

RESOLUTION NO. R-015- 036

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN REAL
PROPERTY BY SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA
LIMITED PARTNERSHIP D/B/A/ SHEA HOMES TO HIGHLANDS RANCH
METROPOLITAN DISTRICT AND TO BACKCOUNTRY ASSOCIATION, INC.
FOR LANDSCAPING, OPEN SPACE, AND TRAILS, AND ACKNOWLEDGING
SATISFACTION BY SHEA HOMES OF CERTAIN COMMITMENTS AND
ASSURANCES CONTAINED IN THE HIGHLANDS RANCH PLANNED
COMMUNITY DISTRICT DEVELOPMENT GUIDE**

WHEREAS, Mission Viejo Company ("Mission") entered into an agreement with the County of Douglas, State of Colorado, entitled "Open Space Agreement" dated October 20, 1980, and recorded October 22, 1980, in Book 396, Page 864 of the record of the Douglas County Clerk and Recorder; and

WHEREAS, Mission committed in Section 3.3 of the Open Space Agreement to convey at least six percent (6%) of the total areas shown on the final subdivision plats of Highlands Ranch to a public body for the public use and committed in Section 3.4 of the Open Space Agreement to convey twenty-four percent (24 %) of the total areas shown on the final subdivision plats of Highlands Ranch to a community body for a community use (as defined in the Open Space Agreement; and

WHEREAS, Shea Homes Limited Partnership, a California Limited Partnership D/B/A Shea Homes ("Shea Homes") is successor by merger to Mission Viejo Company and is subject to the provisions of the Open Space Agreement; and

WHEREAS, Shea Homes proposes to make a conveyance of Tracts A through N of Highlands Ranch Filing No. 118-R, as depicted on said final plat recorded at the office of the Clerk and Recorder of Douglas County on October 11, 2012 at Reception No. 2012093988 totaling approximately 53.399-acres of real property under and pursuant to the Open Space Agreement to Backcountry Association, Inc. for landscaping, open space and trails; and

WHEREAS, Shea Homes proposes to make a conveyance of Tract A of Highlands Ranch Filing No. 118-S, as depicted on said final plat recorded at the office of the Clerk and Recorder of Douglas County on February 10, 2015, at Reception No. 2015007508, totaling approximately 64.438-acres of real property under and pursuant to the Open Space Agreement to Highlands Ranch Metropolitan District for landscaping, open space and trails; and

WHEREAS, Shea Homes proposes to make a conveyance of Tracts B through J of Highlands Ranch Filing No. 118-S, as depicted on said final plat recorded at the office of the Clerk and Recorder of Douglas County on February 10, 2015, at Reception No.

2015007508, totaling approximately 26.172-acres of real property under and pursuant to the Open Space Agreement to Backcountry Association, Inc., for landscaping, open space and trails; and

WHEREAS, Shea Homes proposes to make a conveyance of real property as depicted on Exhibit A, attached hereto and incorporated in herewith, totaling approximately 66.692-acres under and pursuant to the Open Space Agreement to Highlands Ranch Metropolitan District for landscaping, open space and trails; and

WHEREAS, on January 10, 2012, the Board of County Commissioners of Douglas County approved Resolution No. R-012-004, recorded at the Office of Clerk and Recorder of Douglas County, at Reception No. 2012002125, acknowledging partial satisfaction of Commitment A(1) to permanently reserve approximately 20 square miles (approximately 60%) of Highlands Ranch as Nonurban Area; and

WHEREAS, Highlands Ranch Metropolitan District, is a public body and will utilize said property for public use to wit; landscaping, parks, open space and trails; and

WHEREAS, Backcountry Association, Inc. is a community body and will utilize said property for community use to wit; open space, parks, trails and landscaping.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Douglas, State of Colorado, as follows:

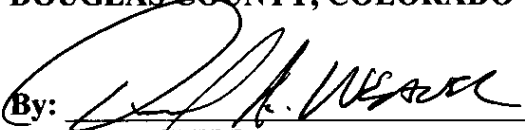
1. The above-described conveyances are hereby approved pursuant to and in accordance with the provisions of Section 3.5 of the Open Space Agreement.
2. It is acknowledged that the conveyance of approximately 131.130-acres of real property under and pursuant to the Open Space Agreement to Highlands Ranch Metropolitan District, are in partial fulfillment and satisfaction of the commitment of Mission under Section 3.5 of the Open Space Agreement to convey at least 6 percent (6%) of the total areas shown on the final subdivision plats to a public body for a public use.
3. It is acknowledged that the conveyance of approximately 79.571-acres of real property under and pursuant to the Open Space Agreement to Backcountry Association, Inc., are in partial fulfillment and satisfaction of the commitment of Mission under Section 3.5 of the Open Space Agreement to convey at least 24 percent (24%) of the total areas shown on the final subdivision plats to a community body for a community use.

BE IT FURTHER RESOLVED, that the following Commitment in the Highlands Ranch Development Guide is deemed to have been satisfied by Shea Homes:

- a. Commitment A(1) to permanently reserve approximately 20 square miles (approximately 60%) of Highlands Ranch as Nonurban Area.

PASSED AND ADOPTED this ____ day of _____, 2015, in Castle Rock,
Douglas County, Colorado.

**BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, COLORADO**

By: 
JULIE E. REPELLA, Chair

ATTEST:

By: 
MELISSA PELLETIER, Deputy Clerk

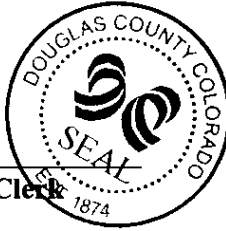


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF EAST ONE-HALF OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A, HIGHLANDS RANCH – FILING NO. 122-U, 1ST AMENDMENT, PER PLAT RECORDED UNDER RECEPTION NO. 01116891 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 23 BEARS SOUTH 00°15'55" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO THIS LINE:

THENCE, ALONG THE NORTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 2009037287 IN SAID RECORDS, SOUTH 87°26'22" WEST, A DISTANCE OF 1,983.87 FEET TO THE EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 2009037289 IN SAID RECORDS;

THENCE, ALONG SAID EASTERLY BOUNDARY, NORTH 00°20'33" WEST, A DISTANCE OF 1,787.11 FEET;

THENCE, DEPARTING SAID EASTERLY BOUNDARY, NORTH 89°54'38" EAST, A DISTANCE OF 503.21 FEET TO THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED UNDER RECEPTION NO. 99055990 IN SAID RECORDS;

THENCE ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING THREE (3) COURSES:

1. SOUTH 45°48'32" EAST, A DISTANCE OF 703.25 FEET;
2. NORTH 90°00'00" EAST, A DISTANCE OF 191.38 FEET;
3. NORTH 66°42'53" EAST, A DISTANCE OF 497.75 FEET TO THE SOUTHWESTERLY BOUNDARY OF TRACT D, HIGHLANDS RANCH – FILING NO. 122-P, PER PLAT RECORDED UNDER RECEPTION NO. 00037979 IN SAID RECORDS;

THENCE, ALONG SAID SOUTHWESTERLY BOUNDARY, SOUTH 42°25'05" EAST, A DISTANCE OF 491.75 FEET TO THE NORTHWEST CORNER OF SAID TRACT A, HIGHLANDS RANCH – FILING NO. 122-U, 1ST AMENDMENT;

THENCE, ALONG THE WESTERLY BOUNDARY OF SAID TRACT A, SOUTH 00°15'55"
EAST, A DISTANCE OF 1,042.78 FEET TO THE POINT OF BEGINNING.

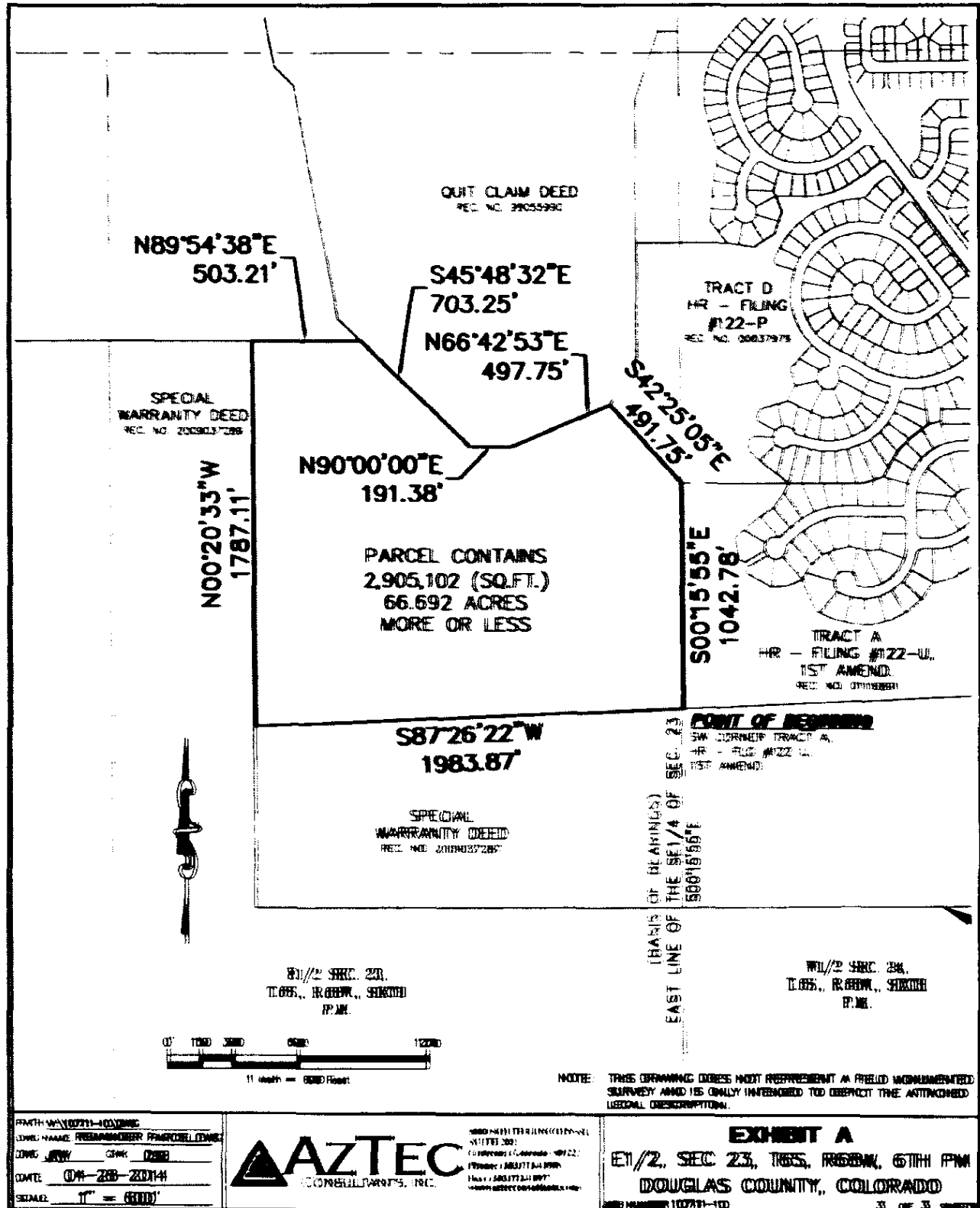
CONTAINING AN AREA OF 66.692 ACRES, (2,905,102 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF



JOHN R. WEST, JR., PLS
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN ST. SUITE 201, LITTLETON, CO 80122
303-713-1899

ILLUSTRATION TO EXHIBIT A



2015 OPEN SPACE CREDIT

Filing	Tract or Lot	COUNTY			HRMD/CWS/DRTD			HRC/HA/HA		COMMUNITY	TOTAL	COMMENTS
		Schools	Regional	Park	Tracts	Parts	Non-Urban	District	Landscape	Rec	Common	
							Area	Facilities	Tracts	Facilities	Area	
118-R	A										16.490	Backcountry Association
118-R	B										7.677	Backcountry Association
118-R	C										14.833	Backcountry Association
118-R	D										5.673	Backcountry Association
118-R	E										7.220	Backcountry Association
118-R	F										0.054	Backcountry Association
118-R	G										0.052	Backcountry Association
118-R	H										0.537	Backcountry Association
118-R	I										0.026	Backcountry Association
118-R	J										0.073	Backcountry Association
118-R	K										0.067	Backcountry Association
118-R	L										0.719	Backcountry Association
118-R	M										0.102	Backcountry Association
118-R	N										0.076	Backcountry Association
118-S	A						64.438					HRMD
118-S	B										21.901	Backcountry Association
118-S	C										3.175	Backcountry Association
118-S	D										0.163	Backcountry Association
118-S	E										0.071	Backcountry Association
118-S	F										0.065	Backcountry Association
118-S	G										0.070	Backcountry Association
118-S	H										0.218	Backcountry Association
118-S	I										0.062	Backcountry Association
118-S	J										0.447	Backcountry Association
	Parcel						66.692					HRMD
Ownership Categories												
Land Use Categories												
Total Acres By Land Use Category												
Total Acres of 6% Public Use												
Total Acres of 24% Community Use/Total Acres												
Total Acres Previously Approved For Credit												
Grand Total												
		0.000	283.268	211.817	196.847	196.847	131.130	0.000	0.000	79.571	0.000	210.701
		504.477	283.268	211.817	196.847	196.847	2609.636	113.998	222.761	57.472	8104.852	12702.271
		504.477	283.268	211.817	196.847	196.847	2740.766	113.998	222.761	57.472	8184.423	12912.972