

RESOLUTION NO. R-019-107

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

A RESOLUTION REZONING TWO PARCELS OF LAND, BEING 19.77 ACRES AND
18.44 ACRES,
LOCATED IN DOUGLAS COUNTY, COLORADO
FROM LARGE RURAL RESIDENTIAL TO RURAL RESIDENTIAL

WHEREAS, Kermit D. Laughlin and M. Alan Laughlin have requested rezoning of two parcels of land, Project File No. ZR2019-006, as more particularly described in **Exhibit A**, which is attached hereto and incorporated herein, from Large Rural Residential to Rural Residential ("Rezoning"); and

WHEREAS, the Planning Commission has reviewed and recommended approval of the Rezoning at a public hearing on August 19, 2019; and

WHEREAS, the Board of County Commissioners has reviewed the Rezoning at a properly noticed public hearing held on September 24, 2019, 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 parcels of land described in **Exhibit A** are rezoned from Large Rural Residential to Rural Residential.

PASSED AND ADOPTED this 24th day of September 2019, in Castle Rock, Douglas County, Colorado.

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

BY: Roger A. Partridge

Roger A. Partridge, Chair

ATTEST:

BY: Kristin Randlett

Kristin Randlett, Deputy Clerk

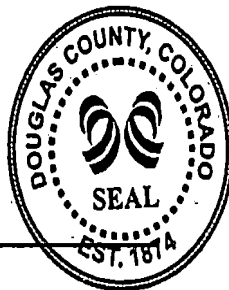


Exhibit A

LEGAL DESCRIPTION:

Two parcels of land being a portion of the NE ¼ of Section 17, Township 6 South, Range 65 West of the 6th Principal Meridian, County of Douglas, State of Colorado; being further described as follows:

PARCEL A:

Most of Lot 1, Laughlin Subdivision, except that portion deeded to the Board of County Commissioners of the County of Douglas, State of Colorado in deed recorded May 16, 2005 at Reception No. 2005043198, County of Douglas, State of Colorado.

PARCEL B:

Lot 2, Laughlin Subdivision, County of Douglas, State of Colorado.

PARCEL A and B contain 38.21 gross acres more or less

DECLARATION OF RESTRICTIVE COVENANTS

The undersigned Declarant being the fee owners of the real property described on Exhibit A attached hereto and incorporated herein ("Property"), in part consideration for the approval of the Laughlin Subdivision 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 23 day of May, 2019.

Kermit D. Laughlin:

M. Alan Laughlin

Hermite-Hauschen

M. An. Sylin

By: KERMIT D. LAL GHAN
Title: OWNER

By: M. Alan Laughlin
Title: owner

Title: Quaker

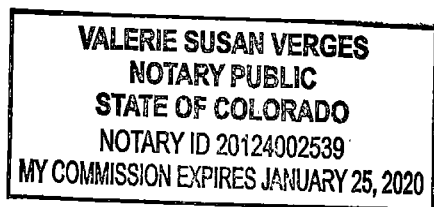
Title: Owner

State of Colorado)
County of Douglas) ss.

The foregoing instrument was acknowledged before me on this 23rd day of May, 2019, by Kermit D Laughlin as Owners of M. Alan Laughlin

Witness my hand and official seal.

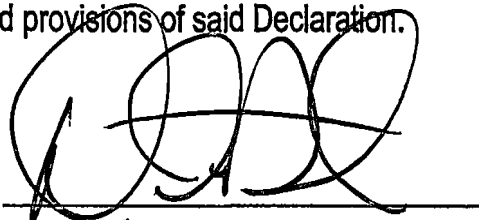
My commission expires: 1-25-20



R Susan Karges
Notary Public

EXHIBIT A

The undersigned, being the beneficiary of a deed of trust dated October 31, 2012, and recorded at Reception No. 2012085486 of the real estate records in the office of the Clerk and Recorder of Douglas County, Colorado, encumbering the property described in the foregoing Declaration of Restrictive Covenants, hereby subordinates the lien of its deed of trust to the terms, conditions, and provisions of said Declaration.



By: Nathan Dietzel
Title: SVP

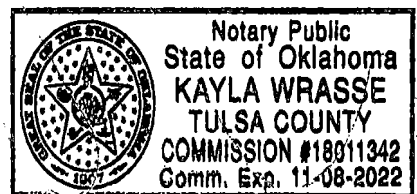
Attest: Jessica Wolfe
Title: Witness

State of Oklahoma)
) ss.
County of Tulsa)

The foregoing Subordination of Declaration of Covenants was subscribed and sworn to before me on this 21st day of June, 2019 by Nathan Dietzel as SVP and Jessica Wolfe as Witness of BOK Financial Mortgage

Witness my hand and official seal.

My commission expires: 11.08.2022



Kayla Wrasse
Notary Public

EXHIBIT A

ACCEPTANCE OF DECLARATION OF RESTRICTIVE COVENANTS

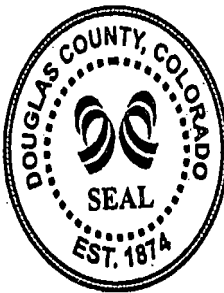
The Board of County Commissioners of the County of Douglas hereby accepts the foregoing Declaration of Restrictive Covenants.

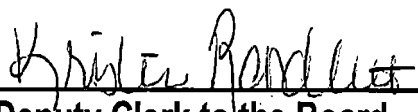
BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS

By: 
Roger A. Partridge, Chair

Date: 09/24/2019

ATTEST:




Deputy Clerk to the Board
Kristin Randlett