

23  
ORDINANCE NO. 21  
SERIES OF 1996

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
CARBONDALE, COLORADO, APPROVING THE SUBDIVISION PLAT FOR  
PHASE I, RIVER VALLEY RANCH SUBDIVISION

WHEREAS, Crystal River Limited Partnership, a Delaware limited partnership, has submitted an application for approval of the final subdivision plat for Phase I of River Valley Ranch Subdivision for the property described in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application at a public hearing on January 11, 18 and 25, February 8, 22 and 29, March 7, 14 and 21, and April 4, 1996; and

WHEREAS, the Board of Trustees conducted a public hearing on the application for final plat approval on May 14, 21 and 28, June 4, 11, 18, 24 and 25, and July 2, 1996, during which public hearing, the Board of Trustees heard and considered the statements of Town staff, the Applicant, and members of the public, and reviewed and considered all other relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, the Board finds and determines it is appropriate to approve said application on the terms and conditions set forth below; and

WHEREAS, the Board of Trustees finds that certain conditions of approval should be imposed so that said subdivision would be developed consistent with the purposes of Title 17 of the Carbondale Municipal Code. All of those conditions shall be met by making certain changes to the final plat and documents submitted as part of the application and by virtue of the terms and conditions of the Subdivision Improvements Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the final subdivision plat of Crystal River Limited Partnership for Phase I, River Valley Ranch Subdivision, is hereby approved subject to the following conditions:

1. The Applicant shall execute and record with the Garfield County Clerk and Recorder the subdivision plat for Phase I within ninety (90) days of the date of this approval by the Board of Trustees. The final plat shall contain all changes and plat notes required by Town staff, including a revised Certificate of Dedication and Ownership and all golf, utility and other easements. In addition, there shall be a plat note stating which lots are encumbered with these easements and the plat note shall include the reception numbers for the recorded documents setting forth said

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/b - 51<sup>02</sup>

easements. The plat note regarding the utility easements along property boundaries adjacent to rights-of-way shall be changed to correct the utility easement affecting Lots 25, 37, 36, 31, 32 and 43 in Block F. The Bald Eagle Closure Area shall be changed to only include that area adjacent to the river south of the main entry bridge. The building envelopes for Block I shall be clarified in a manner approved by Town staff. For lots with zero lot lines, appropriate easements for repair, maintenance and drainage shall be provided.

2. The Applicant and the Town shall enter into a Subdivision Improvements Agreement acceptable to the Town setting forth all terms and conditions approved by the Board of Trustees and the terms and conditions set forth in this ordinance. Said Subdivision Improvements Agreement shall generally set forth all of the obligations of the Applicant in connection with this development, including, without limitation, obligations relating to installation of utilities, construction of roadways, and construction of other improvements on the subject property as well as offsite improvements required of the Applicant. The conditions of the Subdivision Improvements Agreement shall be deemed to be conditions of this Ordinance of approval. The Applicant shall record said Subdivision Improvements Agreement with the Garfield County Clerk and Recorder.

3. The specifics of the design for a revised wastewater collection system to provide for better gravity flow shall be submitted with the revised Phase I construction drawings or with any subsequent phase to which the revised plan applies. The Town will examine and may approve this amended design if after a technical review it appears feasible. If not so approved, the applicant will proceed with the original plan. Easements for access to sewer mains in any golf course parcel or for any sewer main or service line along rear residential lot lines will be examined in future phases for adequacy for repair, maintenance and/or replacement purposes.

4. Master Deed Restrictions and Protective Covenants for Block G shall be in a form approved by Town staff. The Protective Covenants shall specify the number of bedrooms allowed for each unit, the number of cars per unit, and the number of people allowed per bedroom. The mechanism for enforcement of these issues shall be provided in the Protective Covenants.

5. Master covenants for the remainder of the subdivision shall be in a form approved by Town staff. The covenants shall establish the provisions of the Open Space Trust Fund and the contribution by the Developer or the Homeowner's Association as successor to the Developer.

6. A parking easement in favor of the Town shall be provided by the Developer for the parks in Block G. The Town will be able

to provide for parking in Block G in these parks under the terms of the easement if deemed necessary.

7. The Water Quality Master Plan shall be finalized and subject to approval by the Town of Carbondale. There shall be an annual report to the Board of Trustees and the Master Homeowner's Association. The Board of Trustees shall review the monitoring, sampling and reporting schedule every three years. At each such review, the Board can either renew the monitoring, sampling and reporting schedule arrangements, modify the schedules, or cease review entirely. The golf course operator shall keep a record of all chemicals applied in terms of quantities and dates used and report this information to the Town administrator at the regular reporting intervals.

~~8. Prior to recording the final plat, the Applicant may~~ submit for approval by the Town a plan for issuance of building permits for Block G and other lots in Phase I prior to the completion of all public infrastructure. The plan shall deal with fire and emergency vehicle access and water availability issues. This plan, when approved by the Town, shall be incorporated into the Subdivision Improvements Agreement.

9. All construction drawings, prints, revised engineering criteria, plat sheets, and other documents submitted by the Applicant as part of the final plat application which the Applicant has agreed to amend shall be finalized to include said amendments in a form satisfactory to Town staff prior to recording the final plat.

10. The Applicant shall convey parks, streets and other open space areas to the Town by general warranty deed in a form satisfactory to the Town. The deed to the parks shall contain deed restrictions in a form acceptable to the Town. Prior to recording the final plat, the parties shall have agreed to the form of the Park Maintenance Agreement.

11. The Applicant shall provide ditch easements and ditch agreements in a form satisfactory to the Town.

12. The Applicant shall pay a park development fee of \$80,652.00 to the Town prior to recording the final plat.

13. Any and all construction and development on the property shall conform to the provisions of the final plat of Phase I, Ordinance No. 20, Series of 1994, Resolution No. 1, Series of 1996, Carbondale Planning and Zoning Commission, and Annexation Agreements dealing with such construction and development, except to the extent that said documents may be superseded and amended by the Subdivision Improvements Agreement or the terms of this Ordinance. No construction or development inconsistent with this Ordinance shall be allowed.

14. All development and construction on the property shall comply with the applicable provisions of the Carbondale Municipal Code, including by way of example, the Uniform Building Code, 1994 Edition, and all standards and secondary codes referred therein.

15. The Applicant has obtained an access permit from the Colorado Department of Transportation and will comply with all of the terms and conditions thereof.

16. Prior to recording the final plat, the Developer shall provide an agreement for operation of the secondary water system in a form acceptable to the Town.

INTRODUCED, READ, AND PASSED THIS 9th DAY OF July, 1996.

THE TOWN OF CARBONDALE

By:

S. Randall Vanderhurst  
S. Randall Vanderhurst

ATTEST:

Suzanne Cerise  
Suzanne Cerise, Town Clerk

## EXHIBIT A

A tract of land situate in Sections 3, 4, and 10 Township 8 South, Range 88 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at a point whence the southwest corner of said Section 3 bears S 16°43'22" W 3882.06 feet; thence N 71°32'55" E 394.70 feet; thence S 27°05'56" E 80.50 feet; thence 60.33 feet along the arc of a nontangent curve to the right, having a radius of 185.00 feet, a central angle of 18°40'59", and subtending a chord bearing N 65°25'24" E 60.06 feet; thence N 27°05'56" W 183.82 feet; thence 329.20 feet along the arc of a curve to the left, having a radius of 475.00 feet, a central angle of 39°42'31", and subtending a chord bearing N 46°49'09" W 322.65 feet; thence N 66°40'24" W 58.99 feet; thence N 43°51'52" E 75.21 feet; thence S 55°14'39" E 713.73 feet; thence N 0°36'46" E 1000.04 feet; thence S 30°22'38" E 72.13 feet; thence S 28°44'08" E 1715.47 feet; thence S 27°41'51" E 126.26 feet; thence S 61°44'18" W 784.34 feet; thence 123.11 feet along the arc of a nontangent curve to the right, having a radius of 1430.00 feet, a central angle of 4°55'57", and subtending a chord bearing S 33°03'56" E 123.07 feet; thence S 30°35'57" E 145.26 feet; thence 86.76 feet along the arc of a curve to the left, having a radius of 670.00 feet, a central angle of 7°25'11", and subtending a chord bearing S 34°18'33" E 86.70 feet; thence N 61°44'18" E 622.74 feet; thence S 28°15'42" E 14.68 feet; thence N 61°44'18" E 127.13 feet; thence S 26°34'13" E 785.90 feet; thence S 11°58'10" W 67.80 feet; thence S 6°47'55" E 136.26 feet; thence S 7°45'46" W 99.73 feet; thence S 87°47'47" W 544.21 feet; thence S 47°31'10" E 245.96 feet along the east bank of the Crystal River; thence S 25°19'55" E 44.58 feet along the east bank of the Crystal River; thence S 86°27'09" W 94.31 feet to the center of the Crystal River; thence along the center of the Crystal River the following courses: S 16°02'31" E 116.12 feet; thence S 27°48'07" E 235.74 feet; thence S 46°41'43" E 90.66 feet; thence S 56°56'24" E 331.75 feet; thence S 43°51'57" E 243.66 feet; thence S 34°57'12" E 399.30 feet; thence leaving said river center on a course bearing N 87°44'00" E 175.35 feet; thence S 29°46'00" E 122.32 feet; thence N 87°44'00" E 59.08 feet to the west right-of-way line of Colorado State Highway No. 133; thence 485.05 feet along the arc of a nontangent curve to the right, having a radius of 5149.10 feet, a central angle of 5°23'50", and subtending a chord bearing S 12°13'08" E 484.87 feet; thence 440.03 feet along the arc of a curve to the right, having a radius of 5149.10 feet, a central angle of 4°53'47", and subtending a chord bearing S 07°04'40" E 439.90 feet; thence N 88°39'41" W 113.84 feet to a point on the center of the Carbondale Town Ditch; thence N 16°30'22" W 37.93 feet along the center of said ditch to the southeast corner of a tract of land described in Book 457 at Page 552 of the records of the Clerk and Recorder of Garfield County, Colorado; thence along the east and north boundaries of said parcel the following courses: N 19°42'32" W 53.32 feet; thence N 33°14'25" E 67.54 feet; thence N 56°11'39" W 83.62 feet; thence N 4°16'53" W 133.44 feet; thence N 89°58'45" W 164.82 feet to the center of the Crystal River; thence along the center of the Crystal River the following courses: S 9°16'11" W 194.89 feet; thence S 8°31'01" E

95.52 feet; thence S 77°09'01" E 211.50 feet; thence N 81°58'19" W 138.10 feet; thence N 73°22'50" W 333.18 feet; thence N 81°10'35" W 73.89 feet; thence N 76°15'03" W 69.48 feet; thence N 76°47'11" W 342.20 feet; thence 132.47 feet along the arc of a nontangent curve to the right, having a radius of 165.00 feet, a central angle of 46°00'00", and subtending a chord bearing N 27°31'04" E 128.94 feet; thence N 50°31'04" E 54.10 feet; thence 51.85 feet along the arc of a curve to the right, having a radius of 265.00 feet, a central angle of 11°12'38", and subtending a chord bearing N 56°07'23" E 51.77 feet; thence N 61°43'41" E 17.39 feet; thence S 49°16'22" E 100.00 feet; thence N 84°14'05" E 197.11 feet; thence N 65°17'18" E 83.08 feet; thence N 5°56'03" W 621.39 feet; thence N 39°31'18" W 246.38 feet; thence N 43°38'02" W 33.95 feet; thence S 14°52'15" W 322.92 feet; thence S 49°12'41" W 70.00 feet; thence N 40°47'19" W 81.66 feet; thence 148.15 feet along the arc of a curve to the right, having a radius of 435.00 feet, a central angle of 19°30'48", and subtending a chord bearing N 31°01'55" W 147.43 feet; thence N 21°16'32" W 49.29 feet; thence S 14°52'15" W 258.46 feet; thence S 40°48'28" E 137.89 feet; thence S 36°36'04" E 66.54 feet; thence S 5°22'15" E 55.41 feet; thence S 20°09'48" W 108.39 feet; thence S 38°49'59" E 121.56 feet; thence 37.36 feet along the arc of a nontangent curve to the left, having a radius of 335.00 feet, a central angle of 6°23'24", and subtending a chord bearing S 53°42'46" W 37.34 feet; thence S 50°31'04" W 54.10 feet; thence 221.17 feet along the arc of a curve to the left, having a radius of 235.00 feet, a central angle of 53°55'30", and subtending a chord bearing S 23°33'19" W 213.10 feet; thence S 88°20'53" W 40.81 feet; thence S 29°24'31" W 239.42 feet; thence S 36°16'32" W 552.19 feet; thence S 23°05'43" W 609.49 feet; thence 38.51 feet along the arc of a nontangent curve to the left, having a radius of 180.00 feet, a central angle of 12°15'30", and subtending a chord bearing S 89°51'58" W 38.44 feet; thence N 57°59'13" W 170.87 feet; thence N 49°26'39" W 132.16 feet; thence S 35°16'18" W 496.29 feet; thence S 15°32'20" E 64.18 feet; thence N 67°14'32" E 339.89 feet; thence 34.08 feet along the arc of a nontangent curve to the left, having a radius of 63.00 feet, a central angle of 30°59'41", and subtending a chord bearing N 75°04'58" E 33.67 feet; thence N 59°35'08" E 147.98 feet; thence 95.72 feet along the arc of a curve to the right, having a radius of 120.00 feet, a central angle of 45°42'14", and subtending a chord bearing N 82°26'15" E 93.20 feet; thence S 74°42'39" E 19.14 feet; thence S 18°01'07" W 82.50 feet; thence S 44°36'18" W 594.01 feet; thence S 67°43'41" W 67.22 feet; thence N 79°37'43" W 73.47 feet; thence N 48°46'03" W 68.38 feet; thence N 23°17'35" W 74.10 feet; thence N 5°55'59" W 84.04 feet; thence N 11°22'00" W 193.32 feet; thence N 19°29'06" E 556.82 feet; thence N 15°52'50" E 33.13 feet; thence N 33°06'03" E 35.01 feet; thence N 3°34'40" W 84.40 feet; thence N 47°23'52" E 53.31 feet; thence N 15°44'29" E 46.09 feet; thence N 1°15'25" W 31.27 feet; thence N 21°05'02" W 12.83 feet; thence N 25°50'15" W 263.49 feet; thence N 1°47'03" W 199.84 feet; thence N 66°15'51" E 190.80 feet; thence S 45°37'36" E 155.32 feet; thence S 26°33'15" E 318.55 feet; thence N 50°41'42" E 779.68 feet; thence N 53°54'41" W 134.96 feet; thence S 86°41'41" W 320.50 feet; thence S 80°01'13" W 282.30 feet; thence S 13°07'02" W 37.16 feet; thence

149.79 feet along the arc of a nontangent curve to the left, having a radius of 230.00 feet, a central angle of  $37^{\circ}18'54''$ , and subtending a chord bearing  $S\ 84^{\circ}55'18''\ W\ 147.16$  feet; thence  $S\ 66^{\circ}15'51''\ W\ 228.07$  feet; thence  $N\ 9^{\circ}23'02''\ W\ 100.19$  feet; thence  $S\ 84^{\circ}24'22''\ W\ 193.83$  feet; thence  $N\ 31^{\circ}27'47''\ W\ 3.28$  feet; thence 121.68 feet along the arc of a curve to the right, having a radius of 365.00 feet, a central angle of  $19^{\circ}06'00''$ , and subtending a chord bearing  $N\ 21^{\circ}54'47''\ W\ 21.11$  feet; thence  $N\ 67^{\circ}02'17''\ E\ 757.39$  feet; thence  $N\ 39^{\circ}35'42''\ E\ 179.23$  feet; thence  $S\ 69^{\circ}38'22''\ E\ 63.33$  feet; thence  $S\ 80^{\circ}15'09''\ E\ 86.57$  feet; thence  $N\ 71^{\circ}58'49''\ E\ 46.29$  feet; thence  $S\ 82^{\circ}00'58''\ E\ 61.66$  feet; thence  $N\ 79^{\circ}53'55''\ E\ 48.43$  feet; thence  $S\ 66^{\circ}34'41''\ E\ 33.74$  feet; thence  $N\ 84^{\circ}23'22''\ E\ 44.49$  feet; thence  $S\ 11^{\circ}16'43''\ E\ 72.60$  feet; thence  $N\ 46^{\circ}19'19''\ W\ 425.78$  feet; thence  $S\ 58^{\circ}41'41''\ W\ 126.62$  feet; thence  $S\ 47^{\circ}52'55''\ E\ 73.37$  feet; thence 43.73 feet along the arc of a nontangent curve to the left, having a radius of 195.00 feet, a central angle of  $12^{\circ}51'01''$ , and subtending a chord bearing  $S\ 74^{\circ}04'58''\ E\ 43.64$  feet; thence 226.55 feet along the arc of a curve to the right, having a radius of 58.50 feet, a central angle of  $221^{\circ}53'24''$ , and subtending a chord bearing  $S\ 30^{\circ}26'14''\ W\ 109.27$  feet; thence 86.20 feet along the arc of a curve to the right, having a radius of 421.25 feet, a central angle of  $11^{\circ}43'30''$ , and subtending a chord bearing  $N\ 32^{\circ}45'19''\ W\ 86.05$  feet; thence 4.13 feet along the arc of a curve to the left, having a radius of 195.00 feet, a central angle of  $1^{\circ}12'49''$ , and subtending a chord bearing  $N\ 27^{\circ}29'59''\ W\ 4.13$  feet; thence  $N\ 26^{\circ}53'35''\ W\ 10.73$  feet; thence  $N\ 47^{\circ}52'55''\ W\ 95.77$  feet; thence 79.31 feet along the arc of a curve to the right, having a radius of 330.00 feet, a central angle of  $13^{\circ}46'15''$ , and subtending a chord bearing  $N\ 40^{\circ}59'48''\ W\ 79.12$  feet; thence  $N\ 34^{\circ}06'41''\ W\ 127.54$  feet; thence 55.95 feet along the arc of a curve to the left, having a radius of 110.00 feet, a central angle of  $29^{\circ}08'31''$ , and subtending a chord bearing  $N\ 48^{\circ}40'6''\ W\ 55.35$  feet; thence 26.01 feet along the arc of a nontangent curve to the right, having a radius of 305.00 feet, a central angle of  $4^{\circ}53'10''$ , and subtending a chord bearing  $S\ 29^{\circ}55'42''\ W\ 26.00$  feet; thence  $N\ 57^{\circ}37'42''\ W\ 70.00$  feet; thence 269.49 feet along the arc of a nontangent curve to the left, having a radius of 235.00 feet, a central angle of  $65^{\circ}42'15''$ , and subtending a chord bearing  $N\ 0^{\circ}28'50''\ W\ 254.96$  feet; thence  $N\ 33^{\circ}19'58''\ W\ 218.35$  feet; thence 302.83 feet along the arc of a curve to the right, having a radius of 435.00 feet, a central angle of  $39^{\circ}53'13''$ , and subtending a chord bearing  $N\ 13^{\circ}23'21''\ W\ 296.75$  feet; thence  $N\ 6^{\circ}33'15''\ E\ 5.11$  feet; thence 238.15 feet along the arc of a curve to the right, having a radius of 250.00 feet, a central angle of  $54^{\circ}34'50''$ , and subtending a chord bearing  $N\ 33^{\circ}50'40''\ E\ 229.25$  feet; thence  $N\ 45^{\circ}30'35''\ W\ 220.95$  feet; thence  $N\ 23^{\circ}59'26''\ W\ 429.05$  feet; thence  $N\ 5^{\circ}44'24''\ W\ 893.22$  feet; thence  $N\ 79^{\circ}21'15''\ W\ 487.90$  feet; thence  $S\ 74^{\circ}01'42''\ W\ 415.23$  feet; thence  $N\ 56^{\circ}22'27''\ W\ 36.50$  feet; thence  $S\ 34^{\circ}28'06''\ W\ 141.18$  feet; thence 25.09 feet along the arc of a nontangent curve to the right, having a radius of 210.00 feet, a central angle of  $6^{\circ}50'44''$ , and subtending a chord bearing  $N\ 51^{\circ}05'12''\ W\ 25.08$  feet; thence  $N\ 34^{\circ}28'06''\ E\ 138.87$  feet; thence  $N\ 56^{\circ}22'27''\ W\ 377.34$  feet; thence  $S\ 38^{\circ}18'20''\ W\ 200.00$  feet; thence  $S\ 34^{\circ}23'56''\ E\ 122.09$  feet; thence  $S\ 8^{\circ}00'20''\ E\ 148.50$  feet; thence

65.37 feet along the arc of a nontangent curve to the right, having a radius of 190.00 feet, a central angle of  $19^{\circ}42'43''$ , and subtending a chord bearing  $N\ 66^{\circ}34'46''\ W\ 65.05$  feet; thence  $N\ 56^{\circ}43'25''\ W\ 182.63$  feet; thence 162.65 feet along the arc of a curve to the left, having a radius of 330.00 feet, a central angle of  $28^{\circ}14'25''$ , and subtending a chord bearing  $N\ 70^{\circ}50'37''\ W\ 161.01$  feet; thence  $N\ 57^{\circ}59'30''\ W\ 646.76$  feet; thence  $N\ 9^{\circ}36'48''\ E\ 204.11$  feet; thence  $N\ 23^{\circ}21'51''\ W\ 499.41$  feet; thence  $N\ 14^{\circ}34'32''\ E\ 84.65$  feet; thence  $S\ 84^{\circ}15'39''\ E\ 271.98$  feet; thence  $S\ 43^{\circ}33'58''\ E\ 85.07$  feet; thence  $S\ 42^{\circ}33'17''\ E\ 605.92$  feet; thence  $S\ 79^{\circ}22'05''\ E\ 116.60$  feet; thence  $N\ 9^{\circ}20'51''\ W\ 182.85$  feet; thence  $N\ 4^{\circ}32'30''\ W\ 220.60$  feet; thence 108.39 feet along the arc of a nontangent curve to the left, having a radius of 635.00 feet, a central angle of  $9^{\circ}46'47''$ , and subtending a chord bearing  $N\ 88^{\circ}11'18''\ E\ 108.25$  feet; thence  $N\ 83^{\circ}17'55''\ E\ 131.64$  feet; thence 105.24 feet along the arc of a curve to the left, having a radius of 95.00 feet, a central angle of  $63^{\circ}28'25''$ , and subtending a chord bearing  $N\ 51^{\circ}33'42''\ E\ 99.94$  feet; thence  $N\ 19^{\circ}49'29''\ E\ 127.32$  feet; thence  $S\ 82^{\circ}03'40''\ E\ 65.01$  feet; thence  $S\ 60^{\circ}38'54''\ E\ 115.83$  feet; thence  $S\ 23^{\circ}20'07''\ E\ 53.82$  feet; thence  $S\ 5^{\circ}57'06''\ E\ 53.05$  feet; thence  $S\ 8^{\circ}47'58''\ E\ 65.89$  feet; thence  $S\ 28^{\circ}32'43''\ E\ 23.37$  feet; thence  $S\ 51^{\circ}20'51''\ E\ 106.66$  feet; thence  $N\ 83^{\circ}10'04''\ E\ 191.90$  feet; thence  $N\ 66^{\circ}45'39''\ E\ 55.01$  feet; thence  $S\ 86^{\circ}45'08''\ E\ 458.81$  feet; thence  $S\ 59^{\circ}13'25''\ E\ 301.54$  feet to the point of beginning, said parcel contains 240.358 acres more or less.

TOGETHER WITH

A tract of land situate in Sections 3, 4 and 10 Township 8 South, Range 88 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at a point whence the southwest corner of said Section 3 bears  $S\ 14^{\circ}02'35''\ E\ 2923.38$  feet; thence  $N\ 70^{\circ}20'43''\ E\ 39.74$  feet; thence  $N\ 77^{\circ}18'55''\ E\ 115.64$  feet; thence  $S\ 81^{\circ}06'39''\ E\ 114.68$  feet; thence  $N\ 26^{\circ}31'49''\ E\ 84.95$  feet; thence  $S\ 56^{\circ}43'25''\ E\ 105.28$  feet; thence 240.68 feet along the arc of a curve to the left, having a radius of 210.00 feet, a central angle of  $65^{\circ}40'01''$ , and subtending a chord bearing  $S\ 89^{\circ}33'25''\ E\ 227.72$  feet; thence  $N\ 57^{\circ}36'34''\ E\ 68.24$  feet; thence  $N\ 80^{\circ}30'55''\ E\ 6.46$  feet; thence 30.88 feet along the arc of a curve to the left, having a radius of 270.00 feet, a central angle of  $6^{\circ}33'13''$ , and subtending a chord bearing  $S\ 48^{\circ}27'38''\ E\ 30.87$  feet; thence  $S\ 61^{\circ}59'27''\ W\ 172.07$  feet; thence  $S\ 37^{\circ}15'59''\ E\ 263.58$  feet; thence  $S\ 14^{\circ}34'44''\ E\ 320.63$  feet; thence  $S\ 57^{\circ}02'39''\ W\ 20.79$  feet; thence  $S\ 21^{\circ}26'56''\ E\ 164.75$  feet; thence  $S\ 48^{\circ}38'39''\ E\ 186.71$  feet; thence  $S\ 82^{\circ}45'36''\ E\ 59.80$  feet; thence  $S\ 43^{\circ}10'27''\ E\ 156.32$  feet; thence  $S\ 29^{\circ}04'44''\ E\ 55.66$  feet; thence  $S\ 48^{\circ}38'39''\ E\ 310.40$  feet; thence 19.63 feet along the arc of a curve to the left, having a radius of 245.00 feet, a central angle of  $4^{\circ}35'30''$ , and subtending a chord bearing  $S\ 4^{\circ}02'22''\ W\ 19.63$  feet; thence  $S\ 1^{\circ}44'37''\ W\ 149.02$  feet; thence  $S\ 83^{\circ}07'07''\ W\ 312.41$  feet; thence  $S\ 41^{\circ}24'15''\ E\ 403.25$  feet; thence  $S\ 51^{\circ}43'23''\ E\ 443.09$  feet; thence  $N\ 45^{\circ}55'14''\ E\ 9.39$  feet; thence  $N\ 16^{\circ}48'21''\ W\ 439.80$  feet; thence 45.52 feet along the arc of a curve to the left, having a radius of 52.85 feet, a central angle of  $49^{\circ}20'41''$ ,



and subtending a chord bearing N 16°48'21" W 44.12 feet; thence N 16°48'21" W 159.80 feet; thence S 87°38'02" W 74.88 feet; thence N 1°44'37" E 142.20 feet; thence 4.08 feet along the arc of a curve to the right, having a radius of 195.00 feet, a central angle of 1°11'54", and subtending a chord bearing N 2°20'34" E 4.08 feet; thence N 85°38'25" E 161.70 feet; thence S 32°16'06" E 473.12 feet; thence S 34°42'07" E 286.21 feet; thence S 17°41'47" E 180.31 feet; thence S 19°23'23" W 104.41 feet; thence S 43°36'31" E 136.52 feet; thence 145.59 feet along the arc of a curve to the right, having a radius of 235.00 feet, a central angle of 35°29'45", and subtending a chord bearing S 77°41'20" W 143.27 feet; thence N 84°33'48" W 113.65 feet; thence 115.32 feet along the arc of a curve to the left, having a radius of 335.00 feet, a central angle of 19°43'24", and subtending a chord bearing S 85°34'31" W 114.75 feet; thence S 75°42'48" W 19.39 feet; thence N 5°38'58" W 79.57 feet; thence N 68°29'58" W 609.96 feet; thence S 23°18'06" W 138.76 feet; thence 39.09 feet along the arc of a curve to the right, having a radius of 365.00 feet, a central angle of 6°08'12", and subtending a chord bearing N 54°18'20" W 39.07 feet; thence N 19°39'57" E 134.32 feet; thence N 37°22'31" W 588.46 feet; thence N 49°45'46" W 561.82 feet; thence N 32°52'49" W 354.37 feet; thence N 17°04'45" W 34.46 feet; thence N 11°04'58" W 781.02 feet to the point of beginning containing 37.664 acres more or less.

#### TOGETHER WITH

A tract of land situate in Sections 3 and 4 Township 8 South, Range 88 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at a point whence the southwest corner of said Section 3 bears S 5°37'18" E 4065.64 feet; thence 402.41 feet along the arc of a curve to the right, having a radius of 565.00 feet, a central angle of 40°48'27", and subtending a chord bearing N 76°17'52" W 393.96 feet; thence N 55°53'38" W 207.42 feet; thence N 00°00'00" W 156.63 feet; thence N 00°06'28" E 140.76 feet; thence S 74°31'17" E 472.99 feet; thence N 88°10'32" E 114.29 feet; thence S 36°40'53" E 57.80 feet; thence S 16°19'33" E 32.72 feet; thence S 20°37'27" E 95.74 feet; thence S 19°13'09" E 131.98 feet; thence S 4°27'12" W 77.31 feet; thence S 83°17'55" W 131.64 feet to the point of beginning, said parcel contains 5.540 acres more or less.

#### EXCEPT

A tract of land situate in Section 3, Township 8 South, Range 88 West of the 6th Principal Meridian being more particularly described as follows:

Beginning at a point whence the southwest corner of said Section 3 bears S 28°43'34" W 3405.41 feet; thence S 42°38'19" E 435.27 feet; thence S 29°58'15" E 496.47 feet; thence S 7°39'54" E 68.80 feet; thence S 68°50'11" E 92.10 feet; thence N 38°19'05" E 209.20 feet; thence 337.53 feet along the arc of a curve to the right, having a radius of 735.00 feet, a central angle of 26°18'42", and subtending

a chord bearing N 43°45'18" W 334.57 feet; thence N 30°35'57"W 145.26 feet; thence 477.48 feet along the arc of a curve to the left, having a radius of 1365.00 feet, a central angle of 20°02'32", and subtending a chord bearing N 40°37'13" W 475.05 feet; thence N 50°38'30" W 93.15 feet; thence S 39°21'30" W 127.73 feet to the point of beginning, said parcel contains 3.834 acres more or less.

TOTAL AREA 279.728 ACRES MORE OR LESS.