



**EXHIBIT A****PARCEL A:**

A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPLE MERIDIAN, THENCE NORTH 1 DEGREE 17 MINUTES EAST 318.08 FEET ALONG THE EAST LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 09 MINUTES 15 SECONDS WEST 1250.66 FEET ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST CORNER THEREOF (1280 FEET SCALED TO RIGHT OF WAY PER SURVEYOR); THENCE SOUTH 2 DEGREES 20 MINUTES 20 SECONDS WEST, 74.00 FEET ALONG THE WEST LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 82 DEGREES 11 MINUTES 30 SECONDS EAST 544.76 FEET; THENCE SOUTH 77 DEGREES 53 MINUTES 20 SECONDS EAST, 722.75 FEET (690 FEET SCALED PER SURVEYOR) TO THE POINT OF BEGINNING.

**PARCEL B:**

A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN; THENCE SOUTH 1 DEGREE 17 MINUTES WEST, 318.08 FEET ALONG THE WEST LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TO A POINT ON THE CENTER LINE OF BOULDER COUNTY ROAD NO. 23; THENCE NORTHERLY ALONG SAID CENTER LINE OF BOULDER COUNTY ROAD NO. 23, A DISTANCE OF 327.24 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 88 DEGREES 44 MINUTES WEST, 91.7 FEET ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

**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) 2016 TAXES AND ASSESSMENTS NOT YET DUE OR PAYABLE.
- 6) TERMS, CONDITIONS AND PROVISIONS OF RIGHT OF WAY EASEMENT RECORDED NOVEMBER 18, 1975 AT RECEPTION NO. 158543.
- 7) TERMS, CONDITIONS AND PROVISIONS OF RIGHT OF WAY EASEMENT RECORDED APRIL 5, 1978 AT RECEPTION NO. 272619.

**EXHIBIT C****RESTRICTIVE COVENANT RUNNING WITH LAND**

**THIS RESTRICTIVE COVENANT RUNNING WITH LAND** is entered into by and between Philip Gatt (“Seller”), and the **County of Boulder**, a body corporate and politic (“County”).

**RECITALS**

Pursuant to that certain warranty deed dated 11/7/2017, 2017, to which this Exhibit C is attached, and recorded in the real property records of Boulder County, Colorado (the “Deed”), the Seller conveyed to the County that certain real property described on Exhibit 1 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”);

The Property is being used by the County as mitigation for loss of wetlands due to the County’s re-construction of a bridge over the Little Thompson River at 83<sup>rd</sup> Street and the County agrees to protect the wetlands on the Property as set forth below; and

Seller and County each desire to restrict the future use of the Property in accordance with the Program Requirements and consistent with its use as wetland mitigation.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the recitals, promises, covenants, and undertakings described above and hereinafter set forth, Seller 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.

3. In addition, the following restrictions apply within the Wetland Mitigation Area, as set forth on Exhibit 2, attached hereto:

(a) **General.** There shall be no filling, excavating, mining or drilling; no removal of natural materials; no dumping of materials; no changing the grade or elevation; and no alteration of the topography in any manner except as shall be necessary to establish and maintain the Wetland Mitigation Area on Exhibit 2.

(b) **Waters and Wetlands.** In addition to the General requirements above, there shall be no draining, dredging, damming or impounding; impairing the flow or circulation of waters; reducing the reach of waters; and no other discharge or activity requiring a permit under applicable clean water or water pollution control laws and regulations, as amended.

(c) **Vegetation.** There shall be no clearing, burning, cutting, destroying, removal, or planting of trees, vegetation, or wood, except as specified in the wetland mitigation plan or in subsequent management recommendations.

(d) **Uses.** No agricultural, industrial, or commercial activity shall be allowed. This includes grazing. There shall be no building of roads or paths for vehicular, bicycle, pedestrian, or equestrian use. There shall be no operation of all-terrain vehicles or any other type of motorized vehicle. Fences or signs may be installed to restrict use of the area.

(e) **Utilities and Maintenance.** There shall be no construction or placement of new utilities above ground or involving surface disturbance within the wetland mitigation area. Any non-emergency maintenance of existing utilities or the bridge that would impact the wetland mitigation area must be approved by the US Army Corps of Engineers. All areas on top of buried riprap are excluded from the wetland mitigation area.

(f) **Other Prohibitions.** Any other use of, or activity on, the wetland mitigation area that is, or may become inconsistent with, the goals of the wetland mitigation plan or protection of the wetland mitigation is prohibited.

(g) This Restrictive Covenant Running With Land may be changed, modified or revoked only upon written approval of the District Engineer of the Omaha District of the U.S. Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Colorado.

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

DATED this 6 day of NOVEMBER 2017.

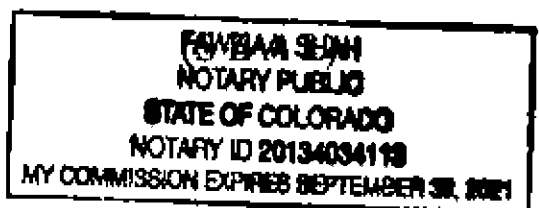
Seller:

[Signature]  
Philip Gatt

STATE OF Colorado )  
COUNTY OF Boulder ) ss.

The foregoing instrument was acknowledged before me this 6th day of Nov 2017, by Philip Gatt.

Witness my hand and official seal.



[Signature]  
Notary Public

My commission expires: SEP 30, 2021

COUNTY OF BOULDER, a body corporate and politic

By: [Signature]  
Greg Jackson, CDBG-DR Buyout Project Manager

STATE OF COLORADO )  
COUNTY OF BOULDER ) ss.

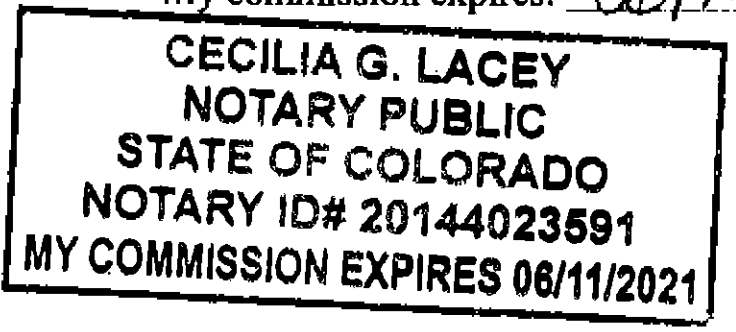
The foregoing instrument was acknowledged before me this 6 day of November 2017, by Greg Jackson, CDBG-DR Buyout Project Manager, on behalf of Boulder County.

Witness my hand and official seal.

(SEAL)

[Signature]  
Notary Public

My commission expires: 06/11/2021



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COUNTY OF BOULDER, STATE OF COLORADO.

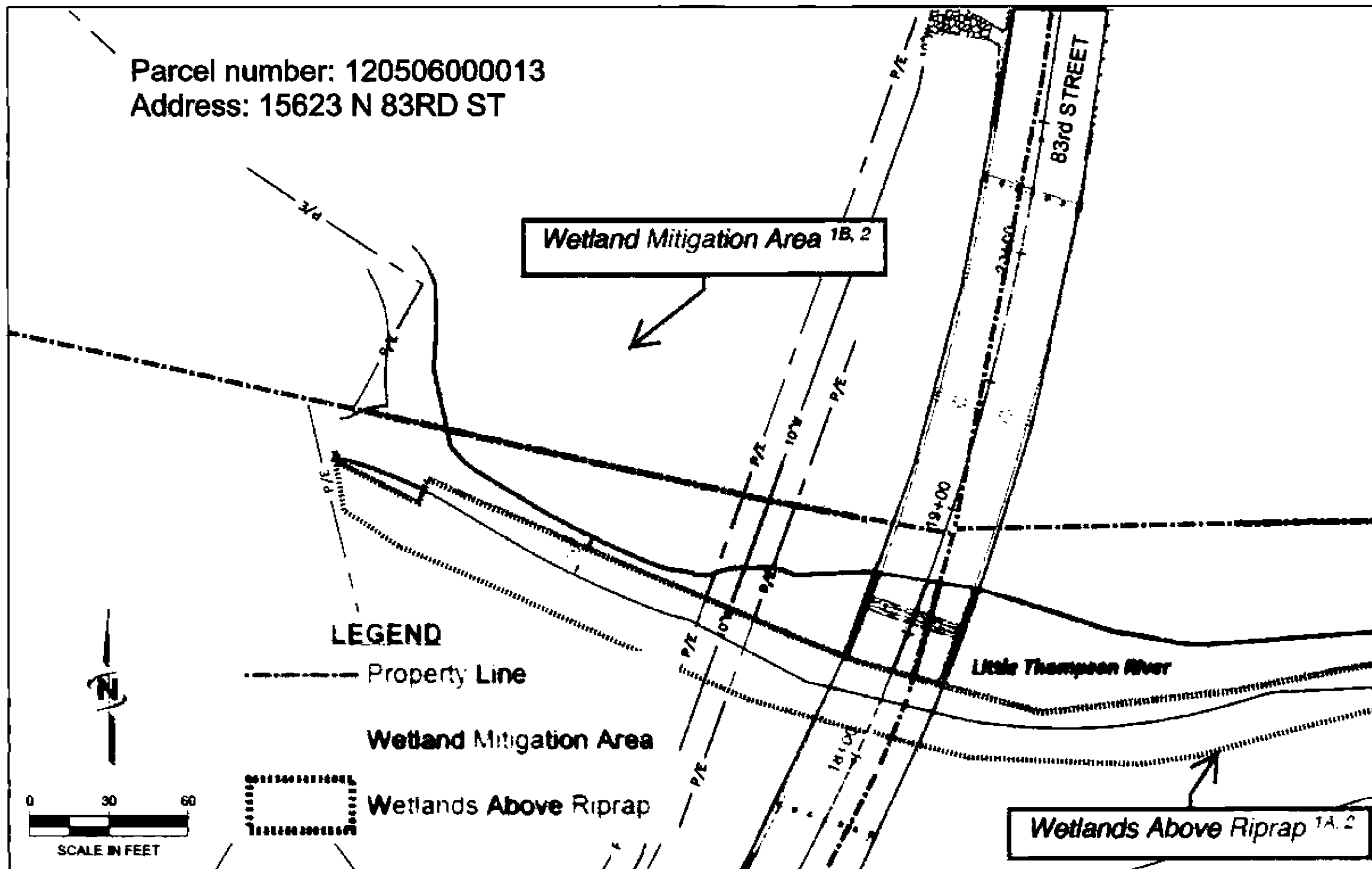
**EXHIBIT 2**

Map of Wetland Mitigation Area



# Exhibit 2. Wetland Mitigation Area

Gatt



**Notes:**

- 1) The wetland mitigation area shown in this exhibit;
  - A) Excludes open water and wetlands above buried riprap because the USACE considers these areas to be permanently impacted, and
  - B) Includes all other areas where open water or wetlands may become established which slightly exceeds the USACE required mitigation area.
- 2) All wetland areas must be maintained per the "North 83rd Street over the Little Thompson Compensatory Mitigation Plan," (signed 5/9/16).