

RESOLUTION NO. R-015-095

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

A RESOLUTION REZONING TWO PARCELS OF LAND, TOTALING 48.54 ACRES,  
LOCATED IN DOUGLAS COUNTY, COLORADO  
FROM AGRICULTURAL-ONE TO RURAL RESIDENTIAL

*WHEREAS*, Pinos Creek Living Trust has requested rezoning of two certain parcels of land, Project File No. ZR2015-012, as more particularly described in **Exhibit A**, which is attached hereto and incorporated herein, from Agricultural-One to Rural Residential ("Rezoning"); and

*WHEREAS*, the Planning Commission reviewed and recommended approval of the Rezoning at a public hearing on August 17, 2015; and

*WHEREAS*, the Board of County Commissioners has reviewed the Rezoning at a properly noticed public hearing held on August 25, 2015, and determined that the Rezoning is in substantial compliance with the approval criteria contained in Section 25 of the *Douglas County Zoning Resolution*; now therefore,

*BE IT RESOLVED*, by the Board of County Commissioners of the County of Douglas, State of Colorado, that the parcel of land described in **Exhibit A** is rezoned from Agricultural-One to Rural Residential.

*PASSED AND ADOPTED* this 25<sup>th</sup> day of August 2015, in Castle Rock, Douglas County, Colorado.

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

BY: \_\_\_\_\_

Jill E. Repella, Chair

ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_

Codie Brenner, Deputy Clerk



## **EXHIBIT A**

### **PARCEL I:**

THE SW 1/4 SW 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE P.M., EXCEPT ANY PORTION LYING WITHIN THE COUNTY ROAD, COUNTY OF DOUGLAS, STATE OF COLORADO.

CONTAINING 40.998 ACRES, MORE OR LESS.

### **PARCEL II:**

A TRACT OF LAND LYING IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF ABOVE SAID SECTION 5 AND CONSIDERING THE WEST LINE OF ABOVE SAID SECTION TO BEAR N00°33'00"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;  
THENCE N00°33'00"E ALONG ABOVE SAID WEST LINE A DISTANCE OF 675.39 FEET;  
THENCE S68°27'09"E A DISTANCE OF 203.38 FEET;  
THENCE S51°10'12"E A DISTANCE OF 165.17 FEET;  
THENCE S88°44'48"E A DISTANCE OF 350.31 FEET TO THE EAST LINE OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4;  
THENCE S0°26'10"W ALONG ABOVE SAID EAST LINE A DISTANCE OF 504.10 FEET TO THE SOUTHEAST CORNER OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4;  
THENCE N88°44'48"W ALONG THE SOUTH LINE OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 670.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.425 ACRES, MORE OR LESS.

TOTAL GROSS ACREAGE 49.423 ACRES, MORE OR LESS.

## **DECLARATION OF RESTRICTIVE COVENANTS**

The undersigned Declarant(s) being the fee owner of the real property described on Exhibit A attached hereto and incorporated herein ("Property"), in part consideration for the approval of the 10243 Inspiration Drive rezoning request ("Rezoning"), does hereby declare that the Property shall be subject to the following restrictions:

All non-tributary and not non-tributary water rights in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Property, whether or not adjudicated (the "Ground Water"), and all pipelines, wells, well permits, pumps, storage tanks, rights-of-way, easements, and associated rights or privileges appurtenant to or used in connection with the Ground Water, are hereby reserved for, and dedicated to, the use and benefit of the Property, and no portion of the Ground Water shall be conveyed, sold, assigned, transferred, pledged or encumbered without the prior written consent of Douglas County ("County"). The County may approve the conveyance, sale, assignment, transfer, pledge or encumbrance of the Ground Water only where the County determines, in its sole discretion, that such conveyance, sale, assignment, transfer, pledge, or encumbrance will facilitate the provision of water service to and for the Property.

Declarant(s), as the present owner of the land which overlies the Ground Water, hereby grants its irrevocable CONSENT, as required by Section 37-90-137(4), C.R.S., and as may be required from time to time by any other provision of Colorado law, to the issuance to any water provider of a permit or permits for the construction of a well or wells to take, appropriate, use, and produce the Ground Water for the benefit of the owners of lots, tracts and parcels of land within the Rezoning; and said CONSENT shall be binding upon Declarant(s) successors and assigns, and shall constitute a covenant running with the land to the fullest extent permitted by law or equity for the use and benefit of all lots, tracts and parcels of land within the Rezoning; provided, however, that nothing herein shall be construed as granting or reserving (1) any right to locate wells, pipelines, storage tanks or other facilities on the Property, (2) any easement on, over or under the Property for the purpose of transporting or storing such Ground Water, or (3) any right to disturb the surface of the Property or any improvements thereon.

This Declaration and the restrictions contained herein shall run with the Property, and shall be binding upon the Declarant(s) and all other persons or parties claiming of, from, through, or under the Declarant(s), and shall be a limitation and restriction upon the Declarant(s) and all persons who may acquire or obtain an interest in the Property hereafter.

This Declaration and the restrictions contained herein are for the benefit of the County and the Rezoning area, and shall be specifically enforceable by the County through its Board of County Commissioners and by any owner or owners of a lot, tract or parcel of land in the Rezoning.

This Declaration and the restrictions contained herein cannot be amended, modified, or terminated without the consent of the County.

Dated this 29 day of July, 2015.

DECLARANT(S):

Pinos Creek Living TR' st  
Jeffrey C. Fowler Trustee

By: [Signature]  
Title: Trustee

State of Colorado                    )  
County of Douglas                ) ss.

The foregoing instrument was acknowledged before me on this 29 day of July, 2015, by JEFFREY C. Fowler as Trustee of Pinos Living Trust.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

[Signature]  
Notary Public

THOMAS L. LANE  
Notary Public  
State of Colorado  
Notary ID 20104000240  
My Commission Expires Feb 23, 2019

## ACCEPTANCE OF DECLARATION OF RESTRICTIVE COVENANTS

The Board of County Commissioners of the County of Douglas hereby accepts the foregoing Declaration of Restrictive Covenants.

### BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS

By: *Jan Repella*  
Chair

Date: 8/31/15

ATTEST:

*Codie Brenner*  
Deputy Clerk to the Board



## **EXHIBIT A**

### **PARCEL I:**

THE SW 1/4 SW 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE P.M., EXCEPT ANY PORTION LYING WITHIN THE COUNTY ROAD, COUNTY OF DOUGLAS, STATE OF COLORADO.

CONTAINING 40.998 ACRES, MORE OR LESS.

### **PARCEL II:**

A TRACT OF LAND LYING IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF ABOVE SAID SECTION 5 AND CONSIDERING THE WEST LINE OF ABOVE SAID SECTION TO BEAR N00°33'00"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;  
THENCE N00°33'00"E ALONG ABOVE SAID WEST LINE A DISTANCE OF 675.39 FEET;  
THENCE S68°27'09"E A DISTANCE OF 203.38 FEET;  
THENCE S51°10'12"E A DISTANCE OF 165.17 FEET;  
THENCE S88°44'48"E A DISTANCE OF 350.31 FEET TO THE EAST LINE OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4;  
THENCE S0°26'10"W ALONG ABOVE SAID EAST LINE A DISTANCE OF 504.10 FEET TO THE SOUTHEAST CORNER OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4;  
THENCE N88°44'48"W ALONG THE SOUTH LINE OF ABOVE SAID WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 670.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.425 ACRES, MORE OR LESS.

TOTAL GROSS ACREAGE 49.423 ACRES, MORE OR LESS.