Print Form

TOWN OF ERIE
Community Development Department – Planning Division
645 Holbrook Street – PO Box 750 – Erie, CO 80516
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: www.erieco.gov

LAND USE APPLICATION

Please fill in this form completely. Incomplete applications will not be processed.

STAFF USE ONLY

FILE NAME:

FILE NO: DATE SUBMITTED: FEES PAID:

PROJECT/BUSINESS NAME: CDC Development dba Porchfront Homes @ Erie Village LLC

PROJECT ADDRESS: 4675 -4711 County Line Road

PROJECT DESCRIPTION: PD amendment to allow a mixed-use development on approximately 15.01 acres at County Line & Bixler Blvd. consisting of 33 Single family detached, 26 townhomes and 20 condominium dwelling units; approximatel 40,000 sf of office/retail space; open space and an interconnected trail system.

LEGAL DESCRIPTION *(attach legal description if Metes & Bounds)*

Subdivision Name: Erie Village 5

Filing #: 5 Lot #: Block #: Section: 12 Township: 1N Range: 69

OWNER *(attach separate sheets if multiple)*

Name/Company: Porchfront Homes @ Erie Village LLC
Contact Person: Tim Coonce
Address: 102 2nd Avenue
City/State/Zip: Niwot Colorado 80503
Phone: 303 589 1146 Fax:
E-mail: tcoonce@porchfronthomes.com

AUTHORIZED REPRESENTATIVE

Company/Firm:
Contact Person:
Address:
City/State/Zip:
Phone: Fax:
E-mail:

MINERAL RIGHTS OWNER *(attach separate sheets if multiple)*

Name/Company: NA
Address:
City/State/Zip:

MINERAL LEASE HOLDER *(attach separate sheets if multiple)*

Name/Company: NA
Address:
City/State/Zip:

LAND-USE & SUMMARY INFORMATION

Present Zoning: PD - Senior Assisted Living
Proposed Zoning: PD - Mixed Use Residential/Commercial
Gross Acreage: 14.82 acres +/-

Gross Site Density (du/ac):
Lots/Units Proposed: 79 dwelling units; 40,000sf commercial
Gross Floor Area: 210,000sf +/-

SERVICE PROVIDERS

Electric: Xcel
Metro District:
Water *(if other than Town)*:

Gas: Xcel
Fire District: Mountain View District
Sewer *(if other than Town)*:

PAGE TWO MUST BE SIGNED AND NOTARIZED

DEVELOPMENT REVIEW FEES			
ANNEXATION		**SUBDIVISION**	
☐ Major (10+ acres)	$ 4000.00	☑ Sketch Plan	$ 1000.00 + 10.00 per lot
☐ Minor (less than 10 acres)	$ 2000.00	☐ Preliminary Plat	$ 2000.00 + 40.00 per lot
☐ Deannexation	$ 1000.00	☐ Final Plat	$ 2000.00 + 20.00 per lot
COMPREHENSIVE PLAN AMENDMENT		☐ Minor Subdivision Plat	$ 2000.00
☐ Major	$ 3000.00	☐ Minor Amendment Plat	$ 1000.00 + 10.00 per lot
☐ Minor	$ 1200.00	☐ Road Vacation (constructed)	$ 1000.00
ZONING/REZONING		☐ Road Vacation (paper)	$ 100.00
☐ Rezoning	$ 1700.00 + 10.00 per acre	**SITE PLAN**	
☐ PUD Rezoning	$ 1700.00 + 10.00 per acre	☐ Residential	$ 1400.00 + 10.00 per unit
☐ PUD Amendment	$ 1700.00 + 10.00 per acre	☐ Non-Resi. (>10,000 sq. ft.)	$ 2200.00
☐ Major PD Amendment	$ 3700.00 + 10.00 per acre	☐ Non-Resi. (>2,000 sq. ft.)	$ 1000.00
☐ Minor PD Amendment	$ 500.00	☐ Non-Resi. (<2,000 sq. ft.)	$ 200.00
SPECIAL REVIEW USE		☐ Amendment (major)	$ 1100.00
☐ Major	$ 1000.00	☐ Amendment (minor)	$ 350.00
☐ Minor	$ 400.00	**VARIANCE**	$ 600.00
☐ Oil & Gas	$ 1200.00	**SERVICE PLAN**	$ 10,000.00

*All fees **include** both Town of Erie Planning & Engineering review. These fees **do not include** referral agency review fees, outside consultant review fees, or review fees incurred by consultants acting on behalf of staff. See Town of Erie Municipal Code, Title 2-10-5 for all COMMUNITY DEVELOPMENT FEES.*

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Erie before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Erie. Pursuant to Chapter 7 (Section 7.2.B.5) of the Unified Development Code (UDC) of the Town of Erie, applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Owner: Parkhurst Haus @ Erie Village LLC by MS Manager — Date: 6/21/18

Owner: _____ — Date: _____

Applicant: CDC Developt / Parkhurst Haus MS Treas — Date: 6/21/18

STATE OF COLORADO)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 21st day of June, 2018, by Jayne Rhode.

My commission expires: May 8, 2020.
Witness my hand and official seal.

JAYNE RHODE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964003397
COMMISSION EXPIRES MAY 8, 2020

Jayne Rhode
Notary Public

Bestall Collaborative Limited

Planning Environment Construction Management Development

March 25 2019

Mr. Chris Larue, Senior Planner
The Town of Erie
645 Holbrook St. P.O. Box 750 Erie, CO 80516

RE: SK-000997-2018: Erie Village Filing 5 Sketch Plan II - Revised Narrative

Mr. Larue:

Erie Village Plan II – has been revised in response to the Town of Erie comments, and to create a more livable and sustainable mixed-use plan.

a. General project concept and purpose of the request.
The owner of the property, Porchfront Homes – Erie Village LLC is prepared to move forward with a PD amendment and replat of its property within Erie Village Filing No. 5, in order to amend the senior assisted living facility plan to a mixed-use neighborhood plan as originally envisioned for Erie Village. The PD amendment provides for a mixed-use neighborhood with a broader range of housing, office and retail choices than the current Filing 5 PD.

The live-work units contemplated in Sketch Plan I have been removed to clarify the residential uses and parking requirements. The condominium units have also been removed and Sketch Plan II focuses on townhomes and single family detached (SFD) homes. The single-family residential homes and townhomes are within walking distance of the commercial - arrayed on the arcing roadway and pedestrian walkway system paralleling C.W. Bixler Boulevard. The detached single-family homes are located on the two blocks closest to C.W. Bixler Boulevard across from the existing single-family detached and duplex residential. The townhomes are located on the inner tier around an elliptical shaped common open space. The single-family homes and townhome are all accessed off of alleys with principal house entrances located on primary streets, significant landscaped areas and/or a linear landscape court.

The commercial is located in an area at the northeast corner of County Line Road and C.W. Bixler Boulevard to provide for localized office and commercial services. The commercial incorporates the existing office building and adds two new buildings for office; limited food, beverage and retail businesses. The commercial Is accessed from C.W. Bixler Boulevard by way of the existing local road across from Tyler and a drive at the roundabout on C.W Bixler Boulevard. The parking area has a strong pedestrian emphasis with a perimeter walkway that all of the commercial facilities to the adjoining residential and open space areas. The businesses will be housed in two-story buildings that are compatible with the existing commercial building and reflect the traditional, Victorian architectural character of Erie Village.

b. Total land area to be subdivided.
14.82 acres including Outlot X, south of C.W. Bixler Boulevard.

c. The total number of lots, density, standards.
Total number of dwelling units - 70 homes; 4.7 du/ac
- 32 Single-family detached homes
  - Lot: 5,000sf minimum
  - Setbacks: 12' front, 12' street, 5' side, 20' rear garage
- 38 Townhomes: Lot - 2000 sf minimum lot size
  - Lot: 2,000sf minimum
  - Setbacks: 12' front, 12' street, 0' side, 20' rear garage

720.810.6480 jack@bestallcollaborative.com PO Box 2223 Evergreen Colorado 80437

d. Commercial - total square footage of floor area proposed.
40,000sf commercial (.44 FAR commercial)
Projected Commercial Mix:
- 30,000sf office (10,000sf existing, 20,000sf new)
- 7,000sf retail (new)
- 3,000sf food & beverage (new)

e. The total land area to be preserved as open space.
Total open space: 3.32 acres

f. Subdivision phasing.
The first phases of the subdivision are projected to begin with the single family residential along C.W. Bixler Blvd. and the new commercial building at the corner of C.W. Bixler Blvd and County Line Road. The townhomes would begin in the 2nd phase progressing south from the commercial area along County Line Road.

g. Existing Infrastructure and Services
There is water, sanitary sewer and storm drainage facilities adjacent the property. St. Vrain Valley School District, Mountain View Fire Rescue, Excel Energy (electric power and gas) are currently serving the planned community adjacent the property.

h. Public & Private Amenities
Approximately 2.1 acres is allocated to landscaped common areas and open space to be maintained by the Home Owner Association. These areas include the elipse common area, landscape court and Outlot X landscaped area. In addition, the buffer and drainage area along County Line Road accounts for an additional 1.6 acres of landscaped open space. The elipse is planned as an open space amenity in the heart of the Townhomes – providing a gathering and circulation area. A landscaped open space is also planned across from the Village south of C.W. Bixler Boulevard on Outlot X. Trail and sidewalks will connect with existing parks and community Spine Trail.

i. Existing or Proposed Covenants & Restrictions
The property will remain in the existing Homeowner's Association and adhere to those CC&R's. There is a covenant recorded against the property by separate instrument concurrently with the existing plat - restricting the use and occupancy of dwelling units (2 people/unit). This covenant would need to be repealed as part of the PD Amendment and replat of the property.

We look forward to working with you on this project and request that the Filing 5 Sketch Plan II as revised be scheduled for review with the Town Board of Trustees.

Thank you.

Jack Bestall, Principal

720.810.6480 jack@bestallcollaborative.com PO Box 2223 Evergreen Colorado 80437

GEORGIAN MIXED-USE COMMERCIAL - THE STANLEY HOTEL ASPIRE HOTEL CENTER, ESTES PARK, CO

Erie Village Core - Commercial Architecture

LODESTONE DESIGN GROUP
701 DELAWARE AVENUE SUITE C
LONGMONT, CO 80501
(303) 800-8633
www.lodestonedesigngroup.com

January 14, 2019

GEORGIAN MIXED-USE COMMERCIAL - THE STANLEY HOTEL PAVILION EVENTS CENTER, ESTES PARK, CO

Erie Village Core - Commercial Architecture

LODESTONE DESIGN GROUP
701 DELAWARE AVENUE SUITE C
LONGMONT, CO 80501
(303) 800-8633
www.lodestonedesigngroup.com

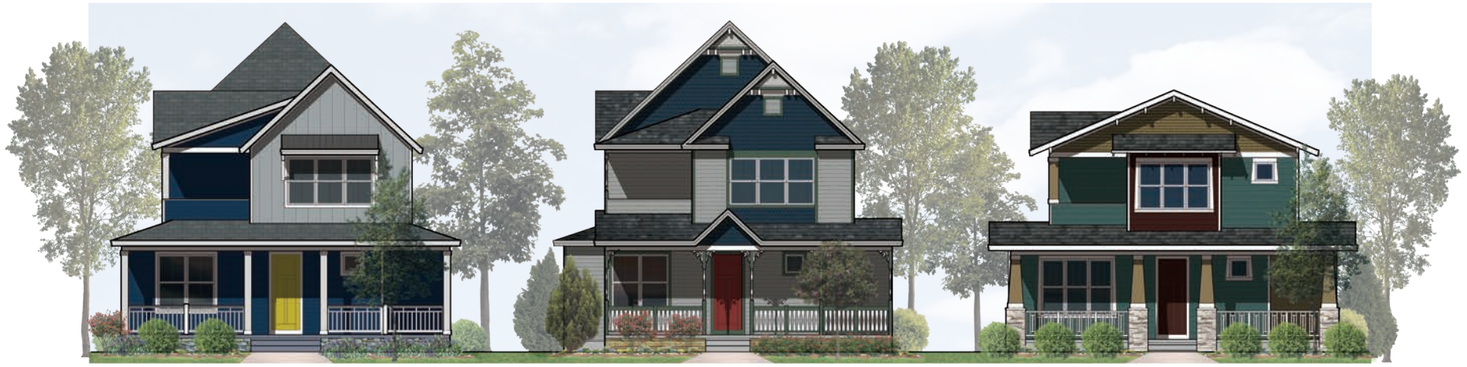
January 14, 2019

VICTORIAN MIXED-USE COMMERCIAL - VICTORIAN PEAKS, PARKER, CO

Erie Village Core - Commercial Architecture

LODESTONE DESIGN GROUP
701 DELAWARE AVENUE SUITE C
LONGMONT, CO 80501
(303) 800-8633
www.lodestonedesigngroup.com

January 14, 2019



MODERN FARMHOUSE VICTORIAN CRAFTSMAN

SINGLE FAMILY DETACHED

SINGLE FAMILY ATTACHED 6-PLEX

SCALE 1/16”=1’-0”

osmosis
art and architecture

Erie Village

PORCHFRONT HOMES

Job	16011
DATE	09 JAN 2019
	1

REAR

SIDE

FRONT

SINGLE FAMILY ATTACHED 6-PLEX

SCALE 1/16"=1'-0"

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Erie Village

PORCHFRONT HOMES

Job	16011
DATE	09 JAN 2019
	2

CRAFTSMAN

SINGLE FAMILY DETACHED

SCALE 1/8"=1'-0"

osmosis
art and architecture

Erie Village

PORCHFRONT HOMES

Job	16011
DATE	09 JAN 2019
	3

VICTORIAN

SINGLE FAMILY DETACHED

SCALE 1/8"=1'-0"

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Erie Village

PORCHFRONT HOMES

Job	16011
DATE	09 JAN 2019
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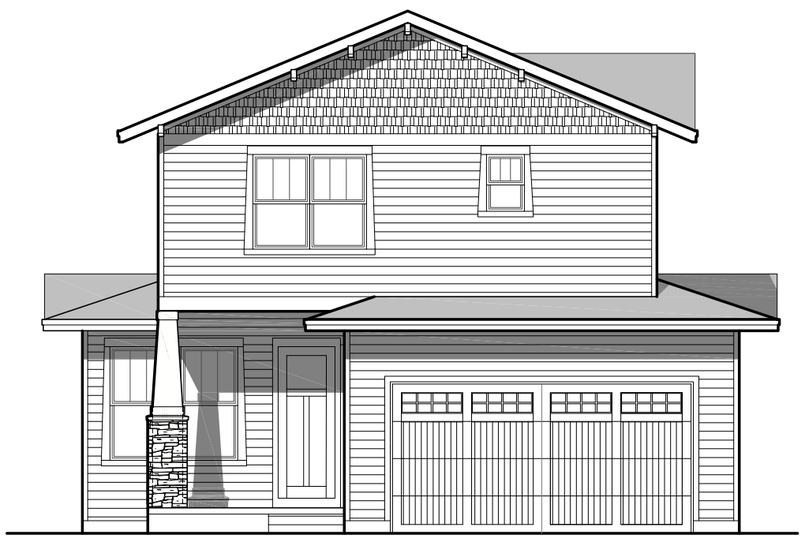
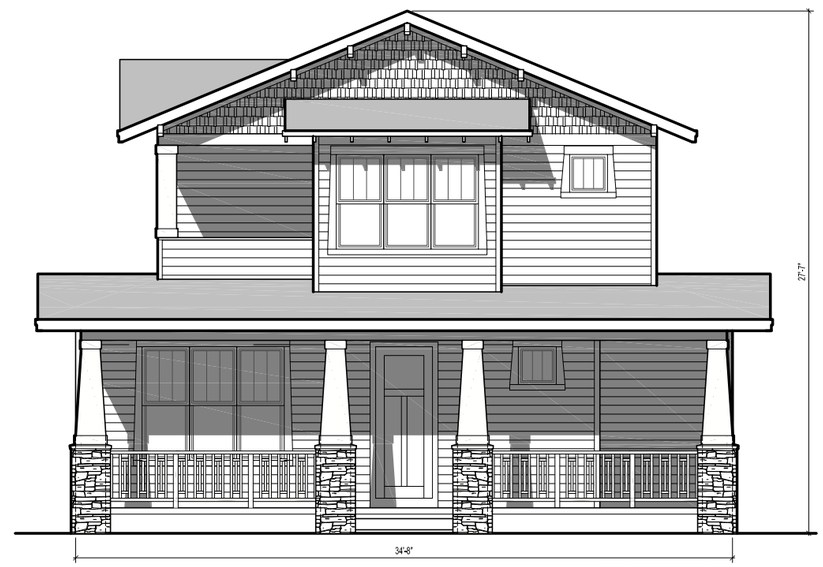




CRAFTSMAN

SINGLE FAMILY DETACHED

SCALE 1/8"=1'-0"

osmosis
art and architecture

Erie Village

PORCHFRONT HOMES

Job	16011
DATE	09 JAN 2019
	5

Bestall Collaborative Limited

Planning Environment Construction Management Development

January 15 2019

Mr. Chris Larue, Senior Planner
The Town of Erie
645 Holbrook St. P.O. Box 750 Erie, CO 80516

RE: SK-000997-2018: Erie Village Filing 5 Sketch Plan II
Response to Comments

Mr. Larue:

In response to the Town's review of the Erie Village Filing 5 Sketch Plan II for conformance with Municipal Code, Title 10, Erie Village Planned Development and Development Review Team comments – the plan has been revised and the following submittal materials are provided with the resubmittal of Sketch Plan II.

Paper Copies:

- 3 Copies: Written response to staff and referral comments. For distribution to: Planning, Engineering and Parks.
- 3 Copies: Updated written materials, 3 hole-punched for notebooks. For distribution to: Planning, Engineering and Public.
- 3 Copies: Updated 11x17 plans tri-folded and 3-hole punched for notebooks. For distribution to: Planning, Engineering and Public.
- 2 Copies: Updated 24x36 plan sets, rolled. For distribution to: Planning & Engineering
- Please bind and label materials for each entity listed above for ease of distribution to each referral.

Digital Copies:

- A PDF format of all of the submittal materials on 3 flash drives. The Town will provide the mailing envelope, address label and postage for delivery of the flash drives. The flash drives will be distributed to the following referral agencies:
  1. Town of Erie – internally distributed to: Planning, Engineering, and Parks

Planning Comments for the Erie Village Filing No. 5 Sketch Plan:

General Comments & Responses

1. Request would be to amend the plat and PD from an age restricted continuum of care retirement community to a residential and commercial mixed use village. The following land use applications will be required:
   a. Erie Village PD Amendment
   b. Preliminary Plat
   c. Site Plan
   d. Final Plat
   e. Removal of the restrictive covenant
      - *Response: Noted – the applicant would request an amendment to the plat from age restricted retirement community care to a residential/commercial mixed-use village with the appropriate applications as identified.*

2. The site is designated Mixed Use (MU) per the Town of Erie Comprehensive Plan. Mixed Use is defined under the UDC per section 10.11.3 as the following:
   The development of a lot, tract or parcel of land, building or structure with 2 or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
   a. The submitted application meets the definition of MU per the above definition, as it contains both residential and commercial land uses.
      - *Response: Noted.*

3. Site is zoned Planned Development (PD) and is within the Erie Village Planned Development, Fifth Amendment which was intended to allow mixed use office, commercial, and residential uses associated with a retirement community. The PD restricts the occupancy of residential uses within Filing 5 to 2 people, one of which must be at least 62 years old. Types of allowed residential uses within the PD include single-family homes, duplexes, and multi-family buildings. Types of allowed uses associated the retirement facility include assisted living and adult day care. Types of allowed commercial uses within the PD include dental or medical offices, bars/taverns and restaurants, business or professional offices, and general retail and personal service stores.
   a. Please determine whether or not the proposed sketch plan development would meet any unit cap or restrictions currently in place for the PD.
      - *Response: The Sketch Plan as submitted would not meet any unit cap. The proposed plan reduces the approved number of residential units from 189 to 70; and the gross density from 11/ac to 4.7/ac.*

   b. Please contact our Economic Development coordinator (Ben Pratt) and discuss the viability of the proposed commercial uses.
      - *Response: A phone conference was held with Ben Pratt - Economic Development coordinator. Mr. Pratt was generally positive about the office and retail potential at the Village Core and how a properly scaled (as currently planned) project can contribute to the overall economic development of the Town of Erie as a viable commercial node with an emphasis of services for local residents.*

4. In addition to the PD restrictions, there is a covenant recorded against the property with the existing plat which imposes the following restrictions (among others) on the property:
   a. The maximum number of people occupying a dwelling unit shall be 2 people.
   b. At least one person occupying a dwelling unit shall be 62 years of age or older (considered a "Qualified Occupant").
   c. The restrictive covenant shall not terminate nor shall it be amended without the prior written approval of the Town of Erie Board of Trustees.
      - *Response: Noted – as proposed the applicant will request the Town Board to terminate the covenant.*

5. No detention or drainage areas were designated. A preliminary drainage study was not included with the documentation. A drainage analysis will be required with the preliminary plat.
   - *Response: Noted – a drainage analysis will be provided at the time of preliminary plat submittal.*

6. A traffic study will be required with the future submittals to determine the classification of the streets and whether or not direct access from lots will be allowed onto C.W. Bixler Boulevard.
   - *Response: The plan has been revised and there is no longer direct access from residential lots on to C.W. Bixler Boulevard.*

7. A parking analysis will be required with the future submittals. This will be important to determine the number of parking spaces for the condos and commercial area. Parking requirements are listed in Table 6.6.1 of the UDC. Off street parking shall be provided in addition to parking requirement for residential use. Provide more details regarding parking concerning the townhomes and condos.
   a. Provide more details about the underground parking concept. How many spaces are anticipated to be located underground?
      - *Response: Noted – a parking analysis will be required with future submittals. Sketch Plan II as revised contains no underground parking spaces.*

8. Please review the Town's Standards and Specifications regarding road rights-of-way. PD 5th amendment created a new private street standard specifically for the proposed age restricted facility that consisted of 42 feet of right-of-way which includes 32 feet of paving and 5-foot attached sidewalks. The attached sidewalks were allowed given the unique nature of the age restricted community. The sidewalks along CW Bixler Boulevard were required to be detached 5 foot walks with a 5.5 foot tree lawn consistent with the overall Erie Village PD. The UDC normally would require all sidewalks to be detached and be separated by a tree lawn a minimum of 8 feet in depth. The existing commercial building within Filling 5 has detached walks contiguous to it. The new design for this filing should incorporate detached sidewalks and tree lawns consistent with current Town standards.
   a. Please amend the sketch plan with respect to this comment. Roads should utilize Town standards.
      - *Response: Sketch Plan II has been revised and utilizes Town standards.*

   b. Areas that are designated as public right-of-way should not be within tracts.
      - *Response: Sketch Plan II as revised - separates public right-of-way from tracts.*

   c. Please review the Town's Standards and Specifications regarding road right- of-ways. The new design for this filing should incorporate detached sidewalks and tree lawns consistent with current Town standards and specifications.
      - *Response: Sketch Plan II as revised incorporates detached sidewalks and tree lawns consistent with Town standards and specifications.*

   d. Staff has several concerns regarding access as follows:
      i. The design of the access to the commercial properties needs to be redesigned. Currently, the design allows access to the commercial pads through the local streets that are primarily used for residential. A better access would be from C.W. Bixler Blvd in front of the roundabout.
         - *Response: Sketch Plan II as revised –provides an access to the commercial area at the roundabout on C.W. Bixler Boulevard and the local road across from Tyler. This roadway currently serves the existing commercial building.*

      ii. A connectively analysis/plan should be completed. There should be more understanding of how this site will flow.
         1. All of the internal circular streets dead end at the sidewalk along County Line Road which is not acceptable.
            - *Response: A Connectivity Analysis is provided on Sheet 3 of the Sketch Plan submittal – indicating pedestrian and vehicular circulation. The Sketch Plan II street system has been revised to provide alley access for all residential units, continuous looping and limiting dead end conditions.*

9. Utilities were not addressed in the submittal. This will need to be addressed in future submittals. Please note, there is an existing 24-inch storm main that runs through the middle of the property that would require relocation.
    - *Response: Noted – utilities will be addressed in future submittals.*

10. Greater detail shall be provided regarding the condo and townhome areas and designs. Please review Section 10.6.7.F of the UDC. Please provide an overall concept for both the townhome and condo products. Requirements to keep in mind include:
    - *Response: Condominium units have been removed from the plan. Elevations have been provided for the townhome and single family residential.*

    a. The maximum length of any multi-family building shall be 156 feet. The condo massing is difficult to determine and appears to be one building.
        - *Response: Noted – the maximum length of a townhome building in Sketch Plan II is approximately 147'6".*

    b. The primary entrance and facade of individual buildings within a multi-family development shall be oriented towards: (1) Primary internal or perimeter streets, or (2) Common open space, such as interior courtyards, parks, or on- site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.
        - *Response: Noted - the principal entrance and façade of the townhomes are oriented towards the primary internal street; County Line Road landscape buffer; and a common open space (linear landscape courtyard) providing pedestrian circulation and enhanced neighborhood character.*

    c. Primary entrances and facades shall not be oriented towards alleys, parking lots, garages, or carports. Many of the townhomes near the commercial development face a parking area.

    Response: Sketch Plan II has been revised, and principal entries for thirty (30) of the thirty-eight (38) townhomes - 79%, face on to landscaped open space areas. Principal entries of the remaining eight (8) townhomes face onto treelawn sidewalk adjoining a driveway (slow moving vehicles) serving the townhomes and commercial area. The townhomes have front yards of approximately 20'; a sidewalk/treelawn 10.5'; and additional landscape area of 14.5' creating a rich landscape setting between the townhomes and commercial buildings and parking. Four (4) townhomes are 100' from the nearest commercial building and 45' to the nearest parking lane on which parking is oriented away from the townhomes. Four (4) townhomes are 190' from a commercial building and 45' from the nearest parallel parking.

    This type of smart/compact development pattern allows for a walkable interface between the residential and commercial which is highly desirable to homeowners. 85% of the commercial area is planned for office which has proven to be a good neighbor to residential, with office activity diminishing when residents are home – evenings and weekends. The character and land use relationships of Sketch Plan II are reminiscent of traditional 'mainstreets' – like Old Town Erie; and distinguishable contemporary villages (Seaside, FL; Carmel, CA; Aspen, CO) which rely on similar residential and commercial relationships to activate retail and provide attractive, livable settings.

11. Dimensions, lot sizes or compliance/ability to meet building setback requirements are not discussed within the sketch plan application. The PD amendment will need to address this concern.
    - *Response: Noted.*
      - *SFD lot size (5,000sf) and widths (50' minimum) are compliant.*
      - *SFD setbacks (12' front, 12' street, 5' side, 20' rear garage) will be addressed as part of the PD amendment.*
      - *Townhome setbacks (12' front, 12' street, 0' side, 20' alley garage) are compliant*
      - *Townhome lot size (2,000sf minimum) will be addressed as part of the PD amendment.*

12. Building heights are not addressed within the sketch plan. This will also need to be addressed in the future land use applications. Maximum building heights are currently limited to 35 feet.
    - *Response: Noted, the SFD homes are compliant with Town Standards at a maximum of 35' in height. The townhomes are non-compliant than the Town standard in height - 43'6" maximum, to be addressed in the PD amendment.*

13. Please provide more information about the proposed commercial buildings.
    a. There are concerns with the parking area and possible conflicts with the townhomes.
       - *Response: Sketch Plan II has been revised to indicate the treelawn, drive lane and landscape area between the commercial and townhomes (45' setback). This distance is greater than the currently approved PD and does not represent a land use conflict in a mixed-use community.*

    b. Please describe how the commercial plaza is envisioned. It appears to just be a parking lot for the commercial area on the sketch plan.
       - *Response: The commercial 'plaza' label has been removed. The parking area has been planned for pedestrian access, movement and safety; with a sidewalk connecting around the perimeter – connecting to the open space system and sidewalks in the village and Town of Erie.*

14. What are the preliminary plans for waste collection?
    a. With the proposed density you might consider central dumpster locations, rather than individual roll off trash cans.
       - *Response: The commercial area will have central dumpster locations identified in the PD submittal. At the density of the revised plan, Individual trash containers are sufficient for the residential homeowners. The revised plan has 70 residential homes - thirty-two (32) SFD homes and thirty-eight (38) townhomes with garages - a gross density of 4.7 units/acre.*

Parks and Open Space

15. A conceptual open space and conceptual developed park plan was not submitted with the submittal. More details about the common open space should be provided. Specifically, a pocket park would likely be required with this development in order to meet the needs of the development without overloading existing infrastructure.
    - *Response: The pocket park and open space requirements have been met for Filing 5, which is located within a ¼ mile of two existing pocket parks. Sketch Plan II as revised, provides contiguous open space in the elipse common area and Outlot X south of C.W. Bixler Boulevard.*

a. You should also look at possibly putting in improvement in to the existing park to the west. This could offset the potential impacts from this development.
   - *Response: A major mixed-use development was originally planned and approved for Filing 5 and the park requirement was met at that time.*

     Potential impacts to trails and parks of future homeowners as proposed in reduced commercial and residential scale of the Erie Village II plan will be negligible. The homeowners will provide additional revenue in the form of Town & HOA fees and taxes to maintain and enhance the existing parks.

16. Appropriate neighborhood park and community park fees in-lieu shall be required per Section 10.6.3 of the UDC.
    a. Fees in the amount of $236,564 per acre are charged of required dedication for Neighborhood Parks.
       - *Response: Park requirements were previously met for Filing 5.*

    b. Fees in the amount of $3,889 are charged per building permit for Community Parks.
       - *Response: Noted.*

17. The Town will likely require an HOA to take on the maintenance responsibility for the landscape buffer and drainage areas.
    - *Response: Noted.*

18. Based on calculations with the previous developments the open space requirements have been met.
    - *Response: Noted.*

19. Future plan submittals should illustrate how parks and trails connections are being made to the existing infrastructure.
    - *Response: The revised plan utilizes a landscape court and treelawn sidewalk system for pedestrian connections to the existing, surrounding sidewalk and trail system, including a trail connection through the Outlot X on the south side of C.W. Bixler Boulevard to the Spine Trail.*

20. A spine trail connection shall be established from County Line Road to the existing spine trail to the west. The trail should go through Outlot X and Town open space.
    a. The sketch plan recognizes this opportunity but does not detail the connection.
       - *Response: Noted - a spine trail connection shall be established from County Line Road to the existing spine trail to the west through Outlot X and Town open space. The connection will be detailed in the PD submittal.*

County Line Road:

21. County Line Road is considered a community gateway per section 10.6.2.D of the UDC. As part of a community gateway the following additional standards shall apply to protect this distinct entryway into the community:
    a. A minimum 30-foot landscaped buffer shall be maintained on either side of the street. This buffer should utilize a variety of live plant material and berming to provide year-round visual interest. A minimum 8 foot wide sidewalk shall be incorporated as an integral component of the landscape buffer and landscape area within the right-of-way.
       - *Response: The plan as submitted recognizes and complies with the County Line Road community gateway standards.*

b. All fencing facing the street shall be a maximum of 4 feet in height and should have an open character, such as split rail or picket. Opaque fencing is prohibited.
   - *Response: A picket fence of less than 4' delineating the yards of the townhomes along County Line road is proposed. Similar character of less than are envisioned for single family home's yards.*

c. Parking shall be screened to the greatest extent reasonably practicable from the street using a combination of berming, walls, or fencing and landscaping with a minimum height of 3 feet and maximum height of 4 feet. Parking, internal drives or streets may not extend into the landscape buffer.
   - *Response: Noted – parking will be screened accordingly and internal drives will not extend into the landscape buffer.*

d. Permanent signage along County Line Road shall be limited to wall signs and monument signs constructed from similar materials as the primary buildings on the site. Ground signs shall be prohibited.
   - *Response: Noted.*

e. Garages may not be used as a barrier between the street and a development site.
   - *Response: Noted – garages have not been used as barrier in the plan.*

22. According to engineering, County Line Road is a minor arterial street. Improvements to the right-of-way and landscape buffer will be required to be shown within the Preliminary Plat application materials.
    - *Response: Noted – improvements to the County Line right-of-way will be shown within the Preliminary Plat application.*

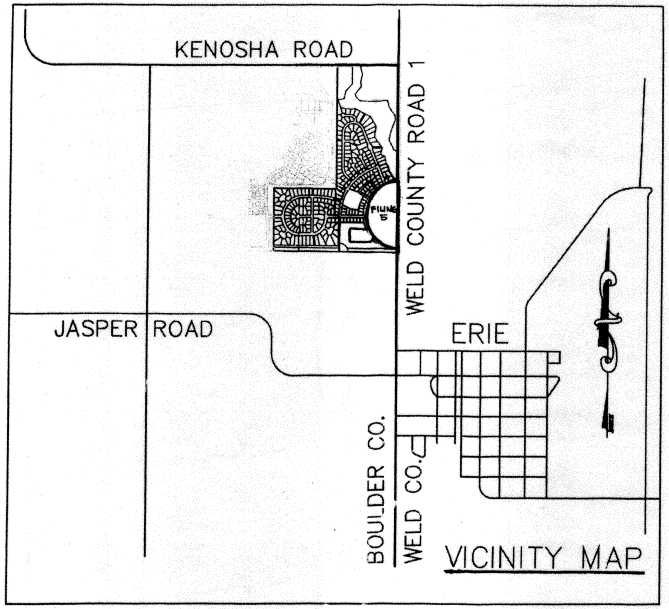
23. The above ground power lines along County Line Road will be required to be placed below ground as part of the proposed development.
    - *Response: Noted – the power lines along County Line Road will be required to be below ground.*

We look forward to continuing to work with you on this project; and would like to be scheduled for a review with the Town Board as soon as possible to see if there is support for the project before investing more of the client's resources.

Thank you.

Jack Bestall, Principal

ERIE VILLAGE PLANNED DEVELOPMENT
"PD" DEVELOPMENT PLAN, FIFTH AMENDMENT
PDA 07-003



PD AMENDMENT CERTIFICATES

1. **PLANNING COMMISSION CERTIFICATE**

THIS PD AMENDMENT WAS REVIEWED BY THE TOWN OF ERIE PLANNING COMMISSION ON THIS 5th DAY OF March, 2008.

CHAIRMAN

ATTEST: PLANNING COMMISSION SECRETARY

2. **BOARD OF TRUSTEES CERTIFICATE**

THIS PD AMENDMENT IS HEREBY APPROVED BY THE TOWN OF ERIE BOARD OF TRUSTEES ON THIS 22nd DAY OF April, 2008.

MAYOR

ATTEST: TOWN CLERK

3. **CLERK & RECORDER CERTIFICATE**

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

I HEREBY CERTIFY THAT THIS PD AMENDMENT PLAN WAS FILED IN MY OFFICE ON THIS 10th DAY OF June, 2008 A.D. AND WAS RECORDED AT 12:29 P.M. RECEPTION NUMBER 2935226, P.69 F.4 #33,34,35,36,37, Fee $51.00

(SIGNATURE) Hillary Hall Sally McCoy Deputy
BOULDER COUNTY
CLERK AND RECORDER

Erie Village Planned Development "PD" Development Plan, Fifth Amendment
PDA 07-003

I GENERAL PROVISIONS

Authority
This Planned Development Amendment, hereafter referred as "Development Plan" is authorized by the Town of Erie Municipal Code.

Applicability
The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs or assigns shall be bound by this Development Plan, as amended and approved by the Director or Town Board of Trustees.

Adoption
The adoption of this Development Plan shall evidence the findings and decision of the Town of Erie Board of Trustees that this Development Plan for Erie Village is in general conformity with the Town of Erie Comprehensive Plan and is authorized by and is in compliance with the Town of Erie Municipal Code,

Relationship to Town Regulations
The provisions of this Development Plan shall prevail and govern the development of Erie Village, provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Town of Erie Municipal Code, as amended, or any other applicable ordinance or regulation of the Town of Erie, shall be applicable.

Enforcement
To further the mutual interest of residents, occupants, and owners of the Planned Development Amendment and of the public in the preservation of the integrity of the Planned Development Amendment, the provisions of this Development Plan regulating the use of land and the location of common open space 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.

Conflict
Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or composes higher standards or requirements shall govern unless determined otherwise by the Director.

Maximum Level of Development
The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Area is the maximum development requested for platting or construction (plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to the subdivision or site plan requirements or other requirements by the Town Board of Trustees.

Project Tracking
At the time of subdivision final plat, the applicant shall provide a summary of the development to date, along with the final plat submittal to ensure maximum development limits are not exceeded.

Fifth Amendment
This Planned Development, Fifth Amendment is intended to :
- Update zoning references throughout the document to reflect adoption of the Municipal Code Title 10.
- Amend the provisions of the prior plans relative to Filing 5 to accommodate the Continuum of Care Retirement Community proposed for Filing 5.

II SINGLE FAMILY RESIDENTIAL (Filings 1-2-3-4)

Erie Village is designed in density rings putting the smaller lots and highest density near the Filing 5 core (Core). Filings further from the core have larger lots and lower carriage house density.

Lot Setback Minimums
Front Setback: Filing 1: 20 feet
Filings 2-4: 16 feet (excluding sidewalk)
Side Setback: Five Feet
Side Setback adjoining street on corner lot: Filing 1: 10 feet; Filings 2-4: 16 feet
Rear Setback: Eight feet except on double frontage lots where it is 16 feet.

Height Limit Thirty five feet for Filings 1 through 4.

Maximum Lot Coverage 35% for single family.

Accessory Dwelling Units or Uses in Single Family Areas
Thirty nine percent of Erie Village lots permit accessory dwelling units and accessory uses by right. (Called carriage houses in earlier documentation.) Carriage houses are now classified as accessory dwelling units to conform with the general requirements in the Municipal Code. Uses may include home occupation, studio or residential use. Accessory dwelling units may be leased to non-owners for residential uses.

The specific lots permitting accessory dwelling units by right are listed on the attached "Accessory Apartment Schedule, Exhibit A" Accessory dwelling units will not be permitted by right or special review on lots not listed on Exhibit "A". Accessory buildings will conform to the Erie building code and general requirements in the Municipal Code.

Minimum Architectural Standards: Single Family Residential
The following reflect the minimum acceptable standard for houses in Erie Village. The Erie Village Homeowner Association Architectural Review Committee (EVHAARC) works from more detailed guidelines based on these standards. Variation from these standards requires approval by EVHAARC and the Erie Planning Commission.

Design and Building Features
- Plans will be submitted to EVHAARC for approval prior to construction.
- Substantially identical home designs (including mirrored plans) must be a minimum of 400 feet apart in any direction and have different elevations and detailing.
- All houses shall have covered front porches of at least 6 feet in depth and 8 feet in width. Porches may not be two stories in height and the floor must be a minimum of eighteen inches above the adjacent finished grade and in no case less than 18" above the enfronting curb height.
- Roofs shall be symmetrical hipped, gambrel or gabled (including clipped) with a pitch of no less than 6:12 for two story residences or 8:12 for single story. For "skirted" or "flared", the minimum pitch is 3:12. Flat roofs may be used only if they are occupiable and accessible from an interior room.
- Garages opening to the front of the lot must be set back a minimum of 20 feet from the front of the principal building. If entered from the side, the garage front elevation may not be forward of the house front and must have appropriate window or other treatment compatible with the house. Openings for garage doors may be no wider than 9 feet nor more than 8 feet high.
- Eave depth must be 18" minimum for the principal building (and accessory apartment if applicable) and 12" for gable overhangs. Eaves must be closed with soffits.

Materials
- Exterior walls may be of wood shingles, wood or hardboard clapboard with no more than 5 ½ inches exposed to the weather, board and batten, brick, natural or architectural stone, or stucco.
- Window or door frames will be solid wood or quality vinyl.

Accessory Dwelling Units and Accessory Buildings
- Materials and design shall conform to the principal residence in style, material and color treatment.

III MIXED USE CORE AREA (Filing 5)

The core area is intended to facilitate mixed office, commercial, and residential uses associated with a continuum of care retirement community as depicted on the Concept Plan included herein as Appendix D.

Concept Plan
The Concept Plan shows the general configuration of the Continuum of Care Retirement Community that is intended, and would be permitted, by this PD zoning; however, the Concept Plan is illustrative in nature and does not represent a Site Plan. Any deviation from the Concept Plan requested or required by the Town for Site Plan approval is permissible under this PD zoning and such deviation shall not be construed to require further PD amendment. Development of the property will be subject to the Town codes and regulations in place at the time a development application is made to the Town.

Age Restrictions
The occupancy of all residential dwelling units in Erie Village Filing 5 shall be restricted as follows:
1. The maximum number of persons occupying a dwelling unit shall be two (2) persons.
2. At least one person occupying a dwelling unit shall be sixty-two (62) years of age or older (a "Qualified Occupant").
3. No person under the age of nineteen (19) years of age shall be allowed to occupy a dwelling unit.
4. If only one of the occupants is sixty-two (62) years of age or older and that occupant ceases to occupy the dwelling unit, the remaining occupant who is a spouse, sibling or child of the Qualified Occupant that has been in the same dwelling unit for at least the previous six (6) months (a "Remaining Occupant") may continue to reside in the same dwelling unit. However, if a second occupant is added to the dwelling unit, or if the Remaining Occupant vacates the dwelling unit, the new occupant must be a Qualified Occupant.
5. The Guest Quarters allowed in Erie Village Filing 5, as defined in the Erie Village PD Amendment No. 5, shall be exempt from the age restriction requirements.

Permitted Uses
The following uses listed in the Erie UDC are permitted by right in the Mixed Use Core Area (Filing 5):
1. Single Family, Duplex and Multi-Family.
2. Assisted Living Facilities (including special needs care* as part of the assisted living facility)
3. Adult Day Care* (as part of the assisted living facility)
4. Dental or Medical Offices, Clinics and Labs
5. Community Gardens, Open Space, and Parks
6. Residential Assembly (HOA)
7. Automated teller machines
8. Bars/Taverns and Restaurants (indoor and outdoor)
9. Office, Business or Professional
10. Parking Lots
11. Parking Structures (only integrated into a building with another principal use)
12. Convenience Store, General Retail and Personal Service Establishments
13. Clock Tower
14. Gazebos/Trellis/Sheds
15. Trash Enclosures
16. Recreation and Exercise Equipment (indoor and outdoor)
17. Maintenance Equipment and Supply Storage (only in enclosed parking structure or garage)
18. Guest Quarters*

**Use Definitions:*

Special Needs Care: Supportive personalized care with protective oversight and supervision on a 24-hour basis in a separate, secured group living area of not more than 15 units in a CODHE state licensed Assisted Living Facility. Supportive personalized care includes assistance with activities of daily living, 3 daily meals, housekeeping, linen service, social and recreational activities, and supervision and assistance of medication, bathing, dressing, toileting and other care as needed including aid with meals. Special needs care does not include skilled nursing care.

Adult Day Care: A day time community based program located on the main floor of the Assisted Living Building for seniors, age 62 and older, providing a variety of health assistance, social and related support services within a protective environment; fully supervised by a trained staff.

Guest Quarters: One guest suite of 500 to 600 s.f. to accommodate any guest of the seniors housing community residents or the Operations Management Company for no longer than 10 days. This guest room shall not be offered to the public.

Residential/Assisted Living Uses

Lifestyle	Intended Amenities and Services	Type of Residential Unit	#Units	%Units*
Assisted Living, Personalized Care	Complete amenities/services, 3 meals/day, supportive care focused program,	Multi-Family, Apartment,	67	37%
Assisted Living, Intermediate Care	Complete amenities/services, 1 meal/day, optional supportive care program.	Multi-Family, Apartment,	37	20%
Independent Living	Basic amenities/services, 10 meals/mo, optional services and care.	Multi-Family, Apartment	38	20%
Independent Living	Basic amenities/services, 10 meals/mo, optional services and care program.	Single Family Attached, Duplex	36	20%
Independent Living	Basic amenities/services, 10 meals/mo, optional services and care program.	Single Family Detached	5	3%
Total Units: *(based on Concept Plan)*			183	100%
Maximum Number of Units: *(the number of units may vary as noted below, but shall not exceed)*			189	

*This percentage distribution is the intended distribution of the various types of residential units at build-out assuming the anticipated market demand for the units is realized. The assisted living facility and assisted living units will be constructed as Phase 1. The independent living multi-family apartments will be built in Phase 1, or as a separate Phase 2, depending on market demand. Construction of the independent living duplexes and detached single family units will begin in Phase 1 and continue to build-out as sales warrant. To ensure the intended distribution of units is achieved, the number of units of each type shall not vary more than 10 percent up or down unless approved by the Director of Community Development, with the exception that the number of single family detached units may be 3 to 7 units. In no event shall the total number of residential units exceed 189.

Residential Density
The maximum gross density based on the 17.2 acre Filing 5 shall not exceed 11 units per acre. The maximum number of units shall be 180 Units.

Building Setbacks and Spacing
All buildings shall setback at least 16 feet from any street. Additionally, all duplex and single family units shall setback at least 16 feet from parking lots and access drives (measured from back of curb). The following minimum spacing between detached structure standards are established:
- 25 feet between two-story structures
- 20 feet between two-story and one-story structures
- 20 feet between one-story structures, rear to rear
- 15 feet between one-story structures, rear to side
- 10 feet between one-story structures, side to side

Building Height
Building height shall not exceed 35 feet.

Streets
Interior streets shall be privately owned and maintained by the Owners Association. Streets shall be as shown on Exhibit C, Street Sections, Filing 5 Private Street.

Parking Standards
The following identifies the parking standards by use or type of residential unit:

Use	Spaces per unit
Assisted Living Apartment:	0.50 space/unit
Intermediate Care Apartment:	0.75 space/unit
Independent Living Apartment:	1.00 space/unit
Duplex:	2.00 spaces/unit
Single Family	2.00 spaces/unit
Employee Parking:	1.00 space/employee (at maximum shift)
Guest parking:	0.25 space/multi-family unit
Existing Office Building	See Municipal Code

Parking for uses not listed above shall comply with the Town of Erie Municipal Code.

Walkways
All walkways shall meet Town of Erie standards; however, the streets internal to Filing 5 may have attached sidewalks. All walkways shall be maintained by the Owners Association.

Parks and Open Space
The amount of park and open space land to be dedicated, and the method of meeting the dedication requirement shall be determined by the Board of Trustees as provided in the Municipal Code; however, this PD zoning acknowledges that the number of people residing in Filing 5 shall be based on the 1.38 persons per unit standard specified on the Concept Plan.

Common Area Maintenance
The Owners Association shall be responsible for all exterior maintenance in the Continuum of Care Retirement Community, including all structures, landscaped areas, private streets, parking areas, driveways, trails and walkways, recreation equipment, lights and signs.

IV AGRICULTURAL AREA & USES
Areas designated "Agricultural" in Filing 2, will continue to be farmed, as will all other areas until they are developed. Requests for structures & parking will be submitted for review and approval as the need develops to support agricultural sales, or recreation, and recreational parking.

Setbacks, sizes and heights follow standards in the Resource Preservation category in the Municipal Code. Minimum architectural standards enumerated above do not apply to agricultural or recreational buildings which may be located in the agricultural parcels platted in Filing 2.

Undeveloped land in all Filings in Erie Village will continue to be farmed until improved.

V MULTI-FAMILY RESIDENTIAL
The multi family parcel is vested for a total of 98 dwelling units. Parcel size is 7.248 acres plus 1.821 acres of open space previously dedicated to the Town of Erie. Calculated on the larger site, density is 9.25 units per acre; calculated on the smaller site, density is 13.5 units per acre. The site may be developed at this density under the existing Town Of Erie Multifamily development and zoning code.

Streets: Because there is no thoroughfare through the multifamily residential, all streets and sidewalks will be owned and maintained by the property owner and multifamily homeowner association.
Landscaping: A landscape plan will be submitted for Town Staff review and approval.

Multifamily Bulk and Density Standards:
Lot Setback / Building Separation Minimums:
Front Setback' 16'
Side to Side Building Separation: 8'
Rear Setback (West Property Line) – Dwelling Unit: 15'
Rear Setback (West Property Line) – Optional Garage: 9'
Rear Setback (North Property Line) – Dwelling Unit: 25'
Rear Setback (North Property Line) – Optional Garage: 19'
Rear Setback (South Property Line) – 15'
Rear to Side Setback – 30'
CW Bixler Setback – 20'
Side Setback adjoining Street – 16'
Height limit: 35'
Maximum Building Coverage: 35%

Private Street Section: The 51' ROW as detailed on sheet 3 of 5

VI GENERAL

Road Width
Road widths have been carefully reviewed with the Town and are shown on the street sections in Exhibit "C".

Medians & Islands
Erie Village Homeowners Association will be responsible for landscaping, watering and maintenance of median strips, common areas and cul de sac islands. Although it is not the intent of the Town to take over maintenance of these areas, the Town shall have the right to do so.

Sidewalks
In Filing 1, sidewalk width and location relate to projected usage with sidewalks on both sides of major thoroughfares, one side of lower traffic streets and excluded in short cul de sacs. In subsequent Filings detached sidewalks will be located on both sides of the street except that cul de sacs may have attached sidewalks.

Flood Plain Standards
Lots adjacent to Coal Creek include land which is in the 100 year flood plain but outside the floodway. The flood plain is clearly identified on the final plat. Title insurance or other written notification will inform purchasers of such lots that no buildings are permitted within the 100 year flood plain. (Note that FEMA permits building on such lots without flood insurance as long as the dwelling is out of the flood plain.)

Landscaping
A landscape plan for all public areas will be submitted in compliance with Town regulations and standards for Town Staff review and approval.

Open Space Fencing Standards and Restrictions
Only fences following design criteria, in Appendix E, in locations approved by Town Staff are permitted on property lines adjacent to parks, open space, drainage areas and pedestrian trail outlots. Fences in drainage areas or the flood plain will be open rail type fence, approximately 42 inches tall with the bottom rail no lower than 6 inches from the ground and will follow approved by the Town. Permanent chain link fence is not allowed in Erie Village. Title insurance and/or other written notification will inform purchasers of improvement restrictions on land in Public Service Company Easements. In no case will residences, garages or accessory buildings be permitted in such easements.

Parks & Open Space
Open space will be kept in a natural state with native grass coverage. Developer will restore it wherever disturbed by development. Park improvement plans will be submitted for Staff review and approval. The right-of-way dedicated in this area and adjacent to Outlot K and Outlot O will be developed as open space by the developer and maintained by the Town of Erie. The dedicated area along Coal Creek may be designated as open space or as nature preserve as the Town prefers. Its trails will be part of the Boulder Creek - Coal Creek trail system. Trails and open space in Outlot "B" will be maintained by the Town of Erie.

Three tot lots larger than one half acre serve the 189 residences in Filings 2-3-4. No tot lots were required in Filing 1. The tot lot for Filing 2 will be in outlot "I", for Filing 3 and 4 in Outlot "M". Before the 155th single family building permit is issued, a tot lot will be built in Filing 1, Outlot "A".

The Erie Village Homeowner's Association will be responsible for the maintenance of parks, trails and open space which primarily benefit the homeowners. The town may take over maintenance when and if it chooses.

FILING 5 STREET SECTION

APPENDIX A

Lots Permitting Accessory Dwelling Units by Right

Block	Filing 1 Lot	Filing 2 Lot	Filing 3 Lot	Filing 4 Lot
C	1,3			
1	2,3,6,7,10,11 13,14,16,17			
2	3,4,5,6			
3	12,13			
4		9,15,16,17,22		
5		5,6,8,11,12, 18,19,23,24		
6		5,6,7,8		
7		14,15		
8		4,5,6		
9	2,3		5, 11	12,13,14,15 16,18,25,26.
10	2,3		7,10,11,12,13	
11	1,2,3,4,5,6			
No Block 12				
13			5,6,7,8,9,10, 12 13,14,15,16,17	18,19,21,22,23 24,25,26,28
14			1,2,3	
No Block 15				
16			1,2,4,5,7,8,9,13 14,15,17,18	
TOTAL	Filing 1 28	Filing 2 23	Filing 3 34	Filing 4 17

ALL FILINGS 102 Accessory Dwelling Unit Lots

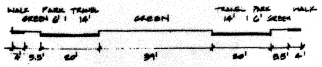
APPENDIX B

Uses Permitted in Filing 2 Agricultural Parcels (Rural Preservation)

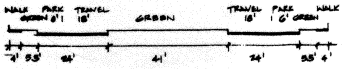
Uses Permitted By Right: Agriculture, Produce Stand, Publicly Owned Facility - Erie

Uses Which May Be Permitted By Special Review: Open Space and Parks, Publicly Owned Facility – Other

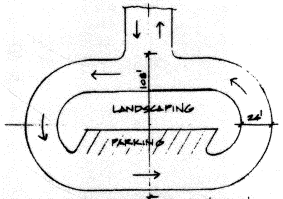
ERIE VILLAGE DEVELOPMENT PLAN
Street Sections (TYPICAL)



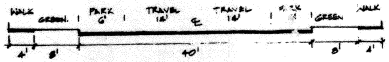
90' R.O.W. · WASHBURN ST. (TRAFFIC CALMING MEDIAN)



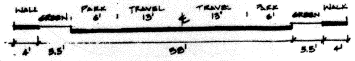
108' R.O.W. · BRENNAN CT; DAVIS CT; FLOWERS CT



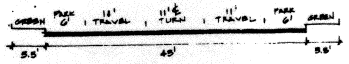
SKETCH PLAN OF ABOVE 108' R.O.W.



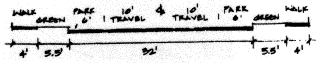
64' R.O.W. · ALLEN AVENUE
(NOTE: CONNECTS TO 54' R.O.W. @ KENOSHA FARM & 56' @ FILING 1)



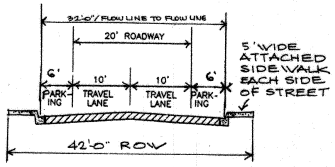
57' R.O.W. · NONAHAM LANE



56' R.O.W. · CAL DIXLER BLVD
(NOTE: CONTINUATION OF FILING 1, SIDEWALK LOCATED OUTSIDE R.O.W.)



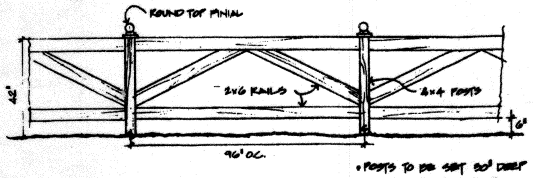
51' R.O.W. · ALLEN CT; WASHBURN CT; RICHARDS CT; BROFIELD PL; OAKLEY LN; GREENING AVE; CONWAY ST; CONWAY CT; WASHBURN ST.
ALL STREETS WITHIN MULTIFAMILY PARCEL
(NOTE: SAME AS FILING 1, EXCEPT SIDEWALKS ARE NOW INCLUDED IN R.O.W. FOR FILINGS 2-4)



FILING 5 / PRIVATE STREET

ERIE VILLAGE DEVELOPMENT PLAN APPENDIX E
Fence Design for Areas in Flood Plain or Drainage Ways

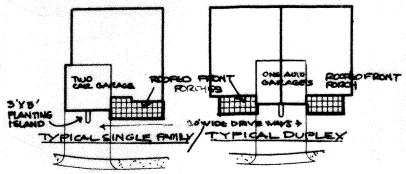
- ATTACH ALL RAILS WITH 3" MIN DECK SCREWS
- 2" x 4" WIRE MESH GRID MAY BE ATTACHED ON THE PRIVACY SIDE AT OWNERS OPTION



- POSTS TO BE SET 30" DEEP
- ALL WOOD STAINED TWO COATS SHERWIN-WILLIAMS LOGWOOD SW 3893 OR EQ.
- ALL WOOD TO BE REDWOOD

ERIE VILLAGE SENIORS HOUSING

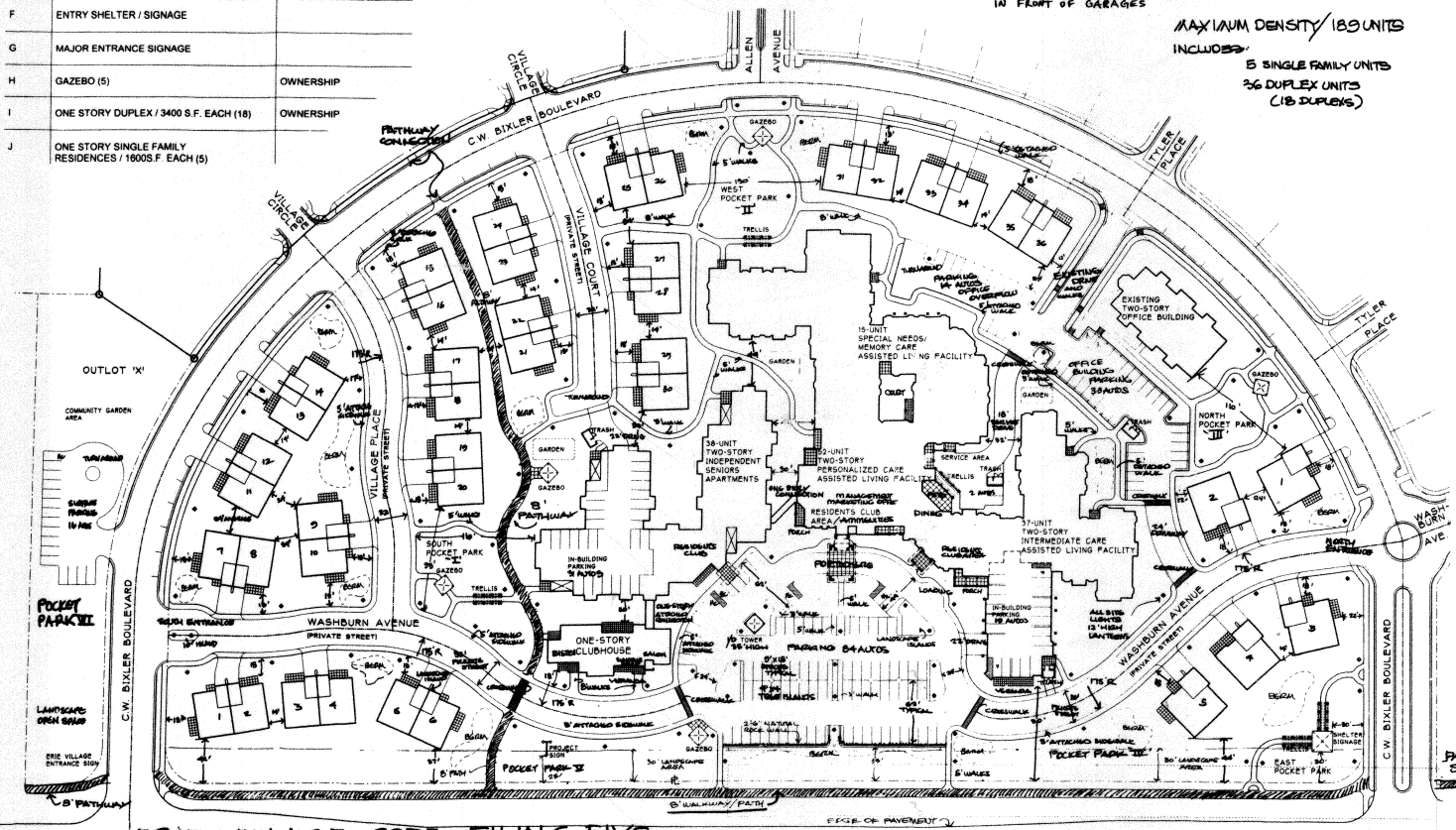
SIZE	BUILDING	USE
A	TWO STORY ASSISTED LIVING FACILITY	104 UNITS INCLUDING 19 INBUILDING PARKING SPACES
B	TWO STORY SENIORS APARTMENTS	38 UNITS INCLUDING 31 INBUILDING SPACES
C	ONE STORY CLUBHOUSE	INDEPENDENT SENIORS GATHERING AREA
D	EXISTING TWO STORY OFFICE BUILDING	10,500 S.F.
E	IDENTIFICATION TOWER 40' HEIGHT 14'X14'	LANDMARK
F	ENTRY SHELTER / SIGNAGE	
G	MAJOR ENTRANCE SIGNAGE	
H	GAZEBO (5)	OWNERSHIP
I	ONE STORY DUPLEX / 3400 S.F. EACH (18)	OWNERSHIP
J	ONE STORY SINGLE FAMILY RESIDENCES / 1600S.F. EACH (5)	



SCALE 1" = 20'

NOTES
1. GARAGES SETBACK 4'-0"
2. ALL PORCHES ROOFED
3. PROCHES PROJECT 4'-0" IN FRONT OF GARAGES

MAXIMUM DENSITY/189 UNITS
INCLUDES:
5 SINGLE FAMILY UNITS
36 DUPLEX UNITS (18 DUPLEXES)



NOTE: PARKING SPACES SHALL BE A.D.A COMPLIANT

Concept Plan Residents

The following table identifies the approximate number of residents the Concept Plan will accommodate:

Type of Unit	# Units	Persons/Unit	Residents
Assisted Living - Personalized Care Apartments			
- Protective Care	15	1.00	15
- Personalized Care	52	1.10	58
Assisted Living - Intermediate Care Apartments	37	1.25	47
Independent Living Apartments	38	1.33	51
Independent Living Single Family and Duplex	41	2.00	82
Total	183	1.38	253

Concept Plan Parking

The following table identifies the parking required for, and provided by, the Concept Plan:

Parking Required	Units	Standard	Concept Plan Required Spaces
Assisted Living Apartment:	67	0.50 space/unit	34
Intermediate Care Apartment:	37	0.75 space/unit	28
Independent Living Apartment:	38	1.00 space/unit	38
Duplex:	36	2.00 spaces/unit	72
Single Family	5	2.00 spaces/unit	10
Employee Parking:	40	1.00 space/employee (at maximum shift)	40
Guest parking:	142	0.25 space/multi-family unit	36
Existing Office Building:	10,428	1.00 space/300sq.ft. (current office use)	35
Total Concept Plan spaces required:			293

Parking Provided	Concept Plan Provided Spaces
Single Family Garages:	10
Single Family Driveways:	10
Duplex Garages:	36
Duplex Driveways:	36
Multifamily Garages:	50
Main Parking Lot:	84
Kitchen Parking Lot:	3
Existing Office Building Lot:	47
Total Off-street parking spaces:	276
- On-street, Private Streets:	70
- On-street, Bixler Blvd (east side):	32
Total On-street parking spaces:	102
Total Concept Plan parking spaces provided:	378

Parking for uses not listed above shall comply with the Town of Erie Municipal Code.

Concept Plan Park Activity Areas

The following table identifies the six functional landscaped park activity areas provided by the Concept Plan:

#	Function	Location	Approx. Size	Amenities
P1	Pocket park	South of Independent Apartments,	35,000 sq ft	Trail connection, golf green, garden, shuffle board, horse shoes, bocce, croquet, gazebo, child play area
P2	Pocket park	West of ALF at Allen Avenue	13,000 sq ft	Walkway, trellis, gazebo, child play
P3	Pocket park	East of Office Bldg at Tyler Place	9,000 sq ft	Walkway, gazebo, office bldg. patio
P4	Gathering Area	N Bixler Blvd. & County Line Road	21,000 sq ft	Walkway, trellis, shelter
P5	Shelter Area	County Line Road, east of Clubhouse	10,000 sq ft	Trail connection, shelter, overlook
P6	Outlot X	S Bixler Blvd. & County Line Road	19,500 sq ft	Erie Village entry signage, garden
Total area (approx)			107,500 sq ft	2.5 acres

ERIE VILLAGE CORE FILING FIVE

APPENDIX 'D'

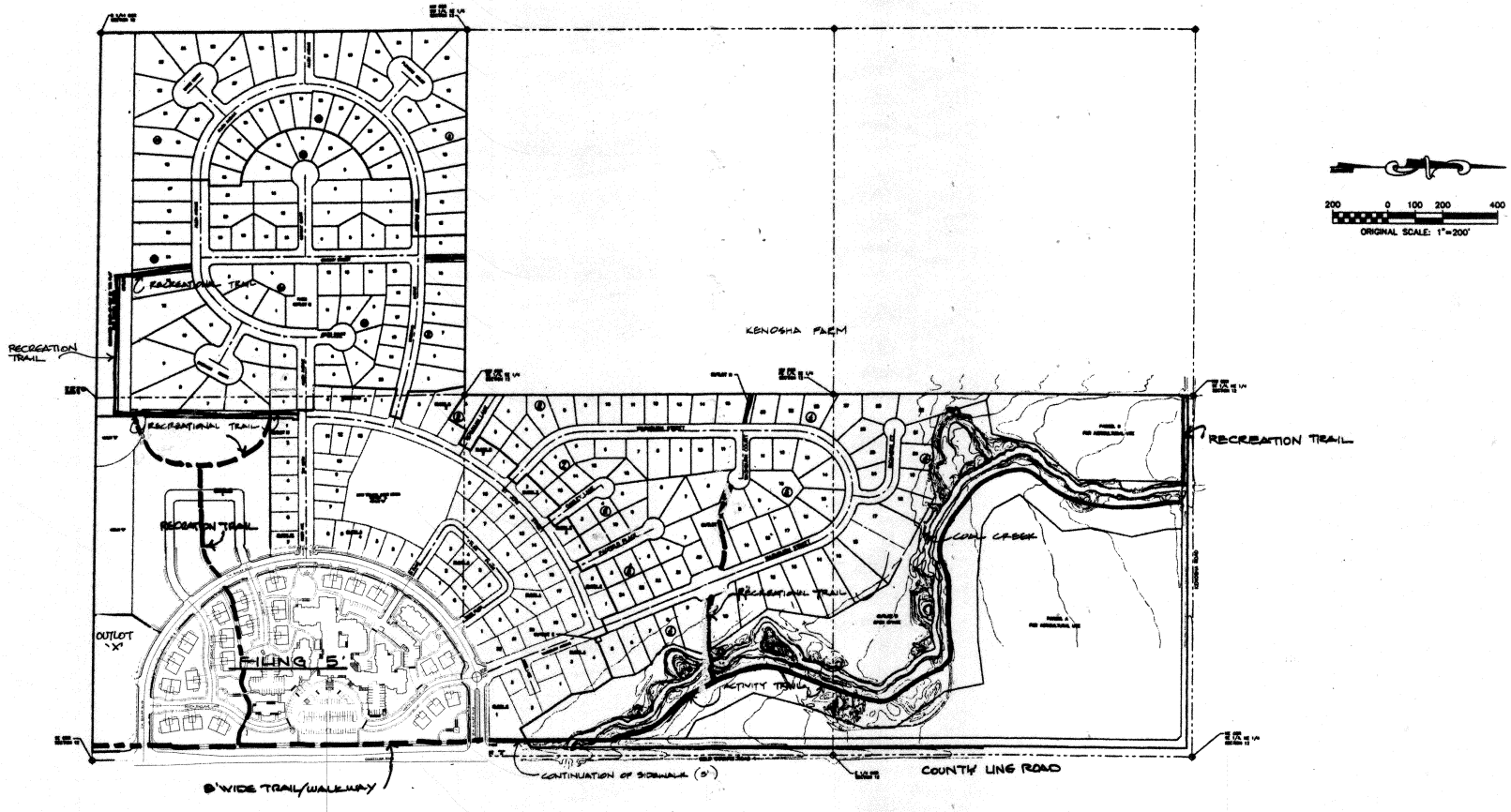
ERIE VILLAGE SENIORS HOUSING
183-UNIT CONTINUUM OF CARE RETIREMENT COMMUNITY
ERIE, COLORADO

JUNGE/ASSOCIATES
461 ARAPAHOE AVENUE, BOULDER, COLORADO 80303 FAX 303 444-5085 303 444-7983

SITE CONCEPT PLAN
SCALE 0 50' 100' 200'

SCALE 1" = 60' - 0"

SHEET 4 OF 5



SHEET 5
OF 5

ERIE VILLAGE
COMPOSITE MAP TRAIL MAP CONCEPT PLAN

RESTRICTIVE COVENANT

ERIE VILLAGE FILING 5

THIS RESTRICTIVE COVENANT is made this 22nd day of April, 2008, by Annuit Properties, LLC (Grantor), whose address is 1417 Rembrandt Rd., Boulder, Colorado 80302. Grantor is the owner of real property described as:

Erie Village Filing 5
Blocks 17 through 24, inclusive and Blocks 26 and 27
Together with Outlots P, Q, R, S, T, U, V, W, AND Z, Erie Village, Fifth Filing Replat A
County of Boulder, State of Colorado (herein after the "Property").

Grantors desire to restrict the use and occupancy of dwelling units constructed or to be constructed on said Property as set forth herein below.

In consideration of a fully executed Contract to Buy and Sell Real Estate dated February 9, 2008, between the Grantor as Seller, and Gary Krantz and Dennis A. Drumm as Buyers, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby agrees for itself, its successors and assigns, that each and every dwelling unit constructed or to be constructed on the Property shall be restricted as to occupancy as follows:

1. The maximum number of persons occupying a dwelling unit shall be two (2) persons.
2. At least one person occupying a dwelling unit shall be sixty-two (62) years of age or older (a "Qualified Occupant").
3. No person under the age of nineteen (19) years of age shall be allowed to occupy a dwelling unit.
4. If only one of the occupants is sixty-two (62) years of age or older and that occupant ceases to occupy the dwelling unit, the remaining occupant who is a spouse, sibling or child of the Qualified Occupant that has been in the same dwelling unit for at least the previous six (6) months (a "Remaining Occupant") may continue to reside in the same dwelling unit. However, if a second occupant is added to the dwelling unit, or if the Remaining Occupant vacates the dwelling unit, the new occupant must be a Qualified Occupant.
5. The Guest Quarters allowed in Erie Village Filing 5, as defined in the Erie Village PD Amendment No. 5, shall be exempt from the age restriction requirements.

It is intended that the Property will be used to facilitate mixed office, commercial, and residential uses associated with a continuum of care retirement community as described in the Erie Village. Planned Development "PD" Development Plan, Fifth Amendment. This Restrictive Covenant shall apply to residential dwelling units only. This Restrictive Covenant shall not terminate nor

Unofficial Copy

ROB

3L

shall it be amended without the prior written approval of the Town of Erie Board of Trustees.

Grantor has executed this Restrictive Covenant as of the day and year first written above.

ANNUIT:
ANNUIT PROPERTIES LLC,
a Colorado limited liability company

By: _____
Donald Johnson, Manager

By: _____
John Hess, Manager

Unofficial Copy

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

The foregoing Restrictive Covenant was acknowledged before me this 22 day of April, 2008, by Donald Johnson, Manager and John Hess, Manager, Annuit Properties LLC.

WITNESS my hand and official seal.
My commission expires: March 13, 2011

ROSALEE J. BRIDGES NOTARY PUBLIC STATE OF COLORADO

_____
Notary Public

ALTA/NSPS LAND TITLE SURVEY

BLOCKS 17, 18, 19, 20, 21, 22, 23, 24, 26 & 27, TOGETHER WITH OUTLOTS P, Q, R, S, T, U, V, W & Z, ERIE VILLAGE 5TH FILING–REPLAT A & OUTLOT X, ERIE VILLAGE 5TH FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO

TOTAL AREA = 645,676 SQ FT, OR 14.82 ACRES, MORE OR LESS

SHEET 1 OF 5

Parcel Description

(PROVIDED BY LAND TITLE GUARANTEE COMPANY)
DEED RECORDED ON 06/08/2018 AT REC. NO. 03659639

PARCEL A:

BLOCKS 17 THROUGH 24, INCLUSIVE AND BLOCKS 26 AND 27, TOGETHER WITH OUTLOTS P, Q, R, S, T, U, W, AND Z, ERIE VILLAGE FIFTH FILING REPLAT A, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

OUTLOT X, ERIE VILLAGE FIFTH FILING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL C:

OUTLOT V, ERIE VILLAGE FIFTH FILING REPLAT A, COUNTY OF BOULDER, STATE OF COLORADO.

Vicinity Map

NOT TO SCALE

Notes

1. LAND TITLE GUARANTEE COMPANY COMMITMENT NUMBER OX70552461.2585167 JUNE 08, 2018 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS–OF–WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

2. 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 THE CERTIFICATION SHOWN HEREON.

3. THIS ALTA/NSPS LAND TITLE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF PORCHFRONT HOMES, LLC., OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND LAND TITLE GUARANTEE COMPANY, NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS STATEMENT BY THE SURVEYOR NAMING SAID PERSON.

4. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.

5. BASIS OF BEARINGS: GPS DERIVED BEARINGS BASED ON A BEARING OF N00°20'50"W ALONG THE EAST LINE OF SECTION 12, BETWEEN A FOUND 2 1/2" ALUMINUM CAP IN RANGE BOX, BEING THE SOUTHEAST QUARTER CORNER SECTION 12, AS DESCRIBED IN MONUMENT RECORD DATED NOVEMBER 30, 2016 AND A FOUND 2 1/2" ALUMINUM CAP IN RANGE BOX, BEING THE EAST QUARTER CORNER SECTION 12, AS DESCRIBED IN MONUMENT RECORD DATED NOVEMBER 30, 2016 AS SHOWN HEREON. COLORADO STATE PLANE COORDINATE SYSTEM, 0501 ZONE, NORTH AMERICAN DATUM 1983 (NAD83). ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

6. WITH REGARD TO TABLE A, ITEM 11, SOURCE INFORMATION FROM PLANS AND MARKINGS HAVE BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. A PRIVATE UTILITY LOCATER WAS HIRED FOR THE PREPARATION OF THIS SURVEY. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND STRUCTURES. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9–1.5–103. (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 11)

7. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18–4–508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER–SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.

8. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

9. THE CONTOURS REPRESENTED HEREON WERE INTERPOLATED BY AUTOCAD CIVIL 3D (DIGITAL TERRAIN MODELING) SOFTWARE BETWEEN ACTUAL MEASURED SPOT ELEVATIONS. DEPENDING ON THE DISTANCE FROM A MEASURED SPOT ELEVATION AND LOCAL VARIATIONS IN TOPOGRAPHY, THE CONTOUR SHOWN MAY NOT BE AN EXACT REPRESENTATION OF THE SITE TOPOGRAPHY. THE PURPOSE OF THIS TOPOGRAPHIC MAP IS FOR SITE EVALUATION AND TO SHOW SURFACE DRAINAGE FEATURES. ADDITIONAL TOPOGRAPHIC OBSERVATIONS MAY BE NECESSARY IN SPECIFIC AREAS OF DESIGN. TOPOGRAPHY SHOWN HEREON COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS.

10. BENCHMARK INFORMATION: A GPS DERIVED ELEVATION WAS ESTABLISHED AT AN ONSITE BENCHMARK NEAR THE NORTHEAST CORNER OF OUTLOT Z, BEING A SET MAGNAIL WITH AN ELEVATION OF 5002.98 FEET. A CHECK SHOT WAS TAKEN ON CITY AND COUNTY OF BROOMFIELD BENCHMARK LUCY, BEING A BROOMFIELD DISK ON A #5 REBAR LOCATED 4.7 MILES FROM SITE, WITH A PUBLISHED ELEVATION OF 5297.00 FEET (NAVD88). NO DIFFERENTIAL LEVELING WAS PERFORMED TO ESTABLISH THIS ELEVATION.

11. SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN. BUILDINGS AND OTHER IMPROVEMENTS OR STRUCTURES ON ADJACENT PROPERTIES THAT ARE MORE THAN FIVE (5) FEET FROM ANY OF THE PROPERTY LINES OF THE SUBJECT PROPERTY ARE NOT NECESSARILY SHOWN.

12. FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND/OR ZONE D, AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE, ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP; COMMUNITY–PANEL NO. 08013C–0441 J, DATED DECEMBER 18, 2012. THE MAP DOES NOT DIFFERENTIATE BETWEEN ZONE X UNSHADED AND ZONE D. FLOOD INFORMATION IS SUBJECT TO CHANGE (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 3).

13. DATES OF FIELDWORK: AUGUST 9, 10, 11, 13, 2017 (CREW CHIEF J. FOWLER) AND JULY 19, 2018 (J. HANNAHOE).

14. 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 WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

15. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 645,676 SQ. FT. OR 14.82 ACRES, MORE OR LESS. AREA AS SHOWN HEREON IS A RESULTANT FACTOR, NOT A DETERMINATIVE FACTOR, AND MAY CHANGE SIGNIFICANTLY WITH MINOR VARIATIONS IN FIELD MEASUREMENTS OR THE SOFTWARE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES (ALTA/NSPS LAND TITLE SURVEY TABLE A, OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS, ITEM 4).

16. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND ARE SHOWN GRAPHICALLY HEREON. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

#11	JUL. 08, 1985	REC. NO. 698467	PIPELINE RIGHT–OF–WAY AGREEMENT
	NOV. 12, 1985	REC. NO. 725442	RE–RECORDED PIPELINE RIGHT–OF–WAY AGREEMENT
#17	JUL. 24, 1996	REC. NO. 01627736	ESMTS & CONDITIONS OF THE PLAT OF ERIE VILLAGE, FIRST FILING
#23	FEB. 08, 1999	REC. NO. 1903172	ESMTS & CONDITIONS OF THE PLAT OF ERIE VILLAGE, FIFTH FILING
#24	SEP. 09, 1999	REC. NO. 1979726	EASEMENT AND CONDITIONS OF ERIE VILLAGE PLAN MAP
	OCT. 01, 2001	REC. NO. 2202407	AMENDMENT OF ERIE VILLAGE PLAN MAP
	DEC. 16, 2005	REC. NO. 2744996	AMENDMENT OF ERIE VILLAGE PLAN MAP
	JUN. 10, 2008	REC. NO. 2935226	AMENDMENT OF ERIE VILLAGE PLAN MAP
#30	DEC. 16, 2005	REC. NO. 2744998	CONDITIONS OF THE PLAT OF ERIE VILLAGE, FIFTH FILING REPLAT A. (AFFECTS PARCEL A)

17. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.

#8	DEC. 16, 1876	ESI. 28080143	HOMESTEAD CERTIFICATE
#9	DEC. 17, 1952	BOOK 919, PAGE 15	OIL AND GAS LEASE
#10	JUN. 27, 1977	REC. NO. 229368	OIL AND GAS LEASE
	MAY 02, 1980	REC. NO. 394038	DECLARATION OF UNITIZATION
	SEP. 14, 1992	REC. NO. 01219224	AMENDMENT TO DECLARATION OF UNITIZATION
	MAR. 09, 2011	REC. NO. 03137258	AFFIDAVITS OF PRODUCTION
	MAR. 09, 2011	REC. NO. 03137261	AFFIDAVITS OF PRODUCTION
	FEB. 05, 2013	REC. NO. 03287557	WELLBORE SPECIFIC DECLARATION OF POOLING
#12	JUN. 25, 1986	REC. NO. 00768891	UNDERGROUND FACILITY CONDITIONS AND OBLIGATIONS
#13	APR. 26, 1994	REC. NO. 01420288	TERMS AND CONDITIONS OF ANNEXATION ORDINANCE NO. 448
	APR. 26, 1994	REC. NO. 01420293	TERMS AND CONDITIONS OF ANNEXATION PLAT
#14	APR. 26, 1994	REC. NO. 01420289	TERMS AND CONDITIONS OF ZONING ORDINANCE NO. 449
#15	APR. 26, 1994	REC. NO. 01420290	TERMS AND CONDITIONS OF ANNEXATION AGREEMENT
	AUG. 16, 2005	REC. NO. 2713718	FIRST AMENDMENT OF ANNEXATION AGREEMENT
#16	JUL. 24, 1996	REC. NO. 1627735	SUBDIVISION IMPROVEMENT AGREEMENT
	JUN. 10, 2008	REC. NO. 2935227	FIRST AMENDMENT OF SUBDIVISION IMPROVEMENT AGREEMENT
#18	SEP. 06, 1996	REC. NO. 01640352	DRY–UP COVENANT
#19	JAN. 09, 1998	REC. NO. 1761801	NOTICES OF RIGHT TO USE SURFACE OF LANDS
	JUN. 03. 2002	REC. NO. 2292885	NOTICES OF RIGHT TO USE SURFACE OF LANDS
#20	AUG. 18, 1998	REC. NO. 1836936	COVENANTS AND RESTRICTIONS
	SEP. 25, 1998	REC. NO. 1852647	AMENDMENTS TO COVENANTS AND RESTRICTIONS
	JUL. 06, 2001	REC. NO. 2170399	AMENDMENTS TO COVENANTS AND RESTRICTIONS
#21	OCT. 09, 1998	REC. NO. 1858286	TERMS AND CONDITIONS OF COST SHARING AGREEMENT
	NOV. 25, 1998	REC. NO. 1874842	TERMS AND CONDITIONS OF COST SHARING AGREEMENT
#22	FEB. 08, 1999	REC. NO. 1903167	TERMS AND CONDITIONS OF ORDINANCE NO. 616 FINAL PLAT APPROVAL
#24	SEP. 09, 1999	REC. NO. 1979726	EASEMENT AND CONDITIONS OF ERIE VILLAGE PLAN MAP
	OCT. 01, 2001	REC. NO. 2202407	AMENDMENT OF ERIE VILLAGE PLAN MAP
	OCT. 16, 2005	REC. NO. 2744996	AMENDMENT OF ERIE VILLAGE PLAN MAP
	JUN. 10, 2008	REC. NO. 2935226	AMENDMENT OF ERIE VILLAGE PLAN MAP
#25	MAY 29, 2001	REC. NO. 2154226	TERMS AND CONDITIONS OF DEVELOPMENT PLAN
	MAY 29, 2001	REC. NO. 2154227	TERMS AND CONDITIONS OF DEVELOPMENT PLAN
#26	AUG. 01, 2000	REC. NO. 2065802	TAX, LIEN, FEE, OR ASSESSMENT IN NORTHERN COLORADO WATER CONSERVANCY DISTRICT.
#27	NOV. 26, 2002	REC. NO. 2362630	TERMS AND CONDITIONS IN AGREEMENT FOR AGRICULTURAL LAND USE
#28	MAR. 13, 2003	REC. NO. 2411969	PARK AND LANDSCAPE CONSTRUCTION LETTER OF AGREEMENT
#29	DEC. 11, 2001	REC. NO. 2230415	TERMS AND CONDITIONS AS TO MINERAL INTERESTS
	JUL. 09, 2002	REC. NO. 2305663	TERMS AND CONDITIONS AS TO MINERAL INTERESTS
	AUG. 19, 2004	REC. NO. 2619482	TERMS AND CONDITIONS AS TO MINERAL INTERESTS
	JUL. 25, 2005	REC. NO. 2706681	TERMS AND CONDITIONS AS TO MINERAL INTERESTS
	DEC. 21, 2007	REC. NO. 2900941	TERMS AND CONDITIONS AS TO MINERAL INTERESTS
#31	MAY 10, 2006	REC. NO. 2775746	REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT
#36	SEP. 09, 2018	ESI 35747120	ALTA/NSPS LAND TITLE SURVEY
#37	JUN. 08, 2018	REC. NO. 3659639	SPECIAL WARRANTY DEED
#38	JUN. 08, 2018	REC. NO. 3659640	DEED OF TRUST
(AFFECTS ALL PARCELS)			
#32	JAN. 27, 2006	REC. NO. 2753294	GRANT OF DETERMINABLE EASEMENT AGREEMENT
(AFFECTS PARCEL B)			
#33	JUN. 10, 2008	REC. NO. 2935228	RESTRICTIVE COVENANT
#34	JUN. 10, 2009	REC. NO. 03006434	CONVEYANCE OF MINERAL RIGHTS
	JUN. 10, 2009	REC. NO. 03006433	CONVEYANCE OF MINERAL RIGHTS
(AFFECTS PARCEL A & C)			
#35	AUG. 02, 2016	REC. NO. 03534406	GRANT OF PERPETUAL NON–EXCLUSIVE ACCESS, PARKING, TRASH ENCLOSURE UTILITY EQUIPMENT, LIGHTING AND LANDSCAPING, USE, OPERATION AND ENJOYMENT EASEMENT OF OUTLOT V.
(AFFECTS PARCEL C)			

18. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE DOCUMENT AND ARE ILLEGIBLE. THE FOLLOWING LIST CONTAINS THE TITLE DOCUMENT EXCEPTION NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.
    #35 AUG. 02, 2016 REC. NO. 03534406 GRANT OF ESMT

19. FENCES ARE NOT COINCIDENT WITH THE LOT LINES AS SHOWN ON SHEET 5 OF 5.

20. ALTA/NSPS LAND TITLE SURVEY STORED AS ESI 35747120 AND REFERENCED IN TITLE COMMITMENT EXCEPTION 36 WAS CONSIDERED IN THE PREPARATION OF THIS SURVEY.

21. THE AIR CONDITIONING UNITS AND ELECTRIC TRANSFORMER ASSOCIATED WITH THE BUILDING ON BLOCK 25 ARE LOCATED ON OUTLOT V AS SHOWN ON SHEET 4 OF 5.

Surveyor's Certificate

TO PORCHFRONT HOMES, LLC., OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND LAND TITLE GUARANTEE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5 AND 11 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JULY 19, 2018.

PURSUANT TO COLORADO STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE UNDERSIGNED FURTHER CERTIFIES THAT THIS MAP OR PLAT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JOHN B. GUYTON COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATIRONS, INC.

WORKING COPY ONLY ONLY FINAL VERSION
DRAFT

Depositing Certificate

SUBMITTED TO BOULDER COUNTY LAND USE FOR RECORDING ON THIS ____
DAY OF _____, 20__.

DATE	REVISION
	1
	2
	3
	4
	5
	6
	7
	8
	9

ALTA/NSPS LAND TITLE SURVEY
PREPARED FOR
PORCHFRONT HOMES
&
Others (See Note 3)

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Flatirons, Inc.
Surveying, Engineering & Geomatics
www.FlatironsInc.com
655 FOURTH AVE. LONGMONT, CO 80501 PH: (303) 776–1733 FAX: (303) 776–4355
3825 IRIS AVE. STE. 395 BOULDER, CO 80301 PH: (303) 443–7001 FAX: (303) 443–9830
3660 DOWNING ST UNIT E DENVER, CO 80205 PH: (303) 936–6997

DRAFT
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ONLY FINAL VERSION
WILL HAVE STAMP
AND SIGNATURE
7/30/18
(SEAL)

JOB NUMBER: 17–70,166.1
DATE: 07–23–2018
DRAWN BY: J. HEYWORTH
CHECKED BY: TDH/BOL/SB

SHEET 1 OF 5

BY:JKUBE FILE:70166.1-ALTA-C19 (V3).DWG DATE:7/30/2018 1:34 PM

ALTA/NSPS LAND TITLE SURVEY

BLOCKS 17, 18, 19, 20, 21, 22, 23, 24, 26 & 27, TOGETHER WITH OUTLOTS P, Q, R, S, T, U, V, W & Z, ERIE VILLAGE 5TH FILING–REPLAT A & OUTLOT X, ERIE VILLAGE 5TH FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO

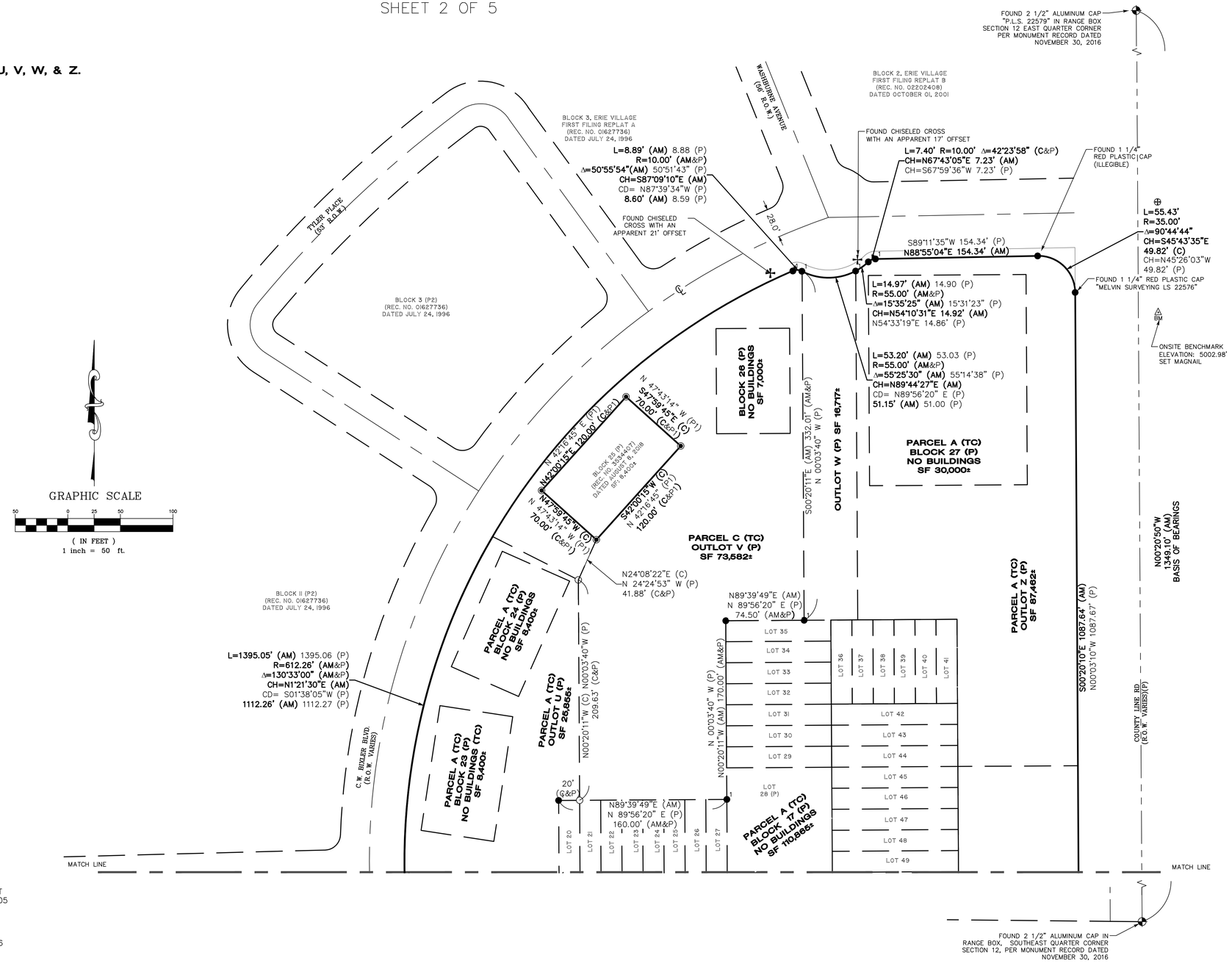
SHEET 2 OF 5

Parcel A & C Boundary Closure Report
Blocks 17-24, 26 & 27 and Outlots P, Q R, S, T, U, V, W, & Z.

LENGTH: 1395.05'	RADIUS: 612.26'	DELTA: 130°33'00"
CHORD: 1112.26'	COURSE: N01°21'30"E	
LENGTH: 8.89'	RADIUS: 10.00'	DELTA: 050°55'54"
CHORD: 8.60'	COURSE: S87°09'10"E	
LENGTH: 53.20'	RADIUS: 55.00'	DELTA: 055°25'30"
CHORD: 51.15'	COURSE: N89°44'27"E	
LENGTH: 14.97'	RADIUS: 55.00'	DELTA: 015°35'25"
CHORD: 14.92'	COURSE: N54°10'31"E	
LENGTH: 7.40'	RADIUS: 10.00'	DELTA: 042°23'58"
CHORD: 7.23'	COURSE: N67°43'05"E	
COURSE: N88°55'04"E	LENGTH: 154.34'	
LENGTH: 55.43'	RADIUS: 35.00'	DELTA: 090°44'44"
CHORD: 49.82'	COURSE: S45°43'35"E	
COURSE: S00°20'10"E	LENGTH: 1087.64'	
LENGTH: 55.54'	RADIUS: 35.00'	DELTA: 090°55'28"
CHORD: 49.90'	COURSE: S45°07'33"W	
COURSE: N89°24'43"W	LENGTH: 139.23'	
LENGTH: 33.94'	RADIUS: 295.00'	DELTA: 006°35'29"
CHORD: 33.92'	COURSE: N86°06'58"W	
LENGTH: 52.33'	RADIUS: 295.00'	DELTA: 010°09'47"
CHORD: 52.26'	COURSE: N77°44'20"W	

PERIMETER: 3102.98' AREA: 611140 SQ. FT.
ERROR CLOSURE: 0.00 COURSE: N52°08'47"W
ERROR NORTH: 0.002 EAST: −0.002

PRECISION 1: 3102970000



Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- FOUND BRASS TAG AS DESCRIBED
- SET TEMPORARY BENCHMARK AS DESCRIBED
- SET #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P) AS PER THE PLAT OF ERIE VILLAGE, FIFTH FILING REPLAT A AT RECEPTION NO. 2744998 DATED DECEMBER 16, 2005
- (P1) AS PER THE PLAT OF ERIE VILLAGE, FIFTH FILING AT RECEPTION NO. 1903172 DATED FEBRUARY 08, 1999
- (P2) AS PER THE PLAT OF ERIE VILLAGE, FIRST FILING FINAL PLAT AT RECEPTION NO. 01627736 DATED JULY 24, 1996

REVISION	DATE
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ALTA/NSPS LAND TITLE SURVEY
PREPARED FOR
PORCHFRONT HOMES & Others (See Note 3)

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JOB NUMBER:	17-70,166.1
DATE:	07-25-2018
DRAWN BY:	J. HEYWORTH
CHECKED BY:	TDH/BOL/SB

SHEET 2 OF 5

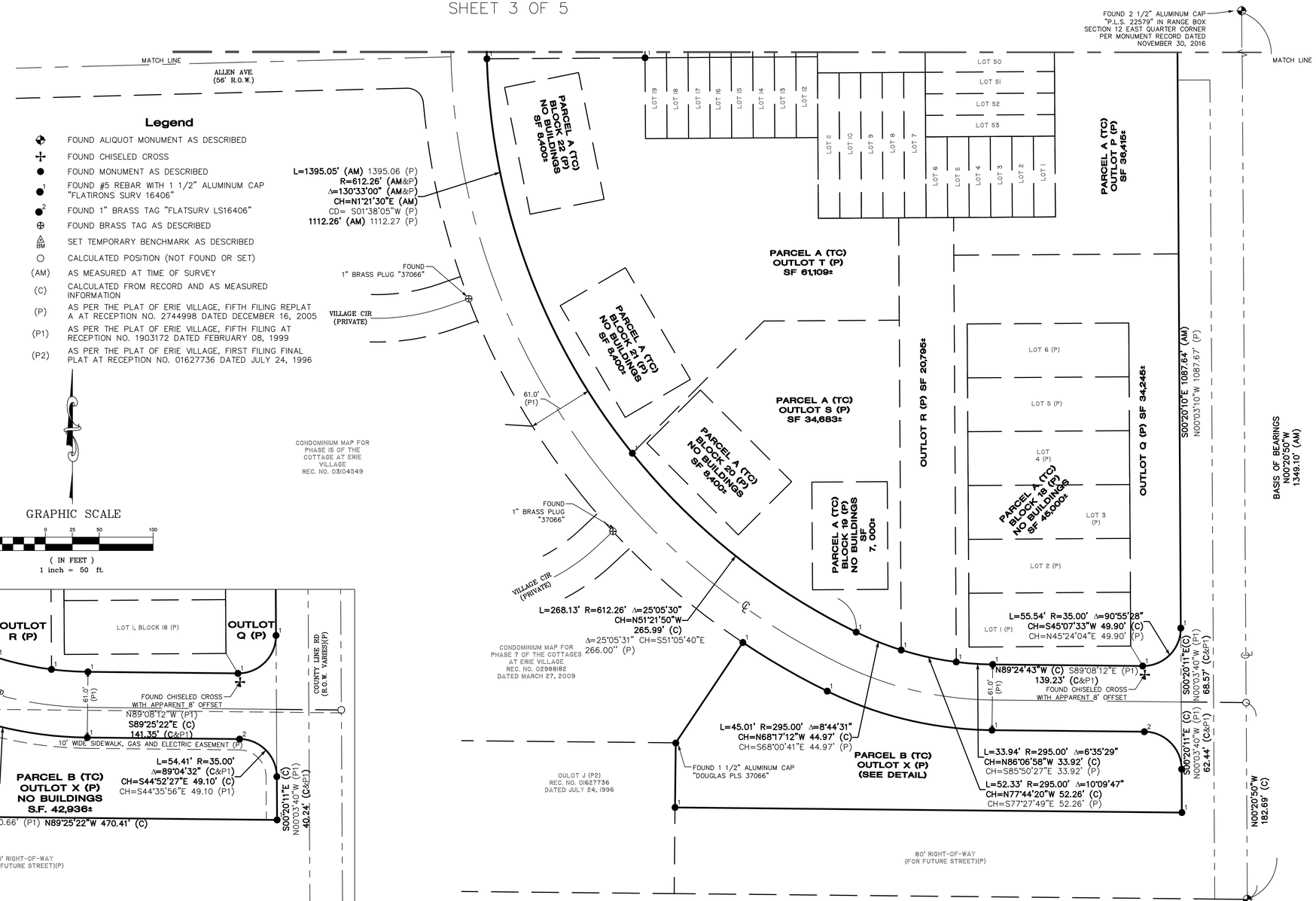
BY:KUBE FILE:70166.1-ALTA-C19 (V3).DWG DATE:7/30/2018 1:35 PM

ALTA/NSPS LAND TITLE SURVEY

BLOCKS 17, 18, 19, 20, 21, 22, 23, 24, 26 & 27, TOGETHER WITH OUTLOTS P, Q, R, S, T, U, V, W & Z, ERIE VILLAGE 5TH FILING–REPLAT A & OUTLOT X, ERIE VILLAGE 5TH FILING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 3 OF 5

PARCEL A & C BOUNDARY CLOSURE REPORT BLOCKS 17-24, 26 & 27 AND OUTLOTS P, Q R, S, T, U, V, W, & Z.



Legend

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- FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
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- FOUND 1" BRASS TAG "FLATSURV LS16406"
- FOUND BRASS TAG AS DESCRIBED
- SET TEMPORARY BENCHMARK AS DESCRIBED
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
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- (P1) AS PER THE PLAT OF ERIE VILLAGE, FIFTH FILING AT RECEPTION NO. 1903172 DATED FEBRUARY 08, 1999
- (P2) AS PER THE PLAT OF ERIE VILLAGE, FIRST FILING FINAL PLAT AT RECEPTION NO. 01627736 DATED JULY 24, 1996

GRAPHIC SCALE

50 0 25 50 100

(IN FEET)
1 inch = 50 ft.

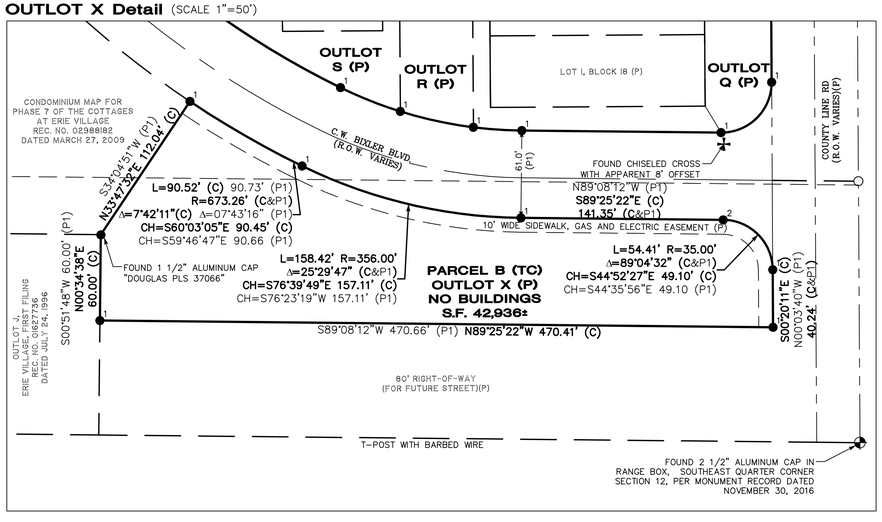
Parcel B: Boundary Closure Report
Outlot X

COURSE: N33°47'32"E	LENGTH: 112.04'	
LENGTH: 90.52'	RADIUS: 673.26'	DELTA: 007°42'11"
CHORD: 90.45'	COURSE: S60°03'05"E	
LENGTH: 158.42'	RADIUS: 356.00'	DELTA: 025°29'47"
CHORD: 157.11'	COURSE: S76°39'49"E	
COURSE: S89°25'22"E	LENGTH: 141.35'	
LENGTH: 54.41'	RADIUS: 35.00'	DELTA: 089°04'32"
CHORD: 49.10'	COURSE: S44°52'27"E	
COURSE: S00°20'11"E	LENGTH: 40.24'	
COURSE: N89°25'22"W	LENGTH: 470.41'	
COURSE: N00°34'38"E	LENGTH: 60.00'	

PERIMETER: 1127.40' AREA: 42936 SQ. FT.
ERROR CLOSURE: 0.00 COURSE: S12°38'28"E
ERROR NORTH: −0.002 EAST: 0.000

PRECISION 1: 1127390000

OUTLOT X Detail (SCALE 1"=50')



DATE	REVISION
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&
Others (See Note 3)

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CHECKED BY:	TDH/BOL/SB

SHEET 3 OF 5

BY:KUBE FILE:70166.1-ALTA-C19 (V3).DWG DATE:7/30/2018 1:35 PM

ALTA/NSPS LAND TITLE SURVEY

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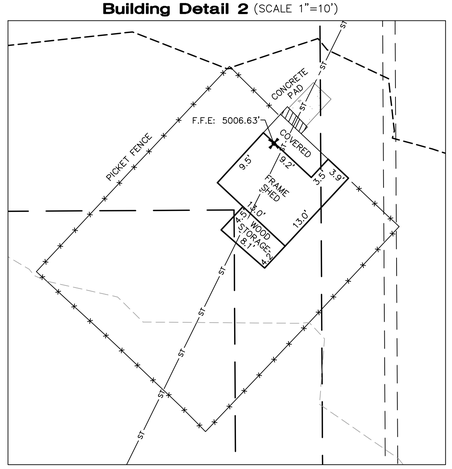
SHEET 4 OF 5

Building Detail 2 (SCALE 1"=10')



Legend

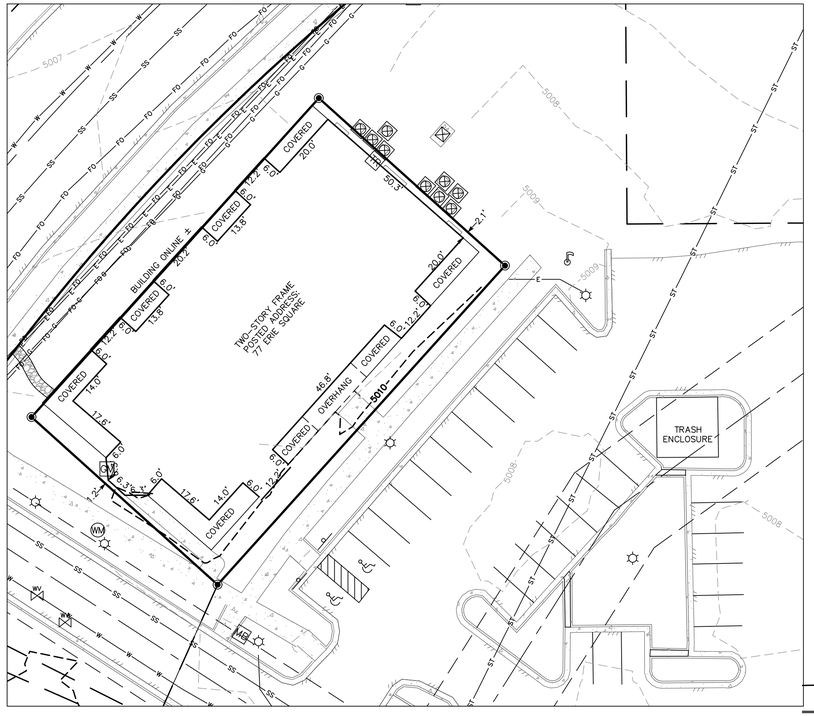
- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- FOUND BRASS TAG AS DESCRIBED
- SET TEMPORARY BENCHMARK AS DESCRIBED
- SET #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- CALCULATED POSITION (NOT FOUND OR SET)
- CONCRETE
- EDGE OF ASPHALT
- GRAVEL
- FENCE
- SIGN
- DOUBLE POLE SIGN
- X"/X' DECIDUOUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
- X"/X' CONIFEROUS TREE (TRUNK DIAMETER/DRIP LINE RADIUS)
- WATER LINE
- WATER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER LINE
- SANITARY SEWER LINE SCALED FROM MAPS
- SANITARY SEWER MANHOLE
- CLEANOUT
- STORM SEWER LINE
- STORM SEWER LINE SCALED FROM MAPS
- STORM SEWER MANHOLE
- CURB INLET
- GRATE INLET
- ELECTRIC LINE
- ELECTRIC RISER
- TRANSFORMER
- LIGHT POLE
- OVERHEAD UTILITY LINE
- UTILITY POLE
- GUY WIRE
- FIBEROPTIC LINE
- FIBEROPTIC LINE SCALED FROM MAPS
- FIBEROPTIC MANHOLE
- FIBEROPTIC RISER
- FIBEROPTIC VAULT
- TELEPHONE RISER
- AIR CONDITIONER UNIT ON CONCRETE PAD
- GAS LINE
- GAS VALVE
- LOCATION OF FINISHED FLOOR
- FLAGPOLE
- CENTERLINE
- FFE FINISHED FLOOR ELEVATION
- ELEV ELEVATION
- INV INVERT

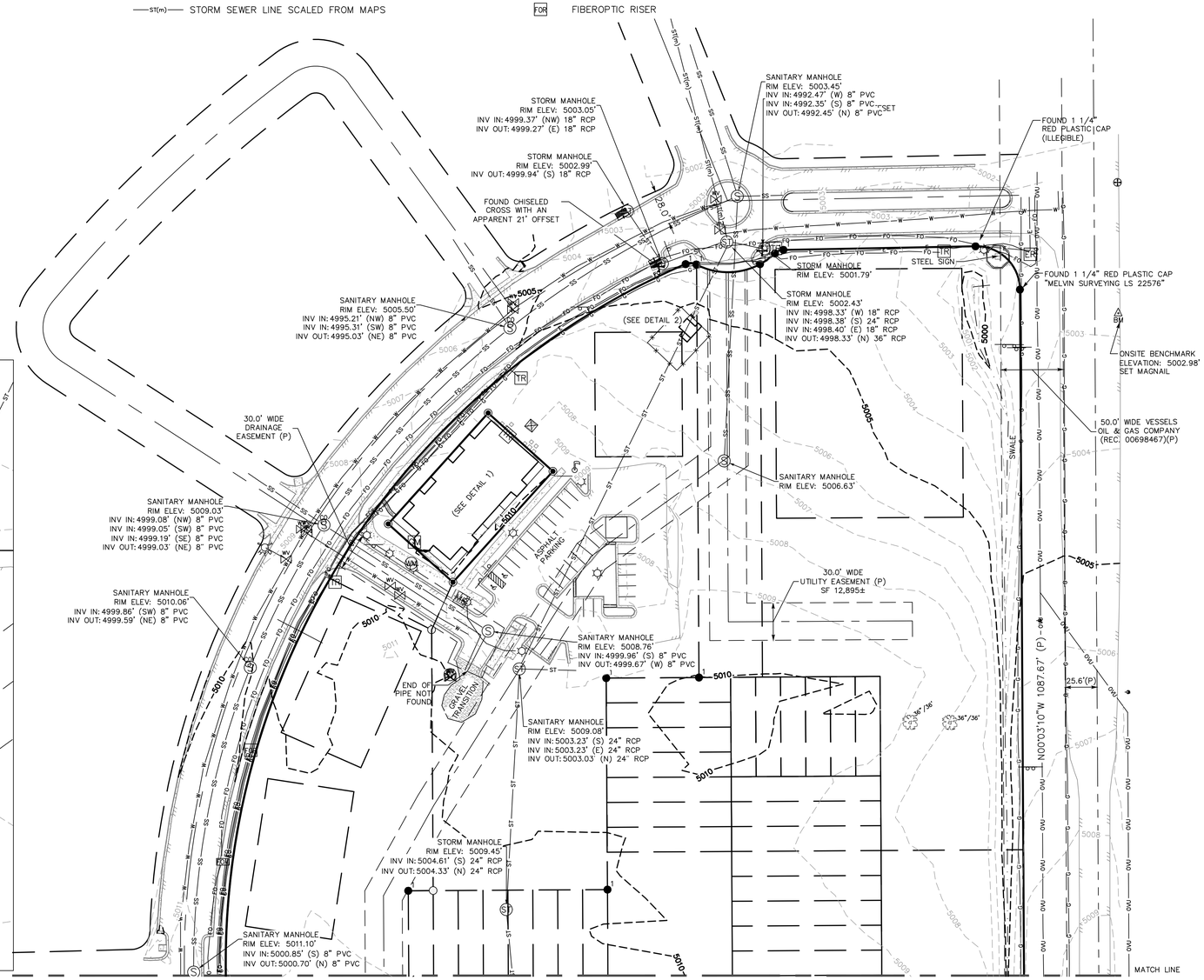
GRAPHIC SCALE

50 0 25 50 100

(IN FEET)
1 inch = 50 ft.
CONTOUR INTERVAL = 1 FOOT

Building Detail 1 (SCALE 1"=20')





DATE	REVISION
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Others (See Note 3)

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CHECKED BY:	TDH/BOL/SB

SHEET 4 OF 5

BY:KUBE FILE:70166.1-ALTA-C19 (V3).DWG DATE:7/30/2018 1:35 PM

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SHEET 5 OF 5

Legend

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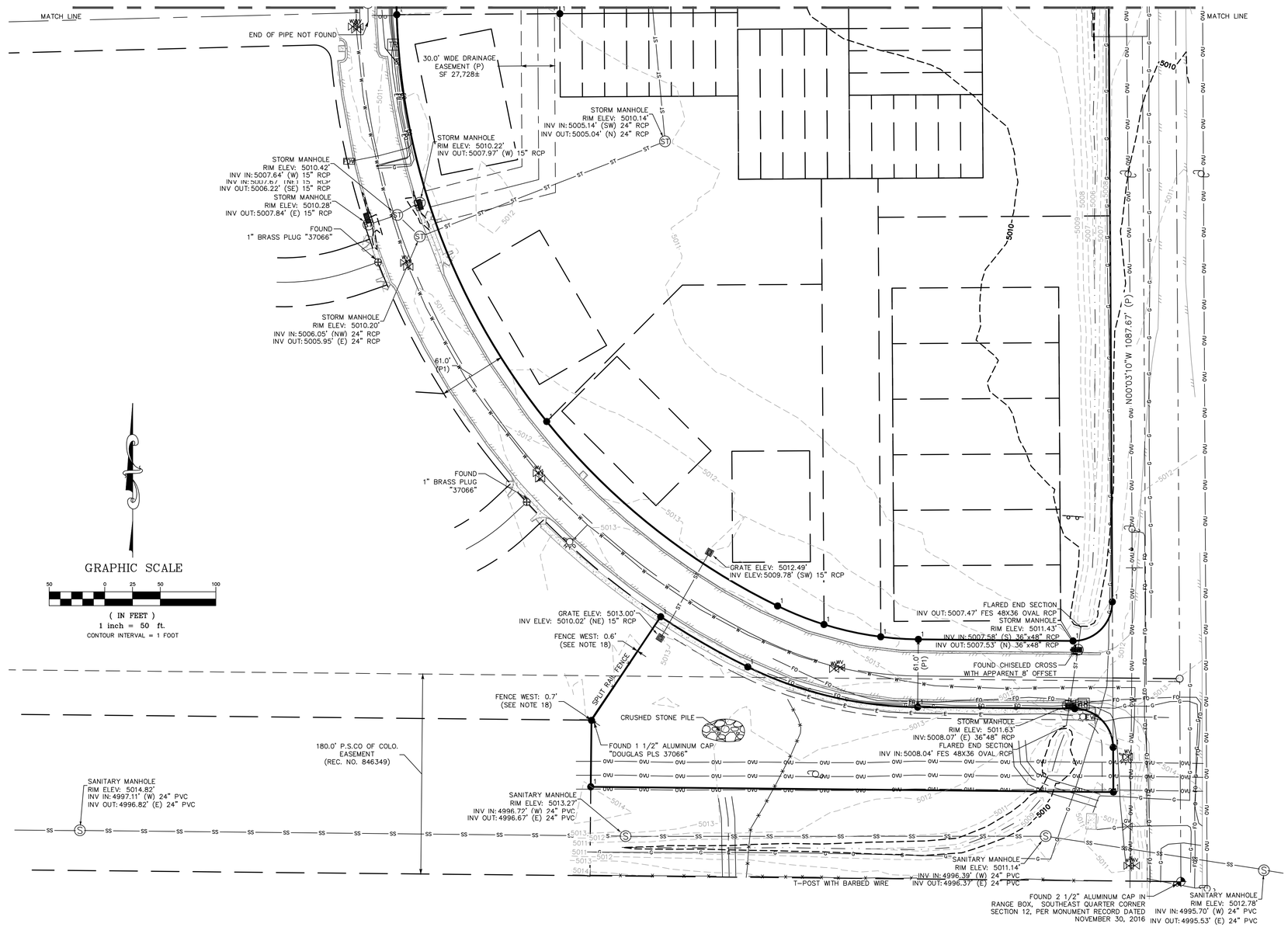
- FIBEROPTIC VAULT
- TELEPHONE RISER
- GAS LINE
- GAS VALVE
- LOCATION OF BUILDING HEIGHT/FINISHED FLOOR
- FLAGPOLE
- CENTERLINE
- FFE FINISHED FLOOR ELEVATION
- ELEV ELEVATION
- INV INVERT



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SHEET 5 OF 5

BY:JKUBE FILE:70166.1-ALTA-C19 (V3).DWG DATE:7/30/2018 1:37 PM

PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Land Title Guarantee Company

Customer Distribution

Our Order Number: ABZ70552461-5

Date: 06-08-2018

Property Address: ERIE VILLAGE, ERIE, CO 80516

For Closing Assistance
Cathy A. Grove
916 S MAIN ST #301
LONGMONT, CO 80501
(303) 488-5451 (phone)
(303) 393-4939 (fax)
cgrove@ltgc.com
Company License: CO44565
Contact License: CO47885

Closer's Assistant
Allison Geisler
916 S MAIN ST #301
LONGMONT, CO 80501
303-488-5458 (phone)
303-393-3921 (fax)
ageisler@ltgc.com

For Title Assistance
KIM ZIMMERMAN
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
720-406-2083 (phone)
303-393-4842 (fax)
kzimmerman@ltgc.com

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

Buyer/Borrower
PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY
mcoonce@porchfronthomes.com
Delivered via: Electronic Mail

Agent for Seller
REGEL & ASSOCIATES LLC
Attention: EDWARD REGEL
655 S SUNSET ST #F
LONGMONT, CO 80501
303-702-0605 (work)
edward@regelassociates.com
Delivered via: Electronic Mail

Seller/Owner
ANNUIT PROPERTIES LLC & 77 ERIE VILLAGE SQUARE LLLP
moonmountainlake@wildblue.net
Delivered via: Electronic Mail

Agent for Buyer
EIGHTY 30 REALTY
Attention: DEANNA FRANCO
733 SPRUCE ST
BOULDER, CO 80302
720-422-5131 (phone)
303-443-8030 (work)
888-321-8030 (work fax)
deanna@8030realty.com
Delivered via: Electronic Mail

Land Title Guarantee Company

Estimate of Title Fees

Order Number: ABZ70552461-5 Date: 06-08-2018

Property Address: ERIE VILLAGE, ERIE, CO 80516

Buyer/Borrower: PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY

Seller: ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCELS A AND B AND 77 ERIE VILLAGE SQUARE LLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, AS TO PARCEL C

Visit Land Title's website at www.ltgc.com for directions to any of our offices.

Estimate of Title Insurance Fees	
ALTA Owners Policy 06-17-06	$3,679.00
Deletion of Standard Exception(s)	$100.00
Tax Certificate 77 tax cers	$2,002.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Total	$5,781.00
THANK YOU FOR YOUR ORDER!	

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: ABZ70552461-5

Customer Ref-Loan No.:

Property Address:

ERIE VILLAGE, ERIE, CO 80516

1. Effective Date:

05-25-2018 At 05:00:00

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06 $1,750,000.00
Proposed Insured:
PORCHFRONT HOMES AT ERIE VILLAGE, 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:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCELS A AND B AND 77 ERIE VILLAGE SQUARE LLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, AS TO PARCEL C

5. The Land referred to in this Commitment is described as follows:

PARCEL A:

BLOCKS 17 THROUGH 24, INCLUSIVE AND BLOCKS 26 AND 27, TOGETHER WITH OUTLOTS P, Q, R, S, T, U, W, AND Z, ERIE VILLAGE FIFTH FILING REPLAT A, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

OUTLOT X, ERIE VILLAGE FIFTH FILING, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL C:

OUTLOT V, ERIE VILLAGE FIFTH FILING REPLAT A, COUNTY OF BOULDER, STATE OF COLORADO.

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ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B-1

(Requirements)

Order Number: ABZ70552461-5

The following are the requirements to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF ANNUIT PROPERTIES 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.

2. WARRANTY DEED FROM ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY TO PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

   NOTE: THE OPERATING AGREEMENT FOR ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES DONALD L. JOHNSON AND JOHN M. HESS AS THE MANAGERS, EITHER OF WHOM MAY EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

   (AFFECTS PARCELS A AND B)

3. WARRANTY DEED FROM 77 ERIE VILLAGE SQUARE LLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP TO PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

   NOTE: THE UNEXECUTED PARTNERSHIP AGREEMENT FOR 77 ERIE VILLAGE SQUARE LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP DISCLOSES ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY AS THE GENERAL PARTNER THAT MUST EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

   (AFFECTS PARCEL C)

4. A FULL COPY OF THE PARTNERSHIP AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR 77 ERIE VILLAGE SQUARE LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY.

   NOTE:LAND TITLE IS IN POSSESSION OF AN UNEXECUTED COPY OF THE PARTNERSHIP AGREEMENT FOR 77 ERIE VILLAGE SQUARE.

5. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF 77 ERIE VILLAGE SQUARE LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP AS A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY,

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B-1

(Requirements)

Order Number: ABZ70552461-5

The following are the requirements to be complied with:

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.

6. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY AS A COLORADO 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.

   NOTE: INFORMATION PROVIDED TO THE COMPANY AND STATEMENT OF AUTHORITY RECORDED MAY 7, 2012 UNDER RECEPTION NO. 03220972 FOR PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSE MARY COONCE, AS THE MANAGER AUTHORIZED TO EXECUTE DOCUMENTS ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NO LONGER CURRENT, PLEASE ADVISE. THE COMPANY RESERVES THE RIGHT TO MAKE ADDITIONAL REQUIREMENTS UPON RECEIPT OF THIS INFORMATION.

7. (ITEM INTENTIONALLY DELETED)

   AS TO THE OWNER'S POLICY ONLY:
   NOTE: ITEMS 1-3 OF THE STANDARD EXCEPTIONS ARE HEREBY DELETED.

   UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM NO. 4 OF THE STANDARD EXCEPTIONS ON THE OWNER'S POLICY, WILL BE AMENDED AS FOLLOWS:

   ITEM NO. 4 OF THE STANDARD 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 ANNUIT PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCELS A AND B AND 77 ERIE VILLAGE SQUARE LLLP., A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP, AS TO PARCEL C.
   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 PORCHFRONT HOMES AT ERIE VILLAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY.

   NOTE: ITEM 5 OF THE STANDARD EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

   NOTE: UPON PROOF OF PAYMENT OF 2016 TAXES, ITEM 6 WILL BE AMENDED TO READ:

   TAXES AND ASSESSMENTS FOR THE YEAR 2017 AND SUBSEQUENT YEARS.

Old Republic National Title Insurance Company
Schedule B-2

(Exceptions)

Order Number: ABZ70552461-5

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

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 THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNRECORDED UNITED STATES PATENT TO JOHNSON MILLER. SAID INSTRUMENT IS REFERENCED AS ESI 28080143.

10. OIL AND GAS LEASE BETWEEN AVALIA T. BIXLER AND FRANK W. WINEGAR, RECORDED DECEMBER 17, 1952 IN BOOK 919 AT PAGE 15, AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

11. OIL AND GAS LEASE BETWEEN RUTH E. BIXLER HICKS AND VIRGINIA B. JOHNSON AND AMOCO PRODUCTION COMPANY, RECORDED JUNE 27, 1977 UNDER RECEPTION NO. 229368, AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN, INCLUDING BUT NOT LIMITED TO THE FOLLOWING INSTRUMENTS:

    DECLARATION OF UNITIZATION RECORDED MAY 2, 1980 UNDER RECEPTION NO. 394038, AND AMENDMENT THERETO RECORDED SEPTEMBER 14, 1992 UNDER RECEPTION NO. 01219224. AFFIDAVITS OF PRODUCTION RECORDED MARCH 9, 2011 UNDER RECEPTION NOS. 03137258 AND 03137261.

Old Republic National Title Insurance Company
Schedule B-2

(Exceptions)

Order Number: ABZ70552461-5

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

WELLBORE SPECIFIC DECLARATION OF POOLING RECORDED FEBRUARY 5, 2013 UNDER RECEPTION NO. 03287557.

NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

12. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY AGREEMENT RECORDED JULY 08, 1985 UNDER RECEPTION NO. 00698467, AND RE-RECORDED NOVEMBER 12, 1985 UNDER RECEPTION NO. 00725442.

13. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE OF GENERAL DESCRIPTION OF AREA SERVED BY PANHANDLE EASTERN PIP LINE COMPANY CONCERNING UNDERGROUND FACILITIES RECORDED JUNE 25, 1986 UNDER RECEPTION NO. 00768891.

14. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ANNEXATION ORDINANCE NO. 448 RECORDED APRIL 26, 1994 UNDER RECEPTION NO. 01420288, AND ANNEXATION PLAT RECORDED APRIL 26, 1994 UNDER RECEPTION NO. 01420293.

15. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING ORDINANCE NO. 449 RECORDED APRIL 26, 1994 UNDER RECEPTION NO. 01420289.

16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ANNEXATION AGREEMENT RECORDED APRIL 26, 1994 UNDER RECEPTION NO. 01420290, AND FIRST AMENDMENT RECORDED AUGUST 16, 2005 UNDER RECEPTION NO. 2713718.

17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ERIE VILLAGE SUBDIVISION IMPROVEMENT AGREEMENT RECORDED JULY 24, 1996 UNDER RECEPTION NO. 01627735, AND FIRST AMENDMENT RECORDED JUNE 10, 2008 UNDER RECEPTION NO. 2935227.

18. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE VILLAGE, FIRST FILING RECORDED JULY 24, 1996 UNDER RECEPTION NO. 01627736.

19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DRY-UP COVENANT RECORDED SEPTEMBER 06, 1996 UNDER RECEPTION NO. 01640352.

20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICES OF RIGHT TO USE SURFACE OF LANDS RECORDED JANUARY 09, 1998 UNDER RECEPTION NO. 1761801 AND JUNE 3, 2002 UNDER RECEPTION NO. 2292885.

21. 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 AUGUST 18, 1998, UNDER RECEPTION NO. 1836936, AND AMENDMENTS RECORDED SEPTEMBER 25, 1998 UNDER RECEPTION NO. 1852647 AND JULY 6, 2001 UNDER RECEPTION NO. 2170399.

22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PUBLIC

Old Republic National Title Insurance Company
Schedule B-2

(Exceptions)

Order Number: ABZ70552461-5

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

IMPROVEMENTS COST SHARING AND SECURITY AGREEMENTS RECORDED OCTOBER 09, 1998 UNDER RECEPTION NO. 1858286 AND NOVEMBER 25, 1998 UNDER RECEPTION NO. 1874842.

23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ORDINANCE NO. 616 RECORDED FEBRUARY 08, 1999 UNDER RECEPTION NO. 1903167.

24. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE VILLAGE, FIFTH FILING RECORDED FEBRUARY 08, 1999 UNDER RECEPTION NO. 1903172.

25. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE ERIE VILLAGE DEVELOPMENT PLAN MAP RECORDED SEPTEMBER 09, 1999 UNDER RECEPTION NO. 1979726, AND AMENDMENTS RECORDED OCTOBER 1, 2001 UNDER RECEPTION NO. 2202407, DECEMBER 16, 2005 UNDER RECEPTION NO. 2744996 AND JUNE 10, 2008 UNDER RECEPTION NO. 2935226.

26. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ORDINANCES APPROVING ERIE VILLAGE AMENDMENTS TO DEVELOPMENT PLAN RECORDED MAY 29, 2001 UNDER RECEPTION NOS. 2154226 AND 2154227.

27. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED AUGUST 01, 2000, UNDER RECEPTION NO. 2065802.

28. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN COVENANT AND AGREEMENT RECORDED NOVEMBER 26, 2002 UNDER RECEPTION NO. 2362630.

29. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ERIE VILLAGE SUBDIVISION PARKS AND LANDSCAPING CONSTRUCTION LETTER OF AGREEMENT RECORDED MARCH 13, 2003 UNDER RECEPTION NO. 2411969.

30. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS TO MINERAL INTERESTS, AS SET FORTH IN INSTRUMENTS RECORDED DECEMBER 11, 2001 UNDER RECEPTION NO. 2230415, JULY 9, 2002 UNDER RECEPTION NO. 2305663, AUGUST 19, 2004 UNDER RECEPTION NO. 2619482, JULY 25, 2005 UNDER RECEPTION NO. 2706681, DECEMBER 21, 2007 UNDER RECEPTION NO. 2900941.

    (EXCEPTIONS 8 THROUGH 30 AFFECT ALL PARCELS)

31. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE VILLAGE FIFTH FILING REPLAT A RECORDED DECEMBER 16, 2005 UNDER RECEPTION NO. 2744998.

    (AFFECTS PARCELS A AND C)

32. REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT AS EVIDENCED BY INSTRUMENT RECORDED MAY 10, 2006 UNDER RECEPTION NO. 2775746.

    (AFFECTS ALL PARCELS)

Old Republic National Title Insurance Company
Schedule B-2

(Exceptions)

Order Number: ABZ70552461-5

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

33. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN GRANT OF DETERMINABLE EASEMENT AGREEMENT RECORDED JANUARY 27, 2006 UNDER RECEPTION NO. 2753294.

    (AFFECTS PARCEL B)

34. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESTRICTIVE COVENANT ERIE VILLAGE FILING 5 RECORDED JUNE 10, 2008 UNDER RECEPTION NO. 2935228.

    (AFFECTS PARCELS A AND C)

35. CONVEYANCE OF ALL MINERAL RIGHTS APPURTENANT TO THE REAL PROPERTY AS EVIDENCED IN QUIT CLAIM DEED RECORDED JUNE 10, 2009 UNDER RECEPTION NO. 03006434 AND RECORDED 10, 2009 UNDER RECEPTION NO. 03006433.

    (AFFECTS PARCELS A AND C)

36. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED AUGUST 02, 2016 UNDER RECEPTION NO. 03534406.

    (AFFECTS PARCEL C)

37. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED SEPTEMBER 20, 2017 PREPARED BY FLATIRONS, INC., JOB #17-70,166
    SAID DOCUMENT STORED AS OUR ESI 35747120

    A. STORM SEWER UTILITIES AND ELECTRIC UTILITIES TRAVERSE SUBJECT PROPERTY OUTSIDE OF GRANTED EASEMENT AREAS.

    B. FRAME SHED SURROUNDING FENCING ON OUTLOT V EXTEND ONTO BLOCK 26 AND ONTO UTILITY EASEMENT.

    C. FENCES ARE NOT COINCIDENT WITH LOTS LINES AS SHOWN.

JOINT NOTICE OF PRIVACY POLICY OF

LAND TITLE GUARANTEE COMPANY
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
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 and Meridian Land Title, LLC, as agents 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 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 either obtain 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 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 access 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 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.

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-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 the 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 a 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.

Commitment to Insure

ALTA Commitment - 2006 Rev.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, (Company) for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company. All liability and obligation under this commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at www.alta.org.

STANDARD EXCEPTIONS

In addition to the matters contained in the Conditions and Stipulations and Exclusions from Coverage above referred to, this Commitment is also subject to the following:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey or inspection of the Land would disclose and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore 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 the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

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

John E. Freyer, Jr
President

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Old Republic National Title Insurance Company
a Stock Company
400 Second Avenue South
Minneapolis, Minnesota 55401
(612)371-1111

Mark Bilbrey
President

AMERICAN LAND TITLE ASSOCIATION

Rande Yeager
Secretary