



Parks & Open Space

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 www.BoulderCountyOpenSpace.org

BOCC BUSINESS MEETING

TO: Board of County Commissioners
FROM: Melissa Arnold, Land Officer
FOR: BOCC Business Meeting, 10:30 a.m., Tuesday, December 6, 2022
RE: Owen CE-2022 Restrictive Covenant
MEMO DATE: November 28, 2022

For much longer than Parks & Open Space's history of stewarding open space, the land in this community has been important to the diverse Indigenous communities that continue to thrive here. We are partnering with Indigenous people to make meaningful changes to how we do our work that include Indigenous people, incorporate their perspectives, and honor their land stewardship legacy. Parks & Open Space operates within modern legal constructs of land ownership to steward Boulder County open space and accomplish these efforts on behalf of our community.

Summary of Request

In December 2000, Boulder County purchased conservation easements over the Owen property at 8328 N. 81st Street south of Longmont. The property consists of a house lot and a larger agricultural parcel, so the county holds two separate conservation easements. Mr. Owen would like the two parcels to be tied together for any future conveyances of the property. Staff recommends approving this request.

Background Information

Boulder County has held conservation easements over the Owen property (consisting of Lot A and Parcel 1) since December 27, 2000. Mr. Owen approached Parks & Open Space staff with this request.

The county typically ties house lots to adjacent agricultural parcels so agricultural parcels are not left as 'orphans' without adjacent land managers. The county did not do so with these properties for an unknown reason.

Staff Recommendation

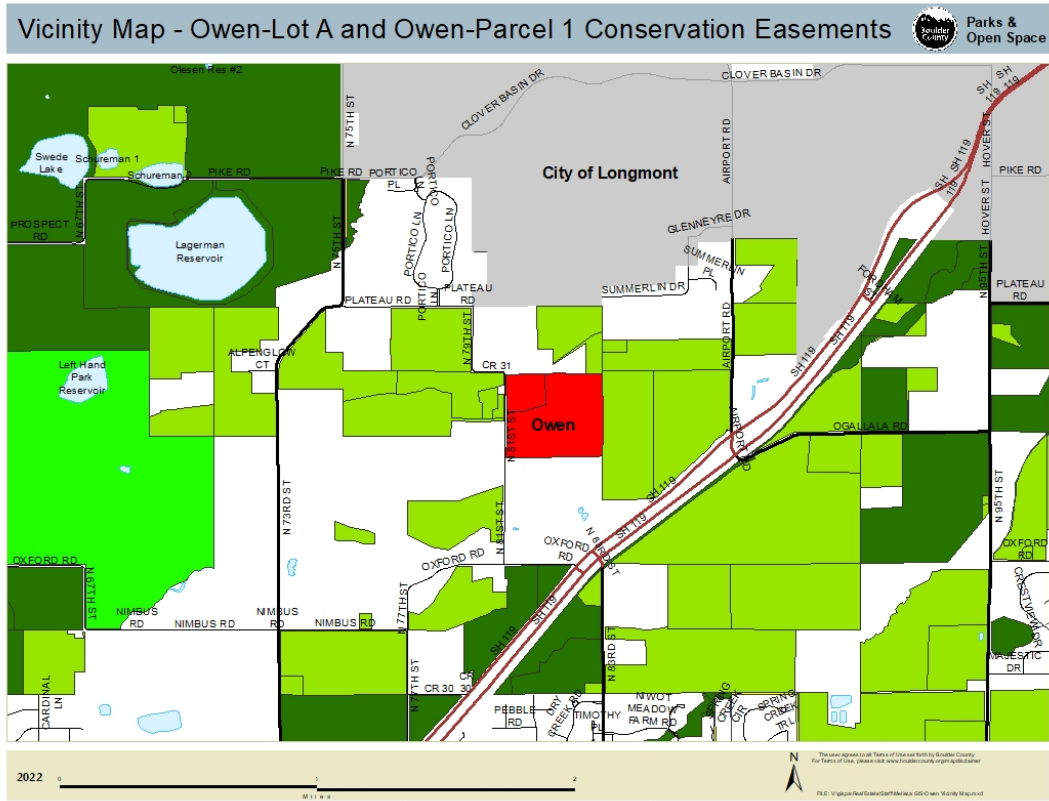
Staff recommends approval. Staff appreciates Mr. Owen's suggestion because it will keep the agricultural parcel from being orphaned.

BOCC Action Requested

Approve the request as described above and by staff at the business meeting.

(See next page for maps)

Vicinity Map:



Close-Up Map:



End of Memo

Start of Documents to be Signed

Restrictive Covenant Running with Land

THIS RESTRICTIVE COVENANT RUNNING WITH LAND is entered into by and between Arthur K. Owen (“Grantor”), and the County of Boulder, a body corporate and politic (“Grantee”).

WHEREAS, Grantor is the owner of the real property and water rights described on Exhibit 1 attached hereto and incorporated herein by reference (“Lot A”), which is encumbered by that certain Deed of Conservation Easement in Gross recorded on December 28, 2000, at Reception No. 2106414, in the real estate records of Boulder County, Colorado; and

WHEREAS, Grantor is also the owner of the real property and water rights described on Exhibit 2 attached hereto and incorporated herein by reference (“Parcel 1”), which is encumbered by that certain Deed of Conservation Easement in Gross recorded on December 28, 2000, at Reception No. 2106413, and re-recorded on February 6, 2001, at Reception Number 2116275, in the real estate records of Boulder County, Colorado; and

WHEREAS, Grantor and Grantee desire to ensure, for the preservation and protection of the agricultural and environmental resources of the land, that Lot A and Parcel 1 remain attached together and unable to be sold separately. Lot A and the Parcel 1 are referred to herein collectively as the "Combined Property".

NOW, THEREFORE, in consideration of the recitals, promises, payments, covenants, and undertakings described above and hereinafter set forth, Grantee and Grantor agree as follows:

1. Lot A shall remain attached to, appurtenant to, and shall not be severed or sold separately from Parcel 1; and
2. The restrictions contained herein shall be restrictions running with the Combined Property and shall be binding upon the parties, their successors and assigns.

Signed this ____ day of _____, 2022.

GRANTOR:

Arthur K. Owen

Arthur K. Owen

State of Colorado
County of Boulder

The foregoing instrument was acknowledged before me this 9th day of September,
2022, by Arthur K. Owen.

Lisa M. Steele
(Notary official signature)
Lisa M. Steele
May 23, 2023
(Commission expiration)

LISA M. STEELE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074020372
MY COMMISSION EXPIRES MAY 23, 2023

NOTARY
SEAL

COUNTY OF BOULDER,
a body corporate and politic

By: _____
Marta Loachamin, Chair

State of Colorado
County of Boulder

The foregoing instrument was acknowledged before me this ___ day of _____,
2022, by Marta Loachamin, Chair of the Board of County Commissioners of Boulder
County, Colorado.

(Notary official signature)

NOTARY
SEAL

(Commission expiration)

EXHIBIT 1

Legal Description of Lot A

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 69 WEST OF THE 6th PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE S00°25'07"W A DISTANCE OF 1373.57 FEET; S89°51'00"W A DISTANCE OF 764.65 FEET; THENCE N00°21'20"W A DISTANCE OF 28.30 FEET; THENCE N89°56'20"W A DISTANCE OF 181.34 FEET; THENCE S85 ° 31' 06 "W A DISTANCE OF 185. 93 FEET; THENCE S02 ° 34' 15 "E A DISTANCE OF 14.70 FEET; THENCE S89°49'48"W A DISTANCE OF 55.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE S00°53'17"E A DISTANCE OF 601.84 FEET; THENCE S72°56'58"W A DISTANCE OF 489.03 FEET; THENCE S84°10'59"W A DISTANCE OF 366.80 FEET TO THE APPROXIMATE CENTERLINE OF NORTH 81st STREET; THENCE N00°21'04"E ALONG SAID CENTERLINE A DISTANCE OF 779.93 FEET; THENCE N89°49'48"E A DISTANCE OF 818.35 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH:

An undivided fifty percent (50%) interest in 14 shares of the capital stock of the Left Hand Ditch Company; and all ditches and ditch rights, springs and spring rights, reservoir and storage rights, wells and groundwater rights and other rights in and to the use of water historically used on or otherwise appurtenant to the Property.

EXHIBIT 2

Legal Description of Parcel 1

A PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 69 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE S00°25'07"W A DISTANCE OF 1373.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE S00° 17'22"W A DISTANCE OF 870.19 FEET TO A POINT ON THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN DEED RECORDED AS RECEPTION No. 427258, RECORDS OF SAID BOULDER COUNTY; THENCE S00 ° 17'22"W A DISTANCE OF 825.87 FEET TO A POINT ON THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED AS RECEPTION No. 86762, RECORDS OF SAID BOULDER COUNTY; THENCE S89° 52'47"W ALONG SAID NORTH LINE A DISTANCE OF 2005.38 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF NORTH 81st STREET; THENCE ALONG SAID CENTERLINE FOR THE FOLLOWING TWO (2) COURSES:

1) N00 ° 18'19"E A DISTANCE OF 826.63 FEET;
2) N00 °21'04"E A DISTANCE OF 88.41 FEET;
THENCE N84° 10'59"E A DISTANCE OF 366.80 FEET; THENCE N72° 56'58"E A DISTANCE OF 489.03 FEET; THENCE N00 ° 53'17"W A DISTANCE OF 601.84 FEET; THENCE N89°49'48"E A DISTANCE OF 55.00 FEET; THENCE N02° 34'15"W A DISTANCE OF 14.70 FEET; THENCE N85 ° 31'06"E A DISTANCE OF 185.93 FEET; THENCE S89 °56'20"E A DISTANCE OF 181.34 FEET; THENCE S00°21'20"E A DISTANCE OF 28.30 FEET; THENCE N89 ° 51'00"E A DISTANCE OF 764.65 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH

An undivided fifty percent (50%) interest in sixty-four (64) shares of the capital stock of the Left Hand Ditch Company; and all ditches and ditch rights, springs and spring rights, reservoir and storage rights, wells and groundwater rights and other rights in and to the use of water historically used on or otherwise appurtenant to the Property.