



State Documentary Fee
Date: November 04, 2015
\$ 0.00

Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

THIS DEED, made on **November 04, 2015** by **SEAN PATRICK MCCROSKEY AND MARGARET ELIZABETH MCCROSKEY** Grantor(s), of the County of **BOULDER** and State of **COLORADO** for the consideration of **(\$470,250.00) **** Four Hundred Seventy Thousand Two Hundred Fifty and 00/100 ****** dollars in hand paid, hereby sells and conveys to **COUNTY OF BOULDER, A BODY CORPORATE AND POLITIC** Grantee(s), whose street address is **C/O BOULDER COUNTY ATTORNEY'S OFFICE, PO BOX 471 BOULDER, CO 80306**, County of **BOULDER**, and State of **COLORADO**, the following real property in the County of **Boulder**, and State of **Colorado**, to wit:

SEE ATTACHED "EXHIBIT A"

also known by street and number as: **459 GOLD RUN ROAD (VACANT LAND) BOULDER CO 80302**

with all its appurtenances and warrants the title to the same, subject to *general taxes for the year 2015 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; and other NONE*

SEAN PATRICK MCCROSKEY

MARGARET ELIZABETH MCCROSKEY

State of **COLORADO**)
) ss.
County of **BOULDER**)

The foregoing instrument was acknowledged before me on this day of **November 04, 2015** by **SEAN PATRICK MCCROSKEY AND MARGARET ELIZABETH MCCROSKEY**

Notary Public
My commission expires 3/1/17

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

When Recorded Return to: **COUNTY OF BOULDER, A BODY CORPORATE AND POLITIC**
C/O BOULDER COUNTY ATTORNEY'S OFFICE, PO BOX 471 BOULDER, CO 80306



EXHIBIT A

PART OF THE BARON, THE BURLEIGH, THE PURE GOLD LODE MINING CLAIMS (UNITED STATES MINERAL SURVEY NO. 8685); THE SAILOR LODE MINING CLAIM (UNITED STATES MINERAL SURVEY NO. 15051); THE PURE GOLD NO. 2 LODE MINING CLAIM (UNITED STATES MINERAL SURVEY NO. 20523); AND THE AUGUST LODE MINING CLAIM (UNITED STATES MINERAL SURVEY NO. 20524), EMBRACING A PORTION OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.;

AND A PART OF THE SOUTHERLY PORTION OF GOVERNMENT LOT NO. 93, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 3 OF THE AUGUST LODE MINING CLAIM (UNITED MINERAL SURVEY NO. 20524) (ALL BEARINGS BASED ON TRUE MERIDIAN AS ESTABLISHED BY CELESTIAL OBSERVATIONS); THENCE NORTH $52^{\circ} 57' 02'' 25''$ WEST A DISTANCE OF 150.00 FEET; THENCE SOUTH $62^{\circ} 05' 10''$ WEST, A DISTANCE OF 36.95 FEET; THENCE SOUTH $11^{\circ} 02' 25''$ EAST, A DISTANCE OF 59.96 FEET; THENCE SOUTH $13^{\circ} 01' 55''$ WEST, A DISTANCE OF 124.19 FEET; THENCE SOUTH $26^{\circ} 18' 05''$ EAST, A DISTANCE OF 49.94 FEET; THENCE SOUTH $64^{\circ} 58' 10''$ EAST, A DISTANCE OF 52.68 FEET; THENCE SOUTH $54^{\circ} 13'$ EAST, A DISTANCE OF 6.64 FEET; THENCE NORTH $47^{\circ} 40' 35''$ EAST, A DISTANCE OF 148.32 FEET; THENCE NORTH $11^{\circ} 03' 25''$ EAST, A DISTANCE OF 33.82 FEET; THENCE NORTH $26^{\circ} 45'$ WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

RESTRICTIVE COVENANT RUNNING WITH LAND

THIS RESTRICTIVE COVENANT RUNNING WITH LAND is entered into by and between **Margaret Elizabeth McCroskey and Sean Patrick McCroskey ("Sellers")**, and the **County of Boulder**, a body corporate and politic ("County").

RECITALS

Pursuant to that certain warranty deed dated Nov 4, 2015, and recorded at Reception No. _____ of the real property records of Boulder County, Colorado (the "Deed"), the Sellers conveyed to the County that certain real property described on Exhibit A 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.

3. The County has determined that Gold Run Road and the private well on the property are uses compatible with this Restrictive Covenant.

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 4 day of November, 2015.

Sellers:



Margaret Elizabeth McCroskey



Sean Patrick McCroskey

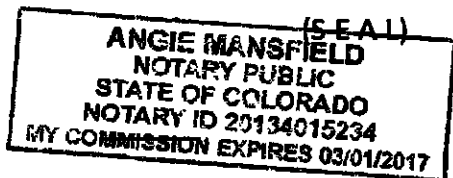
STATE OF COLORADO)

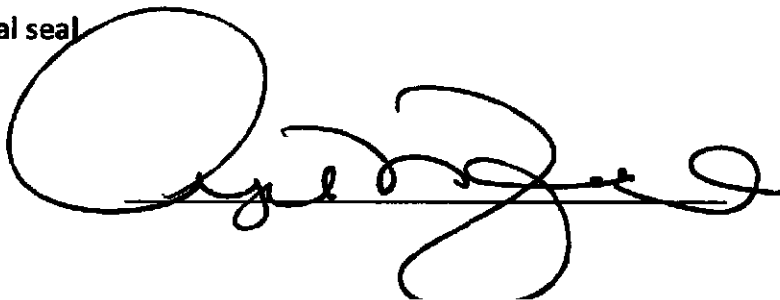
) ss.

COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 4 day of November, 2015, by Margaret Elizabeth McCroskey and Sean Patrick McCroskey.

Witness my hand and official seal





Notary Public

My commission expires: 3/1/17

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