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GRANT OF CONSERVATION EASEMENT

FILM1207

THIS INDENTURE, entitled Grant of Conservation Easement, made this 21 day of APRIL, 1982, by and between Jimmie T. Kanemoto and George K. Kanemoto dba Kanemoto Farms, a Partnership, Grantors, and THE COUNTY OF BOULDER, a body corporate and politic, Grantee:

WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of a certain tract of real property designated as Outlot "A" on the plat of Kanemoto Estates Subdivision, a part of the SW1/4, SW1/4 of Section 17, Township 2 North, Range 69 West of the 6th P.M. in the County of Boulder, State of Colorado; and

WHEREAS, the Grantee has determined that to accomplish the purpose of preserving agricultural land, it is desirable to acquire a conservation easement which preserves open land for agricultural purposes within the above-described property, and Grantor is willing to grant the same;

NOW, THEREFORE, the Grantor, for the sum of Ten Dollars and other good and valuable consideration to the said Grantor in hand paid by the Grantee, the receipt of which is hereby confessed and knowledge, has granted and conveyed and be these presents does grant and convey a conservation easement over Agricultural Outlot "A" of the Kanemoto Estates Subdivision to Grantee, its successors and assigns, which easement shall be described in the following manner, to-wit:

1. This conservation easement shall:

A. Prohibit the Grantor, his successors and assigns, from erecting or constructing any residential structures or structures which are not accessory to an existing principal agricultural use on Agricultural Outlot "A"; the construction of agriculturally related buildings and structures may be permitted on this property so long as they are not for residential purposes, they are constructed and used as accessory structures to a single principal use of agriculture, and are determined to be such in accordance with County Land Use Regulations.

B. Prohibit the Grantor, his successors and assigns, from dividing such Agricultural Outlot "A" onto two or more parcels, separate interests, or interest in common, unless exempted under CRS 30-28-101 (10) (d), 1973, as amended, or resubdivided under the applicable provisions of the Boulder County Subdivision Regulations;

C. Prohibit the Grantor, his successors and assigns, from erecting, constructing, or expanding any structure and/or pavement on Agricultural Outlot "A", such that the total coverage of structure and/or pavement on such Agricultural Outlot "A", exceeds 10 acres or 10% of the area of such Agricultural Outlot "A", whichever is less, unless the use of such structure and/or pavement is accessory to a principal open agricultural use and required by government regulation.

D. Require the Grantor, his successors and assigns, provide for the management and use of Agricultural Outlot "A" as a single agricultural unit, and cause the assignment of maintenance responsibility for such Agricultural Outlot "A" to a single legally responsible individual who is a resident of Boulder County.

2. The Grantor further grants through this conservation easement to the Grantee, its agents and contractors, the right to enter upon the property described above to inspect for violations of the terms and covenants of this easement and to remove or eliminate any conditions or operations which violate the same as may be desirable or necessary. No further right of access, entry or possession is conveyed hereby.

3. The easement granted herein shall run with the land and shall remain an easement on the land until terminated or transferred by the Grantee by the operation of all of the following provisions:

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Reception No. \_\_\_\_\_ Charlotte Houston, Boulder County Recorder

A. Where the Boulder County Planning Commission and Boulder County Board of Commissioners have determined that the proposed and/or allowed development and/or land use resulting from such termination or transfer is consistent with the current Boulder County Comprehensive Plan and Boulder County Land Use Regulations

B. And the recipient(s) of these transferred interests or rights is (are) a municipality and/or the owner(s) of fee title; and in the instance where these interests or rights are to be transferred to a municipality which is not owner of fee title, Boulder County will:

- I. require the consent of or compensation to the owner(s) of fee title at an amount equal to the fair market value of such interest or rights, less costs of transfer, and
- II. condition or restrict the transfer to prohibit use

It is understood, that Grantee may require compensation for and attach conditions to these transfers, and that these conditions may include restrictions of the future use of Agricultural Outlot "A".

IN WITNESS WHEREOF, the said Grantor has caused his name to be hereunto subscribed the day and year first above written.

STATE OF COLORADO

Jimmie T. Kanemoto  
Jimmie T. Kanemoto, Grantor

COUNTY OF BOULDER

George K. Kanemoto  
George K. Kanemoto, Grantor

The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of APRIL, 1952, by JIMMIE T. KANEMOTO & GEORGE K. KANEMOTO

Witness my hand and official seal.  
My commission expires: JUNE 29, 1955

Madeline Clara Morrison  
Notary Public  
Boulder County, Colorado  
My Commission Expires June 29, 1955

[Signature]  
Chairman

IN WITNESS AND ACCEPTANCE WHEREOF, the said Grantee has caused its name to be hereunto subscribed the day and year first above written.

Boulder County Board of Commissioners

Attest: Carol O. Gardner  
Clerk of Board

