

Amended Riverbend Subdivision FILING NO. 2

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

CERTIFICATE OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS: THAT CUNNINGHAM CONSTRUCTION & DEVELOPMENT CO., and HAMILTON R. DUNCAN, JR. Owners, and MAJESTIC SAVINGS & LOAN ASSOCIATION and HAMILTON R. DUNCAN, JR., as mortgagees of the following described real property:

A parcel of land located in the SE 1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian in the County of Garfield, State of Colorado, said parcel being more particularly described as follows:

Beginning at the Southeast Corner of said Section 34, a rock found in place and properly marked; thence S. 43°02'45" W., 2570.29 feet to a point on the centerline of Riverbend Drive, being an iron pipe with a three inch brass cap and properly marked for a subdivision control monument, said point also being the true Point of Beginning; thence N. 33°55'00" E., 40.00 feet to the north right-of-way line of Riverbend Drive; thence along said right-of-way line the following described courses: 164.74 feet along the arc of a curve to the left having a radius of 445.92 feet and a chord which bears S. 67°40'00" E., 163.80 feet; thence S. 78°14'59" E., 134.00 feet; thence 199.80 feet along the arc of a curve to the left having a radius of 263.27 feet and a chord which bears N. 80°00'30" E., 195.04 feet; thence N. 58°15'59" E., 217.42 feet; thence S. 78°14'59" E., 155.00 feet; thence departing from said right-of-way line N. 27°47'03" E., 170.00 feet; thence S. 88°04'59" E., 312.69 feet; thence S. 01°55'01" E., 208.30 feet to the South right-of-way line of Riverbend Drive; thence S. 88°04'59" E., 139.98 feet; thence S. 59°45'01" W., 245.00 feet to the east right-of-way line of Glendale Circle; thence 27.60 feet along said right-of-way line and to the east right-of-way line of Glendale Circle; thence 192.83 feet and a chord which bears S. 20°26'03" W., 27.37 feet; thence departing from said right-of-way line N. 86°10'02" E., 137.38 feet; thence S. 32°34'36" W., 97.03 feet; thence S. 13°00'09" E., 49.80 feet; thence S. 49°43'10" W., 87.23 feet; thence S. 32°34'36" W., 58.34 feet; thence S. 37°48'49" E., 80.19 feet; thence S. 23°05'38" W., 132.40 feet; thence S. 23°05'38" W., 101.84 feet; thence S. 12°52'21" E., 123.41 feet; thence S. 50°41'29" W., 71.51 feet; thence S. 10°39'00" E., 101.84 feet; thence S. 18°46'58" W., 130.64 feet; thence S. 39°53'37" W., 128.13 feet; thence S. 29°46'20" W., 115.27 feet; thence S. 18°46'58" W., 130.64 feet; thence S. 17°23'47" W., 128.13 feet; thence N. 84°35'13" W., 202.79 feet; thence N. 45°58'22" W., 230.19 feet; thence N. 10°19'16" W., 97.88 feet; thence N. 40°03'28" W., 141.75 feet; thence N. 02°57'20" W., 55.08 feet; thence N. 15°46'51" W., 186.12 feet to the South right-of-way line of Riverbend Drive; thence N. 15°46'51" W., 186.12 feet to the True Point of Beginning. Said parcel of land contains 20.69 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 The "Amended Riverbend Subdivision Filing No. 2" in the County of Garfield, Colorado.

DO HEREBY GRANT for Public use, the streets shown hereon, and the drainage and utility easements shown hereon for drainage and utility 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 as Document No. _____.

Executed this 6th day of November A.D. 1979.

OWNER AND MORTGAGEE: Wm. James Cunningham, Jr.
HAMILTON R. DUNCAN, JR.
5400 BEACH ROAD
LITTLETON, COLORADO 80123

MORTGAGEE: MAJESTIC SAVINGS & LOAN ASSOCIATION
By: Richard W. Miller

OWNER: CUNNINGHAM CONSTRUCTION & DEVELOPMENT CO.
BY: William James Cunningham, President
WILLIAM JAMES CUNNINGHAM, PRESIDENT
P.O. BOX 408
VAIL, COLORADO 81657

STATE OF COLORADO)
COUNTY OF GARFIELD) ss

The foregoing dedication was acknowledged before me this 6th day of November A.D., 1979, by Wm. James Cunningham, as President, Cunningham Construction & Development Co., and Hamilton R. Duncan, Jr. My commission expires: January 19, 1983 Notary Public Robert D. Miller

Witness my hand and seal

STATE OF COLORADO)
COUNTY OF GARFIELD)

The foregoing dedication was acknowledged before me this 6th day of November A.D., 1979, by Richard W. Miller, of Majestic Savings & Loan Association. My commission expires: June 8, 1983 Notary Public Richard W. Miller

Witness my hand and seal

COUNTY COMMISSIONERS CERTIFICATE:

This Plat approved by the County Commissioners of Garfield County, Colorado this _____ day of _____ A.D., 1979, 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.

William J. Cunningham
Chairman

Witness my hand and the seal of the County of Garfield.

ATTEST: Michael Alsdorf
County Clerk

TITLE INSURANCE COMPANY CERTIFICATE:

TWO RIVERS TITLE COMPANY does hereby certify that they have examined the title to all lands herein dedicated and shown upon this plat and title to such land is in the dedicatory free and clear of all liens, taxes and encumbrances, except as follows: Dead of Testator in Favor of Hamilton R. Duncan, Jr. recorded in Book 459 at Page 176 and in Book 504 at Page 771 + Dead of Trust in Favor of Majestic Savings & Loan Assoc. recorded in Book 504 at Page 784.

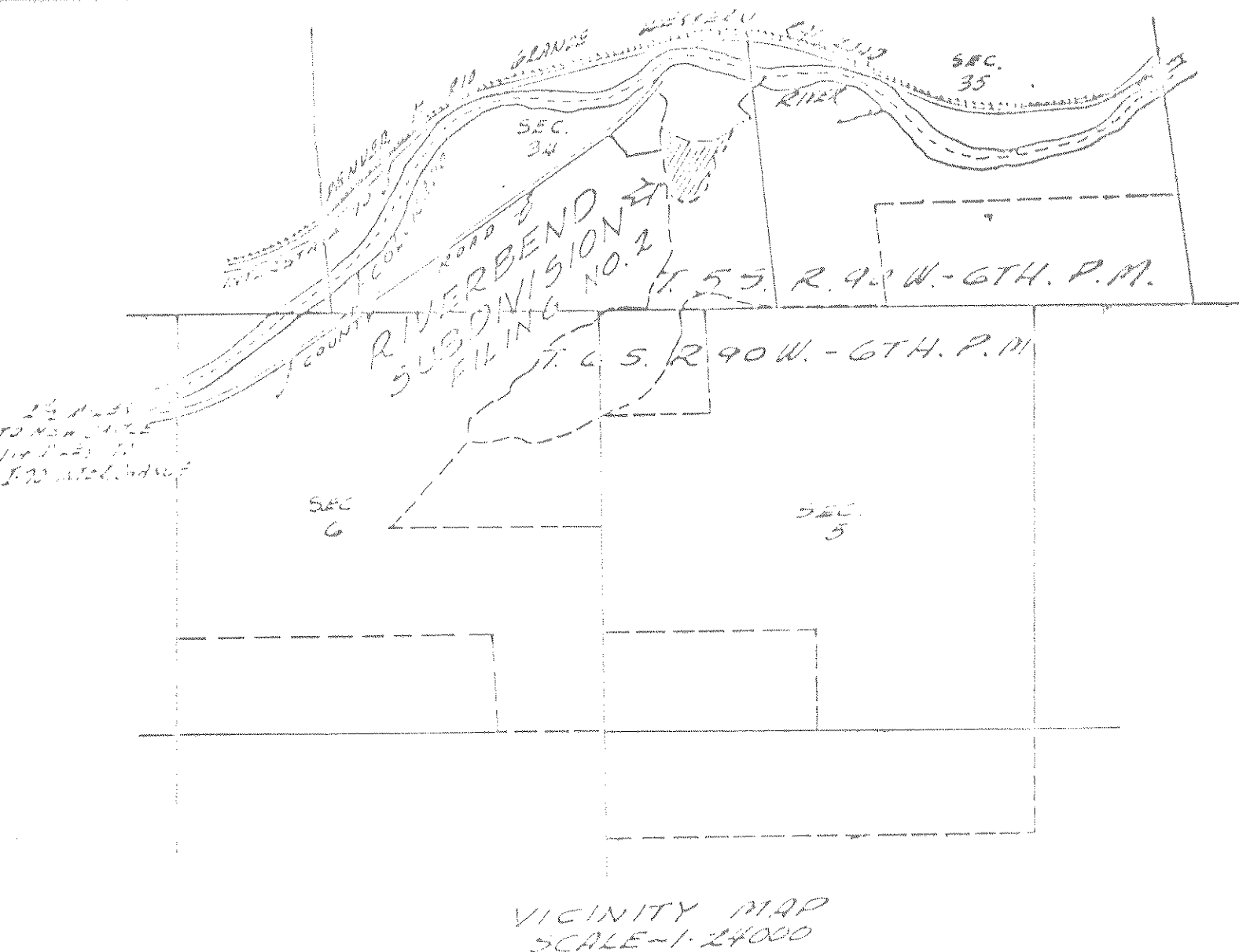
TWO RIVERS TITLE COMPANY
By: Rose Marie Saman

PLANNING COMMISSION CERTIFICATE

This plat approved by the Garfield County Planning Commission this 23rd day of November A.D., 1979.

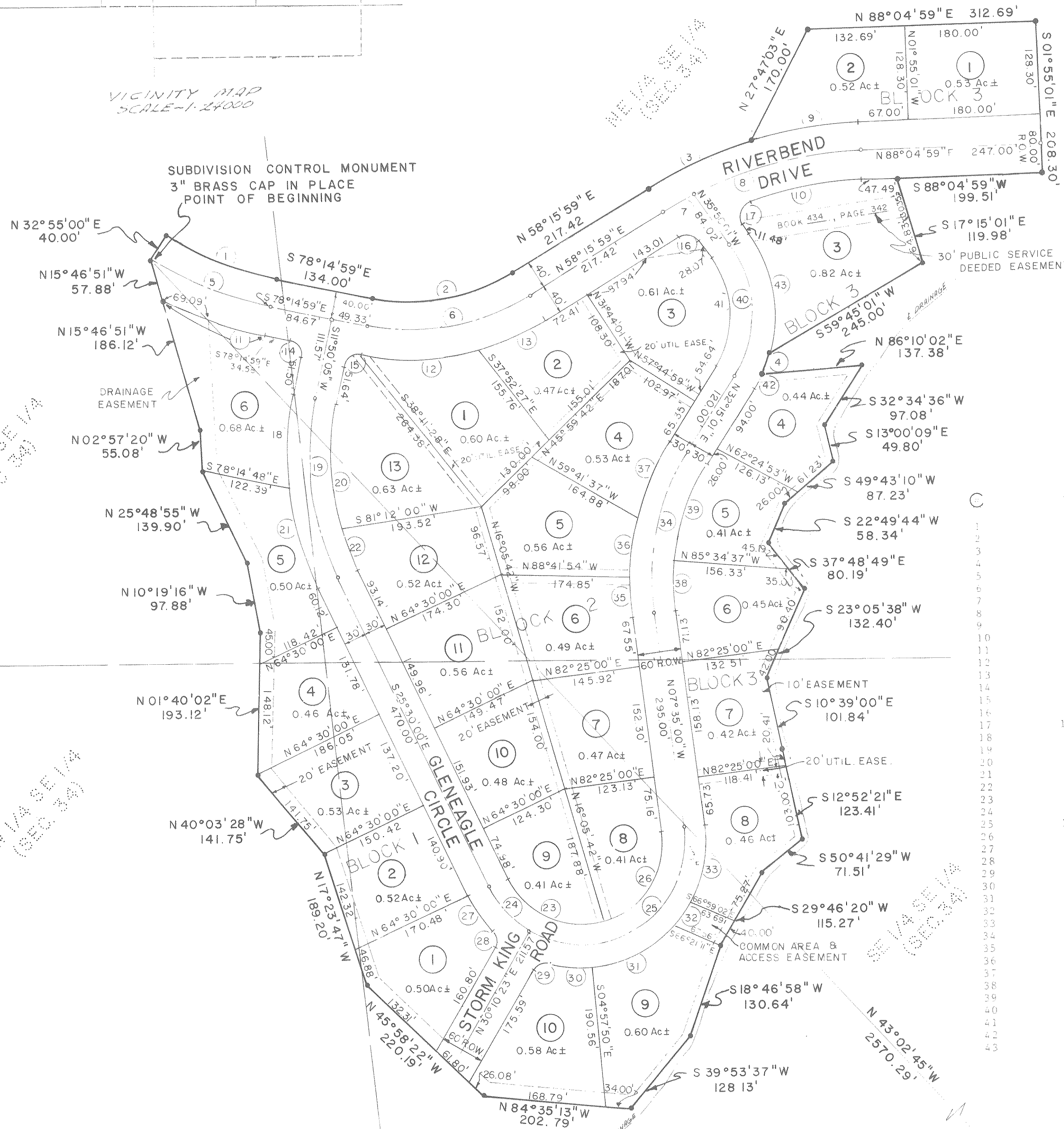
Amos R. Muehlberg
Chairman

Revision Schedule			drawn by
date	no.	by	JR. B. T.H.
10/25/79	C.J.		checked by
			M.S.O.
			scale
			1"=100'
			date
			6/8/78



NOTES:

Bearing for this survey was established from solar observation.
7.5 foot easement along all side lot lines except as shown on this plat.
30.0 foot set back lines.
Total acreage of subdivision = 20.69 acres.
Total acreage in roads = 5.48 acres, more or less.



CURVE DATA					
STATION	RADIUS (ft)	ARC (ft)	CHORD (ft)	ANGLE (deg)	BEARING
1	211.10	445.92	164.74	143.80	83.32
2	435.29	263.27	199.80	105.04	104.69
3	155.03	97.03	58.34	27.57	13.82
4	81.12	192.83	137.38	178.49	40.79
5	211.10	445.92	164.74	143.80	120.94
6	435.29	263.27	199.80	105.04	23.74
7	155.03	97.03	58.34	27.57	121.29
8	81.12	192.83	137.38	178.49	76.21
9	211.10	445.92	164.74	143.80	75.90
10	435.29	263.27	199.80	105.04	83.05
11	155.03	97.03	58.34	27.57	48.83
12	81.12	192.83	137.38	178.49	20.03
13	211.10	445.92	164.74	143.80	19.94
14	435.29	263.27	199.80	105.04	20.05
15	155.03	97.03	58.34	27.57	26.62
16	81.12	192.83	137.38	178.49	64.15
17	211.10	445.92	164.74	143.80	130.00
18	435.29	263.27	199.80	105.04	88.36
19	155.03	97.03	58.34	27.57	72.22
20	81.12	192.83	137.38	178.49	29.06
21	211.10	445.92	164.74	143.80	94.87
22	435.29	263.27	199.80	105.04	43.82
23	155.03	97.03	58.34	27.57	289.34
24	81.12	192.83	137.38	178.49	96.38
25	211.10	445.92	164.74	143.80	29.11
26	435.29	263.27	199.80	105.04	15.32
27	155.03	97.03	58.34	27.57	15.32
28	81.12	192.83	137.38	178.49	30.36
29	211.10	445.92	164.74	143.80	67.62
30	435.29	263.27	199.80	105.04	20.09
31	155.03	97.03	58.34	27.57	56.40
32	81.12	192.83	137.38	178.49	120.00
33	211.10	445.92	164.74	143.80	28.06
34	435.29	263.27	199.80	105.04	41.47
35	155.03	97.03	58.34	27.57	56.72
36	81.12	192.83	137.38	178.49	35.16
37	211.10	445.92	164.74	143.80	70.97
38	435.29	263.27	199.80	105.04	110.00
39	155.03	97.03	58.34	27.57	89.74
40	81.12	192.83	137.38	178.49	13.01
41	211.10	445.92	164.74	143.80	94.40
42	435.29	263.27	199.80	105.04	
43	155.03	97.03	58.34	27.57	

SURVEYOR'S CERTIFICATE:

I, LEROY E. TUBER, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of the Amended 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 and 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.

In witness whereof I have set my hand and seal this 28th day of October, A.D. 1979.

Leroy E. Tuber
Registered Land Surveyor *5447

LEROY E. TUBER
REGISTERED
5447
STATE OF COLORADO

TIE SE CORNER SECTION 34
ROCK IN PLACE

GARFIELD COUNTY SURVEYOR'S STATEMENT:

This plat 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. Seaton
OCT. 29, 1979

CLERK AND RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder at _____ o'clock, P.M. on 11-26 1979, and is duly recorded in Book 250 Page 80.

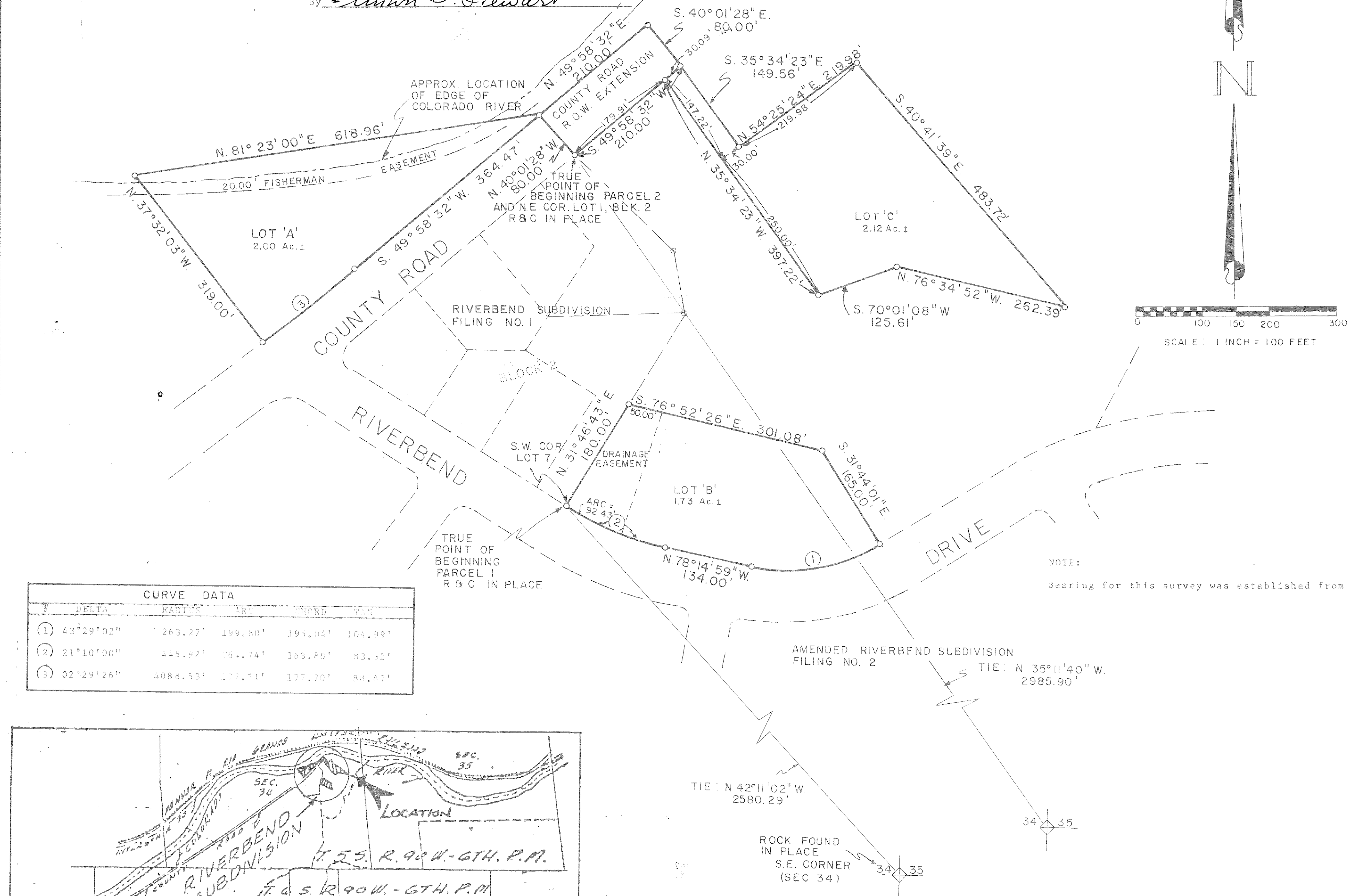
Michael Alsdorf
Clerk and Recorder

TITLE INSURANCE COMPANY CERTIFICATE:

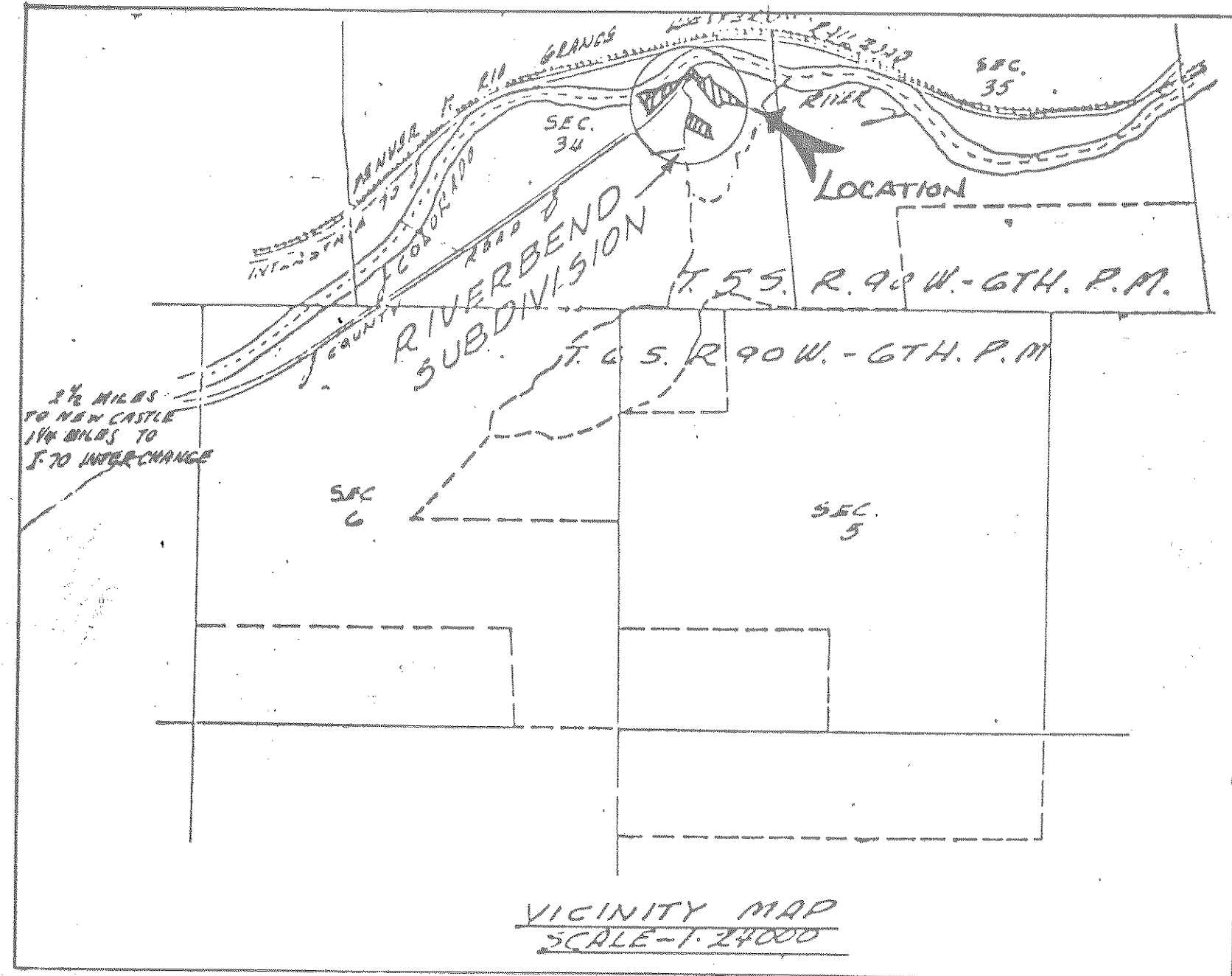
TWO RIVERS TITLE COMPANY does hereby certify that they have examined the title to all lands herein dedicated and shown upon this plat and title to such land is in the dedicatory free and clear of all liens, taxes and encumbrances, except as follows: Deed of Trust recorded 1/28/77 in book 492 at page 975 for use of Daryl G. Richardson and Winifred C. Richardson.

TWO RIVERS TITLE COMPANY

By Clinton B. Stewart



CURVE DATA				
#	DELTA	RADIUS	ARC	TANG
(1)	43°29'02"	263.27'	199.80'	195.04'
(2)	21°10'00"	445.92'	164.74'	163.80'
(3)	02°29'26"	4088.53'	177.71'	177.70'



SURVEYOR'S CERTIFICATE:

I, Robert A. Wamsley, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, and employed by Scarrow and Walker, KKBNA, INC. of Glenwood Springs, Colorado, that this plat is a true, correct and complete plat of the Riverbend Ranchettes as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and 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 9th day of Nov., A.D. 1978.

Robert A. Wamsley
Registered Land Surveyor

PLANNING COMMISSION CERTIFICATE

This plat approved by the Garfield County Planning Commission this 30 day of Nov., A.D., 1978.

Chairman

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 D. Scanlon
Garfield County Surveyor

COUNTY COMMISSIONERS CERTIFICATE :

This Plat approved by the County Commissioners of Garfield County, Colorado this ___ day of ___ A.D., 1978, 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.

Chairman

Witness my hand and the seal of the County of Garfield.

ATTEST: Edna Stephens
Deputy County Clerk

Michael Alsdorf

FINAL MAP OF

RIVERBEND RANCHETTES

SITUATED IN THE SE 1/4 OF SECTION 34
T.5S., R.90 W. OF THE 6TH. PM.
COUNTY OF GARFIELD,
STATE OF COLORADO.

KNOW ALL YE MEN BY THESE PRESENTS: That HAMILTON R. DUNCAN, Jr., owner and Daryl G. Richardson and Winifred C. Richardson as Mortgagees, of all that real property described as follows:

Two parcels of land situated in the SE 1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian, in the County of Garfield, State of Colorado. Said parcels to be referred to as Parcel No. 1 and Parcel No. 2 respectively. Parcel No. 1, containing one lot, lying southeasterly of the southeasterly lot line of Lot 7, Block 2 of Riverbend Subdivision Filing No. 1 and northerly, in part, of the northerly right-of-way line of Riverbend Drive as described in the amended Riverbend Subdivision Filing No. 2. Parcel No. 2, containing two lots and one right-of-way extension for a county road, lying northerly and easterly, in part, of an 80.00 foot right-of-way for a county road as constructed and in place. Said parcels being more particularly described as follows:

PARCEL NO. 1: Beginning at the Southeast Corner of said Section 34, a rock found in place and properly marked; thence N. 42°11'02" W. 2580.29 feet to the Southwest Corner of Lot 7, Block 2 of Riverbend Subdivision Filing No. 1, a rebar and cap in place, the True Point of Beginning; thence N. 31°46'43" E. 180.00 feet along the southwesterly lot line of said Lot 7, Block 2; thence S. 76°52'26" E. 301.08 feet; thence S. 31°44'01" E. 165.00 feet to a point on said northerly right-of-way line for Riverbend Drive; thence the following three courses along said northerly right-of-way line:

1. Thence 199.80 feet along the arc of a curve to the right having a radius of 263.27 feet and a chord which bears S. 80°00'30" W. 195.04 feet;
2. Thence N. 78°14'59" W. 134.00 feet;
3. Thence 164.74 feet along the arc of a curve to the right having a radius of 445.92 feet and a chord which bears N. 67°40'00" W. 163.80 feet to the True Point of Beginning;

Said parcel containing 1.73 acres, more or less.

PARCEL NO. 2: Beginning at the Southeast Corner of said Section 34, a rock found in place and properly marked; thence N. 35°11'40" W. 2985.90 feet to the Northeast Corner of Lot 1, Block 2 of Riverbend Subdivision Filing No. 1, a rebar and cap in place, the True Point of Beginning; thence N. 40°01'28" W. 80.00 feet across said county road right-of-way; thence the following two courses along the northerly line of said 80.00 foot right-of-way for a county road;

1. Thence S. 49°58'32" W. 364.47;
2. Thence 177.71 feet along the arc of a curve to the right having a radius of 4088.53 feet and a chord which bears S. 51°13'06" W. 177.70 feet;

Thence the following eleven courses:

1. Thence N. 37°32'03" W. 319.00 feet;
2. Thence N. 81°23'00" E. 618.96 feet;
3. Thence N. 49°58'32" E. 210.00 feet;
4. Thence S. 40°01'28" E. 80.00 feet;
5. Thence S. 35°34'23" E. 149.56 feet;
6. Thence N. 54°25'24" E. 219.98 feet;
7. Thence S. 40°41'39" E. 483.72 feet;
8. Thence N. 76°34'52" W. 262.39 feet;
9. Thence S. 70°01'08" W. 125.61 feet;
10. Thence N. 35°34'23" W. 397.22 feet;
11. Thence S. 49°58'32" W. 179.91 feet;

To the True Point of Beginning. Said parcel contains 4.51 acres, more or less, have, by these presents, laid out, platted and subdivided the same into Lots, easements and right-of-way as shown hereon and designated the same as the "RIVERBEND RANCHETTES" in the County of Garfield, State of Colorado.

DO HEREBY GRANT for Public Use; the County Road right-of-way extension shown hereon, the Drainage Easement, shown hereon, for drainage and utility 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 as Document No. _____.

Executed this 22nd day of November, A.D. 1978.

MORTGAGEES Daryl G. Richardson
Winifred C. Richardson

OWNER Hamilton R. Duncan, Jr.
5400 Beach Road
Littleton, CO 80123

STATE OF COLORADO)

COUNTY OF GARFIELD)

The foregoing dedication was acknowledged before me this 22nd day of November, A.D., 1978, by Hamilton R. Duncan, Jr., Owner, and Daryl G. Richardson and Winifred C. Richardson, as Mortgagees. My commission expires: July 22, 1981.

Witness my hand and seal

Notary Public

CLERK AND RECORDER'S CERTIFICATE :

This plat was filed for record in the office of the Clerk and Recorder at 3:02 o'clock, P.M. DEC 4 1978, and is duly recorded in Book 601 / Page No. 258.

Edna Stephens
Clerk and Recorder

SCARROW & WALKER / K-K-B-N-A Inc.

Consulting Engineers - Land Surveyors

204 8TH ST., GLENWOOD SPRINGS, COLO. 81501 - 303 / 945-8644
144 WEST 4TH ST., RIFLE, COLO. 81650 - 303 / 825-2740

DATE OF SURVEY	DRAWN BY	C.K.'S BY	PROJ. ENGR.	DATE
MAY 78	J.W.R.		M.S.O.	11/2/78
SCALE	JOB NO.	SHEET		
1 INCH = 100 FEET	462R-03	1 OF 1		

290481

DESCRIPTION LOT 1

A tract of land situate in Section 34, Township 5 South, Range 90 West of the 6th Principal Meridian and Sections 5 and 6 of Township 6 South, Range 90 West of the 6th Principal Meridian being more particularly as follows:

Beginning at a point whence a stone for the southeast corner of said Section 34 bears S 72°51'12" E 788.78 feet; thence S 58°55'05" W 334.54 feet; thence N 81°16'23" W 273.63 feet; thence S 62°09'28" W 705.74 feet; thence N 19°36'05" W 242.30 feet; thence N 32°42'40" W 1087.96 feet; to the southwest corner of a tract of land described in Book 534 at Page 416 of the records of the Clerk and Recorder of Garfield County, Colorado; thence N 53°10'00" E 258.36 feet along the south line described in said Book 534 at Page 416; thence N 53°10'00" E 401.64 feet along the south line described in said Book 534 at Page 416; thence N 33°50'00" W 300.00 feet along the east line described in said Book 534 at Page 416 to the south boundary of Riverbend Subdivision Filing No. 1; thence N 81°28'00" E 560.92 feet along said south boundary of Riverbend Subdivision Filing No. 1 to the west boundary of Amended Riverbend Subdivision Filing No. 2; thence along said west boundary the following eight (8) courses: 1) S 02°57'20" E 55.08 feet; thence 2) S 25°48'55" E 139.90 feet; thence 3) S 10°19'16" E 97.88 feet; thence 4) S 01°40'02" W 193.12 feet; thence 5) S 40°03'28" E 141.75 feet; thence 6) S 17°23'47" E 189.20 feet; thence 7) S 45°58'22" E 132.31 feet; thence 8) S 45°58'22" E 87.88 feet; thence S 47°56'00" E 744.32 feet to the point of beginning, containing 37.17 acres more or less

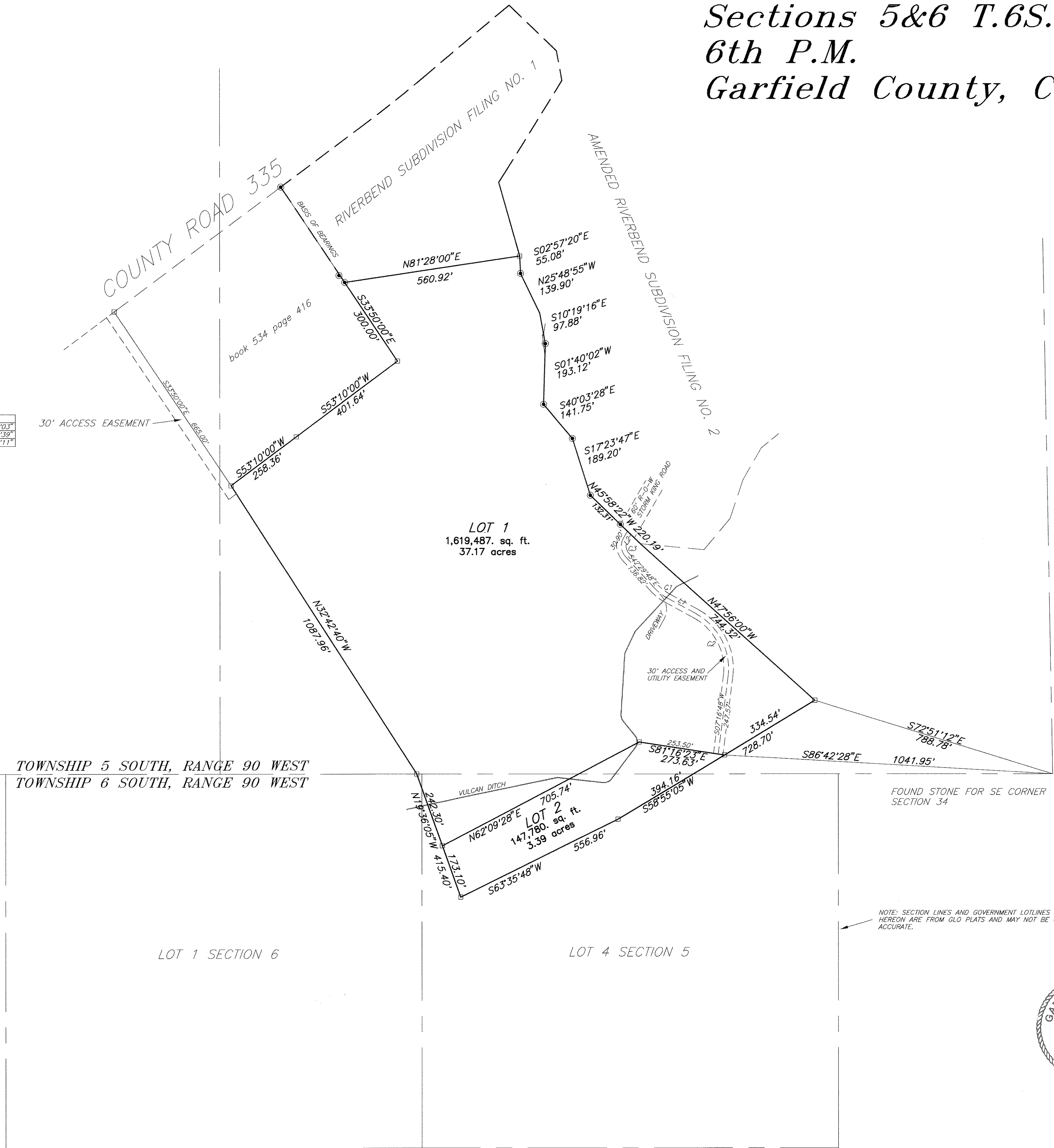
DESCRIPTION LOT 2

A tract of land situate in Section 34, Township 5 South, Range 90 West of the 6th Principal Meridian and Section 5 of Township 6 South, Range 90 West of the 6th Principal Meridian being more particularly as follows:

Beginning at a point whence a stone for the southeast corner of said Section 34 bears S 86°42'28" E 1041.95 feet; thence S 58°55'05" W 394.16 feet; thence S 63°35'48" W 556.96 feet; thence N 19°36'05" W 173.10 feet; thence N 62°09'28" E 705.74 feet; thence S 81°16'23" E 273.63 feet to the point of beginning, containing 3.39 acres more or less.

LINE	DIRECTION	DISTANCE
L1	S81°14'50"E	104.45'
L2	N30°10'23"E	24.85'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	150.00'	49.09'	24.77'	48.87'	S51°52'19"E	18°45'03"
C2	200.00'	239.21'	136.25'	225.20'	N26°59'01"W	68°31'39"
C3	50.00'	63.42'	36.78'	59.25'	S06°08'42"E	12°40'11"



Surveyor's Certificate:

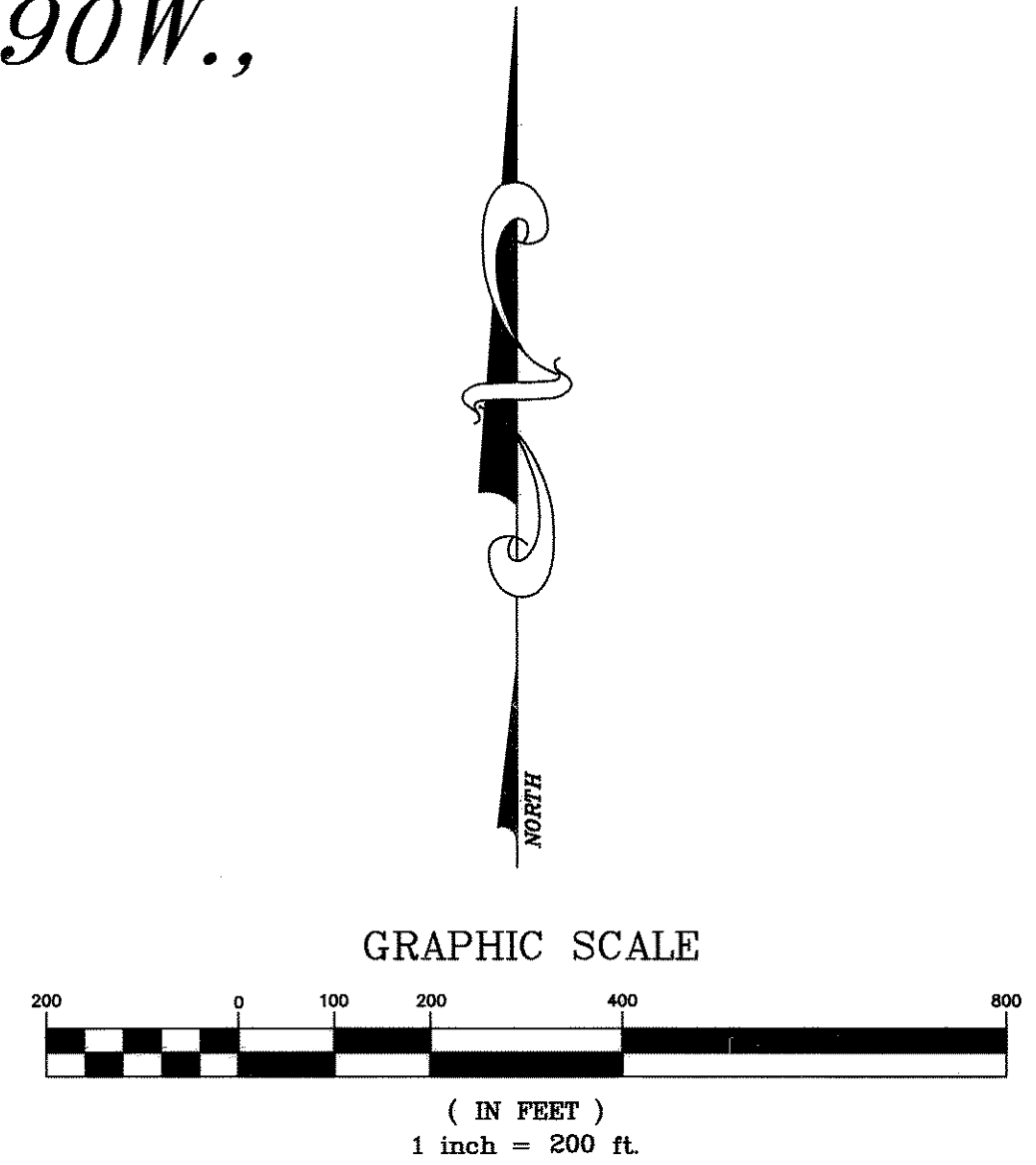
I, Kenneth R. Wilson, do hereby certify that I am a Professional Land Surveyor, licensed under the law of the State of Colorado, that this plat is a true, correct and complete plat of the as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by me, and under my supervision and correctly shows the location and dimensions of the boundary and easements 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 14th day of Nov., A.D., 1994.

Professional Land Surveyor

Legend and Notes:

- indicates found rebar with plastic cap LS 5447.
- indicates set No. rebar and plastic cap L.S. 15710.
- △ indicates control point
- Survey Orientation based on found monuments as shown using record bearings of Riverbend Subdivision
- Easements of record are not shown on this plat at request of owner.



Clerk and Recorder's Certificate:

This plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at 8:36 o'clock A.M., this 16th day of November, 1994, in Book _____, at Page _____, Reception No. 471061.

paid 10.00
Drawer 1-A

Mildred Gladford
Clerk & Recorder
By: Christine Horne
Deputy

Exemption Certificate

This Plat approved by resolution of the Board of County Commissioners of Garfield County, Colorado this 14th day of Nov., 1994, A.D. In filing with the Clerk and Recorder of Garfield County, such approval in no way implies that the information shown hereon is true and accurate but does indicate that this plat is exempt from and not subject to regulation under Garfield County Subdivision Regulations at the time of its filing.

Chairman
Witness my hand and the seal of the County of Garfield.
Attest: Mildred Gladford
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., 38-51-101et. seq.

(Signed) [Signature]
County Surveyor

Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



SCHMUESER GORDON MEYER INC.
1001 GRAND AVENUE, SUITE 2-E
GLENWOOD SPRINGS, COLORADO 81601
(303) 945-1004 (FAX.) 945-5948
ASPEN, COLORADO (303) 925-6727

EXEMPTION PLAT

NUM. REV.	REVISION	DATE	BY

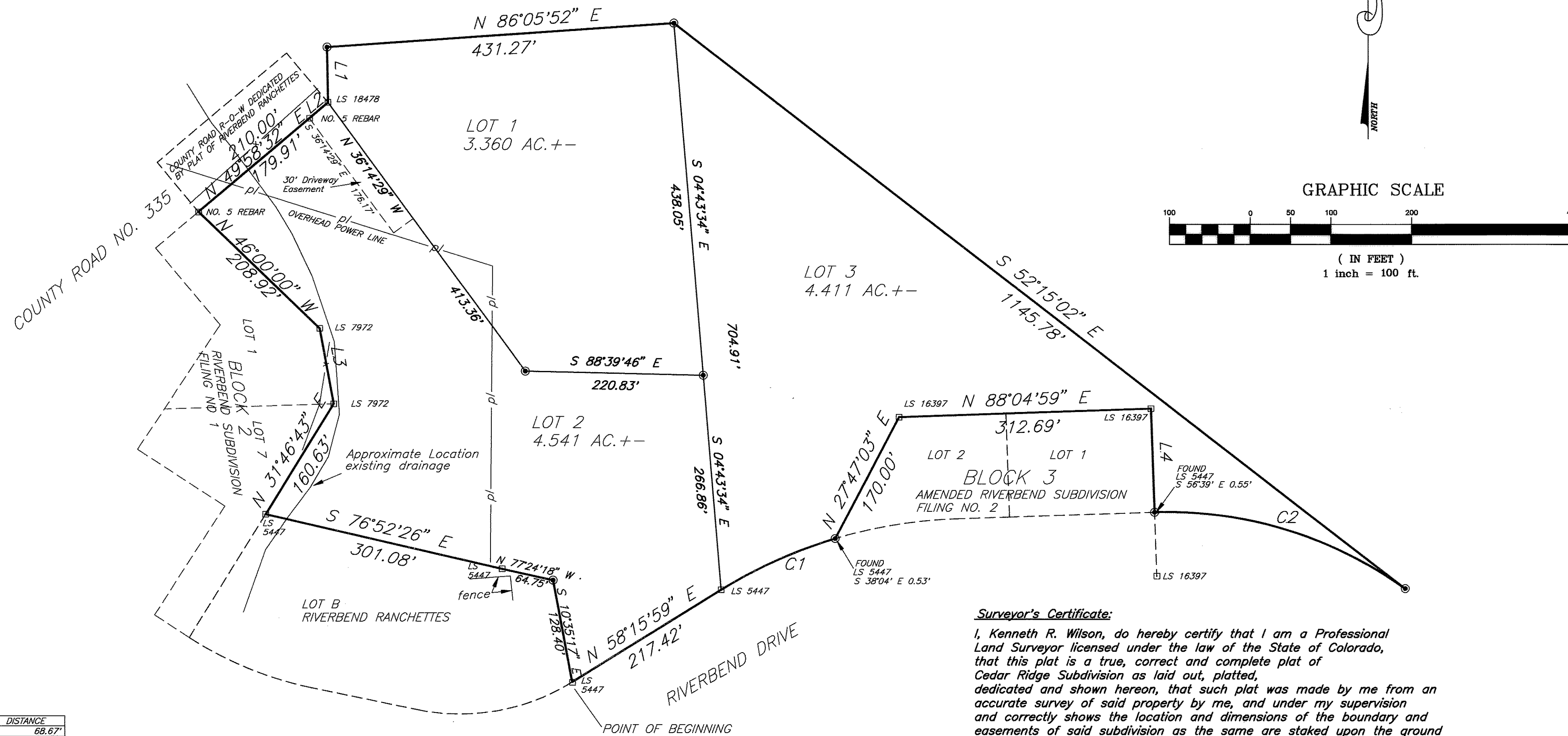
GARFIELD COUNTY,
COLORADO

Job No. 92069
Drawn by:
Date: OCT
Appr. by: 93
File: MINEXMP DSC 42

1
OF 1

471051

FINAL PLAT
CEDAR RIDGE SUBDIVISION
SECTION 34, TOWNSHIP 5 SOUTH, RANGE 90 WEST,
of the 6th P.M., GARFIELD COUNTY, COLORADO

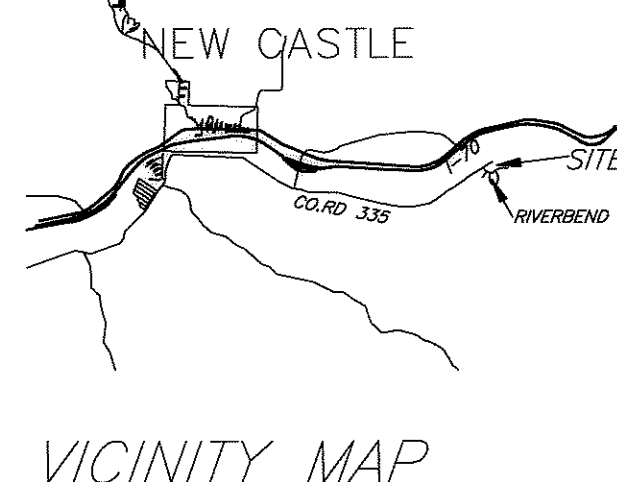


LINE	DIRECTION	DISTANCE
L1	N 01°00'40" W	68.67'
L2	N 49°38'32" E	30.08'
L3	N 10°31'00" W	26.92'
L4	S 01°55'01" E	128.30'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	590.00'	155.45'	78.18'	155.00'	S 65°48'52" W	15°05'45"
C2	500.00'	330.67'	171.63'	324.67'	N 72°58'16" W	37°53'29"

Legend and Notes:

- indicates found No.5 rebar and plastic as described.
- ⊙ indicates set No. 5 rebar and plastic cap L.S. 15710.
- Survey Orientation based on found monuments as shown.
- A title commitment was not available at time of survey there may be easements of record that are not shown on this plat.
- Date of survey May 1994.
- Owner of record
Becky D. Warner
9680 County Road 335
New Castle, Colorado
- Mortgagee: Glenwood Independent Bank
P.O. Box 490
Glenwood Springs, Colorado
- Mineral Interest Owners:
Michael W. O'Shaughnessy, Daniel J. O'Shaughnessy
and Robert E. Zimmerman, Jr. (undivided 1/3)
P.O. Box 29
Denver, Colorado 80201-0029
Title Oil & Gas, Inc. (undivided 1/2)
449 South 500 West
Monte, UT. 84642-1557
NCIG Financial, Inc. (undivided 1/6)
P.O. Box 92401
Los Angeles, Ca. 90009
- Mineral Lessee:
Louisiana Land and Exploration Company
Suite 1200, One Civic Center
1560 Broadway
Denver, Colorado
- Lot 3 shall have positive drainage around each home of at least five (5) percent for at least ten (10) feet from the foundation wall.
- Lot 3 requires the submittal of soils tests and foundation design at the time of building permit submittal.



Surveyor's Certificate:

I, Kenneth R. Wilson, do hereby certify that I am a Professional Land Surveyor licensed under the law of the State of Colorado, that this plat is a true, correct and complete plat of Cedar Ridge Subdivision as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by me, and under my supervision and correctly shows the location and dimensions of the boundary and easements 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 14TH day of NOVEMBER, A.D., 1996.

Professional Land Surveyor

Clerk and Recorder's Certificate:

This plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at 11:26 o'clock A.M., this 31 day of December, 1996, in Book 15710, at Page 31, Reception No. 501810.

Drawn 3-A
Paid 11⁰⁰

Michael Alsdorf
Clerk & Recorder
By: Cherie Horn
Deputy

County Surveyor's Certificate:

Approved for Content and Form only and not the accuracy of surveys, calculations or drafting. Pursuant to C.R.S., 1973, 38-51-101 and 102 (revised).

By: Scott D. Smith 11/18/96
Garfield County Surveyor

Attorney's Certificate:

I, Thomas W. Stuver, an attorney licensed to practice in the State of Colorado, do hereby certify that all dedications to the public as described on this Final Plat are free and clear of any liens, claims or encumbrances of record except that deed of trust for the benefit of Glenwood Independent Bank recorded in Book 990 at Page 355, and the lien of the 1996 general property taxes, and further that this subdivision is in substantial compliance with the Garfield County subdivision Regulations of 1984.

By: Thomas W. Stuver
Thomas W. Stuver
December 2, 1996
Date

Certification of Dedication and Ownership:

KNOW ALL MEN BY THESE PRESENTS that Becky D. Warner being sole owner(s) in fee simple of all that real property described as:
A tract of land situate in Section 34, Township 5 South, Range 90 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at the southeast corner of Lot B, Riverbend Ranchettes recorded as Reception No. 290481 in the records of the Clerk and Recorder of Garfield County, Colorado; thence N 10°35'17" W 128.40 feet; thence N 77°24'18" W 64.75 feet; thence N 76°52'26" W 301.08 feet along the northerly line of said Lot B to the easterly boundary of Riverbend Subdivision, Filing No. 1, County of Garfield, State of Colorado; thence along said boundary the following 3 courses: 1) N 31°46'43" E 160.63 feet; thence 2) N 10°31'00" W 26.92 feet; thence 3) N 46°00'00" W 208.92 feet to the easterly right-of-way line of a county road; thence N 49°58'32" E 210.00 feet along said right-of-way line; thence N 01°00'40" W 68.67 feet; thence N 86°05'52" E 431.27 feet; thence S 52°15'02" E 1145.78 feet; thence 330.67 feet along the arc of a curve to the left, having a radius of 500.00 feet, a central angle of 37°53'29", and subtending a chord bearing N 72°58'16" W 324.67 feet to the southeast corner of Lot 1, Block 3 Amended Riverbend Subdivision, Filing No. 2, County of Garfield, State of Colorado; thence N 01°55'01" W 128.30 feet along the east line of said Lot 1; thence S 88°04'59" W 312.69 feet along the north line of Lots 1 and 2 of said Block 3; thence S 27°47'03" W 170.00 feet along the line of said Lot 2 to a point on the northerly right-of-way line of Riverbend Drive; thence 155.45 feet along the arc of a curve to the left, having a radius of 590.00 feet, a central angle of 15°05'45", and subtending a chord bearing S 65°48'52" W 155.00 feet along said northerly right-of-way line; thence S 58°15'59" W 217.42 feet along said right-of-way line to the point of beginning.

Said parcel contains 12.312 acres more or less; have by these presents laid out, platted, and subdivided the same into lots as shown hereon and designate the same as Cedar Ridge Subdivision in the County of Garfield, State of Colorado. That said owner does hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever, and hereby dedicate to the Public Utilities those portions of said real property which are labeled as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation, and drainage facilities, including but not limited to electric lines, gas lines, telephone lines; together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and rights shall be utilized in a reasonable and prudent manner.

That all expense for street paving or improvements shall be furnished by the seller or purchaser, not by the County of Garfield.

IN WITNESS WHEREOF said owner has caused her name to be hereunto subscribed this 18 day of November, A.D., 1996.

By: Becky D. Warner

State of Colorado)
County of Garfield) ss

The foregoing dedication was acknowledged before me this 18 day of November, A.D., 1996.

WITNESS MY HAND AND SEAL

My commission expires: 12/24/96

Notary

Address: 332 Cottonwood Dr, Silt, CO

Mortgagee Consent:

The undersigned, as mortgagee under the provisions of a certain Deed of Trust recorded in the records of the Clerk and Recorder of Garfield County, Colorado in Book 990 at Page 355, hereby consents to the Plat as hereon drawn.

Attest:

By: Scott D. Smith By: Michael Alsdorf
Title: VICE PRESIDENT Title: President

State of Colorado)

County of Garfield) ss

The foregoing instrument was acknowledged before me this 18 day of November, 1996, by STACY V. MASUR as VICE PRESIDENT and by DAVID L. VANDERHOEF as PRESIDENT of GLENWOOD INDEPENDENT BANK.

Witness my hand and official seal,

My commission expires: 12/24/96

Notary Public

Board of County Commissioners' Certificate:

This Plat, approved by the Board of County Commissioners of Garfield County Colorado, this 2nd day of December, A.D. 1996, 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 the financing or constructing of improvements on lands, public highways, 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 the construction, repair or maintenance of public highways.

BOARD OF COUNTY COMMISSIONERS
OF GARFIELD COUNTY, COLORADO

Chairman

Witness my hand and seal of the County of Garfield.

Attest: Michael Alsdorf
County Clerk

Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

SURVEYORS
ENGINEERS
SGM
SCHMUESER
GORDON MEYER

SCHMUESER GORDON MEYER INC.
118 W. 6th Street, Suite 200
Glenwood Springs, Colorado 81601
(303) 945-1004 (FAX) 945-5948
Aspen, Colorado (303) 925-6727

Cedar Ridge Subdivision

NUM- BER	REVISION	DATE	BY

Garfield County
Colorado

Job No. 93055	1
Drawn by: JT	OF
Date: 4/11/94	1
Appr. by: KW	
File: Warner DSC 37	

RIVERBEND, FILING NO. 5
A PORTION OF THE RIVERBEND P. U. D.
SECTION 34, T. 5 S., R. 90 W., OF THE 6TH PM
GARFIELD COUNTY, COLORADO

CERTIFICATION OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS that R.B. WATER AND SEWER COMPANY, a Colorado corporation, being sole owner in fee simple of all that real property described as:

A parcel of land situated in the NE1/4SW1/4 and the NW1/4SE1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian in the County of Garfield, State of Colorado. Said parcel lying northwesterly of the northwesterly right of way line for County Road No. 335 as constructed and in place and easterly of a fence as constructed and in place. Said parcel being more particularly described as follows:

Commencing at a point on the northwesterly right of way of County Road No. 335 from which the Southeast Corner of said Section 34, a rock found in place bears S. 62°02'56" E. 3357.89 feet distant; thence leaving said right of way N. 24°09'39" W. 744.41 feet along said fence; thence leaving said fence N. 24°09'39" W. 173.25 feet to a point in the Colorado River; thence N. 72°53'05" E. 489.35 feet along said river; thence leaving said river S. 36°21'29" E. 730.23 feet to a point on said right of way; thence S. 53°10'00" W. 655.91 feet to the point of beginning.

Said parcel contains 462,310 square feet or 10.613 acres, more or less.

Said parcel contains 10.613 acres more or less; has by these presents laid out, platted, and subdivided the same into lots as shown hereon and designate the same as Riverbend, Filing #5 in the County of Garfield, State of Colorado.

That said owner does hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever, and hereby dedicate to the Public Utilities those portions of said real property which are labeled as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation, and drainage facilities including but not limited to electric lines, gas lines, telephone lines; together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and rights shall be utilized in a reasonable and prudent manner.

IN WITNESS WHEREOF said owner has caused his name to be hereunto subscribed this 20th day of November, A.D. 1996.

Diane R. Boat, President

State of Colorado)
County of Garfield) ss

The foregoing dedication was acknowledged before me this 20 day of November, A.D., 1996, by Diane R. Boat, President of R.B. Water and Sewer Company.

WITNESS MY HAND AND SEAL

My commission expires: 10/14/98

Jacqueline Beaumont, Notary

Address: 2096 Bennington, Rifle, CO 81650

SURVEYOR'S CERTIFICATE:

I, Kenneth R. Wilson, do hereby certify that I am a Professional Land Surveyor licensed under the law of the State of Colorado, that this plat is a true, correct and complete plat of Riverbend, Filing #5 as laid out, platted, dedicated and shown hereon, that such plat was made by me from an accurate survey of said property by me, and under my supervision and correctly shows the location and dimensions of the boundary and easements 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 20th day of November, A.D., 1996.

Kenneth R. Wilson, Professional Land Surveyor #15710

BOARD OF COUNTY COMMISSIONERS' CERTIFICATE:

This Plat was approved by the Board of County Commissioners of Garfield County, Colorado, this 18th day of Sept., 1997, 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 the approval in no way obligates Garfield County for financing or construction of improvements on land, streets, or easements dedicated to the public, except as specifically agreed to by the County in the Subdivision Agreement.

Chairman

Witness my hand and seal of the County of Garfield.

Attest: Michael Desorj, County Clerk

CLERK AND RECORDER'S CERTIFICATE:

This plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at 9:11 o'clock A.M., this 4th day of November, 1997, in Book _____, at Page _____, Reception No. 57555.

By: [Signature] Clerk & Recorder
Deputy

COUNTY SURVEYOR'S CERTIFICATE:

Approved for Content and Form only and not the accuracy of surveys, calculations or drafting. Pursuant to C.R.S. 38-3, 38-51-101 ET SEQ.

(Signed) [Signature] County Surveyor

ATTORNEY'S CERTIFICATE:

I, Timothy A. Thurston, an attorney licensed to practice in the State of Colorado, do hereby certify that all dedications to the public as described on this Final Plat are free and clear of any liens, claims or encumbrances except Mineral reservations and exceptions contained in documents recorded in: Book 12 at Page 156; Book 73 at Page 154; Book 12 at Page 155; Book 73 at Page 154; Book 435; Book 549 at Page 172. Easements and Rights of Way contained in: Book 382 at Page 170; Book 73 at Page 154; Book 374 at Page 269; Book 434 at Page 342; Reception # 299710; Book 351 at Page 211. Protective Covenants contained in Book 539 At Page 985. Stipulation contained in Book 771 at Page 46. and further that this subdivision is in substantial compliance with the Garfield County Subdivision Regulations of 1984.

Date: 12/6/96 [Signature]

PLAT NOTES:

- 1) Lots 5 thru 9 may be divided into separate interests after the approval of an amended plat by the Board of County Commissioners that legally describes the separate interests to be created.
- 2) A site specific foundation design for each structure shall be included with any building permit application and that each building design will include anti-radon gas accumulation measures.
- 3) No open hearth solid-fuel burning fireplaces will be allowed within Riverbend, Filing No. 5. All dwelling units will be allowed an unrestricted number of natural gas-burning fireplaces or appliances. All dwelling units will be allowed no more than one new woodburning stove as defined by C.R.S. 25-7-401, et seq., and the regulation promulgated thereunder.
- 4) Easements 7.5 feet in width shall be reserved on each side of all side lot lines and 15 feet on all front lot lines for access and utilities.
- 5) No access will be allowed from individual lots directly unto the County Road.
- 6) Individual household pressure reducing valves are required on each water service line.

- indicates found monument as described
- indicates set monument, #5 rebar and aluminum L.S. 15710
- Date of survey - March, 1995

OWNER:
R.B. WATER AND SEWER COMPANY
P.O. BOX 1989
GLENWOOD SPRINGS, CO 81601

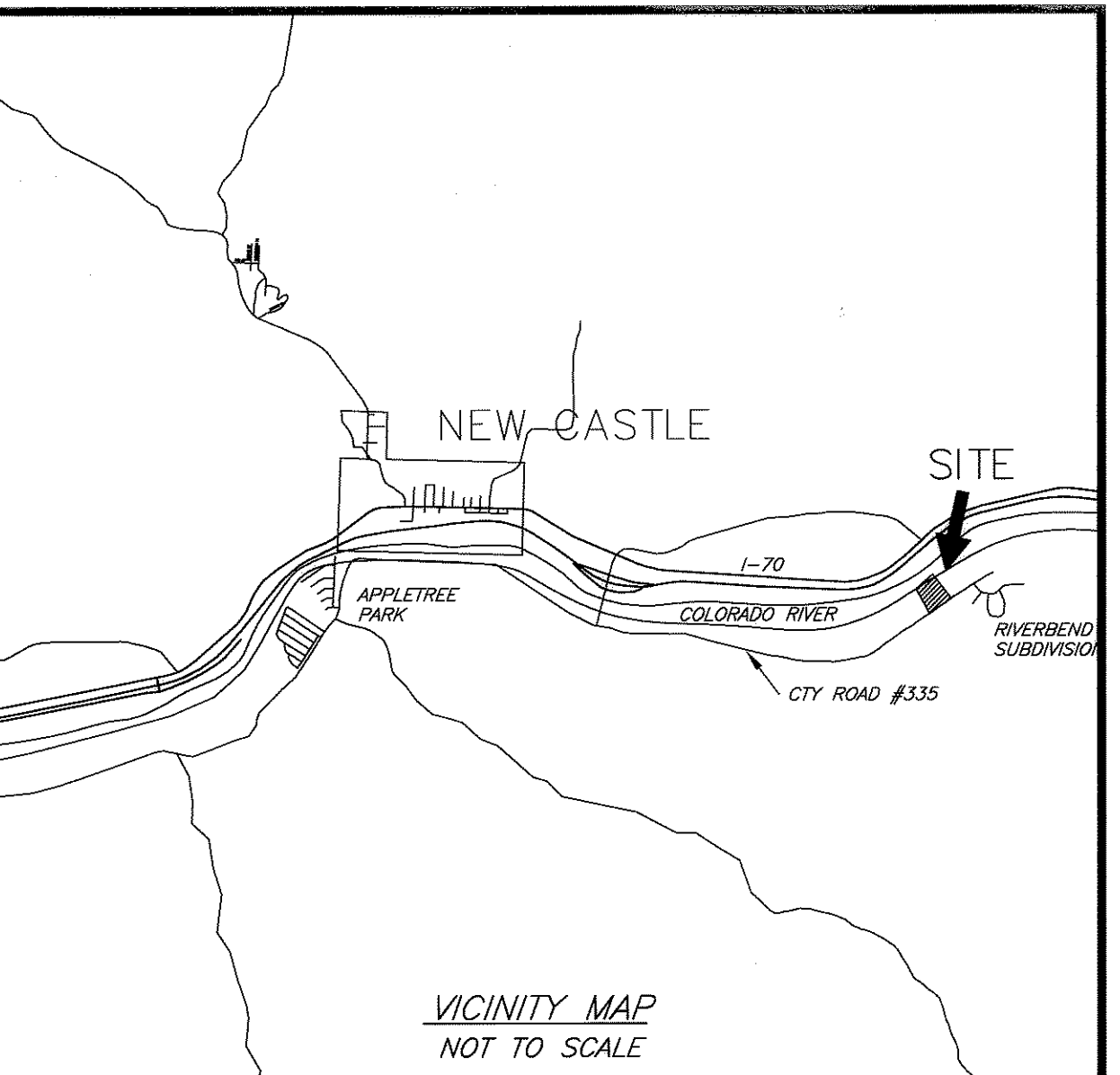
CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
C1	75.00'	109.80'	100.25'	N 17°46'48" E	83°52'50"	67.39'
C2	100.00'	146.40'	133.67'	N 17°46'48" E	83°52'50"	89.85'
C3	125.00'	59.86'	59.29'	N 10°26'34" W	27°26'11"	30.51'
C4	125.00'	30.82'	30.54'	N 10°17'33" E	14°02'03"	15.39'
C5	125.00'	32.24'	32.15'	N 24°41'52" E	14°46'35"	16.21'
C6	125.00'	56.48'	56.00'	N 45°01'45" E	25°53'12"	28.73'
C7	125.00'	3.81'	3.81'	N 58°50'48" E	01°44'50"	1.91'
C8	75.00'	109.86'	100.29'	S 78°19'08" E	83°55'23"	67.44'
C9	100.00'	146.47'	133.73'	S 78°19'08" E	83°55'23"	89.92'
C10	125.00'	55.09'	54.64'	N 72°20'42" E	25°15'01"	28.00'
C11	125.00'	28.11'	28.06'	S 88°35'12" E	12°53'12"	14.12'
C12	125.00'	84.05'	82.48'	S 62°52'46" E	38°31'40"	43.69'
C13	125.00'	15.84'	15.82'	S 39°59'11" E	07°15'30"	7.93'

NUM-BER	REVISION	DATE	BY

RIVERBEND FILING #5

SCHMUESER GORDON MEYER INC.
118 W. 6th Street, Suite 200
Glenwood Springs, Colorado 81601
(303) 945-1004 (FAX) 945-5948
Aspen, Colorado (303) 925-6727

SURVEYORS ENGINEERS
SGM
SCHMUESER GORDON MEYER



Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Appendix N – Riverbend PUD Resolutions

- Appendix N.1 • Resolution 77-2 Approving a Rezone to Riverbend PUD
- Appendix N.2 • Resolution 84-261 Approving a Riverbend PUD Modification to Coal Ridge PUD
- Appendix N.3 • Resolution 94-130 Approving the Matthies Subdivision Exemption
- Appendix N.4 • Resolution 95-074 Approving the Riverbend Filing 5 PUD Amendment

- (4) Inclusion of provision in the Plan that engineering standards to be used in the construction of all public improvements under the Plan shall be commensurate with those standards used by the City of Rifle when such standards are at least as restrictive as those presently in force under the regulations of Garfield County, Colorado.

and that no development of the subject property under said plan or implementation of said plan shall be done until all of the foregoing conditions have been complied with to the satisfaction of the Board of County Commissioners of Garfield County, Colorado. And that upon such compliance, the Zone District Map of Garfield County be accordingly amended to reflect this amendment.

ATTEST:

BOARD OF COMMISSIONERS
GARFIELD COUNTY

Ella Stephens
Ella Stephens, Clerk

Flaven J. Cerise
Flaven J. Cerise, Chairman

Pete J. Mattivi

Lynn Hill

Letter of application for change in classification for Air Quality Standards was discussed. Mr. Mattivi moved that the application be approved to reclassify that portion of Garfield County as outlined in the application. Seconded by Mr. Hill. Motion carried unanimously.

Discussion of Panoramic Mesa Subdivision and acceptance of roads into County system was held. Mr. Hartert reviewed the recommendation of Mr. Scarrow and stated that no deed was necessary. Mr. Hill moved that the road be accepted for maintenance in the County road system. Seconded by Mr. Mattivi. Motion carried unanimously.

Mr. Witkowski presented Resolution No. 77-2 on PUD zoning for Riverbend Subdivision. Mr. Mattivi moved that Resolution 77-2 be adopted. Seconded by Mr. Hill. Motion carried unanimously.

RESOLUTION NO. 77-2

WHEREAS, Hamilton Duncan has made application to the Board of County Commissioners of Garfield County, Colorado, for a Planned Unit Development amendment to the Zoning Resolution of Garfield County, Colorado, said proposed Planned Unit Development being known as Riverbend all as more particularly described in said application; and

WHEREAS, said application was referred to the Planning Commission of Garfield County, Colorado, as provided in Section 8.04 of said Zoning Resolution and further that said Planning Commission has certified to the Board of County Commissioners of Garfield County, Colorado, its recommendation that the said application be approved subject to conditions; and

WHEREAS, the Board of County Commissioners of Garfield County, Colorado, has duly and regularly held a public hearing on said application in conformity with the laws of the State of Colorado and the provisions of said Zoning Resolution; and

WHEREAS, the Board of County Commissioners of Garfield County, Colorado, is now fully advised in the premises in regard to said application, and finds that such Planned Unit Development amendment is in conformity with the General Plan for Garfield County and the Zoning Resolution of Garfield County, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO, that the application for a Planned Unit Development amendment to the Zoning Resolution of Garfield County, Colorado, for the Riverbend project, be and the same is hereby adopted, subject to the following conditions:

- (1) That said Plan provide for settlement ponds and filtration devices to be included in the design of the storm drainage system if the Board of County Commissioners finds that increased run-off from the project poses a pollution hazard.
- (2) That the Plan provide that the commercial convenience store shown in the Planned Unit Development be included in the phased development when the need for said convenience store is demonstrated to the Board of County Commissioners of Garfield County, Colorado.
- (3) That the Plan provide that the fire protection system be designed to provide a minimum of sixty (60) pounds per square inch static line pressure and five hundred (500) gallons per minute volume of flow to all lots as subdivided on the project.

and that no development of the subject property under said plan or implementation of said plan shall be done until all of the foregoing conditions have been complied with to the satisfaction of the Board of County Commissioners of Garfield County, Colorado. And that upon such compliance, the Zone District Map of Garfield County be accordingly amended to reflect this amendment.

ATTEST:

BOARD OF COMMISSIONERS
GARFIELD COUNTY

Recorded at 11:08 o'clock A M. DEC 31 1984
Reception No. 358393 MILDRED ALSDORF, RECORDER
GARFIELD COUNTY, COLORADO

STATE OF COLORADO)
) ss
County of Garfield)

BOOK 662 PAGE 178

BOOK 662 PAGE 698

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the Garfield County Courthouse in Glenwood Springs on Thursday, the 27th day of December A.D. 1984, there were present:

<u>Larry Velasquez</u>	, Commissioner Chairman
<u>Flaven J. Cerise</u>	, Commissioner
<u>Eugene "Jim" Drinkhouse</u>	, Commissioner
<u>Steve Zwick</u>	, County Attorney assistant
<u>Mildred Alsdorf</u>	, Clerk of the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 84-261

A RESOLUTION CONCERNED WITH THE APPROVAL OF AN APPLICATION OF STORM KINGS MINES, INC., FOR THE MODIFICATION OF THE RIVERBEND PLANNED UNIT DEVELOPMENT TO THE COAL RIDGE PLANNED UNIT DEVELOPMENT AND APPROVAL OF ITS PLAN.

WHEREAS, Storm King Mines, Inc. has filed an application with the Board of County Commissioners of Garfield County, Colorado, for the modification of the Riverbend Planned Unit Development to the Coal Ridge Planned Unit Development and approval of its plan for the parcel of land to be rezoned;

WHEREAS, a public hearing was held by this Board on December 17, 1984;

WHEREAS, based upon the evidence, sworn testimony, exhibits, study of the comprehensive plan for the unincorporated areas of Garfield County, comments from the Garfield County Department of Development and the Garfield County Planning Commission, and comments from all interested parties, this Board finds, based on substantial competent evidence, as follows:

1. That proper publication and public notice was provided, as required by law, for the hearing before the Board;
2. That the hearing before the Board was extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested parties were heard at the hearing;
3. That the Garfield County Planning Commission has recommended to this Board that the requested zoning change be granted, provided that certain conditions be imposed upon the applicant;
4. That the PUD modification is consistent with the efficient development and preservation of the entire PUD, does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person;
5. That the proposed zoning is in general compliance with the recommendations set forth in the comprehensive plan for the unincorporated area of the County; provided certain conditions are met in any subsequent land use permit applications;
6. That the requested Planned Unit Development Modification is in general compliance with all requirements of the applicable Garfield County Zoning Resolution and, further, that the requested Planned Unit Development Modification is suitable and appropriate for the subject property, given the location, condition and circumstances of the property, and it is generally compatible with existing land uses in the surrounding nearby area;

Recorded at 2:25 o'clock P M. JAN 09 1985
Reception No. 358393 MILDRED ALSDORF, RECORDER
GARFIELD COUNTY, COLORADO

6. That for above-stated and other reasons, the proposed Planned Unit Development Modification and planned unit development plan is in the best interest of health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County; and

WHEREAS, the Board must, for the purpose of analyzing the subject application, in accordance with the provisions of the Garfield County Zoning Resolution, establish the neighborhood which may be affected by the possible approval of the zoning change and, further, the Board has determined that, except as otherwise noted herein, such neighborhood is in the area of Garfield County, Colorado, within a one and one half (1 1/2) mile radius of the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the application for the Modification of the Riverbend Planned Unit Development to the Coal Ridge Planned Unit Development be approved for the following described property in the unincorporated area of Garfield County, as follows:

1. That all verbal and written representations of the applicant shall be considered conditions of approval, unless expressly provided for in this Resolution.
2. That the zoning text of the Planned Unit Development plan for the Coal Ridge Planned Unit Development is attached hereto as Exhibit "A", incorporated herein by reference as is fully set forth herein.
3. That the planned unit development map for the Coal Ridge Planned Unit Development is attached hereto as Exhibit "B", incorporated herein by reference as if fully set forth herein.
4. That the legal description of the property which encompasses the Coal Ridge Planned Unit Development is attached herein as Exhibit "C", incorporated herein by reference as if fully set forth herein.

Dated this 27th day of December, A.D. 1984.

ATTEST:

GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Mildred Alsdorf
Clerk of the Board

Larry Velasquez
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

<u>Larry Velasquez</u>	Aye
<u>Eugene "Jim" Drinkhouse</u>	Aye
<u>Flaven J. Cerise</u>	Aye

STATE OF COLORADO)
)

County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this _____ day of _____, A.D. 19____

County Clerk and ex-officio Clerk
of the Board of County Commissioners.

Exhibit A

COAL RIDGE PLANNED UNIT DEVELOPMENT DISTRICTS

1.0 GENERAL PROVISIONS

- A. Effect of the Garfield County Zoning resolution of 1978, as amended: The provisions of the Garfield County Zoning Resolution and the successors thereof, as now in affect and as hereafter amended, are by this reference incorporated herein as if set forth in full, to the extent not divergent from the provisions of the Coal Ridge Planned Unit Development Zone Regulations.
- B. Conflict: The provisions of the Zone Regulations shall prevail and govern the development of Coal Ridge P.U.D. provided, however, where the provisions of the Coal Ridge P.U.D. Zone Regulations do not clearly address a specific subject, the provisions of the Garfield County Zoning Resolution, including, and not limited to Section 5.03 in its entirety, or any other resolutions or regulations of Garfield County shall prevail.

1.1 MAP

The General Development Plan is attached to this resolution and referenced as Exhibit "B".

2.0 T TRANSITION

- 2.1 Uses, by right: Agricultural, single family dwelling.
Utility lines of not greater than 69 KV, and facilities and municipal structures to serve existing and industrial needs, such as pipelines, powerlines, sub-stations, conveyors, ditches, roads, underground water and sewer facilities, and easements;
- 2.2 Uses, special: None
- 2.3 Minimum Lot Area: 2 acres
- 2.4 Maximum Lot Coverage: 25 percent
- 2.5 Minimum Setback: Front: 25 feet
Side: 10 feet
Rear: 25 feet
- 2.6 Maximum Height of Buildings: 25 feet

3.0 I-2 HEAVY INDUSTRIAL DISTRICT

- 3.1 Uses, by Right: Agricultural
Utility lines and facilities and municipal structures to serve existing and industrial needs, such as pipelines, powerlines, sub-stations, conveyors, ditches, road, water and sewer facilities, and easements.
- 3.2 Uses, Special: Heliport with support facilities, mine salvage yard, yards for layout of storage, temporary structures for housing, office or storage when approved as a part of an extractive operation.

Plant for faabrication of goods from processed natural resources; material nandling, pumping facilities, electrical distribution, warehouse facilities/staging areas, fabrication areas, storage areas, water impoundments, access routes, utility lines over 69 KV, pipelines.

Sites for extraction, processing and storage of natural resources, including mines, shafts, pits, storage points, and boreholes for coal, oil and gas, geothermal and other minerals, water, sand, gravel, rock, soil, explosives, chemicals and fuel.

Railroad corridor for spur or branch line serving agricultural/industrial sites; radio and/or television transmission and receiving facility (not general broadcast), wholesale/retail sale of coal.

- 3.3 Minimum Lot Area: 2 acres
- 3.4 Maximum Lot Coverage: Industrial: 85 percent
- 3.5 Minimum Setback: All buildings shall meet the following minimums: Front: 25 feet; Side: 10 feet; Rear: 25 feet.
- 3.6 Maximum Height of Buildings: 35 feet permitted by right, 150 feet subject to Special Use Permit. Review and approval based on the following criteria:
1. The geographic location
 2. Mitigation of visual impacts to the surrounding areas.
 3. Mitigation of impacts to adjacent land uses related to shadows, air circulation and view.
- 3.7 Multiple Uses: Multiple uses shall be permitted on all lands within this zone district, provided approved by Special Use permit.
- 4.0 COS - Common Open Space: The Common Open Space district shall include parcels of land and areas of water, or a combination of land and water, within the PUD, designated and intended primarily for the use of enjoyment of the owners and occupants of the PUD, and their employees.
- 4.1 Uses, by Right: Existing uses, provided that such shall be a non-conforming use as defined in Sections 6.11 and 7.0 of the Garfield County Zoning Regulation, greenbelt, utility lines and sub-stations, public and private easements and rights of way; park.
- 4.2 Uses, Special: Site for power and/or water utilities; storage of agricultural materials; public gatherings, water impoundments, recreational facilities and park shelter including maintenance facilities.
- 4.3 Minimum Lot Area: Not applicable
- 4.4 Maximum Lot Coverage: Not applicable
- 4.5 Minimum Setback: Not applicable
- 4.6 Maximum Height of Buildings: 35 feet
- 5.0 Supplementary Requirements:
- 5.1 All Special Use Permit applications shall include a landscaping design plan that minimizes to the extent feasible visual and noise impacts associated with the proposed use(s).
- 5.2 All outside storage shall be enclosed and screened by a sight obscuring fence.

Legal Description

A parcel of land beginning at the Section corner found in place at the southeast corner of Section 34, T5S, R90W, 6 P.M., County of Garfield, Colorado, thence westerly along the south section line of Section 34, T5S, R90W, 6 P.M., being a bearing of N89°45'28" W, for a distance of 1980 feet to the northeast corner of lot A, which is also the northeast corner of Section 6, T6S, R90W, 6 P.M., thence due south along the east section line of said Section 6, for a distance of 2550 feet to a point on the east-west centerline of said Section 6. Thence westerly along said centerline on a bearing of N89°49'44" W, for a distance of 2655.78 feet to the center of said Section 6. Thence continuing westerly along said centerline on a bearing of N89°49'44" W, for a distance of 2655.78 feet to a point on the west section line of Section 6. Thence due north for a distance of 1532 feet to a point on the centerline of the Colorado River. Thence northeasterly along the centerline of the Colorado River, on a bearing of N63°45'00" E, for a distance of 460 feet, thence on a bearing N56°35'00" E, for a distance of 345 feet along the River centerline, thence on a bearing of N50°35'00" E for a distance of 690 feet along River centerline, thence on a bearing of N53°18'00" E, for a distance of 312.48 feet, thence easterly along the north section line of Section 6, on a bearing of S89°45'28" E, for a distance of 3827.44 feet.

RECORDED AT 8:30 O'CLOCK A.M. NOV 16 1994
 REC # 471048 MILDRED ALSDORF, COUNTY CLERK
 GARFIELD COUNTY, COLORADO

STATE OF COLORADO)
)ss
 County of Garfield)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on Monday, the 14th of November A.D. 1994, there were present:

<u>Elmer (Buckey) Arbaney</u>	, Commissioner Chairman
<u>Arnold L. Mackley</u>	, Commissioner
<u>Marian I. Smith</u>	, Commissioner
<u>Don DeFord</u>	, County Attorney
<u>Mildred Alsdorf</u>	, Clerk of the Board
<u>Chuck Deschenes</u>	, County Administrator

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 94-130

A RESOLUTION CONCERNED WITH GRANTING AN EXEMPTION FROM THE GARFIELD COUNTY SUBDIVISION REGULATIONS FOR E. PETER MATTHIES AND DEBRA ELENA MATTHIES.

WHEREAS, E. PETER MATTHIES AND DEBRA ELENA MATTHIES petitioned the Board of County Commissioners of Garfield County, Colorado, for an exemption from the definition of the terms "subdivision" and "subdivided land" under C.R.S. 1973, 30-28-101 (10) (a)-(d), as amended, and the Subdivision Regulations of Garfield County, Colorado, adopted April 23, 1984, Section 8:00 through 8:60 and for the division of a 40.56 acre tract as described in Book 805, Page 316, as filed in the Offices of the Clerk and Recorder of Garfield County, Colorado, into two (2) parcels of approximately 37.17 and 3.39 acres in size, more or less, with the exemption parcels more practically as follows:

Lot 1 (See Attached)
 Lot 2 (See Attached)

(in the State of Colorado and the County of Garfield); and

WHEREAS, the Petitioner has demonstrated to the satisfaction of the Board of County Commissioners of Garfield County, Colorado, that the proposed division does not fall within the purposes of Part 1, Article 28, Title 30, Colorado Revised Statutes 1973, as amended, for the reason that the division does not warrant further subdivision review; and

WHEREAS, the Petitioner has demonstrated to the satisfaction of the Board of County Commissioners of Garfield County, Colorado, that there is a reasonable probability of locating domestic water on each of said parcels, that there is existing ingress and egress to said parcels, that the location of septic tanks will be permitted by the Colorado Department of Health, that the requested division is not part of an existing or larger development and does not fall within the general purposes

Mildred

DESCRIPTION LOT 1

BOOK 0922 PAGE 740

A tract of land situate in Section 34, Township 5 South, Range 90 West of the 6th Principal Meridian and Sections 5 and 6 of Township 6 South, Range 90 West of the 6th Principal Meridian being more particularly as follows:

Beginning at a point whence a stone for the southeast corner of said Section 34 bears S 72°51'12" E 788.78 feet; thence S 58°55'05" W 334.54 feet; thence N 81°16'23" W 273.63 feet; thence S 62°09'28" W 705.74 feet; thence N 19°36'05" W 242.30 feet; thence N 32°42'40" W 1087.96 feet; to the southwest corner of a tract of land described in Book 534 at Page 416 of the records of the Clerk and Recorder of Garfield County, Colorado; thence N 53°10'00" E 258.36 feet along the south line described in Book 534 at Page 416; thence N 53°10'00" E 401.64 feet along the south line described in said Book 534 at Page 416; thence N 33°50'00" W 300.00 feet along the east line described in said Book 534 at Page 416 to the south boundary of Riverbend Subdivision Filing No. 1; thence N 81°28'00" E 560.92 feet along said south boundary of Riverbend Subdivision Filing No. 1 to the west boundary of Amended Riverbend Subdivision Filing No. 2; thence along said west boundary the following eight (8) courses: 1) S 02°57'20" E 55.08 feet; thence 2) S 25°48'55" E 139.90 feet; thence 3) S 10°19'16" E 97.88 feet; thence 4) S 01°40'02" W 193.12 feet; thence 5) S 40°03'28" E 141.75 feet; thence 6) S 17°23'47" E 189.20 feet; thence 7) S 45°58'22" E 132.31 feet; thence 8) S 45°58'22" E 87.88 feet; thence S 47°56'00" E 744.32 feet to the point of beginning, containing 37.17 acres more or less

DESCRIPTION LOT 2

A tract of land situate in Section 34, Township 5 South, Range 90 West of the 6th Principal Meridian and Section 5 of Township 6 South, Range 90 West of the 6th Principal Meridian being more particularly as follows:

Beginning at a point whence a stone for the southeast corner of said Section 34 bears S 86°42'28" E 1041.95 feet; thence S 58°55'05" W 394.16 feet; thence S 63°35'48" W 556.96 feet; thence N 19°36'05" W 173.10 feet; thence N 62°09'28" E 705.74 feet; thence S 81°16'23" E 273.63 feet to the point of beginning, containing 3.39 acres more or less.

STATE OF COLORADO)
)ss
County of Garfield)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held in the Commissioners' Meeting Room, Garfield County Courthouse, in Glenwood Springs on Monday, the 11th of September A.D. 1995, there were present:

- | | |
|-------------------------------|-------------------------|
| <u>Marian I. Smith</u> | , Commissioner Chairman |
| <u>Arnold L. Mackley</u> | , Commissioner |
| <u>Elmer (Buckey) Arbaney</u> | , Commissioner |
| <u>Don DeFord</u> | , County Attorney |
| <u>Mildred Alsdorf</u> | , Clerk of the Board |
| <u>Chuck Deschenes</u> | , County Administrator |

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 95-074

A RESOLUTION CONCERNED WITH THE APPROVAL OF AN APPLICATION BY RB HOMES INC. FOR THE RIVERBEND FILING #5 PLANNED UNIT DEVELOPMENT AMENDMENT AND APPROVAL OF ITS PLAN

WHEREAS, RBHomes Inc. has filed an application with the Board of County Commissioners of Garfield County, Colorado, for approval of the Riverbend Filing #5 PUD Zone District Amendment and its PUD Plan;

WHEREAS, The Board of County Commissioners has now considered that application.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO, that based upon the evidence, sworn testimony, exhibits, study of the Comprehensive Plan for the unincorporated areas of Garfield County, comments from the Garfield County Planning Department, and the Garfield County Planning Commission, and comments from all interested parties, this Board enters the following findings and conclusions:

FINDINGS

1. The application was filed with the Planning Department and referred to the Planning Commission consistent with statutory requirements.
2. The Garfield County Planning Commission reviewed the application and recommended approval of the application with certain conditions on April 12, 1995.
3. The Board of County Commissioners established a date for the public hearing on the application to commence on June 5, 1995.

4. Pursuant to evidence produced at the public hearing on the application, the Board finds:
 - A. All property owners adjacent to the property that is subject to this application received notification of the date, time and location of the above referenced public hearing by certified mail, sent at least fifteen (15) days prior to commencement of the hearing;]
 - B. Notice of the public hearing was published in a newspaper of general circulation at least thirty (30) days prior to commencement of the hearing;
 - C. The substance of the mailing and published notifications substantially informed interested parties of the subject matter and location of the requested zoning;
 - D. The Board of County Commissioners has jurisdiction to conduct the public hearing on the application and render a decision thereon.
5. The hearing before the Board on June 5, 1995 was extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested parties were heard at the hearing.
6. Pursuant to Section 4.02 of the Garfield County Zoning Resolution of 1978, as amended:
 - A. The PUD Zone District Text and Map direct the dwelling type, bulk, density and open space in a manner consistent with zoning laws;
 - B. The PUD provides a variety of housing types in a layout allowing for open space ancillary to the building locations;
 - C. The PUD, if fully developed, will result in an increased assessed valuation to the property;
7. The PUD Amendment, subject to strict compliance with conditions set forth herein, is in general conformity with the Garfield County Comprehensive Plan, pursuant to provisions of Section 4.04 of the Garfield County Zoning Resolution of 1978, as amended and Section 24-67-105, C.R.S., as amended.
8. In accordance with Section 4.07.01 of the Garfield County Zoning Resolution of 1978, as amended, the Board of County Commissioners herein find that subject to strict compliance with the conditions set forth herein, the Westbank Ranch Filing #4 PUD will meet the standards and requirements of Section 4.00, et. seq. of that Zoning Resolution.
9. The requirements of Section 4.07.03 of the Garfield County Zoning Resolution of 1978, as amended, are met as follows:
 - A. Subject to the conditions set forth herein, the impacts of the PUD and its surrounding area are appropriate, with all identified unreasonably adverse impacts being appropriately mitigated;
 - B. The proposed PUD provides adequate internal street circulation for the traffic generated by the development. The private internal streets provide adequate access for fire and police protection, as well as bicycle traffic;
 - C. The PUD provides adequate parking for all proposed uses;

- D. The PUD provides common open space that is adequate for the usage of its own residents;
 - E. The PUD provides for a variety of housing types, including single-family and multi-family units;
 - F. Adequate privacy is provided between the dwelling units through lot sizing, building envelopes, and architectural control;
 - G. The PUD provides adequate pedestrian access within the PUD.
10. The proposed PUD will allow the clustering of development to avoid areas of geologic hazards, permitting the creation of additional open space.
 11. The overall density of development, pursuant to the provisions of Section 4.07.06 of the Garfield County Zoning Resolution of 1978, as amended, will allow development of less than four (4) dwelling units per acre.
 12. The PUD exceeds the minimum number of acres required for PUD size.
 13. More than 25 percent of the PUD is devoted to common open space.
 14. Under the conditions set forth herein and pursuant to the PUD Zone District Map (Exhibit A), the PUD demonstrates the location and total acreage for each proposed use together with the limitations on lot size and total density within each use.
 15. Pursuant to the provisions of Section 4.08.05 of the Garfield County Zoning Resolution of 1978, as amended, the applicant included their written request for PUD Amendment all of the following:
 - A. A statement of ownership interest and written consent of all property owners;
 - B. A proposed plan indicating the maximum number of dwelling units, the minimum acreage, dedicated open space, type of proposed uses and acreage devoted to uses, a proposed internal circulation system, the manner in which provision for water, sewer, telephone, electric, and gas exist, and other necessary restrictions sought by the applicant;
 - C. A regional location map showing the location of the proposed PUD in relationship to connecting roads and other public facilities;
 - D. A map indicating the existing boundaries of the PUD, its acreage, existing structures and existing zoning;
 - E. A site topographic map with five feet contour intervals was submitted with the application;
 - F. A legal description of the area which the applicant wish to include in the PUD was submitted with the application;
 - G. The applicant submitted a written statement setting forth the objectives to achieve by the PUD, copies of proposed covenants, conditions and restrictions, a list of property owners within 300 feet of the boundaries of the PUD, a statement by a licensed engineer

that provided information concerning the proposed water source, method of sewage treatment, the general manner in which storm drainage will be handled, and the general manner in which provisions have been made for potential natural hazards, including landslide areas, unstable soils, and drainage paths, all of which are subject to the conditions set forth herein;

- H. Easements for ingress and egress to a public road have been provided; and
- I. The PUD Amendment, subject to the conditions set forth herein, will be designed with the consideration of the natural environment of the site and surrounding area, will not unreasonably destroy wildlife, natural vegetation, unique features on the site, and mitigates the impacts of adjacent property owners;

- 16. Subject to the provisions of Section 4.08.06 of the Garfield County Zoning Resolution, as amended, the Board of County Commissioners find that no portion of the PUD conditionally approved herein may be occupied until appropriate final plats have been approved by this Board.
- 17. Subject to the provisions of Section 4.12.03 of the Garfield County Zoning Resolution, as amended, the Board of County Commissioners find that the PUD Amendment is a substantial modification of a PUD previously approved in 1977, the proposed modification is consistent with efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

CONDITIONS OF APPROVAL

The foregoing findings are specifically entered subject to the adoption of and strict compliance with the conditions set forth below. Such conditions are a result of consideration of all evidence, including extensive public comment:

- 1. All representations, either within the application or stated at the public hearings before the Planning Commission and the Board of County Commissioners shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.
- 2. The Preliminary Plan shall include a mechanism to transfer ownership of the water and sewer system to the Riverbend Filing 5 Homeowners Association, with provisions for outside water user fees that include equitable costs of service such as operation, maintenance, repair and administration.
- 3. At Preliminary Plan a landscaping plan for the clarification ponds and sewage treatment area be developed and submitted that minimizes the visual impacts of the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, Colorado, that the request of RB Homes Inc. for a PUD Amendment for Riverbend Filing #5 PUD is hereby granted, subject to strict compliance with the conditions set forth herein.

Dated this 11th day of September, A.D. 1995.

ATTEST:

GARFIELD COUNTY BOARD OF
COMMISSIONERS, GARFIELD
COUNTY, COLORADO

Mildred Aisdorf
Clerk of the Board

Maxim I. Smith
Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Marian I. Smith	Aye
Arnold L. Mackley	Aye
Elmer (Buckey) Arbaney	Aye

STATE OF COLORADO)
)ss
County of Garfield)

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceeding of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County,
at Glenwood Springs, this ____ day of _____, A.D. 19____.

County Clerk and ex-officio Clerk of the Board of County Commissioners

LEGAL DESCRIPTION

A parcel of land situated in the NE1/4SW1/4 and the NW1/4SE1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian in the County of Garfield, State of Colorado. Said parcel lying northwesterly of the northwesterly right of way line for County Road No. 335 as constructed and in place and easterly of a fence as constructed and in place. Said parcel being more particularly described as follows:

Commencing at a point on the northwesterly right of way of County Road No. 335 from which the Southeast Corner of said Section 34, a rock found in place bears thence S. 62° 02'56" E. 3357.89 feet distant; thence leaving said right of way N. 24°09'39" W. 744.41 feet along said fence; thence leaving said fence N. 24°09'39" W. 173.25 feet to a point in the Colorado River; thence N. 72°53'00" E. 489.34 feet along said river; thence leaving said river S. 36°21'29" E. 730.23 feet to a point on said right of way; thence S. 53°10'00" W. 655.91 feet to the point of beginning. Said parcel contains 10.61 acres, more or less.

SINGLE-FAMILY ZONE DISTRICT

Uses by right: Single-family dwelling and customary accessory uses, accessory to use of the lot for single-family residential purposes and fences, hedges, gardens, walls and similar landscape features; park.

Uses, special: Studio for conduct of arts and crafts and home occupation.

Minimum lot area: Fourteen thousand (14,000) square feet.

Maximum lot coverage: Thirty percent (30%).

Minimum Setback:

- 1) Front yard: Local streets. Fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;
- 2) Rear yard: Twenty-five (25) feet from rear lot line;
- 3) Side yard: Ten (10) feet from side lot line or one-half ($\frac{1}{2}$) the height of the principal building, whichever is greater.

Maximum height of buildings: Twenty-five (25) feet.

Maximum floor area ratio: 0.15/1.0

OPEN SPACE/PARKLAND

Used by right: Playgrounds, trails, park, playing fields, landscaping, water and sewage treatment facilities and lines.

Minimum setback:

- 1) Front yard: Local streets. Fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;
- 2) Rear yard: Twenty-five (25) feet from rear lot line;
- 3) Side yard: Ten (10) feet from side lot line or one-half ($\frac{1}{2}$) the height of the principal building, whichever is greater.

Maximum height of buildings: Twenty-five (25) feet.

TWO-FAMILY ZONE DISTRICT

Uses by right: Two-family dwelling and customary accessory uses, accessory to use of the lot for two-family residential purposes and fences, hedges, gardens, walls and similar landscape features; park.

Uses, special: Studio for conduct of arts and crafts and home occupation.

Minimum lot area: Fourteen thousand (14,000) square feet.

Maximum lot coverage: Fifty percent (50%).

Minimum Setback:

- 1) Front yard: Local streets. Fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater;
- 2) Rear yard: Twenty-five (25) feet from rear lot line;
- 3) Side yard: Ten (10) feet from side lot line or one-half ($\frac{1}{2}$) the height of the principal building, whichever is greater.

Maximum height of buildings: Twenty-five (25) feet.

Maximum floor area ratio: 0.25/1.0

Appendix O – Riverbend PUD Declarations and Covenants

- Appendix O.1 • Protective Covenants Riverbend Filing No. 1 (Reception No. 281327)
- Appendix O.2 • Declaration of Protective Covenants Cedar Ridge
- Appendix O.3 • Declaration of Protective Covenants Riverbend Filing No. 5

PROTECTIVE COVENANTS FOR
RIVERHEAD SUBDIVISION, FILING NO. 1
GARFIELD COUNTY, COLORADO

Cunningham Construction and Development Company, the Declarant herein and developer, owner, of Riverhead Subdivision, Garfield County, Colorado, as the same appears upon that plat filed for record on Oct. 20, 1977 as Reception No. 281326, in the office of the Clerk and Recorder of Garfield County, Colorado, does hereby covenant and agree that the use thereof shall be restricted by the terms and conditions as hereinafter set forth. It further covenants and agrees that the hereinafter set forth restrictions shall be covenants running with the land and shall be binding upon itself, its successors and assigns, and shall be mutually binding and enforceable by all purchasers of lots or property within said Subdivision.

The protective covenants to run with the land are as follows:

1. All lots and parcels within the Subdivision, except as hereinafter identified for use as parks, green belt and roadway easement, shall be used for no other purpose than single family residences. To this end, no building shall be erected, altered, placed or permitted to remain on any lot, other than one detached single family dwelling and appurtenant structures such as garage, carport, storage structure, or house workshop, as may be approved by the Architectural Control Committee.

2. Each single family dwelling shall be set back from the lot lines as follows:

- (a) Street Front Set Back 25 feet
- (b) Rear lot line none
- (c) Side lot line 10 feet

Eaves, steps and open porches shall not be considered part of a building in computing set-backs.

3. No building shall exceed 27 feet in vertical height measured from the finished elevation of the intersection of the center of the front street with a line drawn from the center of a lot perpendicular to the front line of the lot, such total height to include the roof.

4. Easements for the installation and maintenance of utilities and drainage facilities for the benefit of the public are reserved as shown on the recorded plat as to each and all of the lots.

5. Other than initially installed by Declarant, no gas lines, light, powerlines, telephone lines or television cables shall be permitted unless said lines are buried underground and out of sight from their primary source at the lot line to the unit, at the owner's expense.

6. The floor area of each single family dwelling, exclusive of open porches and garages, shall not be less than 900 square feet of finished living area on the ground floor level. In addition, no dwelling shall be built nor sold which does not have off-street parking space for at least two automobiles.

7. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No light shall be emitted from any property within the Subdivision which is unreasonably bright or causes unreasonable glare; no sound shall be emitted on any such property which is unreasonably loud or annoying; and no odor shall be emitted on any such property which is unreasonably noxious or offensive to others. All property within the Subdivision, including all improvements on any such property, shall be kept and maintained by the owner thereof in a clean, safe, attractive and sightly condition and in good repair.

8. No structure of a temporary character, trailer, basement, camp, shack, garage, barn, or other outbuilding, shall be used on any lot at any time as a residence, either temporarily or permanently.

9. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. Dogs must be kept on their owner's property at all times.

10. No sign of any kind shall be displayed to the public view of any lot, except one professional sign of not more than 6 square feet advertising the property for sale or rent, or used by a builder to advertise the property during the construction and sales.

11. No lot shall be used or maintained as a dumping ground for rubbish and no vehicle shall be allowed on any lot which does not have a current license plate recognized as valid by the State of Colorado and a current safety inspection sticker issued by authority of the State of Colorado. All recreational vehicles, campers, trailers, mobile homes, boats, and equipment shall be stored out of view, or in a garage or attached storage room or area.

12. Trash, garbage and other waste shall be kept only in covered sanitary containers.

13. No structures shall be placed or located in any manner that will obstruct, divert or otherwise alter the natural water drainage courses and patterns, and no landscaping or changes to the existing terrain shall be made which shall obstruct, divert or alter such drainage.

14. No building shall be occupied as a residential dwelling nor shall any of the lots within the Subdivision be sold and conveyed to any third party or parties until such time as the Board of County Commissioners of the County of Garfield are satisfied that the public improvements required to be furnished and installed by Declarant (pursuant to Agreement dated between Declarant and the County of Garfield) have been properly installed. The approval of said Board of County Commissioners shall be evidenced by the written approval of the County ~~of~~ ^{of} Garfield County. Upon the recording of such written approval in the records of the Office of the Clerk and Recorder of Garfield County, the occupancy and sale restrictions above set forth shall become null and void and of no further force or effect.

15. Living trees, the trunk of which is two (2) inches or more in diameter, naturally existing upon a lot, except to the extent necessary for construction purposes, shall not be cut, trimmed, or removed from the properties except as may be approved by the Architectural Control Committee.

16. Irrigated lawn sizes for all classifications of lots shall be limited to 3500 square feet. The balance of the lot should be seeded in native grasses not requiring irrigation such as Crested Wheat. Indigenous trees, bushes, and shrubs can be planted and watered. Gardens not exceeding 500 square feet may also be watered.

17. Neither external television nor radio antennas shall be allowed, except such antennas as might be approved in writing by the Architectural Control Committee.

18. An Architectural Control Committee, ("the Committee"), is hereby created to function as follows:

- (a) The Architectural Control Committee shall consist of three members: Wm. James Cunningham, Post Office Box 418, Vail, Colorado, telephone 476-5237, Hamilton Duncan, Post Office Box 1218, Littleton, Colorado, telephone 753-1314, and Marcie Kittay, Post Office Box 418, Vail, Colorado, telephone 476-5237. A majority of the Committee may designate a representative to act for it. Should a member resign, or become unable to act, the other members can appoint a

successor. One or more members may be replaced by the developer until transfer of all Subdivision lots, and thereafter by written designation recorded in the Garfield County Clerk's office showing approval by a majority of the Subdivision lot owners.

- (b) Before anyone shall commence the construction, remodeling, addition to, or alteration of any building, wall, fence, or other structure whatsoever, within the Subdivision, there shall be submitted to the Architectural Control Committee, two complete sets of the plans and specifications for said work and no such structure or improvements of any kind shall be erected, altered, placed or maintained upon any lot unless and until the final plans, elevations and specifications therefore have been approved in writing by the Architectural Control Committee. Such plans and specifications shall be submitted in writing over the signature of the owner of the site or his authorized agent. Approval shall be based, among other things, on quality of proposed construction; adequacy of site planning; conformity and harmony of exterior design with neighboring structures; effect of location and use of improvements, landscaping, operations and uses; relation of topography, grade and finished ground elevation of the site being improved to that of neighboring sites; proper facing of main elevation with respect to nearby streets; and conformity of the plans and specifications to the purpose and general plan and intent of these restrictions. The Committee shall not arbitrarily or unreasonably withhold approval of such plans and specifications.
- (c) The Architectural Control Committee shall approve or disapprove in writing, said plans and specifications within thirty days from the receipt thereof. One set of said plans and specifications with the approval or disapproval shall be retained by the Committee. In the event no action is taken to approve or disapprove such plans and specifications within said thirty day period, the provision requiring approval of said plans and specifications shall be deemed to have been waived.
- (d) The Committee may grant variances from the strict application of these protective covenants, subject to the following conditions:
 1. A detailed written application for variance shall be submitted to the Committee supported by plat or drawings and with a processing fee of \$25.00, plus any costs or fees the Committee may incur in having the request evaluated or reviewed.
 2. Proof acceptable to the Committee of at least ten (10) days advance written notice to all Subdivision property owners within 200 feet from the exterior boundaries of the site.
 3. The variance conforms to zoning, building code and other ordinances of the County of Garfield, or that appropriate variance has been approved by the County of Garfield.
 4. An affirmative finding by the Committee that the variance will not create substantial adverse effects to other Subdivision property owners, and is in conformity with the quality, objectives and general standards of the Subdivision.

- (e) Neither the developer, the Committee members, nor their successors or assigns shall be liable in damages to anyone submitting plans to them for approval, or to any owner of land affected by this Declaration, by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans. Every person who submits plans for approval agrees, by submission of such plans, and every owner of any said property agrees, by acquiring title thereto, that he will not bring any action or suit against Declarant to recover such damages.

19. No elevated tanks of any kind shall be permitted on any lot for storage of gas, fuel, water, oil or other substance. Any such storage tanks shall be buried below ground level.

20. During the course of actual construction of any permitted structures, roads or improvements, the provisions contained in this Declaration shall be deemed waived to the extent necessary to permit such construction, provided that, during the course of such construction, nothing is done which will result in a violation of any of said provisions upon completion of construction.

21. The covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date of these covenants are recorded, after which said time said covenants shall be automatically extended for successive periods of ten (10) years. These covenants may be changed at any time by two-thirds of the Subdivision lot owners, following at least 20 days written notice to all lot owners, the change to be recorded in Garfield County Clerk's office. Notwithstanding anything to the contrary contained herein, after the expiration of one year from the date of issuance of a building permit by municipal or other governmental authority for any improvement, said improvement shall, in favor of purchasers and encumbrancers in good faith and for value, be deemed to be in compliance with all provisions of these covenants, unless actual notice of such noncompliance or noncompletion, executed by Declarant, shall appear of record in the office of the Clerk and Recorder of Garfield County, Colorado, or unless legal proceedings shall have been instituted to enforce compliance or completion.

22. Enforcement shall be by proceedings at law or in equity by any owner or owners, or association thereof, of the land hereby restricted, against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages. For purposes of this section, the Declarant, or its successors shall be deemed an owner so long as lots in the Subdivision remain to be sold or developed.

23. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

24. These covenants are subject to applicable laws and to ordinances of the County of Garfield, and violation of said laws or ordinances are violations of these covenants, subject to enforcement as hereinabove provided.

Dated and signed this 29th day of October, 1977.

CUNNINGHAM CONSTRUCTION AND DEVELOPMENT COMPANY

By Wm. James Cunningham
Wm. James Cunningham, President

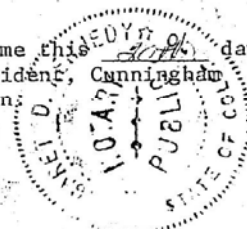
STATE OF COLORADO)
) SS.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 29th day of October, 1977 by Wm. James Cunningham, President, Cunningham Construction and Development Company, a Colorado Corporation.

My commission expires: 12-5-79

WITNESS my hand and official seal.

Margaret Kennedy
Notary Public



7-14-1973
NOV 14 1973
GARFIELD COUNTY

**DECLARATION OF
PROTECTIVE COVENANTS
FOR
CEDAR RIDGE SUBDIVISION
GARFIELD COUNTY, COLORADO**

PURPOSE OF COVENANTS: It is the intention of the fee owner of the Cedar Ridge Subdivision (hereinafter "Subdivision"), expressed by execution of this Declaration, that the lands within the Subdivision be developed and maintained as a highly desirable rural residential area. It is the purpose of these covenants that the present natural beauty, natural growth and native setting and surroundings of the Subdivision always be protected insofar as is possible in connection with the uses and structures permitted by this Declaration.

NOW, THEREFORE, the undersigned fee owner of the Cedar Ridge Subdivision hereby declares that all of the lots within the Subdivision shall be held, sold and conveyed subject to the following:

WATER AND SEWER

WATER SERVICE: Domestic water shall be provided to each dwelling from the Water & Sewer Company at Riverbend, Inc. A 3/4 service will be provided at the county right-of-way and will be the lot owners' responsibility beyond that point. Monthly water fees will begin upon initial occupancy of the residence. These taps are for one single family dwelling and any other use other than single family shall be prohibited.

SEWER SYSTEM: Sanitary sewage disposal shall be provided to Lot 3 of the Subdivision by The Water & Sewer Company at Riverbend, Inc. The sewer tap shall be the responsibility of the lot owner at the sewer main. Monthly sewer fees shall begin upon initial occupancy of the residence. This sewer tap is for one single family dwelling and any other use other than single family shall be prohibited.

Lot 1 of the Subdivision, an existing single family residence, has its own individual and fully operable septic tank and leach field for disposal of sewage water. The owners shall be responsible for operation and/or maintenance of septic system.

Lot 2 of the Subdivision, with an existing structure/proposed single family residence shall install an engineered septic system pursuant to the percolation test results prepared by CTL/THOMPSON, INC., a consulting engineering firm, Glenwood Springs, Colorado, or its successors. The owner of Lot 2 shall be responsible for installation, operation and/or maintenance of septic system.

PROPERTY USE RESTRICTIONS

SPECIFIC REQUIREMENTS FOR BUILDINGS:

1. All building construction materials shall be new, except for the limited use of antique treatments, fixtures and accessories. No building structure originally constructed in whole or in part at another location (including mobile homes) shall be moved onto any Lot. No trailers for construction or temporary housing shall be permitted during construction or at any other time.

2. Each family dwelling, except those that may already exist, shall have a ground footprint of not less than 1,200 square feet of finished living area, exclusive of open porches, garages, balconies and decks.

3. No new building or any part thereof shall be erected on any lot closer to the respective lot lines than as follows:

- a. Twenty-five (25) feet from front lot line*;
- b. Twenty-five (25) feet from rear lot line*; and
- c. Ten (10) feet or one-half the height of the principal building, whichever is greater, from side lot line*.

Eaves, steps and open porches shall not be considered part of the building in computing setbacks.

*Except those that may already exist.

4. All building foundations shall be designed by engineers licensed to practice in the State of Colorado.

5. All new utilities shall be placed underground.

6. No open hearth wood-burning devices will be allowed within the Subdivision. Each dwelling unit will be allowed one (1) EPA Phase II stove, and an unlimited number of natural gas/propane devices.

7. No elevated tanks shall be permitted on any lot for storage of gas, fuel, water, oil or other substances. Any storage tank shall be buried below ground level, except for those that may already exist.

8. All cut slopes created during construction shall be replanted with native grasses using certified weed-free seed.

9. Except to the extent necessary for construction purposes, living trees, the trunks of which are two (2) or more inches in diameter and which naturally exist upon a lot, shall not be cut down or removed.

10. The area of irrigated lawn for each lot shall not exceed 3,500 square feet. The balance of the lot shall be seeded in native grasses not requiring irrigation. Vegetable and flower gardens not exceeding 500 square feet may be irrigated.

11. No lot may be subdivided.

12. Only one (1) dog will be allowed for each dwelling unit. Kennels shall be required for confining dogs of those owners who wish to have a dog, except for those dogs that may already exist. All animals and pets shall be kept under the control of an owner at all times and shall not be permitted to run free on other lots. No dog shall be allowed to bark excessively. Should any dog chase or molest deer, elk, poultry or any domestic animals or persons, or destroy or disturb property of another, the owner of the offending dog shall be prohibited from continuing to keep the offending dog on such owner's lot. If necessary, to protect wildlife or other owners' domestic animals, persons or property, additional steps, including the destruction of the offending dog, may be taken.

13. No cattle, sheep, goats, pigs or other livestock shall be kept or maintained on any lot. Poultry and game birds shall be allowed on Lots 1, 2 and 3, so long as such poultry/game birds are not kept for commercial purposes and do not make objectionable noises or otherwise constitute a nuisance or inconvenience to any residents of the Subdivision. Lot 2 shall be permitted to have two (2) horses. A mare with a colt at her side shall be considered one (1) horse. No stud horses shall be kept. No commercial animal breeding activities of any kind shall be permitted within the Subdivision.

14. No chain link fencing shall be allowed except for the sole purpose of constructing dog kennels.

15. The owners of Lot 1 and Lot 2 will share equally in any cost of repairs or maintenance of the thirty (30) foot easement of the access road to such lots for the purpose of ingress and egress.

16. The guidelines of the Colorado State Forester for wildfire prevention, as set forth in the most current edition of "Wildfire Protection in the Wildland Urban Interface," or its successor, as issued by the Colorado State Forest Service, shall be observed in the construction of all structures.

ENFORCEMENT, AMENDMENT AND RENEWAL

These covenants and restrictions are to run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 2017. At that time, said covenants and restrictions shall automatically extend for successive ten (10) year periods unless otherwise changed by vote of the then majority of tract owners.

These covenants and restrictions may be enforced by any lot owner. The right of enforcement shall include the right to bring an action for damages, as well as an action to enjoin any violation of this Declaration. In any such action, the prevailing party shall be entitled to recover its costs and reasonable attorneys fees incurred.

Executed this 13 day of November, 1996.

Becky D. Warner
Becky D. Warner

STATE OF COLORADO)
) ss
COUNTY OF)

The foregoing instrument was acknowledged before me on this 13th day of November, 1996, by Becky D. Warner.

Witness my hand and official seal.

My commission expires: 11-15-97

[Signature]
Notary Public

**DECLARATION OF PROTECTIVE COVENANTS
FOR
RIVERBEND P.U.D. FILING NO. 5
A Common Interest Planned Community**

The **RB WATER & SEWER COMPANY** a Colorado Corporation, as the fee owner of RIVERBEND P.U.D. FILING NO. 5 (Subdivision), desiring to insure the development and continuity of the Subdivision as a residential subdivision for itself, its successors, legal representatives, assigns and grantees, hereby declares to and for the benefit of all persons who may hereafter purchase and from time to time own lots in the Subdivision that said ownership and holding of said lots shall be subject to the following protective covenants and conditions, all of which shall be deemed to be appurtenant to and run with the land and inure to the benefit of and be binding upon the owners of said lots, their heirs, successors and assigns.

**ARTICLE I.
PURPOSE OF COVENANTS**

It is the intention of the fee owner of the Subdivision, (hereinafter sometimes Declarant) expressed by the execution of this instrument, that the lands within the Subdivision be developed and maintained as a highly desirable rural residential area. It is the purpose of these covenants that the present natural beauty, natural growth and native setting and surroundings of the Subdivision always be protected insofar as is possible in connection with the uses and structures permitted by this instrument.

**ARTICLE II.
DEFINITIONS**

A. **SUBDIVISION.** Whenever the term "Subdivision" is used in these covenants, it shall mean all the lands included in the Riverbend P.U.D. Filing No. 5, and as described on the plat filed for record with the Office of the Clerk and Recorder, Garfield County, Colorado as Reception No. ____, Book ____, Page ____. The Subdivision is a common interest planned community located entirely in Garfield County, Colorado. The Subdivision shall popularly be known as " Riverbend Filing No. 5 Subdivision" and the homeowner's association shall be known by that name.

B. **RESIDENCE.** The term "Residence", "Unit" and "Dwelling" as used herein shall mean the sixteen (16) single family structures as depicted on the plat of the Subdivision above referenced.

C. **RESIDENTIAL PURPOSE.** The term "Residential Purpose" as used herein shall be construed and held to include the use of a residence as a home and principal dwelling place by the owner thereof. Rental of said unit shall be permissible only if rented to a single family.

D. **FAMILY.** The term "single family" shall mean a household composed of a husband and wife, children and other relatives, or any combination of a man or wife and children or other relatives, having natural or moral duties to one another.

E. **ASSOCIATION.** The term "Association" shall mean the Riverbend Filing No. 5 Homeowner's Association. The Association shall be a not-for-profit Colorado corporation formed for the purpose of operating the homeowner's association with the Subdivision.

F. **BOARD.** The term "Board" shall mean the Board of Directors of the Association.

All other terms as used herein shall be defined consistent with the meanings contained at C.R.S. 38-33.3-103 or as otherwise defined under the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101, et seq.

G. **Architectural Control Committee.** The term "Architectural Control Committee" shall mean the administrative body responsible for the enforcement and administration of the provisions governing architectural control set forth in Paragraph V herein. The Architectural Control Committee shall be composed of the Board and two (2) lot owners elected or otherwise designated by the owners of lots within Riverbend Filing No. 1 Subdivision, Riverbend Filing No. 2 Subdivision, and Riverbend Ranchettes

ARTICLE III. MEMBERSHIP IN RIVERBEND P.U.D. FILING NO. 5 HOMEOWNERS ASSOCIATION, INC.

All persons or associations (other than the Association) who own or acquire the title in fee to any of the lands in the Subdivision shall automatically become members of the Association. The owner or owners of each lot shall be entitled to one (1) vote for each lot owned and shall be liable to pay assessments on the basis of one sixteenth (1/16) of all assessments for each lot owned. In the event title to any lot is obtained by eminent domain procedures by a public utility and used for utility purposes, the fractional interest of each owner shall be modified to reflect the number of lots remaining after such taking. For example, if one lot is so taken, the fractional interest of each owner shall be 1/15th. In the event additional lots are added to the Subdivision pursuant to Article XIII A. 2. herein, the converse shall apply -- the fractional interest of each owner shall be modified to reflect the number of lot(s) added by Declarant. For example, if one lot is so taken, the fractional interest of each owner shall be 1/17th.

ARTICLE IV.

MEMBERSHIP IN THE RIVERBEND WATER AND SEWER COMPANY

All persons or associations (other than the Association) who own or acquire the title in fee to any of the lands in the Subdivision shall automatically become members of the Riverbend Water and Sewer Company, a Colorado non-profit corporation, shall be issued certificates to reflect the same and shall be required to execute a written service contract with the corporation for domestic water and sewage treatment. The owner or owners of each lot shall be entitled to one (1) vote for each lot owned. For purposes of this paragraph, the owner of each unit within the heretofore denominated multi-family units shall be deemed to be a lot owner.

Pursuant to the procedures set forth in its Articles of Incorporation and the Subdivision Improvements Agreement executed by the Declarant and Garfield County, the Riverbend Water and Sewer Company shall issue additional memberships to all residents of Riverbend Subdivision Filings Nos. 1 and 2 and Riverbend Ranchettes who execute service contracts with the Riverbend Water and Sewer Company for the purpose of receiving water and sanitary sewage disposal services from the Company.

ARTICLE V. ARCHITECTURAL CONTROL

A. **PLAN SUBMITTALS.** Before anyone shall commence the construction, remodeling, addition to, or alteration of any building, swimming pool, wall, fence or other structure whatsoever, on any lot, there shall be submitted to the Architectural Control Committee two (2) complete sets of the plans and specifications for said work, and no such structure or improvement of any kind shall be erected, altered, placed or maintained upon any lot unless and until the final plans, elevations and specifications therefor have received such written approval as herein provided. The plans and specifications shall be submitted to the Architectural Control Committee and approval received from the Architectural Control Committee prior to application for a building permit from Garfield County or other public entity having jurisdiction thereof. Such plans shall include plot plans showing the location on the lot or property of the wall, fence or other such structure proposed to be constructed, placed, altered or maintained, and elevation of same, together with the proposed color schemes for roofs and exteriors thereof, indicating materials for the same. The Architectural Control Committee shall have the right to refuse to approve any such plans or specifications which are not suitable or desirable, in its opinion, for aesthetic or other reasons, and in so passing upon such plans and specifications, it shall have the right to take into consideration the suitability of the proposed building, structure or other improvement and the materials of which it is to be built, the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the

effect of the building or other structure as planned on the view-plane from the adjacent or neighboring property. All plan submittals shall meet the following criteria:

1. Each single family dwelling shall have a ground footprint of no less than 850 square feet of finished living area, exclusive of open porches, garages, balconies and decks.

2. Each multi-family dwelling shall have a combined ground footprint of no less than 850 sq. feet of finished living area exclusive of open porches, garages, balconies and decks.

3. No building shall exceed 27 feet in vertical height measured from the finished elevation of the intersection of the center of the front street with a line drawn from the center of the lot perpendicular to the front line of the lot, such total height to include the roof.

4. No building or any part thereof shall be erected on any lot closer to the respective lot lines and as follows:

a. Single-family units.

(1) Front lot line 25 feet.

(2) Rear lot line 25 feet

(3) Side lot line 10 feet or one-half the height of the principal building, whichever is greater

b. Multi-family

(1) Front lot line 25 feet

(2) Rear lot line 25 feet

(3) Side lot line 10 feet or one-third the height of the principal building, whichever is greater

Eaves, steps and open porches shall not be considered part of the building in computing setbacks.

5. Siding materials shall be stucco, brick, rock, wood, masonite siding and such other materials as may be approved by the Architectural Control Committee. Roofing materials shall be fiberglass shingles, colored clay, colored metal or clay or concrete tile, the colors of said materials to be approved by the Architectural Control Committee.

6. All building foundations shall be designed by engineers licensed to practice in the State of Colorado.

7. Except to the extent necessary for construction purposes, living trees the trunk of which is two inches (2") or more in diameter and which naturally exist upon a lot shall not be cut, trimmed or removed from such lot except as may be approved by the Architectural Control Committee.

8. The area of irrigated lawn for each lot shall not exceed 3,500 square feet. The balance of the lot shall be seeded in native grasses not requiring irrigation (e.g. crested wheat), indigenous trees, bushes and shrubs may also be planted. Vegetable and flower gardens not exceeding 500 square feet in area may be irrigated.

9. Neither external television nor radio antennas shall be allowed except such antennas as may be approved in writing by the Architectural Control Committee.

10. No elevated tanks of any kind shall be permitted on any lot for storage of gas, fuel, water, oil or other substances. Any storage tank shall be buried below ground level.

11. Each dwelling shall provide off-street parking for at least two standard sized automobiles.

B. **VARIANCES.** The Architectural Control Committee may grant variances from the strict application of these protective covenants, subject to the following conditions:

1. A detailed written application for variance shall be submitted to the Architectural Control Committee supported by plat or drawings and with the processing fee of \$25.00 plus any costs or fees the Committee may incur in having the request evaluated or reviewed.

2. Proof acceptable to the Architectural Control Committee of at least ten (10) days advance written notice to all Subdivision property owners within two hundred (200) feet from the exterior boundaries of the site.

3. The variance granted shall conform to all building, zoning and/or other ordinances of the County of Garfield where an appropriate variance shall have been approved by the County of Garfield.