (<i>Asclepias spp.</i>)	Proposed Threatened	No	No Effect

Species	Preferred Habitat ²	Status	Potential habitat in Study Area	Potential Effect
Suckley's Cuckoo Bumble Bee (<i>Bombus suckleyi</i>)	Suckley's cuckoo bumble bee depends on other bumble bee hosts for its survival and raising of young. It has been found in various habitat types including prairies, grasslands, meadows, woodlands and agricultural and urban areas. The bee has a broad historical distribution across North America. The last confirmed sighting in the United States was in 2016 in Oregon.	Proposed Endangered	No	No Effect

Source: USFWS, 2025b.

¹Water-related activities/use in the N. Platte, S. Platte, and Laramie River basins may affect listed species in Nebraska.

²Preferred habitat descriptions from USFWS ECOS Species Profiles.

CORVUS has determined that the proposed project will have *no effect* on any of the above-listed federally threatened and endangered species or critical habitats associated with the above-referenced species; therefore, consultation with the USFWS is not recommended for the project.

Colorado State Threatened and Endangered Species

The study area was assessed for potential habitat of state-listed threatened or endangered species under the Colorado Revised Statute § 33-22-105. Table 6 provides the listed species, the potential for suitable habitat within the study area, listing status, and potential effects. Species with the potential for suitable habitat in the study area are discussed below Table 6 (CNHP, 2025; **Appendix C**).

Table 6. State-Threatened and Endangered Species Potentially Found in the Study Area

Common Name	Scientific name	Potential Habitat in the Study Area	Status**	Potential Impact
Birds				
Burrowing Owl	<i>Athene cunicularia</i>	No	ST	No Impact
Mammals				
Black-Tailed Prairie Dog*	<i>Cynomys ludovicianus</i>	No	SC	No Impact
Preble's Meadow Jumping Mouse*	<i>Zapus hudsonius preblei</i>	No	ST	No Impact
Amphibians				
Common Garter Snake	<i>Thamnophis sirtalis</i>	No	SC	No Impact

Source: CPW 2025

* Listed federally and state T&E species

** SC – Species of Concern, ST – State Threatened, SE – State Endangered

CORVUS determined that there is no potential for suitable habitat within the study area for any of the state-listed threatened or endangered species.

Migratory Bird Treaty Act

Migratory birds, their viable eggs, and active nests are protected under the MBTA. Most wild birds commonly found in the United States are protected by the MBTA, with the exception of several introduced species including (but not limited to) House Sparrow (*Passer domesticus*), Rock Dove (or common pigeon) (*Columba livia*), European Starling (*Sturnus vulgaris*), and Eurasian Collared Dove (*Streptopelia decaocto*).

In Colorado, the migratory bird nesting season occurs approximately between April 1 and August 31; however, raptors (non-eagle raptors) may begin nesting as early as February (CPW, 2020). Per CPW, eagles may begin their nesting cycles earlier in the winter months, with Bald Eagles (*Haliaeetus leucocephalus*) nesting approximately between December 1 and July 31, and Golden Eagles (*Aquila chrysaetos*) nesting approximately between December 15 and July 15. In addition to being protected under the MBTA, eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA). The dates provided above are guidelines and can be used for project planning purposes; however, nesting birds protected under the MBTA and/or BGEPA are protected at all times.

During the site visit, several migratory bird species were identified within and/or near the study area. One inactive bird nest (likely an American Robin) was observed within an ash tree (*Fraxinus pennsylvanica*) near the residence in the study area during the site visit (**Figure 8**). No eagle or non-eagle raptor nests were noted within the study area or within a 0.5 mile radius of the study area.

Based on the presence of and suitable habitat for MBTA-protected species, there is potential for nests to be present during the nesting season in the study area; therefore, the CORVUS recommends that the project follow CDOT's *Section-240, Protection of Migratory Birds* (or similar mitigation strategies), if work is to occur within the migratory bird nesting season (approximately February 1 – August 31), pre-construction surveys for nesting birds should be completed by a qualified biologist (CDOT, 2011). Pre-construction surveys are valid for seven days. If work is not initiated within this time, a new survey will be required. The following measures should be incorporated into the project plans to assist with MBTA compliance.

Non-raptor Migratory Birds

Clearing and grubbing activities (e.g., trimming or removing grasses, shrubs, and/or trees) and structure (e.g., bridges and box culverts) are recommended to be completed outside of the nesting season, to the extent practical. If potential nesting habitat is to be impacted within the nesting season (approximately April 1 – August 31), nesting surveys should be completed prior to work beginning.

Ground nesting habitat (e.g., grasses, forbs) being impacted should be maintained (e.g., mowed/trimmed) to a height of six inches or below through the duration of the project. Any vegetated areas that are not regularly mowed must be surveyed for nesting birds prior to construction between April 1 and August 31.

If an active nest(s) is noted during pre-construction surveys, no construction activities may occur within 50 feet of the nest(s), to the extent practical. If this is not feasible for the project, coordination with the USFWS may be required. Further, it is recommended that a buffer (e.g., orange construction fence) be installed around the nest and a qualified biologist monitor the nest until it becomes inactive (generally when young fully fledge), to the extent practical.

Raptors (Non-Eagle)

If construction occurs between February 1 and August 31, a pre-construction survey for nesting raptors should be completed within areas up to a ½ mile buffer of the project limits. If active raptor nests occur within the buffer area(s), then CPW "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" guidelines should be followed (CPW, 2020). CPW and/or the USFWS may reduce the buffer requirements based on site conditions, surrounding human activity, and the type of work being done, but must be consulted for approval prior to construction within the recommended buffer zone of an active nest.

Eagles

Bald eagles typically nest between December 1 and July 31, and golden eagles nest between December 15 and July 15 in Colorado. No CPW-identified active bald eagle nests are mapped near the study area. Eagle nests, winter night roosts, and communal roosts also have additional protection based on the 2020 CPW recommendations. Buffer zones vary in size based on the feature that is being protected, the potential line of sight to an activity, the density of local development, and the proposed activity. Eagle nests and their associated buffer are protected while the nest is considered active, which is defined as "frequented or occupied in any of the five previous breeding seasons" (CPW 2020). CPW protection buffers for active bald eagles include a ½ mile buffer for activities and human encroachment during the nesting season and a ¼ mile buffer for surface occupancy (permanent aboveground structures) year-round.

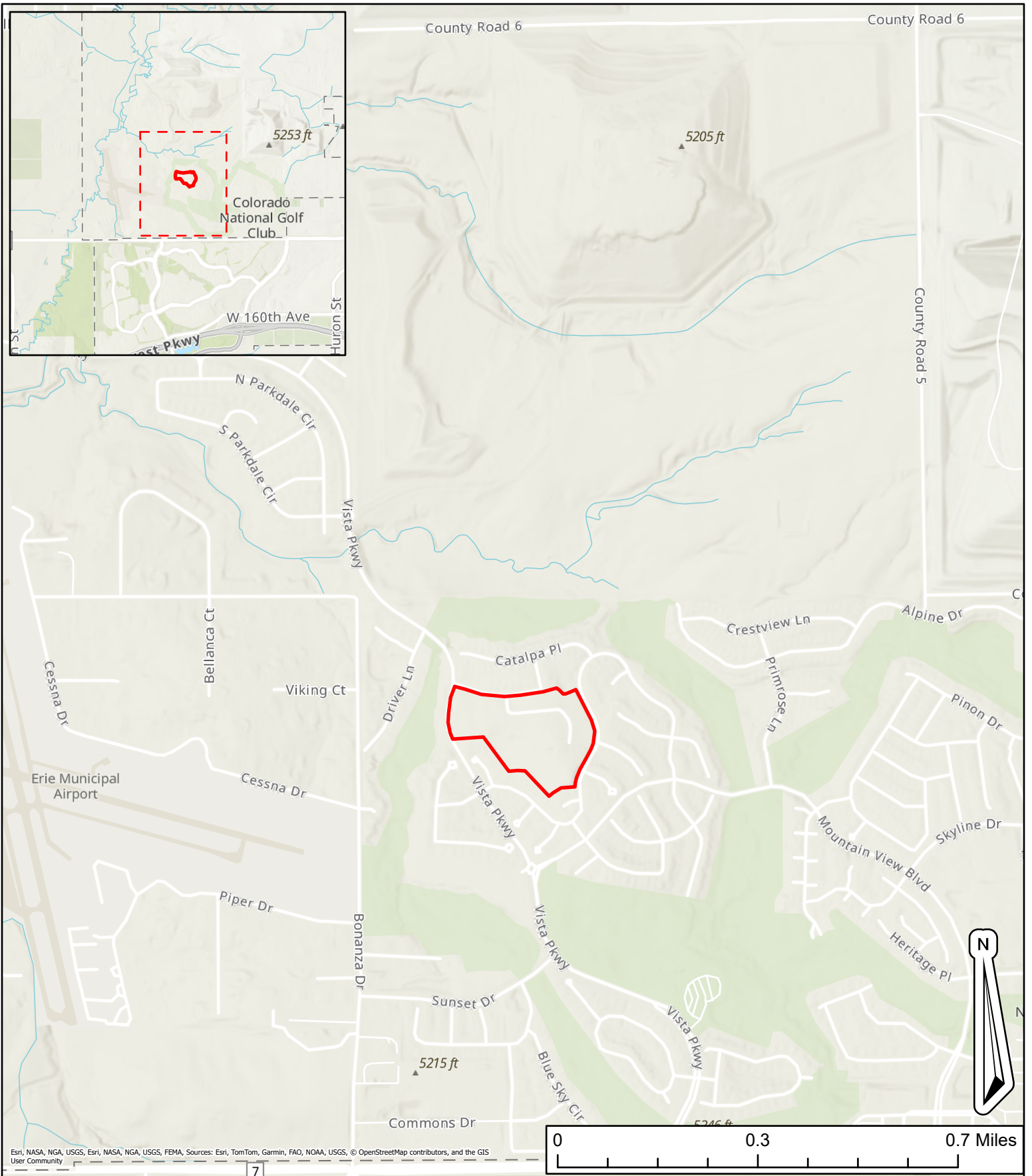
Summary

CORVUS surveyed the study area and assessed the natural resources that support wildlife habitat and vegetation communities onsite. The following summarizes the findings of this report:

- The study area is characterized by two upland vegetation communities: Ruderal Smooth Brome Grassland and Great Plains Weedy Forbs Meadow. Both communities have been degraded and have limited ecological value due to current and historic land uses.
- No riparian habitat was observed in the study area.
- No wetland or water habitat was observed in the study area. No wetlands or waters are depicted in the study area on the USGS NHD and USFWS NWI Mapper.
- The NRCS Web Soil Survey map depicts three soil types in the study area. None of the soil types are listed as hydric soils.
- The study area contains no list A, three list B, and four list C species listed as Colorado Noxious Weeds. Efforts to suppress List B species must be made to prevent their spread. List C species do not have state requirements.
- No Colorado state or federally listed threatened or endangered species, protected habitat, or designated critical habitat occurs within the study area. Future project activities will have no effect or impact on listed species.
- One inactive migratory bird nest was observed within the study area. No raptor nests or eagle nests were observed or mapped by CPW within the study area.

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Esri, NASA, NGA, USGS, Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

7

Project Name
 S32; T1N; R68W; 6th PM
 UTM NAD 83: Zone 13N;
 497340.976, 4429023.195
 40.011402, -105.031156
 USGS Erie, CO Quadrangle

 Study Area

1 inch = 0.2 miles

**FIGURE 1
 Regional Map**

Erie, Weld County
 Map Date: 5/1/2025



Path: C:\CORVUS Dropbox\Team\Clients\PCS Group\Vista Reserve\ArcGISPro\Working Map.aprx



Vista Reserve

 Study Area

1 inch = 186 feet

FIGURE 2 Study Area

Erie, Weld County
Map Date: 5/13/2025





USGS TNM - National Hydrography Dataset, Data Refreshed March, 2025, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Maxar

Vista Reserve

- Study Area
- Ruderal Smooth Brome Grassland

- Great Plains Weedy Forbs Meadow

Data Source:
CORVUS (2025)

FIGURE 3 Vegetation Communities



Erie, Weld County
Map Date: 5/13/2025



Vista Reserve

- ▭ Study Area
- NHD Flowline

Data Source:
USGS NHD (2025)

1 inch = 455 feet

FIGURE 3 National Hydrography Dataset

Erie, Weld County
Map Date: 5/13/2025





Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Maxar

Little Dry Creek - High Line Canal Property

- Study Area
- NWI Wetlands
- NWI Riparian

Data Source:
USFWS NWI (2025)

1 inch = 455 feet

FIGURE 5 National Wetland Index Dataset



Erie, Weld County
Map Date: 5/13/2025



Vista Reserve

 Study Area

Data Source:
CORVUS (2025)

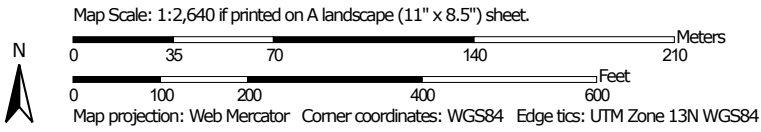
1 inch = 186 feet

FIGURE 6 WOTUS Overview

Erie, Weld County
Map Date: 5/13/2025




Soil Map—Weld County, Colorado, Southern Part
Figure 7 NRCS Soil Map - Vista Reserve



Soil Map—Weld County, Colorado, Southern Part
(Vista Reserve)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part
Survey Area Data: Version 23, Aug 29, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2021—Aug 25, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
36	Midway-Shingle complex, 5 to 20 percent slopes	9.1	46.0%
57	Reno hill clay loam, 3 to 9 percent slopes	3.1	15.6%
67	Ulm clay loam, 3 to 5 percent slopes	7.6	38.4%
Totals for Area of Interest		19.8	100.0%



Vista Reserve

 Study Area

Data Source:
CORVUS (2024)

1 inch = 186 feet

FIGURE 9 Wildlife Habitat Map



Erie, Weld County
Map Date: 5/13/2025

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 1. Ornamental trees east of the residence in the eastern portion of the study area.



Photo 2. Dirt road through the northeastern portion of the study area with the residence and gazebo in the background.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 3. View south of the southeast portion of the study area characterized by the Ruderal Smooth Brome Grassland vegetation community.



Photo 4. View northwest of the central portion of the study area characterized by the Great Plains Weedy Forbs Meadow vegetation community.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 5. View southeast of the northwest portion of the study area characterized by the Ruderal Smooth Brome Grassland vegetation community.



Photo 6. View south of tree lined sidewalk along Vista Parkway in the western portion of the study area.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 7. View east of the western portion of the study area characterized by the Ruderal Smooth Brome Grassland vegetation community.



Photo 8. View southeast of tree lined sidewalk along Vista Parkway in the southwestern portion of the study area.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 9. View west of the residence in the eastern portion of the study area.

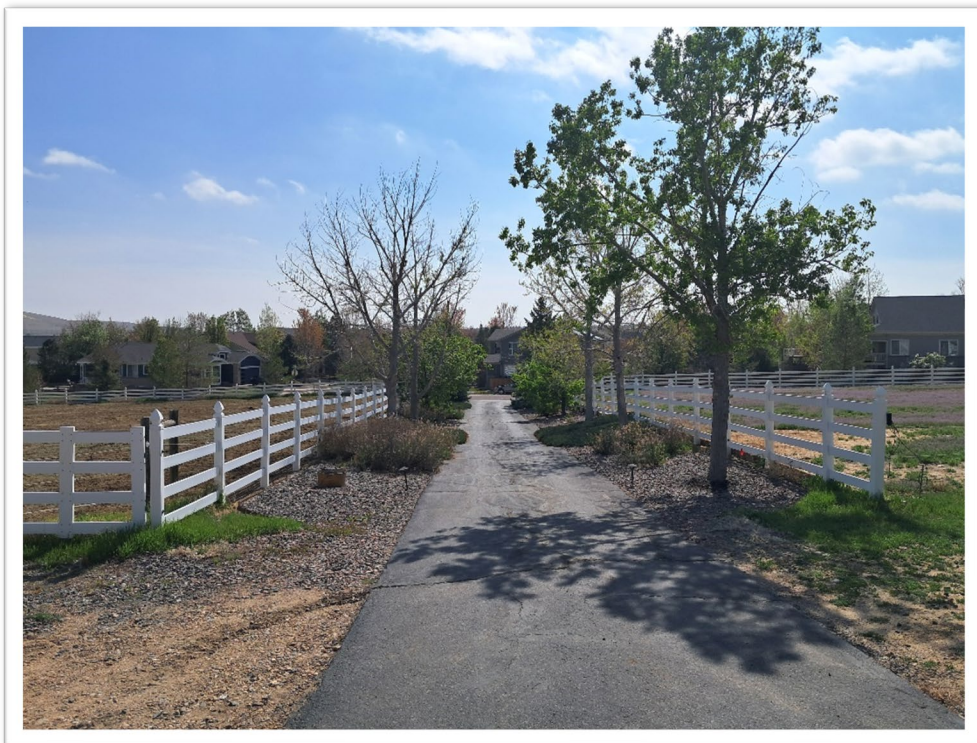


Photo 10. View east of the driveway lined with ornamental trees in the eastern portion of the study area.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 11. View southwest of the Great Plains Weedy Forbs Meadow in one of the horse paddocks in the southern portion of the study area.



Photo 12. View southwest of the Great Plains Weedy Forbs Meadow in one of the horse paddocks in the north central portion of the study area.

Photo Log for Vista Reserve
Threatened and Endangered Species, Habitat and Wetland Report/Matt Boyer

Photos Taken: 04/24/2025



Photo 13. View northeast of the Ruderal Smooth Brome Grassland near the gazebo in the northeast portion of the study area.



Photo 14. View north of the barn in the northeast portion of the study area.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
Phone: (303) 236-4773 Fax: (303) 236-4005

In Reply Refer To:
Project Code: 2025-0091426
Project Name: Vista Reserve

05/02/2025 04:11:18 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Colorado Ecological Services Field Office

Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
(303) 236-4773

PROJECT SUMMARY

Project Code: 2025-0091426
Project Name: Vista Reserve
Project Type: Residential Construction
Project Description: Residential Development
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.01104395,-105.03079143680675,14z>



Counties: Weld County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

FISHES

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Water use or contamination may adversely affect the species. Within the Platte River basin, depletions may adversely affect the species. These affects must be considered even outside occupied range. See local FWS office for more information. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

FLOWERING PLANTS

NAME	STATUS
Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species.	Threatened

NAME	STATUS
Species profile: https://ecos.fws.gov/ecp/species/2159 General project design guidelines: https://ipac.ecosphere.fws.gov/project/FKGM7SQUVBAOTATTPEQ7TGKPPU/documents/generated/8153.pdf	Threatened
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669	Threatened

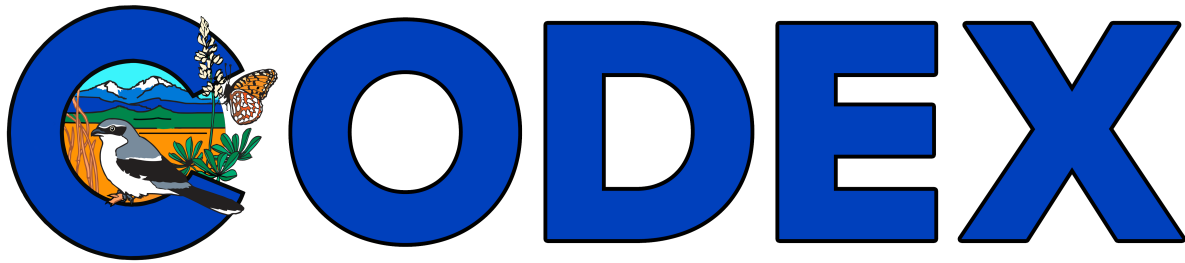
CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Matthew Boyer
Address: 2436 Yukon Drive
City: Longmont
State: CO
Zip: 80504
Email: mboyer@corvusenv.com
Phone: 7857641184



Colorado's Conservation Data Explorer

Project Review Report

Project Description

Residential Development

Project Information

Report Generation Date: 5/1/2025 10:29:52 PM

Project Title: Vista Reserve

User Project Number(s):

System Generated ID: CODEX-5689

Project Type: Development/Redevelopment, Residential

Project Size: 21.39 (acres)

Latitude/Longitude: 40.011285 / -105.031278

County(s): WELD

Watershed(s) HUC 8: St. Vrain

Township/Range and/or Section(s): 001N068W - 32 - 6P

Contact Information

Organization: CORVUS Environmental Consultants

Contact Name: Matthew Boyer

Contact Phone: 7857641184

Contact Email: mboyer@corvusenv.com

Contact Address: 2436 Yukon Drive, Longmont, CO 80504

Submitted On Behalf Of: PRIVATE

Prepared By:

Project Report:

The information contained herein represents the results of a search of Colorado's Conservation Data Explorer (CODEX) and can be used as notice to anticipate possible impacts or identify areas of interest. This tool queries multiple conservation datasets and includes a synthesis of Colorado Natural Heritage Program (CNHP) and Colorado Parks and Wildlife (CPW) data for sensitive animal and plant species and natural communities. Care should be taken in interpreting these data.

Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CODEX information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible. Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CODEX data is constantly updated and revised. Please contact CNHP, CPW and our partners for assistance with interpretation of this report or to obtain more information.

Disclaimer:

1. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. **This review does not constitute environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the review of site-specific projects by CNHP and CPW and our partners.**
2. This Project Report is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
3. The Conservation Data Explorer (CODEX) data is constantly changing and being updated and is not intended to be the final word on the potential distribution of special status species. Colorado is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. CODEX data contains information about species occurrences that have actually been reported to CNHP, CPW and our partners. Not all of Colorado has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.

Location Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Contact for CODEX Support:

Colorado Natural Heritage Program (CNHP)

CNHP

Colorado State University

1475 Campus Delivery

Fort Collins, CO 80523-1475

Tel: (970) 491-7331

Email: CNHP_codex_support@mail.colostate.edu

CNHP Website: cnhp.colostate.edu

Colorado Parks and Wildlife

For support regarding project review of land use impacts to wildlife, please contact the regional office in which your project resides and visit <https://cpw.state.co.us/conservation/Pages/CON-Energy-Land.aspx>

CPW Website : cpw.state.co.us

Northeast Region

Denver Office

6060 Broadway

Denver, CO 80216

Tel: (303) 291-7227

Northwest Region

Grand Junction Office

711 Independent Avenue

Grand Junction, CO 81505

Tel: (970) 255-6100

Southeast Region

Colorado Springs Office

4255 Sinton Road

Colorado Springs, CO 80907

Tel: (719) 227-5200

Southwest Region

Durango Office

151 East 16th Street

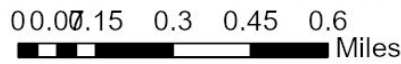
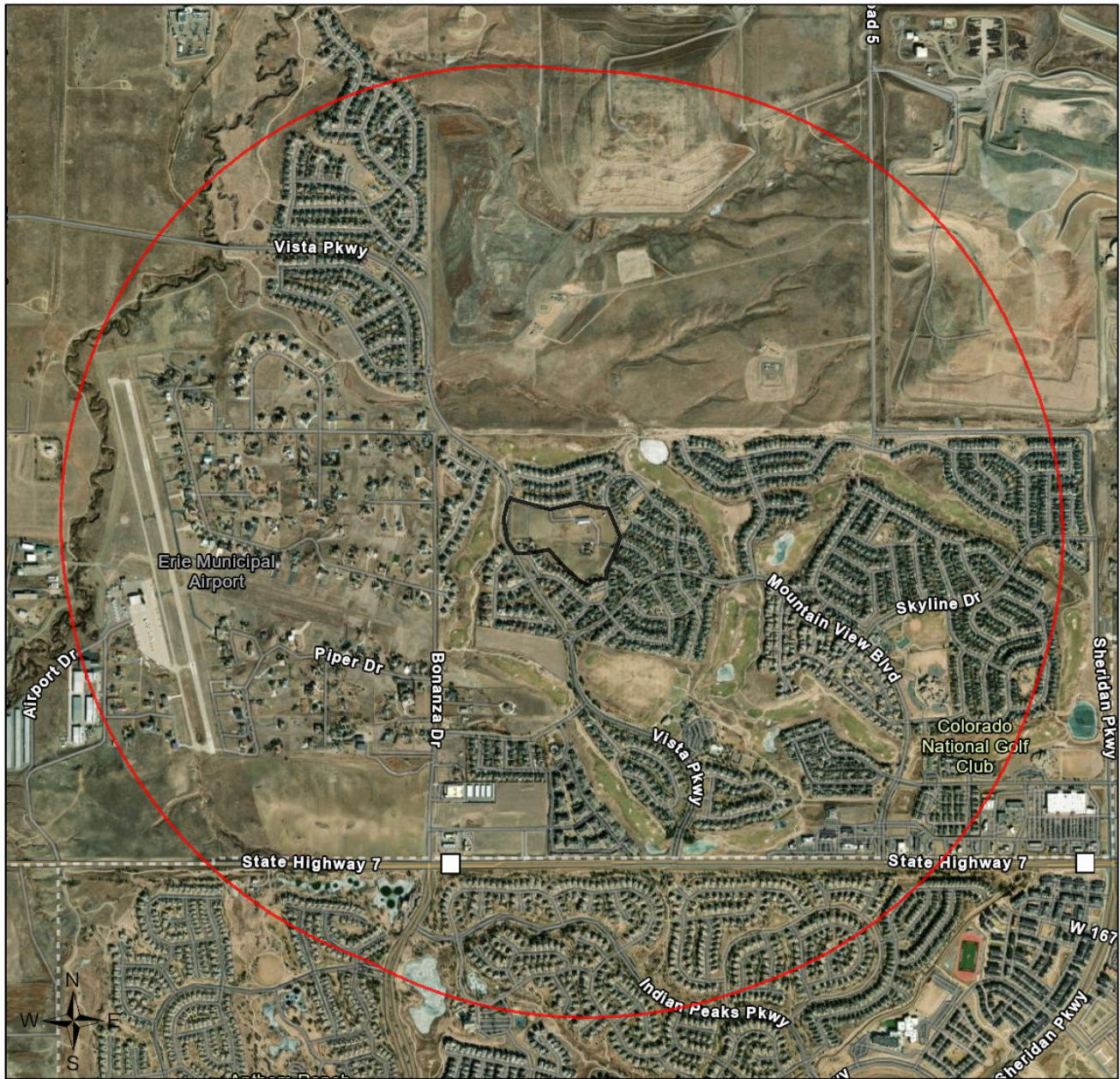
Durango, CO 81301

Tel: (970) 247-0855

For questions regarding CPW data in CODEX please contact 303-291-7152 or matt.schulz@state.co.us

Vista Reserve

Aerial Image with Locator Map

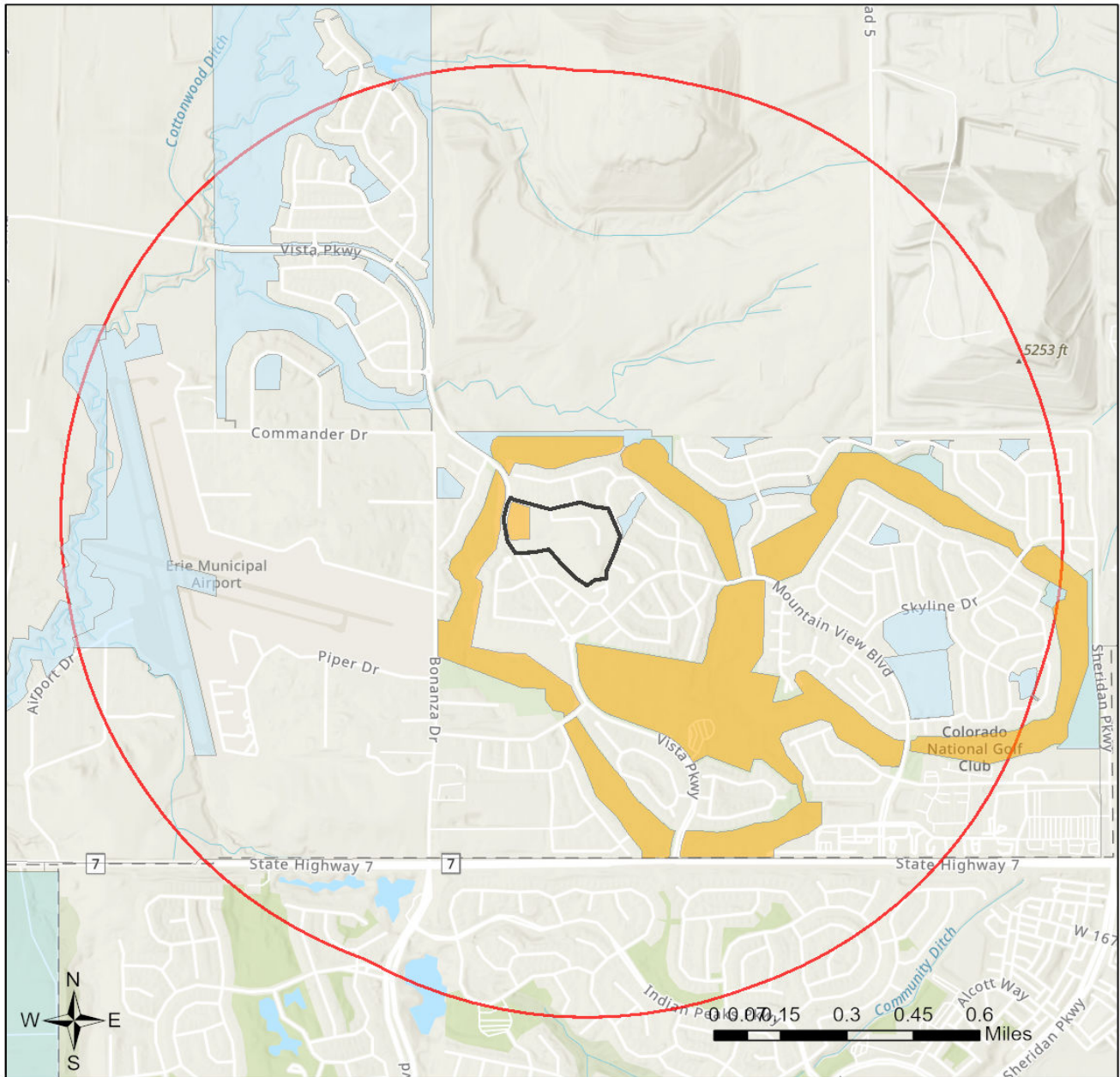


-  Buffered Search Area
-  Project Boundary



Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
City and County of Broomfield, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA, USFWS

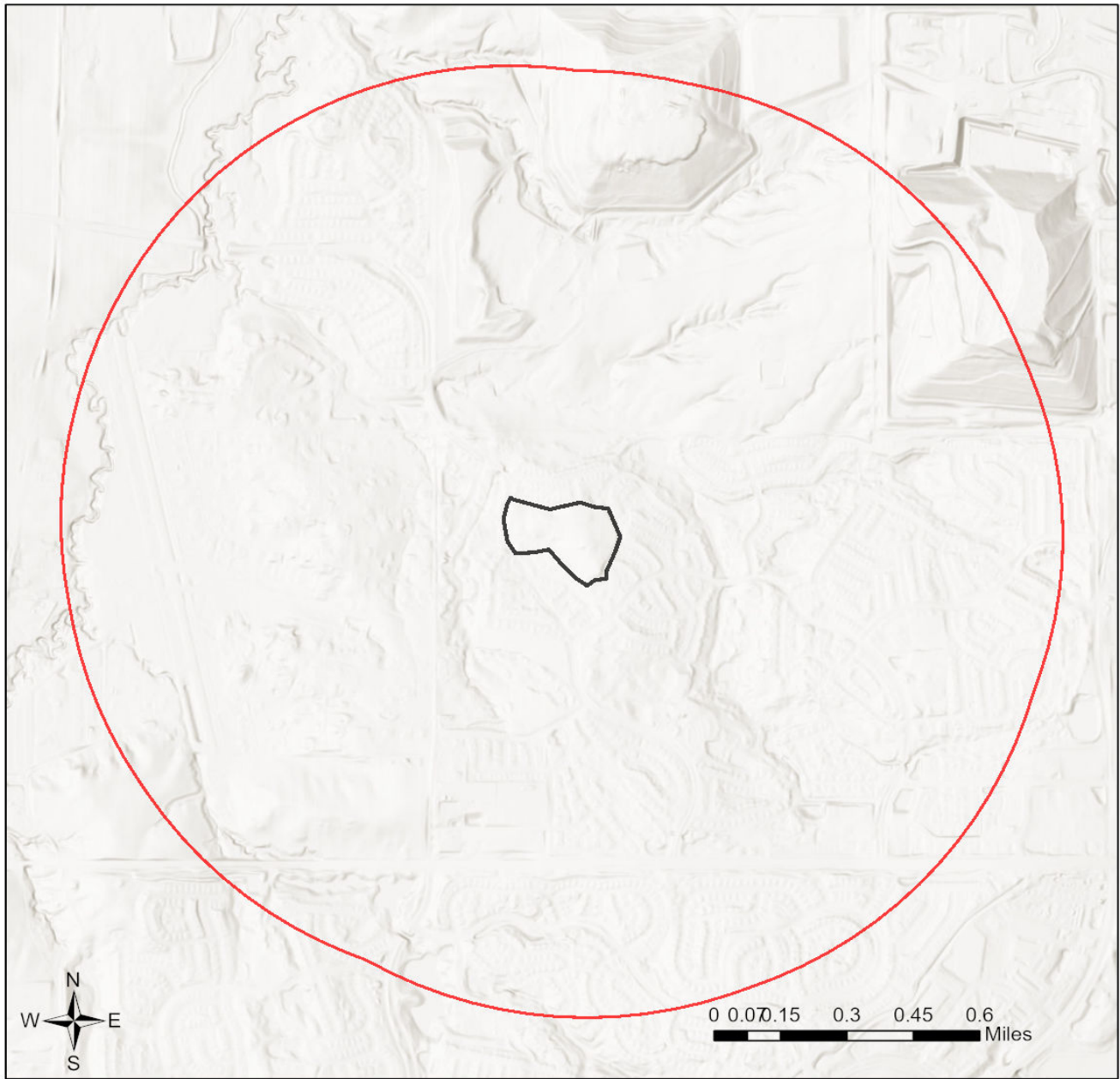
Vista Reserve Topographic Map with Land Management Status



- | | | |
|---|--|---|
| Buffered Search Area | NPS | Local |
| Project Boundary | USFS | NGO/Land Trust |
| Misc Federal (BOR, DOD, Misc) | USFWS | Private Conservation |
| BLM | Tribal | Private |
| | State | |

Esri, NASA, NGA, USGS, FEMA
 City and County of Broomfield, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Vista Reserve Web Map As Submitted By User



-  Buffered Search Area
-  Project Boundary

Esri, NASA, NGA, USGS, FEMA

Regulatory Species

Table 1. Documented Occurrences Within 1 Miles Of Project Area

No results were found for this project area.

Table 2. Potential Regulatory Species within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Aquila chrysaetos	Golden Eagle	CPW Breeding Range	G5	S3S4B,S4N			BGEPA/BLM/SWAP Tier 1	CPW 20231222
Mammals	Zapus hudsonius preblei	Meadow Jumping Mouse Subsp	CPW Overall Range	G5T2	S1	LT	ST	SWAP Tier 1	CPW 20231222

Table 3. Fish & Wildlife Service Critical Habitats within 1 Miles of Project Area

No results were found for this project area.

Other Species of Concern

Table 4. Documented Occurrences within 1 Miles of Project Area: Rare Species, Natural Communities, and Species of Economic, Recreational or Conservation Value

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
Mammals	Odocoileus virginianus	White-tailed Deer	CPW Concentration Area	G5	S5							CPW 20231222

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Ammodramus savannarum	Grasshopper Sparrow	CPW Breeding Range	G5	S3S4B			SWAP Tier 2/USFS	CPW 20231222

Birds	Athene cucularia	Burrowing Owl	CPW Breeding Range	G4	S4B	ST	BLM/SWAP Tier 1/USFS	CPW 20231222
Birds	Botaurus lentiginosus	American Bittern	CPW Breeding Range	G5	S3S4B		SWAP Tier 2	CPW 20231222
Birds	Branta canadensis	Canada Goose	CPW Foraging Area	G5	S5			CPW 20231222
Birds	Branta canadensis	Canada Goose	CPW Winter Range	G5	S5			CPW 20231222
Birds	Buteo swainsoni	Swainson's Hawk	CPW Breeding Range	G5	S5B		SWAP Tier 2	CPW 20231222
Birds	Calamospiza melanocorys	Lark Bunting	CPW Breeding Range	G5	S4		SWAP Tier 2/USFS	CPW 20231222
Birds	Catharus fuscescens	Veery	CPW Breeding Range	G5	S3B		SWAP Tier 2	CPW 20231222
Birds	Circus hudsonius	Northern Harrier	CPW Breeding Range	G5	S3B		SWAP Tier 2/USFS	CPW 20231222
Birds	Columba fasciata (Patagioenas fasciata)	Band-tailed Pigeon	CPW Breeding Range	G4	S4B		SWAP Tier 2	CPW 20231222
Birds	Falco mexicanus	Prairie Falcon	CPW Breeding Range	G5	S4B,S4N		BLM/SWAP Tier 2	CPW 20231222
Birds	Melanerpes lewis	Lewis's Woodpecker	CPW Breeding Range	G4	S4		BLM/SWAP Tier 2/USFS	CPW 20231222
Birds	Passerina amoena	Lazuli Bunting	CPW Breeding Range	G5	S5B		SWAP Tier 2	CPW 20231222
Birds	Peucaea cassinii	Cassin's Sparrow	CPW Breeding Range	G5	S4B		SWAP Tier 2/USFS	CPW 20231222
Birds	Selasphorus rufus	Rufous Hummingbird	CPW Migration Range	G4	SNA		SWAP Tier 2	CPW 20231222
Birds	Spizella breweri	Brewer's Sparrow	CPW Breeding Range	G5	S4B		BLM/SWAP Tier 2/USFS	CPW 20231222
Insects	Argynnis idalia	Regal Fritillary	Range Map - within range	G3?	S1		SWAP Tier 2/USFS	CNHP 20210615
Insects	Arigomphus cornutus	Horned Clubtail	Range Map - present	G4	S1			CNHP 20210615
Insects	Atrytone arogos	Arogos Skipper	Range Map - within range	G2G3	S2		SWAP Tier 2/USFS	CNHP 20210615
Insects	Bombus (Cullumanobombus) fraternus (Bombus fraternus)	Southern Plains Bumble Bee	Range Map - within range	G3G4	S2S3		SWAP Tier 2	CNHP 20210615
Insects	Bombus (Cullumanobombus) morrisoni (Bombus morrisoni)	Morrison's Bumble Bee	Range Map - within range	G3	S2S4		SWAP Tier 2	CNHP 20210615
Insects	Bombus (Thoracobombus) pennsylvanicus (Bombus pennsylvanicus)	American Bumble Bee	Range Map - within range	G3G4	S2S3		BLM/SWAP Tier 2	CNHP 20210615
Insects	Bombus fervidus	Yellow Bumble Bee	Range Map - within range	GNR	S3S4		SWAP Tier 2	CNHP 20210615
Insects	Bombus occidentalis	Western Bumble Bee	Range Map - within range	G3	S3S4		BLM/SWAP Tier 2/USFS	CNHP 20210615
Insects	Calopteryx maculata	Ebony Jewelwing	Range Map - present	G5	S1		SWAP Tier 2	CNHP 20210615
Insects	Celastrina humulus	Hops Feeding Azure	Range Map - within range	G2G3	S2		SWAP Tier 2	CNHP 20210615
Insects	Danaus plexippus	Monarch	Range Map - present	G4	S5		BLM/SWAP Tier 2/USFS	CNHP 20210615
Insects	Epiteca petechialis	Dot-winged Baskettail	Range Map - present	G4	SNR		SWAP Tier 2	CNHP 20210615
Insects	Erynnis martialis	Mottled Dusky Wing	Range Map - within range	G3	S2S3		SWAP Tier 2	CNHP 20210615

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Insects	Erythemis vesiculosa	Great Pondhawk	Range Map - present	G5	S2			SWAP Tier 2	CNHP 20210615
Insects	Euphyes bimacula	Two-spotted Skipper	Range Map - present	G4	S2			SWAP Tier 2	CNHP 20210615
Insects	Hesperia ottoe	Ottoe Skipper	Range Map - within range	G3	S2			SWAP Tier 2/USFS	CNHP 20210615
Insects	Melemaea magdalena	A Geometrid Moth	Range Map - present	GU	S3				CNHP 20210615
Insects	Paratrytone snowi	Snow's Skipper	Range Map - within range	G3	S3				CNHP 20210615
Insects	Polites origenes	Cross-line Skipper	Range Map - within range	G5?	S3				CNHP 20210615
Insects	Sympetrum costiferum	Saffron-winged Meadowhawk	Range Map - present	G5	S3				CNHP 20210615
Insects	Sympetrum madidum	Red-veined Meadowfly	Range Map - present	G5	S2			SWAP Tier 2	CNHP 20210615
Mammals	Cynomys ludovicianus	Black-tailed Prairie Dog	CPW Overall Range	G4	S3		SC	BLM/SWAP Tier 2/USFS	CPW 20231222
Mammals	Cynomys ludovicianus	Black-tailed Prairie Dog	CPW Potential Occurrence	G4	S3		SC	BLM/SWAP Tier 2/USFS	CPW 20231222
Mammals	Eptesicus fuscus	Big Brown Bat	CPW Overall Range	G5	S5				CPW 20231222
Mammals	Lasionycteris noctivagans	Silver-haired Bat	CPW Overall Range	G3G4	S3S4				CPW 20231222
Mammals	Lasiurus borealis	Eastern Red Bat	CPW Overall Range	G3G4	S2S3B				CPW 20231222
Mammals	Lasiurus cinereus	Northern Hoary Bat	CPW Overall Range	G3G4	S3S4B			BLM/SWAP Tier 2/USFS	CPW 20231222
Mammals	Lepus townsendii	White-tailed Jackrabbit	CPW Overall Range	G5	S4			SWAP Tier 2	CPW 20231222
Mammals	Myodes gapperi (Clethrionomys gapperi)	Southern Red-backed Vole	Range Map - within range	G5	S5			SWAP Tier 2	CNHP 20210615
Mammals	Myotis evotis	Long-eared Myotis	CPW Overall Range	G5	S4			BLM	CPW 20231222
Mammals	Myotis lucifugus	Little Brown Myotis	CPW Overall Range	G3G4	S4			BLM/SWAP Tier 1	CPW 20231222
Mammals	Myotis thysanodes	Fringed Myotis	CPW Overall Range	G4	S3			BLM/SWAP Tier 1/USFS	CPW 20231222
Mammals	Myotis volans	Long-legged Myotis	CPW Overall Range	G4G5	S5				CPW 20231222
Mammals	Neotamias quadrivittatus	Colorado Chipmunk	Range Map - within range	G5	S5				CNHP 20210615
Mammals	Odocoileus hemionus	Mule Deer	CPW Limited Use Area	G5	S4				CPW 20231222
Mammals	Odocoileus hemionus	Mule Deer	CPW Overall Range	G5	S4				CPW 20231222
Mammals	Odocoileus virginianus	White-tailed Deer	CPW Overall Range	G5	S5				CPW 20231222
Mammals	Perimyotis subflavus	Tricolored Bat	CPW Overall Range	G3G4	S2				CPW 20231222
Mammals	Perognathus fasciatus	Olive-backed Pocket Mouse	CPW Overall Range	G5	S3			SWAP Tier 1	CPW 20231222
Mollusks	Anodontooides ferussacianus	Cylindrical Papershell	Range Map - within range	G5	S2		SC	SWAP Tier 2	CNHP 20210615
Reptiles	Apalone spinifera	Spiny Softshell Turtle	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Aspidoscelis sexlineatus	Six-lined Racerunner	CPW Overall Range	G5	S5				CPW 20231222

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Reptiles	Chelydra serpentina	Snapping Turtle	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Chrysemys picta	Painted Turtle	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Coluber constrictor	Racer	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Crotalus oregonus	Western Rattlesnake	CPW Overall Range	G5	SNR				CPW 20231222
Reptiles	Crotalus viridis	Western Rattlesnake	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Heterodon nasicus	Plains Hog-nosed Snake	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Holbrookia maculata	Lesser Earless Lizard	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Lampropeltis gentilis	Western Milksnake	CPW Overall Range	G5	S5			BLM/SWAP Tier 2	CPW 20231222
Reptiles	Nerodia sipedon	Northern Water Snake	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Phrynosoma hernandesi	Greater Short-horned Lizard	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Pituophis catenifer sayi	Bullsnake	CPW Overall Range	G5T5	S5				CPW 20231222
Reptiles	Plestiodon multivirgatus epipleurotus	Variable Skink	CPW Overall Range	G5T5	S3				CPW 20231222
Reptiles	Plestiodon multivirgatus	Many-lined Skink	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Sceloporus consobrinus	Prairie Lizard	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Sceloporus tristichus	Southern Plateau Lizard	CPW Overall Range	G5	S3				CPW 20231222
Reptiles	Tantilla nigriceps	Plains Blackhead Snake	CPW Overall Range	G5	S4				CPW 20231222
Reptiles	Terrapene ornata ornata	Ornate Box Turtle	CPW Overall Range	G5T5	S5				CPW 20231222
Reptiles	Thamnophis elegans	Western Terrestrial Garter Snake	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Thamnophis radix	Plains Garter Snake	CPW Overall Range	G5	S5				CPW 20231222
Reptiles	Thamnophis sirtalis	Common Garter Snake	CPW Overall Range	G5	S3		SC	SWAP Tier 2	CPW 20231222
Reptiles	Tropidoclonion lineatum	Lined Snake	CPW Overall Range	G5	S3				CPW 20231222

Special Areas and Land Status

Table 6. CNHP Potential Conservation Areas and Other Special Areas within 1 Miles of Project Area

Name	Data Type	CNHP Biodiversity Rank	CNHP Edit Date	CNHP Identifier	Data Source
Aquatic Native Species Conservation Waters	SB181 High Priority Habitat				CPW 20231222

Table 7. Managed Areas within Project Area

Name	Owner	Manager	Management Description	Public Access*	Protection Mechanism	Easement Holder	Data Source
	PRIVATE	PRIVATE	Private Land	No	NA		COMaP 20240702
Vista Ridge Golf Club	PRIVATE	PRIVATE	Privately Owned Golf Course	Restricted	Fee		COMaP 20240702

* It is the responsibility of the user to verify public access on any site as access can change over time. Entering an area that is not open to the public subjects an individual to possible sanctions for trespass under Colorado law.

Water and Wetlands

Table 8. National Wetland Inventory (NWI) Features within Project Area

No results were found for this project area.

Project Report Appendix

Please visit the [CNHP website](#) for a more extensive collection of definitions for CODEX reports in addition to what is provided here below.

About CNHP Data

One of CNHP's core research activities is managing a statewide database that details the locations of rare and imperiled species and natural plant communities in Colorado. We gather data from CNHP surveys and monitoring projects, as well as from partners and other trusted sources like herbariums. All of our data are compiled and managed in the Biodiversity Information Management System (Biotics), a web-enabled database platform hosted by [NatureServe](#). The species and natural plant communities we track are assigned global and state imperilment ranks based on rarity, threats, and trends, and their locations are mapped as element occurrences. Element occurrences include spatial data as well as details on condition, size, and landscape context. This information allows us to track both overall distribution and site-specific details describing how well

elements are thriving at each location. We use element occurrences to delineate Potential Conservation Areas that represent the primary area needed to support the element occurrences, and often include additional suitable habitat or buffers from disturbance. **Please visit the [CNHP website](#) for more definitions and details related to CNHP data in CODEX.**

CODEX Report Definitions

CNHP Biodiversity Rank – The significance of a potential conservation area in terms of its biological diversity ranging from B1 (Outstanding Biodiversity significance meaning protection of this potential conservation area can prevent a species from going extinct) to B5 (General interest or open space for more globally secure species).

CNHP Edit Date– The date the CNHP potential conservation area record was last updated.

CNHP Identifier– A unique identifier for each CNHP data type, applicable only to CNHP data records.

CO Status – State status per Colorado Parks & Wildlife: Endangered (SE), Threatened (ST), or State Special Concern (SC).

Common Name – The common name of the species or plant community.

Critical Habitat Status – Critical habitat status for federally listed species under the Endangered Species Act.

Proposed – Proposed critical habitat

Final – Final critical habitat

Critical Habitat Federal Register- The volume number and first page of

Managed Areas Name – Name of the managed area.

Manager – The general land Manager.

Management Description - The general category of how the feature is managed.

Other Species of Concern – Other globally rare species and plant communities, BLM or USFS sensitive species, state listed species, or Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan, and species of economic and recreational value.

Other Status – Other status such as BLM sensitive species (BLM), U.S Forest Service sensitive species (USFS), and Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan (SWAP Tier 1, SWAP Tier 2).

Owner – The general land owner.

Public Access – Level of public access to the feature.

Protection Mechanism – Any mechanism of protection assigned to the managed area.

the federal register publication describing the critical habitat.

Critical Habitat Publication Date - Federal Register publication date.

Data Source – The agency and date of the data provided.

Data Type –

[CNHP EO](#) – A location in which an element is, or was, present.

CNHP General EO – An element occurrence with imprecise directions; broadly mapped and typically historical or extirpated.

[CNHP Observation](#) – Sightings of species on CNHP's watchlist or sightings of tracked elements that do not meet the minimum criteria necessary to make an occurrence.

[CNHP PCA](#) – Areas in the state contributing to Colorado's biological diversity.

CNHP Model – Modeled presumed presence or habitat for a particular species.

CNHP PCA (Important Plant Area) – B1 or B2 CNHP potential conservation area supporting globally rare plants.

CNHP Range Map – Overall range for a particular species by HUC 10 and HUC 12 for aquatics.

[Important Bird Area](#) – The most important places for birds as identified by the National Audubon Society.

Regulatory Species – Species with federal protection under the Endangered Species Act or Bald and Golden Eagle Protection Act along with FWS designated critical habitat.

Return on Investment Report - Provides maps and the estimated annual benefit in dollars of conserved ecosystem services by ecosystem type within the project area in PDF format. Ecosystem types are derived from the 2016 National Land Cover Database (NLCD).

Scientific Name – The scientific name of the species or plant community

Special Areas and Land Status – CNHP Potential Conservation Areas ([PCA](#)), [State Designated Natural Areas](#), [Important Bird Areas](#), and managed lands from the Colorado Ownership, Management and Protection database ([COMaP](#)), SB181 High Priority Habitat

Special Areas Name – The name of the special area.

State Rarity - The [rarity rank](#) used by CNHP and The Natural Heritage Network to track how rare a species or plant community is in Colorado, ranging from S1 (rarest) to S5 (most common).

Viability Rank – The estimated viability of the species or ecological integrity of the natural community based on condition, size, and landscape context, ranging from A (excellent) to D (poor).

Water and Wetlands – Wetland types from the [National Wetland Inventory database](#).

Class - The general appearance of the habitat in terms of either the

State Natural Area - Areas that contain at least one unique or high-quality natural feature of statewide significance as designated by the Colorado Natural Areas Program.

CPW <description> - CPW data with a long list of data types: observations, nest sites, leks, etc.

Easement Holder – Organization or agency holding an easement (if present).

ESA Status – Federal status under the [Endangered Species Act](#): Endangered (E), Threatened (T), or Federal Candidate (C) with qualifiers for Partial Status (PS) and experimental populations (XN).

Global Rarity – The [rarity rank](#) used by CNHP and The Natural Heritage Network to track how rare a species or plant community is globally, ranging from G1 (rarest) to G5 (most common).

Last Observation – The most recent field observation.

Major group – The major group in which the element falls: Amphibians, Birds, Crayfish, Fish, Insects, Mammals, Mollusks, Natural Communities, Nonvascular Plants, Reptiles, and Vascular Plants.

dominant life form of the vegetation, or the physiography and composition of the substrate.

Modifier - Modifier assigned to further describe wetlands and deepwater habitats within the classification hierarchy based on water chemistry or ph, wetland or deepwater alteration, or soil type.

NWI Code – An alpha-numeric code corresponding to the classification nomenclature that best describes a particular wetland habitat. For more information on NWI data values, visit <https://www.fws.gov/wetlands/data/wetland-codes.html>

System – A complex of wetlands and deepwater habitats that share the influence of similar hydrologic, geomorphologic, chemical or biological factors.

Water Regime - Description of water duration within a wetland habitat.

Wetland Total Acres - Total acres of the wetland type in the project area.

Wetland Type – The generalized [Cowardin](#) wetland type.



Detention Pond
50' x 100' Oil and Gas Easement

Detention Pond
Connection to Linden Way Park

Certificate Of Taxes Due

Account Number R8971253
 Parcel 146732202016
 Assessed To
 JOHNSTON LINDA JANE LIVING TRUST
 1401 HICKORY DR
 ERIE, CO 80516-7927

Certificate Number 293464
 Order Number 564788/559811
 Vendor ID 42
 COCRS
 P O BOX 12102
 DENVER, CO 80212

Legal Description	Situa Address				
TRACT 20 AND PARCEL 8A AND 8B VISTA RIDGE	1401 HICKORY DR ERIE				
Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2023	\$7,897.54	\$0.00	\$0.00	(\$7,897.54)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 08/06/2024					\$0.00

Tax Billed at 2023 Rates for Tax Area 3520 - 3520

Authority	Mill Levy	Amount	Values	Actual	Assessed
WELD COUNTY	12.0240000*	\$713.23	AG-GRAZING LAND	\$348	\$90
SCHOOL DIST RE1J-LONGMONT	57.2380000	\$3,395.18	FARM/RANCH RESIDENCE-IMPS	\$750,652	\$50,290
NORTHERN COLORADO WATER (NC	1.0000000	\$59.32	OTHER BLDGS.- AGRICULTURAL	\$47,799	\$12,620
ERIE TOWN	13.3810000	\$793.72			
MOUNTAIN VIEW FIRE	16.2470000	\$963.72			
HIGH PLAINS LIBRARY	3.1960000	\$189.58	Total	\$798,799	\$63,000
VISTA RIDGE METRO DISTRICT	47.0000000	\$2,787.89			
Taxes Billed 2023	150.0860000	\$8,902.64			
SENIOR		(\$1,005.10)			
Net Taxes Billed for 2023		\$7,897.54			

* Credit Levy

All payments made are subject to final bank clearance.

WARNING - THIS TAX CERTIFICATE DOES NOT WARRANT ANY TAXES OWED ON UNDERLYING ACCOUNTS, INCLUDING PARENT OR SIBLING ACCOUNTS. ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE.

TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

POSTMARKS ARE NOT ACCEPTED ON TAX LIEN SALE REDEMPTION PAYMENTS. PAYMENTS MUST BE IN OUR OFFICE AND PROCESSED BY THE LAST BUSINESS DAY OF THE MONTH.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcel of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

Certificate Of Taxes Due

TREASURER, WELD COUNTY, Brigitte Grimm

1400 N. 17th Avenue

Greeley, CO 80631

(970) 400-3290

A handwritten signature in black ink that reads "Brigitte C. Grimm". The signature is written in a cursive style with a large initial 'B' and a distinct 'C' before the last name.



Customer Distribution



Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **ABC25212843-4**

Date: **07/25/2025**

Property Address: **1401 HICKORY DRIVE, ERIE, CO 80516**

For Closing Assistance

Charles Ottinger
3033 EAST FIRST AVENUE,
SUITE 600
DENVER, CO 80206
(303) 331-6216 (Work)
(303) 393-3870 (Work Fax)
cottinger@ltgc.com
Company License: CO44565

Closer's Assistant

Rachel Roberts 3033 EAST FIRST
AVENUE, SUITE 600 DENVER,
CO 80206 (303) 331-6260 (Work)
(303) 393-3858 (Work Fax)
rroberts@ltgc.com Company
License: CO44565

For Title Assistance

Scott Bennetts
5975 GREENWOOD PLAZA
BLVD
GREENWOOD VILLAGE, CO
80111
(303) 850-4175 (Work)
sbennetts@ltgc.com

AFFINITY HOLDINGS LLC
Attention: CAYD BADER
13330 RED DEER TRAIL
BROOMFIELD, CO 80020
(303) 246-6799 (Work)
caydb@affinholdings.com
Delivered via: Electronic Mail

SVN DENVER COMMERCIAL
Attention: BILL REILLY
414 14TH ST SUITE 100
DENVER, CO 80202
(970) 566-3481 (Cell)
(303) 632-8784 (Work)
bill.reilly@svn.com
Delivered via: Electronic Mail

THE LINDA JANE JOHNSTON LIVING TRUST
Attention: LINDA JOHNSTON PENDLETON
1401 HICKORY DR
ERIE, CO 80516
(303) 903-1402 (Cell)
lindaj_j@yahoo.com
Delivered via: Electronic Mail

SVN DENVER COMMERCIAL
Attention: SVN DENVER COMMERCIAL
den.admin@svn.com
Delivered via: Electronic Mail

WATTERSON LAW LLC
Attention: RUSSELL WATTERSON, JR
905 W 124TH AVE #210
WESTMINSTER, CO 80234
(720) 201-4451 (Work)
russ@wattersonlaw.com
Delivered via: Electronic Mail



Estimate of Title Fees

Order Number: ABC25212843-4

Date: 07/25/2025

Property Address: 1401 HICKORY DRIVE, ERIE, CO 80516

Seller(s): THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS TO PARCEL A; AND THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS AMENDED, AS TO PARCEL B

Buyer(s): AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit ltgc.com to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 07-30-21	\$11,616.00
Deletion of Standard Exception(s)	\$100.00
Endorsement Patent (EXCEPTION 9)	\$100.00
Endorsement 100.31 (EXCEPTIONS 10 AND 12)	\$1,162.00
Tax Certificate	\$27.00
TOTAL	\$13,005.00

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

Chain of Title Documents:

[Weld county recorded 06/07/2019 under reception no. 4495709](#)

[Weld county recorded 05/18/2016 under reception no. 4204486](#)

[Weld county recorded 09/28/2009 under reception no. 3651102](#)

[Weld county recorded 09/28/2009 under reception no. 3651101](#)

[Weld county recorded 09/28/2009 under reception no. 3651100](#)

[Weld county recorded 06/19/2003 under reception no. 3074421](#)

[Weld county recorded 05/19/2000 under reception no. 2769491](#)

[Weld county recorded 06/02/1994 under reception no. 2391594](#)

Plat Map(s):

[Weld county recorded 11/28/2001 under reception no. 2903870](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABC25212843-4

Property Address:

1401 HICKORY DRIVE, ERIE, CO 80516

1. Commitment Date:

07/21/2025 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 07-30-21

\$6,525,000.00

Proposed Insured:
AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY
COMPANY

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. The Title is, at the Commitment Date, vested in:

THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS TO PARCEL A; AND THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS AMENDED, AS TO PARCEL B

5. The Land is described as follows:

PARCEL A:

PARCELS 8A AND 8B, VISTA RIDGE, MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. [2903870](#), TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

TRACT 20, VISTA RIDGE, MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. [2903870](#), TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25212843-4

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. (THIS ITEM WAS INTENTIONALLY DELETED)
2. DULY ACKNOWLEDGED AFFIDAVIT SETTING FORTH THE NAME OF THE LINDA JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006 AS A TRUST, AND THE NAMES AND ADDRESSES OF ALL OF THE TRUSTEES WHO ARE REPRESENTED BY SAID TRUST, THE NAMES OF THE TRUSTEES WHO MAY CONVEY, ENCUMBER, LEASE, OR OTHERWISE DEAL WITH INTERESTS PROPERLY FOR SAID TRUST, AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-166 OF THE 1973 CRS, EVIDENCING THE EXISTENCE OF SAID TRUST.

SAID AFFIDAVIT MUST INCLUDE THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY.

(AFFECTS PARCEL A)

3. (THIS ITEM WAS INTENTIONALLY DELETED)
4. DULY ACKNOWLEDGED AFFIDAVIT SETTING FORTH THE NAME OF THE JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006, AS AMENDED AS A TRUST, AND THE NAMES AND ADDRESSES OF ALL OF THE TRUSTEES WHO ARE REPRESENTED BY SAID TRUST, THE NAMES OF THE TRUSTEES WHO MAY CONVEY, ENCUMBER, LEASE, OR OTHERWISE DEAL WITH INTERESTS PROPERLY FOR SAID TRUST, AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-166 OF THE 1973 CRS, EVIDENCING THE EXISTENCE OF SAID TRUST.

SAID AFFIDAVIT MUST INCLUDE THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY.

(AFFECTS PARCEL B)

5. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

6. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25212843-4

All of the following Requirements must be met:

7. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID SURVEY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

8. WARRANTY DEED FROM THE LINDA JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006 TO AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

(AFFECTS PARCEL A)

NOTE: THE CERTIFICATION OF TRUST FOR THE LINDA JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006 DISCLOSES LINDA JOHNSTON PENDLETON AS THE TRUSTEE AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

9. WARRANTY DEED FROM THE LINDA JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006, AS AMENDED TO AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

(AFFECTS PARCEL B)

NOTE: THE CERTIFICATION OF TRUST FOR THE LINDA JANE JOHNSTON LIVING TRUST DATED JUNE 12, 2006 DISCLOSES LINDA JOHNSTON PENDLETON AS THE TRUSTEE AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED SURVEY. MATTERS DISCLOSED BY SAID SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS TO PARCEL A; AND THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS AMENDED, AS TO PARCEL B.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2023 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2024 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE OR PAYABLE.

NOTE: ITEMS 7(A) AND 7(B) OF THE PRE-PRINTED EXCEPTIONS ARE HEREBY DELETED.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25212843-4

All of the following Requirements must be met:

NOTE: ITEM 8 UNDER SCHEDULE B-2 WILL BE DELETED UPON PROOF FROM THE OWNER STATING THERE ARE NO LEASES OR TENANTS ON SUBJECT PROPERTY, OTHER THAN THOSE OTHERWISE IDENTIFIED IN SAID SCHEDULE B-2..

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: ABC25212843-4

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RIGHT OF PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JUNE 22, 1882, IN BOOK 34 AT PAGE [12](#). (AFFECTS NW 1/4 OF SECTION 32)
10. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 23, 1954, IN BOOK 1393 AT PAGE [619](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
11. (THIS ITEM WAS INTENTIONALLY DELETED)
12. OIL AND GAS LEASE RECORDED FEBRUARY 18, 1983 UNDER RECEPTION NO. [1917961](#) IN BOOK 989 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
AFFIDAVIT OF EXTENSION OF OIL AND GAS LEASES BY PRODUCTION RECORDED DECEMBER 20, 2019 UNDER RECEPTION NO. [4551947](#).
13. TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED JANUARY 24, 1991 AT RECEPTION NO. [2239296](#) IN BOOK 1288.
14. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 704 RECORDED AUGUST 30, 2000 UNDER RECEPTION NO. [2790550](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: ABC25212843-4

15. TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. [2793930](#) AND RE-RECORDED DECEMBER 8, 2000 UNDER RECEPTION NO. [2812291](#).
16. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF VISTA RIDGE ANNEXATION NO. 1 RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. [2793937](#).
17. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT PLAN RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. [2793940](#).
MINOR AMENDMENT NO. 1 RECORDED FEBRUARY 27, 2002 UNDER RECEPTION NO. [2928673](#);
AMENDMENT NO. 3 RECORDED SEPTEMBER 4, 2007 UNDER RECEPTION NO. [3501718](#);
AMENDMENT NO. 4 RECORDED MARCH 3, 2011 UNDER RECEPTION NO. [3753956](#);
AMENDMENT NO. 5 RECORDED NOVEMBER 26, 2012 UNDER RECEPTION NO. [3890727](#);
AMENDMENT NO. 6 RECORDED NOVEMBER 25, 2013 UNDER RECEPTION NO. [3980214](#);
AMENDMENT NO. 7 RECORDED MAY 29, 2024 UNDER RECEPTION NO. [4962790](#).
18. TERMS, CONDITIONS AND PROVISIONS OF NON-DISTURBANCE AGREEMENT RECORDED SEPTEMBER 19, 2000 UNDER RECEPTION NO. [2794881](#).
19. RIGHT OF WAY EASEMENT AS GRANTED TO MARTIN EXPLORATION MANAGEMENT COMPANY IN INSTRUMENT RECORDED MARCH 05, 1987, UNDER RECEPTION NO. [2090720](#).
20. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 20, 2000, UNDER RECEPTION NO. [2775999](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
21. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF RIGHT OF FIRST REFUSAL RECORDED OCTOBER 20, 2000 UNDER RECEPTION NO. [2801380](#) AND AMENDMENT RECORDED JULY 23, 2009 UNDER RECEPTION NO. [3638115](#).

NOTE: UPON RECORDATION OF A DULY EXECUTED AND ACKNOWLEDGED RELEASE OF SAID MEMORANDUM, THE FOREGOING EXCEPTION WILL BE DELETED.

22. (THIS ITEM WAS INTENTIONALLY DELETED)
23. TERMS, CONDITIONS AND PROVISIONS OF DEED OF AVIGATION EASEMENT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. [2903864](#).
24. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF VISTA RIDGE MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. [2903870](#).
25. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED DECEMBER 04, 2001 UNDER RECEPTION NO. [2905896](#).
26. RIGHT OF WAY EASEMENT AS GRANTED TO UNITED POWER INC IN INSTRUMENT RECORDED AUGUST 12, 2002, UNDER RECEPTION NO. [2977116](#).
(AFFECTS PARCEL B)
27. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF CONCURRENT USE AGREEMENT RECORDED JUNE 27, 2003 UNDER RECEPTION NO. [3078175](#).
(AFFECTS PARCEL 8A OF PARCEL A, AND PARCEL B)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: ABC25212843-4

28. TERMS, CONDITIONS AND PROVISIONS OF DECLARATION OF GOLF PLAY COVENANTS RECORDED JULY 07, 2003 UNDER RECEPTION NO. [3080606](#).
(AFFECTS PARCEL B)
29. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF CONCURRENT USE AGREEMENT RECORDED AUGUST 13, 2003 UNDER RECEPTION NO. [3095082](#).
(AFFECTS PARCEL 8B OF PARCEL A)
30. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 14, 2001, UNDER RECEPTION NO. [2909244](#) AND FIRST AMENDMENT RECORDED JANUARY 28, 2003 UNDER RECEPTION NO. [3027600](#).

NOTE: DECLARATION OF ADDRESS RECORDED SEPTEMBER 26, 2016 UNDER RECEPTION NO. [4239473](#).
31. (THIS ITEM WAS INTENTIONALLY DELETED)
32. (THIS ITEM WAS INTENTIONALLY DELETED)
33. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE VISTA RIDGE METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED, JUNE 14, 2006 UNDER RECEPTION NO. [3396125](#), SEPTEMBER 20 2010 UNDER RECEPTION NO. [3719463](#), MARCH 16, 2012 UNDER RECEPTION NO. [3832301](#), MAY 21, 2013 UNDER RECEPTION NO. [3933756](#) MARCH 18, 2014 UNDER RECEPTION NO. [4002991](#), AUGUST 20, 2014 UNDER RECEPTION NO. [4039682](#), NOVEMBER 14, 2014 UNDER RECEPTION NO. [4061805](#), JULY 21, 2016 UNDER RECEPTION NO. [4221172](#), FEBRUARY 16, 2017 UNDER RECEPTION NO. [4279108](#) AND OCTOBER 31, 2018, UNDER RECEPTION NO. [4442712](#).
34. TERMS, CONDITIONS AND PROVISIONS OF GOLF COURSE COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT RECORDED JANUARY 04, 2007 UNDER RECEPTION NO. [3445413](#).
35. (THIS ITEM WAS INTENTIONALLY DELETED)
36. (THIS ITEM WAS INTENTIONALLY DELETED)
37. (THIS ITEM WAS INTENTIONALLY DELETED)
38. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AS EVIDENCED BY INSTRUMENTS RECORDED OCTOBER 30, 2020, UNDER RECEPTION NO. [4645789](#) AND [4645934](#).



ALTA Commitment For Title Insurance

issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of insurance and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- (b) "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- (c) "Land": The land described in item 5 of Schedule A and affixed improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (d) "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- (e) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (f) "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- (g) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (h) "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- (i) "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- (j) "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company is not liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5(a) or the Proposed Amount of Insurance.
- (e) The Company is not liable for the content of the Transaction Identification Data, if any.
- (f) The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

(g) The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT. CHOICE OF LAW AND CHOICE OF FORUM

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction
- (c) This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607
(612) 371-1111 www.oldrepublictitle.com

By  President

Attest  Secretary

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Land Title Guarantee Company Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



Joint Notice of Privacy Policy of Land Title Guarantee Company Land Title Insurance Corporation and Old Republic National Title Insurance Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

**SUPPLEMENTARY
PHASE I ENVIRONMENTAL ASSESSMENT**

**VISTA RIDGE GOLF CLUB
2700 VISTA PARKWAY
ERIE, COLORADO**

Prepared for:

COLORADO NATIONAL GOLF CLUB

October 2008

Trevor Hart & Associates, Inc.

15 Wilcox Street #108 / Castle Rock, CO 80104

**SUPPLEMENTARY
PHASE I ENVIRONMENTAL ASSESSMENT**

**VISTA RIDGE GOLF CLUB
2700 VISTA PARKWAY
ERIE, COLORADO**

SIGNATURE & DECLARATIONS PAGE

This Supplementary Phase I Environmental Assessment (THA Project No. 08-1102), conducted in accordance with ASTM Standard E-1527-05, was prepared for Colorado National Golf Club.

Environmental Professional Statement

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in Section 312.10 of 40CFR Part 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Below are the names and signatures of key personnel who conducted the Phase I Environmental Assessment and/or prepared and reviewed this report. Resumes of the key personnel are included as Attachment C to the Supplementary Phase I Report.

PROJECT MANAGER: *Trevor Hart*

Trevor Hart, Principal
Trevor Hart & Associates, Inc.

DATE: October 13, 2008

Trevor Hart & Associates, Inc.

15 Wilcox Street #108 / Castle Rock, CO 80104
(303) 688-2066 / FAX: (303) 688-2101

October 13, 2008

Mr. Matt Schalk
General Manager/Director of Golf
Colorado National Golf Club
2700 Vista Parkway
Erie, CO 80516

Reference: Supplementary Phase I Environmental Assessment
 Vista Ridge Golf Club

 THA Project 08-1102

Dear Mr. Schalk:

At your request, Trevor Hart & Associates (THA) has conducted a Supplementary Environmental Assessment of the Vista Ridge Golf Club complex, located at 2700 Vista Parkway in Erie, Colorado.

The goal of this program was to supplement and update the results of the Phase I Environmental Site Assessment of the Vista Ridge Property, which includes the Vista Ridge Golf Club, conducted by ERO Resources Corporation (ERO) in September 2000¹. A copy of the Assessment report is included as Attachment A to this letter.

This Supplementary Assessment was designed to meet the ASTM Standard E-1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process". Specifically, in accordance with Section 4.7 "Use of Prior Information", and Section 312.20 (c)-(d)² of the EPA All Appropriate Inquiry Standard, the scope of the Supplementary Assessment included the following activities:

- (1) An evaluation of the completeness and adequacy of the Phase I Environmental Assessment and a review of the environmental concerns identified in the Phase I Report.
- (2) An updated review of US EPA; Colorado Department of Public Health and Environment (CDPHE); and Colorado Division of Oil and Public Safety (OPS); and Colorado Oil and Gas Conservation Commission records to assess concerns by regulatory agencies regarding the improper management, disposal or release of hazardous substances at and near the Subject Property since 2000.
- (3) An inspection of the Property to evaluate current land use; to observe readily apparent evidence of surface contamination; and to review current waste and hazardous materials management practices. During the inspection, an interview was conducted with Mr. Matt Schalk, the Director of Golf for the Vista Ridge Golf Course and Mr. James Spehalski, a representative of Vista Ridge Development Corporation.
- (4) Completion of a "User Questionnaire" by Mr. Matt Schalk, the General Manager of the Colorado National Golf Club. A copy of the completed questionnaire is included as Attachment B to this report.

¹ Update - Phase One Environmental Assessment
Vista Ridge Property
State Highway 7, Near County Road 5, Weld County, Colorado
Prepared by ERO Resources Corporation
September 7, 2000.

² 40 C.F.R 312. 20

Evaluation of Environmental Risk Assessment Report

A review by THA indicated that the Phase I Site Assessment Report, originally prepared in 1998, combined with the Update Report prepared in 2000, met the substantive requirements of the ASTM Standard E-1527-05. Consequently, the results of this assessment were used as the basis for this supplementary assessment.

The Findings and Conclusions Section of the Update Report (Page 12) notes that:

“ On the property, ERO identified the following recognized environmental conditions -

- An operating shooting range that may have soils with elevated concentrations of lead and copper;
- Stained soils near the oil and gas production facilities; and
- Solid waste disposal areas.”

The report also concludes that:

“Federal, state and local records indicated that three sites near the property [were] associated with recognized environmental conditions. These consisted of one site formerly or currently proposed for review under CERCLIS and three landfills, one of which, the Front range Landfill, is immediately northeast of the property. No further action is proposed at the landfill reviewed under CERCLIS. It is ERO’s professional opinion that the Front Range Landfill has not affected ground water quality beneath the property.”

As part of this Supplementary Assessment, THA has evaluated if the recognized environmental conditions identified in the Phase I Report have been addressed.

Property Description

The Update Report addressed a 850 acre parcel of predominantly agricultural land that was described as the ‘Vista Ridge property’. The Vista Ridge Golf Club, which covers approximately 200 acres, is located within this larger parcel. Weld County Assessor’s Office and historic aerial photography flown in 2002 and 2007³ indicate that the golf course and country club building were constructed in 2002. The configuration of the golf course is presented in Figure 1.

Residential developments surrounding the golf course have been constructed since the completion of the Update report in 2000. A retail/commercial development was under construction to the southeast of the golf course, and adjacent to Highway 7, on the date of the site inspection (October 6, 2008).

Public Records Review

A records search was conducted to evaluate any changes in ownership of the Subject Property since 2000 and to search for recorded environmental liens on the Property. This review included databases and documents maintained by the Clerk and Recorders Office of Weld County and the Weld County Assessor’s Office.

The review of public records indicates that the Subject Property is currently owned by In Play Membership Golf, Inc. who purchased the Property Vista Ridge Golf Venture, LLC in December 2006 (Reception No. 3445420). This LLC had previously purchased the golf course from Vista Ridge Development Corporation in 2004 (Reception No. 3158653). Based on the review of the public record, no significant, environmentally adverse findings were uncovered. No environmental liens or judgements were noted in the records of the Weld County Clerk and Recorder’s office.

³ Aerial photography sources: Terra Server (2002) and Google Earth (2007). Downloaded 9/29/2008.

Regulatory Agency Review

A review was conducted of US EPA; Colorado Department of Public Health and Environment, and Colorado Division of Oil and Public Safety, and Colorado Oil and Gas Conservation Commission records to assess concerns by regulatory agencies regarding the improper management, disposal or release of hazardous substances on and near the Property since 2000.

US Environmental Protection Agency

The databases listed in Table 1 which are maintained by the US EPA were reviewed on October 1, 2008.

**Table 1
US EPA Databases**

DATABASE	DATE EXTRACTED
Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS)	9/8/2008
Facilities Registration System (FRS)	10/1/2008
Enforcement and Compliance History Online (ECHO)	9/9 - 9/20/008

A review was made of the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS). The CERCLIS database is a compilation of the hazardous substance sites which have been identified by the USEPA. The Subject Property is not identified on the current CERCLIS list and there are no recorded incidents involving hazardous substances at this location.

The former Columbine Landfill, which is discussed on page 5 of the Update Report, continues to be listed in the EPA database as a CERCLIS site, which was archived in 1992,. Consequently, THA concurs with the conclusion of the Update Report that this closed, solid waste landfill does not pose a significant risk of environmental contamination to the Subject Property

The Subject Property was not identified in the Facilities Registration System (FRS) Database maintained by the USEPA. No violations on the Property were noted in the FRS database.

The Subject Property was not identified in the Enforcement and Compliance History Online (ECHO) database. No violations within the last five years, current significant violations, or enforcement actions (within the last five years) related to the Clean Air Act, Clean Water Act or Resource Conservation and Recovery Act were identified for the Subject Property facilities. Furthermore no violations of the Clean Air Act were identified for the oil and gas batteries located in the vicinity of the Subject Property.

A violation of a permit (COR038213) for stormwater discharges associated with construction was identified in the ECHO database for Vista Ridge Filing No. 5. CDPHE Water Quality Control Division records indicated that an inspection conducted on April 17, 2007 identified several permit violations, associated with sediment discharge, in the vicinity of Mountain View Boulevard and Fairway Point Drive. The developer (Chartered Homes of Colorado) subsequently documented that the identified deficiencies had been corrected in a letter dated May 5, 2007. Subsequently an Expedited Settlement Agreement (ES-080206-2) was completed and CDPHE concluded in a close out letter dated February 7, 2008, that the deficiencies had been corrected and that the project was in compliance with the permit. The past violation of a stormwater discharge permit in the vicinity of the Subject Property is judged not to pose an on-going environmental liability to the Property.

Colorado Department of Public Health & Environment

The Colorado Department of Public Health and Environment (CDPHE) was contacted regarding the Subject Property, and the agency databases listed in Table 2 were reviewed on October 3, 2008.

**Table 2
CDPHE Databases**

DATABASE	DATE EXTRACTED
CERCLIS Sites (Archival)	9/8/2008
CERCLIS Sites (Active)	9/8/2008
National Priorities List	9/11/2006
RCRA Info (Resource Conservation and Recovery Act) Master Facility List	6/7/2007
RCRA TSD (Treatment, Storage and Disposal Facilities) List	6/7/2007
ERNS (Emergency Response Notification System) record of spills reported to CDPHE since 1990.	10/1/2008
Methane Gas Studies (Landfills in Denver Metro Area)	1979 & 1981
Solid Waste Facilities (Closed or Abandoned)	11/30/1993
Solid Waste (Current or Open Landfills)	1/4/2000
UMTRA (Uranium Mill Tailings Remedial Action Sites and Vicinity Properties)	5/11/1993
VCRA (Voluntary Cleanup and Redevelopment Act) Sites	4/1/2008

CERCLIS

The Subject Property was not identified on the CDPHE current CERCLIS list and there have been no recorded incidents involving hazardous substances at the Subject Property. No active CERCLIS sites were identified in the CERCLIS database within an approximately, one-half mile search radius of the Subject Property.

The Columbine Landfill site, discussed above, is also identified as an archived CERCLIS site in the CDPHE data base.

RCRA Info

The Subject Property was not identified on the CDPHE listing of RCRA (Resource Conservation and Recovery Act) regulated facilities, including generators of hazardous waste and TSD (treatment, storage and disposal) facilities.

Two (2) facilities, located within an approximately one-quarter mile search radius of the Property were identified as regulated generators of hazardous waste on the CDPHE RCRA Info database. These facilities are listed in Table 3.

**Table 3
Nearby RCRA Generator Facilities**

Facility Name	Address	Location	Designation
Rocky Mountain Propellers	2865 Airport Drive	0.3 miles, west	Small Quantity Generator
Vista Ridge Mile High Shooting Park	1745 Highway 7.	0.2 miles, southeast	One Time, Large Quantity Generator.

ERO Resources Corporation, as consultant to Vista Ridge Development Corporation, submitted a notification as a one time, large quantity generator of hazardous waste. The notification occurred during the voluntary clean up of the Shooting Range which is discussed below.

No incidents or activities were noted during the review of the CDPHE files on the facilities listed in Table 3 that would pose a significant risk of environmental contamination to the Subject Property. A routine inspection of the Rocky Mountain Propellers facility was conducted by CDPHE on February 15, 2001. The inspection report concluded that "no violations were noted".

No active RCRA TSD (treatment, storage and disposal) facilities were noted on or within a one mile radius of the Property. One (1) site that had undergone corrective action was identified within a one mile radius of the Subject Property. This site is listed in Table 4.

**Table 4
RCRA Facilities Undergoing Corrective Action**

Facility Name	Address	Status	Location
Tri-County Airport	350 Baron Court	Closed Out 12/12/1995	0.5 miles, west

Six (6) drums containing solvents were stored on the Tri-County Airport Property. CDPHE issued a warning letter on September 4, 1991 requiring that the property owner dispose of the drums in accordance with Colorado Hazardous Waste Management Regulations. The drums were subsequently removed by a contractor for off-site disposal and CDPHE issued a close out letter on December 12, 1995. Consequently, this site, which is located approximately one-half mile west of the Subject Property, is judged not to pose a significant environmental risk to the Property.

Other CDPHE Databases

No spills of hazardous materials were recorded on or adjacent to the Subject Property since 2000 in the CDPHE database concerning the ERNS (Emergency Response Notification System). The active and closed landfills located north of the Subject Property and which were discussed in the Phase I report continue to be identified in the CDPHE records. No evidence that the landfills pose a environmental risk to the Subject Property was uncovered in the CDPHE files.

The nearby Mile High Shooting Park , located at 1745 High way 7, was identified as Voluntary Cleanup Site. A Voluntary Cleanup Application and Request for No Action Determination⁴ submitted to CDPHE in October 2002, documented that a Voluntary Cleanup Plan for this site was approved in November 2000. Under the plan, lead- and copper-contaminated soils at the rifle and pistol shooting areas were excavated to a depth of 3 to 5 feet. Soils were treated with a phosphate-based reagent to prevent leaching of lead and were shipped off-site to a permitted solid waste disposal facility. Lead containing shot was removed from the shotgun and skeet shooting areas using a dry sieve process.

Post excavation sampling was conducted to ensure that all soils with concentrations of lead and copper above the CDPHE Tier 2 cleanup concentrations for the appropriate land use were excavated, treated and disposed of at an off-site facility, or were buried on site. The report also notes that soils containing elevated concentrations of petroleum hydrocarbons that were discovered at this site were land farmed on-site.

Following a review of the application, CDPHE issued a No Action Determination Approval for this site on December 2001. The approval letter concluded that:

“ ..it is the opinion of [CDPHE] that no further action is required to assure that this property, when used for the purposes identified in the no action petition [mixed land use] is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment at the site”.

Page 8 of the application did describe an incident that occurred during the clean up when contaminated soils were inadvertently transported to the driving range located on the Subject Property. The report notes that in January 2001, the construction of a road was begun within the shotgun/skeet area. The soils along the road corridor were tested and lead concentrations were determined to be below cleanup standards. To achieve necessary grades, excess soils were transported to the area proposed for a driving range.

The grading contractor inadvertently moved some soils outside the proposed corridor that had not been sieved and transported them to the location of the driving range. The report estimated that approximately 1000 cubic yards of contaminated soils had been moved. Samples collected from these soils indicated that the soils containing lead concentrations above cleanup standards were limited to the top 6 inches of the driving range soils. In 2001, the soils were treated in place with a phosphate-based reagent. Composite sample analysis results indicated that the treated soils had lead concentrations less than 400 mg/kg and TCLP lead concentrations less than 5 mg/L. Consequently, the levels of residual lead remaining in the soils in the driving range are judged not to pose a significant on-going environmental liability to the Subject Property.

There were no additional listings since 2000 for the Subject Property or nearby locations, within the ASTM record search distances, on the remainder of the CDPHE databases.

Colorado Division of Oil and Public Safety

The Division of Oil and Public Safety (OPS) of the Colorado Department of Labor and Employment was contacted regarding underground storage tanks (USTs), aboveground tanks (ASTs) and Leaking USTs on or near the Subject Property. The OPS database indicated that no USTs or ASTs are registered with the Section on the Subject Property or on adjacent properties.

⁴ Voluntary Cleanup Application and Request for a No Action Determination. Former Mile High Shooting Range. 1745 Colorado Highway 7, Erie, Colorado. ERO Resources Corporation. October 22, 2002.

No leaking USTs (LUST) were identified on the Subject Property in the OPS records. No (0) active and one (1) closed LUST sites was identified within a half-mile, search radius of the Subject Property in the OPS database. This site is summarized on Table 5.

**Table 5
Nearby Leaking Underground Storage Tanks**

Facility Name	Location	Status	Approximate Distance & Direction from Subject Property
Tri-County Airport	395 Airport Dr.	Closure Letter 11/8/1999	0.5 miles, west

The LUST site identified within the search radius has been categorized as closed. "Closed" status indicates that the agency concluded that appropriate actions appear to have been taken to remove the source of contamination at a site and to reduce the potential for further impacts to occur as a result of the contamination on the site. Consequently, this site is judged not to pose a significant environmental risk to the Subject Property.

Colorado Oil & Gas Conservation Commission

The records of the Colorado Oil and Gas Conservation Commission (OGCC) were reviewed in order to evaluate the status of the oil and gas wells, pits or other production facilities that were identified on the Subject Property and the surrounding Vista Ridge Development discussed in the Phase I Report.

Two remediation files (Project Nos. 665 & 665) maintained by the OGCC document the removal of Patina Oil and Gas Corporation (Patina) facilities from the Vista Ridge Development. A closure report⁵ documented that:

"Patina removed approximately 6.5 miles of natural gas flowlines, sales lines, and all associated equipment from the Vista Ridge Development [..in 2001]. Hogan Action excavated approximately 14,500 cubic yards of hydrocarbon-impacted soils and transported the soils to the temporary landfarm in the southwest portion of Section 33.

Based on the results of the soil verification samples, the hydrocarbon-impacted soils encountered during the field activities have been excavated to concentrations below the respective OGCC and [unrestricted land use] CDPHE cleanup standards for TVPH and BTEX."

Following a review of the closure report, OGCC approved the closure of the remediation projects in letters dated September 24, 2001.

OGCC records indicate that six (6) active, gas wells and three (3) associated batteries are located on and adjacent to the Subject Property. No records of any Notices of Alleged Violations (NOAV), spills or releases, complaints or corrective actions were identified in OGCC records on well or other production sites located on or adjacent to the Subject Property since the date of the Phase I Assessment.

⁵ Closure Report for the Removal of Patina Oil and Gas Corporation Natural Gas Flowlines, Sales Lines, and Associated Equipment at the Vista Ridge Development, Weld County, Colorado, LT Environmental, Inc. July 12, 2001.

Property Inspection

A site inspection was conducted by THA on October 6, 2008. The goals of the site inspection were to evaluate the status of the recognized environmental conditions on the Subject Property identified in the Phase I report, and assess if additional environmental conditions are present on the Property. As part of the inspection, an interview was conducted with Mr. Matt Schalk, the Director of Golf for the Vista Ridge Golf Course and Mr. James Spehalski, a representative of Vista Ridge Development Corporation.

As part of this Assessment, a "User Questionnaire" was completed by Mr. Matt Schalk, the General Manager of the Colorado National Golf Club. A copy of this form is included as Attachment B to this report.

The results of the site inspection confirmed that the golf course, country club building and associated infrastructure had been constructed on the Subject Property. Mr Schalk confirmed that golf club facilities had been constructed in 2002 and that the club opened in 2003.

Environmental Conditions Identified in Phase I Report

Contaminated Soils in Shooting Range

The results of the site inspection, and the review of CDPHE (Voluntary Cleanup) documents described above, confirmed that the site of the former shooting range had been remediated. On the date of the site inspection, a retail/commercial complex was being constructed on this portion of the Vista Ridge property.

Oil and Gas Production Facilities

The stained soils described in the Phase I report had been remediated as part of the closure of the Patina facilities on the golf course and the Vista Ridge Development, described above. The current gas wells and associated production facilities, which were operated by Noble Energy, Inc. were observed to be generally clean and well maintained. Only limited soil staining was observed in the vicinity of these production facilities.

Solid Waste Disposal Areas

No evidence of the former solid waste disposal areas described in the Phase I report were observed on the Subject Property. Mr. Spehalski confirmed that these disposal sites had been cleaned up, by removal of the solid waste, prior to the development of the golf course complex.

Current Recognized Environmental Conditions

No evidence of current or past mismanagement of hazardous materials was observed during an inspection of the country club complex. Mr. Schalk reported that grease and oils generated from the restaurant operations are recycled as feedstock for biodiesel. Grease discharged to the sanitary sewer system is intercepted by two grease traps. Only small (retail) containers of cleaners, oils and other chemicals were observed in the country club building.

The golf course maintenance facility is currently located in buildings and on a land parcel leased from Vista Ridge Development Corporation. No evidence of the mismanagement of hazardous materials was observed during an inspection of this facility. Mr. Shane Wilkey, the Superintendent of the Golf Course, reported that used oil, used antifreeze and batteries generated during vehicle maintenance activities are recycled off-site. Two (2), 500 gallon above ground tanks were used to store fuel for the golf course vehicles. Only minor soil staining was observed in the vicinity of these tanks.

A flammable materials cabinet was observed to be in use in the maintenance facility for the storage of fuel, paints and other flammable materials. Mr. Wilkey reported that chemicals purchased for use in the golf course complex are used up and no hazardous waste are generated.

Mr. Wilkey reported that although he was a licensed, pesticide application supervisor, no restricted pesticides or herbicides are currently applied on the golf course. He also noted that any chemicals are purchased immediately prior to the application.

Based on the results of the site inspection and the review of regulatory agency files, none of the current activities located on or adjacent to the Subject Property are judged to pose a significant environmental risk to the Property.

Conclusions and Recommendations

Based on the results of this Supplementary Phase I Assessment, no evidence of Recognized Environmental Conditions or issues related to the management or release of hazardous materials on the Subject Property were identified that would pose a significant liability during the future use of the Property. Consequently, it is recommended that no additional investigation of the management or release of hazardous materials is warranted at the Subject Property.

The oil and gas production facilities located on and adjacent to the Subject Property could be potential sources of a hydrocarbon release. Section 34-60-124 of the Oil and Gas Conservation Act specifies that:

" If the [oil and gas conservation] commission determines that mitigation of a significant adverse environmental impact on any air, water, soil or biological resource is necessary as a result of the conduct of oil and gas operations, the commission shall issue an order requiring the responsible party to perform such mitigation. If the responsible party cannot be identified or refuses to comply with such an order, the commission shall authorize the necessary expenditure from the [oil and gas environmental response] fund."

Furthermore, Section 34-60-124(8)(b) clarifies that:

"...**responsible party**" does not include any landowner, whether of the surface estate, mineral estate, or both, who does not engage in, or assume responsibility for, the conduct of oil and gas operations".

If significant environmental impacts associated with current or past production activities are uncovered on the Subject Property, liability for remediation lies with the "responsible party" (the current or former lease operator) and not the landowner. THA recommends that when the active gas well and associated production facilities located on the Subject Property are closed, such closure activities by the lease holder be monitored to verify that they are conducted in accordance with applicable rules and regulations of the of Oil and Gas Conservation Commission, including the Revised Series 900 rules.

If you have any questions regarding this letter report, please do not hesitate to contact me at 303-688-2066.

Yours Sincerely,

Trevor Hart & Associates, Inc.

Trevor Hart

Trevor Hart
Principal



Trevor Hart & Associates, Inc.
Phase I Environmental Assessment
Vista Ridge Golf Club

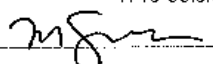
Golf Club Overview - 2007 Aerial Photograph
Figure 1

ATTACHMENT A
PHASE I ASSESSMENT REPORT

ATTACHMENT B
USER QUESTIONNAIRE

TREVOR HART & ASSOCIATES, INC.
USER QUESTIONNAIRE

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, the user of the Phase I Environmental Site Assessment (ESA) must provide the following information (if available) to the environmental professional. Failure to provide this information could result in the determination that "all appropriate inquiry" is not complete.

User Name: Matt Schalk
Title: GM/ Director of Golf
Company: Colorado National Golf Club
Property Address: Vista Ridge Golf Club
1745 Colorado Highway 7, Erie, CO 80516
Signature: 
Date: 10-2-08

(1) Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25).

Are you aware of any cleanup liens against the Property that are filed or recorded under federal, tribal, state, or local law?

NO

(2) Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26).

Are you aware of any activity or land use limitations, such as engineering controls, land use restrictions or covenants, or institutional controls that are in place at the site or have been filed or recorded in a registry under federal, tribal, state or local law?

NO

(3) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).

As the user of this ESA do you have any specialized knowledge or experience related to the Property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or adjoining so that you would have specialized knowledge of the chemicals and processes used by this type of business?

Yes

(4) Relationship of purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).

Does the purchase price being paid for this Property reasonably reflect the fair market value of the Property? If you conclude that there is a difference, have you considered whether the lower price is because contamination is known or believed to be present at the Property?

Yes

(5) Commonly known or reasonably ascertainable information about the Property (40 CFR 312.30).

Are you aware of commonly known or reasonably ascertainable information about the Property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example as user,

(a) Do you know the past uses of the Property? Yes No

(b) Do you know of specific chemicals that are present or once were present on the Property? Yes No

(c) Do you know of any spills or other chemical releases on the Property? Yes No

(d) Do you know of any environmental cleanups that have taken place on the Property? Yes No

If you answered "yes", please explain:

The old owners told me they cleaned up the shooting range as well as some small oil spills. That was for the entire 500 acre development and possibly not even on golf course property.

(6) The degree of obviousness of the presence or likely presence of contamination on the Property, and the ability to detect contamination by appropriate investigation (40 CFR 312.31).

As the user of this ESA, based on your knowledge and experience related to the Property are there any obvious indicators that point to the presence or likely presence of contamination on the Property?

NO

ATTACHMENT C
RESUMES

BIOGRAPHICAL SKETCH

Name: Trevor Hart, Principal

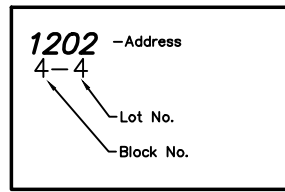
Experience Summary:

Twenty five years experience solving hazardous waste management and remediation problems for industrial clients. Responsible for environmental site assessments, waste characterization investigations, permitting of hazardous waste facilities, and development of remedial and closure alternatives throughout the western United States. Head of hydrogeology for national engineering firm. Successfully negotiated environmental compliance permits and programs with EPA and state regulatory agencies for industrial clients. Instructor on environmental regulations, hazardous waste management and worker safety for industrial and academic clients.

Education:

M.A. (Hons.) Geography, Oxford University, England
Ph.D. Candidate, Geography, University of Colorado, Boulder
Adjunct Faculty: Colorado School of Mines

VISTA RESERVE ADDRESS PLAT



2200 SOUTH

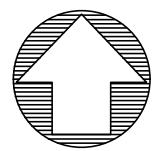
2300 SOUTH

600 EAST

700 EAST

800 EAST

900 EAST



SCALE: 1" = 150'



ORG: 06/06/25
REV:

HURST CIVIL ENGINEERING PLANNING SURVEYING	1265 S Public Road, Suite B	SCALE HOR. 1"=150'
	Lafayette, CO 80026	VERT. N/A
	303.449.9105	DESIGN/APPR.
	DATE 06/03/26	DRAWN BY TA/BO
	www.hurst-assoc.com	SHEET 1 OF 1

FILE G:\27181\SURVEY\27181-ADDRESS PLAT

LEGAL DESCRIPTION

PARCEL A:
 PARCELS 8A AND 8B, VISTA RIDGE, MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. 2903870, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.
 PARCEL B:
 TRACT 20, VISTA RIDGE, MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. 2903870, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

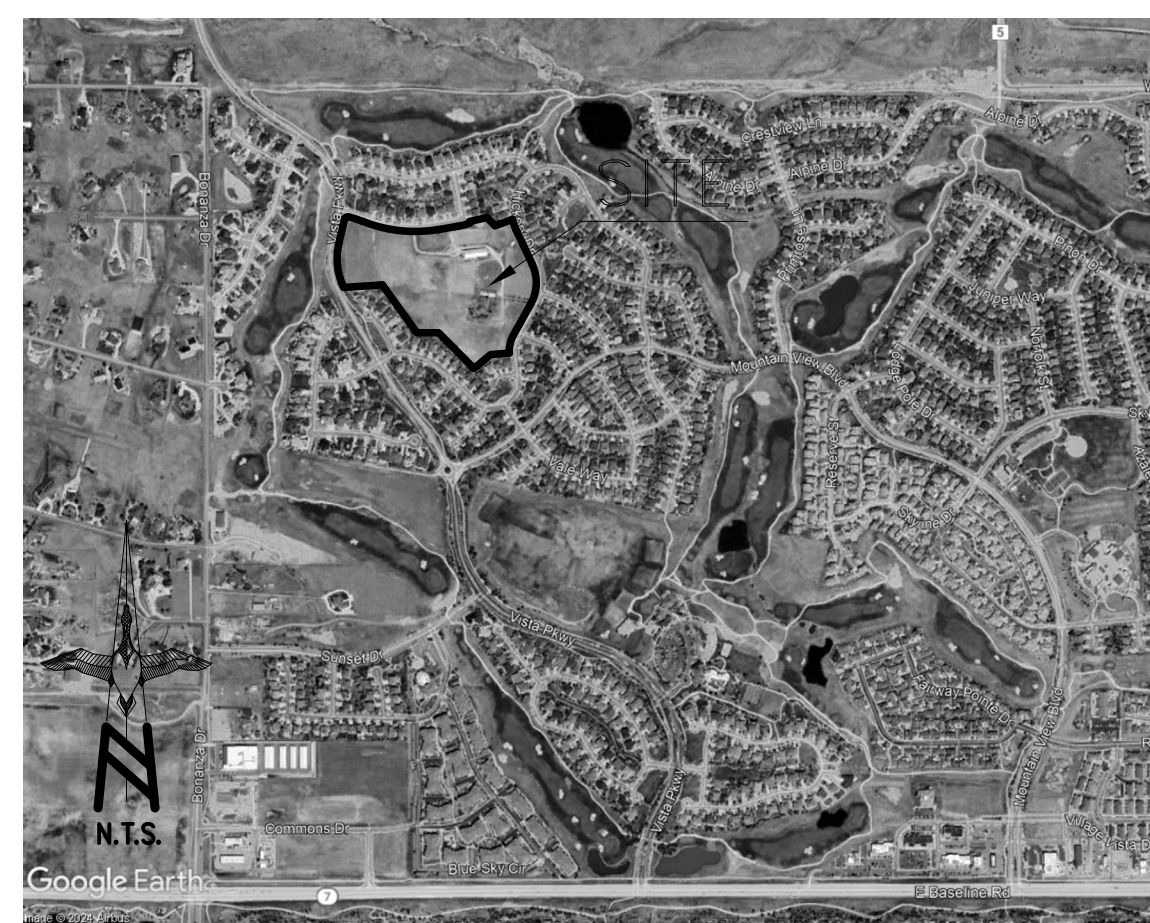
NOTES CORRESPONDING TO SCHEDULE B-2 ITEMS

9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JUNE 22, 1882, IN BOOK 34 AT PAGE 12. (AFFECTS NW 1/4 OF SECTION 32) **(BLANKET IN NATURE).**
10. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 23, 1954, IN BOOK 1393 AT PAGE 619, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. **(BLANKET IN NATURE).**
11. OIL AND GAS LEASE RECORDED OCTOBER 19, 1981 UNDER RECEPTION NO. 1872135 IN BOOK 950 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN. AFFIDAVIT OF EXTENSION OF OIL AND GAS LEASES BY PRODUCTION RECORDED DECEMBER 20, 2019 UNDER RECEPTION NO. 4551947. **(BLANKET IN NATURE).**
12. OIL AND GAS LEASE RECORDED FEBRUARY 18, 1983 UNDER RECEPTION NO. 1917961 IN BOOK 989 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN. AFFIDAVIT OF EXTENSION OF OIL AND GAS LEASES BY PRODUCTION RECORDED DECEMBER 20, 2019 UNDER RECEPTION NO. 4551947. **(BLANKET IN NATURE).**
13. TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED JANUARY 24, 1991 AT RECEPTION NO. 2239296 IN BOOK 1288. **(BLANKET IN NATURE).**
14. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 704 RECORDED AUGUST 30, 2000 UNDER RECEPTION NO. 2790550. **(BLANKET IN NATURE).**
15. TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. 2793930 AND RE-RECORDED DECEMBER 8, 2000 UNDER RECEPTION NO. 2812291. **(BLANKET IN NATURE).**
16. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF VISTA RIDGE ANNEXATION NO. 1 RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. 2793937. **(BLANKET IN NATURE).**
17. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT PLAN RECORDED SEPTEMBER 15, 2000 UNDER RECEPTION NO. 2793940.
 MINOR AMENDMENT NO. 1 RECORDED FEBRUARY 27, 2002 UNDER RECEPTION NO. 2928673;
 AMENDMENT NO. 3 RECORDED SEPTEMBER 4, 2007 UNDER RECEPTION NO. 3501718;
 AMENDMENT NO. 4 RECORDED MARCH 3, 2011 UNDER RECEPTION NO. 3753956;
 AMENDMENT NO. 5 RECORDED NOVEMBER 26, 2012 UNDER RECEPTION NO. 3890727;
 AMENDMENT NO. 6 RECORDED NOVEMBER 25, 2013 UNDER RECEPTION NO. 3980214;
 AMENDMENT NO. 7 RECORDED MAY 29, 2024 4962790. **(BLANKET IN NATURE).**
18. TERMS, CONDITIONS AND PROVISIONS OF NON-DISTURBANCE AGREEMENT RECORDED SEPTEMBER 19, 2000 UNDER RECEPTION NO. 2794881. **(BLANKET IN NATURE).**
19. RIGHT OF WAY EASEMENT AS GRANTED TO MARTIN EXPLORATION MANAGEMENT COMPANY IN INSTRUMENT RECORDED MARCH 05, 1987, UNDER RECEPTION NO. 2090720. **(PLOTTED HEREON).**
20. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 20, 2000, UNDER RECEPTION NO. 2775999, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. **(BLANKET IN NATURE).**
21. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF RIGHT OF FIRST REFUSAL RECORDED OCTOBER 20, 2000 UNDER RECEPTION NO. 2801380 AND AMENDMENT RECORDED JULY 23, 2009 UNDER RECEPTION NO. 3638115. **(BLANKET IN NATURE).**
22. RIGHT OF WAY EASEMENT AS GRANTED TO FARMERS RESERVOIR AND IRRIGATION CO IN INSTRUMENT RECORDED OCTOBER 22, 2001, UNDER RECEPTION NO. 2893921. **(DOES NOT AFFECT SUBJECT PROPERTY).**
23. TERMS, CONDITIONS AND PROVISIONS OF DEED OF AVIATION EASEMENT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. 2903864. **(BLANKET IN NATURE).**
24. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF VISTA RIDGE MASTER FINAL PLAT RECORDED NOVEMBER 28, 2001 UNDER RECEPTION NO. 2903870. **(PLOTTED HEREON).**
25. TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED DECEMBER 04, 2001 UNDER RECEPTION NO. 2905896. **(BLANKET IN NATURE).**
26. RIGHT OF WAY EASEMENT AS GRANTED TO UNITED POWER INC IN INSTRUMENT RECORDED AUGUST 12, 2002, UNDER RECEPTION NO. 2977116. **(PLOTTED HEREON).**
27. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF CONCURRENT USE AGREEMENT RECORDED JUNE 27, 2003 UNDER RECEPTION NO. 3078175. **(BLANKET IN NATURE).**
28. TERMS, CONDITIONS AND PROVISIONS OF DECLARATION OF GOLF PLAY COVENANTS RECORDED JULY 07, 2003 UNDER RECEPTION NO. 3080606. **(BLANKET IN NATURE).**
29. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF CONCURRENT USE AGREEMENT RECORDED AUGUST 13, 2003 UNDER RECEPTION NO. 3095082. **(BLANKET IN NATURE).**
30. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 14, 2001, UNDER RECEPTION NO. 2909244 AND FIRST AMENDMENT RECORDED JANUARY 28, 2003 UNDER RECEPTION NO. 3027600.
 NOTE: DECLARATION OF ADDRESS RECORDED SEPTEMBER 26, 2016 UNDER RECEPTION NO. 4239473. **(BLANKET IN NATURE).**
31. ALL COAL, OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JANUARY 04, 2007, UNDER RECEPTION NO. 3445420.
 NOTE: RELINQUISHMENT AND QUIT CLAIM RECORDED AUGUST 21, 2000 UNDER RECEPTION NO. 2788395. **(DOES NOT AFFECT SUBJECT PROPERTY).**

NOTES CORRESPONDING TO SCHEDULE B-2 ITEMS

32. MATTERS AS SET FORTH ON SURVEY NO #24001, DATED DECEMBER 20, 2006, AND RECORDED APRIL 2, 2007 AT RECEPTION NO. 3465949, BY HURST & ASSOCIATES INC, AND UPDATED SURVEY DATED MARCH 19, 2008 BEING:
 EXISTING BILLBOARDS
 FENCES NOT ON VARIOUS PROPERTY LINES
 PUBLIC ACCESS PATHS AND TRAILS
33. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE VISTA RIDGE METROPOLITAN DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED, JUNE 14, 2006 UNDER RECEPTION NO. 3396125, SEPTEMBER 20 2010 UNDER RECEPTION NO. 3719463, MARCH 16, 2012 UNDER RECEPTION NO. 3632301, MAY 21, 2013 UNDER RECEPTION NO. 3933756 MARCH 18, 2014 UNDER RECEPTION NO. 4002991, AUGUST 20, 2014 UNDER RECEPTION NO. 4039682, NOVEMBER 14, 2014 UNDER RECEPTION NO. 4061805, JULY 21, 2016 UNDER RECEPTION NO. 4221172, FEBRUARY 16, 2017 UNDER RECEPTION NO. 4279108 AND OCTOBER 31, 2018, UNDER RECEPTION NO. 4442712. **(BLANKET IN NATURE).**
34. TERMS, CONDITIONS AND PROVISIONS OF GOLF COURSE COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT RECORDED JANUARY 04, 2007 UNDER RECEPTION NO. 3445413. **(BLANKET IN NATURE).**
35. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF GROUND LEASE RECORDED OCTOBER 04, 2011 UNDER RECEPTION NO. 3796401. **(BLANKET IN NATURE).**
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE RECORDED JUNE 27, 2016 UNDER RECEPTION NO. 4214552.
 NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN. **(NOT A PLOTTABLE ITEM).**
37. LEASE BETWEEN COLORADO NATIONAL GOLF CLUB HQ, LLC, A COLORADO LIMITED LIABILITY COMPANY, LESSOR, AND VERIZON WIRELESS (VAW) LLC D/B/A VERIZON WIRELESS, LESSEE, AS SHOWN BY MEMORANDUM OF LEASE RECORDED JUNE 09, 2017, UNDER RECEPTION NO. 4309095. **(DOES NOT AFFECT SUBJECT PROPERTY).**
 NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.
38. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AS EVIDENCED BY INSTRUMENTS RECORDED OCTOBER 30, 2020, UNDER RECEPTION NO. 4645789 AND 4645934. **(BLANKET IN NATURE).**

VICINITY MAP



BENCH MARK

NGS BENCH MARK "JR 53 5026"
 LOCATED AT PERRY STREET AT A RAILROAD TRACK CROSSING AT THE NORTHEAST CORNER OF THE INTERSECTION.
 ELEVATION = 5028.0 FEET (NAVD 1988)

LAND AREA

SUBJECT PROPERTY CONTAINS: 829,887 SQ. FT. OR 19.052 ACRES MORE OR LESS.

GENERAL NOTES

- 1) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ALTURA LAND CONSULTANTS, LLC, TO DETERMINE RECORD TITLE, EASEMENTS OR RIGHTS-OF WAY. TITLE COMMITMENT NO. ABC25212843-2, WITH AN EFFECTIVE DATE OF AUGUST 9, 2024, PREPARED BY LAND TITLE GUARANTEE COMPANY WAS RELIED UPON FOR ALL INFORMATION REGARDING TITLE OF RECORD, EASEMENTS OF RECORD AND RIGHTS-OF-WAY.
- 2) THE WORD "CERTIFY" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- 3) THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE SURVEYOR'S CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESS WRITTEN RECERTIFICATE BY THE SURVEYOR OF RECORD NAMING SAID PERSON OR ENTITY.
- 4) THIS SURVEY DOES NOT SHOW THE LOCATION OF, OR ENCROACHMENTS BY, SUBSURFACE FOOTINGS AND/OR FOUNDATIONS OF ANY BUILDINGS SHOWN HEREON. IF FLOOD ZONE DATA, ZONING AND SETBACK DATA, OR BUILDING RESTRICTION LINES ARE SHOWN HEREON, IT IS FOR INFORMATIONAL PURPOSES ONLY, HAVING BEEN OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH ALTURA LAND CONSULTANTS, LLC. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION.
- 5) BURIED UTILITIES AND/OR PIPELINES SHOWN HEREON ARE PER VISIBLE AND APPARENT SURFACE EVIDENCE, RECORD DRAWINGS OF THE CONSTRUCTED UTILITY LINES OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH ALTURA LAND CONSULTANTS, LLC. OR MARKINGS PROVIDED BY AN INDEPENDENT LOCATING CONTRACTOR. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES OR PIPE LINES ARE REQUIRED, THE UTILITY OR PIPELINE WILL HAVE TO BE VERIFIED BY FIELD POTHOLING. ALTURA LAND CONSULTANTS, LLC. AND THE SURVEYOR OF RECORD SHALL NOT BE HELD LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES OR PIPELINES.
- 6) FIELD WORK FOR THIS SURVEY WAS PERFORMED ON NOVEMBER 6, 7, 11, 12, 13, 21, 22 & 25, 2024.
- 7) THE LINEAL UNITS OF MEASURE SHOWN ON THIS SURVEY ARE BASED UPON THE U.S. SURVEY FOOT.
- 8) ALL STREETS AND/OR ALLEYS SHOWN HEREON ARE DULY DEDICATED AND MAINTAINED PUBLIC ROADWAYS.
- 9) THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN THE RECENT MONTHS.
- 10) THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

FLOOD ZONE DESIGNATION

BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 08013C0444J AND DATED DECEMBER 18, 2012 & COMMUNITY PANEL NUMBER 08013C0443K AND DATED AUGUST 15, 2019 - SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.

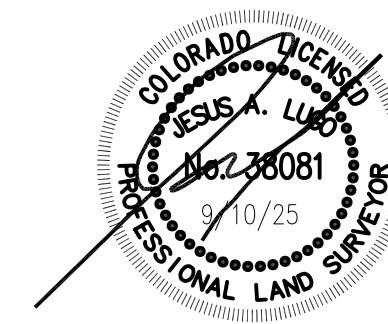
BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE BASED UPON A PORTION OF THE EAST LINE OF PARCEL 8A, VISTA RIDGE MASTER FINAL PLAT WHICH BEARS S26°05'12"E MEASURED BETWEEN THE MONUMENTS SHOWN HEREON, PER VISTA RIDGE MASTER FINAL PLAT RECORDED AT RECEPTION NO. 2903870 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER'S OFFICE.

SURVEYOR'S STATEMENT

TO: AFFINITY HOLDINGS, LLC, A COLORADO LIMITED LIABILITY THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS TO PARCEL A; AND THE LINDA JANE JOHNSTON LIVING TRUST, DATED JUNE 12, 2006, AS AMENDED, AS TO PARCEL B LAND TITLE GUARANTEE COMPANY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 11 AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 6, 7, 11, 12, 13, 21, 22 & 25, 2024.



JESUS A. LUGO, PLS 38081
 COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
 FOR AND ON THE BEHALF OF ALTURA LAND CONSULTANTS, LLC.

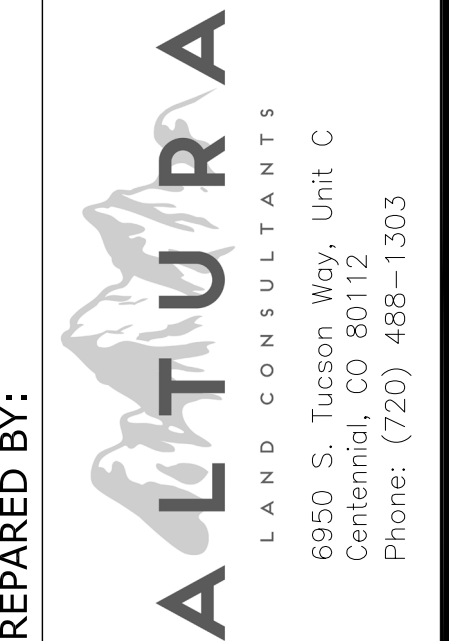
NOTICE:

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 IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

DEPOSITING CERTIFICATE

DEPOSITED THIS _____ DAY OF _____, 20____, IN
 BOOK _____, PAGE _____ OF THE COUNTY SURVEYOR'S LAND SURVEY
 PLATS/RIGHT-OF-WAY SURVEYS, RECEPTION NO. _____

PREPARED FOR:



BY: PREPARED BY:

BT

REVISION DESCRIPTION:

12/10/24 SUBMITTAL

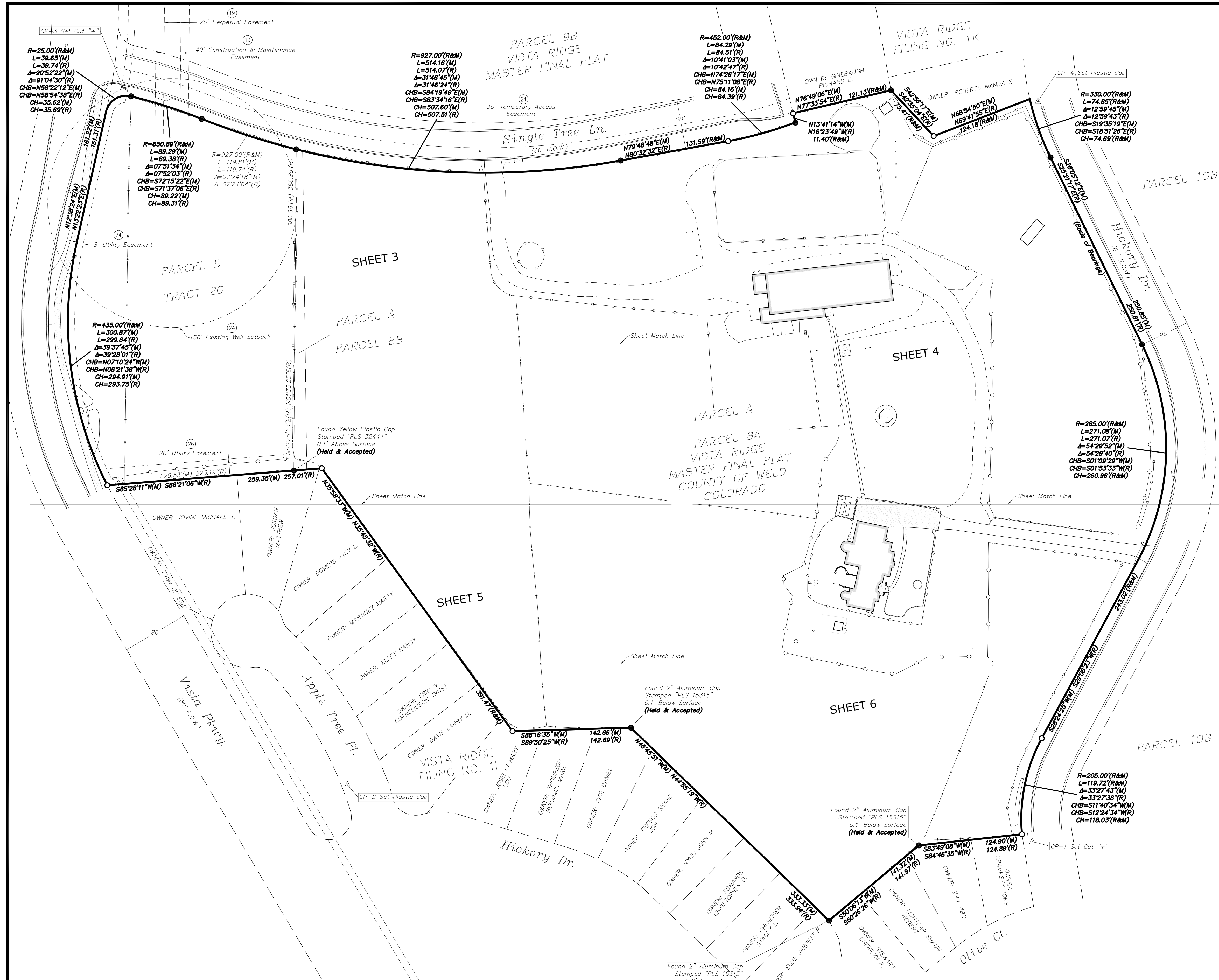
DATE:

NO. 0

PROJECT INFORMATION:

ALTA/NSPS LAND TITLE SURVEY
 1401 HICKORY DR.
 A PORTION OF THE NW 1/4 OF SEC. 32
 T1N, R68W, OF THE 6TH P.M.
 TOWN OF ERIE, COUNTY OF WELD
 STATE OF COLORADO

SCALE:	
DATE:	DECEMBER 10, 2024
BY:	JT
JOB NO.:	24108
SHEET	1 OF 6



MISCELLANEOUS NOTES

- (R) INDICATES RECORD INFORMATION PER VISTA RIDGE MASTER FINAL PLAT
- (M) INDICATES MEASURED BEARINGS AND DISTANCES

SYMBOL & ABBREVIATION LEGEND

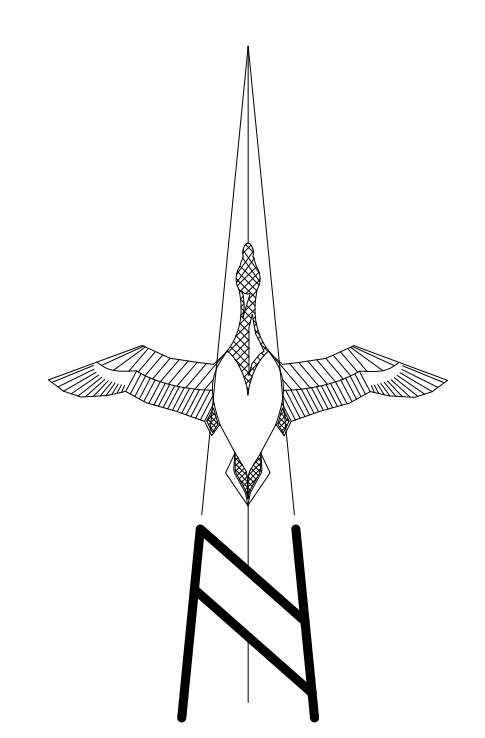
- CONCRETE PAVEMENT
- CONIFEROUS TREE W/DRIP LINE
- DIAMETER
- DECIDUOUS TREE W/DRIP LINE
- EDGE OF ASPHALT
- FF FINISHED FLOOR
- FS FINISH SURFACE
- FL FLOW LINE
- GAS METER
- GAS VALVE
- IRRIGATION CONTROL VALVE
- LIGHT POLE
- NATURAL GROUND
- PARKING BOLLARD
- POWER POLE
- R.O.W. RIGHT OF WAY
- SIGN POST
- STREET LIGHT STANDARD
- TELEPHONE PEDESTAL
- TYPICAL
- WATER METER
- WATER VALVE

LINE LEGEND

- SUBJECT PARCEL BOUNDARY LINES
- SECTION LINES
- ADJOINING PARCEL BOUNDARY LINES
- EASEMENT LINES
- RIGHT OF WAY LINES
- FLOOD PLAN LINES
- SHEET MATCH LINES
- WIRE FENCE
- CHAINLINK FENCE
- WOOD FENCE
- ROPE FENCE
- WROUGHT IRON FENCE

MONUMENT NOTES

- INDICATES HELD & ACCEPTED FOUND YELLOW PLASTIC CAP STAMPED "PLS 15315" UNLESS OTHERWISE NOTED
- INDICATES SET MONUMENT STAMPED PLS 38081



GRAPHIC SCALE
0 30 60
FEET
Scale: 1" = 60'

MODIFIED PROJECT COORDINATES			STATE PLANE COORDINATES, NORTH ZONE		DESCRIPTION	
POINT	NORTHING	EASTING	NORTHING	EASTING		
CP-1	1246812.78	3131763.20	5177.91'	1246812.87	3131763.22	SET CUT CROSS
CP-2	1246881.15	3130937.70	5148.29'	1246881.27	3130937.87	SET PINK PLASTIC CAP
CP-3	1247720.97	3130667.27	5132.30'	1247720.94	3130667.52	SET CUT CROSS
CP-4	1247704.53	3131770.05	5152.38'	1247704.46	3131770.10	SET PINK PLASTIC CAP

ALL SHOWN COORDINATES ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD 83)
PROJECT C.F.S. = 0.999721771828

THE CONTROL POINTS SHOWN HEREON SHALL BE USED FOR THE DEVELOPMENT OF THE PROJECT. ALTURA LAND CONSULTANTS, LLC WILL NOT BE HELD LIABLE FOR ANY LOSS OR DAMAGE ARISING FROM ANY DEVIATION FROM THE USE OF SAID CONTROL POINTS DURING THE DEVELOPMENT OF THE PROJECT.

Underground Utility Note:
BURIED UTILITIES AND/OR PIPELINES SHOWN HEREON ARE PER VISIBLE AND APPARENT SURFACE EVIDENCE, RECORD DRAWINGS OF THE CONSTRUCTED UTILITY LINES OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH ALTURA LAND CONSULTANTS, LLC. OR MARKINGS PROVIDED BY AN INDEPENDENT LOCATING CONTRACTOR. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES OR PIPE LINES ARE REQUIRED, THE UTILITY OR PIPELINE WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING. ALTURA LAND CONSULTANTS, LLC AND THE SURVEYOR OF RECORD SHALL NOT BE HELD LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES OR PIPELINES.

PREPARED FOR:

BY: PREPARED BY: JT

REVISION DESCRIPTION:

NO.	DATE:	REVISION DESCRIPTION:
0	12/10/24	SUBMITTAL

PROJECT INFORMATION:

ALTA/NSPS LAND TITLE SURVEY
1401 HICKORY DR.
A PORTION OF THE NW 1/4 OF SEC. 32
T1N, R68W, OF THE 6TH P.M.
TOWN OF ERIE, COUNTY OF WELD
STATE OF COLORADO

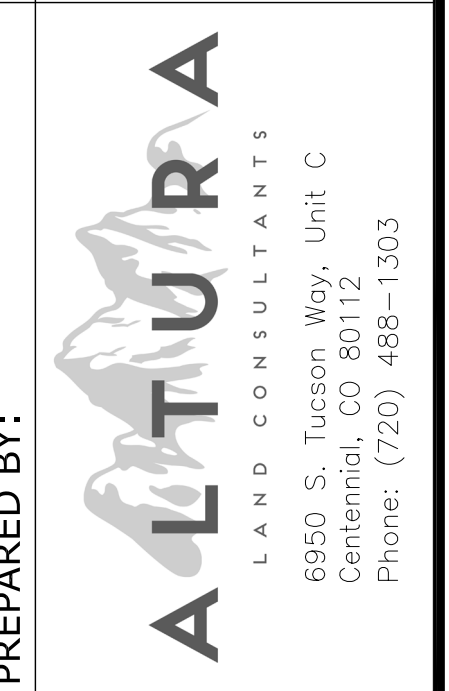
SCALE: 1" = 60'

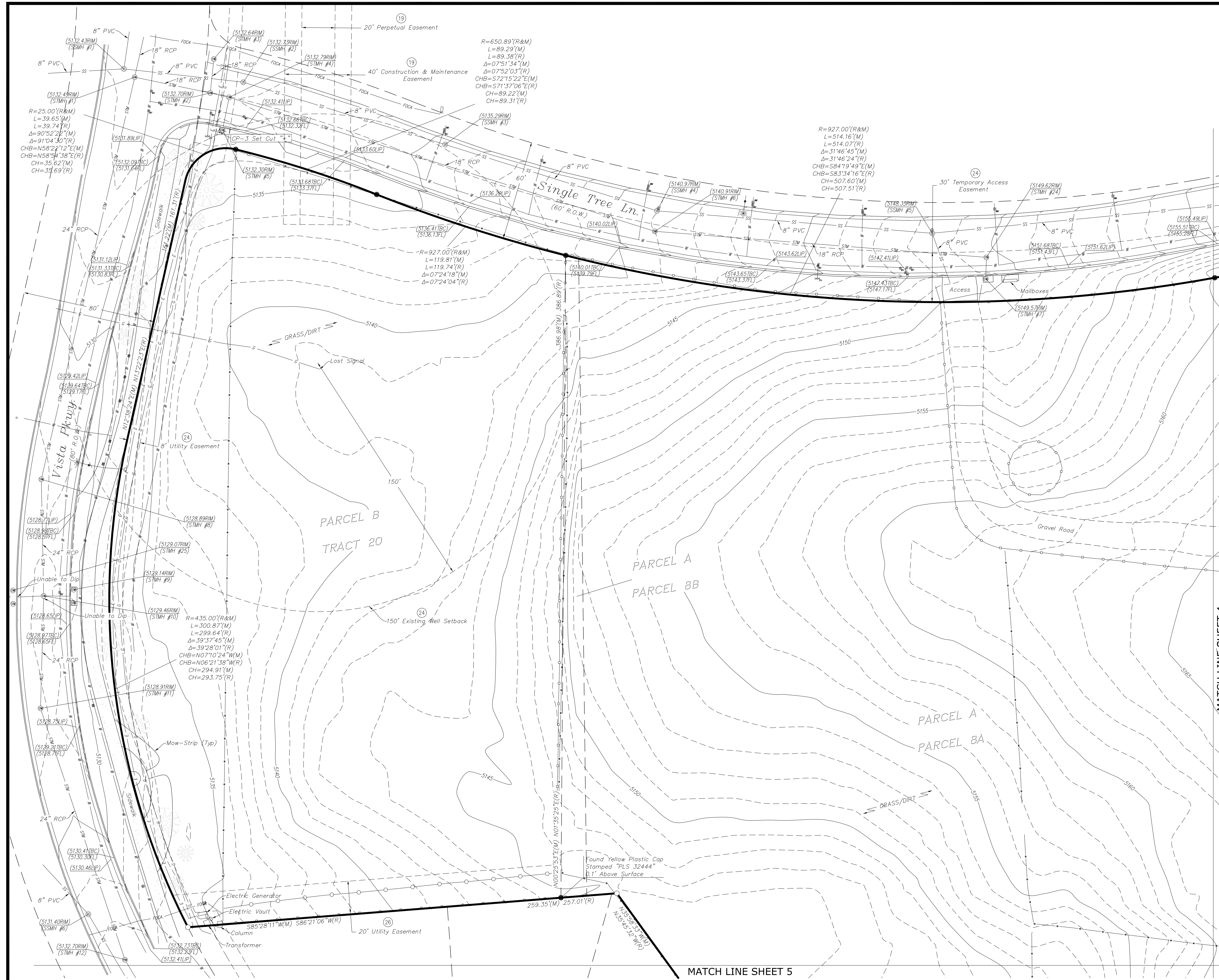
DATE: DECEMBER 10, 2024

BY: JT

JOB NO. 24108

SHEET 2 OF 6





MISCELLANEOUS NOTES

- (R) INDICATES RECORD INFORMATION PER VISTA RIDGE MASTER FINAL PLAT
- (M) INDICATES MEASURED BEARINGS AND DISTANCES

SYMBOL & ABBREVIATION LEGEND

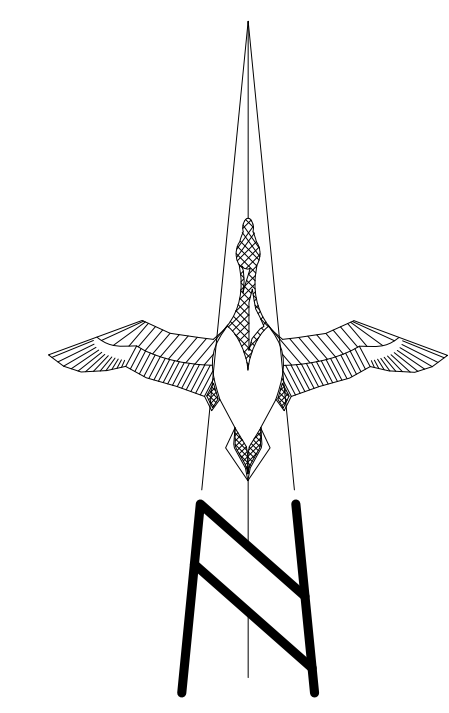
- | | |
|-----------------------------|-------------------------|
| CONCRETE PAVEMENT | ★ LIGHT POLE |
| CONIFEROUS TREE W/DRIP LINE | NG NATURAL GROUND |
| DIAMETER | • PARKING BOLLARD |
| DECIDUOUS TREE W/DRIP LINE | ⊕ POWER POLE |
| EDGE OF ASPHALT | ⊙ SEWER MANHOLE |
| FF FINISHED FLOOR | ⊕ SIGN POST |
| FS FINISH SURFACE | ⊕ STREET LIGHT STANDARD |
| FIRE HYDRANT | ⊕ TELEPHONE PEDESTAL |
| FL FLOW LINE | ⊕ TYPICAL |
| GAS METER | ⊕ WATER METER |
| GAS VALVE | ⊕ WATER VALVE |
| IRRIGATION CONTROL VALVE | |
| ⊕ STORM SEWER MANHOLE | |

LINE LEGEND

- | | |
|---|------------------------------------|
| — | = SUBJECT PARCEL BOUNDARY LINES |
| - - - | = SECTION LINES |
| - · - · - | = ADJOINING PARCEL BOUNDARY LINES |
| - · - · - · - · - | = EASEMENT LINES |
| - · - · - · - · - · - | = RIGHT OF WAY LINES |
| - · - · - · - · - · - · - | = FLOOD PLAN LINES |
| - · - · - · - · - · - · - · - | = SHEET MATCH LINES |
| - · - · - · - · - · - · - · - · - | = WIRE FENCE |
| - · - · - · - · - · - · - · - · - · - | = CHAINLINK FENCE |
| - · - · - · - · - · - · - · - · - · - · - | = WOOD FENCE |
| - · - · - · - · - · - · - · - · - · - · - · - | = ROPE FENCE |
| - · - · - · - · - · - · - · - · - · - · - · - · - | = WROUGHT IRON FENCE |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND ELECTRIC LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND GAS LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = OVERHEAD ELECTRIC LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND SANITARY SEWER LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND TELEPHONE LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND WATER LINES |
| - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - · - | = UNDERGROUND STORM SEWER LINES |
| - · - | = UNDERGROUND FIBER OPTIC LINES |

MONUMENT NOTES

- INDICATES HELD & ACCEPTED FOUND YELLOW PLASTIC CAP STAMPED "PLS 15315" UNLESS OTHERWISE NOTED
- INDICATES SET MONUMENT STAMPED PLS 38081



GRAPHIC SCALE
0 15 30
FEET
Scale: 1" = 30'

Underground Utility Note:
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MODIFIED PROJECT COORDINATES			STATE PLANE COORDINATES, NORTH ZONE		ALL NORTH COORDINATES ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD 83)	
POINT	NORTHING	EASTING	ELEV	NORTHING	EASTING	DESCRIPTION
CP-1	1246812.78	3131763.20	5177.91'	1246812.87	3131763.22	SET CUT CROSS
CP-2	1246881.15	3130937.70	5148.29'	1246881.27	3130937.87	SET PINK PLASTIC CAP
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THE CONTROL POINTS SHOWN HEREON SHALL BE USED FOR THE DEVELOPMENT OF THE PROJECT. ALTURA LAND CONSULTANTS, LLC WILL NOT BE HELD LIABLE FOR ANY LOSS OR DAMAGE ARISING FROM ANY DEVIATION FROM THE USE OF SAID CONTROL POINTS DURING THE DEVELOPMENT OF THE PROJECT.

PREPARED FOR:

BY: PREPARED BY: JT

REVISION DESCRIPTION:

NO.	DATE:	REVISION DESCRIPTION:
0	12/10/24	SUBMITTAL

PROJECT INFORMATION:

ALTA/NSPS LAND TITLE SURVEY
1401 HICKORY DR.
A PORTION OF THE NW 1/4 OF SEC. 32
T1N, R68W, OF THE 6TH P.M.
TOWN OF ERIE, COUNTY OF WELD
STATE OF COLORADO

SCALE: 1" = 30'

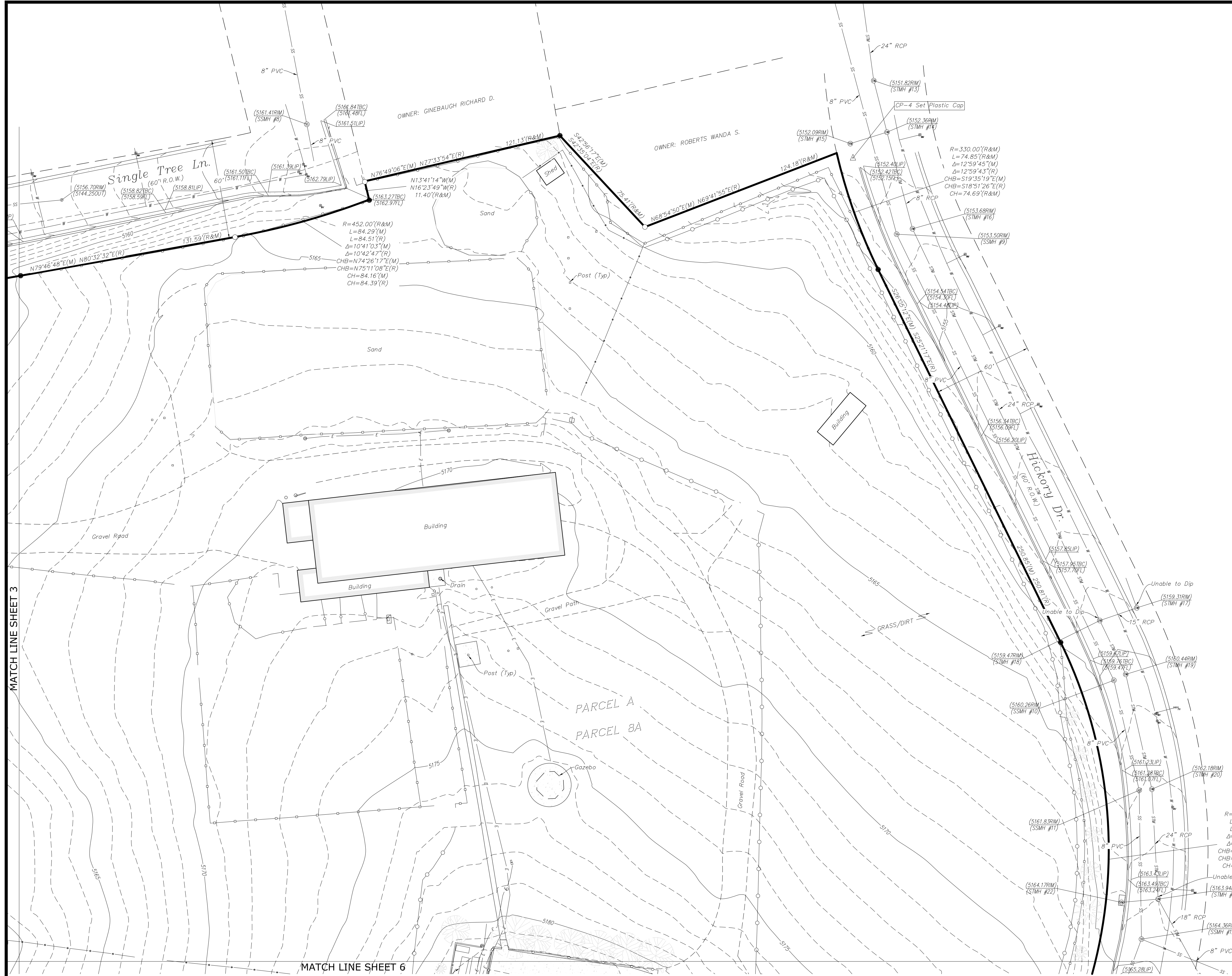
DATE: DECEMBER 10, 2024

BY: JT

JOB NO. 24108

SHEET 3 OF 6

ALTURA LAND CONSULTANTS
6950 S. Tucson Way, Unit C
Centennial, CO 80112
Phone: (720) 488-1303



MISCELLANEOUS NOTES

- (R) INDICATES RECORD INFORMATION PER VISTA RIDGE MASTER FINAL PLAT
- (M) INDICATES MEASURED BEARINGS AND DISTANCES

SYMBOL & ABBREVIATION LEGEND

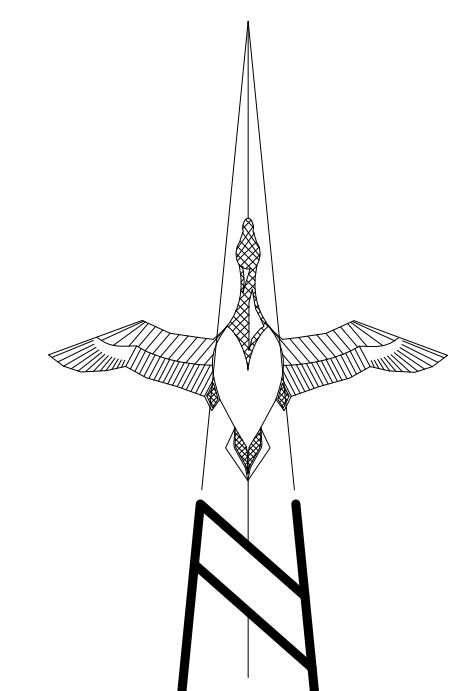
- CONCRETE PAVEMENT
- CONIFEROUS TREE W/DRIP LINE
- DIAMETER
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- FF FINISHED FLOOR
- FS FINISH SURFACE
- FL FLOW LINE
- GAS METER
- GAS VALVE
- IRRIGATION CONTROL VALVE
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- LIGHT POLE
- NATURAL GROUND
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- POWER POLE
- R.O.W. RIGHT OF WAY
- SEWER MANHOLE
- SIGN POST
- STREET LIGHT STANDARD
- TELEPHONE PEDESTAL
- TYPICAL
- WATER METER
- WATER VALVE

LINE LEGEND

- SUBJECT PARCEL BOUNDARY LINES
- SECTION LINES
- ADJOINING PARCEL BOUNDARY LINES
- EASEMENT LINES
- RIGHT OF WAY LINES
- FLOOD PLAN LINES
- SHEET MATCH LINES
- WIRE FENCE
- CHAINLINK FENCE
- WOOD FENCE
- ROPE FENCE
- WROUGHT IRON FENCE
- UNDERGROUND ELECTRIC LINES
- UNDERGROUND GAS LINES
- OVERHEAD ELECTRIC LINES
- UNDERGROUND SANITARY SEWER LINES
- UNDERGROUND TELEPHONE LINES
- UNDERGROUND WATER LINES
- UNDERGROUND STORM SEWER LINES
- UNDERGROUND FIBER OPTIC LINES

MONUMENT NOTES

- INDICATES HELD & ACCEPTED FOUND YELLOW PLASTIC CAP STAMPED "PLS 15315" UNLESS OTHERWISE NOTED
- INDICATES SET MONUMENT STAMPED PLS 38081



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PREPARED FOR:

BY: PREPARED BY: JT

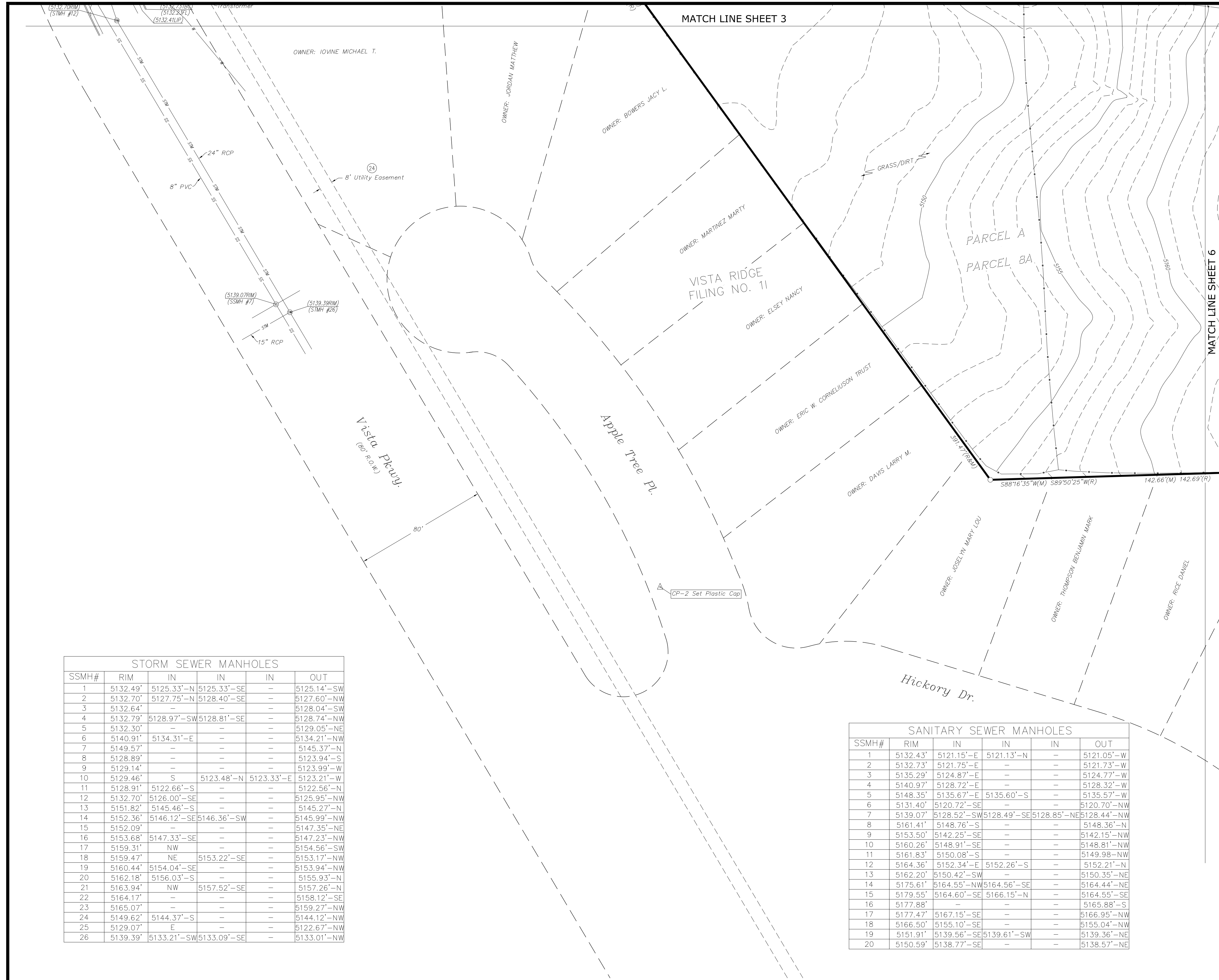
REVISION DESCRIPTION:

NO. 0 DATE: 12/10/24 SUBMITTAL

PROJECT INFORMATION:
ALTA/NSPS LAND TITLE SURVEY
 1401 HICKORY DR.
 A PORTION OF THE NW 1/4 OF SEC. 32
 T1N, R68W, OF THE 6TH P.M.
 TOWN OF ERIE, COUNTY OF WELD
 STATE OF COLORADO

SCALE: 1" = 30'
 DATE: DECEMBER 10, 2024
 BY: JT
 JOB NO. 24108
 SHEET 4 OF 6





MISCELLANEOUS NOTES

- (R) INDICATES RECORD INFORMATION PER VISTA RIDGE MASTER FINAL PLAT
- (M) INDICATES MEASURED BEARINGS AND DISTANCES

SYMBOL & ABBREVIATION LEGEND

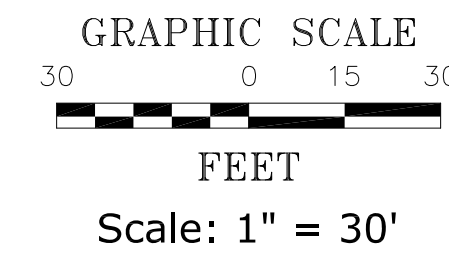
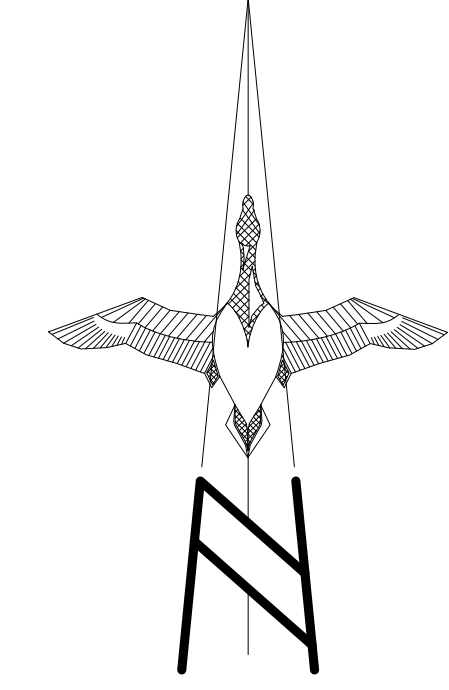
- CONCRETE PAVEMENT
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LINE LEGEND

- SUBJECT PARCEL BOUNDARY LINES
- SECTION LINES
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- INDICATES SET MONUMENT STAMPED PLS 38081



SSMH#	RIM	IN	IN	IN	OUT
1	5132.49'	5125.33'-N	5125.33'-SE	-	5125.14'-SW
2	5132.70'	5127.75'-N	5128.40'-SE	-	5127.60'-NW
3	5132.64'	-	-	-	5128.04'-SW
4	5132.79'	5128.97'-SW	5128.81'-SE	-	5128.74'-NW
5	5132.30'	-	-	-	5129.05'-NE
6	5140.91'	5134.31'-E	-	-	5134.21'-NW
7	5149.57'	-	-	-	5145.37'-N
8	5128.89'	-	-	-	5123.94'-S
9	5129.14'	-	-	-	5123.99'-W
10	5129.46'	S	5123.48'-N	5123.33'-E	5123.21'-W
11	5128.91'	5122.66'-S	-	-	5122.56'-N
12	5132.70'	5126.00'-SE	-	-	5125.95'-NW
13	5151.82'	5145.46'-S	-	-	5145.27'-N
14	5152.36'	5146.12'-SE	5146.36'-SW	-	5145.99'-NW
15	5152.09'	-	-	-	5147.35'-NE
16	5153.68'	5147.33'-SE	-	-	5147.23'-NW
17	5159.31'	NW	-	-	5154.56'-SW
18	5159.47'	NE	5153.22'-SE	-	5153.17'-NW
19	5160.44'	5154.04'-SE	-	-	5153.94'-NW
20	5162.18'	5156.03'-S	-	-	5155.93'-N
21	5163.94'	NW	5157.52'-SE	-	5157.26'-N
22	5164.17'	-	-	-	5158.12'-SE
23	5165.07'	-	-	-	5159.27'-NW
24	5149.62'	5144.37'-S	-	-	5144.12'-NW
25	5129.07'	E	-	-	5122.67'-NW
26	5139.39'	5133.21'-SW	5133.09'-SE	-	5133.01'-NW

SSMH#	RIM	IN	IN	IN	OUT
1	5132.43'	5121.15'-E	5121.13'-N	-	5121.05'-W
2	5132.73'	5121.75'-E	-	-	5121.73'-W
3	5135.29'	5124.87'-E	-	-	5124.77'-W
4	5140.97'	5128.72'-E	-	-	5128.32'-W
5	5148.35'	5135.67'-E	5135.60'-S	-	5135.57'-W
6	5131.40'	5120.72'-SE	-	-	5120.70'-NW
7	5139.07'	5128.52'-SW	5128.49'-SE	5128.85'-NE	5128.44'-NW
8	5161.41'	5148.76'-S	-	-	5148.36'-N
9	5153.50'	5142.25'-SE	-	-	5142.15'-NW
10	5160.26'	5148.91'-SE	-	-	5148.81'-NW
11	5161.83'	5150.08'-S	-	-	5149.98'-NW
12	5164.36'	5152.34'-E	5152.26'-S	-	5152.21'-N
13	5162.20'	5150.42'-SW	-	-	5150.35'-NE
14	5175.61'	5164.55'-NW	5164.56'-SE	-	5164.44'-NE
15	5179.55'	5164.60'-SE	5166.15'-N	-	5164.55'-SE
16	5177.88'	-	-	-	5165.88'-S
17	5177.47'	5167.15'-SE	-	-	5166.95'-NW
18	5166.50'	5155.10'-SE	-	-	5155.04'-NW
19	5151.91'	5139.56'-SE	5139.61'-SW	-	5139.36'-NE
20	5150.59'	5138.77'-SE	-	-	5138.57'-NE

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PREPARED FOR:

BY: PREPARED BY: JT

REVISION DESCRIPTION:

NO.	DATE:	REVISION DESCRIPTION:
0	12/10/24	SUBMITTAL

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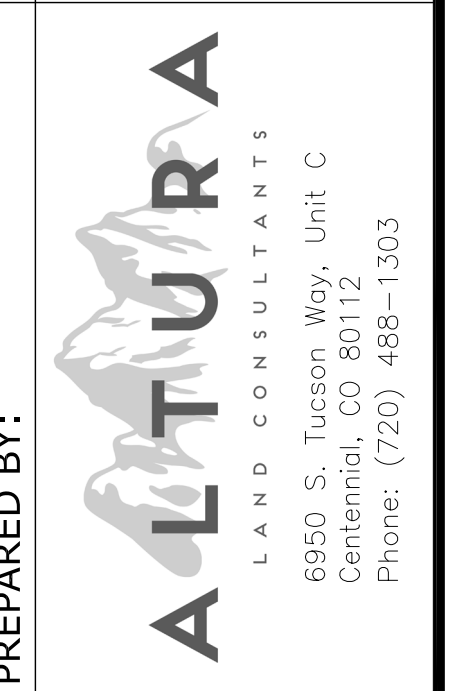
SCALE: 1" = 30'

DATE: DECEMBER 10, 2024

BY: JT

JOB NO.: 24108

SHEET 5 OF 6





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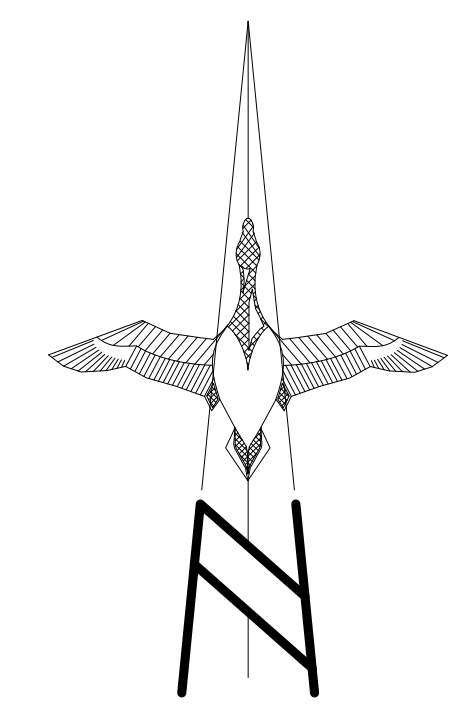
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GRAPHIC SCALE
0 15 30
FEET
Scale: 1" = 30'

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REVISION DESCRIPTION:

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DATE: DECEMBER 10, 2024
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JOB NO. 24108
SHEET 6 OF 6

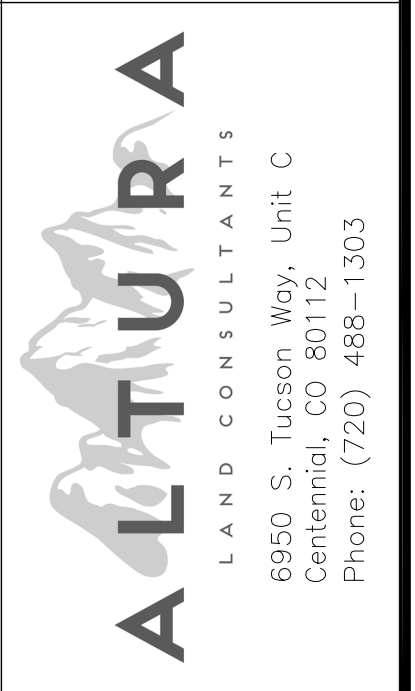


EXHIBIT B - OPINION OF PROBABLE COST - PUBLIC IMPROVEMENTS

VISTA RESERVE

August 15, 2025

ITEM	NO. OF UNITS	UNIT COST	TOTAL COST
STREET IMPROVEMENTS			
1 Mountable Curb w Curb Drain	5,079 L.F.	\$ 24	\$ 121,896
2 Solid Curb Drain	84 L.F.	\$ 10	\$ 840
3 Handicap Ramps	22 Ea.	\$ 3,000	\$ 66,000
4 5' Walk	7,205 L.F.	\$ 32.5	\$ 234,163
5 Concrete Crosspan	1,355 S.F.	\$ 10	\$ 13,550
6 Asphalt	9,037 S.Y.	\$ 40	\$ 361,462
7 Subgrade Preparation	9,040 S.Y.	\$ 3	\$ 27,120
8 Stop Signs w Street Name Signs	5 L.S.	\$ 1,000	\$ 5,000
9 Utility Sleeves	1,120 L.F.	\$ 10	\$ 11,200
10 Street Lights	8 Ea.	\$ 4,500	\$ 36,000
		Subtotal	\$ 877,231
WATER SYSTEM IMPROVEMENTS			
1 8" Water Line	2,582 L.F.	\$ 60	\$ 154,920
3 Connect to Ex. 8" Water Line Stub	2 Ea.	\$ 2,000	\$ 4,000
4 Residential Water Services	50 Ea.	\$ 2,500	\$ 125,000
5 8" Bends	16 Ea.	\$ 850	\$ 13,600
6 8"x8" Tee	2 Ea.	\$ 1,000	\$ 2,000
7 8" Valves	14 Ea.	\$ 2,500	\$ 35,000
8 8"x8" Cross	1 Ea.	\$ 2,500	\$ 2,500
9 Fire Hydrant Assembly (Includes 6" waterline, 6" valve and Tee)	6 Ea.	\$ 10,000	\$ 60,000
		Subtotal	\$ 397,020
SANITARY SEWER IMPROVEMENTS			
1 8" Sewer Main w Underdrain	2,456 L.F.	\$ 60	\$ 147,360
2 Sanitary Sewer Manholes	17 Ea.	\$ 6,000	\$ 102,000
3 Residential Sanitary Service	50 Ea.	\$ 1,600	\$ 80,000
4 Connect to Existing MH & Street Repair (Single Tree Lane)	1 Ea.	\$ 12,000	\$ 12,000
		Subtotal	\$ 341,360
STORM SEWER IMPROVEMENTS			
1 18" RCP	733 L.F.	\$ 95	\$ 69,635
2 24" RCP	157 L.F.	\$ 120	\$ 18,840
3 5' Type 'R' Inlets	3 Ea.	\$ 9,500	\$ 28,500
4 10' Type 'R' Inlets	2 Ea.	\$ 12,000	\$ 24,000
5 15' Type 'R' Inlets	1 Ea.	\$ 15,000	\$ 15,000
6 4' Manholes	7 Ea.	\$ 6,000	\$ 42,000
7 5' Manholes	1 Ea.	\$ 7,500	\$ 7,500
8 Street Repair for Stormline Connection	2 Ea.	\$ 8,000	\$ 16,000
9 Forebay for 24" RCP into West Pond	1 Ea.	\$ 7,500	\$ 7,500
10 Forebay for 18" RCP into East Pond	1 Ea.	\$ 7,500	\$ 7,500
11 3' Concrete Trickle Channel West Pond	58 L.F.	\$ 12	\$ 696
12 3' Concrete Trickle Channel East Curb	44 L.F.	\$ 12	\$ 528
13 Detention Pond Outfall Structure	2 Ea.	\$ 15,000	\$ 30,000
14 Emergency Spillway Concrete Wall	2 Ea.	\$ 5,000	\$ 10,000
15 Retaining Walls at West Pond	400 S.F.	\$ 15	\$ 6,000
		Subtotal	\$ 283,699

**FORM
INSP**

Rev
X/20

**State of Colorado
Oil and Gas Conservation Commission**

1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109



Inspection Date:

06/25/2024

Submitted Date:

06/27/2024

Document Number:

713900701

FIELD INSPECTION FORM

Loc ID 319519 Inspector Name: Hansen, Logan On-Site Inspection 2A Doc Num: _____

Status Summary:

- THIS IS A FOLLOW UP INSPECTION
- FOLLOW UP INSPECTION REQUIRED
- NO FOLLOW UP INSPECTION REQUIRED

Operator Information:

ECMC Operator Number: 10459
Name of Operator: EXTRACTION OIL & GAS INC
Address: 555 17TH STREET SUITE 3700
City: DENVER State: CO Zip: 80202

Findings:

5 Number of Comments
0 Number of Corrective Actions
 Corrective Action Response Requested

ANY CORRECTIVE ACTION(S) FROM PREVIOUS INSPECTIONS THAT HAVE NOT BEEN ADDRESSED ARE STILL APPLICABLE

Contact Information:

Contact Name	Phone	Email	Comment
		inspections@civiresources.com	

Inspected Facilities:

Facility ID	Type	Status	Status Date	Well Class	API Num	Facility Name	Insp Status
243603	WELL	PA	12/05/2015	GW	123-11395	HIPPEN 1-32	RI
319519	LOCATION	CL			-	HIPPIN-61N68W 32NWNW	RI

General Comment:

This is a Final Reclamation Inspection for PA Well AP#123-11395 and its associated tank battery. Well was plugged and abandoned 12/05/2015.

Location

Overall Good:

Emergency Contact Number:

Comment:

Corrective Action:

Date: _____

Overall Good:

Spills:

Type	Area	Volume		

In Containment: No

Comment:

Multiple Spills and Releases?

Equipment:

Type:	#		corrective date
Comment:	No visual evidence of oil and gas equipment at the well or associated tank battery location. Refer to the attached inspection photos.		
	Sprinklers were observed at the tank battery location. After contacting an Operator representative they were identified as sprinklers used by the neighboring golf course.		
Corrective Action:			Date:

Venting:

Yes/No		
Comment:		
Corrective Action:		Date:

Flaring:

Type		
Comment:		
Corrective Action:		Date:

Inspected Facilities

Facility ID: 243603 Type: WELL API Number: 123-11395 Status: PA Insp. Status: RI

The subreport 'InspWellFlowline' could not be found at the specified location \\10.14.12

Facility ID: 319519 Type: LOCATION API Number: - Status: CL Insp. Status: RI

The subreport 'InspWellFlowline' could not be found at the specified location \\10.14.12

Reclamation - Storm Water - Pit

Interim Reclamation:

Date Interim Reclamation Started: _____ Date Interim Reclamation Completed: _____

Land Use: _____

Comment: _____

1002 SITE PREPARATION AND STABILIZATION

1002a. FENCING _____

Comment _____

Corrective Action _____

Date _____

1002b. SOIL REMOVAL AND SEGREGATION _____

Comment _____

Corrective Action _____

Date _____

1002c. PROTECTION OF SOILS _____

Comment _____

Corrective Action _____

Date _____

1002E. SURFACE DISTURBANCE MINIMIZATION _____

Comment _____

Corrective Action _____

Date _____

1003a. Waste and Debris removed? _____

Comment _____

Corrective Action _____

Date _____

Unused or unneeded equipment onsite? _____

Comment _____

Corrective Action _____

Date _____

Pit, cellars, rat holes and other bores closed? _____

Comment _____

Corrective Action _____

Date _____

Guy line anchors marked? _____

Comment _____

Corrective Action _____

Date _____

1003b. Area no longer in use? _____ Production areas stabilized ? _____
 1003c. Compacted areas have been cross ripped? _____
 1003d. Drilling pit closed? _____ Subsidence over on drill pit? _____
 Cuttings management: _____
 1003e. Areas no longer needed for drilling or subsequent operations for have been re-vegetated to 80% of pre-existing? _____
 Production areas have been stabilized? _____ Segregated soils have been replaced? _____

RESTORATION AND REVEGETATION

Cropland

Top soil replaced _____ Recontoured _____ Perennial forage re-established _____

Non-Cropland

Top soil replaced _____ Recontoured _____ 80% Revegetation _____

1003e. INTERIM VEGETATION TRANSECT
 TRANSECT RESULTS OF DISTURBED AREA% _____
 TRANSECT RESULTS OF REFERENCE AREA% _____
 TOTAL % OF DESIRABLE VEGETATION COVER _____
 VEGETATIVE COVER _____

1003 f. Weeds Noxious weeds? _____

Comment

Corrective Action

Date _____

Overall Interim Reclamation

Final Reclamation/ Abandoned Location:

Date Final Reclamation Started: _____ Date Final Reclamation Completed: _____

Final Land Use: _____

Reminder: _____

Comment:

Well plugged Pass Pit mouse/rat holes, cellars backfilled _____

Debris removed _____ No disturbance /Location never built _____

Access Roads Regraded _____ Contoured _____ Culverts removed _____

Gravel removed _____

Location and associated production facilities reclaimed Pass Locations, facilities, roads, recontoured Pass

Compaction alleviation _____ Dust and erosion control _____

Non cropland: Revegetated 80% Pass Cropland: perennial forage _____

Weeds present _____ Subsidence _____

1004.d. FINAL VEGETATION TRANSECT
 TRANSECT RESULTS OF DISTURBED AREA% _____
 TRANSECT RESULTS OF REFERENCE AREA% _____
 TOTAL % OF DESIRABLE VEGETATION COVER _____
 VEGETATIVE COVER _____

Comment:

Corrective Action:

Date _____

Overall Final Reclamation Pass Well Release on Active Location Multi-Well Location

Storm Water:

Loc Erosion BMPs	BMP Maintenance	Lease Road Erosion BMPs	Lease BMP Maintenance	Chemical BMPs	Chemical BMP Maintenance	Comment

Comment: At the time of this inspection, no stormwater erosion issues were observed at the location or along the access road.

Corrective Action: Date: _____

Pits: NO SURFACE INDICATION OF PIT

Attached Documents

You can go to ECMC Images (<https://ecmc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
713900709	Inspection photos	https://ecmc.state.co.us/weblink/DownloadDocumentPDF.aspx?DocumentId=6604985

2793930 09/15/2000 10:34A JA Suki Tsukamoto
1 of 53 R 265.00 D 0.00 Weld County CO

2812291 12/08/2000 03:44P JA Suki Tsukamoto
1 of 99 R 495.00 D 0.00 Weld County CO

**VISTA RIDGE
ANNEXATION AGREEMENT**

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THIS AGREEMENT is made and entered into this 13th day of September, 2000, by and between Kenneth Johnston and Linda Johnston; Allan E. Pezoldt, Revocable Living Trust; Vista Ridge Development Corporation, a Colorado corporation, as owner and contract purchaser; Ray Stafford Supply, Inc., d/b/a/ Mile High Shooting Park, and S.S.P., Inc.; 50 Weld County Rd. 3, LLC, a Colorado limited liability company; Southwest Weld County Land, LLC, a Colorado limited liability company; Rory K. Ladwig and Reese Ladwig; Baseline Partners, LLP, as successor in interest to Baseline Investment Company, a co-partnership; and Vista Ridge, LLC, a Colorado limited liability company, collectively hereinafter referred to as the "Owner" and the Town of Erie, a municipal corporation of the State of Colorado, hereinafter referred to as "Erie" or "Town."

WITNESSETH:

WHEREAS, Kenneth Johnston and Linda Johnston and Vista Ridge Development Corporation are the owners of the property described on Exhibit A-1;

WHEREAS, Allan E. Pezoldt, Revocable Living Trust, is the owner and Vista Ridge Development Corporation is the contract purchaser of the property described on Exhibit A-2;

WHEREAS, Vista Ridge Development Corporation is the owner of the property described on Exhibit A-3;

WHEREAS, Vista Ridge Development Corporation is the owner of the property described on Exhibit A-4;

WHEREAS, Vista Ridge Development Corporation is the owner of the property described on Exhibit A-5;

WHEREAS, Ray Stafford Supply, Inc., d/b/a/ Mile High Shooting Park, and S.S.P., Inc. is the owner and Vista Ridge Development Corporation is the contract purchaser of the property described on Exhibit A-6;

WHEREAS, 50 Weld County Rd. 3, LLC is the owner of the property described on Exhibit A-7;

WHEREAS, Southwest Weld County Land, LLC is the owner of the property described on Exhibit A-8;

WHEREAS, Rory K. Ladwig and Reese Ladwig are the owners of the property described on Exhibit A-9;



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WHEREAS, Vista Ridge LLC is the owner of the property described on Exhibit A-10;

WHEREAS, Baseline Partners, LLP, as successor in interest to Baseline Investment Company, a co-partnership, is the owner and Vista Ridge Development Corporation is the contract purchaser of the property described on Exhibit A-11;

WHEREAS, Owner desires to annex to Erie the property more particularly described in "Exhibit A-1" through Exhibit A-11" (collectively the "Property"), which is attached hereto, incorporated herein and made a part hereof; and

WHEREAS, each Owner has executed a petition to annex the Property, the original of which Annexation Petition has been filed with the Town, and which petitions are incorporated herein by reference and made a part hereof; and

WHEREAS, it is to the mutual benefit of the parties hereto to enter into the following Agreement; and

WHEREAS, Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of the Town of Erie, as they may be amended from time to time; and

WHEREAS, Owner acknowledges that the need for conveyances and dedication of certain property, including but not limited to property for streets, rights-of-way and easements, parks and open space, utility facilities and improvements to the Town as contemplated in this Agreement, is directly related to and generated by the development intended to occur within the Property and that no taking thereby will occur requiring any compensation; and

WHEREAS, Owner desires to develop the Property as a master planned community with a variety of commercial and retail uses, a residential community, and multiple public and private open space and recreational opportunities including a golf course; and

WHEREAS, the Town desires to have commercial and retail uses, a residential community, a golf course and the public and private open space and recreational opportunities afforded by the development of the Property.

NOW, THEREFORE, in consideration of the above premises and the covenants as hereinafter set forth, it is agreed by and between the parties as follows:

1. **ANNEXATION AND ZONING.** The annexation of the Property shall be in conformance with the Colorado Municipal Annexation Act of 1965, as amended, and with applicable Town of Erie codes.

Owner desires mixed use zoning as set forth in the General Development Plan attached hereto as "Exhibit B" (the "General Development Plan") and the Development Guide. The parties recognize that it is the intent and desire of Owner to develop the Property in a manner generally consistent with the zoning requested and that the granting of such zoning by the Town is a condition to annex the Property. Owner shall take all action necessary to permit zoning by the Town of the annexed area within the time prescribed by state statutes.

- A. **Land Use.** All residential and commercial construction will be subject to the types and intensities of land use permitted pursuant to the General Development Plan.
 - B. **General Development Plan.** Erie and the Owner recognize that property development is subject to market conditions. Such additional site plans and subdivision plats as are required by the Town of Erie Zoning Ordinance will be submitted to the Town for review and approval. The site plans shall be in general conformance with the General Development Plan for the Property, as approved and/or amended by the Board of Trustees.
2. **ANNEXATION MAPS FOR PROPERTY.** The Erie Comprehensive Plan encompasses the entire Property. The Comprehensive Plan does not set out in detail the land uses for the Property. The "annexation maps" incorporated and adopted as a portion of the ordinance annexing the Property comply with the requirements of C.R.S. 31-12-105 (1)(e).
3. **LAND DEDICATION.** The dedication of parks and open space, flood plains, public easements for utilities, rights-of-way for streets and other public ways and dedications for other public purposes shall be by Special Warranty Deed or appropriate instrument of conveyance acceptable to the Town. Such dedications shall occur as defined herein or at such time as the Town or School District is ready to begin improvements, except that all perimeter street rights-of-way shall be dedicated at the time of subdivision platting, unless the Town specifies another time. The Town and the Owner agree that such dedications are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
- A. **Parks and Open Space.** The Owner agrees to either dedicate to the Town of Erie, or designate in the General Development Plan as privately owned open space, a minimum of 30% of the total acreage of the Property as shown on the General Development Plan. Any open space, school sites, park sites, tot lots, trails, golf course and community recreation facilities shall count toward the total acreage dedication.
 - B. **Roads and Utility Easements.** The Owner shall dedicate rights of way for all roads and utility easements to Erie. All utility easements, dedicated to Erie, shall be for the use and the benefit of the various entities furnishing utility services, i.e., electrical, telephone, gas, TV cable, water and sewer. **ALL UTILITIES WILL BE PLACED UNDERGROUND.**

Existing above-ground utilities located within the future rights-of-way will be considered public improvements required by the Town, and will be placed underground by the utility provider at no cost to Owner if such language is provided in standard utility franchise agreements.

4. **AVAILABILITY OF SERVICES.** Erie agrees to make available to the Property all of the usual municipal services, subject to Sections 5.B and 6.B herein, and in accordance with the ordinances and policies of the Town, which services include, but are not limited to, police protection and water and sewer services. Owner acknowledges that Town services do not include, as of the date of the execution of this Agreement, fire protection or emergency medical services, but the Property is presently included within the boundaries of and is entitled to receive such services from the Mountain View Fire Protection District.

5. **WATER SERVICE.** Water service to the Property shall be provided by the Town except as may be allowed by separate agreement between the Town and another provider. If the Property is not already in the Northern Colorado Water Conservancy District and/or the Municipal Subdistrict, the Owner agrees to petition for inclusion in said District(s) within ninety (90) days of annexation and to the payment of any fees and taxes levied by the District(s) as a condition of said inclusion. Owner hereby acknowledges its receipt of a copy of the Town of Erie Ordinance No. 477 and Town of Erie Ordinance No. 555 concerning Town policy with respect to obtaining water service from the Town, the dedication of water rights to the Town in connection with annexations and the extension of water lines and pumping facilities to the Property. Owner agrees to comply with Ordinance Nos. 477 and 555 and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the Property. The Town and the Owner agree that such dedications are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
 - A. **Extension of Water Services.** The extension of water mains or trunk lines shall be in accordance with Ordinance No. 477. Owner shall install, at its sole cost and expense, all the water mains, trunk lines, pumping facilities and appurtenances necessary to provide service from the Town's system to the Property. These extensions may include the over sizing of lines and pumping facilities for future development of adjacent property. Owner shall install at its sole cost and expense, all the water lines, fire hydrants and appurtenances within the Property. Water lines lying within the dedicated rights-of-way or easements shall be dedicated to Erie after construction. Any reimbursements to the Owner for water mains, trunk lines, pumping facilities and appurtenances will be subject to Section 10 of this Agreement and site specific development agreements.

 - B. **Water Service Availability.** The Town does not warrant the availability of water for any particular phase of development. A determination of water service availability by the Town shall be made by a water system analysis at the time Owner requests

water taps. In the event that the Town has insufficient water service availability, water taps shall be issued as soon as the Town can reasonably make such water service available.

- C. **Water Tap Fees.** Water tap fees shall be the then current Town water tap fees at the time that the applicant obtains water taps. Water tap fees shall be paid when a building permit for a structure is obtained from the Town. No tap fees shall be imposed for any of the Property that is used for public parks or open space purposes, or for landscaping of public rights of way.
- D. **Water Rights Dedication.** Owner represents to the Town that the tributary and non-tributary water rights listed on "Exhibit C" attached hereto and incorporated herein by this reference, constitute all of the water rights appurtenant to the subject property. In accordance with Ordinance No. 477 and Ordinance No. 555, as amended, and existing Town policy, the Town will purchase historical surface water rights from the land at fair market value. The purchase may be delayed until the Owner is ready to sell. All subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation subject to the then existing rights of oil and gas lessees and others having prior subsurface water rights. Transfer of the subsurface water rights shall be accomplished prior to the recording of the annexation with the County Clerk and Recorder.
- E. **Golf Course Water.** For the provision of water service to any parks or open space, including the golf course, the Town agrees that until such time as re-use water is provided to the Property, that the Town shall make available raw water to the Owner for watering of the golf course, and all other parks and open space within the Property, and the cost of such water shall be equal to the Town's lowest actual leased cost of raw water. Within a reasonable time after Owner's written request, the Town shall identify the location at which Owner can connect to the Town's raw water lines, and Owner shall, at its expense, extend a waterline line to the Property from such location.
6. **SEWER SERVICE.** Sewer service to the Property shall be provided by the Town. Owner hereby acknowledges receipt of a copy of the Town of Erie Ordinance No. 508, concerning Town policy with respect to obtaining sewer service from the Town and the extension of sewer lines to the Property. Owner agrees to comply with Ordinance No. 508 and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the subject Property. The Town and the Owner agree that dedications required by Ordinance No. 508 are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
- A. **Extension of Sewer Services.** The extension of sewer mains or trunk lines shall be in accordance with Ordinance No. 508. Owner shall install, at its sole cost and expense, all the sewer mains, trunk lines, sewer lift stations, and appurtenant facilities necessary to connect to the Town's system. These line extensions may include the

over sizing of lines for future development of adjacent property. Owner shall install, at its sole cost and expense, all the sewer lines and appurtenances within the Property. All sewer lines shall be dedicated to Erie after construction. Any reimbursements to the Owner for sewer lines, sewer lift stations and appurtenant facilities will be subject to Section 10 of this Agreement and site specific development agreements.

B. Sewer Service Availability. The Town does not warrant the availability of sewer for any particular phase of development. A determination of sewer service availability by the Town shall be made by a sewer system analysis at the time Owner requests sewer taps. In the event that the Town has insufficient sewer service availability, sewer taps shall be issued as soon as the Town can reasonably make such sewer service available.

C. Sewer Tap Fees. Sewer tap fees shall be the existing Town fees at the time which the applicant obtains sewer taps. Sewer tap fees shall be paid when a building permit for a structure is obtained from the Town.

7. ROADS, TRAILS AND PUBLIC RIGHTS-OF-WAY. All public roads and trails shall be constructed with right-of-way widths, paving widths, curb, gutter, and sidewalks as set forth on the street design standards outlined in the Development Guide, and otherwise to Town construction standards. Trails shall be constructed as an integral feature of the development, in accordance with Town construction standards. All public roads, trails and rights-of-way shall be dedicated to Erie. The Owner will install, at Owner's expense, street name signs, striping, stop signs, speed limit and other signs on all streets, in accordance with the Town standards, as are amended from time to time, and other applicable legal requirements. The total cost of street light installation shall be the Owner's obligation. For the street lighting required by the Town, the type of street lights may be chosen by Owner, subject to the reasonable approval of the Town, but shall be a standard type provided and kept in stock by the utility provider for the Property. Any non-required street lighting shall be chosen at Owner's discretion, and Owner shall be responsible for all maintenance, repair, and energy costs associated therewith. Owner shall provide a two (2) year guarantee for all improvements from the time of construction acceptance by Erie. The Town shall be responsible for all snow removal on public improvements, but not repairs, from the time of construction acceptance by the Town. Cleaning of the streets will be the responsibility of the Owner from construction acceptance to final acceptance. Perimeter roadway phasing, improvements and cost sharing shall be in accordance with Section 11 of this Agreement. The Town shall be responsible for all repairs after final acceptance by the Town.

8. CONFORMANCE WITH TOWN REGULATIONS. Owner agrees that the design, improvement, construction, development, and use of the Property shall be in conformance with the General Development Plan, and all Town ordinances and resolutions existing at the time of construction plan approval, and the Town's "Standard Design Criteria and Standard Construction Requirements" including, without limitation, those pertaining to subdivision, zoning, streets, storm drainage, utilities, and flood control, covered in each area. To the

extent that a matter is dealt with specifically on the General Development Plan (which is inclusive of the Development Guide attached thereto), and there is any inconsistency between the specifics of the General Development Plan and the Town of Erie Zoning Code, the General Development Plan shall control. With regard to any matters, the specifics which are not addressed by the General Development Plan, the ordinances and regulations of the Town shall control.

9. **PUBLIC IMPROVEMENTS.** Owner agrees to design, construct and install in accordance with Town approved plans, certain public improvements including, but not limited to streets, curb, gutter, sidewalks, storm sewer lines, storm drainage improvements, sanitary sewers, water lines, trails and park improvements within or adjacent to the Property. Owner agrees to guarantee construction of all required improvements, and, if requested by Erie, to dedicate to Erie any or all required improvements. Owner agrees to enter into an agreement with the Town pertaining to the construction and maintenance of such improvements and other matters prior to any development of the Property. The construction of public improvements shall be subject to any reimbursement which may be provided for in this Agreement or any subsequent site development agreement.

10. **SPECIAL PROVISIONS.**

- A. **Development Phasing / Processing.** At such time as Owner is prepared to proceed with the development of one or more Planning Areas (the individual subparcels containing the separate zoning classifications as set forth in the General Development Plan), it shall submit to the Town such site plans and/or subdivision plats as are required pursuant to the Erie Zoning Code. The preliminary development plan shall be submitted and processed in accordance with the Erie Zoning Code and shall be in general conformance with the General Development Plan. Following approval of the preliminary development plan in accordance with the Erie Zoning Code, Owner may then proceed with the final development and platting of individual tracts in accordance with the Erie Zoning Code and Subdivision Regulations. Nothing herein shall preclude Owner from processing an overall subdivision plat for the Property to divide the Property into development parcels for sale, but such subdivision shall not exempt any such development parcel from any further subdivision requirement under the Erie Town Code.
- B. **Density.** The maximum number of units is 2,494 subject only to any limitations resulting from the topography and physical condition of the Property. Densities may be transferred from Planning Area to Planning Area by Owner, subject to the limitation that the density in any Planning Area shall not be increased by more than twenty percent (20%) and that the maximum number of units set forth above shall not be exceeded.
- C. **Dedication.** Except as otherwise specifically provided in this Agreement, all dedications shall occur at the time of final plat approval of adjacent final plats to such dedicated land. The Town may require that the school site designated as Parcel 8.4

on the Development Plan either to be dedicated by the first subdivision plat for the Property or be dedicated by separate document at such time as it is reasonably determined that the school site is needed for school construction.

- D. Oil and Gas Well Sites.** Land within one hundred fifty (150) feet of an existing oil or gas well site shall either be dedicated to the Town or Metropolitan District (but shall not count toward any land dedication commitment), or shall be included within the golf course portion of the Property.
- E. Waterline Oversizing.**
- i Off-site.** Prior to the recording of the first plat Owner shall pay to the Town the amount of eighty thousand (\$80,000) dollars towards the cost of the existing 16" water line, which runs along the northern boundary of the Property.
 - ii On-site.** In the event that any water lines or facilities within the Property are oversized to serve other properties, the Town agrees to enter into a reimbursement agreement with the owners of other such properties which shall allow Owner to be reimbursed for the incremental costs paid by Owner for such line or facilities at such time as the first service connection is made for the benefit of any such other property. "Oversizing" shall mean any requirement by the Town requiring any line within the Property to be a size greater than the size required to serve the Property. "Incremental costs" shall mean the cost difference of pipe size and related facilities.
 - iii Installation Obligations.** Owner shall install, at its sole cost and expense, all the water lines, pump stations, fire hydrants and other related facilities within the Property subject to the oversizing and reimbursement contributions as provided herein. Water lines lying within the dedicated rights-of-way or Town approved easements shall be dedicated to the Town after construction and upon the Town's construction acceptance thereof. The Town shall be responsible for construction and payment of all water storage facilities.
- F. Water Rights.** Pursuant to Town Ordinance No. 477, the water tap fee shall include all water rights dedication requirements and no additional charges or requirements shall be imposed for water dedication for domestic water uses. Water for open spaces, parks and the golf course shall be provided in accordance with the further provisions of this Agreement.
- G. Sewer Oversizing.**
- i Off-site.** The Town agrees to enter into reimbursement agreements that are binding upon Owner and the other owners of the properties identified on the attached Exhibit D, which properties shall reimburse Owner, or such other

party as may construct the sewer line serving all such properties, for the percentage shown on Exhibit D of the costs paid by Owner, or such other party as may construct the sewer line. Serving all such properties, for such lines or facilities.

- ii. **On-site.** In the event that any sewer lines or facilities within the Property are oversized to serve other properties, the Town agrees to enter into a reimbursement agreement with the owners of other such properties which shall allow Owner to be reimbursed for the incremental costs paid by Owner for such line or facilities to be paid at such time as the first service connection is made for the benefit of any such other property. "Oversizing" shall mean any requirement by the Town requiring any line within the Property to be a size greater than the size required to serve the Property. "Incremental costs" shall mean the cost difference of pipe size and related facilities.
- iii. **Installation Obligations.** Owner shall install, at its sole cost and expense, all the sewer lines and appurtenances within the Property subject to the oversizing and reimbursement contributions provided herein. Sewer lines lying within the dedicated rights-of-way or Town approved easements shall be dedicated to the Town after construction and upon the Town's construction acceptance thereof.

H. **Owner Utilities.** In the event the Town is unable to provide utility services, the Owner shall have the right to cause such utilities or utility service to be provided to the Property and Owner shall be reimbursed through tap fees paid to the Town by Owner. Owner shall have first right to all capacity of utilities provided by Owner and shall be further reimbursed if others are allowed use of the excess capacity.

I. **Storm Drainage Improvements.**

- i. **Criteria and Standards.** Owner shall meet all Town design criteria for drainage improvements within the Property, including the current Urban Drainage and Flood Control District (UD&FCD) Master Plan requirements, if any. Owner shall provide a final drainage master plan for the Property which shall be approved by the Town prior to any final subdivision approval within the Property.
- ii. **Drainage Facilities.** Owner shall have the right to use park and open space lands, including the golf course, within the Property for detention areas for ultimate release into the drainage basins within which the Property is located subject to the Town's evaluation and approval of the effects of detention on the active recreational uses of said park or open space. Open grass-lined channels shall be used where possible to the exclusion of concrete channels or underground piping subject to approval by Town. Owner shall not be required to oversize drainage improvements to accommodate development of

other properties without provisions for Owner to be reimbursed for the actual costs of such oversizing.

- J. **Easements.** The Town agrees to cooperate with and assist Owner in obtaining all necessary off-site easements for streets, water, sewer, utilities and drainage as may be necessary for the development of the Property. If necessary, the Town shall institute and process condemnation proceedings to acquire such easements after good faith effort by Owner to acquire such easements, the costs of which shall be paid initially by Owner, and Owner shall be entitled to a pro rata reimbursement from others for such costs in the same manner as reimbursement for water and sewer facilities costs as provided herein.

- K. **Districts.** The Town agrees that the approval of the Service Plan for the Vista Ridge Metropolitan District (the "Metropolitan District") by the Town, for the purpose of financing, constructing, and maintaining of certain limited public improvements required for the development of the Property, is a condition to the annexation of the Property. Any requirement of the Owner in this Agreement, including but not limited to the construction of improvements and the payment of fees, may be undertaken by the Metropolitan District; provided only that such activity is a lawful activity of a special district under C.R.S. 32-1-101, et seq.

- L. **Schools.** The Owner acknowledges and agrees to comply with the Intergovernmental Agreement dated August 13, 1998 between the Town of Erie and the St. Vrain Valley School District, as that Intergovernmental Agreement may be amended. In addition, the Owner agrees to cooperate with the Town to pursue the formation of a general improvement district or other similar entity for the purposes of developing school facilities, provided that any such general improvement district will be generally applicable to the undeveloped areas of the Town and that any mill levy imposed by such general improvement district will be uniformly applied.

- M. **Golf Course.** The Town and Owner desire to have a golf course within the Property (the "Golf Course"). Owner shall construct the Golf Course and the Town agrees to approve a golf course to be constructed as identified below.
 - i. **Overall Plan and Development Options.** The Golf Course shall include eighteen (18) holes, a driving range, a clubhouse (including a pro shop and restaurant) and related facilities. The Golf Course shall be open to the public on a daily fee basis, except for special events, and a program shall be adopted for the Golf Course which provides, for residents of the Town, discounted greens fees and preferential tee times compared to non-residents of the Town.

 - ii. **Water for Golf Course.** The Town agrees to provide up to 350 acre-feet of water annually for the Golf Course ("Golf Course Water") for golf course

irrigation. Owner shall be responsible for construction of the conveyance system from the Town delivery point to the Golf Course. Town shall identify the delivery point to be as close to the Golf Course as is practical.

- iii. **Golf Course Easements.** The Town agrees that a portion of the Golf Course may be used to accommodate detention ponds, drainage ways and utility easements for the benefit of the Property. Owner and the Town will cooperate in the design of such facilities to minimize the impact on the play of golf and to allow such detention and utility easements to be located within the Golf Course or open space property.
- iv. **Golf Cart Easements.** The Town shall cooperate in providing the golf cart easements across or under adjacent streets, including necessary tunnel easements in accordance with all state and local laws. Such tunnels shall be utilized for golf carts, golf pedestrians, for pedestrian trail connections within the Property and may also be designed and constructed to accept surface drainage. Corrugated arched tunnel walls with concrete floor surfaces may be used to accommodate both golf crossing and drainage functions.
- v. **Additional Capacity in Golf Course Irrigation System.** In order to provide an energy and resource efficient irrigations system for the Property, additional capacity in the golf course irrigation system will supply the public parks, rights of way and permanently irrigated open space shown on the General Development Plan. The necessary capacity shall be calculated at a rate of 2.5 acre-feet of water for each acre of public park and open space. Owner shall cooperate with the Town in designing and constructing a non-portable water irrigation system if the Town reasonably determines such a system is necessary.
- vi. **Notice to Home Buyers.** Owner shall provide a deed restriction applicable to each lot purchaser abutting the Golf course which shall require that each such purchaser sign a written acknowledgment that living near the Golf Course has certain hazards such as stray golf balls entering its property.

N. Public Land Provisions.

- i. **Lighting Prohibition.** No public ball field or golf course driving range within the Property shall have sport lighting unless otherwise specifically agreed by the Town and Owner.
- ii. **School and Park Site.** The School/Park site as reflected on the General Development Plan shall be dedicated to the Town upon written request of the Town. Owner shall be responsible for construction of, and payment for, streets and utilities adjacent to the school/park site at no cost to the Town or school district. Owner shall have no development or construction

responsibilities on the School site. The Owner shall prepare a development plan and a budget for the Park site, which development plan and budget shall be subject to the Town's reasonable approval and Owner shall construct the improvements shown on the development plan to the Town standards. For such construction, excluding grading, seeding and irrigation, Owner shall receive a credit as provided for in subparagraph (v) below. Owner will provide pocket parks, tot lots, and/or local recreation areas within the community for local use and will be responsible for the construction and development of such parks and areas, which will owned by the Town and be maintained by the homeowner associations.

- iii. **Credit for Park Construction.** To the extent that Owner constructs or causes to construct at its expense improvements in a portion of the School/Park site which is dedicated to the Town, the Owner shall receive a credit for all of such costs, including but not limited to design, engineering and construction costs in excess of the certified costs to construct the park improvements required by the Town's Parks, Open Space and Trails Master Plan. Reimbursement shall be from the Town's Park Improvement Fund within thirty (30) days from the Town's receipt of the certified costs to construct the additional improvements and construction acceptance of the Park improvements by the Town. If the Owner has not paid Park Improvement Fees in an amount equal to the certified costs of the additional improvements the Town agrees to credit the Park Improvement Fee portion of all future building permits from the Property until the certified costs have been reimbursed to the Owner. Reimbursement for park improvements shall be made after the Pool Contribution credits have been fully satisfied.
- iv. **Pool Contribution.** Not later than February 1, 2001, Owner shall pay to the Town the sum of one million (\$1,000,000) dollars as a pre-payment of Park Improvement Fees. The Town may notify Owner in writing, prior to December 31, 2000, of its decision not to accept the Pool Contribution and promptly construct a public pool. If the Town elects to not receive the Pool contribution as provide herein the Owner shall resume payment of the Park Improvement Fees in accordance with Town Ordinances. If the Town agrees to receipt of the Pool Contribution, the Town covenants that said monies shall be promptly used for the construction of a public swimming pool.
- v. **Pool Construction Account.** Prior to receipt of the pool contribution, the Town shall collect and deposit in a separate account all Park Improvement Fees paid by builders from within the Vista Ridge Development. The Park Improvement Fees from the Property collected shall be credited towards the one million (\$1,000,000) dollar pool contribution from the Owner. Upon receipt of the Pool Contribution, the Town shall credit the Park Improvement

Fee portion of all future building permits applications from builders within the Property until the balance of the one million (\$1,000,000) dollar Pool Contribution has been fully credited to the Property.

- vi. **Tot Lots.** Owner shall be required to construct one tot lot for each 80 dwelling units, provided
 - a. That no such tot lots shall be required in any portion of the Property which is developed, to the Town's reasonable satisfaction, primarily for senior citizen or other non-children households.
 - b. Privately owned recreational facilities with tot lots shall be counted to meet this requirement.

- O. **Native Open Space.** The 18.8 acre open space area designated as #8-5 on the General Development Plan shall be reseeded with native grasses, will not be developed as active playfields and will not have turf or additional landscaping unless the Town and Owner otherwise mutually agree.

- P. **Land Use Vesting.**
 - i. **Vested Rights.** The Town acknowledges that the development of the Property as contemplated by the General Development Plan and this Agreement shall require the investment of substantial funds by Owner over a long period of time and that, due to the uncertainties of future market conditions and cycles, the full development of the Property may not be completed for a period of twenty-five (25) years. Further, the Town acknowledges that as an inducement to Owner to agree to annex the Property to Erie, the Town has agreed to provide vested property rights to the fullest extent permitted by Colorado law. This Annexation Agreement is a "development agreement" pursuant to C.R.S. 24-68-104(2), and as authorized by Section 20.090 of the Erie Vested Rights Ordinance. In accordance with and pursuant to C.R.S. 24-68-105 the Town agrees for a period of twenty-five (25) years not to take any zoning or land use action, by action of the Town, or through initiative measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the Property as set forth in this Annexation Agreement and on the General Development Plan. Vested rights are hereby established with respect to the zoning, land use and other terms of the General Development Plan and this Agreement to the fullest extent permitted by C.R.S. 24-68-101, *et seq.* Such vesting shall become effective concurrently with the effective date of the ordinance authorizing the annexation of the Property. Due to the scale of the development, the magnitude of the development costs and the possible duration of the development process, such property rights are vested for a period of twenty-five (25) years from the date of the adoption of said ordinance. At such time as any portion of the Property receives final



development plan or final plat approval, the Town agrees to enact such supplemental ordinances as Owner may request to extend the vested rights granted herein to such final development plan or final plat. The provisions of this Section 10(P) shall also be incorporated in any development agreement with the Town pertaining to the Property.

ii. **Enforcement.** The Town agrees that the foregoing vested rights provision may be specifically enforced. The Town acknowledges that, due to the substantial financial investment, which Owner must make toward the development of the Property, the damages allowable under C.R.S. 24-68-105(1)(c) may be inadequate in the event Owner is unable to enforce this provision. Accordingly, Owner shall have the right to waive its right to receive compensation pursuant to C.R.S. 24-68-105(1)(c) or any similar future statutory provision and to enforce the provisions of Section 10.P(i) above by obtaining relief in the form of specific performance, injunction or other appropriate declaratory or equitable relief.

iii. **Processing.** The Town shall permit the development of the Property upon the submission of the proper plans, applications, plats and the payment of fees required by the Town ordinances and regulations. The Town agrees not to unduly delay or hinder the development of the Property (such as refusing to timely process, review and act upon development applications), nor shall the Town unreasonably withhold its consent to or approval of a development request or permit made in substantial compliance with the General Development Plan and this Agreement. The Town agrees to coordinate with Owner any filings or applications before other governmental or quasi-governmental entities necessary for Owner to fulfill its obligations under this Agreement or to permit development of the Property. The Town agrees to process minor amendments to the General Development Plan on an administrative level as permitted by Town ordinance. If the Town does not have adequate staff for the timely review and processing of Owner's applications, the Town may contract for such services, and the Town shall charge Owner for the actual costs related thereto.

Q. **Building Permit Allocation.** See the Vista Ridge Residential Building Permit Allocation Program attached hereto as "Exhibit E" (the "Allocation Program") and incorporated herein and made a part hereof. Column 1 of the Allocation Program represents the number of building permits in which the Town has agreed to issue in the years shown upon application by Owner, its successors and assigns. Column 3 represents the minimum number of water and sewer taps which Owner will purchase from the Town in the years shown, whether or not a corresponding building permit is applied for. The maximum number of permits, which shall be issued to Owner, shall not include multi-family permits (which shall be inclusive of apartments and condominiums). Any single family water and sewer taps purchased by

Owner, and for which a corresponding single family building permit is not issued and a certificate of occupancy received, may be capable of being used anywhere within the Property in subsequent years.

- R. Telecommunication Services.** Owner and Town agree to examine the benefits of Owner providing, at its expense, all available telecommunication services to the property, including, but not limited to, cable, telephone, fiberoptics and Internet or computer services. The decision to consider, approve or deny any request shall be at the sole and absolute discretion of the Town.

11. ROADWAY IMPROVEMENTS.

A. Colorado Highway 7.

- i. Improvements.** Owner shall be responsible for constructing the acceleration, deceleration and turn lanes required by the Colorado Department of Transportation ("C.D.O.T.") for the two entrances to the Property on Colorado Highway 7. These improvements shall be constructed during Owner's initial phase of construction and shall be completed at the time required by the Colorado Department of Transportation. Prior to completion and acceptance of the Colorado Highway 7 improvements all access, including construction traffic, to the Property shall be from County Road 5.
- ii. Traffic Signalization.** Owner shall be responsible for contributing one-half of the Town's cost of installing a traffic light at each of the two entrances to the Property along Colorado Highway 7. Owner's contribution shall be paid within ten (10) days after C.D.O.T. has made a final determination that there is sufficient traffic at such intersections to warrant the installation of such traffic lights. Town agrees to reimburse Owner its pro rata share of contributions to the cost to install traffic signal at the two designated entry points on Colorado Highway 7 within thirty (30) days from receipt of a third party contribution to the cost of said improvements.
- iii. Commercial Development.** The commercial parcels within the Property adjacent to S.H. 7 shall be responsible for the improvements necessary and required at the time of subdivision and/or site plan approval of the commercial parcels by the Town.

- B. County Road 3.** The existing County Road 3 shall not be improved by Owner north of Colorado Highway 7 except as to improve the intersection at the point(s) the project is granted access to County Road 3 and except as provided in Section 11-A-iii.

- C. Vacation of County Road No. 5.** The Town agrees that within thirty (30) days of construction acceptance of the Owners construction improvements to Sheridan Blvd and County Road 4 the Town shall vacate County Road No. 5 within the Property. The vacation of County Road No. 5 is a condition of annexation by Owner, and Owner shall have a right to bring an action for specific performance against the Town if County Rd.5 is not vacated as set forth in this subparagraph (C), or at Owner's election, to exercise its right of disconnection pursuant to Section 12(G). The Town acknowledges that the improvements constructed by Owner to Sheridan and County Road 4, as set forth in paragraphs D and E below, are in consideration of the Town's agreement to vacate County Road 5 upon completion of the roadway improvements.
- D. Sheridan.** Prior to the vacation of County Road 5 Owner shall construct a two-lane road to the Town's rural street standards adjacent to the eastern boundary of the Property from Highway 7 north to the northern boundary of the Property. In consideration thereof, Owner has no additional responsibility for the construction of Sheridan Boulevard, if, and when, it is constructed adjacent to the eastern boundary of the Property.
- E. County Road No. 4.** Prior to the vacation of County Road 5 Owner shall construct a two-lane road to the Town's rural street standards adjacent to the northern boundary of the Property from the northeast corner of the Property west to the point where County Road 5 proceeds north from the northerly boundary of the Property. The construction of County Road No. 4 as set forth in this subparagraph shall be in full satisfaction of any additional obligation for Owner for the construction or other improvement of County Road 4.
- F. Coal Creek Bridge.**
- The Barb Annexation is being considered concurrently with the annexation of the Property, and the Barb Annexation Agreement is requiring the owner thereof (the "Barb Owner") to construct a two-lane bridge for County Road 3 over Coal Creek (the 'Bridge') and a two-lane road constructed to rural standards connecting the Bridge to County Line Road (the "Off-Site Connection"). Owner agrees to contribute twenty five (25%) percent of the certified costs to construct the Bridge and Off Site Connection within five (5) days of receipt of written notification from the Town that construction acceptance has been granted to the Barb owners for the Bridge and Off Site Connection Improvements.
- G. Airport Improvement Contribution.** Owner agrees to contribute one hundred thousand (\$100,000) dollars to the Town for the acquisition of additional right of way and runway improvements at the Erie Tri-County Airport. The contribution shall be provided on or before December 1, 2000.

12. MISCELLANEOUS PROVISIONS.

- A. **Interpretation.** Nothing in this Agreement shall constitute or be interpreted as a repeal of the Town's ordinances or resolutions, or as a waiver of the Town's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the Town and its inhabitants, nor shall this Agreement prohibit the enactment or increase by the Town of any tax or fee.
- B. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Agreement. The parties hereby declare that they would have agreed to the Agreement including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.
- C. **Amendments to the Agreement.** This Agreement may be amended, at anytime, upon agreement of the parties hereto. In addition, the Town and any Owner without the consent of any other Owner may amend this Agreement as long as such amendment affects only that Owners portion of the Property. Such amendments shall be in writing, shall be recorded with the County Clerk & Recorder of Weld County, Colorado, shall be covenants running with the land, and shall be binding upon all persons or entities having an interest in the Property subject to the amendment unless otherwise specified in the amendment.
- D. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties, their successors in interest, or their legal representatives, including all Owners, purchasers and subsequent owners of any lots or parcels within the Property, and shall constitute covenants running with the land. This Agreement shall be recorded with the County Clerk & Recorder of Weld County, Colorado, at Owners expense. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.
- E. **Indemnification.** Owner agrees to indemnify and hold harmless the Town and the Town's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the Town in order to effectuate the annexation of the Property, or which are in any manner connected with each enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the Town's option to pay the attorney's fees for defense counsel of the Town's choice for, any such liability, claims, or demands.
- F. **Termination.** If the annexation of the Property is, for any reason, not completed within six (6) months of the date hereof, then this Agreement shall be null and void

and of no force and effect whatsoever; provided that such six (6) month period shall be extended for such a period of time as the annexation ordinance may be postponed from taking effect as the result of referendum by petition or Board of Trustee referral.

- G. No Right or Remedy of Disconnection.** No right or remedy of disconnection of the Property from the Town shall accrue from this Agreement, other than provided by applicable state laws; provided that in addition to any statutory right, and without limiting any other rights Owner may have, the Town agrees that Owner shall have a right of disconnection, and the Town will consent in any judicial proceeding to such disconnection, if either (i) the General Development Plan is not approved pursuant to Section 1, (ii) the Metropolitan District is not approved in accordance with Section 10(K), or (iii) County Road 5 is not vacated in accordance with Section 11(C); provided that none of the events described in (i) through (iii) shall have occurred as a direct result of actions of Owner. In the event the Property or any portion thereof is disconnected at Owner's request, the Town of Erie shall have no obligation to serve the disconnected property or portion thereof and this Agreement shall be void and of no further force and effect as to such property or portion thereof.
- H. Annexation and Zoning Subject to Legislative Discretion.** The Owner acknowledges that the annexation and subsequent zoning of the Property are subject to the legislative discretion of the Board of Trustees of the Town of Erie. No assurances of annexation or zoning have been made or relied upon by the Owner. In the event that the Town of Erie Board of Trustees, in the exercise of its legislative discretion, does not take any action with respect to the Property herein contemplated, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by the Owner, or disconnection from the Town in accordance with this Agreement and state law, as may be appropriate.
- I. Legal Discretion In the Case of Challenge.** The Town of Erie reserves the right to not defend any legal challenge to this annexation. In the event such a challenge occurs prior to any expiration of any statute of limitation, Erie may, at its discretion, choose to legally fight the challenge or allow the challenge to proceed without defense. This does not restrict the Owner from engaging the Town's legal representatives in such a defense, at no cost to the Town.
- J. Application of Town Policies.** Upon annexation, all subsequent development of the Property shall be subject to and bound by the applicable provisions of Erie ordinances, as amended, provided however, that changes or amendments to the code, after the date of this Agreement shall in no way limit or impair Erie's obligation hereunder, except as specifically set forth in this Agreement.
- K. Amendments to Governing Ordinances, Resolutions and Policies.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any Town ordinance, resolution, or policy is intended to refer to any



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subsequent amendments or revisions to such ordinance, resolution, or policy, and the parties agree that such amendments or revisions shall be binding upon Owner and Owner provided such subsequent amendments or revisions do not materially alter the intent or responsibilities of this Agreement.

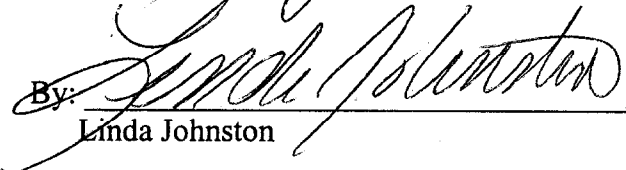
- L. **Legal Fees.** In the event that either party finds it necessary to retain an attorney in connection with a default by the other as to any of the provisions contained in this Agreement, the defaulting party shall pay the others reasonable attorney's fees and costs incurred in enforcing the provisions of this Agreement.
- M. **Reimbursement for Other Costs.** The Owner shall reimburse the Town for reasonable third party costs necessary for the orderly and proper development of the Property, including but not limited to consultant's fees for planning and engineering, and attorney's fees for legal services beyond the normal document review, which is directly linked to the Property.
- N. **Avigation Easements.** The Owner agrees to provide the Town with an executed avigation easement prior to subdivision of the land, which provides the Town of Erie an easement for the operation of aircraft to and from the Erie Tri-County Airport and which provides the residents of Parkland Estates, a Weld County Subdivision, an easement for the operation of aircraft to and from the private landing strip in Parkland Estates within the airspace of the Owner's property. Owner shall provide the Town with a written statement from each homebuyer or commercial lot purchaser acknowledging that the home or lot is subject to an avigation easement.
- O. **Obligations of Owner.** It is acknowledged that the parties anticipate that Owner will sell the Property to a third party subsequent to the date hereof. Owner's affirmative or mandatory obligations under this Agreement shall be limited to the specific provisions hereof in, which Owner undertakes a specific personal obligation, if any. Owner acknowledges that the Property itself shall be subject to the terms and conditions of this Agreement, the General Development Plan and the Ordinance approving the annexation of the Property to Erie. Upon the sale of all of the Property from Owner to a third party, the new owner shall assume all of the personal obligations hereunder, and the previous Owner shall be released therefrom automatically upon the recording of the conveyance deed.
- P. **Cooperation.** The parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the same.
- Q. **Timely Submittal of Materials.** Owner agrees to provide legal documents, surveys, engineering work, newspaper publication, maps, reports and other documents necessary to accomplish the annexation of the Property and the other provisions of this Agreement.

- R. **Compliance with State Law.** The Owner shall comply with all applicable State laws and regulations.
 - S. **Recording of Agreement.** This Agreement shall be recorded in the records of the Weld County, Colorado Clerk and Recorder. **Authority to Execute Agreement.** If Owner is a corporation, each individual executing this Annexation Agreement on behalf of said corporation represents and warrants that he is duly authorized to execute and deliver this Annexation Agreement on behalf of said corporation, in accordance with the bylaws and resolutions of said corporation and that this Annexation Agreement is binding upon the corporation. If Owner is a partnership, each individual executing this Annexation Agreement on behalf of the partnership represents and warrants that he is duly authorized to execute and deliver this Annexation Agreement behalf of the partnership and that this Annexation Agreement is binding upon the partnership.
 - T. **Timely Submittal of Materials.** Owner agrees to provide legal documents, surveys, engineering work, newspaper publication, maps, reports and other documents necessary to accomplish the annexation of the Property and the other provisions of this Agreement.
 - U. **Counterparts.** This agreement may be executed in counterparts, all of which taken together shall be determined to be a single document.
13. **COMPLETE AGREEMENT.** This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein there shall be no modifications of this Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein this Agreement may be enforced in any court of competent jurisdiction.

By this acknowledgment, the undersigned hereby certify that the above Agreement is complete and true and entered into of their own free will and volition.

OWNER:

By: 
Kenneth Johnston

By: 
Linda Johnston

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**OWNER: ALLAN E. PEZOLDT,
REVOCABLE LIVING TRUST**

By: _____
Allan E. Pezoldt, Trustee

OWNER: ZIMMERMAN FAMILY TRUST

By: N/A
Stanley A. Zimmerman, Trustee

By: N/A
Leone M. Zimmerman, Trustee

OWNER

By: N/A
Gary L. Hobbs

By: N/A
Jeannette E. Riggans

**OWNER: ROY AND BEVERLY CARLSON
AND COMPANY, a partnership**

By: N/A
Partner

**OWNER: RAY STAFFORD SUPPLY, INC.,
d/b/a MILE HIGH SHOOTING PARK, and
S.S.P., INC.**

By: [Signature]



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**OWNER: ALLAN E. PEZOLDT,
REVOCABLE LIVING TRUST**

By: Allan E. Pezoldt
Allan E. Pezoldt, Trustee

OWNER: ZIMMERMAN FAMILY TRUST

By: _____
Stanley A. Zimmerman, Trustee

By: _____
Leone M. Zimmerman, Trustee

OWNER

By: _____
Gary L. Hobbs

By: _____
Jeannette E. Riggans

**OWNER: ROY AND BEVERLY CARLSON
AND COMPANY, a partnership**

By: _____
Partner

**OWNER: RAY STAFFORD SUPPLY, INC.,
d/b/a MILE HIGH SHOOTING PARK, and
S.S.P., INC.**

By: _____

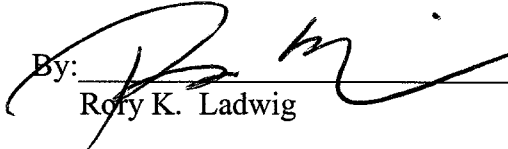
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GRAND LAKES DEVELOPERS, LLC.

By: _____

OWNER

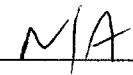
By:  _____
Rory K. Ladwig

By: _____
Reese K. Ladwig

50 WELD COUNTY ROAD 3 LLC

By: _____

HOBBS/HOCKER INVESTMENT LLP

By:  _____

BASELINE PARTNERS, LLP.

By: _____
William M. Lundy
Senior Partner

TOWN OF ERIE

By:  _____
Mayor

Dated: 9-13-00



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GRAND LAKES DEVELOPERS, LLC.

By: _____

OWNER

By: _____

Rory K. Ladwig

By: _____

Reese K. Ladwig

50 WELD COUNTY ROAD 3 LLC

By: _____

HOBBS/HOCKER INVESTMENT LLP

By: N/A

BASELINE PARTNERS, LLP.

By: William N. Lundy Sr. Partner

William N. Lundy Sr.
Partner

TOWN OF ERIE

By: [Signature]

Mayor

Dated: 9-13-08

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GRAND LAKES DEVELOPERS, LLC.

By: Thomas Jenkins (MGR)

OWNER

By: _____
Rory K. Ladwig

By: Reese K. Ladwig
Reese K. Ladwig

50 WELD COUNTY ROAD 3 LLC

By: _____

VISTA RIDGE, LLC

By: _____

BASELINE PARTNERS, LLP.

By: _____
William M. Lundy
Senior Partner

TOWN OF ERIE

By: [Signature]
Mayor

Dated: 9-13-00



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GRAND LAKES DEVELOPERS, LLC.

By: _____

OWNER

By: _____

Rory K. Ladwig

By: _____

Reese K. Ladwig

50 WELD COUNTY ROAD 3 LLC

By: _____

HOBBS/HOCKER INVESTMENT LLP

By: _____ N/A

BASELINE PARTNERS, LLP.

By: _____

William M. Lundy
Senior Partner

TOWN OF ERIE

By: _____


Mayor

Dated: 9-13-00



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VISTA RIDGE DEVELOPMENT CORPORATION, a Colorado corporation

By: 
Andy Chaikovsky, President



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SOUTHWEST WELD COUNTY LAND, LLC, a Colorado limited liability company

By: *Simon Residential Holdings III, LLC*
By: 
Andy Chaikovsky, Manager

VISTA RIDGE, LLC, a Colorado limited liability company

By: 
Manager

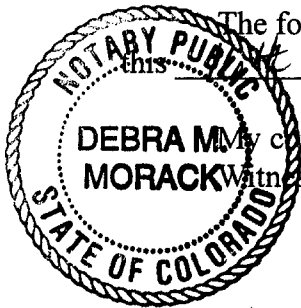


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STATE OF Colorado)
) SS.
COUNTY OF Boulder)



The foregoing instrument was acknowledged before me by 50 Weld County Road 3, LLC,
this August day of August, 2000.

My commission expires: 12-30-02
Witness my hand and official seal.

Debra M. Morack
Notary Public

My Commission Expires 12-30-02

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Grand Developers, LLC, this
_____ day of _____, 2000.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Rory K. Ladwig and Reese
Ladwig, this _____ day of _____, 2000.

My commission expires:
Witness my hand and official seal.

Notary Public

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STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Gary L. Hobbs and Jeannette E. Riggins this _____ day of _____, 2000 _____.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, partner of Roy and Beverly Carlson and Company, a partnership, this _____ day of _____, 2000 _____.

My commission expires:
Witness my hand and official seal.

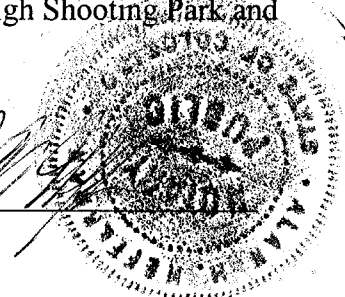
Notary Public

STATE OF Colorado)
) SS.
COUNTY OF Adams)

The foregoing instrument was acknowledged before me by Randy Pennington as Sec. of Ray Stafford Supply, Inc., d/b/a Mile High Shooting Park and S.S.P., Inc., this 30th day of Aug, 2000 _____.

My commission expires: 5/16/04
Witness my hand and official seal.

Notary Public





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STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Gary L. Hobbs and Jeannette E. Riggans this _____ day of _____, 2000 _____.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, partner of Roy and Beverly Carlson and Company, a partnership, this _____ day of _____, 2000 _____.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by _____, as _____ of Ray Stafford Supply, Inc., d/b/a Mile High Shooting Park and S.S.P., Inc., this _____ day of _____, 2000 _____.

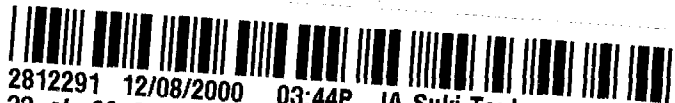
My commission expires:
Witness my hand and official seal.

Notary Public



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STATE OF _____)
) SS.
COUNTY OF _____)



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The foregoing instrument was acknowledged before me by 50 Weld County Road 3, LLC,
this _____ day of _____, 2000.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF Colorado)
) SS.
COUNTY OF Grand)

The foregoing instrument was acknowledged before me by Grand Developers, LLC, this
4 day of April, 2000.

My commission expires: Aug. 16, 2003
Witness my hand and official seal.

Norma J. Crnic
Notary Public


STATE OF Colorado)
) SS.
COUNTY OF Weld)

The foregoing instrument was acknowledged before me by ~~Rory K. Ladwig~~ and Reese
Ladwig, this 5th day of Sept., 2000.

My commission expires: 5/19/01
Witness my hand and official seal.

Norma J. Crnic
Notary Public
1101 ~~Sacramento~~ St.
Broomfield, CO 80020

NORMA J. CRNIC
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires May
NORMA J. CRNIC
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires May 19, 2001

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STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by 50 Weld County Road 3, LLC,
this _____ day of _____, 2000.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Grand Developers, LLC, this
_____ day of _____, 2000.

My commission expires:
Witness my hand and official seal.

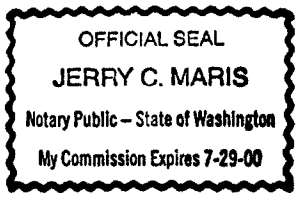
Notary Public

STATE OF Washington)
) SS.
COUNTY OF Inchewaish)

The foregoing instrument was acknowledged before me by Rory K. Ladwig and ~~Reese~~
J. Ladwig, this 29 day of March, 2000.

My commission expires: 7-29-2000
Witness my hand and official seal.

Jerry C. Maris
Notary Public

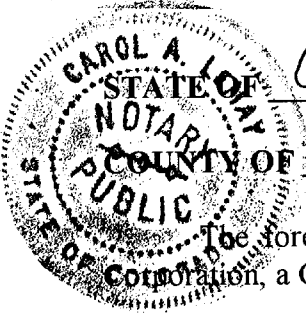




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STATE OF COLORADO)
NOTARY PUBLIC)
COUNTY OF Denver)SS.

The foregoing instrument was acknowledged before me by Vista Ridge Development Corporation, a Colorado corporation this 7th day of September, 2000.

My commission expires: 3-13-2002
Witness my hand and official seal.

Carol A LeMay
Notary Public

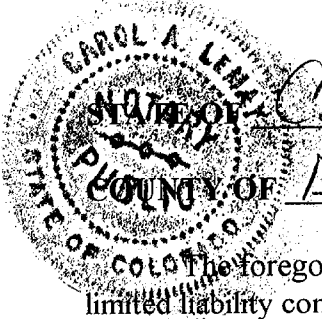


STATE OF COLORADO)
NOTARY PUBLIC)
COUNTY OF Denver)SS.

The foregoing instrument was acknowledged before me by Southwest Weld County Land, LLC, a Colorado limited liability company this 9th day of September, 2000.

My commission expires: 3-13-2002
Witness my hand and official seal.

Carol A LeMay
Notary Public



STATE OF COLORADO)
NOTARY PUBLIC)
COUNTY OF Denver)SS.

The foregoing instrument was acknowledged before me by Vista Ridge, LLC, a Colorado limited liability company this 9th day of September, 2000.

My commission expires: 3-13-2002
Witness my hand and official seal.

Carol A LeMay
Notary Public

2793930 09/15/2000 10:34A JA Suki Tsukamoto
36 of 53 R 265.00 D 0.00 Weld County CO

2812291 12/08/2000 03:44P JA Suki Tsukamoto
36 of 99 R 495.00 D 0.00 Weld County CO

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Hobbs/Hocker Investments, LLC, this _____ day of _____, 2000 _____.

My commission expires:
Witness my hand and official seal.

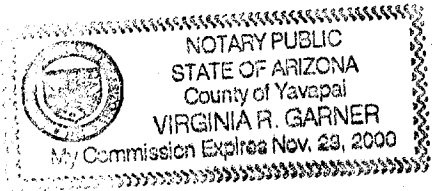
Notary Public

STATE OF Arizona)
) SS.
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me by William N. Lundy, Sr. as Partner in Baseline Partners, LLP, as successor in interest to Baseline Investment Company, a co-partnership, this 8th day of August, 2000 _____.

My commission expires: 11-28-2000
Witness my hand and official seal.

Virginia R. Garner
Notary Public





2793930 09/15/2000 10:34A JA Suki Tsukamoto
37 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
37 of 99 R 495.00 D 0.00 Weld County CO

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by Hobbs/Hocker Investments, LLC, this _____ day of _____, 2000_____.

My commission expires:
Witness my hand and official seal.

Notary Public

STATE OF _____)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me by William M. Lundy, as Senior Partner in Baseline Partners, LLP, as successor in interest to Baseline Investment Company, a co-partnership, this _____ day of _____, 2000_____.

My commission expires:
Witness my hand and official seal.

Notary Public

2793930 09/15/2000 10:34A JA Suki Tsukamoto
 38 of 53 R 265.00 D 0.00 Weld County CO

2812291 12/08/2000 03:44P JA Suki Tsukamoto
 38 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT LIST

- Exhibit A Legal Description
- Exhibit B General Development Plan
- Exhibit C Water Rights
- Exhibit D Sewer Oversizing
- Exhibit E Allocation Program

**EXHIBIT E
 VISTA RIDGE BUILDING PERMIT
 ALLOCATION PROGRAM**

<u>Year</u>	<u>Column 1 Maximum Permits Per Year</u>	<u>Column 2 Maximum Carryforward Per Year</u>	<u>Column 3 Guaranteed Water and Sewer Taps Purchased by Developer</u>
2000	0	0	0
2001	250	50	125
2002	450	100	225
2003	450	100	225
2004	450	100	225
2006	450	100	225
2006	450	100	225
And each year Thereafter			

Maximum number of carry forward permits that can be used in any given year is 200

EXHIBIT A-1

Johnston Property

The Northwest Quarter of Section 32, Township 1 North, Range 68 West of the 6th P.M.

County of Weld,
State of Colorado.



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2812291 12/08/2000 03:44P JA Suki Tsukamoto
39 of 99 R 495.00 D 0.00 Weld County CO



2793930 09/15/2000 10:34A JA Suki Tsukamoto
40 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
40 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-2

Pezoldt Property

The West Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter, the North half of the Northwest Quarter of the Southeast Quarter, the Southeast Quarter of the Northwest Quarter of the Southeast Quarter, the North Half of the Northeast Quarter of the Southwest Quarter, the Southwest Quarter of the Northeast Quarter of the Southwest Quarter, and the West Half of the Southeast Quarter of the Southwest Quarter, all in Section 32, Township 1 North, Range 68 West of the 6th P.M.,


EXCEPT the East 40 feet of the South Half of the Northeast Quarter as conveyed to the Board of County Commissioners of Weld County, Colorado in Deeds recorded April 16, 1985 in Book 1065 at Reception No. 2005978 and Reception No. 2005979,

County of Weld,
State of Colorado.

together with:

The East Half of the Southeast Quarter of the Southwest Quarter, the Southeast Quarter of the Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 32, Township 1 North Range 68 West of the 6th P.M.,

County of Weld,
State of Colorado.


2793930 09/15/2000 10:34A JA Suki Tsukamoto
41 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
41 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-3

Zimmerman Property

The Northeast Quarter of the Northeast Quarter of Section 32, Township 1 North, Range 68
West of the 6th P.M.

County of Weld
State of Colorado.

2793930 09/15/2000 10:34A JA Suki Tsukamoto
42 of 53 R 265.00 D 0.00 Weld County CO

2812291 12/08/2000 03:44P JA Suki Tsukamoto
42 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-4

Hobbs and Riggins Property

Parcel 1

That part of the Northwest 1/4 of Section 33, Township 1 North, Range 68 West of the 6th P.M., described as: Beginning at the Southwest corner said Northwest 1/4; thence North 00°51'51" West along the West line of said Northwest 1/4, a distance of 660.00 feet; thence North 89°24'12" East parallel with the South line said Northwest 1/4, a distance of 1393.85 feet; thence South 00°51'51" East a distance of 660.00 feet to a point on the South line said Northwest 1/4; thence South 89°24'12" West along said South line a distance of 1393.85 feet to the point of beginning,

County of Weld,
State of Colorado.

Parcel 2

The West 1001.32 feet of the Southwest 1/4 of Section 33, Township 1 North, Range 68 West of the 6th P.M., except the South 75 feet thereof. Also excepting from parcels 1 and 2 a tract of land conveyed to the County of Weld by Deed recorded April 17, 1984, in Book 1027 at Reception No. 1963422, being more particularly described as follows: The West 80 feet of the South 1/2 Southwest 1/4 Northwest 1/4 and the West 80 feet of the Southwest 1/4 of Section 33, Township 1 North, Range 68 West of the 6th P.M.,

Also excepting from parcel 2 that part of the Southwest 1/4 of Section 33, Township 1 North, Range 68 West of the 6th P.M., described as beginning at the Southwest corner of said Southwest 1/4; thence North 00°51'51" West on an assumed bearing along the West line of said Section, a distance of 75 feet; thence North 89°42'04" East along a line parallel with the South section line of said section, a distance of 540.68 feet to the true point of beginning, thence North 00°51'51" West along a line parallel with the West section line of said section, a distance of 1,134.67 feet; thence North 89°42'04" East along a line, a distance of 460.68 feet; thence South 00°51'51" East, a distance of 1,134.67 feet; thence South 89°42'04" West, a distance of 460.68 feet to the true point of beginning,

County of Weld,
State of Colorado.



2793930 09/15/2000 10:34A JA Suki Tsukamoto
 43 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
 43 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-5

Carlson Property

The part of the West one-half of Section 33, Township 1 North, Range 68 West of the 6th Principal Meridian, Weld County, Colorado, described as: Beginning at the Southeast corner of said Northwest one-quarter; thence N00°25'10"W on an assumed bearing along the East line said Northwest one-quarter a distance of 688.16 feet to a point on the Easterly Right-of-Way of the Community Ditch; thence Southwesterly along said Easterly Right-of-Way as follows:

S39°05'05"W,	100.00 feet;
S56°02'05"W,	200.00 feet;
S59°41'01"W,	346.81 feet;
S39°56'49"W,	160.20 feet;
S25°33'20"W,	231.20 feet;

to a point on the South line said Northwest one-quarter; thence S89°24'12"W along said South line a distance of 913.72 feet to a point of 1001.32 feet East of the West one-quarter corner said Section 33; thence S00°51'51"E along a line parallel to the West line of the Southwest one-quarter said Section 33 a distance of 2564.06 feet to a point on the North Right-of-Way of Colorado State Highway No. 7 said point being 1001.32 feet East of the West line said southwest one-quarter; thence N89°42'04"E along said North Right-of-Way a distance of 1131.64 feet; thence N00°25'10"W along a line parallel to the East line of said Southwest one-quarter a distance of 1328.71 feet; thence N89°42'-4"E along a line parallel to the South line said Southeast one-quarter a distance of 498.22 feet to a point on the Est line said Southwest one-quarter; thence N00°25'10"W along said East line a distance of 1243.82 feet to the true point of beginning.

EXHIBIT A-6

Stafford Property

Parcel 1:

Lot A of Recorded Exemption No. 1467-32-4-RE402, recorded July 12, 1979 in Book 875 at Reception No. 1796629, being a portion of the South 1/2 of the Southeast 1/4 of Section 32, Township 1 North, Range 68 West of the 6th P.M.,

County of Weld,
State of Colorado.

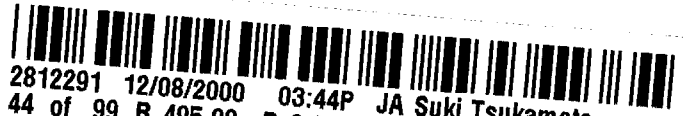
Parcel 2:

Lot B of Recorded Exemption No. 1467-32-4-RE 402, recorded July 12, 1979 in Book 875 at Reception No. 1796629, being a portion of the South 1/2 of the Southeast 1/4 of Section 32, Township 1 North, Range 68 West of the 6th P.M.,

County of Weld,
State of Colorado.



2793930 09/15/2000 10:34A JA Suki Tsukamoto
44 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
44 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-7

50 Weld County Rd. 3 LLC Property

The Southwest Quarter of the Southwest Quarter, Except the North 330 feet thereof and rights-of-way for Weld County Road No. 3 and State Highway No. 7, Township 1 North, Range 68 West of the 6th P.M.

County of Weld,
State of Colorado.



2793930 09/15/2000 10:34A JA Suki Tsukamoto
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45 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-8

Grand Lake Developers, LLC Property

Lot B of Recorded Exemption No. 1467-32-3-RE-645, Recorded August 14, 1984 in Book 1040 as Reception No. 1977544 and Being a Part of the West Half of the Southwest Quarter of Section 32, Township 1 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado.



2793930 09/15/2000 10:34A JA Suki Tsukamoto
46 of 53 R 265.00 D 0.00 Weld County CO




2812291 12/08/2000 03:44P JA Suki Tsukamoto
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EXHIBIT A-9

Ladwig Property

The North 495 Feet of the Northwest Quarter of the Southwest Quarter of Section 32,
Township 1 North, Range 68 West of the 6th P.M., Excepting Therefrom the Westerly 30
Feet Thereof as Conveyed to the Town of Erie by Instrument Recorded April 28, 1997 in
Book 1603 as Reception No. 2545040, Weld County, State of Colorado.



2793930 09/15/2000 10:34A JA Suki Tsukamoto
47 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
47 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT A-10

Hobbs/Hocker Investments Property

A parcel of land situate in the Southwest Quarter of Section 33, Township 1 North, Range 68 West of the 6th P.M., Weld County, more particularly described as follows:

Commencing at the Southwest corner of Section 33 from whence the West Quarter corner of Section 33 lies N 00°23'16" E, 2631.23 feet;

thence along West line of said Southwest Quarter N 00°23'16" E, 75.00 feet;

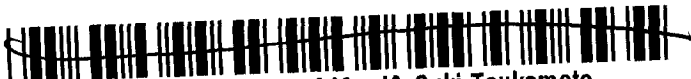
thence parallel with South line of said Southwest Quarter S 89°31'49" E, 460.64 feet to the point of beginning;

thence N 00°23'16" E, 1134.67 feet;

thence S 89°31'49" E, 460.68 feet;

thence S 00°23'16" W, 1134.67 feet;

thence N 89°31'49" W, 460.68 feet to the point of beginning, containing 12.00 acres.


2793930 09/15/2000 10:34A JA Suki Tsukamoto
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2812291 12/08/2000 03:44P JA Suki Tsukamoto
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EXHIBIT A-11

Baseline Property

The Northwest one-quarter (NW $\frac{1}{4}$) of Section 33, Township 1 North, Range 68 West of the 6th P.M.,

EXCEPT that part of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33, lying Southerly and Easterly of the Easterly line of the Community Ditch, more particularly described as follows: BEGINNING at the center of said Section 33, thence Northerly along the East line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33, a distance of 688.16 feet more or less to a point of intersection with the Easterly line of the Community Ditch, thence along said line in a Southwesterly direction as follows: South 39°05'05" West, a distance of 100 feet; Thence South 56°02'05" West, a distance of 200 feet; Thence South 59°41'01" West, a distance of 346.81 feet; Thence South 39°56'49" West, a distance of 160.20 feet; Thence South 25°33'20" West, a distance of 231.20 feet to a point of intersection of said line with the South line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33; Thence North 89°24'12" East along said South line of said Northwest one-quarter (NW $\frac{1}{4}$) a distance of 736.00 feet, more or less to the POINT OF BEGINNING.

EXCEPT that part of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33, described as follows: BEGINNING at the Southwest Corner of said Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33; Thence North 0°51'51" West along the West line of said Section 33, a distance of 660.00 feet; Thence North 89°24'12" East and parallel with the South line of said Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33, a distance of 1393.85 feet; Thence South 0°51'51" East, a distance of 660.00 feet to a point on the South line of said Northwest one-quarter (NW $\frac{1}{4}$) of said Section 33; Thence South 89°24'12" West along said line, a distance of 1393.85 feet to the POINT OF BEGINNING.

EXCEPT a strip of land 50 feet in width as conveyed to the COMMUNITY CONSOLIDATED CANAL AND RESERVOIR COMPANY in the Deed recorded in Book 283 at Page 140.

EXCEPT a strip of land 50 feet in width as conveyed to the COMMUNITY CONSOLIDATED CANAL AND RESERVOIR COMPANY in the Deed recorded in Book 63 at Page 464.

EXCEPT the West 40 feet of the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) and the West 40 feet of the North Half of the South Half of the Northwest (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 33, Township 1 North, Range 68 West of the 6th P.M.,

County of Weld,
State of Colorado.

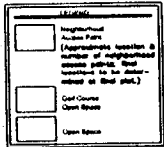
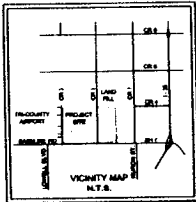


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49 of 53 R 265.00 D 0.00 Weld County CO



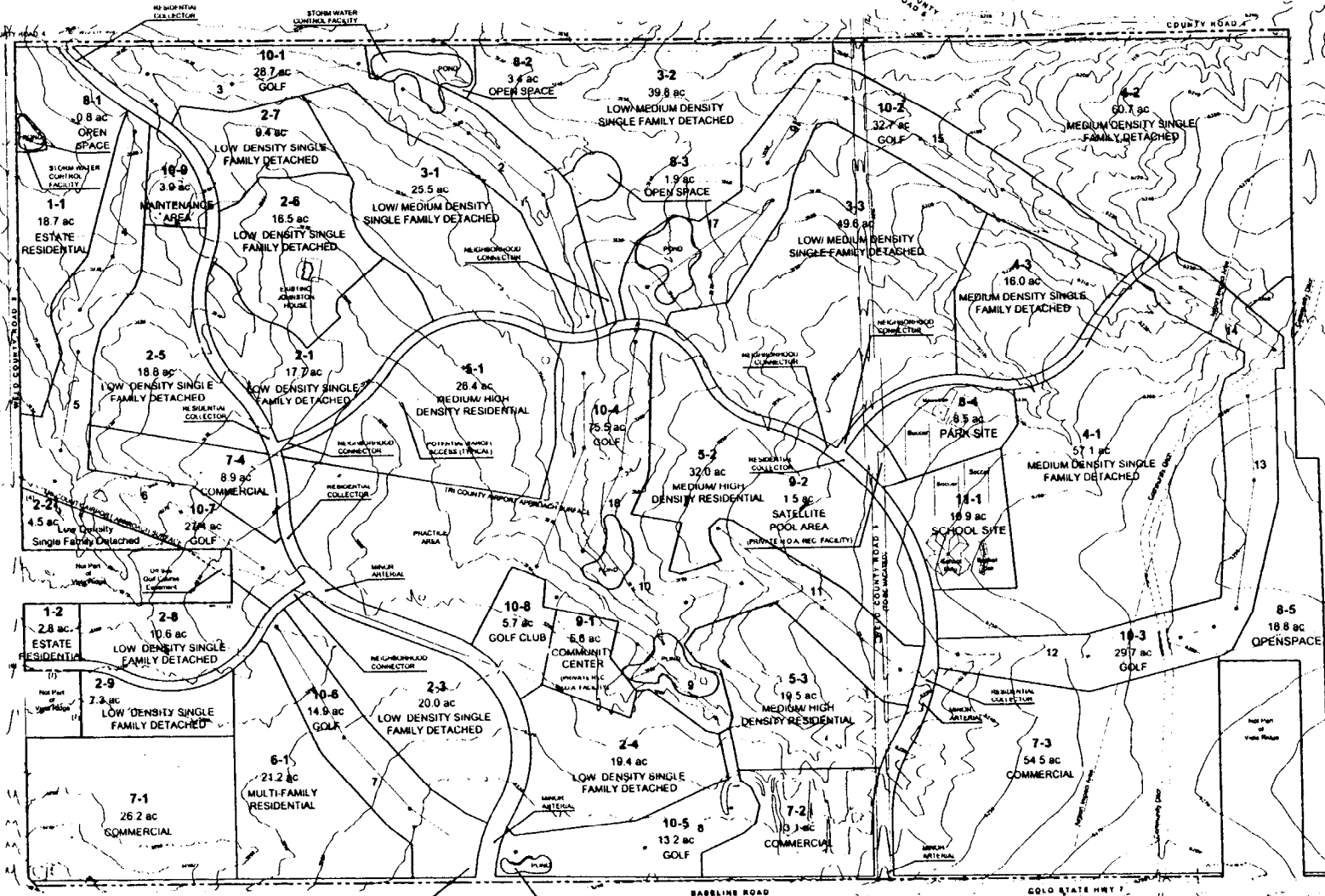
2812291 12/08/2000 03:44P JA Suki Tsukamoto
49 of 99 R 495.00 D 0.00 Weld County CO

Vista Ridge General Development Plan



Location	Acres	Units	Units/Acre
Single Residential	187.7	2,317	12.35
L-1	13.2	3	0.23
L-2	22.8	44	1.93
Low Single Family Detached	177.7	3	55
L-3 (see also 4 below for units)	45.7	74	1.62
L-4	20.0	60	3.00
L-5	18.4	58	3.15
L-6	18.8	58	3.09
L-7	18.8	58	3.09
L-8	14.4	28	1.94
L-9	10.0	32	3.20
L-10	10.0	32	3.20
Low Medium Single Family Detached	124.2	373	3.00
L-11	25.5	4	102
L-12	38.8	4	158
L-13	13.2	7	53
Low Medium Single Family Detached	148.8	480	3.23
L-14	37.1	5	286
L-15	60.7	5	304
L-16	18.0	6	80
L-17	15.0	6	80
Medium Single Family Detached	135.8	60	4.41
L-18	28.4	2	211
L-19	32.0	9	254
L-20	18.0	9	188
L-21	17.0	8	213
Medium High Residential	112.2	30	424
L-22	28.2	3	94
L-23	35.1	3	117
L-24	64.9	3	216
L-25	8.0	3	267
Multi-Family Residential	116.2	30	424
L-26	2.8	3	107
L-27	10.6	3	282
L-28	14.9	3	327
L-29	20.0	3	396
L-30	19.4	3	381
L-31	13.2	3	229
L-32	19.5	3	385
L-33	54.5	3	181
L-34	297.7	3	102
Development Totals	888.7	71	71
L-35	28.7	3	96
L-36	32.7	3	109
L-37	29.7	3	102
L-38	75.5	3	252
L-39	11.2	3	37
L-40	14.9	3	46
L-41	27.4	3	91
L-42	5.7	3	53
L-43	1.9	3	16
Other	231.7	0	0
L-44	10.0	0	0
L-45	43.0	0	0
Other	231.7	0	0
Other	231.7	0	0
Property Total	828.8	71	71

(1) This map is based on the site plan of Vista Ridge.
 (2) This map is preliminary and subject to change without notice.
 (3) This map is based on the site plan of Vista Ridge.
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 (100) This map is based on the site plan of Vista Ridge.



OWNER
 Vista Ridge LLC
 18 Grove Lane
 Littleton, CO 80121
 (303) 948-3800

GEN. CONTRACTOR
 HANSEN & ASSOC.
 6480 Fossil E. Lane
 Suite 108
 Littleton, CO 80121
 (303) 948-9708

LAND PLANNER

 1321 12th St.
 Second Floor
 Denver, CO 80202
 (303) 622-3888

CONSULTANTS

 400 CHERRY STREET
 DENVER, CO 80202
 (303) 733-1000 FAX
 (303) 733-1000

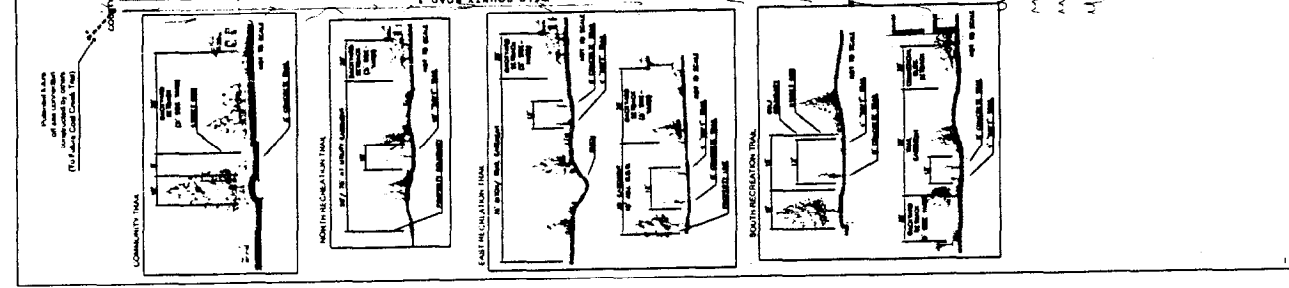
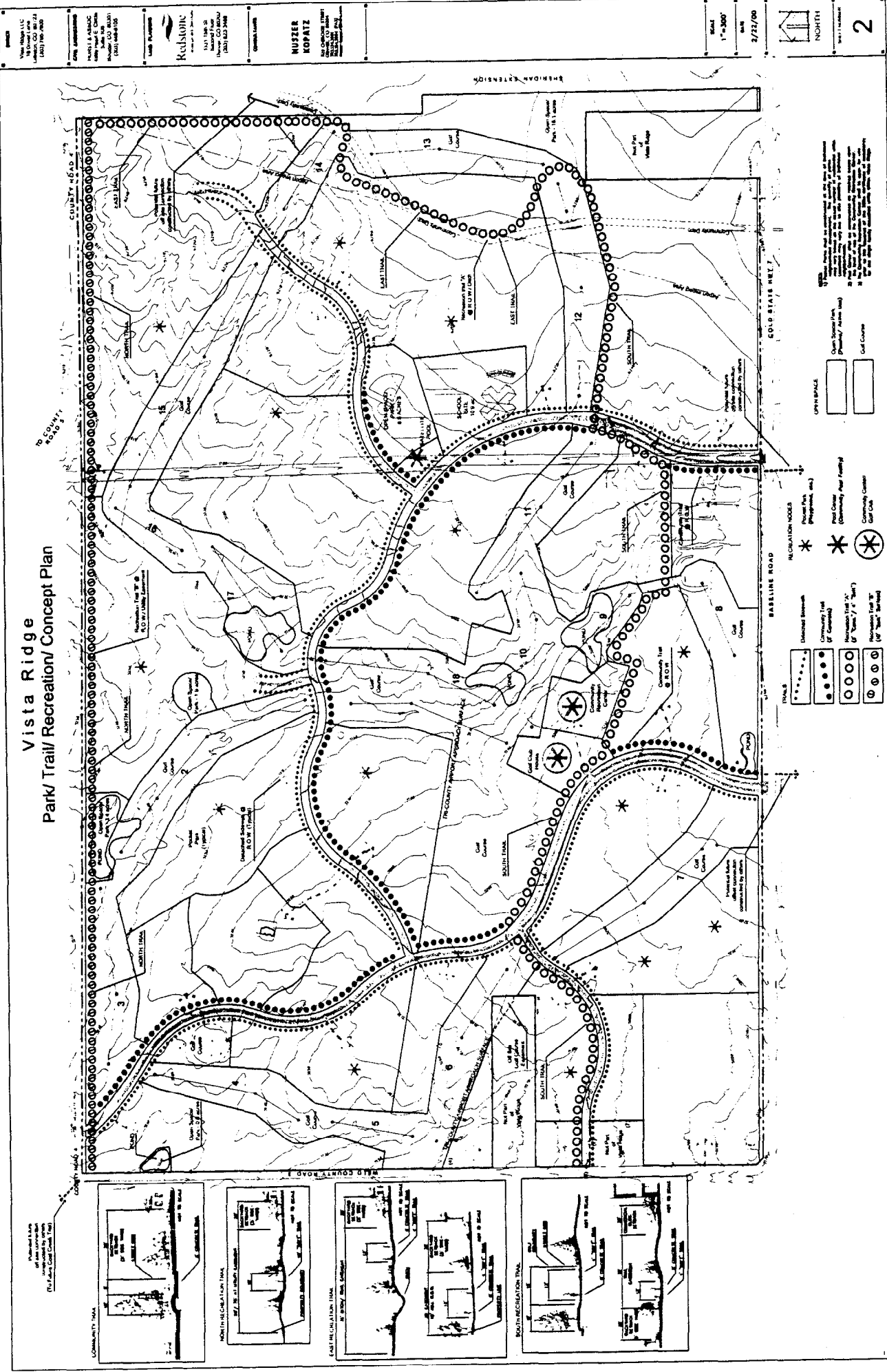
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 1" = 300'
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2793930 09/15/2000 16:34A JA Suki Tsukamoto
 50 of 53 R 265.00 D 0.00 Weld County CO

2812291 12/08/2000 03:44P JA Suki Tsukamoto
 50 of 99 R 495.00 D 0.00 Weld County CO

Vista Ridge Park/ Trail/ Recreation/ Concept Plan



2812291 12/08/2000 03:44P JA Suki Tsukamoto
 51 of 99 R 495.00 D 0.00 Weld County CO

2793930 09/15/2000 10:34A JA Suki Tsukamoto
 51 of 53 R 265.00 D 0.00 Weld County CO



2812291 12/08/2000 03:44P JA Suki Tsukamoto
52 of 99 R 495.00 D 0.00 Weld County CO

EXHIBIT B

VISTA RIDGE DEVELOPMENT GUIDE

February 22, 2000

DEVELOPER:

Vista Ridge, LLC
6312 S. Fiddler's Green Circle, Suite 340E
Englewood, CO 80111

Prepared by: Nuszer Kopatz Urban Design Associates
1129 Cherokee Street
Denver, CO 80204

Redstone Development Companies
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APPENDIX

Vista Ridge General Development Plan Street Charts Exhibit A

ARTICLE 1 – GENERAL PROVISIONS

A. Application

Provisions of this Planned Development Guide (“PD Guide”) shall apply to the undeveloped parcels of land as delineated on the Vista Ridge General Development Plan attached hereto as Exhibit “A” and referred to hereinafter as the “GD Plan”. The legal descriptions for the tracts of land covered by this PD Guide are attached as Exhibits “B1 through B7”. Please see these Exhibits for any exceptions that may not be contained within the PD Plan.

This PD Guide shall not control the use of property or affect the rights of property owners outside of the boundary illustrated on the attached GD Plan.

However, that this provision shall not limit, affect, or preclude in any way the ability of Vista Ridge, LLC (“VR”) to extend the provisions of this PD Guide and GD Plan to other land that may be later acquired and annexed to the Town of Erie.

GENERAL PROVISIONS

1. Authority

This GD Plan is authorized by Chapter 5 “Planned Development District” of the Town of Erie Zoning Resolution adopted August 1, 1998 pursuant to the Colorado Planned Unit Development Act of 1972.

2. Applicability

The provisions of the GD Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this GD Plan through its approval by the Director of Community Development or the Erie Town Board.

3. Adoption

The adoption of this GD Plan shall evidence the findings and decision of the Erie Town Board of Trustees that this GD Plan for the Vista Ridge Development (“Vista Ridge”) is in general conformity with the Town of Erie Comprehensive Plan approved December 5, 1996 and as amended October 19, 1999; is authorized by the provision of Chapter 5 of the Town of Erie Zoning Code; and that such Chapter 5 and this GD Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.



4. Relationship to Town of Erie Regulations

The provisions of this GD Plan shall prevail and govern the development of the Vista Ridge Development, provided, however, that where the provisions of this GD Plan do not address in general terms a particular subject, the relevant provisions of the Town of Erie Zoning Code shall be applicable. However, the intent of this GD Plan shall be the test where applying any sections of the Town ordinance.

5. Enforcement

To further the mutual interest of the residents, occupants, and owners in the Vista Ridge Development and of the public in the preservation of the integrity of the GD Plan, the provisions of this PD Guide relating to the use of the land and the general location of common open space, golf course, and community center shall run in favor of the Town of Erie and shall be enforceable at law or in equity by the Town without limitation on any power or regulation otherwise granted by law.

6. Conflict

Where there is more than one provision within the GD Plan and the PD Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Community Development.

7. Maximum Level of Development

The total number of dwelling units or the total commercial, business, industrial or corporate center intensity approved for development within the GD Plan is the maximum development requested for platting or construction (including density transfers). The actual number of dwelling units or level of development for commercial, business, industrial or corporate center properties may be less due to developer's subdivision or site improvement plan requirements. Where level of development is not specifically addressed, the Town Ordinance shall apply. The Town and VR shall be prohibited from unilaterally changing any provision of this Guide.

8. Project Tracking

At the time of subdivision final plat, the applicant shall provide an updated summary of the development ("Tracking Chart"), along with the final plat submittal to the Community Development Department in order to assure maximum development limits are not exceeded.



ARTICLE II – CONTROL PROVISIONS

A. Transfer of Density

Residential dwelling units, as shown on the GD Plan, shall be the maximum number of dwelling units within all residential land use parcels as set forth in the GD Plan and as provided for in Exhibit “A” attached hereto for the Vista Ridge Development, except as provided below. A transfer of dwelling units from Planning Area to Planning Area within a Parcel shall be allowed. The transfer of dwelling units shall be considered a Minor Amendment of the GD Plan as provided for in this PD Guide. The resulting GD Plan Amendment shall be monitored by the Community Development Department as provided for herein.

For the district’s Low Density Residential, Low/Medium Density Residential, Medium Density Residential, Medium/High Density Residential, and Multi-Family Residential planning areas, the density of a planning area within the above referenced districts may be increased up to twenty percent (20%), provided that a commensurate decrease in density is implemented in one or more other residential planning areas within Vista Ridge. In no case shall the overall density of Vista Ridge exceed 2494 dwelling units.

B. Planning Area Boundaries

The Planning Area boundaries within the various Parcels are the boundaries as shown in the GD Plan. Minor modifications to the Planning Areas and arterial and collector street modifications may be accomplished by the developer at the time of site specific plan review without any amendment to the PD Guide or to the GD Plan itself, pursuant to Town Zoning Code Section 10-5-13.

C. Road Alignments

The GD Plan is intended to depict general locations of roads and individual Planning Areas. In granting preliminary plat approval, the Community Development Department or Erie Town Board shall allow modifications for the purpose of establishing:

1. Final road alignments.
2. Final configuration of planning areas, provided that the size of a planning area does not increase by more than 25%.
3. Final access and parking location.
4. Landscaping adjustments and drainage improvements/layout.

D. Borrow Sites

Any area within Vista Ridge, except public school, park and open space land may be used by Vista Ridge and its assigns as a borrow or fill site for construction materials. However, dedicated public land may not be used for borrow or fill sites without prior authorization for the Town of Erie excluding initial overlot grading. If lands proposed for dedication (as shown on the GD Plan) are to be used for borrow or fill sites, prior written authorization for the Town of Erie shall be obtained. No material from a borrow or fill site shall be used for commercial purposes outside of Vista Ridge. Uses permitted for borrow or fill material within Vista Ridge shall include, but not be limited to, overlot grading, street subgrade and base course, utility bedding, foundation backfill, floor subbase and landscaping. Use of borrow sites shall comply with approved grading and erosion control plans for Vista Ridge and with the Town of Erie's erosion control criteria. Once a borrow or fill site becomes permanently inactive, it shall be reclaimed by VR, including regrading and reseeding with appropriate vegetation.



ARTICLE III – DEFINITIONS

A. Word Usage

In the interpretation of this PD Guide, the provisions and rules of this section shall be observed and applied in conjunction with the provisions of the Town of Erie’s Zoning Ordinance, as may be amended, except when the context requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. The masculine gender shall include the feminine and the feminine shall include the masculine.

B. DEFINITIONS

Purpose:

Unless otherwise stated, the definitions contained in Chapter 2 of the Town of Erie Zoning Ordinance, as amended, shall apply to this Planned Development and accompanying Planned Development (PD) District Standards. In the event of conflict, these PD District Standards control.

Unless the context clearly indicates otherwise in these PD District Standards, the following terms shall have the stated definitions:

- a. Dwelling, Single Family, Cluster – A form of development that combines reduced lot size with compensating amounts of commonly owned private open space within the proposed development.
- c. Dwelling Unit, Patio Home – A type of single family dwelling unit in which the private individual open space associated with each dwelling is consolidated into a garden or patio area commonly located toward the side or rear of the lot. This patio area replaces the conventional front, side and rear yards associated with traditional single family dwelling detached units.
- d. Open Space - Land which is free of structures or impervious surfaces which are not directly related to the use of open space.
- e. Planning Area (PA) - The areas for development referred to on the Planned Development Plan.



ARTICLE IV – ARCHITECTURAL STANDARDS

A. An architectural Control Committee (ACC) will be established in the Covenants, Conditions, and Restrictions for each parcel and become a committee under the Homeowners Association of that parcel. The ACC will review and approve all models and elevations of homes to be constructed. This would be in addition to the Town’s review at time of site improvement plan and final plat approval. A comprehensive set of architectural standards will be created for each parcel with the first phase of development in that parcel. The following concepts shall be the basis for the architectural standard:

1. Varied architectural styles shall be encouraged within each neighborhood.
2. Where floor plans are offered on a repeating basis, alternative elevations shall be developed and the same elevation shall not be repeated adjacent to or across the street from one another.
3. A variety of design elements shall contribute to the overall character of a home’s elevation and its appearance from the street.
4. Careful scrutiny shall be given to the massing, proportions, and overall scale of each design and how such massing relates to adjacent uses.
5. Large, unbroken planes on the front and rear elevations shall be prohibited. Side elevations without windows shall not be allowed except for where the Uniform Building Code does not allow windows. Windows alone do not constitute an unbroken plane.
6. Size, shapes, proportions and trim of doors and windows shall be consistent with the architectural style of the home.
7. Masonry, stone, synthetic stone or stucco (stone elements) will be required as a design unification on the front of each unit. Use of these materials on the sides and rear will also be required adjacent to the golf course and streets. Stone elements shall be required in the percentages listed below calculated by the total square footage of each wall face excluding all window and door openings and area of dormers.

	FRONT OF UNIT	REAR WHEN FACING THE GOLF COURSE	SIDE WHEN FACING THE GOLF COURSE OR A PUBLIC STREET
ESTATE RESIDENTIAL PRODUCT	50%	30%	30%
LOW, LOW MEDIUM MEDIUM DENSITY RESIDENTIAL	25%	15%	15%
MEDIUM/HIGH DENSITY RESIDENTIAL PRODUCTS	20%	10%	10%

8. Front setbacks varied by a minimum of two (2) feet are required from house to house in order to provide visual relief and variety throughout the street scene.
9. Alternative garage loading (i.e. side load) will be encouraged. A reduction of the front yard setback of a maximum 20% will be considered by town staff at time of platting for all alternative garage loading options.



ARTICLE V – LAND USE REGULATIONS

A. Residential Planning Areas – General

1. Intent – To provide for residential development and associated uses.
2. Uses Permitted by Right – Unless specifically stated elsewhere in this Article, the following uses are permitted by right in all Residential Planning Areas:
 - a. Single family detached or attached dwelling units. No more than one unit will be allowed per platted lot.
 - b. Attached or detached private garages.
 - c. Commonly associated accessory uses incidental to the principal use or building and located on the same site as the principal use or building including, but not limited to, approved storage sheds, children's playhouses, private greenhouses, home occupations (pursuant to town zoning code), private tennis courts and private swimming pools provided such accessory use has been approved by the Homeowner's Association.
 - d. Household pets. (Number and kind limited per Town of Erie Code.)
 - e. Private and/or common open space. Open space development standards as defined herein shall apply.
 - f. Private, recreational uses, country clubs, golf courses, common recreational facilities including, but not limited to, tennis courts, swimming pools, and jogging, riding, hiking, and biking trails. The Community Development Department shall require some level of site plan review for uses in this paragraph.
 - g. Parks, playgrounds and other recreational areas.
 - h. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Director of Community Development. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the Town of Erie according to the procedures for "Special Review Uses" contained within the Town of Erie Zoning Code as hereafter amended.



- i. Crop Production (Until the commencement of construction within the Planning Area where crop production is occurring.)
 - j. Grazing (Until the commencement of construction within the Planning Area where grazing is occurring.)
 - k. Temporary construction trailers and model homes including sales centers.
3. Uses Permitted by Special Review – Unless specifically stated otherwise elsewhere in this Article, the following uses are permitted by special review in all Residential Planning Areas:
- a. Churches, church schools and synagogues.
 - b. Nursery schools and day/child care centers.
 - c. Public and quasi-public buildings and structures such as police stations, fire stations, libraries and emergency care facilities.
 - d. Caretaker’s residences.
 - e. Stables, corrals and horses may be allowed on lots two (2) acres or greater in size.
4. Development Standards - Unless specifically stated in this Article, the following standards apply to all Residential Planning Areas:
- a. Conventional and Alternative Development Standards. In the following sections of this Article, a distinction is made between “Conventional” and “Alternative” Development Standards. Either of these forms of development, as defined for each Land Use Category, is permissible within a given Planning Area or portion thereof.

B. Estate Residential Planning Area (Density range of 2.0 dwelling units per acre)

- 1. Intent – To provide for residential development for single family detached dwelling units and associated uses.
- 2. Uses Permitted by Right – See Article V, Section A-2.
- 3. Uses Permitted by Special Review – See Article V, Section A-3.



4. Development Standards

- a. Density. The maximum gross density for this Planning Area shall not exceed 2.0 dwelling units per acre.
- b. Building Setbacks. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<u>Dwelling Unit</u>	<u>Accessory Building</u>
Building Front	25 feet	45 feet
Building Sides	10 feet	15 feet
Building Rear	30 feet	15 feet

- c. Lot Area. The average lot area (net) within each parcel shall be a minimum of ten thousand (10,000) square feet. The minimum lot width shall be 80 feet.
- d. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')
- e. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard setbacks for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- f. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- g. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- h. Additional Provisions
 - i) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire



sprinkler provisions or as otherwise required by the fire department.

- iii) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.

C. Low Density Single Family Detached Planning Area - Detached Single Family Dwelling Units (Maximum density of 3.0 dwelling units per acre)

- 1. Intent – To provide for residential development for single family detached dwelling units and associated uses.
- 2. Uses Permitted by Right – See Article V, Section A-2. Low Density Single Family Detached Planning Area 2-6 will allow up to ten (10) horses to be kept and existing irrigation wells operated until such time as the first homesite is developed, excluding the existing residence.
- 3. Uses Permitted by Special Review – See Article V, Section A-3.
- 4. Conventional Development Standards

- a. Density. The maximum gross density for any particular Low Density Single Family Detached Planning Area shall not exceed 3.0 dwelling units per acre.

- b. Building Setbacks:

The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<u>Setback Requirement</u>	<u>Accessory Building</u>
Building Front	20 feet	35 feet
Building Sides	5' feet	10 feet
Building Rear	25 feet	10 feet

- c. Lot Area. The average lot area (net) within each parcel shall be a minimum of seven thousand five hundred (7,500) square feet. The minimum lot width shall be 60 feet.



- d. Building Height. No buildings or structures within the Low Density Single Family Detached Planning Areas shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')
- e. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard setbacks for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- f. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- g. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- h. Additional Provisions
 - i) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions.
 - iii) Private streets, shared drives and alleys are allowed.

D. Low/Medium Density Single Family Detached Planning Area – Detached Single Family Dwelling Units (Maximum density of 4.0 dwelling units per acre).

- 1. Intent – To provide for residential development for single family dwelling units and associated uses.
- 2. Uses Permitted by Right – See Article V, Section A-2.
- 3. Uses Permitted by Special Review – See Article V, Section A-3.



4. Conventional Development Standards

a. Density. The maximum gross density for any particular Low/Medium Density Single Family Detached Planning Area shall not exceed 4.0 dwelling units per acre.

b. Building Setbacks:

The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<u>Setback Requirements</u>	<u>Accessory Building</u>
Building Front	20 feet	30 feet
Building Sides	5 feet	10 feet
Building Rear	20 feet	10 feet

c. Lot Area. The average lot area (net) within each parcel shall be a minimum of six thousand (6,000) square feet. The minimum lot width shall be 50 feet.

d. Building Height. No buildings or structures within the Low/Medium Density Single Family Detached Planning Areas shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')

e. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard easements for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.

f. Uncovered patios, decks and other ancillary structures shall be located no closer than:

- 10' from rear property line
- 15' from rear property line at golf course

g. Covered patios, decks and other ancillary structures shall be located within the setback lines.



h. Additional Provisions

- i) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
- ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions or as otherwise required by the fire department.
- iii) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.

5. Alternative Development Standards

- a. Alternative Standards. Alternative standards shall apply where zero (0) lot line, clustered single family detached or attached dwelling units are built. No minimum lot size shall be required but the maximum density shall be 6.0 dwelling units per acre over the designated Planning Area. For example, for a Planning Area containing one hundred (100) acres, if a maximum number of units of six hundred (600) dwelling units were clustered in an area of seventy (70) acres, then the remaining thirty (30) acres would be reserved as private open space.
- b. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard setbacks for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- c. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- d. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- e. Additional Provisions
 - i) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions.
 - iii) Private streets, shared drives and alleys are allowed.



E. Medium Density Single Family Planning Area – Detached or Attached Single Family Dwelling Units (Maximum density of 5.0 dwelling units per acre).

- 1. Intent – To provide for residential development for single family dwelling units and associated uses.
- 2. Uses Permitted by Right – See Article V, Section A-2.
- 3. Uses Permitted by Special Review – See Article V, Section A-3.
- 4. Conventional Development Standards

a. Density. The maximum gross density for any particular Medium Density Single Family Detached or Attached Planning Area shall not exceed 5.0 dwelling units per acre.

b. Building Setbacks:

The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<u>Setback Requirements</u>	<u>Accessory Building</u>
Building Front	20 feet	30 feet
Building Sides	5 feet	10 feet
Building Rear	20 feet	10 feet

c. Lot Area. The average lot area (net) within each parcel shall be a minimum of five thousand (5,000) square feet. The minimum lot width shall be 45 feet.

d. Building Height. No buildings or structures within the Medium Density Single Family Detached Planning Areas shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')

e. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard easements for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.



- f. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- g. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- h. Additional Provisions
 - iv) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - v) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions or as otherwise required by the fire department.
 - vi) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.

5. Alternative Development Standards

- a. Alternative Standards. Alternative standards shall apply where zero (0) lot line, clustered single family detached or attached dwelling units are built. No minimum lot size shall be required but the maximum density shall be 5.0 dwelling units per acre over the designated Planning Area. For example, for a Planning Area containing one hundred (100) acres, if a maximum number of units of six hundred (500) dwelling units were clustered in an area of seventy (70) acres, then the remaining thirty (30) acres would be reserved as private open space.
- b. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard easements for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- c. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- d. Covered patios, decks and other ancillary structures shall be located within the setback lines.



e. Additional Provisions

- i) Minimum frontage shall be 35'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
- ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions or as otherwise required by fire department.
- iii) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.

F. Medium/High Density Planning Area – Detached or Attached Single Family Dwelling Units (Maximum density of 8.0 dwelling units per acre)

- 1. Intent – To provide for residential development for single family attached or detached dwellings including town homes, patio homes, cluster single family and associated uses.
- 2. Uses Permitted by Right – See Article V, Section A-2.
- 3. Uses Permitted by Special Review – See Article V, Section A-3.
- 4. Conventional Development Standards

a. Density. The maximum gross density for any particular Medium/High Density Residential Planning Area shall not exceed 8.0 dwelling units per acre.

b. Building Setbacks:

The minimum principal building or accessory building setback from any public street right-of-way, private street easement or from any other adjacent building shall be:

	<u>Setback</u> <u>Requirements</u>	<u>Accessory</u> <u>Building</u>
Building Front	20 feet	30 feet
Building Sides	5 feet	10 feet
Building Rear	25 feet	10 feet

c. Lot Area. The average lot area (net) within each parcel shall be a minimum of four thousand five hundred (4,500) square feet.

d. Building Height. No buildings or structures within the Medium/High Density Residential Planning Areas shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')



- e. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard setbacks for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- f. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- g. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- h. Additional Provisions
 - i) Minimum frontage shall be 30'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions or as otherwise required by the fire department.
 - iii) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.

5. Alternative Development Standards

- a. Alternative Standards. Alternative standards shall apply where zero (0) lot line, unique clustered single family detached or attached dwelling units are built. No minimum lot size shall be required but the maximum density shall be 8.0 dwelling units per acre over the designated Planning Area. For example, for a Planning Area containing one hundred (100) acres, if a maximum number of units of eight hundred (800) dwelling units were clustered in an area of seventy (70) acres, then the remaining thirty (30) acres would be reserved as private open space.
- b. Building Setbacks:

The minimum principal building or accessory building setback from any public street right-of-way, private street easement or from any other adjacent building shall be:



	<u>Setback Requirements</u>	<u>Accessory Building</u>
Building Front	15 feet *	30 feet
Building Sides	5 feet or 0 feet **	10 feet
Building Rear	10 feet	10 feet

- * where a driveway exists, a minimum of twenty (20) feet shall be required.
- ** or a minimum of ten (10) feet between structures.

- c. Building Height. No buildings or structures within the Medium/High Density Planning Areas shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')
- d. Encroachments. Encroachments of not more than two (2) feet shall be allowed in all side and rear yard easements for items such as roof overhangs, bay windows, decks and fireplaces when a minimum 7' sideyard setback is established. Other than decks and fireplaces, no other encroachment will be allowed that requires a foundation for support.
- e. Uncovered patios, decks and other ancillary structures shall be located no closer than:
 - 10' from rear property line
 - 15' from rear property line at golf course
- f. Covered patios, decks and other ancillary structures shall be located within the setback lines.
- g. Additional Provisions
 - i) Minimum frontage shall be 30'. Minimum lot width at the front of the home shall meet the typical lot width standard per the plat.
 - ii) Flag lots are allowed. No elevation of the home can be more than 150' from the street R.O.W. without additional fire lane or fire sprinkler provisions or as otherwise required by the fire department.
 - iii) Private streets, shared drives and alleys are allowed. Subject to review and approval by town staff.



G. Multi-Family Planning Area (Maximum density 20.0 dwelling units per acre)

1. Intent – To provide for residential development allowing for a variety of dwelling units including, but not limited to, condominiums and apartments.
2. Uses Permitted by Right – See Article V, Section A-2.
3. Uses Permitted by Special Review – All uses stated in Article V, Section A-3 are permitted.
 - a. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the Town of Erie according to the procedures for “Special Review Uses” contained within the Town of Erie Zoning Ordinance as hereafter amended.

4. Conventional Development Standards

a. Density. The maximum gross density for any particular Planning Area shall not exceed 20.0 dwelling units per acre, exclusive of publicly dedicated streets.

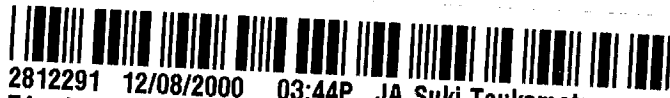
b. Building Setbacks:

The minimum principal or accessory building setback from any public street right-of-way, private street easement line or from any other property line (other than common property line with adjoining single family dwelling unit) shall be:

Building Front	20 feet
Building Sides	20 feet
Building Rear	30 feet

c. Building Height. No buildings or structures within the Multi-Family Planning Areas shall exceed forty-five 45’ feet in height. (maximum height of spires on places of worship = 60’)

d. Building Separation. Where Multi-Family Dwelling Units are directly adjacent to (not separated by a street) Single Family Dwelling Units, commercial, industrial or business park uses, the minimum building separation between uses shall be fifty (50) feet. However, landscape and parking areas may be located within this fifty (50) feet but parking may not be located closer than thirty (30) feet to Single Family Detached residential.



- e. Common Open Space. A minimum of twenty percent (20%) of each Multi-Family Planning Area shall be provided as common open space to be owned and maintained by a Homeowner’s Association. This twenty percent (20%) shall be landscaped in accordance with the Town of Erie approved Site Development Plan. Common open space includes all landscape areas as well as sidewalks and other paved pedestrian areas, i.e. pools and pool decks.

- f. Buffer Requirements
 - i) Unless previously provided, where Multi-Family Dwelling Units are located directly adjacent to (not separated by a street) Single Family Dwelling Units, commercial industrial or business park uses, a minimum twenty (20) foot wide landscaped buffer shall be provided. Such landscape design shall be in accordance with the Town of Erie approved Site Development Plan.

 - ii) Where Multi-Family uses are located adjacent to SH 7 or any major arterial, a twenty (20) foot wide landscaped buffer shall be provided within the forty (40) foot building setback. The purpose of such buffer shall be to provide a visual relief to building lines that may be seen from the highway so as to break up a continuous view into these areas. However, “windows” into such areas may occur at intermittent points as appropriate along the frontage. Such buffer shall be designed in an undulating fashion to provide a varied setback for parking areas rather than a straight, unbroken line. The buffer may contain a combination of natural and/or improved landscaping and berming and entryway features including entryway signs.

H. Allowable Project Densities

The following represents the residential planning area designations, allowable density ranges. The Land Use Summary on the GD Plan shall govern the specific planning areas in Vista Ridge.

<u>Planning Area Designations</u>	<u>Maximum Density (Dwelling Units “du”)</u>
Estate Residential	2.0 du/acre
Low Density Detached	3.0 du/acre
Low/Medium Density Detached	4.0 du/acre
Medium Density	5.0 du/acre
Medium/High Density	8.0 du/acre
Multi-Family Dwellings	20.0du/acre



I. Density Transfers

Density transfers within and between designated Planning Areas are allowed. In order to assist the Town of Erie in maintaining a current count of dwelling units allocated, an updated project "Tracking Chart" (See Exhibit) shall be provided to the Director of Community Development with all Final Plat submittals.

J. Commercial Planning Area

1. Intent – to provide for a range of retail goods and services, business and professional services which support residential uses, complimentary public community services and facilities. The Commercial Planning Areas shall be subject to the Town of Erie Commercial Design Guidelines when approved by the Board of Trustees.

2. Uses Permitted by Right

- a. Commercial retail, including, but not limited to, convenience food marts with gas pumps, dry cleaners and laundromats, beauty salons, drug stores, liquor stores (with drive-up facilities), hardware stores, restaurants and fast-food restaurants with drive-up windows.
- b. Commercial service including, but not limited to, printing and publishing offices, office supply stores, banks with drive-up windows and satellite banking facilities, postal satellite facilities and emergency care clinics.
- c. Commercial recreational.
- d. Professional offices, including a sales information center.
- e. Attached or detached parking structures or garages.
- f. Commonly associated accessory uses incidental to principal use or building and located on the same site as the principal use or building including, but not limited to, storage building, heating and ventilating, air conditioning structure and similar uses.
- g. Private and/or common open space.
- h. Private clubs, private parks and recreational uses including, but not limited to, country clubs, golf courses, tennis courts, swimming pools and jogging, biking and hiking trails.
- i. Bus stops and/or Park-n-Ride facilities.



- j. Parks, playgrounds and other recreational facilities.
- k. Buildings, garages and utility stations related to emergency services such as ambulance, fire, police and rescue.
- l. Nursery schools and day/child care centers.
- m. Churches, church schools and synagogues.
- n. Neighborhood public service, health and education facilities such as community centers, libraries and museums.
- o. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Director of Community Development. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the Town of Erie according to the procedures for “Special Review Uses” contained within the Town of Erie Zoning Ordinance as hereafter amended.
- p. Congregate residences

3. Development Standards

- a. Building Setback, Street. The minimum principal and accessory building setback from any public street right-of-way line shall be thirty (30) feet.
- b. Building Height. No buildings or structures within the Commercial Planning Area shall exceed fifty (50') feet in height. (maximum height of spires on places of worship = 60')
- c. Common Open Space. A minimum of fifteen percent (15%) of the Commercial Planning Area shall be provided as landscaped open space with plant material to be maintained by a Property Owner's Association, or the property owner.
- d. Special Application – Site Design Criteria. Gas Pumps and Gasoline Stations.
 - i) Minimum setback of twenty (20) feet for gasoline pumps from the adjacent right-of-way or federal, state or local requirements, whichever is greater.
 - ii) Minimum landscape strip adjacent to street – ten (10) feet.
- e. Buffer requirements. Unless previously provided, where convenience commercial uses are located directly adjacent to (not separated by a street)



any type of Single Family or Multi-Family Dwelling Units, a minimum thirty (30) foot wide landscaped buffer shall be provided, plus 1' for every foot of height over 40'. Such landscape design shall be in accordance with the Town of Erie approved Site Development Plan.

K. Private Recreation Planning Area (Planning Areas)

1. Intent – To provide for a full range of community support facilities.
2. Uses Permitted by Right
 - a. Private recreational and parks uses, sales centers during development and construction, clubs, common recreational facilities including, but not limited to, tennis courts, swimming pools, and jogging, biking and hiking trails, and club support facilities such as restaurants and tennis shops.
 - b. Parks, playgrounds and other recreational uses.
 - c. Private and/or common open space.
 - d. Land application of waste water effluent, except for active recreation areas in designated parks.
 - e. Common associated accessory uses incidental to principal use or building and located on the same site as the principal use or building including, but limited to, properly screened storage sheds and similar uses.
 - f. Neighborhood public service, health and education facilities such as community centers, libraries and museums. Schools and administrative facilities for elementary and secondary education.
 - g. Nursery schools and day/child care centers.
 - h. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Director of Community Development. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the Town of Erie according to the procedures for “Special Review Uses” contained within the Town of Erie Zoning Ordinance as hereafter amended.
2. Uses Permitted by Special Review
 - a. Land application of wastewater effluent within active recreation areas in designated parks, open space areas and right-of-way landscaped areas.



3. Development Standards

a. Building Setback: Street. The minimum building setback from any public street right-of-way line, private street easement line or from any other property line shall be:

Building Front	30 feet
Building Sides	30 feet
Building Rear	30 feet

b. Building Height. No buildings or structures within the Private Recreation Planning Area shall exceed thirty-five (35) feet in height. (maximum height of spires on places of worship = 60')

c. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Town of Erie and the State of Colorado.

d. Precise configuration of individual Private Recreation Planning Areas shall be shown on final plats of adjacent residential developments. Such areas may occur within any designated Planning Area.

L. Golf Planning Area

A. Uses by Right

1. Private or public golf course
2. Driving Range
3. Clubhouse

B. Accessory Uses

1. Accessory uses shall be those uses and structures naturally and normally incidental to the uses by right listed above.

C. Development Standards

1. Development regulations and standards will be specifically established for club use and recreation facilities through the Site Improvement Plan review process.

M. Public Parks, Open Space, and Community Center Planning Area

1. Intent – To provide for public and private park and open space uses and community center uses which complement residential development.



2. Delineation of Parks and Open Space

- a. Configuration. Sites for park and open space use shall be located within Vista Ridge in the general amounts and locations delineated on the GD Plan. Precise configuration of individual park sites shall be shown on final plats of adjacent residential developments. Such parks may occur within any designated Planning Area.
- b. Qualifications. All parks and open space shall conform to the following provisions:
 - i) Be intended for passive and/or active recreation uses.
 - ii) Be left in its natural unaltered state, re-established to its natural state or landscaped creating an environment appropriate for recreation.
 - iii) Be accessible and usable to the residents of Erie when not inconsistent with public safety objectives.
 - iv) Areas which qualify as open space include, but not limited to:
 - (a) Walkways, pedestrian paths, equestrian trails, bicycle paths, open plazas and malls, concourses, terraces, natural drainage ways, open space buffers, playgrounds.
 - (b) Areas used for design purposes such as planted or landscaped areas, flower beds and planters excluding landscaped areas within parking lots and landscaped medians.
 - (c) Aquatic areas, ponds and lakes.
 - (d) Stormwater detention or retention areas provided no conflicts exist with the active recreational uses.
 - (e) Areas specifically designated as parks, tot-lots or playgrounds.
 - (f) Buffer areas.
 - (g) Golf course.

3. Uses Permitted by Right

- a. Parks, playgrounds and other recreational uses.
- b. Passive recreational uses.
- c. Active recreation uses including, but not limited to, the following facilities: baseball diamonds, softball diamonds, golf courses (including land application of wastewater effluent on the golf course), soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, community centers, and jogging, hiking or biking trails.
- d. Land application of treated wastewater effluent is permitted within parks and open space areas not designated for active recreation.
- e. Land application of wastewater effluent within golf course fairways, rough and green areas.
- f. Any other uses consistent with the purposes of this section and reasonably similar to the uses set forth herein may be allowed at the discretion of the Director of Community Development. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the Town of Erie according to the procedures for "Special Review Uses" contained within the Town of Erie Zoning Ordinance as hereafter amended.

4. Uses Permitted by Special Review

- a. Stadiums for athletic events provided no sports lighting is incorporated.
- b. Neighborhood public service, health and education facilities including, but not limited to, libraries, museums, community centers and performance centers.
- c. Public and quasi-public buildings and structures including, but not limited to, police stations, fire stations and emergency care facilities, if determined to be appropriate by the community development director.
- d. Land application of treated wastewater effluent within active recreation areas in designated parks.
- e. Country Clubs.

5. Trails

- a. Local Trails. All other trails including those devoted to jogging, riding, hiking and/or biking shall be local, accessible to the public and shall be owned, operated and controlled by the Metropolitan District or a Homeowner's Association.



6. Title and Access to Public Park and Open Space Areas

- a. Title. Public parks and open space areas will be conveyed at the time of the final platting of the adjacent properties to the Town of Erie by warranty deed including a title insurance policy.
- b. Access. The Town of Erie will be provided with easements within private parks and open space areas in order to construct and maintain drainage improvements and regional trails.

7. Development Standards

- a. Building Setback: Street. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

Building Front	30 feet
Building Sides	30 feet
Building Rear	30 feet

- b. The preceding setback requirements shall not be applicable to signs, walls and other landscaped features within the landscaped entryways. Sign requirements and corner vision requirements shall control.
- c. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height except for indoor tennis court complexes and gymnasiums. (maximum height of spires on places of worship = 60')
- d. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Town of Erie and the State of Colorado.

N. Planning Area – School

This Planning Area provides for a proposed park and elementary school.

A. Uses By Right

- 1. Community park and recreation facilities
- 2. Neighborhood park or playground
- 3. Elementary school

ARTICLE VI – ANCILLARY USE STANDARDS

A. Lighting

1. All parking lot, security and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.
2. All parking lot lights, except those required for security as provided herein, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours. For reasons of security, a maximum of thirty percent (30%) of the total lights used for parking lot illumination may remain in operation during such period.
3. All exterior building floodlights must be designed or retrofitted with shielding in a manner such that all of the light falls upon either the surface of the structure to be illuminated or on the ground.
4. All exterior building floodlights, except those required for security, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours unless further restricted by Town.
5. No outdoor lights for any type of sporting or athletic use of any kind shall be allowed including, but not limited to, stadiums, athletic fields and driving ranges.
6. No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares including:
 - a. Any fixed light not designed for roadway illumination that produces incidental or reflected light that could be disturbing to the operator of a motor vehicle.
 - b. Any light that may be confused with or construed as a traffic control device except as authorized by a State, Federal, or Town of Erie government.
 - c. Any blinking, flashing or changing intensity lights, except for temporary holiday displays, and lighting authorized by the Federal Aviation Administration for air traffic control purposes.
7. No beacon or searchlight shall be installed, illuminated or maintained.
8. All lighting will comply with current town lighting standards.

B. Signs

1. General – All signs shall comply with the Town of Erie Sign Regulations contained in the Town of Erie Sign Code. In addition to the provisions within the Town of Erie Sign Regulations, the following signs shall also be allowed within Vista Ridge, insofar as they comply with the Erie Sign Code.
2. Signs Not Subject to Permits

The following signs may be erected and maintained in all Vista Ridge Planning Areas without a permit:

- a. Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlayed so as to be part of the building or when constructed of bronze or other incombustible material.
- b. Holiday Decorations. Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national local holiday, provided that such signs shall be displayed for a period of not more than sixty (60) days in any one (1) year and may be of any type, number area, height, location, illumination or animation not deemed by the Director of Community Development to be a public nuisance.
- c. Bulletin Boards. Bulletin boards not over twenty (20) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
- d. Signs Within Buildings. Any sign placed inside a building may be erected without a permit but subject to the safety regulations of the building code, provided that any sign permanently attached to the interior of the structure and visible from the exterior therefrom shall comply with the other provisions of this section.
- e. On-site Information Signs. Signs commonly associated with, and limited to, information and directions relating to the permitted use within the Planning Area, project(s) and/or lot on which the sign is located, provided that each such sign is limited to not more than six (6) square feet per sign in area not more than eight (8) feet in height above grade, may be illuminated only from a concealed light source which does not flash, blink or fluctuate and shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement.
- f. Official governmental notices.



- g. Flag, pennant or insignia of any nation, organization of nations, state, county, city, religious, civic or educational institution except when such are used in connection with a commercial promotion or as an advertising device.
- h. Temporary or permanent signs erected by public utility companies to warn of danger or hazardous conditions including signs indicating the presence of underground cables, gas lines and similar devices.
- i. Merchandise, pictures or models or products or services which are incorporated as an integral part of a window display.
- j. Private traffic control signs which conform to the standards of the Colorado Manual of Uniform Traffic Control Devices.
- k. Street name signs. Street name signs including the development or subdivision logo in the color and design selected by the CDG and approved by the Town of Erie. However, street name signs which are not “standard” Town design may be produced, installed and maintained by the CDG or the Homeowner’s Association, with the approval of the Director.

3. Permitted Signs – All Planning Areas

- a. General. The following permanent and temporary signs function to identify major activities and to direct persons to these activities, uses and facilities. These types of signs would include, but are not necessarily limited to, subdivision and major project entryway monuments and signs, identification signs for community facilities such as parks, churches, schools, golf courses, recreation facilities, community information and sales facilities, directional signs referring to community facilities and subdivisions and projects within Vista Ridge.
- b. Permanent Entryway Signs. Entryway signs or monuments shall be permitted to permanently identify each development area by the marketing name selected by CDG including, but not limited to, “Vista Ridge” or any other individual sub-area marketing name approved by CDG. These shall be called primary entryway signs. Individual subdivisions or projects within the Planning Areas may also have permanent entryway signs or monuments. These shall be called secondary entryway signs. A maximum of two (2) signs per entry shall be permitted. Primary entryway signs may be located at the intersection of major arterial streets with SH 52 or where arterial streets exit the perimeter boundary of the individually designated Planning Area. Primary entryway signs shall have a maximum sign area of one hundred twenty (120) square feet and a maximum sign



height of eight (8) feet. Primary entryway signs shall have a minimum setback from major arterial rights-of-way of twenty (20) feet and a maximum sign height of eight (8) feet. Secondary entryway signs shall be limited to thirty-five (35) square feet. Secondary entryway signs shall have a maximum sign height of six (6) feet and comply with the Town of Erie line of site criteria at all intersections.

- c. Permanent Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project, subdivision or use. In no case shall the number of signs exceed five (5) per project, subdivision or use. Individual signs shall not exceed fifteen (15) square feet total face area. Signs which indicate the location of a number of project(s), subdivisions or uses shall also be permitted in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet.

4. Permitted Signs – Residential Planning Areas

- a. All signs permitted in the Town of Erie Sign Code. Unless in conflict with the Town of Erie Sign Code, the following shall apply:
 - i) Development Signs. Development signs used by an owner, builder or developer to announce or advertise property for sale, rent or lease during the construction, sale, lease or rental period shall be permitted. A maximum of two (2) development signs per planning area shall be permitted. Each sign shall not exceed one-hundred (100) square feet face area and the total face area shall not exceed ninety-six (96) square feet.

The maximum height for each development sign shall be eight (8) feet. No temporary development sign shall remain beyond the completion of the construction, leasing and sale period, whichever comes first, but in no case shall any sign, remain longer than two (2) years.
 - ii) Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project undergoing active construction, sale, leasing or renting activity. In no case shall the number of signs exceed three (3) per builder per planning area under construction or property being offered for sale, lease or rent. Individual project signs shall not exceed fifteen (15) square feet in face area. Signs which indicate the location of a

number of uses or projects shall also be permitted, in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet. In no case shall any of these signs impair traffic movement or visibility.

5. Permitted Signs – Convenience Commercial and Commercial Planning Areas

- a. All signs permitted in the Town of Erie Sign Code. Unless in conflict with the Town of Erie Sign Code, the following shall apply:
 - i) **Development Signs.** Temporary development signs used by an owner, builder or developer to advertise property for sale, rent or lease during the construction or sales period shall be located on site within the Convenience Commercial or Commercial Area under construction or offered for sale, lease or rent. A maximum of two (2) development signs shall be permitted per project. The total sign area of all development signs per project shall not exceed two hundred (200) square feet. Each development sign shall be setback a minimum of fifteen (15) feet from all property lines and shall not exceed fifteen (15) feet in height. No temporary development signs shall remain beyond the completion of the construction, leasing or sales period, whichever comes first.
 - ii) **Projecting Signs.** One (1) projecting sign wall is permitted per use in Convenience Commercial or Commercial Planning Areas for the purposes of advertising the business activity or wares. Such sign shall not exceed thirty (30) square feet in area and may advertise more than one (1) business. Projecting signs should clear adjacent sidewalks by at least eight (8) feet. Angular projection signs shall be spaced no closer than fifty (50) feet apart. Projecting signs for each business or use shall be in lieu of any other allowable face or wall sign.

C. Fences and Retaining Walls

1. **Fences.** The maximum fence height within all Planning Areas shall be six (6) feet above finished grade. Public schools and public or private recreation facilities shall be exempt from these fence height standards, subject to approval by the community development director.
2. **Fences or walls** shall be of wood, brick, stone, decorative stone or decorative iron. No fences or walls of chain link, wire mesh, or unpainted concrete block shall be allowed, except for special recreation or security uses as approved by the

Director. Chain link shall be allowed at tennis courts if painted or coated. Wire mesh combined with open rail fencing shall be allowed. No barbed wire or electric fences shall be permitted within any land use area except for interim agricultural uses unless adjacent to an existing agricultural use. Along all open space or park area, an open fence, not exceeding forty-two (42) inches in height, shall be the only allowed fencing.

3. Temporary Fences. Temporary construction safety and security fences shall be permitted at construction sites. These fences may be chain link or wire mesh fences or any similar type of safety fence and shall be exempt from the maximum fence heights given above.
4. Location. No fences shall be constructed within the Town of Erie public right-of-way unless a variance is granted by the Town of Erie but shall be allowed within the setback on private land.

D. Screening

1. Truck loading, receiving, service or similar areas within Convenience Commercial, Commercial and Corporate Center Planning Areas shall be properly screened by fencing, landscaping or other acceptable methods.
2. Trash containers shall be enclosed and screened to a height of six (6) feet.
3. Roof mounted, ground electrical and mechanical equipment shall be placed or screened from public view. The screening shall be treated as an extension of the building's architecture, building height requirements and/or landscape architecture, materials and color.

E. Accessory or Primary Exterior Storage

Where accessory or primary exterior storage is permitted, outdoor material storage shall be enclosed and concealed by a solid fence (one completely preventing view) six (6) feet in height. Such fence shall be of wooden or masonry construction and shall be maintained in good condition. Where the screening fence coincides with any landscaping, the fence design shall be incorporated into and be integral with the design and construction of said landscaped area. Accessory outdoor storage shall not exceed the height of the fence and shall not be visible to the general public or adjacent residents. No accessory outdoor storage shall be allowed within a required front setback or within any required landscaped area. The provisions of the Town of Erie approved Site Development Plan shall apply.

F. Private Common Open Space/ Landscaping (Property Owner's Association, Homeowner's Association or Metropolitan District).

Open space shall be provided within all Planning Areas in the amount required within this PD Guide excluding areas covered by buildings. All private open spaces shall conform to the provisions contained herein as follows:

1. Be intended for passive and/or active recreation uses.
2. Be left in its natural unaltered state, reestablished to its natural state or landscaped and maintained, creating an environment appropriate for recreation.
3. Be accessible and usable to the residents when not inconsistent with public safety objectives.
4. Areas which qualify as open space include, but are not limited to:
 - a. Walkways, pedestrian paths, bicycle paths, open plazas and malls, concourses, separate yards, terraces, natural drainage ways, open space buffers, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designated to be used by motor vehicles except for emergency and service purposes.
 - b. Areas used for design purposes such as planted or landscaped areas, flowerbeds and planters including landscaped areas within parking lots and landscaped medians.
 - c. Aquatic area, ponds and lakes.
 - d. Stormwater detention or retention areas.
 - e. Areas specifically designated as parks, tot-lots, or playgrounds.
5. Open space areas do not include:
 - a. Unused or leftover portions of property which are specifically used for storage or outdoor areas which are developed for use as a storage area.
 - b. Motor vehicle uses such as parking lots, open-air showrooms, roads or service areas at, above or below ground level. However, landscaping over underground parking and landscaped areas within parking lots will be included.
6. Title to common open space/landscaping area will be conveyed to the Metropolitan District or the Homeowner's Association governing or serving homeowners within the subdivision.

ARTICLE VII – VEHICULAR CIRCULATION SYSTEM

VEHICULAR CIRCULATION SYSTEM

The circulation system for Vista Ridge will consist of roads and streets of various sizes, as well as recreation trails intended for pedestrians, equestrians, and bicyclists. All improvements shall be constructed in conformance with Town of Erie construction specifications. The overall intent is to establish a more appropriate and refined transition in the hierarchy of streets within Vista Ridge and accommodate many traditional and alternative forms of movement within and through the community.

Street Design Standards

The vehicular circulation system will be hierarchical with six general levels: (1) four-lane community arterial; (2) two-lane residential collectors; (3) two-lane neighborhood connectors; (4) two-lane local residential street; (5) two-lane low volume local residential street; and (6) private residential streets. All roads and streets shall be built to a minimum paved travel width. Specific horizontal and vertical alignment criteria for each classification of street is per Table 1.

A. Community Arterial Street

These roadways are designed as four-lane parkways with accommodations for additional turn and acceleration/deceleration lanes as may be required. The parkways are an efficient means of moving traffic from Baseline Road providing access to the golf course facilities, residential and other non-residential development areas.

The parkways consist of two lanes of 12 feet plus curb and gutter for a total of 27 feet fl to fl in each direction. A landscaped center median separates the two directions of travel. The right-of-way is a minimum of 120' with a 35 mph posted speed limit (see figure 1).



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Figure 1 A Community Arterial Street
 5000+ ADT Not to Scale

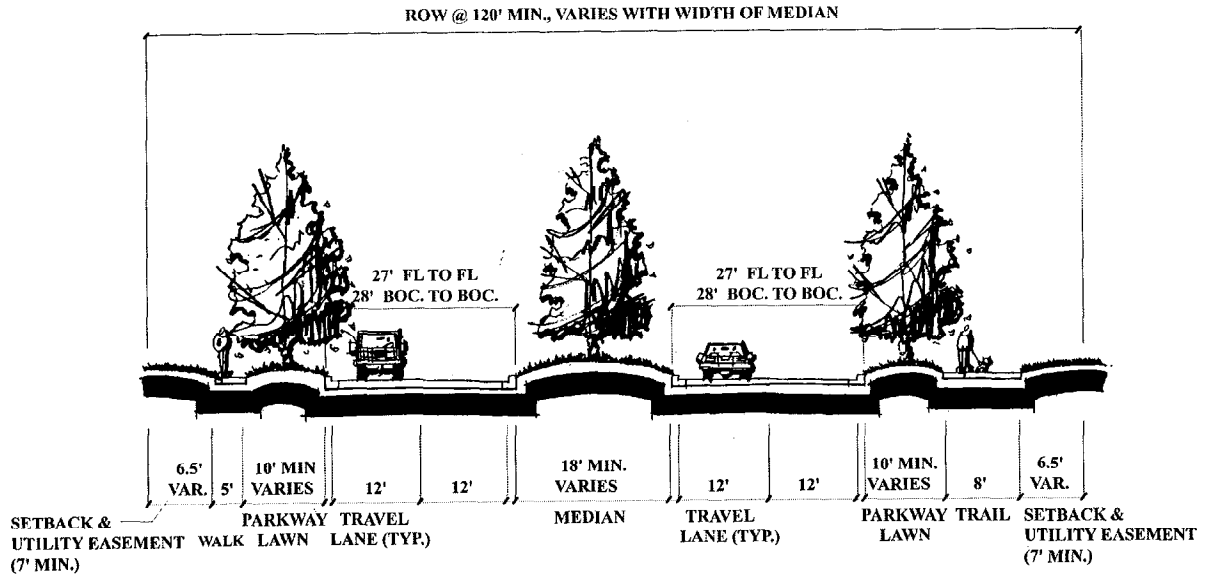
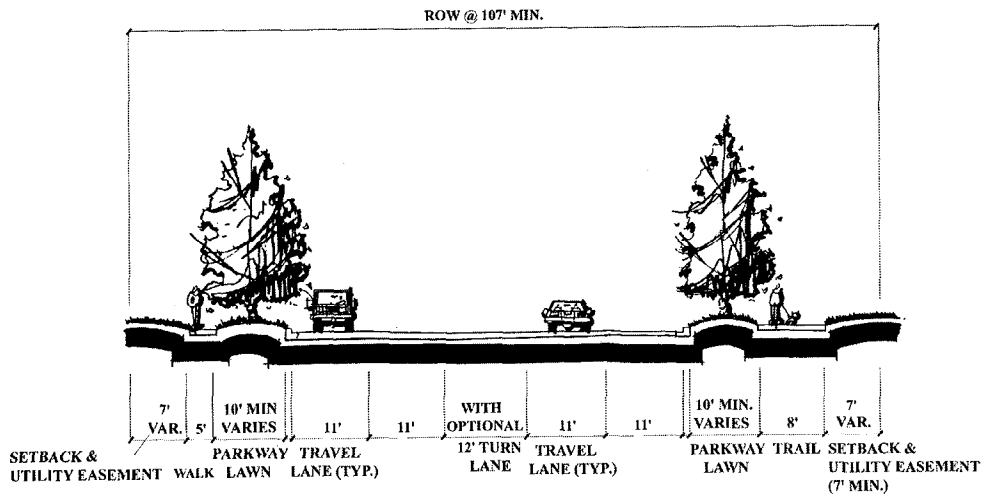
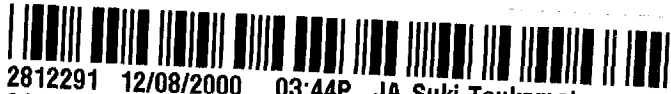


Figure 1B Community Arterial Street without Median
 5000+ ADT Not to Scale





B. Two-Lane Residential Collector Street

The primary purpose of this type of road is to collect traffic from individual neighborhoods and carry it to the arterials. The two-lane collectors are characterized by 20' drive lanes that include a 12' travel lane and a "breakdown" lane and/or on street bike lane within an 80' R.O.W. Other features include 10' parkway lawns, 5' detached sidewalks within the R.O.W. Residential Collectors will have a 30 m.p.h. posted speed limit. (See figure2 and 2A)

Where left turn lanes are required, the typical section also accommodates two 12' travel lanes and a 12' left turn lane. Where median landscape islands are provided, drive lanes are twenty feet wide each direction to accommodate emergency vehicle access lane requirements as well as a "breakdown" and/or bicycle lane.

Figure 2 Residential Collector with Median
 2000-5000 ADT Not to Scale

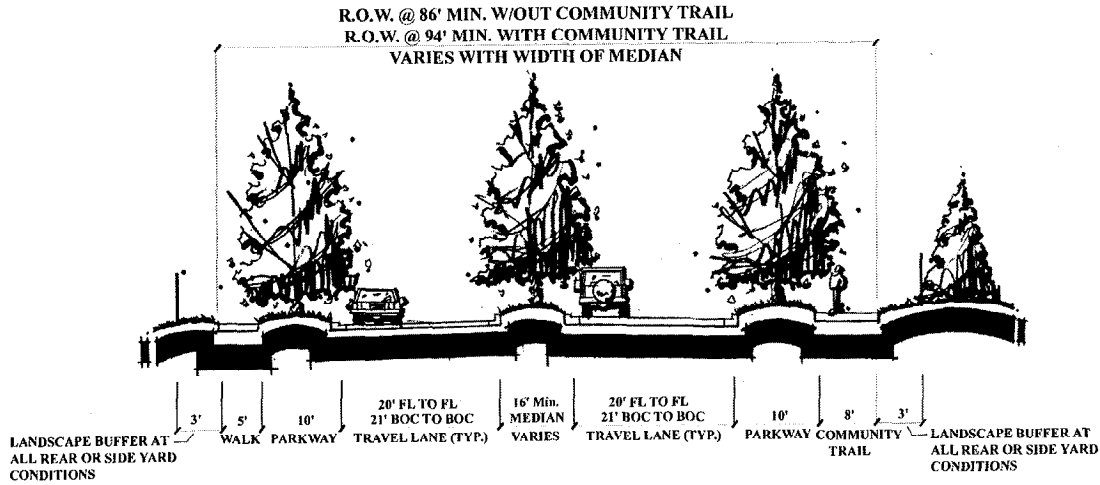
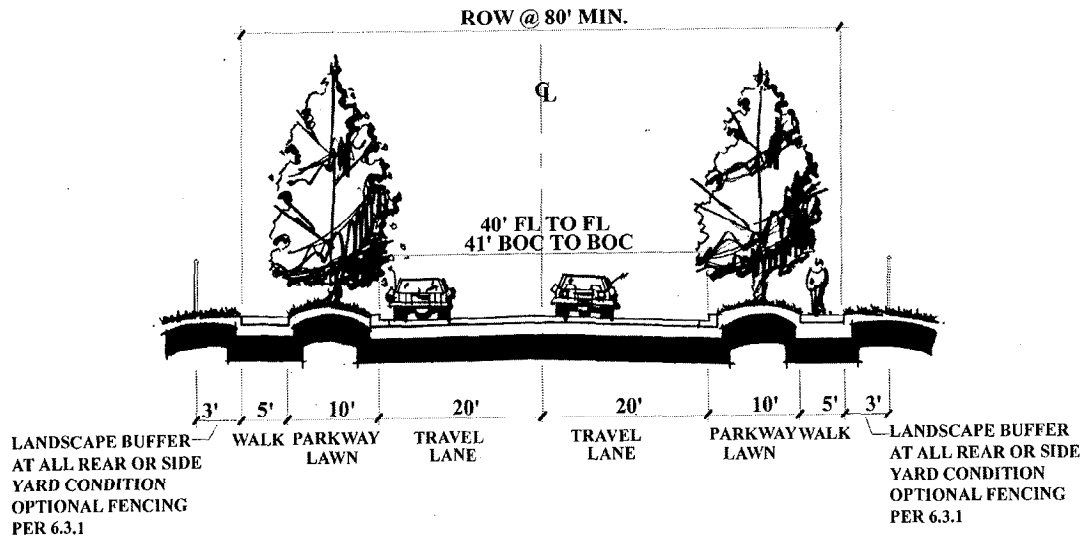


Figure 2A Residential Collector without Median
 2000-5000 ADT Not to Scale



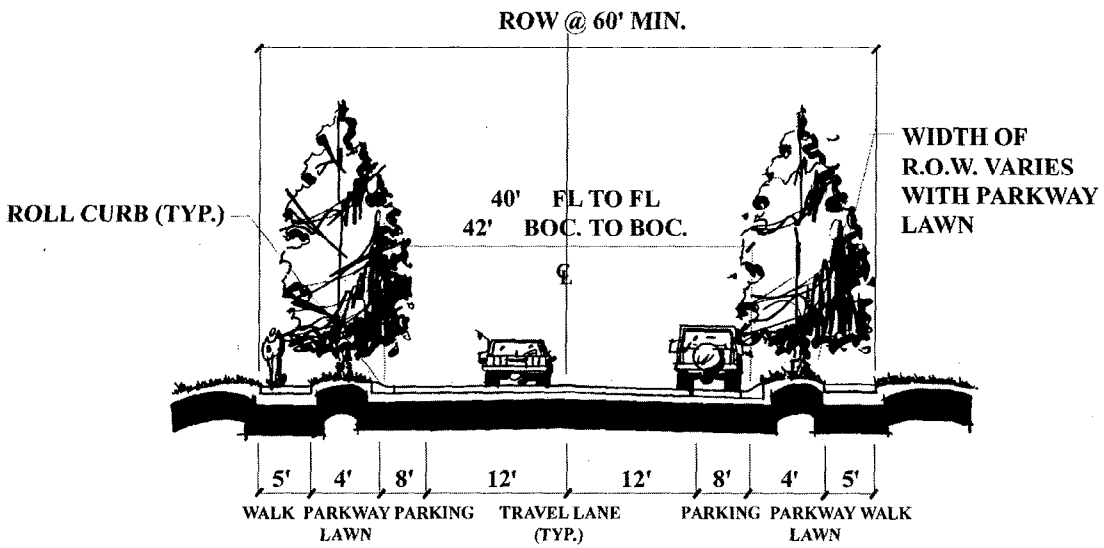


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C. Two-Lane Neighborhood Connector Street

The two-lane neighborhood connector is designed to provide a transition from residential collector streets to local residential streets. This circulation feature is characterized by two, 12' drive lanes and two 8' parking lanes located within a 60' R.O.W. Other street section characteristics include 4' parkway lawns, and 5' wide detached sidewalks. Neighborhood connector streets will have a 25 mph speed limit. (See figure3).

Figure 3 Neighborhood Connector W/ Parking
1000-2000 ADT Not to Scale

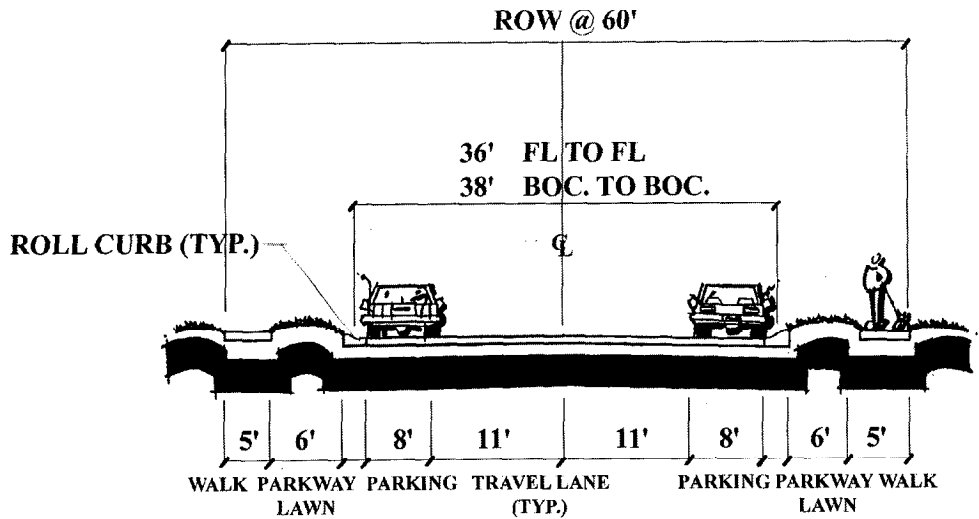




D. Two-Lane Local Residential Street

Local streets will comprise many of the streets in Vista Ridge. Two-Lane Local Streets are intended to strictly circulate traffic within neighborhoods and will be publicly owned and maintained. The streets are characterized by two, 11' drive lanes flanked by 8' parking lanes, 6' parkway lawns and 5' detached sidewalks located within a 60' R.O.W. Local streets will have a 15 m.p.h. speed limit (See figure 4).

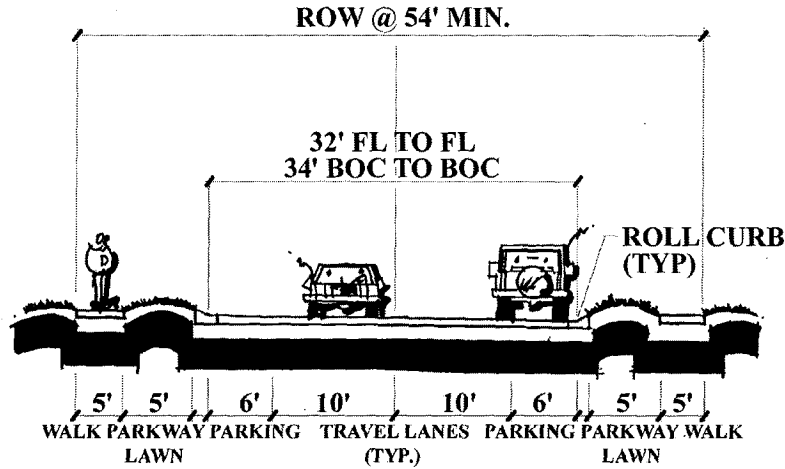
Figure 4 Local Street
800-1000 ADT Not to Scale



E. Two-Lane Low Volume Local Residential Street

Low volume local residential streets will comprise the majority of streets in Vista Ridge. These streets are intended to circulate traffic to sub-neighborhoods and individual homes and will be publicly owned and maintained. The streets are characterized by two, 10' drive lanes, flanked by 6' parking lanes, 5' parking lawns and 5' detached sidewalks located within a 54' R.O.W. Low volume local streets are designed for a 10 m.p.h. speed limit (See figure 5).

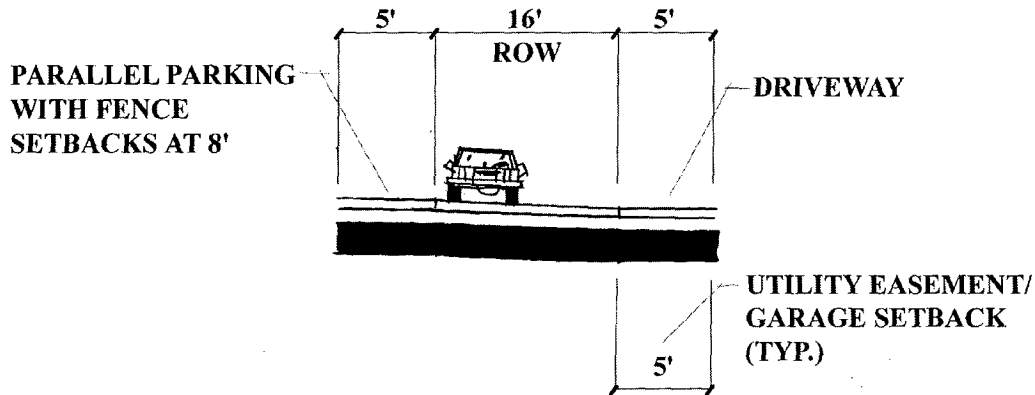
Figure 5 Low Volume Local Street
 Less Than 800 ADT Not to Scale



F. Alleys

Alleys are characterized by a minimum 16' wide paved section within a 16' right-of-way. They are to provide access to rear-loaded garages. An additional 5' setback shall be provided from the edge of pavement to the garage doors and fences. Any home that has an alley at the rear of the lot it is located on, should have its garage accessed from the alley (See figure 6).

Figure 6 Alley
 Not to Scale





G. Private Residential Streets

Private residential streets may be built to a variety of standards depending on the specific need. Design standards for private streets may include the following: (1) special curb treatments; (2) reduced pavement widths and (3) special paving treatments, including stamped concrete or unit pavers. Private streets shall be designed for speeds not to exceed 15 mph. A typical cross section for a private street with reduced pavement should include two ten foot drive lanes for a total width of 20', with one additional 6' parking lane for a total pavement of 27 feet, or two parking lanes, with a street width to 32 feet (See figure 7 and 7A).

Private streets may or may not have sidewalks on one or both sides of the street, subject to Site Improvement Plan review and approval. Attached walks may be allowed under specific circumstances.

All private street standards shall be approved by town staff at time of platting.

Figure 7 Private Streets
Not to Scale

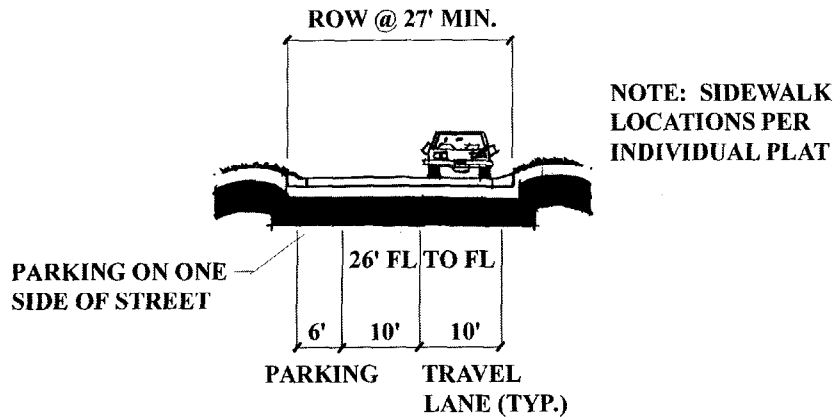
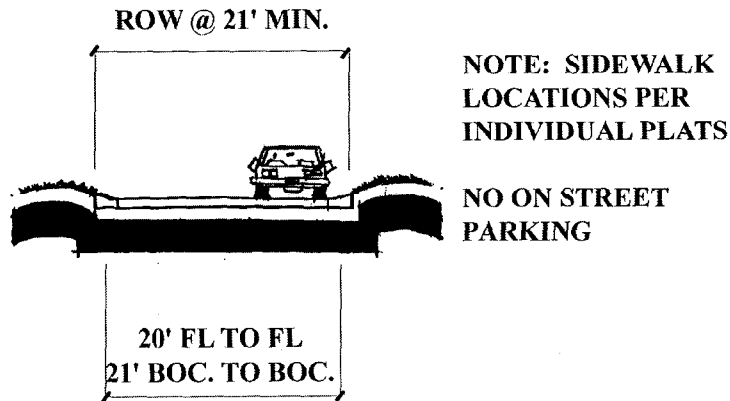


Figure 7A Private Streets
Not to Scale





H. Additional Design Standards

A. Cul-De-Sac Design Standards (Subject to site specific design approved by Mountain View Fire Protection District)

- | | |
|--|--------------------|
| 1. Maximum cul-de-sac length of 750'. | <i>Same</i> |
| 2. Maximum 24 units on a cul-de-sac. | <i>N/A</i> |
| 3. Turnarounds for Cul-de-sac 151' to 500' long will be 70' in diameter flowline-to-flowline; Turnarounds for Cul-de-sac 501' to 750' long will be 96' in diameter flowline-to-flowline. | <i>Same</i> |
| 4. Landscape islands will be allowed within Cul-de-sac turnarounds. | <i>N/A</i> |
| 5. Alternate cul-de-sac turnaround designs will be permitted for cul-de-sacs serving less than 12 units and lengths less than 500'. | <i>Not allowed</i> |
| 6. No turnaround is required for cul-de-sac less than 150' long, serving less than 9 units and where end of cul-de-sac is visible from the intersecting street. | <i>N/A</i> |

B. Residential Driveway Access

1. Community Arterial Streets
 - No residential driveway access allowed.
2. Residential collector street
 - No individual drive access allowed
 - Shared drive access allowed for 2-4 units with off-street turnarounds provided
3. Neighborhood connector street
 - Individual access allowed with off-street turnarounds provided
 - No access within 50' of an intersection, measured from curbline
4. Local residential/low volume residential street
 - Individual driveway access allowed
 - No drive within 20' of an intersection measured from curbline



Table 1

	DESIGN SPEED	MINIMUM CENTERLINE RADIUS	MINIMUM TANGENT BETWEEN CURVES	MINIMUM INTERSECTION SPACING	MINIMUM CURB RETURN RADIUS	MINIMUM CORNER SIGHT DISTANCE	MINIMUM STOPPING SIGHT DISTANCE	MAXIMUM GRADE	MAXIMUM GRADE AT INTERSECTION
COMMUNITY ARTERIAL	40	650'	200	400'	30'	380' Left 440' Right	350'	5%	3% First 100'
RESIDENTIAL COLLECTOR	35	475'	150	300'	30'	250' Left 260' Right	275-325'	6%	3%-100'
NEIGHBORHOOD CONNECTOR	30	300	100	200'	25'	350' Left 260' Right	200'	6% **	3%-50'
LOCAL RESIDENTIAL	25	175'	50	125'	15'	150' Left 130' Right	150'	8%**	4%-50'
LOW VOLUME LOCAL RESIDENTIAL	25	175'	50'	125'	15'	240' Left 200' Right	150'	8%**	4%-50'
ALLEY	10	30	N/A	75'	5'	100'	50'	8%**	6%-50'
SHARED PRIVATE DRIVES	N/A	N/A	N/A	N/A	N/A	100'	50'	12%	8%-20'


* 50' @ 90 Degree Turns, Low Volume Conditions

** 2% Greater for limited Runs – South Aspect Within 30 Degrees of North/South Axis

NOTE: The intended design standards are subject to staff review at the time of platting.

EXHIBIT C

5.94 shares of Farmers Reservoir and Irrigation Company Marshall Lake water.


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EXHIBIT D

To the extent that the Owner extends or constructs sewer lines or facilities to the Property which will also serve other properties, the Town agrees to enter into a reimbursement agreement with all such properties that shall be binding upon them and allow Owner to be reimbursed by such other properties for their equitable pro rata share of the costs paid by Owner for such sewer lines or facilities. Said sewer lines or facilities are known as Basin D Interceptor and Coal Creek Interceptor (Upper) as described in the Town of Erie, Wastewater System Master Plan Update, dated September 2000. The pro rata share for each property shall be based upon the portion of the sewer line and facilities which is required to provide service for each of the respective properties as a percentage of the total to be served by such portion of the sewer line and facilities, and the appropriate percentages for each property for each segment of the sewer line and facilities is set forth in Table 1. Any reimbursement by a property owner required pursuant to this paragraph shall be fully made to Owner prior to the time the first connection of the respective property is made to the sewer line or facilities.

TABLE 1

Reach	Vista Ridge	Barb	Other Properties
14.2 to 14.1 (2,174 SFE)	92% (1,999 SFE)	N/A	8% (175 SFE)
14.1 to 14 (2,939 SFE)	94% (2,764 SFE)	N/A	6% (175 SFE)
14 to 14B (3,187 SFE)	87% (2,764 SFE)	3% (80 SFE)	10% (343 SFE)
14b to 18 (5,336 SFE)	52% (2,764 SFE)	5% (240 SFE)	43% (2,332 SFE)
18 to 13 (5,851 SFE)	47% (2,764 SFE)	4% (240 SFE)	51% (2,847 SFE)
13 to 11 (6,297 SFE)	44% (2,764 SFE)	6% (240 SFE)	50% (3,173 SFE)

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VISTA RIDGE
ADDENDUM TO ANNEXATION AGREEMENT

THIS ADDENDUM is made and entered into this 18th day of June, 2001, by and between Vista Ridge Development Corporation, hereinafter referred to as the "Owner" and the Town of Erie, a municipal corporation of the State of Colorado, hereinafter referred to as "Erie" or "Town," both parties hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, paragraph 5.E. of the Annexation Agreement for Vista Ridge, dated February 22, 2000 ("Annexation Agreement") provides, in relevant part, that "until such time as re-use water is provided to the Property, that the Town shall make available raw water to the Owner for watering of the golf course, and all other parks and open space within the Property, and the cost of such water shall be equal to the Town's lowest actual leased cost of raw water."

WHEREAS, that provision could preclude the Town from leasing water at less than its maximum lease cost, which is not in either party's interest; and

WHEREAS, the Parties desire to amend said paragraph 5.E. of the Annexation Agreement until the next irrigation season.

NOW, THEREFORE, in consideration of the above premises and the covenants as hereinafter set forth, it is agreed by and between the parties as follows:

1. WATER SERVICE - GOLF COURSE WATER

For the period commencing upon the execution hereof until May 1, 2002, the Town shall make available raw water to the Owner for watering of the golf course, and all other parks and open space within the Property, and the cost of such water shall be equal to the Town's actual leased costs of said raw water. After that date, paragraph 5.E. of the Annexation Agreement shall be in full force and effect unless amended in writing.

2. COMPLETE AGREEMENT

This instrument embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as provided herein, there shall be no further modifications of the Annexation Agreement and/or Addendum except in writing, executed with the same formalities as the Annexation Agreement and Addendum.

By this acknowledgment, the undersigned hereby certify that the above Addendum is complete and true and entered into of their own free will and volition.

VISTA RIDGE DEVELOPMENT CORPORATION

By: [Signature]
Andy Chaikovsky, President

TOWN OF ERIE

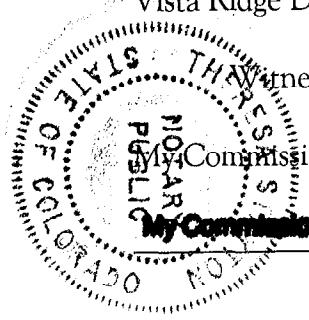
By: [Signature]
Tom Van Lone, Mayor

ATTEST:
[Signature]
Town Clerk

STATE OF COLORADO)
County of Weld) ss.

The foregoing instrument was acknowledged before me by Andy Chaikovsky, as President of Vista Ridge Development Corporation, this 18th day of June, 2001.

Witness my hand and official seal.



[Signature]
Notary Public



999

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, made this 15th day of June, 2000, between H. KENNETH JOHNSTON, II AND LINDA J. JOHNSTON (collectively "Grantor"), and VISTA RIDGE DEVELOPMENT CORPORATION, a Colorado corporation, ("Grantee"):

WITNESSETH, That Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado, described on the attached Exhibit A, which is incorporated herein by this reference.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. And Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its successors and assigns, that at the time of the sealing and delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except as set forth on Exhibit B attached hereto and incorporated herein by this reference.

Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

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EXHIBIT A - Legal Description

A parcel of land situate in the Northwest Quarter of Section 32, Township 1 North, Range 68 West of the 6th P.M., more particularly described as follows:

Commencing at the Northwest corner of said Section 32 from whence the South quarter corner of Section 32 lies North 00°15'25" East, 2641.43 feet; thence along North line of said Northwest quarter South 89°25'45" East, 30.00 feet to the point of beginning; thence continuing along North line South 89°25'45" East, 2592.77 feet to the North quarter corner of Section 32; thence along East line of Northwest quarter South 00°01'05" West, 2636.37 feet to the Southeast corner of said Northwest quarter; thence along South line of said Northwest Quarter North 89°32'28" West, 2603.74 feet; thence parallel with the West line of the said Northwest Quarter, North 00°15'25" East, 2641.37 feet to the point of beginning, except any portion granted for highway purposes in Order recorded October 14, 1889 in Book 86 at Page 273; and further excepting that portion conveyed by deed recorded May 19, 2000 at Reception No. 2769491, and

All mineral rights including oil, gas, sand, gravel and other minerals located on, in and under the surface of the Property, including any royalty interest on existing oil and gas production now owned by the Grantor and all surface rights subject to any existing oil and gas leases; and

All water, water rights, ditches, ditch rights, laterals, lateral rights, sumps, return water systems, decrees, lakes and reservoir rights, belonging or in any way appertaining to the Property.

County of Weld,
State of Colorado.

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EHIBIT B - PERMITTED EXCEPTIONS

Rights of way for County Roads 30 feet on either side of Section and Township lines, as established by the Board of County Commissioners for Weld County, Colorado, recorded October 14, 1889 in Book 86 at Page 273.

The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted as reserved in United States patent recorded in Book 34 at Page 12; and any and all assignments thereof or interest therein.

An undivided full interest in all oil, gas and other minerals as reserved by Ticonic Investment Company recorded June 23, 1954 in Book 1393 at Page 619, and any and all assignments thereof or interests therein.

An Oil and Gas Lease, from Will Hippmen, Jr. as Lessor(s) to Martin Exploration Management Corporation as Lessee(s) dated May 1, 1983, recorded February 18, 1983 in Book 989 at Reception No. 1917961, and any and all assignments thereof or interests therein.

Notice concerning underground facilities of United Power, Inc., formerly Union Rural Electric Association, Inc., recorded January 24, 1991 in Book 1288 at Reception No. 2239296.

Easement for ingress and egress recorded in Book 683 at Reception No. 1605300.

W. Keith J. [Signature]
Linda J. [Signature]