

**FIRST AMENDMENT TO DEED OF CONSERVATION EASEMENT IN GROSS**

THIS FIRST AMENDMENT TO DEED OF CONSERVATION EASEMENT IN GROSS ("First Amendment") is made as of the 16th day of April, 2004, by and between SELLERS CREEK RANCH OWNERS ASSOCIATION, INC., a Colorado nonprofit corporation ("Owners Association"), as successor in interest to MAPLE GROVE LAND LIMITED PARTNERSHIP, a Minnesota limited partnership ("Maple Grove"), RICHARD PUTNAM ("Putnam"), an individual, and WAYNE E. BROWN FAMILY LLC, a Minnesota limited liability company ("Brown") (collectively, "Grantor"), whose collective legal address is 823 South Perry Street, Castle Rock, Colorado 80104; and DOUGLAS LAND CONSERVANCY, a Colorado non-profit corporation, formerly known as Douglas County Land Conservancy ("Grantee"), having an address at P.O. Box 462, Castle Rock, Colorado 80104.

WHEREAS, by Deed of Conservation Easement in Gross dated July 10, 2001, recorded July 16, 2001 in Book 2085 at Page 1572, at Reception No. 01063898, of the real property records of Douglas County, Colorado (the "Deed of Conservation Easement"), Grantor granted and conveyed to Grantee a conservation easement (the "Easement") over certain real property located in Douglas County, Colorado, including, but not limited to, the property more particularly described on **Schedule A** attached hereto and by this reference incorporated herein (the "Tract D Property"), on the terms and conditions set forth in the Deed of Conservation Easement; and

WHEREAS, subsequent to the grant and conveyance of the Easement, Maple Grove, Putnam, and Brown granted and conveyed ownership of all of Grantor's right, title and interest in and to the Tract D Property to Owners Association, subject to the terms and provisions of the Deed of Conservation Easement; and

WHEREAS, as of the date hereof, Owners Association is the successor to Maple Grove, Putnam and Brown, as owner of all of the right, title and interest in and to the Tract D Property, including, but not limited to, the portion of the Tract D Property more particularly described on **Schedule B** attached hereto and by this reference incorporated herein (the "Easement Property"); and

WHEREAS, the Deed of Conservation Easement, in Paragraph 23 thereof, allows for and contemplates amendments thereto under certain terms and conditions; and

WHEREAS, Owners Association has determined that its proposed use of the Tract D Property necessitates the grant of a non-exclusive easement over the Easement Property to the Town of Castle Rock for purposes of emergency access to the Property (the "Turnaround Easement"); and

WHEREAS, grant of the Turnaround Easement necessitates allowing vehicular access over the Easement Property for emergency purposes; and

OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
CAROLE R. MURRAY  
CLERK & RECORDER  
RECORDING FEE: \$36.00  
7 PGS

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WHEREAS, Grantor and Grantee have agreed to execute and deliver this First Amendment to allow for such use in that portion of the Tract D Property which constitutes the Easement Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Grantor and Grantee agree as follows with respect to the foregoing:

1. The terms of the Deed of Conservation Easement shall be amended to permit use of the Easement Property for purposes of vehicular access for emergency purposes, in accordance with the terms of the Easement Agreement between Sellers Creek Ranch Owners Association, Inc. and the Town of Castle Rock, recorded at the Office of the Douglas County, Colorado, Clerk and Recorder at Reception No. 2004055114

2. The address for notices to Grantor as set forth in paragraph 21 of the Deed of Conservation Easement shall be changed to read as follows:

To Grantor:

Sellers Creek Ranch Owners Association  
c/o Sellers Creek Ranch  
823 S. Perry Street #210  
Castle Rock, Colorado 80104

3. Except as expressly modified hereby, all of the terms and provisions of the Deed of Conservation Easement shall remain in full force and effect.

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**DAVID E. ARCHER & ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS & ENGINEERS**

105 Wilcox Street \* Castle Rock, CO 80104  
PHONE (303) 688-4642 \* FAX (303) 688-4675 \* darchsurv@aol.com

April 23, 2001  
Job No. 98-0432-D  
Page 1 of 2 pages

**PROPERTY DESCRIPTION: (TRACT D)**

A tract of land situated in Section 36, Township 8 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, Douglas County, Colorado, more particularly described as follows:  
Beginning at the Northeast corner of Section 36 and considering the North line of the Northeast ¼ of Section 36 to bear S 89°41'24"W with all bearings contained herein relative thereto;

Thence S 89°41'24"W along said North line a distance of 1399.28 feet;

Thence S 19°05'10"W a distance of 661.37 feet;

Thence S 70°54'50"E a distance of 495.18 feet;

Thence S 08°17'22"W a distance of 250.09 feet;

Thence S 37°00'23"W a distance of 642.39 feet;

Thence S 82°04'09"W a distance of 250.11 feet;

Thence S 07°55'51"E a distance of 309.21 feet to a point of curve;

Thence Southerly along the arc of a curve to the right a distance of 153.18 feet, said curve has a radius of 2030.00 feet and a central angle of 04°19'24" to a point of tangent;

Thence S 03°36'27"E along said tangent a distance of 814.69 feet to a point of curve;

Thence Southeasterly along the arc of a curve to the left a distance of 155.13 feet, said curve has a radius of 370.00 feet and a central angle of 24°01'18" to a point of tangent;

Thence S 27°37'45"E along said tangent a distance of 132.11 feet to a point of curve;

Thence Southerly along the arc of a curve to the right a distance of 248.35 feet, said curve has a radius of 330.00 feet and a central angle of 43°07'09" to a point of tangent;

Thence S 15°29'24"W along said tangent a distance of 398.34 feet to a point of curve;

Thence Southerly along the arc of a curve to the left a distance of 261.79 feet, said curve has a radius of 770.00 feet and a central angle of 19°28'48" to a point of tangent;

Thence S 03°59'24"E along said tangent a distance of 282.59 feet to a point of curve;

PROPERTY DESCRIPTION: (TRACT D) continued

Thence Southerly along the arc of a curve to the right a distance of 214.72 feet, said curve has a radius of 830.00 feet and a central angle of  $14^{\circ}49'20''$  to a point of tangent;

Thence S  $10^{\circ}49'55''$ W along said tangent a distance of 71.59 feet;

Thence S  $89^{\circ}17'36''$ E a distance of 389.29 feet;

Thence N  $00^{\circ}42'24''$ E a distance of 184.84 feet;

Thence S  $89^{\circ}48'25''$ E a distance of 512.46 feet;

Thence S  $26^{\circ}19'15''$ E a distance of 280.02 feet;

Thence S  $89^{\circ}18'36''$ E a distance of 677.64 feet to the East line of the Southeast  $\frac{1}{4}$  of Section 36;

Thence N  $00^{\circ}09'52''$ E a distance of 2009.77 feet to the Southeast corner of the Northeast  $\frac{1}{4}$  of Section 36;

Thence N  $00^{\circ}10'11''$ E a distance of 2648.03 feet to the point of beginning;

Containing 166.04 acres, more or less.

This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock Co 80104.



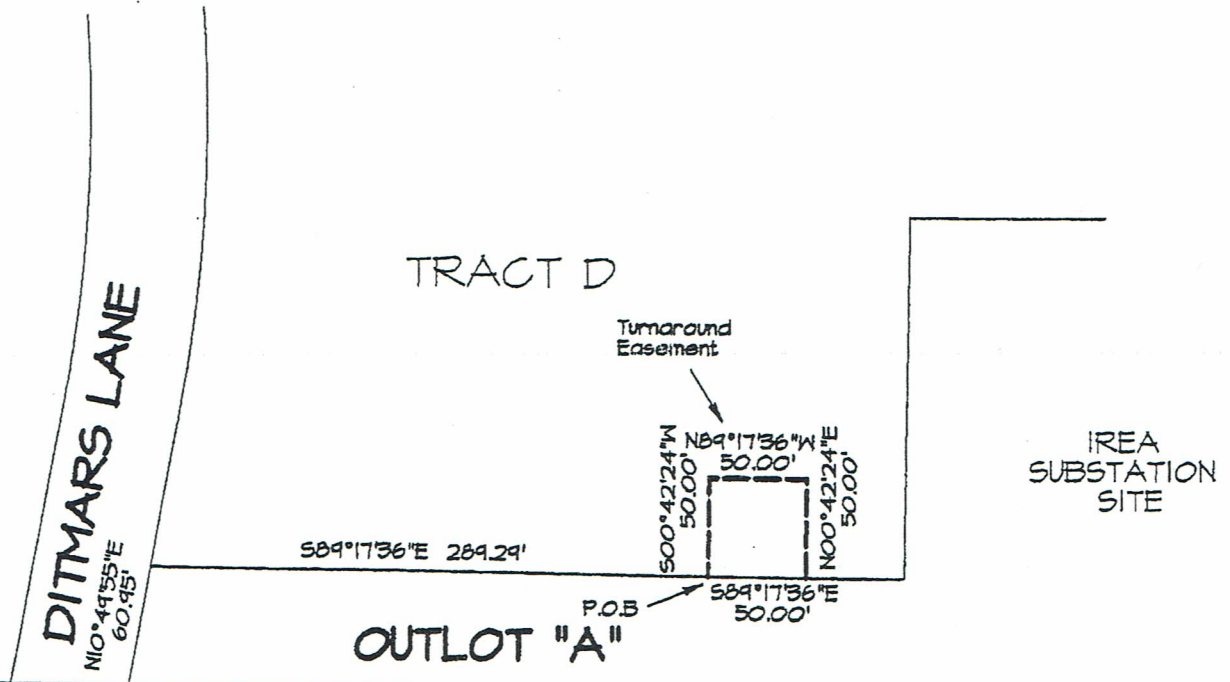
DAVID E. ARCHER  
& ASSOCIATES, INC.  
REGISTERED LAND SURVEYOR  
105 WILCOX ST.  
CASTLE ROCK, CO 80104  
PHONE 688-4642

SC' 1"=100'

DATE: 1-14-04

☉ =

REVISIONS



OUTLOT "A"

S89°17'36"E  
(BASIS OF BEARINGS)

**TURNAROUND EASEMENT DESCRIPTION:**

An Easement being a portion of Tract "D" Sellers Creek Rural Site Plan, Douglas County Colorado, and being more particularly described as follows:

Commencing at the Southwesterly corner of Outlot "A", Sellers Creek Rural Site Plan and considering the South line of Outlot A to bear S 89°17'36"E with all bearings contained herein relative thereto;

Thence N 10°49'55"E a distance of 60.95 feet to the Northwesterly corner of Outlot A;

Thence S 89°17'36"E along the North boundary of Outlot A a distance of 289.29 feet to the true point of beginning;

Thence S 89°17'36"E along said boundary a distance of 50.00 feet;

Thence N 00°42'24"E a distance of 50.00 feet;

Thence N 89°17'36"W a distance of 50.00 feet;

Thence S 00°42'24"W a distance of 50.00 feet to the point of beginning;

This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock, CO 80104.