

**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR LOT 10
BROOKLIND ESTATES R.L.U.P. 97-EX-1175**

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR LOT 10 is made and entered into this 19th day of August, 1998 by LIND FARMS, INC., a Colorado corporation, hereinafter referred to as "the Declarant."

**ARTICLE I
RECITALS**

A. The Declarant is the owner of Lot 10 located in the County of Larimer, State of Colorado legally described on Exhibit "A" and platted as Brooklind Estates R.L.U.P. 97-EX 1175, (a recorded plat) pursuant to the Larimer County Rural Land Use Process. Exhibit "A" is attached hereto and incorporated herein by reference.

B. Lot 10 shall constitute an Agricultural Preserve and Declarant deems it desirable to subject Lot 10 to the covenants, conditions and restrictions set forth in this Declaration in order to comply with the Larimer County Rural Land Use Process.

C. Declarant therefore declares that Lot 10 is and shall be held, transferred, sold, encumbered, conveyed and occupied subject to the terms, restrictions, limitations, conditions, covenants, obligations, liens, and easements which are set forth in this Declaration, all of which shall run with Lot 10 and shall inure to the benefit of, and be binding upon, all parties having any right, title, or interest in Lot 10 or any portion thereof, and such person's heirs, grantees, legal representatives, successors and assigns.

D. Lot 10 is the Agricultural Preserve as shown on attached Exhibit "A" and shall also include all rights-of-way, easements, property, fixtures, ditches, ditch rights and water rights necessary or appurtenant thereto.

**ARTICLE II
AGRICULTURAL PRESERVE**

Section 1: **Agricultural Preserve.** The Declarant holds title to Lot 10 including all easements, property, fixtures, rights-of-way, easements, ditches, ditch rights and water rights including irrigation pumping facilities and structures which together comprise the Agricultural Preserve. Pursuant to the Larimer Rural Land Use process dated December 16, 1996, adopted by Resolution of the County Commissioners and as amended by the Larimer County Board of County Commissioners effective April 7, 1997, said Lot 10 shall be and is hereby dedicated for a period of forty years from the date this Declaration is

*Please return to
Brenda - RLUC
planning*

2

recorded to agricultural purposes, including but not limited to the cultivation of soil, production of crops, raising of livestock, and in varying degrees, the preparation of agricultural products and livestock for human use and agricultural disposal, all as permitted and contemplated in a farm agricultural operation.

Section 2: **Management Plan.** The Agricultural Preserve shall be maintained in accordance with the management plan as approved, or as subsequently amended on file with the Larimer County Rural Land Use Center.

Section 3: **No Subdivision.** Lot 10 may only be divided with the approval of the governmental entity having jurisdiction over said Lot 10. The governmental entity may not unreasonably withhold its approval for division so long as the use of Lot 10 for agricultural purposes is not changed in accordance with the Larimer Rural Land Use Plan.

Section 4: **Mortgages and Liens.** Any mortgage or lien is subordinate to these covenants and to the approved Development Agreement.

Section 5: **Modifications.** This declaration cannot be amended without written approval of the governmental entity having jurisdiction over said Lot 10, which approval shall be recorded with any document amending this Declaration.

Section 6: **Existing Structures on Lot 10.** There are numerous structures and two residences located on Lot 10. These structures are related to and used by the Declarant to support the agricultural preserve property and other farm properties owned by Declarant and include barns, corrals, sheds, outbuildings, storage areas and the two separate residences owned by Declarant within Lot 10. The Declarant shall always have the right to remove, modify, repair, maintain, reconstruct and/or construct structures and other facilities on said Lot 10 so long as the same are done in accordance with all State and County requirements including the Larimer Rural Land Use Plan and so long as such removal, modification, repair, maintenance, reconstruction or construction does not change or impair the use of Lot 10 for agricultural purposes.

Section 7: **Duration.** Subject to the provisions of Section 1 of this Article, this declaration shall remain in full force and effect, shall run with the land and shall be binding on all persons having any interest in Lot 10 for a period of 40 years from the date this declaration is recorded. At the expiration of said 40 year time period, the person(s) or entity owning or controlling Lot 10 may propose to change the use of said Lot 10 using the procedures and process established pursuant to the Larimer Rural Land Use Process dated December 16, 1996 and as amended effective April 7, 1997 and any subsequent amendments thereto as adopted and approved by the Larimer County Board of County Commissioners.

Section 8: **Enforcement.** These Covenants may be enforced by the Declarant, the owner of Lot 10, or the governmental entity having jurisdiction over the Property. In the

4

EXHIBIT "A"

Page 1

LEGAL DESCRIPTION

A TRACT OF LAND SITUATE IN THE NORTH HALF OF SECTION 35, T8N, R68W OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN BOOK 2271, PAGE 2198, RECORDED MAY 15, 1984, AND A PORTION OF THE TRACT OF LAND DESCRIBED IN BOOK 1329, PAGE 490, RECORDED MAY 24, 1965; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 35, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35 AS HAVING AN ASSUMED BEARING OF N00°00'00"E, AS DETERMINED BY MONUMENTS FOUND AT THE NORTHEAST QUARTER CORNER AND THE EAST QUARTER CORNER OF SAID SECTION 35, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N89°30'35"W, 2603.92 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION N89°46'18"W, 1649.03 FEET TO A POINT ON THE EAST LINE OF THE LARIMER COUNTY CANAL AS DESCRIBED IN THE WARRANTY DEED RECORDED AT R.L.C. NO. 85062303, DATED DECEMBER 6, 1985; THENCE ALONG SAID EAST LINE S21°12'53"E, 161.04 FEET; THENCE S09°57'40"E, 165.74 FEET; THENCE S06°05'00"W, 156.26 FEET; THENCE S27°29'00"E, 350.88 FEET; THENCE S37°35'40"E, 268.85 FEET; THENCE LEAVING SAID EAST LINE OF CANAL, S89°46'30"E, 1098.58 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 35; THENCE CONTINUING S89°46'30"E, 373.02 FEET; THENCE S06°15'58"W, 258.42 FEET; THENCE S03°11'30"W, 206.61 FEET; THENCE S28°28'10"E, 111.58 FEET; THENCE N87°41'35"E, 429.01 FEET; THENCE S19°20'14"E, 178.61 FEET; S03°42'08"E, 147.20 FEET; THENCE S17°39'12"W, 129.88 FEET; THENCE S14°02'15"E, 183.41 FEET TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 35; THENCE S89°33'20"E, 1727.74 FEET TO THE EAST QUARTER CORNER OF SECTION 35; THENCE N00°00'00"E, 2639.77 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT OF LAND (INCLUDING 9 RESIDENTIAL LOTS) CONTAINS 190.83 ACRES MORE OR LESS AND IS SUBJECT TO ANY CONDITIONS, EASEMENTS OR RIGHTS-OF-WAY OF RECORD OR THAT AS NOW EXIST ON THE GROUND.

