



RESOLUTION NO. 21-443

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**RESOLUTION TO APPROVE AN AMENDMENT TO DEEDS OF
CONSERVATION EASEMENT REGARDING PYRAMID MOUNTAIN
CONSERVATION EASEMENT #'S 1 AND 2**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(1)(e) and 30-11-107(1)(e), the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the authority to exercise such other and further powers as may be conferred by law and make such orders concerning management of the business and concerns of the County when deemed to be in the best interests of the citizens of the County; and

WHEREAS, the County is the holder of two Deeds of Conservation Easement as herein identified:

Deed of Conservation Easement granted by Philip J. Anderson to the County as recorded on July 31, 2006 at Reception No. 206112138 in the records of the El Paso County Clerk and Recorder ("Easement #1"); and

Deed of Conservation Easement granted by Passin' Through, LLC, a Colorado limited liability company, to the County as recorded on July 31, 2006 at Reception No. 206112135 in the records of the El Paso County Clerk and Recorder ("Easement #2"); and

WHEREAS, RMG Properties, LLC (hereinafter "Grantor") is the current owner of property subject to the aforementioned Easement #'s 1 and 2; and

WHEREAS, Grantor would like to exercise its reserved subdivision rights as identified in Easement #'s 1 and 2 and in compliance with existing land use approvals by reconfiguring the division rights on both Easement #1 and Easement #2 to create parcels of land of at least 35 acres in size by establishing a connection between two parcels of land on each of the Easements as more fully identified in Amendment to Deed of Conservation Easement-Pyramid Mountain Conservation Easement #1 and Amendment to Deed of Conservation Easement-Pyramid Mountain Conservation Easement #2, attached hereto respectively as Exhibits 1 and 2 (the "Amendments"); and

WHEREAS, the County and Grantor agree that the Amendments requested are in full compliance with the El Paso County Conservation Easement Policies and Procedures Manual adopted by the Board on December 1, 2020 at Resolution No. 20-415; and

WHEREAS, these Amendments provide additional public benefit to the properties to include a public trail located on the property and by eliminating additional building envelopes, thus enhancing the conservation values of scenic view, wildlife habitat, and open space; and

WHEREAS, the Board has determined that it would serve the best interests of the citizens of El Paso County to approve the Amendments.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby approves Amendment to Deed of Conservation Easement – Pyramid Mountain Conservation Easement #1 and Amendment to Deed of Conservation Easement – Pyramid Mountain Conservation Easement #2, subject to the terms and conditions cited therein.

BE IT FURTHER RESOLVED, that the duly elected, qualified member and Chair of the Board of County Commissioners, or the duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 2nd day of December 2021, at Colorado Springs, Colorado.

ATTEST:

By: 
Chuck Broome
El Paso County Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: 
Stan VanderWerf, Chair

**AMENDMENT TO DEED OF CONSERVATION EASEMENT
(Pyramid Mountain Conservation Easement #1)**

This Amendment to Deed of Conservation Easement is made this ____ day of _____, 2021, by **RMG Properties, LLC**, a Colorado limited liability company ("Grantor") and the **Board of County Commissioners of El Paso County, Colorado** ("Grantee").

Background and Purpose

A. Grantor is the owner of approximately 119 acres of real property legally described in the attached **Exhibit A** incorporated by this reference (the "Property").

B. A portion of the Property is subject to a Deed of Conservation Easement granted by Grantor's predecessor, Philip J. Anderson, to Grantee and recorded on July 31, 2006 at Reception No. 206112138, records of El Paso County, Colorado ("Easement #1"). Easement #1 encumbers approximately 83.8 acres of land, including approximately 61.46 acres within the Property owned by Grantor. Easement #1 allowed for four building envelopes within the Property as shown on Exhibit B to Easement #1.

C. A portion of the Property is subject to a Deed of Conservation Easement granted by Passin' Through, LLC, a Colorado limited liability company, to Grantee and recorded on July 31, 2006 at Reception No. 206112135, records of El Paso County, Colorado ("Easement #2"). Passin' Through, LLC was an entity related to Philip J. Anderson. Easement #2 encumbers approximately 84.1 acres of land, including approximately 45.25 acres within the Property owned by Grantor. Easement #2 allowed for five building envelopes within the Property as shown on Exhibit B to Easement #2.

D. On November 15, 2012, Realty Management Group, LLC, a related entity to Grantor, acquired the Property through a deed in lieu of foreclosure. In January 2013, Realty Management Group, LLC conveyed the Property to Grantor.

E. Grantor desires to amend Easement #1 in order to reconfigure the division rights that have been exercised in Easement #1 to create parcels of land of at least 35 acres in size by establishing a connection between two parcels of land identified as "Parcel 3" in the diagram attached as **Exhibit B** and incorporated by this reference. The eastern portion of Parcel 3, which is approximately 12.6 acres in size, is not subject to Easement #1 or Easement #2 but contains two building envelopes ("Parcel 3-East").

F. To accomplish this connection will require an approximate 10-foot by 183-foot strip of land, or 1,830 square feet, to be moved from Easement #2 to Easement #1 ("Relocated Land"). The legal description and graphic depiction of the Relocated Land is attached as **Exhibit C** and incorporated by this reference.

G. The Property is within a larger parcel of land subject to the Pyramid Mountain Amended PUD Development Plan, approved by the County on August 18, 2010 and recorded on August 23, 2010 at Reception No. 210081302, records of El Paso County, Colorado (the "PUD").

Plan”). The PUD Plan identifies nine (9) possible building envelope locations on the Property, plus two (2) possible building envelope locations on Parcel 3-East.

H. The Parties have agreed that the Relocated Land qualifies as a “Minor Encroachment” as defined under Section 3 (c) of Easement #1 and is deemed to be an adjustment in order to comply with the zoning or subdivision laws of El Paso County.

I. The Parties have agreed to amend Easement #1 to require the future owners of the parcels to be reconfigured within the Property subject to Easement #1 (shown as “Parcel 2” and “Parcel 3” in the diagram attached as **Exhibit B**) to select one building envelope per parcel, and upon such selection, the remaining approved building envelopes shall be eliminated from any future use by the parcel owners.

J. Grantee has determined that this Amendment is in full compliance with El Paso County Conservation Easement Policies and Procedures, as adopted by the Board of County Commissioners (“BOCC”) under Resolution No. 20-415 recorded on December 1, 2020 at Reception No. 220195053, records of El Paso County, Colorado (“County CE Policies”).

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated by this reference and made a part of this Amendment, and the agreements contained in this Amendment, the Parties agree as follows:

1. Amendment to Easement #1. Grantor and Grantee hereby amend the legal description of Easement #1 to include the legal description of the Relocated Land. The Easement #1 legal description, as amended, is attached as **Exhibit D** and incorporated by this reference (the “New Easement #1”). Grantor and Grantee agree that the addition of the Relocated Land to Easement #1 is a Minor Encroachment as defined in Section 3 (c) of Easement #1 and is allowed under the terms of Easement #1.

2. Building Envelope Restriction. Section 4 (g) of Easement #1 is hereby amended to add the following paragraphs at the end of the existing paragraph:

Solely with respect to Parcel 2 and Parcel 3 as shown on the diagram attached as **Exhibit B** to this Amendment, each of the owners of Parcel 2 and Parcel 3 (“Parcel owner”) shall have the right to select one of the building envelopes on such owner’s Parcel for the construction, maintenance, occupancy and replacement of a residential compound. Upon selection of one building envelope on a Parcel for a residential compound and within five (5) business days following issuance of a building permit for the residential compound, the Parcel owner must notify El Paso County (“County”) in writing, c/o the El Paso County Community Services Department, Environmental Division, 3255 Akers Drive, Colorado Springs, CO 80922 of the building envelope selected, solely for the County’s documentation of the Parcel owner’s selection of a building envelope. A Parcel owner’s right to construct a residential compound shall remain subject to all provisions of the Easement, and the County shall not have the right to disapprove such construction as long as the Parcel owner’s residential construction within the building envelope is exercised in a way to minimize impairment of Conservation Values, as provided in Section 5 of the Easement.

Upon a Parcel owner's delivery of written notice of the building envelope selection to the County and commencement of construction, the other building envelopes on the Parcel that are not selected by the Parcel owner for construction of a residential compound shall be extinguished and shall no longer be available for use in the future as a building envelope. The County shall have the right to record an instrument in the records of El Paso County to document the extinguishment of the non-selected building envelopes on the Parcel.

3. Compliance with County CE Policies. Grantor and Grantee agree that this Amendment is justified under a specific, limited circumstance and is in full compliance with Article 13 of the County CE Policies, as follows:

a. This Amendment represents a minor change that is not inconsistent with the Conservation Values of Easement #1. The Relocated Land will remain protected in perpetuity under Easement #1, and subject to the same restrictions as before it was added to Easement #1.

b. This Amendment enhances the Conservation Values of the Property by eliminating multiple building envelopes that could impair the Conservation Values.

c. This Amendment is created to solve a unique situation involving two adjacent Pyramid Mountain conservation easements and will not set an unfavorable precedent for future amendment requests.

d. This Amendment does not affect the standing of El Paso County as a holder of conservation easements.

e. This Amendment does not qualify as an impermissible benefit to Grantor because Grantor is giving up valuable rights in return for amending Easement #1 to include the Relocated Land.

f. This Amendment provides additional public benefit to the Property in that a public trail is located on the Property. By eliminating additional building envelopes from the Property, the Conservation Values (scenic view, wildlife habitat, open space) are enhanced.

4. Severability. The provisions of this Amendment are severable. Illegality or unenforceability of any provision herein shall not affect the validity or enforceability of the remaining provisions in this Agreement.

5. Ratification. The Parties agree that all other terms and provisions of Easement #1 are in full force and effect and affirm that no party is in default under Easement #1.

6. Covenants Running with the Land. The benefits and burdens of this Amendment shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee, and their successors and assigns.

GRANTOR:

RMG Properties, LLC
a Colorado limited liability company

By: _____

Print Name/Title: _____

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, as _____ of RMG Properties, LLC a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: _____

Notary Public

GRANTEE:

BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY COLORADO

By: _____
Chair

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, as Chair of the Board of County Commissioners of El Paso County Colorado, and as attested to by _____ County Clerk and Recorder.

Witness my hand and official seal.
My Commission expires:

Notary Public

Deputy County Clerk

Approved as to form:

Office of the County Attorney

EXHIBITS:

- A – Legal Description of the Property
- B - Diagram of the Property
- C - Legal Description and Graphic Depiction of the Relocated Land
- D – Amended Legal Description of the Easement #1 Property (including the Relocated Land)

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A TRACT OF LAND BEING THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4), A PORTION OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) AND A PORTION OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER (S1/2 NW1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1937" FROM WHICH THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938" BEARS S00°27'19"W, A DISTANCE OF 1322.94 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S87°13'06"E ALONG THE NORTHERLY LINE OF SAID NW1/4 NE1/4, A DISTANCE OF 1247.61 FEET TO THE NORTHEAST CORNER THEREOF, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE S02°30'26"E ALONG THE EASTERLY LINE OF SAID NW1/4 NE1/4, A DISTANCE OF 1316.11 FEET TO THE SOUTHEAST CORNER THEREOF, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE S02°20'57"E ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SW1/4 NE1/4) OF SAID SECTION 23, A DISTANCE OF 1311.52 FEET TO THE SOUTHEAST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER REC. NO. 209121691 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, AS MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "PLS 23875 2008"; THENCE S36°00'16"W ALONG THE WESTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED UNDER SAID REC. NO. 209121691, A DISTANCE OF 658.45 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED AS PARCEL A IN DEED RECORDED UNDER REC. NO. 210114997 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE N44°54'35"W ALONG THE NORTHERLY LINE OF SAID PARCEL A, A DISTANCE OF 658.45 FEET TO A 5/8" REBAR WITH NO CAP; THENCE N76°29'51"W CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 1500.54 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 6481 AT PAGE 1148 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND YELLOW PLASTIC CAP STAMPED "CORNERSTONE PLS 23875"; THENCE N02°07'01"E ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 6481 AT PAGE 1148, A DISTANCE OF 600.00 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 3924 AT PAGE 430 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE N87°53'15"W ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3924 AT PAGE 430, A DISTANCE OF 532.11 FEET TO A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE ALONG THE ARC OF A 2012.24 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°13'53", AN ARC LENGTH OF 605.17 FEET (THE LONG CHORD OF WHICH BEARS N33°29'54"W, A LONG CHORD DISTANCE OF 602.89 FEET) TO A 1-1/2" ALUMINUM CAP STAMPED "JACK L. KIRBY PLS 18991"; THENCE S79°20'09"W, A DISTANCE OF 10.77 FEET TO A 5/8" REBAR WITH YELLOW PLASTIC CAP, MELTED; THENCE ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29°27'16", AN ARC LENGTH OF 30.84 FEET (THE LONG CHORD OF WHICH BEARS N41°48'06"W, A LONG CHORD DISTANCE OF 30.51 FEET) TO A POINT ON THE NORTHERLY LINE OF SAID S1/2 NW1/4, AS MONUMENTED BY A 5/8" REBAR AND YELLOW PLASTIC CAP, MELTED; THENCE S87°59'48"E ALONG SAID NORTHERLY LINE, A DISTANCE OF 598.08 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NE1/4 NW1/4) OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY

19__"; THENCE S87°59'04"E CONTINUING ALONG THE NORTHERLY LINE OF SAID S1/2 NW1/4, A DISTANCE OF 1219.31 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 NE1/4, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE N00°27'19"E ALONG THE WESTERLY LINE OF SAID NW1/4 NE1/4, DISTANCE OF 1322.94 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 119.30 ACRES OF LAND, MORE OR LESS.

EXHIBIT B DIAGRAM OF THE PROPERTY

C:\Users\WPS-410\Documents\Survey\Diagram\CH221143.DWG 10/1/2011 2:09:48 PM

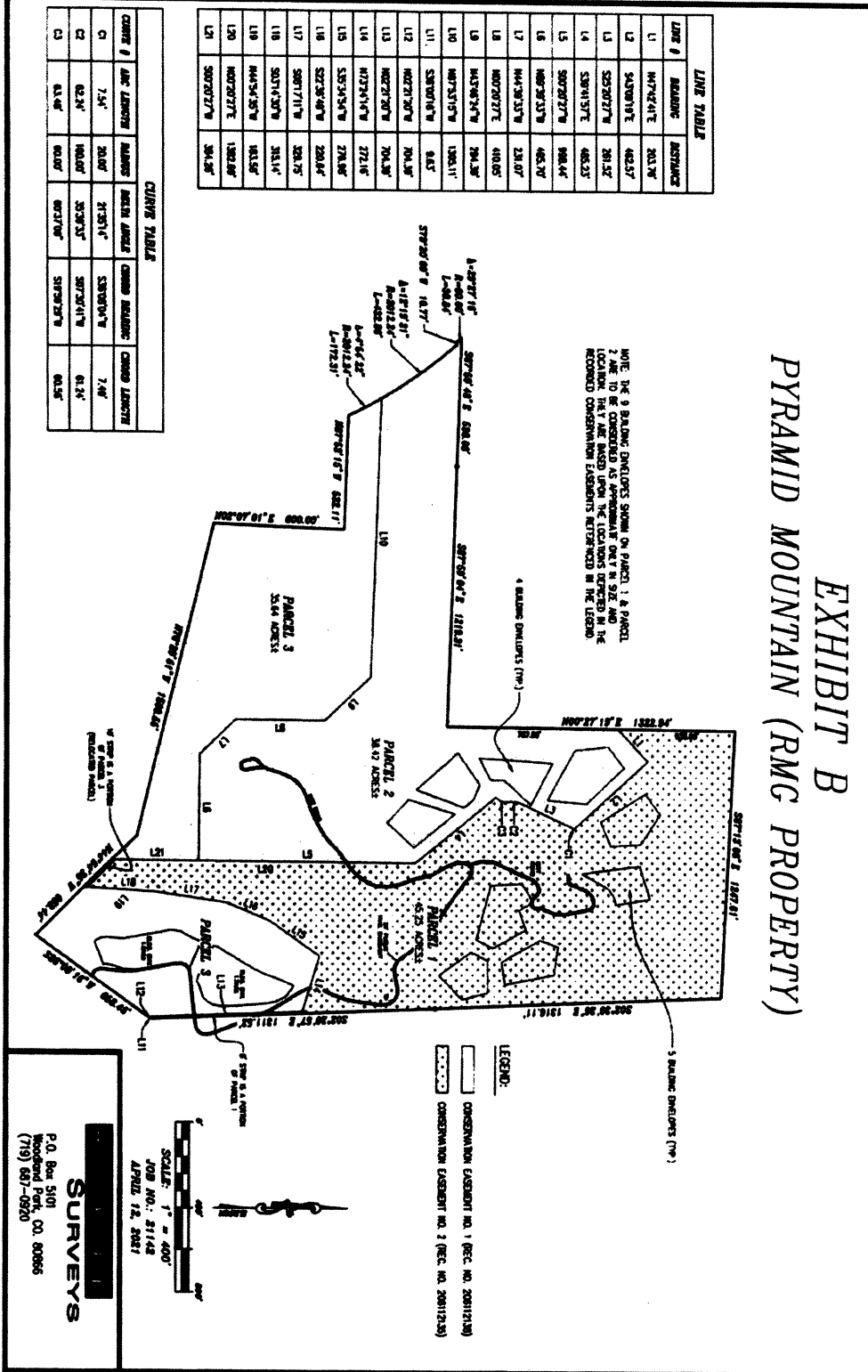


EXHIBIT C
LEGAL DESCRIPTION OF RELOCATED LAND

A TEN-FOOT (10') WIDE STRIP OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED AS PARCEL 3 IN THE LAND SURVEY PLAT PREPARED BY RAMPART SURVEYS, INC. AND DEPOSITED UNDER RECEPTION NO. 215900203 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID STRIP ALSO BEING A PORTION OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112135 OF SAID COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965", FROM WHICH AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3, AS MONUMENTED BY A 5/8" REBAR (NO CAP) BEARS N44°54'35"W, A DISTANCE OF 658.45 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N44°54'35"W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 315.16 FEET TO A POINT ON THE EASTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED;

THENCE N44°54'35"W CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 182.63 FEET TO A POINT ON THE WESTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112138 OF SAID COUNTY RECORDS;

THENCE N00°20'27"E ALONG THAT LINE COMMON TO SAID WESTERLY LINE AND SAID EASTERLY LINE, A DISTANCE OF 14.08 FEET;

THENCE S44°54'35"E, A DISTANCE OF 183.58 FEET TO A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER SAID RECEPTION NO. 206112135;

THENCE S03°14'30"W ALONG SAID EASTERLY LINE, A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING.

SAID STRIP OF LAND CONTAINS 1,831 SQUARE FEET (0.04 ACRES) OF LAND, MORE OR LESS.

PREPARED BY:
ERIC SIMONSON, COLORADO PLS NO. 38560
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
PO BOX 5101
WOODLAND PARK, CO 80866
(719) 687-0920

EXHIBIT D
AMENDED LEGAL DESCRIPTION OF THE EASEMENT #1 PROPERTY
(INCLUDING THE RELOCATED LAND)

A portion of Section 23, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 23; thence South 00°07'10" West (all bearings used in this description relative to the East line the North 1/2 of the Northwest 1/4 of said Section 23 and assumed to be South 00°07'10" West), a distance of 535.50 feet to the Point of Beginning; thence North 47°22'14" East, a distance of 203.72 feet; thence South 43°24'46" East, a distance of 462.57 feet; thence on the arc of a non tangent curve to the left having a central angle of 21°35'14", a radius of 20.00 feet, an arc length of 7.54 feet and whose chord bears South 35°47'37" West; thence of the forward tangent to the last mentioned curve South 25°00'00" West, a distance of 261.52 feet; thence on the arc of a tangent curve to the left having a central angle of 35°39'33", a radius of 100.00 feet and an arc length of 62.24 feet; thence on the arc of a tangent curve to the right having a central angle of 60°37'09", a radius of 60.00 feet and an arc length of 63.48 feet; thence South 40°02'24" East, a distance of 485.23 feet; thence South 00°00'00" West, a distance of 2,122.21 feet; thence North 50°13'13" West, a distance of 542.66 feet; thence North 29°12'52" West, a distance of 398.66 feet; thence South 83°06'01" West, a distance of 390.03 feet; thence South 84°44'47" West, a distance of 417.68 feet; thence South 42°40'47" West, a distance of 154.65 feet to a point on the Northeast right-of-way line of Pyramid Mountain Road; thence on said right-of-way line for the following seven (7) courses: (1) thence North 47°19'13" West, a distance of 124.90 feet; (2) thence North 41°03'10" West, a distance of 173.57 feet; (3) thence North 53°15'10" West, a distance of 139.72 feet; (4) thence North 36°45'18" West, a distance of 201.64 feet; (5) thence North 33°42'23" West, a distance of 87.27 feet; (6) thence South 56°17'37" West, a distance of 20.00 feet; (7) thence North 33°42'23" West, a distance of 215.68 feet to a point on the South line of a parcel of land described in Book 2314 at Page 963 of the records of said county; thence South 88°13'14" East on said South line, a distance of 117.87 feet to the Southeast corner of a parcel of land described in Book 6481 at Page 1148 of the records of said county; thence Easterly and Northerly on the South and East lines of said parcel for the following two (2) courses: (1) thence continuing South 88°13'14" East, a distance of 450.00 feet; (2) thence North 01°46'46" East, a distance of 600.00 feet to the Northeast corner of a parcel of land described in Book 3924 at Page 430 of the records of said county; thence North 88°13'14" West on the North line of said parcel, a distance of 532.11 feet to a point on the East line of a parcel of land described in Plat No. 11177 of the records of said county as presently monumented; thence on the arc of a non tangent curve to the left having a central angle of 17°13'56", a radius of 2,012.24 feet, an arc length of 605.20 feet and whose chord bears North 33°50'01" West to the Northeast corner of said Plat No. 11177 as presently monumented; thence South 81°39'45" West on the North line of said Plat No. 11177, a distance of 10.46 feet; thence on the arc of a non tangent curve to the left having a central angle of 00°58'24", a radius of 2,007.10 feet, an arc length of 34.10 feet and whose chord bears North 43°06'10" West to a point on the South line of Guier Subdivision as presently monumented and described in Plat Book H-3 at Page 83 of the records of said county; thence South 88°19'23" East on said South line,

a distance of 598.00 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of the aforementioned Section 23; thence South 88°19'32" on said South line, a distance of 1,219.30 feet to a point on the East line of said Northeast 1/4 of the Northwest 1/4 of said Section 23; thence North 00°07'10" East on said East line, a distance of 787.63 feet to the Point of Beginning.

AND:

A TEN-FOOT (10') WIDE STRIP OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED AS PARCEL 3 IN THE LAND SURVEY PLAT PREPARED BY RAMPART SURVEYS, INC. AND DEPOSITED UNDER RECEPTION NO. 215900203 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID STRIP ALSO BEING A PORTION OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112135 OF SAID COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965", FROM WHICH AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3, AS MONUMENTED BY A 5/8" REBAR (NO CAP) BEARS N44°54'35"W, A DISTANCE OF 658.45 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N44°54'35"W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 315.16 FEET TO A POINT ON THE EASTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED;

THENCE N44°54'35"W CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 182.63 FEET TO A POINT ON THE WESTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112138 OF SAID COUNTY RECORDS;

THENCE N00°20'27"E ALONG THAT LINE COMMON TO SAID WESTERLY LINE AND SAID EASTERLY LINE, A DISTANCE OF 14.08 FEET;

THENCE S44°54'35"E, A DISTANCE OF 183.58 FEET TO A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER SAID RECEPTION NO. 206112135;

THENCE S03°14'30"W ALONG SAID EASTERLY LINE, A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING.

**AMENDMENT TO DEED OF CONSERVATION EASEMENT
(Pyramid Mountain Conservation Easement #2)**

This Amendment to Deed of Conservation Easement is made this ____ day of _____, 2021, by **RMG Properties, LLC**, a Colorado limited liability company ("Grantor") and the **Board of County Commissioners of El Paso County, Colorado** ("Grantee").

Background and Purpose

A. Grantor is the owner of approximately 119 acres of real property legally described in the attached **Exhibit A** incorporated by this reference (the "Property").

B. A portion of the Property is subject to a Deed of Conservation Easement granted by Grantor's predecessor, Passin' Through, LLC, a Colorado limited liability company, to Grantee and recorded on July 31, 2006 at Reception No. 206112135, records of El Paso County, Colorado ("Easement #2"). Easement #2 encumbers approximately 84.1 acres of land, including approximately 45.25 acres within the Property owned by Grantor. Easement #2 allowed for five building envelopes within the Property as shown on Exhibit B to Easement #2.

C. A portion of the Property is subject to a Deed of Conservation Easement granted by Philip J. Anderson, to Grantee and recorded on July 31, 2006 at Reception No. 206112138, records of El Paso County, Colorado ("Easement #1"). Philip J. Anderson is an individual related to Grantor. Easement #1 encumbers approximately 83.8 acres of land, including approximately 61.46 acres within the Property owned by Grantor. Easement #1 allowed for four building envelopes within the Property as shown on Exhibit B to Easement #1.

D. On November 15, 2012, Realty Management Group, LLC, a related entity to Grantor, acquired the Property through a deed in lieu of foreclosure. In January 2013, Realty Management Group, LLC conveyed the Property to Grantor.

E. Grantor desires to amend Easement #2 in order to allow the reconfiguration of the division rights that have been exercised in Easement #1 to create three separate parcels of land of at least 35 acres in size within the Property. To do so, a connection must be made between two parcels of land identified as "Parcel 3" in the diagram attached as **Exhibit B** and incorporated by this reference. The eastern portion of Parcel 3, which is approximately 12.6 acres in size, is not subject to Easement #1 or Easement #2 but contains two building envelopes ("Parcel 3-East").

F. To accomplish this connection will require an approximate 10-foot by 183-foot strip of land, or 1,830 square feet, to be moved from Easement #2 to Easement #1 ("Relocated Land"). The legal description and graphic depiction of the Relocated Land is attached as **Exhibit C** and incorporated by this reference.

G. The Property is within a larger parcel of land subject to the Pyramid Mountain Amended PUD Development Plan, approved by the County on August 18, 2010 and recorded on August 23, 2010 at Reception No. 210081302, records of El Paso County, Colorado (the "PUD").

Plan”). The PUD Plan identifies nine (9) possible building envelope locations on the Property, plus two (2) possible building envelope locations on Parcel 3-East.

H. The Parties have agreed that the Relocated Land qualifies as a “Minor Encroachment” as defined under Section 3 (c) of Easement #2 and is deemed to be an adjustment in order to comply with the zoning or subdivision laws of El Paso County.

I. The Parties have agreed to amend Easement #2 to require the future owner of Parcel 1 (shown in the diagram attached as **Exhibit B**) to select one building envelope for Parcel 1, and upon such selection, the remaining approved building envelopes shall be eliminated from any future use by the Parcel owner.

J. Grantee has determined that this Amendment is in full compliance with El Paso County Conservation Easement Policies and Procedures, as adopted by the Board of County Commissioners (“BOCC”) under Resolution No. 20-415 recorded on December 1, 2020 at Reception No. 220195053, records of El Paso County, Colorado (“County CE Policies”).

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated by this reference and made a part of this Amendment, and the agreements contained in this Amendment, the Parties agree as follows:

1. Amendment to Easement #2. Grantor and Grantee hereby amend the legal description of Easement #2 to exclude the legal description of the Relocated Land. The Easement #2 legal description, as amended, is attached as **Exhibit D** and incorporated by this reference (the “New Easement #2”). Grantor and Grantee agree that the removal of the Relocated Land from Easement #2 for the purpose of adding it to Easement #1 is a Minor Encroachment as defined in Section 3(c) of Easement #2 and is allowed under the terms of Easement #2.

2. Building Envelope Restriction. Section 4 (g) of Easement #2 is hereby amended to add the following paragraphs at the end of the existing paragraph:

Solely with respect to Parcel 1 as shown on the diagram attached as **Exhibit B** to this Amendment, the Parcel 1 owner shall have the right to select one of the building envelopes on Parcel 1 for the construction, maintenance, occupancy and replacement of a residential compound. Upon selection of one building envelope on Parcel 1 for a residential compound and within five (5) business days following issuance of a building permit for the residential compound, the Parcel 1 owner must notify El Paso County (“County”) in writing, c/o the El Paso County Community Services Department, Environmental Division, 3255 Akers Drive, Colorado Springs, CO 80922 of the building envelope selected, solely for the County’s documentation of the Parcel 1 owner’s selection of a building envelope. The Parcel 1 owner’s right to construct a residential compound shall remain subject to all provisions of the Easement, and the County shall not have the right to disapprove such construction as long as the Parcel 1 owner’s residential construction within the building envelope is exercised in a way to minimize impairment of Conservation Values, as provided in Section 5 of the Easement.

Upon the Parcel 1 owner's delivery of written notice of the building envelope selection to the County and commencement of construction, the other building envelopes on Parcel 1 that are not selected by the Parcel 1 owner for construction of a residential compound shall be extinguished and shall no longer be available for use in the future as a building envelope. The County shall have the right to record an instrument in the records of El Paso County to document the extinguishment of the non-selected building envelopes on Parcel 1.

3. Compliance with County CE Policies. Grantor and Grantee agree that this Amendment is justified under a specific, limited circumstance and is in full compliance with Article 13 of the County CE Policies, as follows:

a. This Amendment represents a minor change that is not inconsistent with the Conservation Values of Easement #2. The Relocated Land will remain protected in perpetuity under Easement #1, and subject to the same restrictions as when it was a part of Easement #2.

b. This Amendment enhances the Conservation Values of the Property by eliminating multiple building envelopes that could impair the Conservation Values.

c. This Amendment is created to solve a unique situation involving two adjacent Pyramid Mountain conservation easements and will not set an unfavorable precedent for future amendment requests.

d. This Amendment does not affect the standing of El Paso County as a holder of conservation easements.

e. This Amendment does not qualify as an impermissible benefit to Grantor because Grantor is giving up valuable rights in return for amending Easement #2 to exclude the Relocated Land.

f. This Amendment provides additional public benefit to the Property in that a public trail is located on the Property. By eliminating additional building envelopes from the Property, the Conservation Values (scenic view, wildlife habitat, open space) are enhanced.

4. Severability. The provisions of this Amendment are severable. Illegality or unenforceability of any provision herein shall not affect the validity or enforceability of the remaining provisions in this Agreement.

5. Ratification. The Parties agree that all other terms and provisions of Easement #2 are in full force and effect and affirm that no party is in default under Easement #2.

6. Covenants Running with the Land. The benefits and burdens of this Amendment shall run with the land and shall be binding upon and inure to the benefit of the Grantor and Grantee, and their successors and assigns.

GRANTOR:

RMG Properties, LLC
a Colorado limited liability company

By: _____

Print Name/Title: _____

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, as _____ of RMG Properties, LLC a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: _____

Notary Public

GRANTEE:

BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY COLORADO

By: _____
Chair

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, as Chair of the Board of County Commissioners of El Paso County Colorado, and as attested to by _____ County Clerk and Recorder.

Witness my hand and official seal.
My Commission expires:

Notary Public

Deputy County Clerk

Approved as to form:

Office of the County Attorney

EXHIBITS:

- A – Legal Description of the Property
- B - Diagram of the Property
- C - Legal Description and Graphic Depiction of the Relocated Land
- D – Amended Legal Description of the Easement #2 Property (excluding the Relocated Land)

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A TRACT OF LAND BEING THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4), A PORTION OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) AND A PORTION OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER (S1/2 NW1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1937" FROM WHICH THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938" BEARS S00°27'19"W, A DISTANCE OF 1322.94 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S87°13'06"E ALONG THE NORTHERLY LINE OF SAID NW1/4 NE1/4, A DISTANCE OF 1247.61 FEET TO THE NORTHEAST CORNER THEREOF, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE S02°30'26"E ALONG THE EASTERLY LINE OF SAID NW1/4 NE1/4, A DISTANCE OF 1316.11 FEET TO THE SOUTHEAST CORNER THEREOF, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE S02°20'57"E ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SW1/4 NE1/4) OF SAID SECTION 23, A DISTANCE OF 1311.52 FEET TO THE SOUTHEAST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER REC. NO. 209121691 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, AS MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "PLS 23875 2008"; THENCE S36°00'16"W ALONG THE WESTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED UNDER SAID REC. NO. 209121691, A DISTANCE OF 658.45 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE NORTHERLY LINE OF THAT TRACT OF LAND DESCRIBED AS PARCEL A IN DEED RECORDED UNDER REC. NO. 210114997 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE N44°54'35"W ALONG THE NORTHERLY LINE OF SAID PARCEL A, A DISTANCE OF 658.45 FEET TO A 5/8" REBAR WITH NO CAP; THENCE N76°29'51"W CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 1500.54 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 6481 AT PAGE 1148 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND YELLOW PLASTIC CAP STAMPED "CORNERSTONE PLS 23875"; THENCE N02°07'01"E ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 6481 AT PAGE 1148, A DISTANCE OF 600.00 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 3924 AT PAGE 430 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE N87°53'15"W ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND AS DESCRIBED IN BOOK 3924 AT PAGE 430, A DISTANCE OF 532.11 FEET TO A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"; THENCE ALONG THE ARC OF A 2012.24 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°13'53", AN ARC LENGTH OF 605.17 FEET (THE LONG CHORD OF WHICH BEARS N33°29'54"W, A LONG CHORD DISTANCE OF 602.89 FEET) TO A 1-1/2" ALUMINUM CAP STAMPED "JACK L. KIRBY PLS 18991"; THENCE S79°20'09"W, A DISTANCE OF 10.77 FEET TO A 5/8" REBAR WITH YELLOW PLASTIC CAP, MELTED; THENCE ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29°27'16", AN ARC LENGTH OF 30.84 FEET (THE LONG CHORD OF WHICH BEARS N41°48'06"W, A LONG CHORD DISTANCE OF 30.51 FEET) TO A POINT ON THE NORTHERLY LINE OF SAID S1/2 NW1/4, AS MONUMENTED BY A 5/8" REBAR AND YELLOW PLASTIC CAP, MELTED; THENCE S87°59'48"E ALONG SAID NORTHERLY LINE, A DISTANCE OF 598.08 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NE1/4 NW1/4) OF SAID SECTION 23, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY

19__"; THENCE S87°59'04"E CONTINUING ALONG THE NORTHERLY LINE OF SAID S1/2 NW1/4, A DISTANCE OF 1219.31 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 NE1/4, AS MONUMENTED BY A 2-1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY 1938"; THENCE N00°27'19"E ALONG THE WESTERLY LINE OF SAID NW1/4 NE1/4, DISTANCE OF 1322.94 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 119.30 ACRES OF LAND, MORE OR LESS.

EXHIBIT B DIAGRAM OF THE PROPERTY

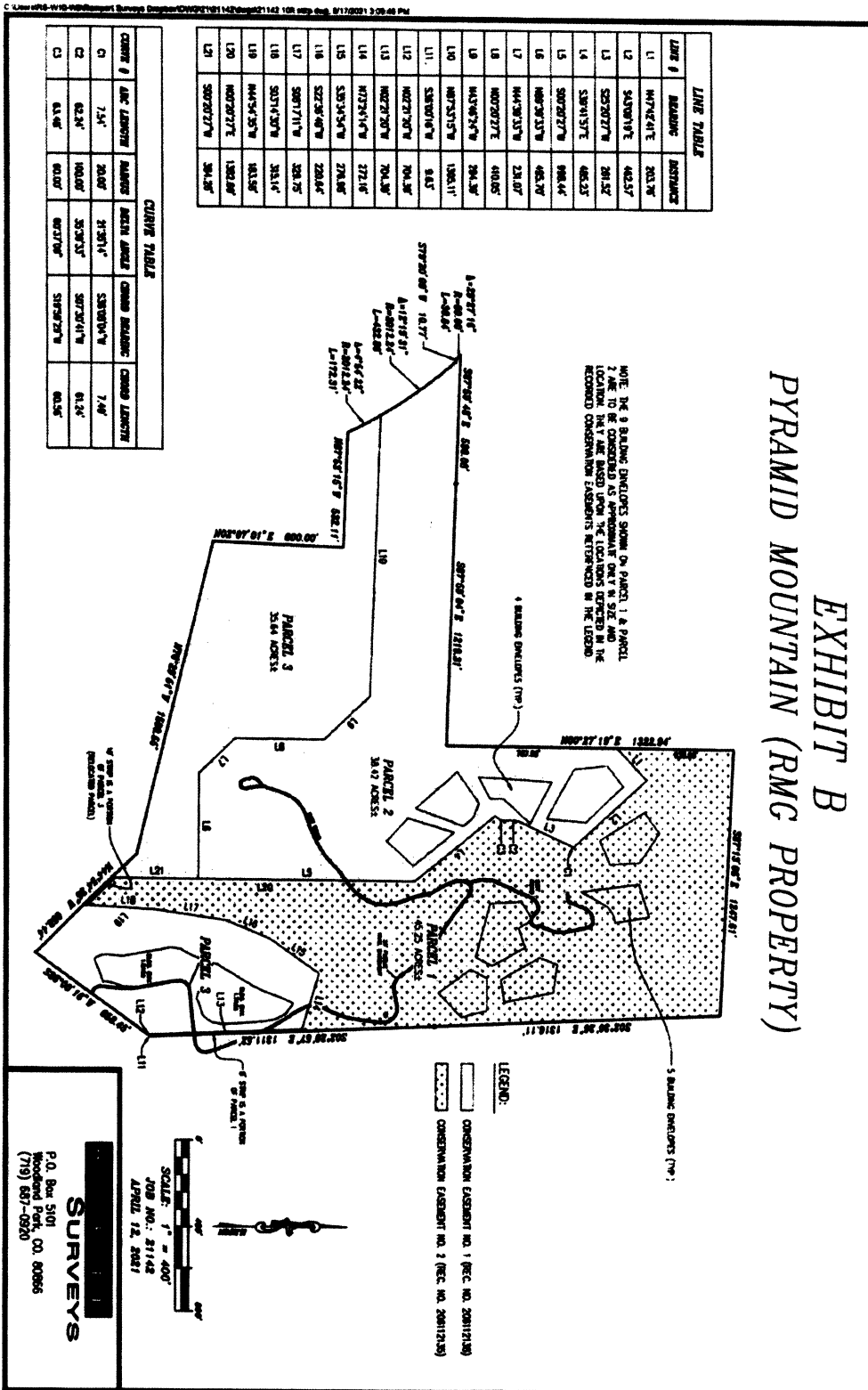


EXHIBIT C
LEGAL DESCRIPTION OF RELOCATED LAND

A TEN-FOOT (10') WIDE STRIP OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED AS PARCEL 3 IN THE LAND SURVEY PLAT PREPARED BY RAMPART SURVEYS, INC. AND DEPOSITED UNDER RECEPTION NO. 215900203 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID STRIP ALSO BEING A PORTION OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112135 OF SAID COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965", FROM WHICH AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3, AS MONUMENTED BY A 5/8" REBAR (NO CAP) BEARS N44°54'35"W, A DISTANCE OF 658.45 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N44°54'35"W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 315.16 FEET TO A POINT ON THE EASTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED;

THENCE N44°54'35"W CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 182.63 FEET TO A POINT ON THE WESTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112138 OF SAID COUNTY RECORDS;

THENCE N00°20'27"E ALONG THAT LINE COMMON TO SAID WESTERLY LINE AND SAID EASTERLY LINE, A DISTANCE OF 14.08 FEET;

THENCE S44°54'35"E, A DISTANCE OF 183.58 FEET TO A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER SAID RECEPTION NO. 206112135;

THENCE S03°14'30"W ALONG SAID EASTERLY LINE, A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING.

SAID STRIP OF LAND CONTAINS 1,831 SQUARE FEET (0.04 ACRES) OF LAND, MORE OR LESS.

PREPARED BY:
ERIC SIMONSON, COLORADO PLS NO. 38560
FOR AND ON BEHALF OF RAMPART SURVEYS, LLC
PO BOX 5101
WOODLAND PARK, CO 80866
(719) 687-0920

EXHIBIT D
AMENDED LEGAL DESCRIPTION OF THE EASEMENT #2 PROPERTY
(EXCLUDING THE RELOCATED LAND)

A portion of Section 23, Township 13 South, Range 68 West of the 6th P.M., El Paso County, Colorado, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 23; thence South 00°07'10" West (all bearings used in this description relative to the East line the North 1/2 of the Northwest 1/4 of said Section 23 and assumed to be South 00°07'10" West), a distance of 535.50 feet to the Point of Beginning; thence North 47°22'14" East, a distance of 203.72 feet; thence South 43°24'46" East, a distance of 462.57 feet; thence on the arc of a non tangent curve to the left having a central angle of 21°35'14", a radius of 20.00 feet, an arc length of 7.54 feet and whose chord bears South 35°47'37" West; thence of the forward tangent to the last mentioned curve South 25°00'00" West, a distance of 261.52 feet; thence on the arc of a tangent curve to the left having a central angle of 35°39'33", a radius of 100.00 feet and an arc length of 62.24 feet; thence on the arc of a tangent curve to the right having a central angle of 60°37'09", a radius of 60.00 feet and an arc length of 63.48 feet; thence South 40°02'24" East, a distance of 485.23 feet; thence South 00°00'00" West, a distance of 2,122.21 feet; thence North 50°13'13" West, a distance of 542.66 feet; thence North 29°12'52" West, a distance of 398.66 feet; thence South 83°06'01" West, a distance of 390.03 feet; thence South 84°44'47" West, a distance of 417.68 feet; thence South 42°40'47" West, a distance of 154.65 feet to a point on the Northeast right-of-way line of Pyramid Mountain Road; thence on said right-of-way line for the following seven (7) courses: (1) thence North 47°19'13" West, a distance of 124.90 feet; (2) thence North 41°03'10" West, a distance of 173.57 feet; (3) thence North 53°15'10" West, a distance of 139.72 feet; (4) thence North 36°45'18" West, a distance of 201.64 feet; (5) thence North 33°42'23" West, a distance of 87.27 feet; (6) thence South 56°17'37" West, a distance of 20.00 feet; (7) thence North 33°42'23" West, a distance of 215.68 feet to a point on the South line of a parcel of land described in Book 2314 at Page 963 of the records of said county; thence South 88°13'14" East on said South line, a distance of 117.87 feet to the Southeast corner of a parcel of land described in Book 6481 at Page 1148 of the records of said county; thence Easterly and Northerly on the South and East lines of said parcel for the following two (2) courses: (1) thence continuing South 88°13'14" East, a distance of 450.00 feet; (2) thence North 01°46'46" East, a distance of 600.00 feet to the Northeast corner of a parcel of land described in Book 3924 at Page 430 of the records of said county; thence North 88°13'14" West on the North line of said parcel, a distance of 532.11 feet to a point on the East line of a parcel of land described in Plat No. 11177 of the records of said county as presently monumented; thence on the arc of a non tangent curve to the left having a central angle of 17°13'56", a radius of 2,012.24 feet, an arc length of 605.20 feet and whose chord bears North 33°50'01" West to the Northeast corner of said Plat No. 11177 as presently monumented; thence South 81°39'45" West on the North line of said Plat No. 11177, a distance of 10.46 feet; thence on the arc of a non tangent curve to the left having a central angle of 00°58'24", a radius of 2,007.10 feet, an arc length of 34.10 feet and whose chord bears North 43°06'10" West to a point on the South line of Guier Subdivision as presently monumented and described in Plat Book H-3 at Page 83 of the records of said county; thence South 88°19'23" East on said South line,

a distance of 598.00 feet to a point on the South line of the Northeast 1/4 of the Northwest 1/4 of the aforementioned Section 23; thence South 88°19'32" on said South line, a distance of 1,219.30 feet to a point on the East line of said Northeast 1/4 of the Northwest 1/4 of said Section 23; thence North 00°07'10" East on said East line, a distance of 787.63 feet to the Point of Beginning.

Less and except the following described parcel of land:

A TEN-FOOT (10') WIDE STRIP OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED AS PARCEL 3 IN THE LAND SURVEY PLAT PREPARED BY RAMPART SURVEYS, INC. AND DEPOSITED UNDER RECEPTION NO. 215900203 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID STRIP ALSO BEING A PORTION OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112135 OF SAID COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965", FROM WHICH AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID PARCEL 3, AS MONUMENTED BY A 5/8" REBAR (NO CAP) BEARS N44°54'35"W, A DISTANCE OF 658.45 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N44°54'35"W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 315.16 FEET TO A POINT ON THE EASTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT AND THE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED;

THENCE N44°54'35"W CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 182.63 FEET TO A POINT ON THE WESTERLY LINE OF SAID DEED OF CONSERVATION EASEMENT, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER RECEPTION NO. 206112138 OF SAID COUNTY RECORDS;

THENCE N00°20'27"E ALONG THAT LINE COMMON TO SAID WESTERLY LINE AND SAID EASTERLY LINE, A DISTANCE OF 14.08 FEET;

THENCE S44°54'35"E, A DISTANCE OF 183.58 FEET TO A POINT ON THE EASTERLY LINE OF THAT DEED OF CONSERVATION EASEMENT AS RECORDED UNDER SAID RECEPTION NO. 206112135;

THENCE S03°14'30"W ALONG SAID EASTERLY LINE, A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING.