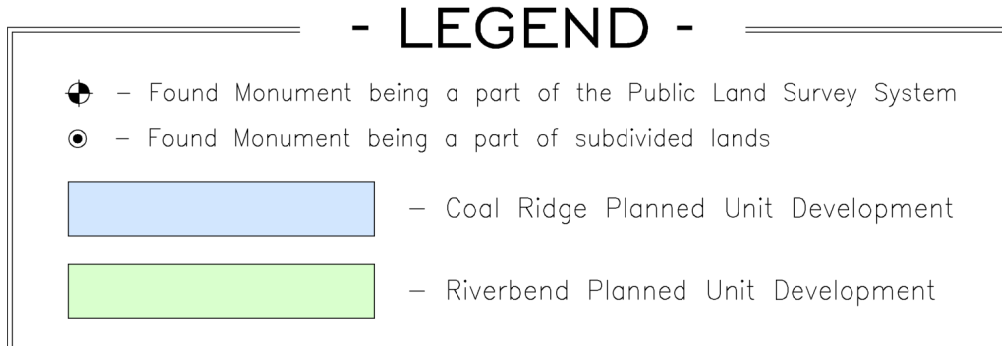


Parcels of Land Situated in  
Sections 33, 34, & 35, Township 5 South, Range 90 West of the 6th P.M. &  
Sections 5, 6, & 8, Township 6 South, Range 90 West of the 6th P.M. &  
Garfield County, Colorado



- CURVE TABLE -					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C5	330.66'	500.00'	37°53'28"	N73°00'42"W	324.67'
C6	27.59'	192.83'	8°11'56"	S20°23'37"W	27.59'
C7	50.97'	4168.53'	0°42'02"	N52°46'33"E	50.97'



Revision	Date	By
1		
2		
3		
4		
5		
6		
7		
8		
9		

Notice: According to Colorado Law, you must commence any legal action based upon any information included in this survey within three years after you first discover such defect. In no event, may any legal action be commenced later than the date of the completion of this survey by the Commission. The Commission is not responsible for any legal action commenced more than ten years after the date of the completion of this survey.

Job No. 2018-271100  
 Drawn by: AC  
 Date: 11/16/2020  
 Prepared by: dks | PLS  
 File: Nutrient Farm PUD Order

Sheet No.



## **Appendix V – Riverbend Subdivisions:**

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

# MAP OF RIVERBEND SUBDIVISION

FILING NO. 1

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

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

Hamilton R. Duncan  
OWNER

STATE OF COLORADO ss  
COUNTY OF GARFIELD

The foregoing dedication was acknowledged before me this 15th day of September, A.D. 1977, by Hamilton R. Duncan owner.  
My commission expires: August 11, 1979  
WITNESS MY HAND AND SEAL

Marion J. Vitay  
Notary Public

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

Bob J. Jolley  
CHAIRMAN

**COUNTY COMMISSIONERS CERTIFICATE**  
This plat approved by the Board of County Commissioners of Garfield County, Colorado this 15th day of September, A.D. 1977, for filing with the Clerk and Recorder of Garfield County and for conveyance to the County of the public dedications shown hereon; subject to the provision that approval in no way obligates Garfield County for financing or constructing 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.

Robert C. Jolley  
CHAIRMAN

Witness my hand and seal of the County of Garfield.

Attest: Ella Stephens  
COUNTY CLERK

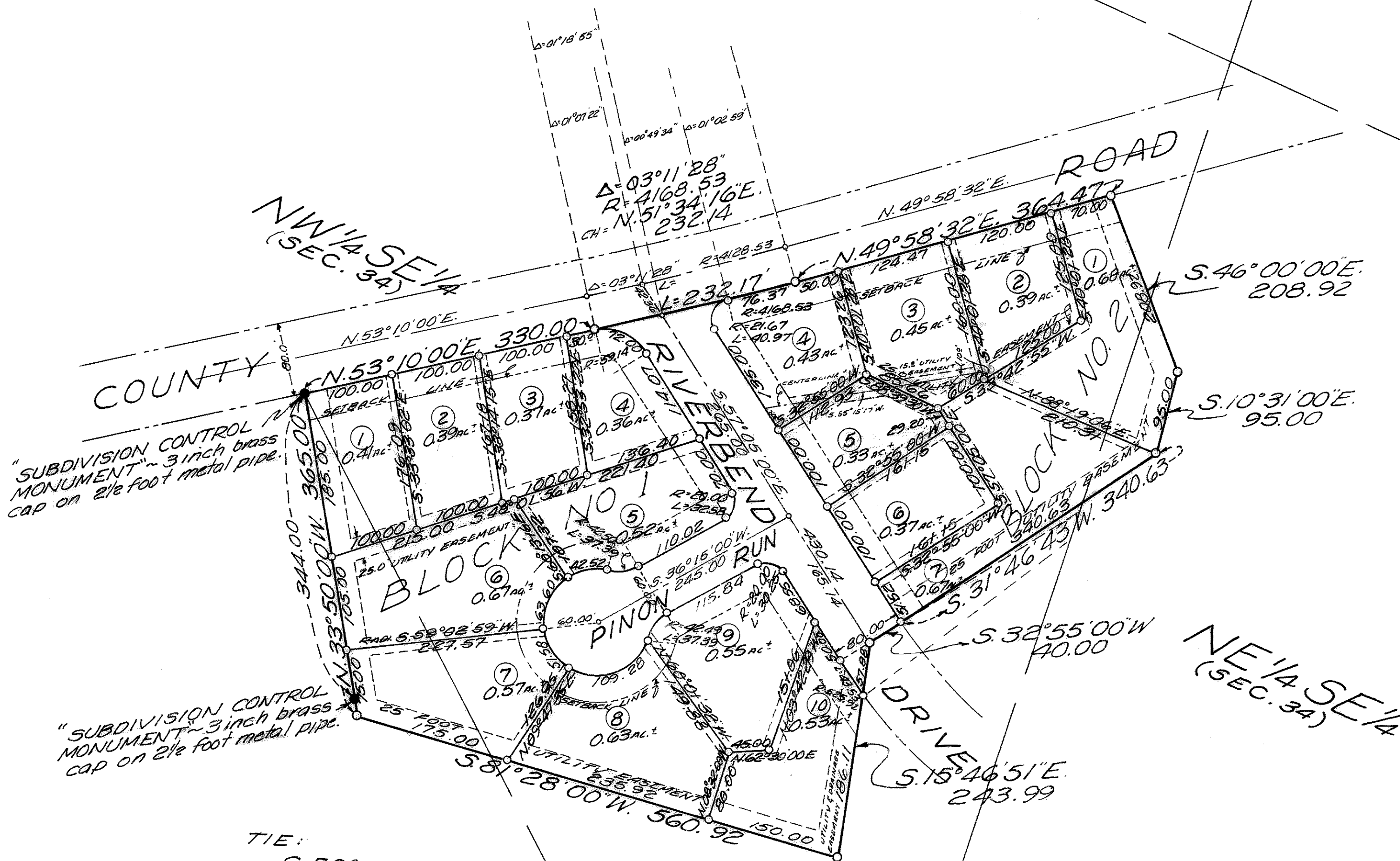
**COUNTY SURVEYORS CERTIFICATE**  
Approved for content and form only and not the accuracy of surveys, calculations or drafting, pursuant to C.R.S. 1963, Par. 136-2-2 as amended.

Robert D. Scamano  
GARFIELD COUNTY SURVEYOR

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

CLERK AND RECORDER

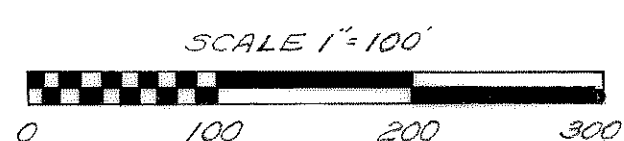
VICINITY MAP  
SCALE - 1" = 24000'



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

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

Robert A. Wamsley  
REGISTERED LAND SURVEYOR



281326



281329

# RIVERBEND SUBDIVISION FILING NO.2

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

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

All that part of the NW 1/4 SE 1/4 and NE 1/4 SE 1/4 of Section 34, Township 5 South, Range 90 West of the Sixth Principal Meridian, said parcel of land is described as follows:

Beginning at a point on the centerline of Riverbend Drive, said point being an iron pipe with a 3 inch brass cap set and properly marked for a Subdivision control monument, whence the Southeast Corner of Said Section 34, being a rock found in place and properly marked bears S45°02'45"E a distance of 2570.29 feet; thence N32°55'00"W a distance of 40.00 feet to a point on a non-tangent curve on the North right-of-way of Riverbend Dr.; thence 164.74 feet along the arc of a curve to the left having a radius of 445.92 feet and a chord which bears S67°40'00"E, 163.80 feet; thence S78°14'59"E along said right-of-way a distance of 134.00 feet; thence 199.80 feet along a curve to the left having a radius of 263.27 feet and a chord which bears N80°00'31"W a distance of 195.04 feet; thence N58°15'59"E a distance of 174.32 feet; thence N47°45'00"E a distance of 314.32 feet; thence 232.36 feet along a curve to the right having a radius of 219.45 feet and a chord bearing N78°05'00"E, 221.65 feet; thence S71°35'00"E a distance of 188.00 feet; thence S18°25'02"W a distance of 180.98 feet; thence S79°59'59"W a distance of 184.30 feet; thence S17°15'01"E a distance of 80.00 feet; thence S59°45'01"W a distance of 245.00 feet to a point on a non-tangent curve on the East right-of-way line on Gleneagle Circle; thence 27.59 feet along said curve to the right having a radius of 192.83 feet and a chord bearing S20°26'03"W, 27.57 feet; thence N86°10'02"E a distance of 137.38 feet; thence S32°34'36"W a distance of 97.08 feet; thence S13°00'09"E a distance of 49.80 feet; thence S49°43'10"W a distance of 87.23 feet; thence S22°49'44"W a distance of 58.34 feet; thence S37°48'49"E a distance of 80.19 feet; thence S23°05'38"W a distance of 132.40 feet; thence S10°39'00"E a distance of 101.84 feet; thence S12°52'21"E a distance of 123.41 feet; thence S50°41'29"W a distance of 71.51 feet; thence S29°46'20"W a distance of 115.27 feet; thence S18°46'58"W a distance of 130.64 feet; thence S39°53'37"W a distance of 128.13 feet; thence N84°35'13"W a distance of 202.79 feet; thence N45°58'22"W a distance of 220.19 feet; thence N17°23'47"W a distance of 189.20 feet; thence N40°03'28"W a distance of 141.75 feet; thence N01°40'02"E a distance of 193.12 feet; thence N10°19'16"W a distance of 97.88 feet; thence N15°46'51"W a distance of 139.90 feet; thence N02°57'20"W a distance of 55.08 feet; thence N15°46'51"W a distance of 243.99 feet to the point of beginning; said parcel of land contains 21.18 acres, more or less; have by these presents laid out, platted and subdivided the same into Lots, and Blocks as shown hereon and designated the same as "RIVERBEND SUBDIVISION" Filing No. 2 in the County of Garfield, State of Colorado, for public use, the streets and roads are shown hereon for utility and drainage purposes only; and do further state that this Subdivision shall be subject to the protective covenants filed and recorded for this Subdivision in the office of the Clerk and Recorder of Garfield County, Colo. as Document No. \_\_\_\_\_ Executed this 14<sup>th</sup> day of September, A.D. 1977.

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

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss:  
The foregoing dedication was acknowledged before me this 14<sup>th</sup> day of September, A.D. 1977, by *Hamilton R. Duncan*, Owner.  
MY COMMISSION EXPIRES: July 22, 1981  
WITNESS MY HAND AND SEAL

*Walter J. West*  
Notary Public

## PLANNING COMMISSION CERTIFICATE

This Plat approved by the Garfield County Planning Commission this 15<sup>th</sup> day of Sept., A.D., 1977.

*John P. Taylor*  
Chairman

## COUNTY COMMISSIONERS CERTIFICATE

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

*Richard D. Jolly*  
Chairman

Witness my Hand and Seal of the County of Garfield.  
ATTEST: *Edward Stephens*  
County Clerk

## COUNTY SURVEYOR'S CERTIFICATE

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

BY: *Robert A. Wamsley*  
Garfield County Surveyor

## CLERK AND RECORDER'S CERTIFICATE

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

Clerk and Recorder

281329  
OCT 20 1977  
Garfield County  
Clerk and Recorder

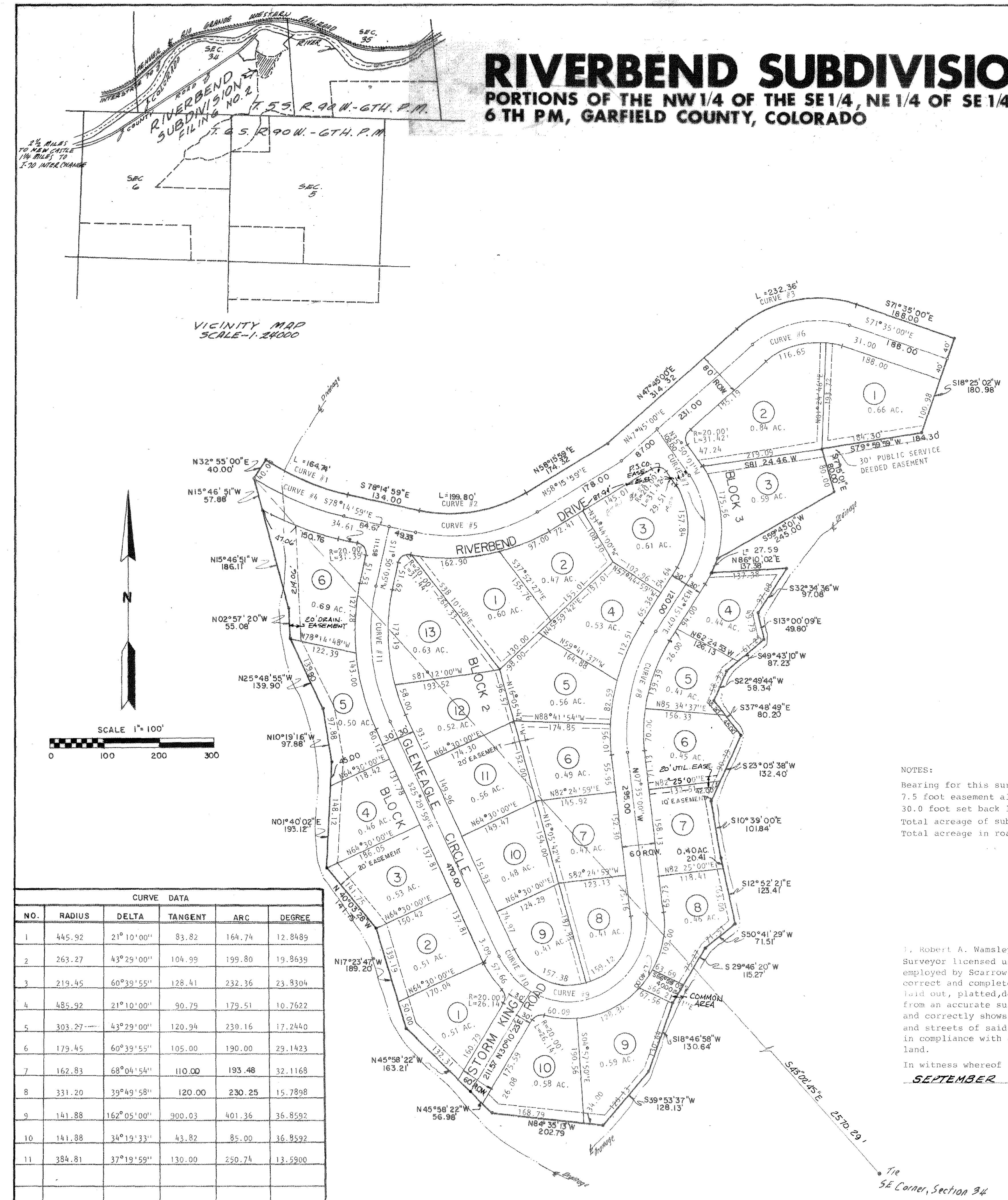
NOTES:  
Bearing for this survey was established from solar observation.  
7.5 foot easement along all side lot lines except as shown on this plat.  
30.0 foot set back lines.  
Total acreage of subdivision = 21.18 acres.  
Total acreage in roads = 5.76 acres.

## SURVEYOR'S STATEMENT

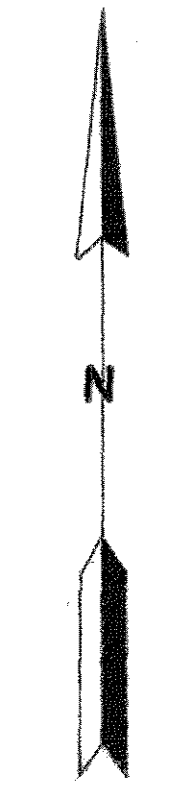
I, Robert A. Wamsley, do hereby certify that I am a Registered Land Surveyor licensed under the laws of the State of Colorado and am employed by Scarrow and Walker/KKBNA, Inc., that this plat is a true correct and complete plat of the Riverbend Subdivision, Filing No. 2 as laid out, platted, dedicated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

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

*Robert A. Wamsley*  
Registered Land Surveyor



VICINITY MAP  
SCALE - 1" = 2400'



SCALE 1" = 100'  
0 100 200 300

CURVE DATA					
NO.	RADIUS	DELTA	TANGENT	ARC	DEGREE
1	445.92	21°10'00"	83.82	164.74	12.8489
2	263.27	43°29'00"	104.99	199.80	19.8639
3	219.45	60°39'55"	128.41	232.36	23.8304
4	485.92	21°10'00"	90.79	179.51	10.7622
5	303.27	43°29'00"	120.94	239.16	17.2440
6	179.45	60°39'55"	105.00	190.00	29.1423
7	162.83	68°04'54"	110.00	193.48	32.1168
8	331.20	39°49'58"	120.00	230.25	15.7898
9	141.88	162°05'00"	900.03	401.36	36.8592
10	141.88	34°19'33"	43.82	85.00	36.8592
11	384.81	37°19'59"	130.00	250.74	13.5900



# Amended Riverbend Subdivision

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

FILING NO. 2

## 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. 32°55'08" E., 40.00 feet to the north right-of-way line of Riverbend Drive; thence along said right-of-way the following described course: 164.74 feet along the arc of a curve to the left having a radius of 443.92 feet and a chord which bears S. 67°40'00" E., 161.80 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 243.27 feet and a chord which bears N. 80°09'30" E., 195.04 feet; thence N. 58°15'59" E., 217.42 feet; thence 153.45 feet along the arc of a curve to the right having a radius of 590.00 feet and a chord which bears N. 65°48'51" E., 155.00 feet; thence departing from said right-of-way N. 27°47'03" E. 170.00 feet; thence N. 84°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" W. 199.51 feet along said right-of-way line; thence departing from said right-of-way S. 17°15'01" E. 119.98 feet; thence S. 59°45'01" W. 245.00 feet to the east right-of-way line of Glenavale Circle; thence 27.60 feet along said right-of-way line and along the arc of a curve to the right having a radius of 192.83 feet and a chord which bears S. 20°26'03" E. 27.57 feet; thence departing from said right-of-way line N. 86°10'02" E., 137.18 feet; thence S. 32°34'36" W., 97.08 feet; thence S. 13°00'09" E., 49.80 feet; thence S. 49°43'10" W., 87.23 feet; thence S. 22°49'44" W., 58.34 feet; thence S. 37°48'49" E., 80.19 feet; thence S. 23°05'38" W., 132.40 feet; thence S. 10°39'00" E., 101.84 feet; thence S. 12°52'21" E., 123.41 feet; thence S. 50°41'29" W., 71.51 feet; thence S. 29°46'20" W., 115.27 feet; thence S. 18°46'58" W., 130.64 feet; thence S. 39°53'37" W., 128.13 feet; thence N. 84°35'13" W., 202.79 feet; thence N. 45°58'22" W., 220.19 feet; thence N. 17°23'47" W., 189.00 feet; thence N. 40°03'28" W., 141.75 feet; thence N. 01°40'02" E., 193.12 feet; thence N. 10°19'16" W., 97.88 feet; thence N. 25°48'55" W., 139.90 feet; thence N. 02°57'20" W., 55.08 feet; thence N. 15°46'51" W., 186.12 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 20.62 acres, more or less, and 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, State of 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: Cunningham Construction & Development Co.  
BY: William James Cunningham, Jr.  
5400 BEACH ROAD  
LITTLETON, COLORADO 80123

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

OWNER: Cunningham Construction & Development Co.  
BY: William James Cunningham, Jr.  
WILLIAM JAMES CUNNINGHAM, PRESIDENT  
P.O. BOX 518  
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, 1982

Witness my hand and seal \_\_\_\_\_ Notary Public Robert L. Duncan

STATE OF COLORADO )  
COUNTY OF GARFIELD )

The foregoing dedication was acknowledged before me this 6th day of November, A.D. 1979, by Richard W. Duncan, of Majestic Savings & Loan Association. My commission expires: June 2, 1983

Witness my hand and seal \_\_\_\_\_ Notary Public Richard W. Duncan

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.

\_\_\_\_\_  
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: Deed of Trust in favor of Hamilton R. Duncan, Jr. recorded in Book 459 at Page 176 and in Book 504 at Page 791. + Deed of Trust in favor of Majestic Savings & Loan Assoc. recorded in Book 504 at Page 784.

TWO RIVERS TITLE COMPANY  
By: Rose Marie Laman

PLANNING COMMISSION CERTIFICATE

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

\_\_\_\_\_  
Chairman

**KKBNA**  
Surveyors  
Professional  
Consulting Engineers  
and Surveyors

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

This plat was filed for record in the office of the Clerk and Recorder at \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, 1979, and is duly recorded in Book \_\_\_\_\_ Page No. 208

Michael Alsdorf  
Clerk and Recorder

NOTES:

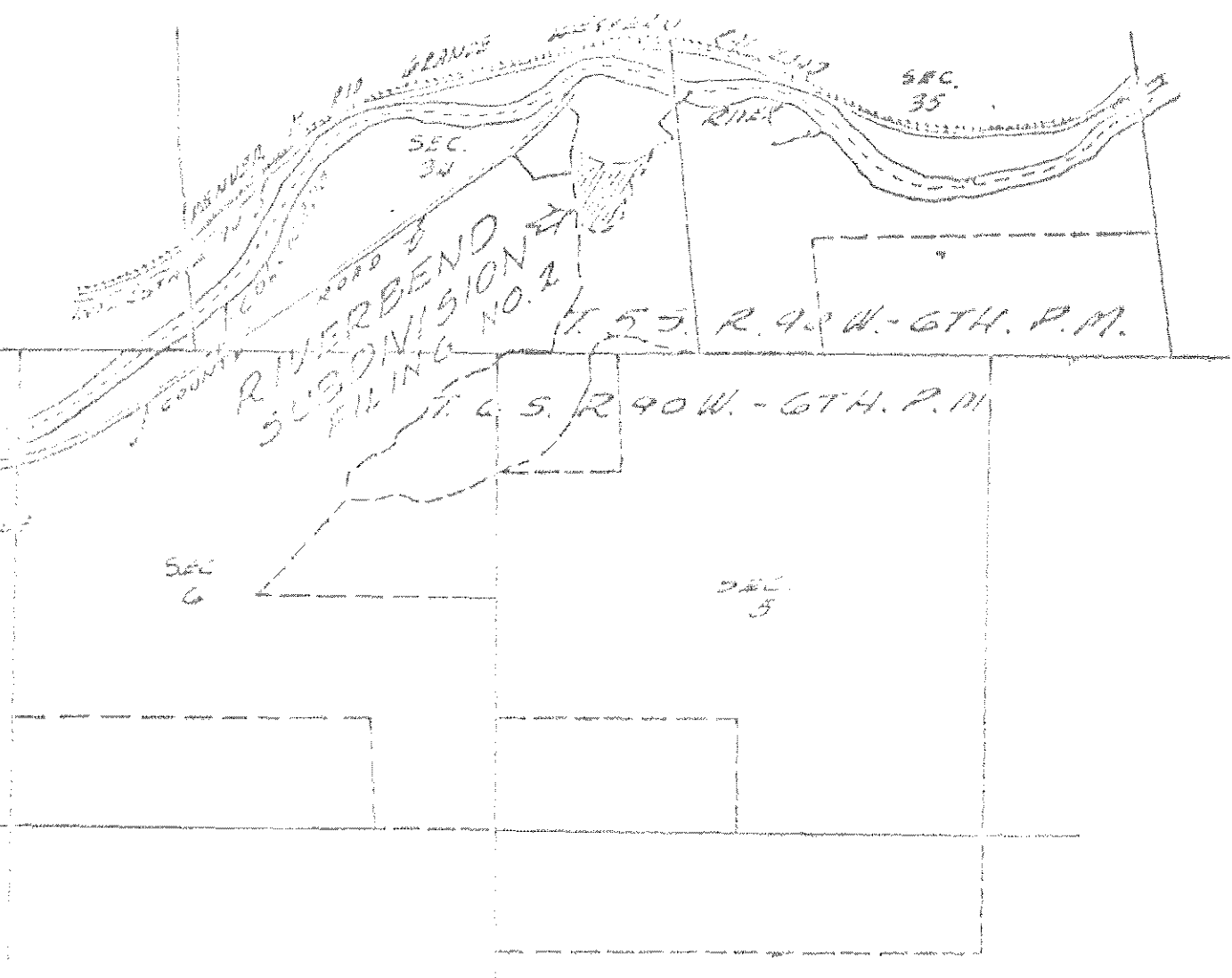
Bearing for this survey was established from solar observation.

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 = 3.48 acres, more or less.



CURVE DATA				
STATION	CHORD (ft)	ARC (ft)	CHORD (ft)	ARC (ft)
1	211.10	245.92	161.74	163.80
2	237.24	263.27	199.80	195.04
3	151.03	155.45	135.00	135.00
4	87.12	192.83	27.60	27.57
5	211.10	245.92	161.74	163.80
6	237.24	263.27	199.80	195.04
7	151.03	155.45	135.00	135.00
8	87.12	192.83	27.60	27.57
9	211.10	245.92	161.74	163.80
10	237.24	263.27	199.80	195.04
11	151.03	155.45	135.00	135.00
12	87.12	192.83	27.60	27.57
13	211.10	245.92	161.74	163.80
14	237.24	263.27	199.80	195.04
15	151.03	155.45	135.00	135.00
16	87.12	192.83	27.60	27.57
17	211.10	245.92	161.74	163.80
18	237.24	263.27	199.80	195.04
19	151.03	155.45	135.00	135.00
20	87.12	192.83	27.60	27.57
21	211.10	245.92	161.74	163.80
22	237.24	263.27	199.80	195.04
23	151.03	155.45	135.00	135.00
24	87.12	192.83	27.60	27.57
25	211.10	245.92	161.74	163.80
26	237.24	263.27	199.80	195.04
27	151.03	155.45	135.00	135.00
28	87.12	192.83	27.60	27.57
29	211.10	245.92	161.74	163.80
30	237.24	263.27	199.80	195.04
31	151.03	155.45	135.00	135.00
32	87.12	192.83	27.60	27.57
33	211.10	245.92	161.74	163.80
34	237.24	263.27	199.80	195.04
35	151.03	155.45	135.00	135.00
36	87.12	192.83	27.60	27.57
37	211.10	245.92	161.74	163.80
38	237.24	263.27	199.80	195.04
39	151.03	155.45	135.00	135.00
40	87.12	192.83	27.60	27.57
41	211.10	245.92	161.74	163.80
42	237.24	263.27	199.80	195.04
43	151.03	155.45	135.00	135.00

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 corrects 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

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. 1961, § 38-1-2, as amended.

Robert L. Duncan  
Clerk and Recorder  
OCT. 29, 1979

299710



**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 of page 975 for use of Daryl G. Richardson and Winifred C. Richardson.

TWO RIVERS TITLE COMPANY

By Clinton B. Stewart

**FINAL MAP OF**

**RIVERBEND RANCHETTES**

SITUATED IN THE SE 1/4 OF SECTION 34  
T.5S., R.90W. 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 )

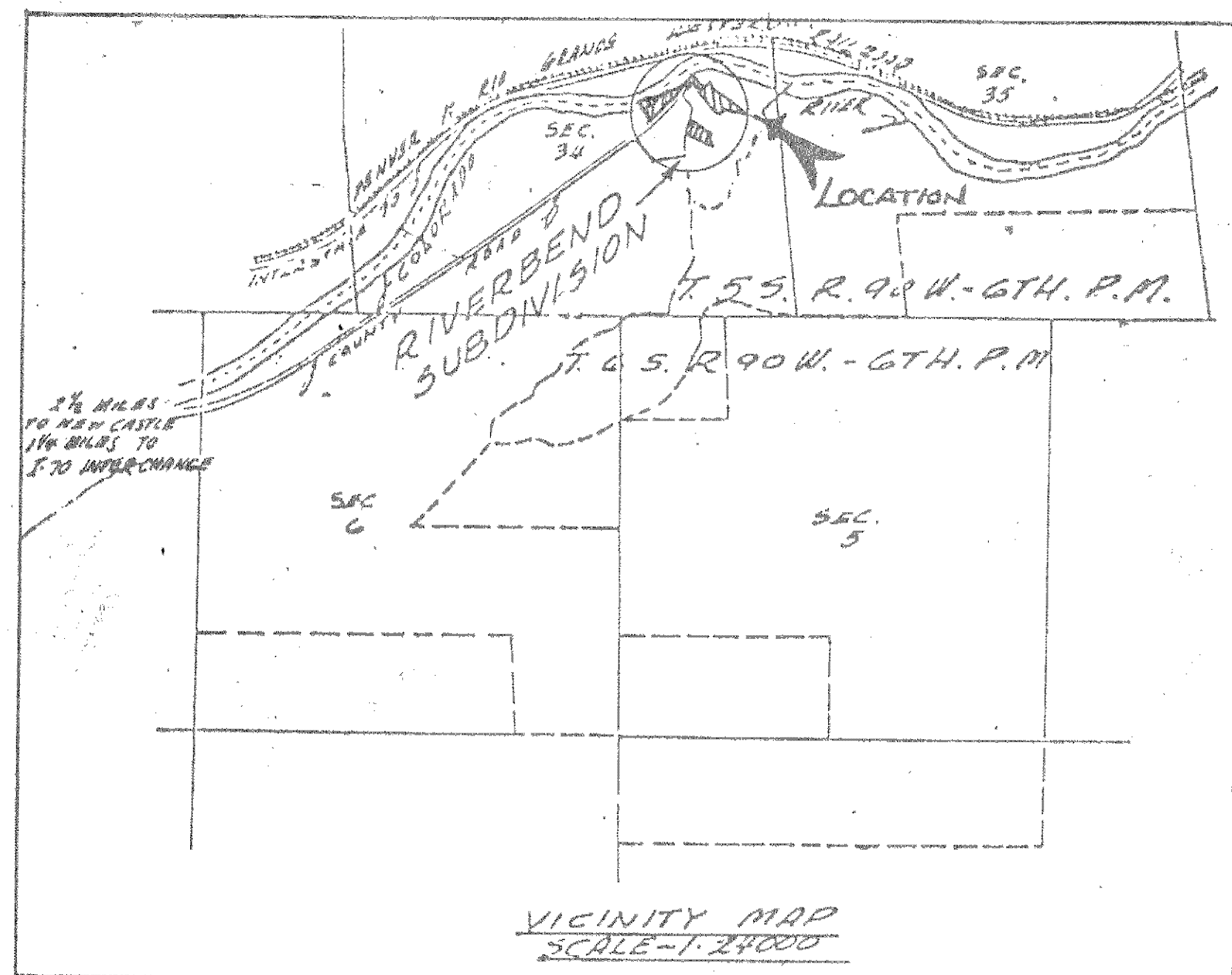
The foregoing dedication was acknowledged before me this 22nd day of November, A.D., 1978, by Hamilton R. Duncan, Jr., Owner, and Daryl G. Richardson and Winifred C. Richardson, as Mortgagees. My commission expires: July 22, 1981  
Witness my hand and seal Steve L. West  
Notary Public

**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 481 / Page No. 288.

Edna Stephens  
Clerk and Recorder

Δ	DELTA	RADIUS	ARC	CHORD	Δ
(1)	43°29'02"	263.27'	199.80'	195.04'	104.99'
(2)	21°10'00"	445.92'	164.74'	163.80'	83.52'
(3)	02°29'26"	4088.53'	177.71'	177.70'	88.87'



**SURVEYOR'S CERTIFICATE:**

I, Robert A. Mansley, 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, KKBWA, 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. Mansley  
Registered Land Surveyor

**PLANNING COMMISSION CERTIFICATE**

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

Chairman Bob L. Soren

**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 \_\_\_\_\_ of County Commissioners.

Chairman Lana Valasquez

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

ATTEST: Edna Stephens  
Deputy County Clerk Michael Alsdorf

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

Consulting Engineers • Land Surveyors

104 6TH ST., GLENWOOD SPRINGS, COLO. 81601 - 303 / 945-6864

DATE OF SURVEY	DRAWN BY	OK'D BY	PROJ. ENGR.	DATE
MAY 78	J.W.R.		M.S.O.	11/2/78
SCALE	JOB NO.	SHEET		
1 INCH = 100 FEET	4628-03	1 OF 1		

290481  
184062



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

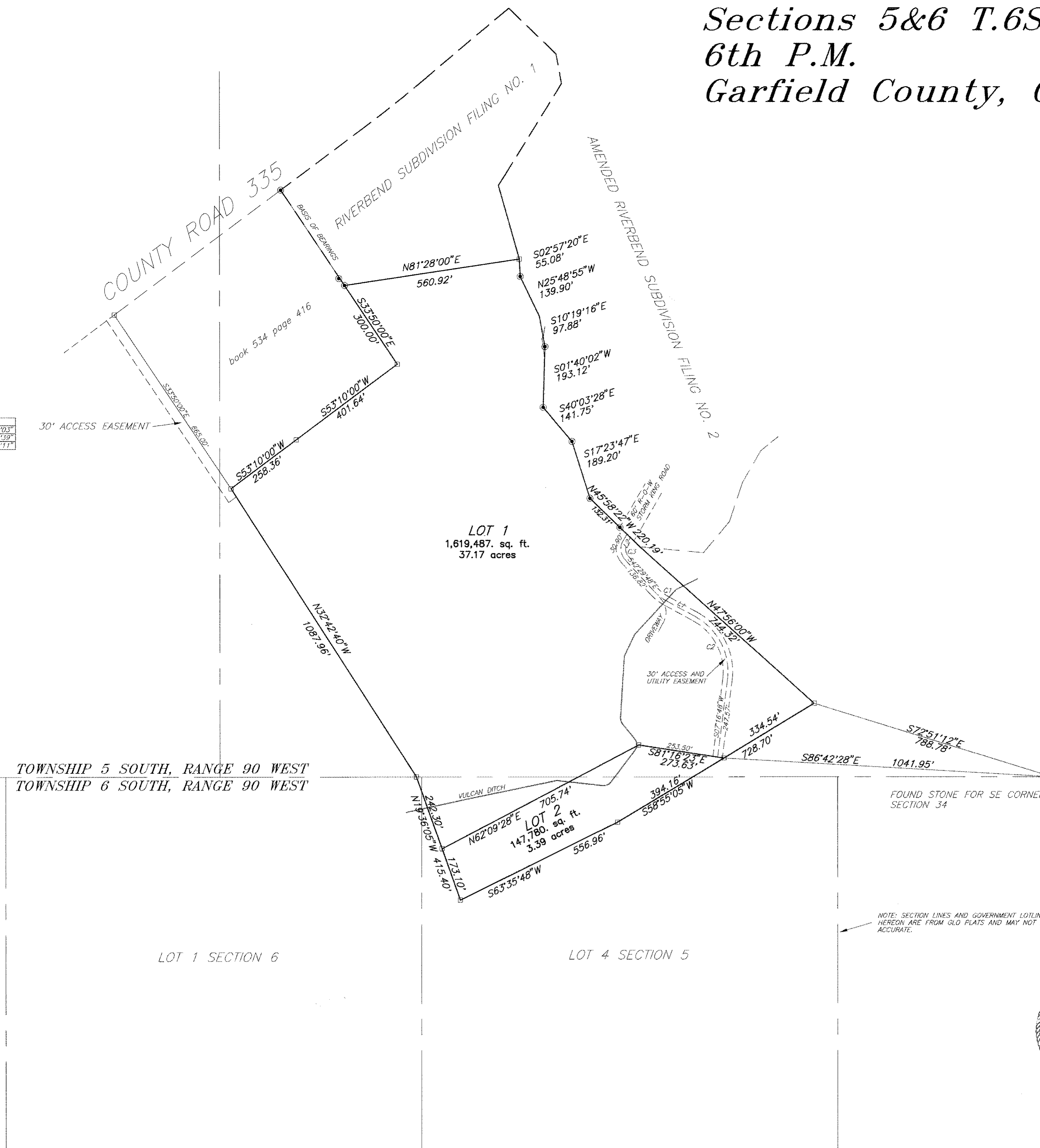
DESCRIPTION LOT 2

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	N60°10'23"E	24.85'

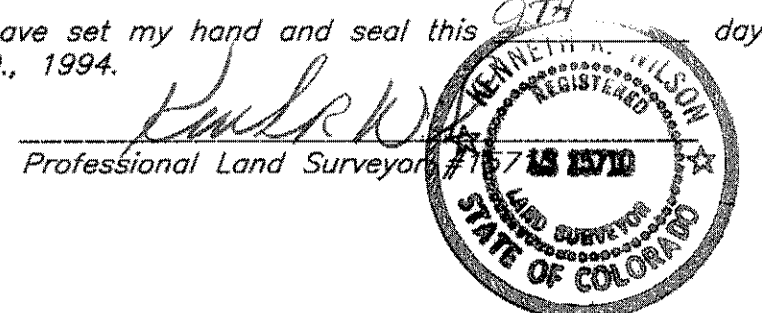
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	150.00'	49.09'	24.77'	48.87'	S51°52'19"E	18°45'03"
C2	200.00'	239.21'	136.25'	225.20'	N26°59'01"W	68°31'59"
C3	50.00'	63.42'	36.78'	39.25'	S06°08'42"E	72°40'11"



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.



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:

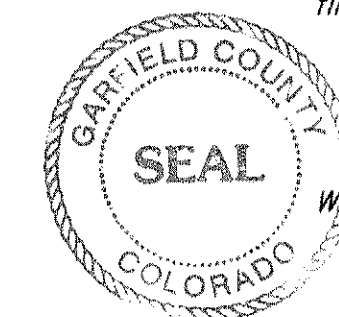
This plat was filed for record in the Office of the Clerk and Recorder of Garfield County, Colorado, at 8:36 o'clock A.M., this 16th day of November, 1994, in Book \_\_\_\_\_, at Page \_\_\_\_\_, Reception No. 771051.

paid 10.00  
Drawn 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

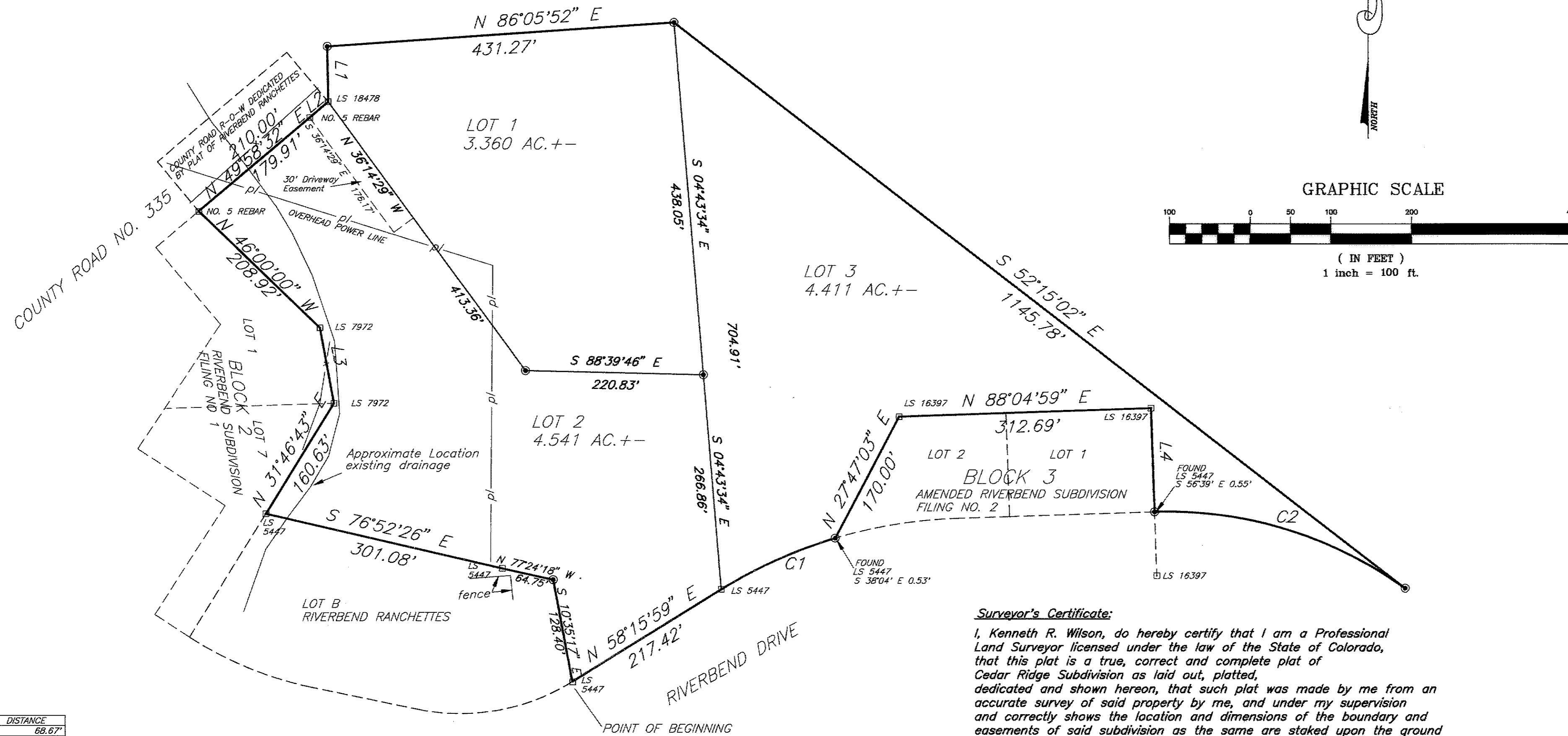
Job No. 92069  
Drawn by:  
Date: OCT  
Appr. by: 93  
File: MINEXMP DSC 42

1  
OF 1

471051

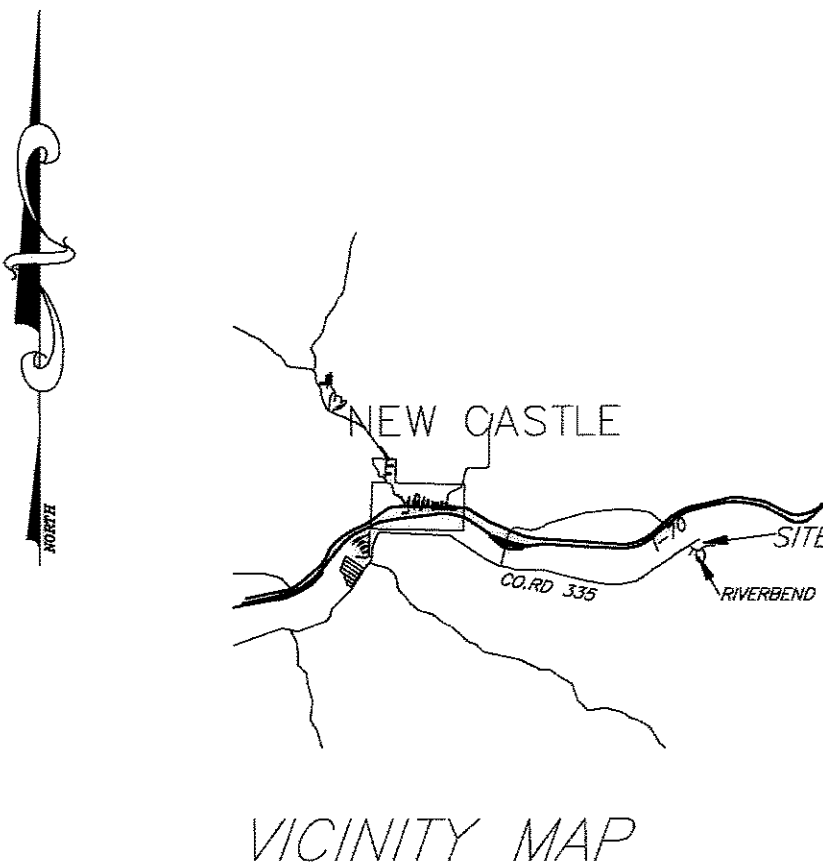


FINAL PLAT  
CEDAR RIDGE SUBDIVISION  
SECTION 34, TOWNSHIP 5 SOUTH, RANGE 90 WEST,  
of the 6th P.M., GARFIELD COUNTY, COLORADO



LINE	DIRECTION	DISTANCE
L1	N 01°00'40" W	68.67'
L2	N 49°58'32" E	30.09'
L3	N 10°31'00" W	58.90'
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 69°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 #151590

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 AM, this 31 day of DECEMBER, 1996, in Book       , at Page       , Reception No. 501810.

Drawn 3-A  
Paid 11<sup>00</sup>  
Micheal Masdorf  
Clerk & Recorder  
By: Cherie Hornal  
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: So. D. D. D. 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  
Date December 21, 1996

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 95.00 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: Don M. Masdorf By: Donald V. Masdorf  
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. MASOR as VICE PRESIDENT and by DONALD V. VANDERHOOF as PRESIDENT of GLENWOOD INDEPENDENT BANK.

Witness my hand and official seal, 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  
By: Don M. Masdorf  
Chairman

Attest: Micheal Masdorf  
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	
Date: 4/11/94	
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 19th day of November, A.D. 1996.

*Diane R. Boat*  
Diane R. Boat, President

State of Colorado )  
County of Garfield ) ss

The foregoing dedication was acknowledged before me this 20th 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 19th day of November, A.D. 1996.

*Kenneth R. Wilson*  
Professional Land Surveyor #15710  
LS 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.

*Thomas L. Smith*  
Chairman  
Witness my hand and seal of the County of Garfield.  
Attest: *Michael A. Desor*  
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 19th day of November, 1996, in Book \_\_\_\_\_, at Page \_\_\_\_\_, Reception No. 27552.

*Michael A. Desor*  
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) *Michael A. Desor* 11/15/96  
County Surveyor

#### ATTORNEY'S CERTIFICATE:

I, *Timothy R. Wilson*, 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 287 at Page 435; Book 349 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.

*Timothy R. Wilson*  
Date 12/6/96

#### 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 on 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

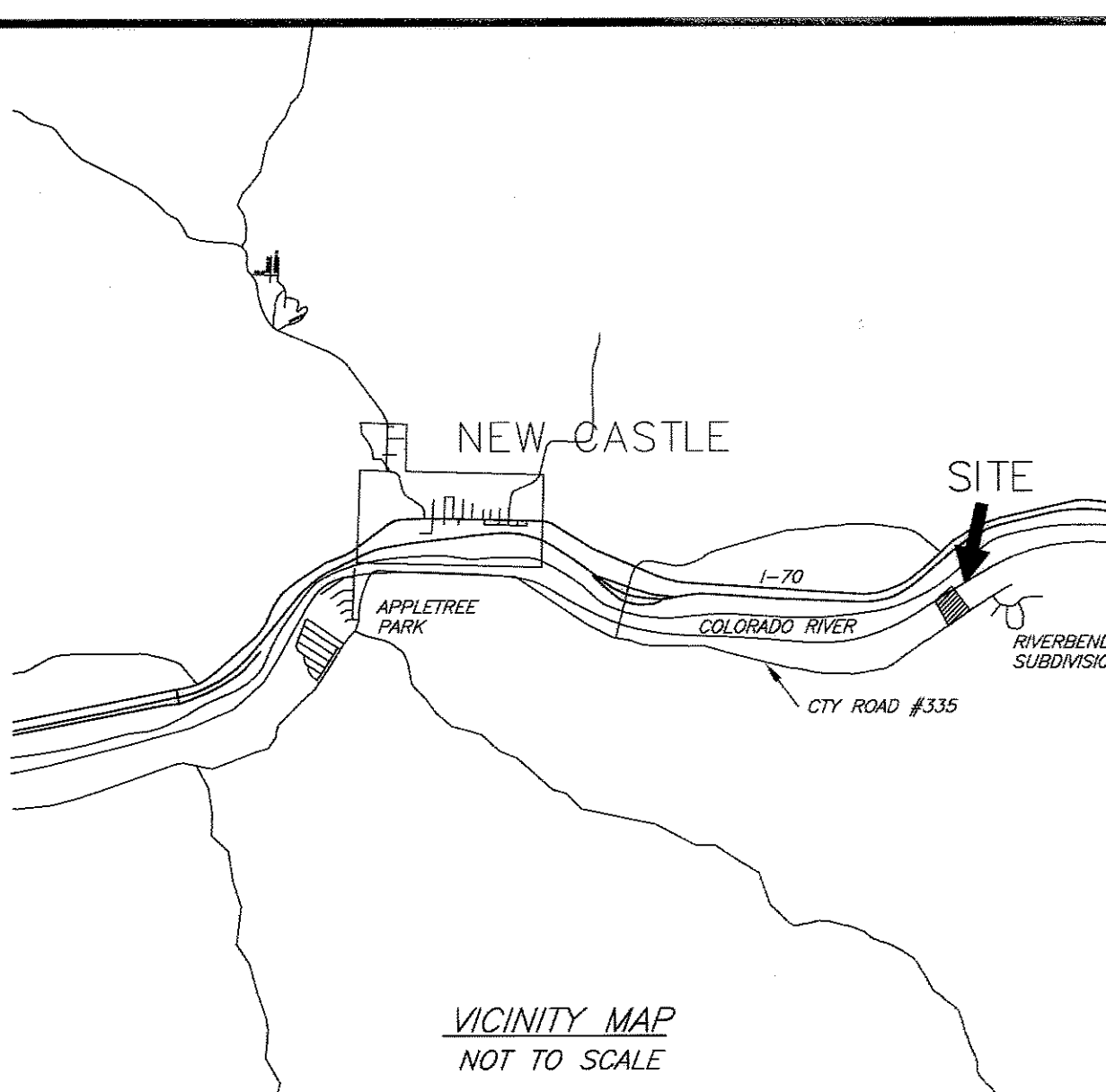
CURVE	RADIUS	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
C1	75.00'	109.80'	100.25'	N 17°46'46" E	83°52'50"	67.39'
C2	100.00'	146.40'	133.67'	N 17°46'46" E	83°52'50"	89.85'
C3	125.00'	59.86'	59.29'	N 10°26'34" W	27°26'11"	30.51'
C4	125.00'	30.62'	30.54'	N 10°17'33" E	14°02'03"	15.39'
C5	125.00'	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

SURVAYORS 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.



- (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 27<sup>th</sup> 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 fabrication of goods from processed natural resources; material handling, 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 11<sup>th</sup> 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

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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 X – Riverbend Planned Unit Area Declarations and Covenants:**

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