

RESOLUTION NO. R-018-095

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

A RESOLUTION REZONING A PARCEL OF LAND, 55 ACRES IN SIZE, LOCATED IN
DOUGLAS COUNTY, COLORADO FROM AGRICULTURAL-ONE TO RURAL
RESIDENTIAL

WHEREAS, Roger Herman and Michael Sandoval have requested rezoning of a certain parcel of land, Project File No. ZR2018-010, 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 September 17, 2018; and

WHEREAS, the Board of County Commissioners reviewed the Rezoning at a properly noticed public hearing held on September 25, 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 Rural Residential.

PASSED AND ADOPTED this 25th day of September 2018, in Castle Rock, Douglas County, Colorado.

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

BY:

Lora L. Thomas
Lora L. Thomas, Chair

ATTEST:

BY:

Emily Wrenn
Deputy Clerk to the Board, Emily Wrenn



Exhibit A

PORTION OF THE SOUTH HALF OF SECTION 5; AND A PORTION OF THE NORTH HALF OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8 AND CONSIDERING THE WEST LINE OF SAID NORTHWEST QUARTER TO BEAR SOUTH 00° 27' 44" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTHERLY ALONG SAID WEST LINE SOUTH 00° 27' 44" EAST. 1331.68 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER NORTH 88° 36' 49" EAST, 2494.45 FEET TO THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE WESTERLY ALONG AN EXISTING FENCE LINE SOUTH 89° 45' 44" WEST, 1709.51 FEET;

THENCE DEPARTING SAID FENCE LINE NORTH 14° 48' 59" EAST, 1028.23 FEET;

THENCE NORTH 51° 18' 03" EAST, 336.13 FEET;

THENCE NORTH 87° 39' 57" EAST 539.55 FEET;

THENCE NORTH 30° 14' 35" EAST, 399.33 FEET;

THENCE SOUTH 50° 59' 58" EAST, 243.09 FEET;

THENCE NORTH 88° 51' 32" EAST, 399.06 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DANIELS PARK ROAD;

THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 32° 43' 24" EAST, 40.82 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 31° 29' 30", RADIUS OF 643.88 FEET, AN ARC LENGTH OF 353.90 FEET AND A LONG CHORD WHICH BEARS SOUTH 16° 58' 39" EAST, 349.46 FEET;

THENCE SOUTH 01° 13' 54" EAST, 1050.26 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 89° 45' 44" WEST, 310.59 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, COUNTY OF DOUGLAS, STATE OF COLORADO.

RECEIVED

SEP 12 2018

Douglas County Planning

DECLARATION OF RESTRICTIVE COVENANTS

The undersigned Declarant 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 7007 Daniels Park 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.

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

Dated this 10TH day of September, 2018.

Catherine Chase Groos:



By: Catherine Chase Brown

Title: Sole prop

State of California)

) SS.

County of San Diego)

The foregoing instrument was acknowledged before me on this ____ day of _____

_____, 2018, by _____ as _____ of _____

Witness my hand and official seal.

My commission expires: 12/31/2011

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: Lara L Thomas

Lora L. Thomas, Chair

Date: 9/25/2018

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Barbara

S.S.

On 9/10/2018 before me, Aries Reyes Chinsio, Notary Public

Name of Notary Public, Title

personally appeared Catherine Anne Chase

Name of Signer (1)

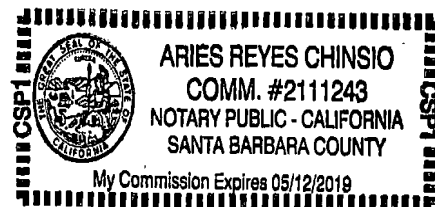
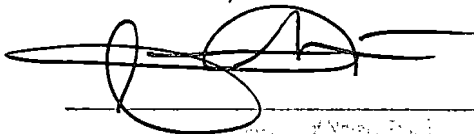
N/A

Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Seal

OPTIONAL INFORMATION

Although the use of this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment or unauthorized alteration and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Declaration of

Restrictive Covenants

containing 4 pages, and dated 9/10/2018

The signer(s) capacity or authority is/are as:

☒ Individual(s)

☐ Attorney-in-fact

☐ Corporate Officer(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing:

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

ATTEST:

Emily Wren

Deputy Clerk to the Board



EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF THE SOUTH HALF OF SECTION 5 AND A PORTION OF THE NORTH HALF OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

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COUNTY OF DOUGLAS, STATE OF COLORADO.