

RESOLUTION NO. R-017-033

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

A RESOLUTION REZONING A PARCEL OF LAND, 17.79 ACRES IN SIZE, LOCATED IN
DOUGLAS COUNTY, COLORADO FROM AGRICULTURAL-ONE TO RURAL
RESIDENTIAL

WHEREAS, Nord-Boone, LLC, a Colorado Limited Liability Corporation has requested rezoning of a certain parcel of land, Project File No. ZR2016-037, as more particularly described in **Exhibit A**, which is attached hereto and incorporated herein, from Agricultural-One to Rural Residential ("Rezoning"); and

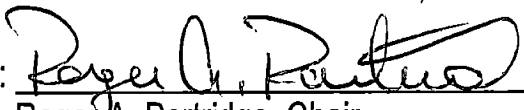
WHEREAS, the Planning Commission reviewed and recommended approval of the Rezoning at a public hearing on March 6, 2017; and

WHEREAS, the Board of County Commissioners reviewed the Rezoning at a properly noticed public hearing held on April 11, 2017, 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 11th day of April 2017; in Castle Rock, Douglas County, Colorado.

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

BY: 
Roger A. Partridge, Chair

ATTEST:

BY: 
Emily Wrehn, Clerk to the Board

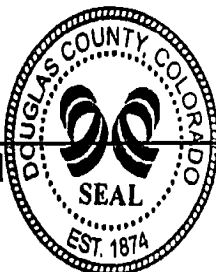


Exhibit A

That part of Section 36, Township 6 South, Range 66 West of the 6th Principal Meridian, County of Douglas, State of Colorado, more particularly described as follows:

Beginning at the center of said Section 36;

Thence North along the North-South center line of said Section 36, a distance of 1032.16 feet;

Thence South 62 degrees 02 minutes 24 seconds East, a distance of 480.93 feet;

Thence South 52 degrees 42 minutes 18 seconds East, a distance of 706.77 feet;

Thence South 41 degrees 44 minutes 12 seconds East, a distance of 459.33 feet;

Thence South 32 degrees 45 minutes 54 seconds East, a distance of 19.59 feet to the East-West center line of said Section 36;

Thence South 89 degrees 09 minutes 24 seconds West along the said East-West center line, a distance of 1303.57 feet to the Point of Beginning,
County of Douglas, State of Colorado.

DECLARATION OF RESTRICTIVE COVENANTS

The undersigned Declarants 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 8724 Hilltop Road 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.

Declarants, 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 Declarants 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 Declarants and all other persons or parties claiming of, from, through, or under the Declarants, and shall be a limitation and restriction upon the Declarants 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.

Dated this 8th day of February, 2017.

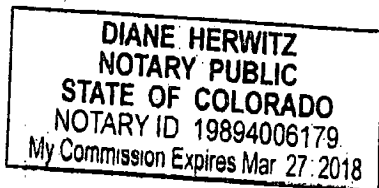
Carl D Nordmark

By: Arlen D. Nordhagen
Title: Manager

The foregoing instrument was acknowledged before me on this 8 day of FEBRUARY, 2017, by ARLEND NORDHAGEN as MANAGER of NORD-BDOONE, LLC.

My commission expires: 3/27/18

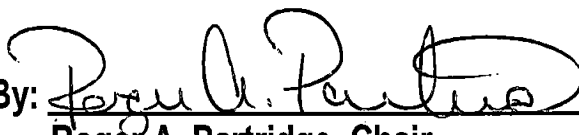
Dina Horvath
Notary Public



ACCEPTANCE OF DECLARATION OF RESTRICTIVE COVENANTS

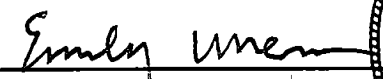
The Board of County Commissioners of the County of Douglas hereby accepts the foregoing Declaration of Restrictive Covenants.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS

By: 
Roger A. Partridge, Chair

Date: 4/11/2017

ATTEST:


Deputy Clerk to the Board
Emily Wren

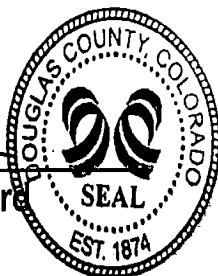


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