

EXHIBIT A**PARCEL A:**

TRACT 185, PINE BROOK HILLS, UNIT FOUR, ACCORDING TO THE RECORDED PLAT THEREOF AS REFORMED BY DECREE IN THE DISTRICT COURT RECORDED NOVEMBER 22, 1965, AT RECEPTION NO. 799810, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

THOSE EASEMENT RIGHTS AS DEFINED AND DESCRIBED IN GRANT OF EASEMENT RECORDED FEBRUARY 4, 1991 UNDER RECEPTION NO. 1086362 AND RE-RECORDED JULY 24, 1991 UNDER RECEPTION NO. 1118512.

EXHIBIT B

- 1. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.**
- 2. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.**
- 3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.**
- 4. WATER RIGHTS, CLAIMS OR TITLE TO WATER.**
- 5. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF PINE BROOK HILLS, UNIT FOUR RECORDED NOVEMBER 18, 1963 UNDER RECEPTION NO. 742191.**
- 6. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED FEBRUARY 06, 1964, IN BOOK 1321 AT PAGE 339.**
- 7. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED JUNE 15, 1990 AT RECEPTION NO. 1058520 AND RE-RECORDED JULY 24, 1991 UNDER RECEPTION NO. 1118510.**
- 8. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED FEBRUARY 04, 1991 AT RECEPTION NO. 1086363 AND RE-RECORDED JULY 24, 1991 UNDER RECEPTION NO. 1118511.**
- 9. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED NOVEMBER 05, 1992, UNDER RECEPTION NO. 1237006 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 23, 1996 UNDER RECEPTION NO. 1644012, AND AS RATIFIED IN INSTRUMENT RECORDED MAY 4, 2001 AT RECEPTION NO. 2145724.**
- 10. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE NORTH CEDAR BROOK LOCAL IMPROVEMENT DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED DECEMBER 17, 1999, UNDER RECEPTION NO. 2007563.**

EXHIBIT C**RESTRICTIVE COVENANT RUNNING WITH LAND**

THIS RESTRICTIVE COVENANT RUNNING WITH LAND is entered into by and between Daniel R. Frisby and Pamela D. Frisby ("Sellers"), and the **County of Boulder**, a body corporate and politic ("County").

RECITALS

Pursuant to that certain warranty deed dated February 16, 2017, to which this Exhibit C is attached, and recorded in the real property records of Boulder County, Colorado (the "Deed"), the Sellers conveyed to the County that certain real property described on Exhibit I attached hereto and incorporated herein by reference (the "Property");

The County received assistance towards the purchase of the Property from a United States Department of Housing and Urban Development Community Development Block Grant for Disaster Recovery, which funds were allocated to the State of Colorado, which, in turn, granted funds to the County as part of a flood buyout program ("Buyout Program");

Conditions of the Buyout Program, pursuant to 78 Fed. Reg. 14,329 (March 5, 2013), require that real property purchased with Buyout Program proceeds must be used as open space, recreational, or wetland management purposes in perpetuity ("Program Requirements"); and

Sellers and County each desire to restrict the future use of the Property in accordance with the Program Requirements.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals, promises, covenants, and undertakings described above and hereinafter set forth, Sellers and the County agree as follows:

1. The use of the Property shall be limited to uses that are compatible with the Program Requirements.

2. No new structures or improvements may be erected on the Property other than: (a) a public facility that is open on all sides and is functionally related to a designated open space or recreational use; (b) a public rest room; (c) flood control measures; or (d) a structure that the local floodplain manager approves in writing before the commencement of construction of the structure.

The restrictions contained herein shall run with and burden the Property, shall bind all future owners of the Property, and shall be enforceable by Sellers against the County and any successor in interest.

DATED this 16th day of February 2017.

Seller:

Seller:

Daniel R. Frisby

Pamela D. Frisby

Daniel R. Frisby

Pamela D. Frisby

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 16th day of February 2017, by Daniel R. Frisby and Pamela D. Frisby.

Witness my hand and official seal.

(SEAL)

Cathy A. Grove

Notary Public

My commission expires: 7-23-19

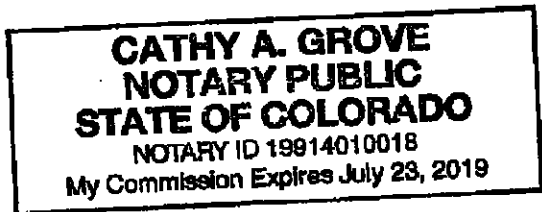


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