

RESOLUTION NO. R-018- ~~018~~ 070

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

A RESOLUTION REZONING A PARCEL OF LAND, KNOWN AS LOT 3, LAWRENCE
SUBDIVISION, LOCATED IN DOUGLAS COUNTY, COLORADO FROM
AGRICULTURAL-ONE TO GENERAL INDUSTRIAL AND INCLUDING THE PARCEL IN
THE INTERIM WATER AND SANITATION OVERLAY DISTRICT

WHEREAS, North Moore Properties, LLC, has requested rezoning of a certain
parcel of land, Project File No. ZR2018-003, as more particularly described in **Exhibit A**,
which is attached hereto and incorporated herein, from Agricultural-One to General
Industrial ("Rezoning"); and

WHEREAS, inclusion of the parcel in the Interim Water and Sanitation Overlay
District is also requested; and

WHEREAS, the Planning Commission reviewed and recommended approval of the
Rezoning at a public hearing on August 6, 2018; and

WHEREAS, the Board of County Commissioners reviewed the Rezoning at a
properly noticed public hearing held on August 14, 2018, 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 General Industrial; and

BE IT FURTHER 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
included in the Interim Water and Sanitation Overlay District.

PASSED AND ADOPTED this 14th day of August 2018, in Castle Rock, Douglas
County, Colorado.

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

BY: _____

Lora L. Thomas, Chair

ATTEST:

BY: _____

Emily Wrenn, Clerk to the Board

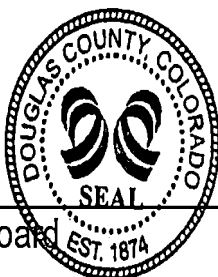


Exhibit A

Lot 3, Lawrence Subdivision

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 (the "Property"), in part consideration for the approval of (*Lawrence Development Lot 3 Rezoning*) ("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 ("the 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.

Declarant(s) hereby consent to have any future land use applications comply with the requirements of Section 18A of the Douglas County Zoning Resolution, as amended or other applicable local government water supply requirements.

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, 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 8 day of August, 2018.

DECLARANT(S):

[Signature]
By: Richard J. Lawrence
Title: Owner

State of Colorado)
) ss.
County of Douglas)

The foregoing instrument was acknowledged before me on this 8 day of August, 2018, by Richard J. Lawrence as owner of North Moore Properties.

Witness my hand and official seal.

My commission expires: 8/1/18

[Signature]
Notary Public

ANNE K LAWRENCE
Notary Public
State of Colorado
Notary ID #20144030233
Commission Expires 08-01-2022

**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: Chair

Date: Lara L Thomas

ATTEST:

Emily Wrenn
Deputy Clerk to the Board
Emily Wrenn

