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age: 1 of 5
08/19/2005 11:47
NORMA HATFIELD FREMONT CTY CLK&REC CO R 26.00 D 0.00

11:47 AM

This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.

COVENANT

Robert and Sandra Canterbury, with an address of 150 C.R. 198, Hillside, Colorado 81232 (the "Canterburys"), grant an Environmental Covenant ("Covenant") this 18th day of August, 2005 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment (the "Department").

1. The Canterburys are the owners of certain property ("Property") more particularly described in Attachment A.

2. The Canterburys hereby grant this Environmental Covenant to the Department, and declare that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraph 3 through 4, below, which shall be binding on the Canterburys and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein. As used in this Environmental Covenant, the term OWNER means the record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the property, other than by the exercise of eminent domain.

3. The Property shall not be used for any construction, digging, intrusion or other action that may affect the integrity of the soil cap within the Property.

4. This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department and EPA approve a modification or termination of the Covenant. No modification or termination of this Covenant shall be effective unless the Department and EPA have approved such modification or termination consistent with the provisions of § 25-15-319(1)(h), C.R.S. OWNER agrees to notify the Department at least fifteen (15) days in advance of any proposed grant, transfer or conveyance of any interest in any portion of the Property. OWNER agrees to include in any instrument conveying any interest in any portion of the Restricted Property, including but not limited to deeds, leases and mortgages, a notice that the Property is burdened by this Covenant. OWNER agrees to notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use for the Property. The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property. The Department does not acquire any liability under State law by virtue of accepting this Covenant.

Robert and Sandra Canterbury have caused this instrument to be executed this 18th day of August, 2005.

Robert Canterbury
Robert Canterbury

Sandra Canterbury
Sandra Canterbury

STATE OF COLORADO)
) ss:
COUNTY OF ~~FREMONT~~ CUSTER)

The foregoing instrument was acknowledged before me this 18th day of August, 2005, by Robert Canterbury and Sandra Canterbury.

Wendy Rusk
Notary Public
1000 Main Street
Westcliffe, CO 81252
Address

WENDY RUSK NOTARY PUBLIC STATE OF COLORADO

My commission expires: 08-21-07

Accepted by the Colorado Department of Public Health and Environment this 3rd day of August, 2005.

By: Gary W. Baughman
Name: Gary W. Baughman
Title: Director, HMWMD

STATE OF COLORADO)
) ss:
COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 3 day of AUGUST, 2005 by GARY BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

Claudette M. Ferris
Notary Public
4300 Cherry Creek, Dr So
Denver, CO 80246
Address

My commission expires: Oct 21, 2007

ATTACHMENT A

The Canterburys are the owners of certain property ("Property") more particularly described below:

A PARCEL OF LAND IN SECTION 33, TOWNSHIP 20 SOUTH, RANGE 73 WEST OF THE 6TH P.M., FREMONT COUNTY, COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, THENCE N 86°14'09" E, ON THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2677.96' TO THE SOUTH ¼ CORNER OF SAID SECTION 33, THENCE N 03°23'49" W, A DISTANCE OF 91.21' TO THE TRUE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL OF LAND, SAID POINT OF BEGINNING ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF FREMONT COUNTY ROAD NUMBER 29 (AKA REED GULCH ROAD); THENCE ON THE FOLLOWING 11 COURSES (THE NEXT 7 COURSES SHALL BE ON SAID EASTERLY RIGHT OF WAY LINE):

1) N 05°46'37" E, A DISTANCE OF 302.97'
2) ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 497.79', A RADIUS OF 5137.06', A CENTRAL ANGLE OF 05°33'7", A CORD LENGTH OF 497.60', AND THE CHORD OF WHICH BEARS N 03°00'07" E
3) N 00°13'35" E, A DISTANCE OF 137.55'
4) ON A CURVE TO THE RIGHT, WITH AN ARC LENGTH OF 198.93', A RADIUS OF 485.92', A CENTRAL ANGLE OF 23°27'22", A CHORD LENGTH OF 197.54', AND THE CHORD OF WHICH BEARS N 11°57'10" E
5) N 23°40'50" E, A DISTANCE OF 660.80'
6) ON A CURVE TO THE RIGHT, WITH AN ARC LENGTH OF 486.07', A RADIUS OF 1105.60', A CENTRAL ANGLE OF 25°11'22", A CHORD LENGTH OF 482.16', AND THE CHORD OF WHICH BEARS N 36°16'31" E
7) N 48°52'12" E, A DISTANCE OF 185.27'
8) S 11°58'39" E, A DISTANCE OF 1109.91'
9) S 14°52'20" E, A DISTANCE OF 707.04'
10) S 77°39'18" W, A DISTANCE OF 249.12'
11) S 66°10'15" W, A DISTANCE OF 1045.85' TO THE POINT OF BEGINNING OF THE HEREON DESCRIBED PARCEL OF LAND CONTAINING 35.20 ACRES MORE OR LESS.

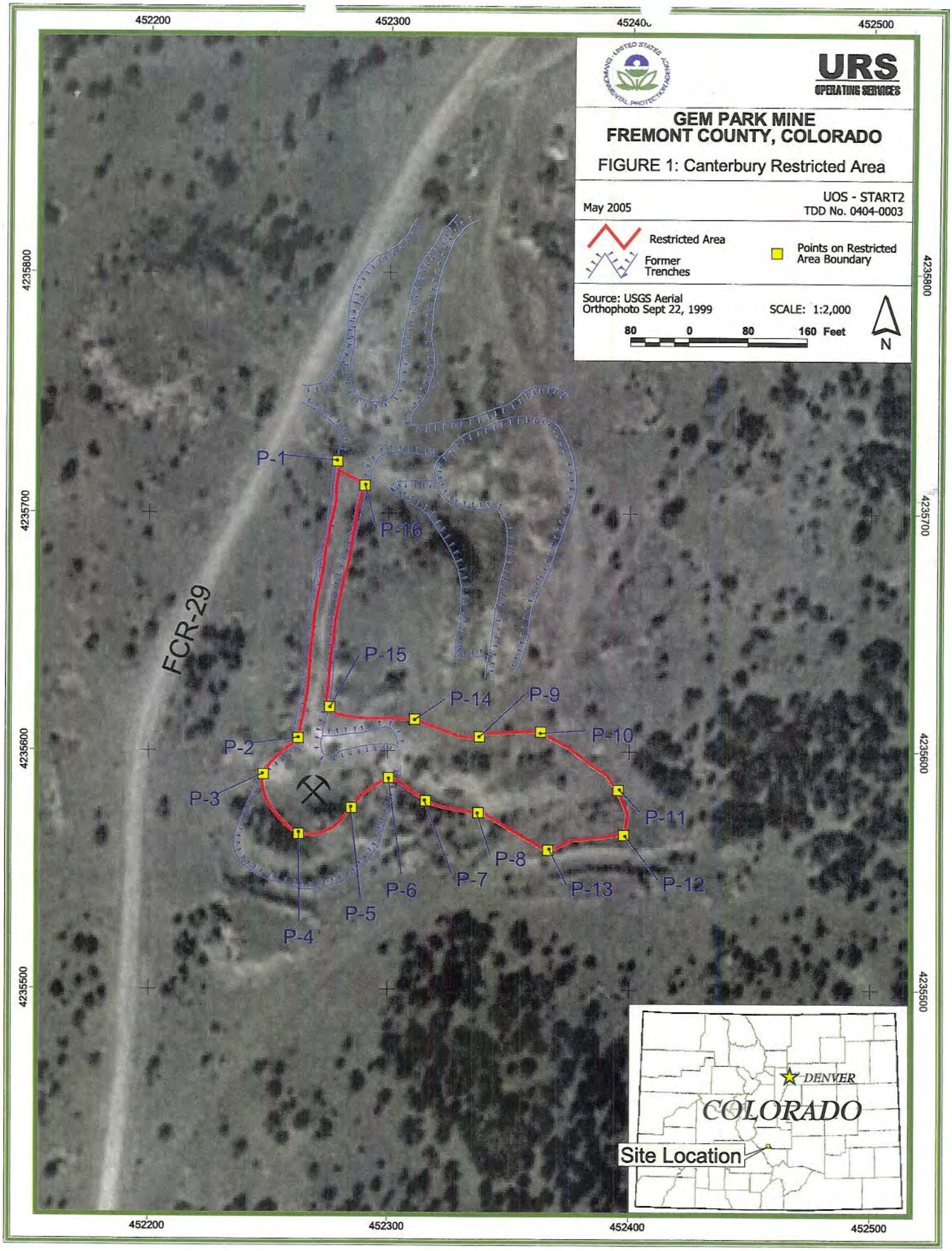
Only the following portion of the Property ("Restricted Property") is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.:

The area contained within the following coordinates and as illustrated in the attached map:

GCS North American 1983

Point	Latitude	Longitude
P-1	N38.268267949	W105.545534312

P-2	N38.267221347	W105.545709585
P-3	N38.267082801	W105.545874573
P-4	N38.266859560	W105.545703148
P-5	N38.266959356	W105.545452004
P-6	N38.267072425	W105.545275179
P-7	N38.266987783	W105.545098683
P-8	N38.266945801	W105.544849953
P-9	N38.267231186	W105.544847684
P-10	N38.267252361	'W105.544556596
P-11	N38.267034176	W105.544187388
P-12	N38.266856897	W105.544158415
P-13	N38.266807004	W105.544518881
P-14	N38.267295430	W105.545154094
P-15	N38.267338343	W105.545559440
P-16	N38.268177775	W105.545403253


URS
OPERATING SERVICES
GEM PARK MINE
FREMONT COUNTY, COLORADO
FIGURE 1: Canterbury Restricted Area
May 2005
UOS - START2
TDD No. 0404-0003
Restricted Area
Former Trenches
Points on Restricted Area Boundary
Source: USGS Aerial Orthophoto Sept 22, 1999
SCALE: 1:2,000
80 0 80 160 Feet
N
452200
452300
452400
452500
4235800
4235700
4235600
4235500
FCR-29
P-1
P-2
P-3
P-4
P-5
P-6
P-7
P-8
P-9
P-10
P-11
P-12
P-13
P-14
P-15
P-16
DENVER
COLORADO
Site Location