

STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Lyons Quarry - CDOT Request

Streng, Ernst <estrenge@bouldercounty.org>

Wed, Jul 1, 2020 at 10:56 AM

To: Jeremy DEUTO <jeremy.deuto@lafargeholcim.com>

Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>, "Tess M. Ellender" <tellender@mullereng.com>, "Jeffrey H. Wulliman (Jhwulliman@mullereng.com)" <Jhwulliman@mullereng.com>, "Whisman, Janis" <jwhisman@bouldercounty.org>, "Hirt, David" <dhirt@bouldercounty.org>, "Atherton-Wood, Justin" <jatherton-wood@bouldercounty.org>

Jeremy,

Please see the attached letter regarding the request to use Lyons Quarry for a staging area for SH 7 repairs and the potential to re-open mining at the site for the SH 7 project.

Let us know if you have questions or would like to set up a meeting to discuss.

Thank you,

Ernst

Ernst Streng | Senior Planner

Boulder County Parks & Open Space

(303) 678-6269 (office) | (303) 319-9615 (cell)

estrenge@bouldercounty.orgBoulderCountyOpenSpace.org**Hall Ranch 2 - Ltr to Aggregate (7-1-20).pdf**

456K



Parks & Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • www.BoulderCountyOpenSpace.org

July 1, 2020

Jeremy Deuto
Aggregate Industries
1687 Cole Blvd. Suite 300
Golden, CO 80401

Re: Quarry Site at Hall Ranch 2 Open Space Property

Dear Mr. Deuto:

Thank you for meeting with Boulder County Parks & Open Space staff (Justin Atherton-Wood and David Hirt) on June 1st during the Division of Reclamation, Mining, and Safety's (DRMS) monitoring visit of Lyons Quarry (Permit M-1977-141). As the county's steward of this open space property, we appreciate being included in these meetings and all discussions about the reclamation of the quarry.

It is our understanding that during the visit you let DRMS know that Aggregate Industries has been approached by Colorado Department of Transportation's (CDOT) engineering consultant for State Highway 7 (Mueller Engineering) about the potential to use the mine site for a staging area for its upcoming highway repairs and the potential to re-open mining operations to sell materials to CDOT for this work. Parks & Open Space has also been approached by Mueller Engineering about using the site as a staging area, but not about additional mining.

The county has several constraints and concerns related to these proposed plans that we want to draw to your attention:

- The deed by which Boulder County acquired the Hall Ranch Open Space conveyed all mineral rights associated with the property to the county, but the county's ownership of the minerals is only "for so long as no mining, exploration, drilling, production or other development of extraction of Minerals occurs upon or under the property". Your proposal to remove additional material and convey it to CDOT may constitute "mining" and "extraction" of minerals that would violate the deed restriction and cause the county to be subject to the Hall family's right of reverter. Boulder County will not agree to allow a violation of the deed restriction. The deed is enclosed for your information.
- Boulder County purchased the Hall Ranch Open Space with the proceeds from an open space tax passed by the voters. The sales tax ballot language and Boulder County's Comprehensive Plan restrict the uses to which open space property may be put. Mining is not an open space use. Boulder County would have to be convinced, and be able to show, that removal of additional material from the mine would enhance the open space attributes of the property.

- Aggregate Industries' lease that allowed it to mine material from the property has expired. Any sale of material from Aggregate Industries to CDOT or any other party would constitute an unauthorized sale of the county's property. Aggregate Industries may not sell the county's property to CDOT unless pursuant to a lease from Boulder County, and the county can only agree to enter into a lease if it has assurances that, in addition to not violating the terms of the deed restriction, there are sufficient benefits to the public that it can be justified as a benefit to the open space program.

As you may know, Boulder County has been working on plans for how to manage the property for public recreational and natural resource conservation purposes following the completion of reclamation by Aggregate Industries, which had been scheduled for the end of February 2021. The county understands that DRMS has agreed to an extension of the reclamation timeline until February 2022 due to COVID-19, and the county wants to maintain this schedule so that the public may begin to enjoy the benefit of the substantial investment it made in this property in 2011.

At the same time, Parks & Open Space appreciates its working relationship with Aggregate Industries, which we have maintained since the county purchased the property. If Aggregate wants to propose changes to the existing reclamation plan based on the request made by CDOT's engineers, we invite you to share full details with us as soon as possible. If Parks & Open Space is supportive of Aggregate Industries' revised plans, Parks & Open Space may elect to approach the Hall family about seeking a waiver from the deed restriction and try to work within the sales tax use restrictions and other county policies.

For the county to be able to approve of any changed plans, Parks & Open Space would expect that, at a minimum, any modified reclamation plans would include the following important aspects:

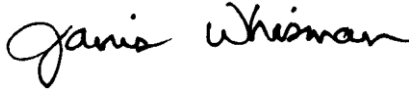
- No further disturbances outside the existing disturbed mine site.
- Leave as much naturally variable slopes along the highwall as possible and blend them with the surrounding landscape.
- Leave as much dacite exposed at the base of the highwall as possible for future geological interpretation.
- Open the floodplain and remove all crusher fines and mining infrastructure (pipes, etc.) within the former processing / stockpiling / storage area (i.e. Phase 2 of the most recent DRMS approved technical revision). Although the 2013 flood deposited materials within this area, there is still a thick layer of crusher fines that was laid down during mining. Parks & Open Space and Aggregate Industries have discussed on several occasions the potential to excavate soil pits in this area together to determine the location and extent of this material, but this has not yet occurred.
- Work with Parks & Open Space on opportunities to realign South St. Vrain Creek through the floodplain to its historic and natural alignment. This may include either creating a swale

that would carry flood waters across the site or roughing in a potential future new alignment.

- Complete reclamation by February 28, 2022.

Thank you for your attention to these important matters.

Sincerely,



Janis Whisman
Real Estate Division Manager
jwhisman@bouldercounty.org
(303) 678-6263



Ernst Strenge
Senior Planner
estrenge@bouldercounty.org
(303) 678-6269

Cc:

- State of Colorado Division of Reclamation, Mining, and Safety, c/o Amy Eschberger (amy.eschberger@state.co.us)
- Muller Engineering Company, c/o Tess Ellender (tellender@mullereng.com) and Jeff Wulliman (jhwulliman@mullereng.com)

SPECIAL WARRANTY DEED

(Statutory Form, C.R.S. § 38-30-115)

Grantor, **JETHRO INVESTMENT TRUST** under Agreement dated June 8, 1989, **RATHCUKA, LLC**, a Colorado limited liability company, **BRACKET LAZY H LIMITED PARTNERSHIP, LLLP**, a Colorado limited liability limited partnership, **SALLY A. GULICK, PAULA S. VANDERLINDEN**, and **JOHN A. HALL**, whose legal address is c/o Unique Properties LLC, 1873 South Bellaire Street, Denver 80222, of the County of Denver and State of Colorado ("Grantor"), for the consideration of EIGHT MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$8,870,000.00), 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 80306, of the County of Boulder, and State of Colorado ("Grantee"), the following real property in the County of Boulder, State of Colorado, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE,

with all its appurtenances and warrants the title (as to their individual respective interests) against all persons claiming under the Grantor, subject to those matters set forth in Exhibit B attached hereto and made a part hereof by this reference. Grantor also conveys all of its right, title and interest, without warranty of any kind, in and to all soil, sand, gravel, rock, stone, oil, natural gas, fuel, or any other mineral or carbonaceous substance from the property (collectively, the "Minerals") for so long as no mining, exploration, drilling, production or other development or extraction of Minerals occurs upon or under the property in order to preserve the significant scenic, open space, historic, agricultural, and rural character and environmental values associated with the property. It is the intent of the Grantor and Grantee that this restriction on mining be deemed to be both (i) a specifically enforceable covenant that runs with the property and binds Grantee, it's successors and assigns, and (ii) a possibility of reverter as to the Minerals only for the benefit of the Grantor and Grantor's successors in interest.

Grantor hereby reserves, excepts and conveys a perpetual right of access to Grantor, and to the extent applicable, Grantor's members and beneficiaries, for the purpose of visiting two family members' memorial sites: (1) located on the current Hall Ranch Open Space located north of Highway 7, and (2) located near the southern border of the Property near a spring.

Signed this 30th day of March, 2011.

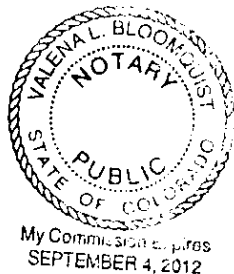
By: John A. Hall
John A. Hall

STATE OF COLORADO)
COUNTY OF Boulder) ss.

The foregoing instrument was acknowledged before me this 30th day of March, 2011, by John A. Hall.

Witness my hand and official seal.

(S E A L)



Valena L. Bloomquist
Notary Public

My Commission Expires: _____

Bracket Lazy H Limited Partnership, LLLP,
a Colorado limited liability limited partnership

By: Sally A. Gulick
Sally A. Gulick, Managing General Partner

STATE OF Colorado)
COUNTY OF Boulder) ss.

The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Sally A. Gulick as Managing General Partner for Bracket Lazy H Limited Partnership, LLLP.

Witness my hand and official seal.

(SEAL)



Valen L. Blooker
Notary Public

My Commission Expires: _____

Rathcuka, LLC
a Colorado limited liability company

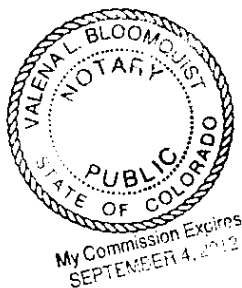
By: Theresa Garner, Manager
Theresa Garner, Manager

STATE OF Colorado)
COUNTY OF Boulder } ss.

The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Theresa Garner as Manager for Rathcuka, LLC.

Witness my hand and official seal.

(S E A L)



Valena L. Bloomquist
Notary Public

My Commission Expires: _____

Jethro Investment Trust
Under Agreement dated June 8, 1989

By: Ralph E. Garner Trustee
Ralph E. Garner, Trustee

STATE OF Colorado)
COUNTY OF Boulder) ss.

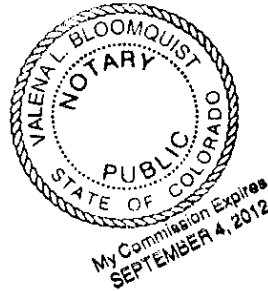
The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Ralph E. Garner as trustee for Jethro Investment Trust under Agreement dated June 8, 1989.

Witness my hand and official seal.

(SEAL)

Valena L. Bloomquist
Notary Public

My Commission Expires: _____



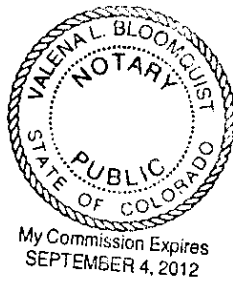
By: Sally A. Gulick
Sally A. Gulick

STATE OF COLORADO)
COUNTY OF Boulder) ss.

The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Sally A. Gulick.

Witness my hand and official seal.

(S E A L)



Valena L. Bloomquist
Notary Public

My Commission Expires: _____

By: 

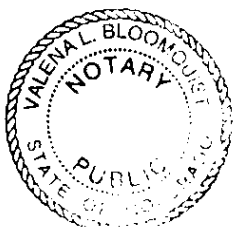
Paula S. Vanderlinden

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)


The foregoing instrument was acknowledged before me this 30th day of March, 2011, by Paula S. Vanderlinden.

Witness my hand and official seal.

(S E A L)



My Commission Expires
SEPTEMBER 4, 2012



Notary Public

My Commission Expires: _____

EXHIBIT A*Legal Description*

A TRACT OF LAND BEING PORTIONS OF SECTIONS 24, 25 AND 26, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS SURVEYED AND AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 25; THENCE S 89°17'49" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, SAID SOUTH LINE BEING THE BASIS OF BEARINGS FOR ALL BEARINGS DESCRIBED HEREIN, 2697.50 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S 89°23'45" W ALONG THE SOUTH LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 26, 1331.81 FEET; THENCE N 00°11'21" W ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 26, 2671.65 FEET TO THE NORTHWEST CORNER THEREOF; THENCE N 00°35'09" W ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1343.62 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 88°47'50" W ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1394.19 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 01°13'04" W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1358.58 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 26; THENCE N 89°24'37" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1409.09 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N 89°24'06" E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, 1409.08 FEET TO THE NORTHEAST CORNER OF SAID SECTION 26; THENCE S 89°45'31" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25, 459.02 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO.7; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COLORADO STATE HIGHWAY NO. 7 THE FOLLOWING COURSES:

410.37 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 374.80 FEET, A CENTRAL ANGLE OF 62°44'02", AND A CHORD THAT BEARS N 47°25'43" E, 390.18 FEET; N 87°27'43" E, 188.50 FEET; S 88°12'17" E, 110.00 FEET; S 89°32'17" E, 204.60 FEET; 1458.04 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1498.50 FEET, A CENTRAL ANGLE OF 55°44'55", AND A CHORD THAT BEARS N 59°54'43" E, 1401.20 FEET; N 29°22'43" E, 204.60 FEET; N 28°02'43" E, 87.50 FEET; N 30°42'43" E, 109.94 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE S 00°19'03" W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 24, 1328.97 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 25; THENCE S 00°38'34" E ALONG THE EAST

LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 25, 1325.43 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S 89°44'10" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25, 1333.97 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00°18'36" E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25, 1315.25 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S 89°56'26" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25, 1353.73 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 25; THENCE S 00°02'52" E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, 2666.98 FEET TO THE POINT OF BEGINNING.

Excluding the following:

1. Any portion thereof lying within Colorado Highway No. 7. aka South St. Vrain Road, and except any portions thereof lying within existing roads, streets or highways;

2. PARCEL 1:

THOSE PORTIONS OF THE NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 25, THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 26 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M. LYING NORTH AND WEST OF THE COLORADO STATE HIGHWAY NO. 7 RIGHT-OF-WAY, COUNTY OF BOULDER, STATE OF COLORADO,

AND,

A PARCEL OF LAND BEING PORTIONS OF THE SOUTHWEST 1/4 OF SECTION 25 AND THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 25, FROM WHENCE THE SOUTH 1/4 CORNER OF SAID SECTION 25 BEARS N 89°17'49" E, 2697.50', AS SURVEYED; THENCE S 89°23'45" W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, 1331.81 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 26; THENCE N 00°11'21" W ALONG THE WEST LINE OF EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 26, 1963.15 FEET; THENCE DEPARTING SAID WEST LINE N 89°48'39" E, 1365.67 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE N 00°48'18" E ALONG SAID WEST LINE, 747.92 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 25; THENCE S 89°58'13" E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 25, 394.90 FEET; THENCE DEPARTING SAID EAST-WEST CENTERLINE S 00°48'18" W, 2696.66 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S 89°17'49" W ALONG SAID SOUTH LINE, 395.00 FEET TO THE POINT OF BEGINNING,

3. QUARRY HOUSE:

Beginning at the Northwest corner of Section 25, Township 3 North, Range 71 West of the 6th P.M., running thence South 0°18' West 1095.86 feet; running thence North 86°11' East 237.15 feet; running thence South 3°48' East 20 feet to the true point of beginning; running thence North 86°11' East 350 feet; running thence South 3°48' East 250 feet; running thence South 86°11' West 350 feet; running thence North 3°48' West 250 feet to the true point of beginning; being a part of the Northwest Quarter of said Section 25; EXCEPT, however, as much of the above-described tract as is included within Colorado State Highway 7 also known as County Road 84; ALSO EXCEPTING rights of way conveyed by deed recorded in Book 982 at Page 563 of the Boulder County, Colorado records and subject to the reservations contained in said deed.

4. HISTORIC LOT:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 24 AND THE WEST 1/2 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25, AS MONUMENTED BY A 1912 GLO BRASS CAP FROM WHICH THE NORTH 1/4 OF SAID SECTION 25 BEARS S 89°45'31" E 2651.93 FEET, SAID NORTH 1/4 CORNER BEING MONUMENTED BY A WITNESS CORNER BEING A 1912 GLO BRASS CAP LYING 29.04' WEST OF SAID NORTH 1/4 CORNER; THENCE S 89°45'31" E ALONG THE NORTH LINE OF THE WEST 1/2 OF SAID SECTION 25, 1370.93 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID LINE N 00°08'10" E, 35.97 FEET; THENCE S 88°54'32" E, 342.74 FEET; THENCE S 67°58'43" E, 36.36 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF SOUTH ST. VRAIN CREEK; THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID SOUTH ST. VRAIN CREEK THE FOLLOWING COURSES:

- S 24°51'31" W, 66.90 FEET;
- S 06°47'17" E, 256.98 FEET;
- S 25°54'36" E, 166.25 FEET;
- S 42°56'23" E, 91.08 FEET;

THENCE DEPARTING SAID APPROXIMATE CENTERLINE S 72°12'11" W, 249.77 FEET; THENCE N 26°11'28" W, 40.48 FEET;

THENCE N 44°39'31" W, 137.62 FEET;

THENCE N 58°20'25" W, 101.43 FEET;

THENCE N 45°01'15" W, 136.65 FEET;

THENCE N 34°48'20" W, 138.83 FEET;

THENCE N 47°00'06" E, 138.11 FEET;

THENCE N 00°08'10" E, 100.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

1. (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.
2. Any and all unpaid taxes and assessments and any unredeemed tax sales.
3. Any and all unrecorded leases and tenancies and any interests claiming by or through said leases.
4. Any water rights or claims or title to water, in, on or under the land.
5. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patents recorded:

March 2, 1885 in Book 75 at Page 429 (24: N1/2SE1/4; E1/2SW1/4)

June 11, 1908 in Book 167 at Page 90 (24: W1/2SE1/4)

March 16, 1885 in Book 75 at Page 430 (25: N1/2NW1/4; SW1/4NW1/4; 26: SE1/4NE1/4)

October 6, 1903 in Book 100 at Page 158 (26: N1/2NE1/4)

May 7, 1988 in Book 100 at Page 12 (25: NW1/4SW1/4; 26: E1/2SE1/4)

October 6, 1903 in Book 204 at Page 17 (25: SW1/4NE1/4; SE1/4NW1/4; E1/2SW1/4)

6. Right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patents recorded:

June 11, 1908 in Book 167 at Page 90 (24: W1/2SW1/4)
September 24, 1925 in Book 369 at Page 98 (25: SW1/4SW1/4)
7. Easements and rights of way or claims thereto for pipelines, power lines, storage pipelines and storage reservoirs, all as set forth in maps filed and/or recorded as disclosed in paragraph 4 in Warranty Deed recorded July 27, 1977 at Reception No. 234091.

8. An undivided 1/2 interest in all oil, gas and other minerals and other valuable substances, as reserved by Mathew L. McCaslin in Deed to N. Frank, recorded July 7, 1905 in Book 282 at Page 23.

Note: Quit Claim Deed from Esther Atwood to Hallyn F. Hall and June T. Hall recorded November 1, 1961 in Book 1208 at Page 39 conveyed mineral interests in and to NW1/4SW1/4 of Section 25 and E1/2SE1/4 of Section 26.

9. Easements and rights of way for ingress and egress and for electric transmission lines as conveyed to Franklin F. Burdick and Florence N. Burdick in Deed recorded June 18, 1955 in Book 982 at Page 563. (Section 25)
10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association
Purpose: electric transmission lines
Recording Date: September 17, 1973
Recording No: Film 832 at Reception No. No.080890
11. Terms, conditions, provisions, agreements and obligations contained in the Purchase Agreement, Division of Land and Option to Purchase as set forth below:

Recording Date: December 28, 2010
Recording No.: 03122911

END OF EXCEPTIONS