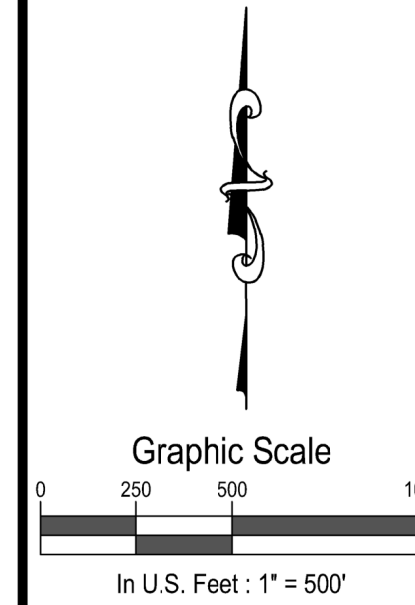


# Nutrient Farm Planned Unit Development Plan Map

Parcels of Land Situated in  
Sections 33, 34, & 35, Township 5 South, Range 90 West of the 6th P.M. &  
Sections 5, 6, & 8, Township 6 South, Range 90 West of the 6th P.M. &  
Garfield County, Colorado



**SGM**  
118 West Sixth Street, Suite 200  
Glenwood Springs, CO 81601  
970.945.1004 www.sgm-inc.com

**Nutrient Farm**  
Garfield County, Colorado

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GARFIELD COUNTY  
DEPARTMENT OF DEVELOPMENT

PLANNING: 945-8212 / ENVIRONMENTAL HEALTH: 945-2339 / BUILDING: 945-8241

November 17, 1983

Sam S. Arentz, III  
Vice President, Operations  
Storm King Mines  
5335 West 8th Ave  
Denver, CO. 80212

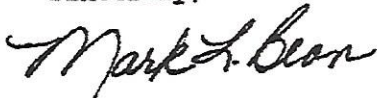
Dear Mr. Arentz:

Enclosed is a copy of the Declaration of Protective Covenants for Riverbend. In reviewing the file for PUD rezoning, it appears that the County accepted this document as the method of controlling land use within the PUD. Presently, a separate zoning text is required, which becomes a part of the resolution of approval.

It appears that your company will have to amend these covenants, to allow for some parts of your operations. Whether or not there is any action required on the part of the County is still in question. Normally, the County does not enforce protective covenants. I have asked the County Attorney's office to review this matter.

If this office can be of further assistance, feel free to call or write.

Sincerely,



Mark L. Bean  
Senior Planner

MLB/emh  
encl.

GARFIELD COUNTY  
DEPARTMENT OF DEVELOPMENT

PLANNING / ENVIRONMENTAL HEALTH / BUILDING: 945-8212

April 25, 1984

Sam Arentz, Vice President, Operations  
Storm King Mines  
9137 East Mineral Circle  
Englewood, CO 80112

Dear Sam:

Please consider this letter to be a confirmation of the County Attorney's office and Department of Development position regarding the zoning of the Storm King Mines property. As noted on April 13, 1984, the following documents will be considered the controlling documents for the Riverbend P.U.D.:

1. The approved P.U.D. Plan Map as required by Section 4.08.05(2) of the Zoning Resolution is a map entitled, "PRELIMINARY MAP OF THE RIVERBEND PLANNED UNIT DEVELOPMENT", dated August, 1976 and prepared by Scarrow and Walker, Inc.
2. The P.U.D. zoning text, as required by Section 4.08.05(2)(H) of the Zoning Resolution, is contained in the "Declaration of Protective Covenants for Riverbend, Garfield County, Colorado" and received by the Garfield County Planner on August 4, 1976, as a part of the P.U.D. rezoning and Preliminary Plan application.

It was at this time that the Riverbend P.U.D. was created and the above referenced documents correspond in time to the time that Resolution No. 77-2 was signed.

If you or Janell Kinzie have any questions or concerns about these documents, please feel free to call or write this office at your convenience.

Sincerely,



Mark L. Bean  
Senior Planner

XC: Earl Rhodes, County Attorney  
Steve Zwick, Ass't County Attorney

CARPENTER & KLATSKIN, P.C.

ATTORNEYS AT LAW

1500 DENVER CLUB BUILDING

518 SEVENTEENTH STREET

DENVER, COLORADO 80202

WILLIS V. CARPENTER  
ANDREW S. KLATSKIN

JANELL KINZIE

May 11, 1984

TELEPHONE:  
(303) 534-6315

Mark L. Bean, Senior Planner  
Garfield County Department of Development  
108th Street  
P.O. Box 640  
Glenwood Springs, Colorado 81602

Re: Riverbend PUD

Dear Mark:

I received from Sam Arentz a copy of your letter to him dated April 25, 1984. This letter concerned the verbal discussions at our meeting of April 13 regarding the controlling documents for the Riverbend PUD. For the record, we would like briefly to reiterate our objections to your position on this matter:

1. The designated "P.U.D. Plan Map" is clearly labeled as a preliminary map only; no final map appears in anyone's records and no map of any kind was ever recorded.

2. The Declaration of Protective Covenants, which you are identifying as the zoning text, is unsigned and undated, and perhaps most significantly, was never recorded. As a subsequent purchaser of this property, my client acquired title with no knowledge, actual or constructive, of the existence of these covenants.

As I indicated in our meeting, I believe the legitimacy of the existing PUD to be highly questionable, particularly when based on the documents upon which you appear to rely. Nonetheless, it is the intention of Storm King Mines to proceed with a rezoning application on that portion of the property which it acquired. It is Storm King's hope that this action can be taken in conjunction with the Riverbend homeowners, so that there will be no dispute about the rezoning action. It is our intention to create a valid PUD for the bulk of the property.

Mark L. Bean, Senior Planner  
May 11, 1984  
Page 2

Hopefully, it will not become necessary for us to contest the validity of the "preliminary" PUD. But we do want it clearly established that we do not agree with the position on this matter set forth in your letter of April 25, 1984.

Sincerely yours,

  
Janell Kinzie

CJK:deg  
cc: Mr. Sam Arentz  
Earl Rhodes, Esq.



## **Appendix M – Riverbend PUD Subdivisions**

|              |   |
|--------------|---|
| Appendix M.1 | • Riverbend Filing No. 1 (Reception No. 281326)         |
| Appendix M.2 | • Riverbend Filing No. 2 (Reception No. 281329)         |
| Appendix M.3 | • Riverbend Filing No. 2 Amended (Reception No. 299710) |
| Appendix M.4 | • Riverbend Ranchettes (Reception No. 290481)           |
| Appendix M.5 | • Matthies Exemption (Reception No. 471051)             |
| Appendix M.6 | • Cedar Ridge (Reception No. 501840)                    |
| Appendix M.7 | • Riverbend Filing No. 5 (Reception No. 517550)         |

# MAP OF RIVERBEND SUBDIVISION

FILING NO. 1

SITUATED IN  
THE NE $\frac{1}{4}$ SE $\frac{1}{4}$  AND NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SECTION 34  
T 5 S., R. 90 W. OF THE 6TH. P.M.

STATE OF COLORADO  
County of Garfield  
This instrument was filed for record on  
October 20, 1977  
at 2:30 P.M.  
Garfield County Clerk  
Garfield County Recorder

**CERTIFICATE OF DEDICATION AND OWNERSHIP:**  
Know all men by these presents that Hamilton R. Duncan, owner of all the real property described as follows:  
All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 34, Township 5 South Range 90 West of the Sixth Principal Meridian, said parcel of land is described as follows: Beginning at a point on the southerly right of way line of a County Road, said point being on iron pipe with a 3 inch brass cap set and marked for a SUBDIVISION CONTROL MONUMENT whence the southeast corner of said Section 34 being a rock found in place and properly marked bears S 52°41'50"E 3075.03 feet; thence N 53°10'00"E 330.00 feet along said right of way line; thence 232.17 feet along the arc of a curve to the left, having a radius of 468.53 feet and a chord of which bears N 51°34'16"E 232.14 feet; thence N 49°58'32"E 364.47 feet along said right of way line; thence S 46°00'00"E 208.92 feet; thence S 10°31'00"E 95.00 feet; thence S 31°46'43"W 340.63 feet to a point on the northeasterly right of way line of Riverbend Drive; thence S 32°55'00"W 40.00 feet to the centerline of said Drive; thence S 15°46'51"E 243.99 feet; thence S 81°28'00"W 560.92 feet; thence N 33°50'00"W 365.00 feet to the point of beginning; Containing 9.63 acres more or less; have by these presents laid out, platted and subdivided the same into lots, and blocks as shown hereon and designated the same as "RIVERBEND SUBDIVISION" FILING NO. 1, in the County of Garfield, State of Colorado; and do hereby grant to the County of Garfield, Colorado, for public use, the streets and roads as shown hereon and the utility and drainage easements shown hereon for utility and drainage purposes only; and do further state that this subdivision shall be subject to the Protective Covenants filed and recorded for this subdivision in the Office of the Clerk and Recorder of Garfield County, Colorado, Document No. \_\_\_\_\_  
EXECUTED this 10th day of September, A.D. 1977.

Hamilton R. Duncan  
OWNER

STATE OF COLORADO ss  
COUNTY OF GARFIELD

The foregoing dedication was acknowledged before me this 10th day of September, A.D. 1977, by Hamilton R. Duncan owner.  
My commission expires: August 11, 1979  
WITNESS MY HAND AND SEAL

Marius J. Kittay  
Notary Public

**PLANNING COMMISSION CERTIFICATE:**  
This plat approved by the Garfield County Planning Commission this 15 day of Sept, A.D. 1977.

Bob J. Jolley  
CHAIRMAN

**COUNTY COMMISSIONERS CERTIFICATE**  
This plat approved by the Board of County Commissioners of Garfield County, Colorado this 15 day of September, A.D. 1977, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon; subject to the provision that approval in no way obligates Garfield County for financing or constructing or improvements on lands, streets or easements dedicated to the public except as specifically agreed to by the Board of County Commissioners and further, that said approval shall in no way obligate Garfield County for maintenance of streets dedicated to the public until construction of improvements thereon shall have been completed to the satisfaction of the Board of County Commissioners.

Robert C. Jolley  
CHAIRMAN

Witness my hand and seal of the County of Garfield.

Attest: Ellen Stephens  
COUNTY CLERK

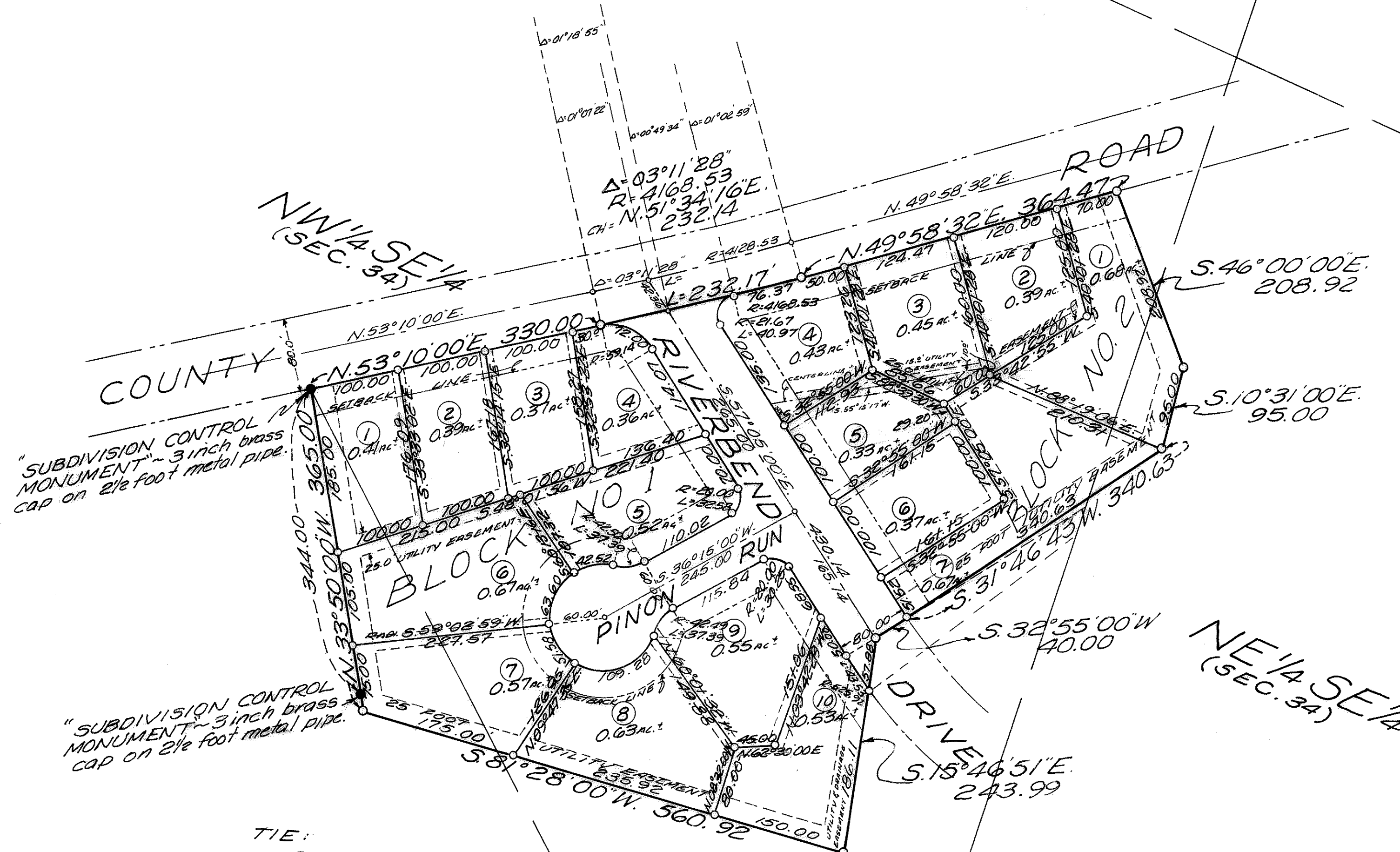
**COUNTY SURVEYORS CERTIFICATE**  
Approved for content and form only and not the accuracy of surveys, calculations or drafting, pursuant to C.R.S. 1963, Par. 136-2-2 as amended.

Robert D. Scanlon  
GARFIELD COUNTY SURVEYOR

**CLERK AND RECORDERS CERTIFICATE:**  
This plat was filed for record in the Office of the Clerk and Recorder at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., \_\_\_\_\_ 1977 and is duly recorded in Book \_\_\_\_\_ Page No. \_\_\_\_\_.

CLERK AND RECORDER

VICINITY MAP  
SCALE=1"=24000



TIE:  
S 52°41'50"E  
3075.03

**SURVEYORS STATEMENT**  
I, Robert A. Wamsley, do hereby certify that I am a Registered Land Surveyor licensed under the laws of the State of Colorado and am employed by Searrow and Walker Inc., that this plat is a true, correct and complete plat of the Riverbend Subdivision Filing No. 1 as laid out, platted, dedicated and shown hereon; that such plat was made from an accurate survey of said property by me or under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.  
In witness whereof I have set my hand and seal this 23rd day of March, A.D. 1977.

Robert A. Wamsley  
REGISTERED LAND SURVEYOR

**Notes:**  
Bearing for this survey was established from solar observation.  
75 foot easement along all side lot lines except as shown on this plat.  
50.0 foot setback lines.  
Total acreage of subdivision = 9.63 acres.  
Total acreage in roads = 1.18 acres.

SCALE 1"=100'

281326

# RIVERBEND SUBDIVISION FILING NO.2

PORTIONS OF THE NW 1/4 OF THE SE 1/4, NE 1/4 OF SE 1/4 OF SECTION 34, T5S, R90W OF THE 6TH PM, GARFIELD COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS: THAT HAMILTON R. DUNCAN, owner of all the real property described as follows:

All that part of the NW1/4SE1/4 and NE1/4SE1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian, said parcel of land is described as follows:

Beginning at a point on the centerline of Riverbend Drive, said point being an iron pipe with a 3 inch brass cap set and properly marked for a Subdivision control monument, whence the Southeast Corner of Said Section 34, being a rock found in place and properly marked bears S43°02'45"E a distance of 2570.29' feet; thence N32°55'00"W a distance of 40.00 feet to a point on a non-tangent curve on the North right-of-way of Riverbend Dr.; thence 164.74 feet along the arc of a curve to the left having a radius of 445.92 feet and a chord which bears S67°40'00"E, 163.80 feet; thence S78°14'59"E along said right-of-way a distance of 134.00 feet; thence 199.80 feet along a curve to the left having a radius of 263.27 feet and a chord which bears N80°00'31"W a distance of 195.04 feet; thence N58°15'59"E a distance of 174.32 feet; thence N47°45'00"E a distance of 314.32 feet; thence 232.36 feet along a curve to the right having a radius of 219.45 feet and a chord bearing N78°05'00"E, 221.65 feet; thence S71°35'00"E a distance of 188.00 feet; thence S18°25'02"W a distance of 180.98 feet; thence S79°59'59"W a distance of 184.30 feet; thence S17°15'01"E a distance of 80.00 feet; thence S59°45'01"W a distance of 245.00 feet to a point on a non-tangent curve on the East right-of-way line on Gleneagle Circle; thence 27.59 feet along said curve to the right having a radius of 192.83 feet and a chord bearing S20°26'03"W, 27.57 feet; thence N86°10'02"E a distance of 137.38 feet; thence S32°34'36"W a distance of 97.08 feet; thence S13°00'09"E a distance of 49.80 feet; thence S49°43'10"W a distance of 87.23 feet; thence S22°49'44"W a distance of 58.34 feet; thence S37°48'49"E a distance of 80.19 feet; thence S23°05'38"W a distance of 132.40 feet; thence S10°39'00"E a distance of 101.84 feet; thence S12°52'21"E a distance of 123.41 feet; thence S50°41'29"W a distance of 71.51 feet; thence S29°46'20"W a distance of 115.27 feet; thence S18°46'58"W a distance of 130.64 feet; thence S39°53'37"W a distance of 128.13 feet; thence N84°35'13"W a distance of 202.79 feet; thence N45°58'22"W a distance of 220.19 feet; thence N17°23'47"W a distance of 189.20 feet; thence N40°03'28"W a distance of 141.75 feet; thence N01°40'02"E a distance of 193.12 feet; thence N10°19'16"W a distance of 97.88 feet; thence N15°46'51"W a distance of 139.90 feet; thence N02°57'20"W a distance of 55.08 feet; thence N15°46'51"W a distance of 243.99 feet to the point of beginning; said parcel of land contains 21.18 acres, more or less; have by these presents laid out, platted and subdivided the same into Lots, and Blocks as shown hereon and designated the same as "RIVERBEND SUBDIVISION" Filing No. 2 in the County of Garfield, State of Colorado, for public use, the streets and roads are shown hereon for utility and drainage purposes only; and do further state that this Subdivision shall be subject to the protective covenants filed and recorded for this Subdivision in the office of the Clerk and Recorder of Garfield County, Colo. as Document No. \_\_\_\_\_ Executed this 14<sup>th</sup> day of September A.D. 1977.

*Hamilton R. Duncan*  
(owner) Hamilton R. Duncan

STATE OF COLORADO ) ss:  
COUNTY OF GARFIELD )

The foregoing dedication was acknowledged before me this 14<sup>th</sup> day of September A.D. 1977, by *Hamilton R. Duncan* Owner.

MY COMMISSION EXPIRES: *July 22, 1981*

WITNESS MY HAND AND SEAL

*Allen J. West*  
Notary Public

## PLANNING COMMISSION CERTIFICATE

This Plat approved by the Garfield County Planning Commission this 15 day of *Sept.* A.D., 1977.

*Chairman*  
Chairman

## COUNTY COMMISSIONERS CERTIFICATE

This Plat approved by the Board of County Commissioners of Garfield County, Colorado this 19<sup>th</sup> day of *September* A.D. 1977, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon; subject to the provisions that approval in no way obligates Garfield County for financing or constructing of improvements on lands, streets, or easements dedicated to the public except as specifically agreed to by the Board of County Commissioners and further that said approval shall in no way obligate Garfield County for maintenance of streets dedicated to the public until construction of improvements thereon shall have been completed to the satisfaction of the Board of County Commissioners.

*Richard D. Jolly*  
Chairman

Witness my Hand and Seal of the County of Garfield.

ATTEST: *Elmer Stephens*  
County Clerk

## COUNTY SURVEYOR'S CERTIFICATE

Approved for content and form only and not the accuracy of surveys, calculations or drafting, pursuant to C.R.S. 1963, Par. 136-2-2 as amended.

By: *Robert A. Wamsley*  
Garfield County Surveyor

## CLERK AND RECORDER'S CERTIFICATE

This Plat was filed for record in the office of the Clerk and Recorder at \_\_\_\_\_ o'clock, \_\_\_\_\_ M. \_\_\_\_\_ 1977 and is duly recorded in Book \_\_\_\_\_ Page No. \_\_\_\_\_

Clerk and Recorder

## SURVEYOR'S STATEMENT

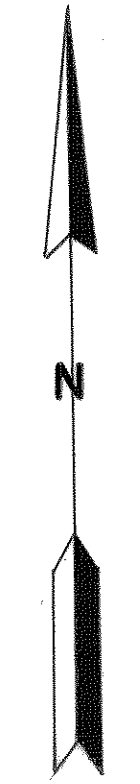
I, Robert A. Wamsley, do hereby certify that I am a Registered Land Surveyor licensed under the laws of the State of Colorado and am employed by Scarrow and Walker/KKBNA, Inc., that this plat is a true correct and complete plat of the Riverbend Subdivision, Filing No. 2 as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me or under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with applicable regulations governing the subdivision of land.

In witness whereof I have set my hand and seal this 14<sup>th</sup> day of *SEPTEMBER* A.D. 1977

*Robert A. Wamsley*  
Registered Land Surveyor

Tie  
SE Corner, Section 34

VICINITY MAP  
SCALE-1"=2400'



SCALE 1"=100'

| CURVE DATA |        |            |         |        |         |
|------------|--------|------------|---------|--------|---------|
| NO.        | RADIUS | DELTA      | TANGENT | ARC    | DEGREE  |
| 1          | 445.92 | 21°10'00"  | 83.82   | 164.74 | 12.8489 |
| 2          | 263.27 | 43°29'00"  | 104.99  | 199.80 | 19.8639 |
| 3          | 219.45 | 60°39'55"  | 128.41  | 232.36 | 23.8304 |
| 4          | 485.92 | 21°10'00"  | 90.79   | 179.51 | 10.7622 |
| 5          | 303.27 | 43°29'00"  | 120.94  | 230.16 | 17.2440 |
| 6          | 179.45 | 60°39'55"  | 105.00  | 190.00 | 29.1423 |
| 7          | 162.83 | 68°04'54"  | 110.00  | 193.48 | 32.1168 |
| 8          | 331.20 | 39°49'58"  | 120.00  | 230.25 | 15.7898 |
| 9          | 141.88 | 162°05'00" | 900.03  | 401.36 | 36.8592 |
| 10         | 141.88 | 34°19'33"  | 43.82   | 85.00  | 36.8592 |
| 11         | 384.81 | 37°19'59"  | 130.00  | 250.74 | 13.5900 |

281329