

State Documentary Fee Date \$ <u>0</u>

GENERAL WARRANTY DEED
 (Statutory Form, C.R.S. § 38-30-113)

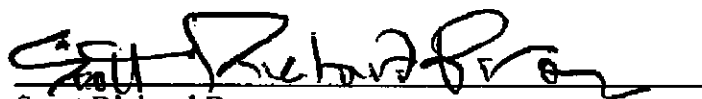
Grantor, **Scott Richard Brown**, whose legal address is 2500 30th St Suite 202, of the County of Boulder and State of Colorado, for the consideration of Three Hundred Thousand dollars and 00/100 dollars (\$300,000.00), in hand paid, hereby sells and conveys to Grantee, the **County of Boulder**, a body corporate and politic, whose legal address is P.O. Box 471, Boulder, Colorado 80306, of the County of Boulder, State of Colorado, the following real property in the County of Boulder and State of Colorado, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE FOR LEGAL DESCRIPTION OF THE PROPERTY,

Also known by street and number as: 16679 N. St. Vrain Drive, Lyons, Colorado 80540,

with all its appurtenances and warrants the title to the same, subject only to those exceptions set forth in Exhibit B and the terms set forth in the Restrictive Covenant Running with the Land, Exhibit C, which exhibits are attached hereto and made a part hereof by this reference.

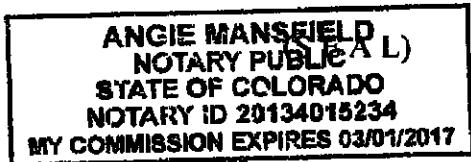
Signed this 5 day of Oct 2016.



 Scott Richard Brown

STATE OF COLORADO)
) ss.
 COUNTY OF BOULDER)

Subscribed and sworn to before me this 5 day of Oct 2016, by
 Scott Richard Brown

Witness my hand and official seal.




 Notary Public

My Commission expires: 3/1/17

EXHIBIT A

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 200 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 138 FEET; THENCE EAST TO THE MIDDLE OF THE NORTH ST. VRAIN CREEK; THENCE IN A NORTHERLY DIRECTION ALONG THE MIDDLE OF SAID NORTH ST. VRAIN CREEK TO A POINT 200 FEET SOUTH OF THE NORTH LINE OF SAID SECTION; THENCE WEST TO THE PLACE OF BEGINNING EXCEPT THE SOUTH 30 FEET THEREOF; AND EXCEPT THAT PORTION THEREOF DEEDED TO BOULDER COUNTY FOR HIGHWAY PURPOSES IN DEED RECORDED FEBRUARY 3, 1936 IN BOOK 637 AT PAGE 143, AND TOGETHER WITH A TRACT OF LAND DESCRIBED AS FOLLOWS:

THE WEST 342 FEET OF THE SOUTH 50 FEET OF THE NORTH 200 FEET OF THE WEST 27 RODS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M., 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. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.
5. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER.
6. ANY INCREASE OR DECREASE IN THE AREA OF THE LAND AND ANY ADVERSE CLAIM TO ANY PORTION OF THE LAND WHICH HAS BEEN CREATED BY OR CAUSED BY ACCRETION OR RELICTION, WHETHER NATURAL OR ARTIFICIAL; AND THE EFFECT OF THE GAIN OR LOSS OF AREA BY ACCRETION OR RELICTION UPON THE MARKETABILITY OF THE TITLE OF THE LAND.
7. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF NORTH ST. VRAIN RIVER.
8. ANY CHANGES IN AREA DUE TO THE RELOCATION OR MOVEMENT OF NORTH ST. VRAIN RIVER. SAID NORTH ST. VRAIN RIVER BEING DESCRIBED IN THE LEGAL DESCRIPTION OF THE LAND REFERRED TO HEREIN.
9. RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED JULY 11 1899 IN BOOK 100 AT PAGE 131.
10. TERMS, CONDITIONS AND PROVISIONS OF DEED RECORDED NOVEMBER 16, 1983 AT RECEPTION NO. 588373.

EXHIBIT C

RESTRICTIVE COVENANT RUNNING WITH LAND

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

RECITALS

Pursuant to that certain warranty deed dated October 5, 2016, 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”); and

Seller 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, 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.

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 5th day of October 2016.

Seller:

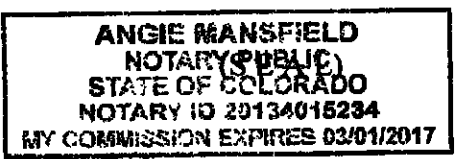
Scott Richard Brown

Scott Richard Brown

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 5 day of Oct 2016, by Scott Richard Brown.

Witness my hand and official seal.



[Signature]
Notary Public

My commission expires: 3/1/17

COUNTY OF BOULDER, a body corporate and politic

By:

Greg Jackson

Greg Jackson, CDBG-DR Buyout Project Manager

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 5th day of October 2016, by Greg Jackson, on behalf of Boulder County.

Witness my hand and official seal.

ANGIE MANSFIELD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134015234
MY COMMISSION EXPIRES 03/01/2017

Angie Mansfield
Notary Public

My commission expires: 3/1/17

EXHIBIT 1

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 200 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 138 FEET; THENCE EAST TO THE MIDDLE OF THE NORTH ST. VRAIN CREEK; THENCE IN A NORTHERLY DIRECTION ALONG THE MIDDLE OF SAID NORTH ST. VRAIN CREEK TO A POINT 200 FEET SOUTH OF THE NORTH LINE OF SAID SECTION; THENCE WEST TO THE PLACE OF BEGINNING EXCEPT THE SOUTH 30 FEET THEREOF; AND EXCEPT THAT PORTION THEREOF DEEDED TO BOULDER COUNTY FOR HIGHWAY PURPOSES IN DEED RECORDED FEBRUARY 3, 1936 IN BOOK 637 AT PAGE 143, AND TOGETHER WITH A TRACT OF LAND DESCRIBED AS FOLLOWS:

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