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Cheri Brunvand – Summit County Recorder

8 Pages
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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.

ENVIRONMENTAL COVENANT

Summit County Government, (Summit County) grants an Environmental Covenant ("Covenant") this 18th day of May, 2009 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department") pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

WHEREAS, Summit County is the owner of certain property commonly referred to as the Shoe Basin Mine, located at Tract A of the Globe and Phoenix Subdivision, Summit County, Colorado more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as "the Property"); and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by implementing the voluntary cleanup of the Shoe Basin Mine as described in the *Voluntary Clean-up Application: Shoe Basin Mine*, approved by the Department on September 16, 2004

WHEREAS, Summit County has applied for and received funding assistance from the Department to assist in implementing this voluntary cleanup plan and the Department has requested this environmental covenant as a condition of providing this funding; and

WHEREAS, Summit County desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Summit County 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, for the benefit of the Department.

NOW, THEREFORE, Summit County hereby grants this Environmental Covenant to the Department, and declares 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 paragraphs 1 through 10 below, which shall run with the Property in perpetuity and be binding on Summit County 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.

1. Use restrictions: Development on the Property shall be limited to uses and improvements directly associated with Open Space, Reclamation, Trail and Recreational uses of the property. The use restrictions following within this Section 1 apply only to the mine waste disposal cell and the associated structures that are necessary for implementation of the remedy. The location of the disposal cell is shown on Attachment A, and has the following legal description:

Tract A of the Globe and Phoenix Subdivision, A Subdivision Exemption Plat of Mineral surveys Nos. 462, 463, 1141A, 7654, 8154, 19781 A & B, Located in the W ½ Section 16, E ½ Section 17 and NW ¼ Section 21 T.5 S., R. 75 W. 6th P.M., Summit County, Colorado.

a. No person shall construct or use any buildings or other enclosed structures on the mine waste disposal cell. No storm water detention ponds or man made lakes or ponds shall be constructed.

b. No person shall till, excavate, grade, construct, or take any other activity that exposes mine waste or changes the flow of water around the mine waste disposal cell without first modifying this Covenant pursuant to paragraph 2. Any amendments thereto shall be kept on file at the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Records Center.

c. No person shall take any action that impairs or interferes with the growth of vegetation, with the exception of actions needed to physically remove all deep-rooted plant species in order to maintain the integrity of the engineered cap.

d. No person shall irrigate the vegetative cover at any time other than the time where emergency conditions require such irrigation in order to maintain the viability of such vegetative cover. Even where such emergency irrigation is permitted, such irrigation shall not cause any erosion or leaching of metals to ground water.

e. The cap and diversion ditches shall be inspected each calendar year and sufficient maintenance performed to prevent exposure of metal contaminated soils or leakage of water from lined ditches. Inspection and maintenance includes but is not limited to the hydrological controls that divert water away from the cover, making repairs to piping, ditches, outlets and erosion rills.

2. Modifications: This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information,

and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:

a) a proposal to perform additional remedial work;
b) new information regarding the risks posed by the residual contamination;
c) information demonstrating that residual contamination has diminished;
d) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
e) information demonstrating that an engineered feature or structure is no longer necessary
f) other appropriate supporting information.

3. Conveyances: OWNER shall notify the Department at least fifteen (15) days in advance of any proposed grant, transfer or conveyance of any interest in any or all of the Property.

4. Notice to Lessees: OWNER agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Property.

5. Notification for proposed construction and land use OWNER shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.

6. Inspections: The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.

7. No Liability: The Department does not acquire any liability under State law by virtue of accepting this Covenant

8. Enforcement: The Department may enforce the terms of this Covenant pursuant to §25-15-322. C.R.S. Summit County may file suit in district court to enjoin actual or threatened violations of this Covenant.

9. Owner's Compliance Certification: OWNER shall execute and return a certification form provided by the Department, on an annual basis, detailing OWNER's compliance, and any lack of compliance, with the terms of this Covenant.

10. Notices: Any document or communication required under this Covenant shall be sent or directed to:
Voluntary Cleanup Unit Leader
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Summit County Government
Open Space & Trails Department
PO Box 5660
Frisco, CO 80443

Summit County, has caused this instrument to be executed this ____ day of _____, _____.

Summit County Government

By: _____

Title: Chair Bo CC

Approved as to form

STATE OF Colorado)
) ss:
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 29th day of April, 2009 by Robert French on behalf of Summit County Government.

GINA GRAY-IRWIN NOTARY PUBLIC STATE OF COLORADO

Gina Gray-Irwin
Notary Public

PO Box 168, 208 E Lincoln
Address
Breckenridge, CO 80424

My commission expires: 7/16/2012

Accepted by the Colorado Department of Public Health and Environment this 18th day of May 2009.

By: Gary W. Baughman

Title: Director, HMWMD

STATE OF COLORADO)
) ss:
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 18 day of May, 2009 by GARY BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

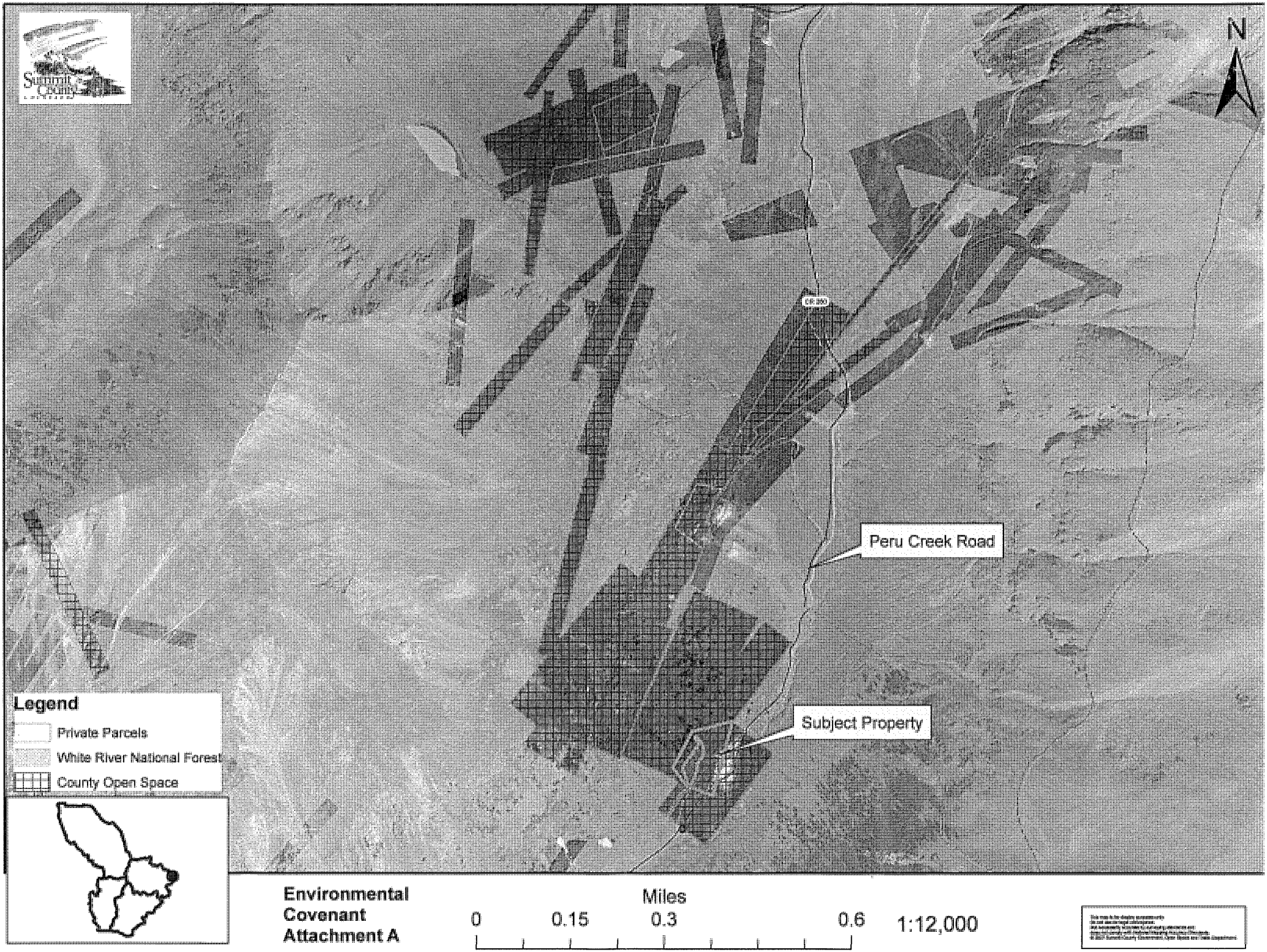
Claudette M. Ferris
Notary Public

4300 Cherry Creek Dr S
Address

Denver, CO 80246

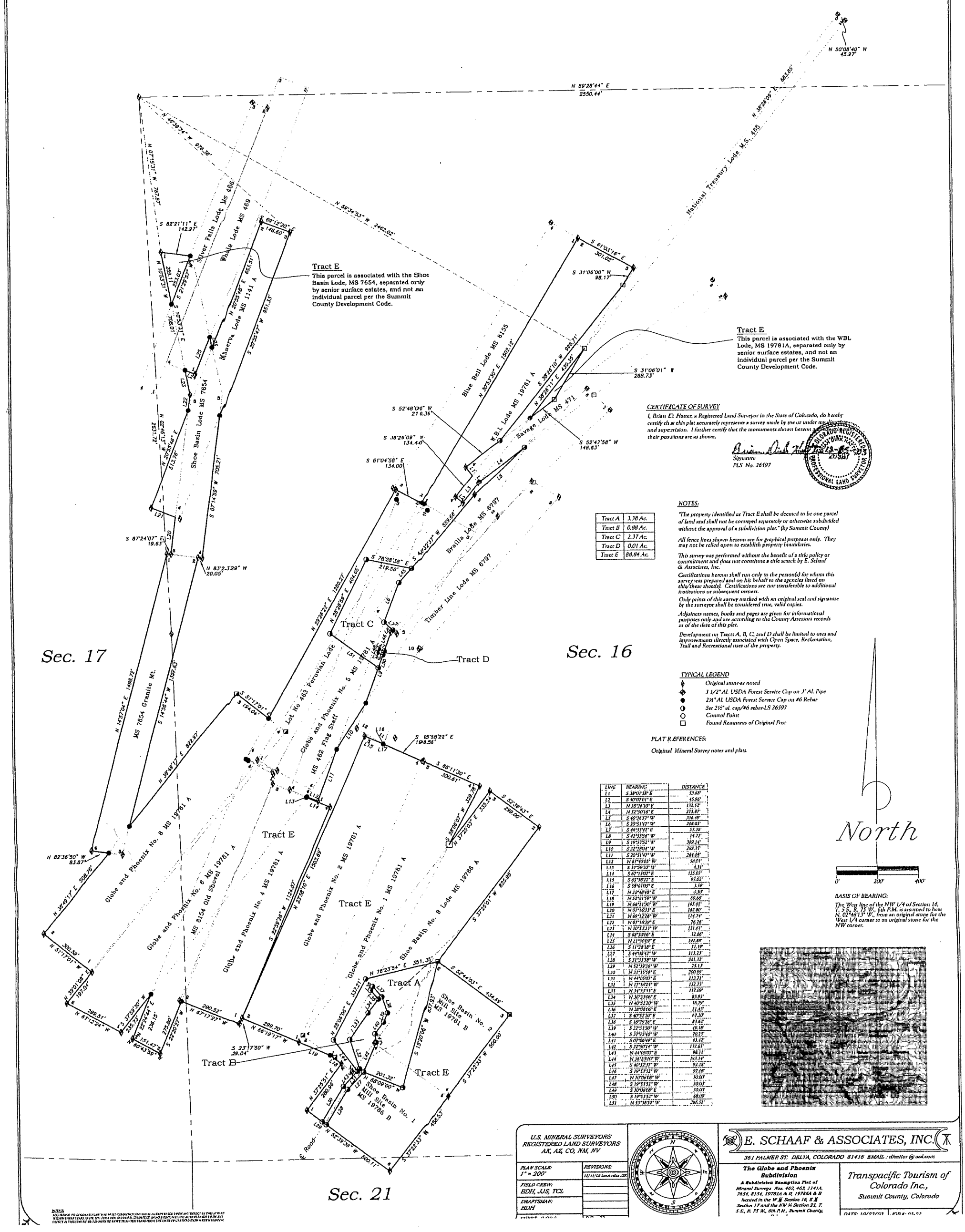
My commission expires: October 21, 2011

CLAUDETTE M. FERRIS NOTARY PUBLIC STATE OF COLORADO


N
Peru Creek Road
Subject Property
Legend
Private Parcels
White River National Forest
County Open Space
Environmental
Covenant
Attachment A
Miles
0
0.15
0.3
0.6
1:12,000

The Globe and Phoenix Subdivision

A Subdivision Exemption Plat of Mineral Surveys
Nos. 462, 463, 1141A, 7654, 8154, 19781A & B, 19786A & B
Located in the W ½ Section 16, E ½ Section 17 and the NW ¼ Section 21,
T. 5 S., R. 75 W., 6th P.M., Summit County, Colorado


Tract E
This parcel is associated with the Shoe Basin Lode, MS 7654, separated only by senior surface estates, and not an individual parcel per the Summit County Development Code.
Tract E
This parcel is associated with the WBL Lode, MS 19781A, separated only by senior surface estates, and not an individual parcel per the Summit County Development Code.
Sec. 17
Sec. 16
Sec. 21
Tract A
Tract B
Tract C
Tract D
Tract E
Tract E
Tract E
Shoe Basin Lode MS 7654
Globe and Phoenix No. 8 MS 19781 A
Globe and Phoenix No. 6 MS 19781 A
Globe and Phoenix No. 4 MS 19781 A
Globe and Phoenix No. 2 MS 19781 A
Globe and Phoenix No. 1 MS 19781 A
MS 8154 Old Shovel
MS 7654 Granite Mt.
Lot No 463 Peruvian Lode
Globe and Phoenix MS 462 Flag Staff
Shoe Basin No. 8 Lode, MS 19786 A
Shoe Basin No. 2 Mill Site MS 19781 B
Shoe Basin No. 1 Mill Site MS 19786 B
Brailla Lode MS 6797
Timber Line Lode MS 6797
Blue Bell Lode MS 8155
W.B.L. Lode MS 19781 A
Savage Lode MS 471
National Treasury Lode M.S. 485
Minerva Lode MS 1141 A
Whale Lode MS 469
Silver Falls Lode MS 466
N 89°28'44" E
2550.44'
N 59°34'53" W 2462.02'
N 46°39'34" W 976.36'
N 50°08'40" W
45.97'
N 38°26'09" E
683.65'
S 61°03'16" E
301.02'
S 31°06'00" W
98.17'
S 31°06'01" W
288.73'
S 52°48'00" W
210.36'
S 38°26'09" W
134.40'
S 61°04'58" E
134.00'
S 52°47'58" W
148.63'
S 87°24'07" E
19.63'
N 83°23'29" W
20.05'
S 82°21'11" E
142.97'
S 69°12'20" E
148.60'
S 31°17'01" W
194.04'
S 65°58'22" E
198.56'
S 66°11'30" E
300.61'
S 52°36'43" E
288.00'
N 82°36'50" W
83.87'
N 38°49'17" E
508.76'
N 51°17'01" W
300.59'
N 39°01'08" W
197.04'
N 61°12'24" W
288.51'
S 37°59'30" W
235.73'
S 22°21'44" E
236.15'
S 22°20'37" W
275.80'
N 67°17'27" W
290.52'
N 66°19'17" W
299.70'
S 23°17'50" W
29.04'
N 76°23'54" E
351.35'
S 52°44'03" E
434.69'
S 37°22'53" W
500.00'
S 37°22'53" W
458.53'
S 37°25'01" W
825.98'
S 37°25'03" E
535.24'
N 37°25'03" E
328.78'
S 28°05'07" W
N 38°26'09" E
N 29°26'22" E
1288.27'
N 26°28'59" E
404.05'
S 78°28'38" E
219.56'
S 42°12'37" W
559.66'
N 28°06'06" E
337.21'
S 15°20'06" W
N 68°08'00" W
201.32'
N 37°25'51" E
260.96'
N 32°50'16" E
N 14°57'04" E
1488.72'
S 14°56'44" W
1327.63'
N 38°49'17" E
822.97'
S 51°17'01" W
N 10°53'31" W
S 10°53'31" E
N 20°55'46" E
N 02°46'13" W
N 20°55'46" E
S 07°14'59" W
705.21'
N 20°55'46" W
957.13'
S 20°55'47" W
N 38°26'10" W
966.21'
N 38°26'11" E
430.05'
N 30°55'30" E
1502.12'
S 22°39'26" W
1124.07'
N 23°39'10" E
1500.69'
N 76°23'54" E
351.35'
N 28°06'06" E
337.21'
S 15°20'06" W
N 68°08'00" W
201.32'
N 37°25'51" E
260.96'
N 32°50'16" E
N 14°57'04" E
1488.72'
S 14°56'44" W
1327.63'
N 38°49'17" E
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S 10°53'31" E
N 20°55'46" E
N 02°46'13" W
N 20°55'46" W

Cheri Brunvand-Summit County Recorder 12/19/2003 16:20 DF:

The Globe and Phoenix Subdivision

A Subdivision Exemption Plat of Mineral Surveys
Nos. 462, 463, 1141A, 7654, 8154, 19781A & B, 19786A & B
Located in the W ½ Section 16, E½ Section 17 and the NW ¼ Section 21,
T. 5 S., R. 75 W., 6th P.M., Summit County, Colorado

OWNERS CERTIFICATE:

Know all men by these presents that: Transpacific Tourism of Colorado Inc., being the owner of the lands described as follows:

Beginning at corner No. 3, MS 1141A Manerva Lode; whence the NW corner of Section 16, T. 5 S., R. 75 W., 6th P.M. bears N. 46°39'34" W., 976.38 ft. dist.; thence S. 20°55'47" W., 951.33 ft. dist., along line 3–4 of said MS 1141A Manerva Lode, to the intersect of line 3–4 of MS 7654 Shoe Basin Lode; thence S. 07°14'59" W., 705.21 ft. dist., along line 3–4 of said MS 7654 Shoe Basin Lode to corner No. 4 of said MS 7654 Shoe Basin Lode; thence N. 83°23'29" W., 20.05 ft. dist., to corner No. 2 of MS 7654 Granite Mt. Lode; thence S. 14°56'44" W., 1357.63 ft. dist., along line 2–3 of said MS 7654 Granite Mt. Lode to the intersect of line 2–3 of MS 19781A Globe and Phoenix No. 8 Lode; thence N. 38°49'17" E., 822.97 ft. dist., along line 2–3 of the said MS 19781A Globe and Phoenix No. 8 Lode to corner No. 3 of said MS 19781A Globe and Phoenix No. 8 Lode; thence S. 51°17'01" E., 194.04 ft. dist., along line 3–4 of said MS 19781A Globe and Phoenix No. 8 Lode to the intersect of line 3–4 of MS 463 Peruvian Lode; thence N. 29°26'22" E., 1280.27 ft. dist., along line 3–4 of said MS 463 Peruvian Lode to corner No. 3 of said MS 463 Peruvian Lode; thence S. 61°04'58" E., 134.00 ft., dist., to corner No. 1 MS 19781A W.B.L. Lode, identical with corner No. 2 MS 8155 Blue Bell Lode; thence N. 30°53'30" E., 1502.12 ft. dist., along line 1–2 of said MS 19781A W.B.L. Lode, identical with line 1–2 MS 8155 Blue Bell Lode to corner No. 2 of said MS 19781A W.B.L. Lode, identical with corner No. 1 of said MS 8155 Blue Bell Lode; thence S. 61°03'16" E., 301.02 ft. dist., along line 2–3 of said MS 19781A W.B.L. lode to corner No. 3 of said MS 19781A W.B.L. lode; thence S. 31°06'00" W., 98.17 ft. dist., along line 3–4 MS 19781A W.B.L. lode, to the intersect of line 3–4 MS 465 National Treasury Lode; thence S. 38°26'10" W., 966.71 ft. dist., along line 3–4 of said MS 465 National Treasury Lode to the intersect of line 3–4 MS 471 Savage Lode; thence S. 52°48'00" W., 210.36 ft. dist., along line 3–4 of said MS 471 Savage Lode to corner No. 4 of said MS 471 Savage Lode; thence S. 38°01'58" E., 53.68 ft. dist., along line 4–1 of said MS 471 Savage Lode to the intersect of line 3–4 of said MS 465 National Treasury Lode; thence S. 38°26'09' W., 134.40 ft. dist., along line 3–4 of said National Treasury Lode to corner No. 4 of said MS 465 National Treasury Lode; thence S. 50°07'01" E., 45.96 ft. dist., along line 4–1 of said National Treasury Lode to corner No. 1 of said MS 465 National Treasury Lode; thence N. 38°26'10" E., 132.52 ft. dist., along line 1–2 of said MS 465 National Treasury Lode, to the intersect of line 1–2 of said MS 471 Savage Lode; thence N. 52°50'16" E., 275.87 ft. dist., along line 1–2 of said MS 471 Savage Lode to the intersect of line 5–6 MS 6797 Braillo Lode; thence S. 46°36'57" W., 336.49 ft. dist., along line 5–6 of said MS 6797 Braillo lode to corner No. 5 of said MS 6797 Braillo Lode; thence S. 40°32'37" W., 559.66 ft. dist., along line 4–5 of said MS 6797 Braillo Lode to the intersect of line 1–2 MS 462 Flag Staff Lode; thence S. 20°51'47" W., 208.05 ft. dist., along line 1–2 of said MS 462 Flag Staff Lode to the intersect of line 3–4 of said MS 6797 Braillo Lode; thence S. 46°55'42" E., 57.36 ft. dist., along line 3–4 of said MS 6797 Braillo Lode to the intersect of line 7–8 MS 6797 Timberline Lode; thence S. 42°55'56" W., 14.22 ft. dist., along line 7–8 of said MS 6797 Timberline Lode to corner No. 7 of said MS 6797 Timberline Lode; thence S. 19°53'52" W., 369.14 ft. dist., along line 7–12 of said MS 6797 Timberline Lode to the intersect of line 3–4 MS 19781A Globe and Phoenix No. 5 Lode; thence S. 32°28'04" W., 268.35 ft. dist., along line 3–4 of said MS 19781A Globe and Phoenix No. 5 Lode to the intersect of line 1–2 of said MS 462 Flag Staff Lode; thence S. 20°51'47" W., 264.08 ft. dist., along line 1–2 of said MS 462 Flag Staff Lode to corner No. 1 of said MS 462 Flag Staff Lode; thence N. 67°45'05" W., 58.01 ft. dist., along line 4–1 of said MS 462 Flag Staff Lode to the intersect of line 4–1 MS 19781A Globe and Phoenix No. 6 Lode; thence S. 37°59'30" W., 4.31 ft. dist., along line 4–1 of said MS 19781A Globe and Phoenix No. 6 Lode to the intersect of line 3–4 MS 19781A Globe and Phoenix No. 4 Lode; thence S. 67°15'02" E., 125.07 ft. dist., along line 3–4 MS 19781A Globe and Phoenix No. 4 Lode to corner No. 4 of said MS 19781A Globe and Phoenix No. 4 Lode; thence S. 22°59'26" W., 1124. 07 ft, dist., along line 4–1 of said MS 19781A Globe and Phoenix No. 4 Lode to corner No. 2 MS 19781A Globe and Phoenix No. 2 Lode; thence N. 23°58'10" E., 1503.69 ft. dist., along line 2–3 of said MS 19781A Globe and Phoenix No. 2 Lode to corner No. 3 of said MS 19781A Globe and Phoenix No. 2 Lode; thence S. 65°58'22" E., 97.02 ft. dist., along line 3–4 of said MS 19781A Globe and Phoenix No. 2 Lode to the intersect of line 11–12 of said MS 6797 Timberline lode; thence S. 58°01'05" E., 3.59 ft. dist., along line 11–12 of said MS 6797 Timberline Lode to corner No. 11 of said MS 6797 Timberline lode; thence N. 20°48'48" E., 0.50 ft. dist., along line 10–11 MS 6797 Timberline Lode to the intersect of line 3–4 of said MS 19781A Globe and Phoenix No. 2 Lode; Thence S. 65°58'22" E., 198.56 ft. dist., along line 3–4 of said MS 19781A Globe and Phoenix No. 2 Lode to corner No. 4 of said MS 19781A Globe and Phoenix No. 2 Lode, identical with corner No. 3 MS 19781A Globe and Phoenix No. 1 Lode; thence S. 66°11'30" E., 300.61 ft. dist., along line 3–4 of said MS 19781A Globe and Phoenix No. 1 Lode to corner No. 4 of said MS 19781A Globe and Phoenix No. 1 Lode; thence S. 28°06'07" W., 329.78 ft. dist., along line 4–1 of said MS 19781A Globe and phoenix No. 1 Lode to the intersect of line 4–1 MS 19786A Shoe Basin No. 8 Lode; thence N. 37°25'03" E., 335.24 ft. dist., along line 4–1 of said MS 19786A Shoe Basin No. 8 Lode to corner No. 3 of said MS 19786A Shoe Basin No. 8 Lode; thence S. 52°36'43" E., 299.00 ft. dist., along line 2–3 of said MS 19786A Shoe Basin No. 8 Lode to corner No. 2 of said MS 19786A Shoe Basin No. 8 Lode; thence S. 37°25'01" W., 825.98 ft. dist., along line 1–2 of said MS 19786A Shoe Basin No. 8 Lode to corner No. 2 MS 19781B Shoe Basin No. 2 Mill Site; thence S. 52°44'03" E., 434.69 ft. dist., along line 2–3 of said MS 19781B Shoe Basin No. 2 Mill Site to corner No. 3 of said MS 19781B Shoe Basin No. 2 Mill Site; thence S. 37°22'33" W., 500.00 ft. dist., along line 3–4 of said MS 19781B Shoe Basin No. 2 Mill Site to corner No. 4 of said MS 19781B Shoe Basin No. 2 Mill Site, identical with corner No. 5 MS 19786B Shoe Basin No. 1 Mill Site; thence S. 37°22'33" W., 458.53 ft. dist., along line 5–6 of said MS 19786B Shoe Basin No. 1 Mill Site to corner No. 6 of said MS 19786B Shoe Basin No. 1 Mill Site; thence N. 52°39'36" W., 500.11 ft. dist., along line 6–1 of said MS 19786B Shoe Basin No. 1 Mill Site to corner No. 1 of said MS 19786B Shoe Basin No. 1 Mill Site; thence N. 37°25'51" E., 280.96 ft. dist., along line 1–2 of said MS 19786B Shoe Basin No. 1 Mill Site to corner No. 2 of said MS 19786B Shoe Basin No. 1 Mill Site, on line 4–1 of said MS 19786A Shoe Basin No. 8 Lode; thence N. 52°01'59" W., 69.66 ft. dist., along line 4–1 of said MS 19786A Shoe Basin No. 8 Lode to the intersect of line 1–2 of said MS 19781A Globe and Phoenix No. 1 Lode; thence N. 66°11'30" W., 165.02 ft. dist., along line 1–2 of said MS 19781A Globe and Phoenix No. 1 Lode to corner No. 2 of said MS 19781A Globe and Phoenix No. 1 Lode, identical with corner No. 1 of said MS 19781A Globe and Phoenix No. 2 Lode; thence N. 66°19'17" W., 299.70 ft. dist., along line 1–2 of said MS 19781A Globe and Phoenix No. 2 Lode, on line 4–1 of said MS 19781A Globe and Phoenix No. 4 Lode; thence S. 23°17'5D" W., 29.04 ft. dist., along line 4–1 of said MS 19781A Globe and Phoenix No. 4 Lode to corner No. 1 of said MS 19781A Globe and Phoenix No. 4 Lode; thence N. 67°17'27" W., 290.52 ft. dist., along line 1–2 of said MS 19781A Globe and Phoenix No. 4 lode to the intersect of line 1–2 MS 8154 Old Shovel Lode; thence S. 22°20'27" W., 275.80 ft. dist., along line 1–2 of said MS 8154 Old Shovel Lode to corner No. 2 of said MS 8154 Old Shovel Lode; thence N. 60°43'59" W., 151.47 ft. dist., along line 2–3 of said MS 8154 Old Shovel Lode to corner No. 3 of said MS 8154 Old Shovel Lode; thence N. 22°24'44" E., 236.15 ft. dist., along line 3–4 of said MS 8154 Old Shovel Lode to the intersect of line 4–1 of said MS 19781A Globe and Phoenix No. 6 Lode; thence S. 37°59'30" W., 235.73 ft. dist., along line 4–1 of said MS 19781A Globe and Phoenix No. 6 Lode to corner No. 1 of said MS 19781A Globe and Phoenix No. 6 Lode; thence N. 61°12'24" W., 299.51 ft. dist., along line 1–2 of said MS 19781A Globe and Phoenix No. 6 Lode to corner No. 2 of said MS 19781A Globe and Phoenix No. 6 Lode; thence N. 39°01'08" E., 197.04 ft. dist., along line 2–3 of said MS 19781A Globe and Phoenix No. 6 Lode to corner No. 1 of said MS 19781A Globe and Phoenix No. 8 Lode; thence N. 51°17'01" W., 300.59 ft. dist., along line 1–2 of said MS 19781A Globe and Phoenix No. 8 Lode to corner No. 2 of said MS 19781A Globe and Phoenix No. 8 Lode; thence N. 38°49'17" E., 508.76 ft. dist., along line 2–3 of said MS 19781A Globe and Phoenix No. 8 Lode to the intersect of line 3–4 of said MS 7654 Granite Mt. Lode; thence N. 82°36'50" W., 83.87 ft. dist., along line 3–4 of said MS 7654 Granite Mt. Lode to corner No. 4 of said MS 7654 Granite Mt. Lode; thence N. 14°57'04" E., 1498.72 ft. dist., along line 4–1 of said MS 7654 Granite Mt. Lode to corner No. 1 of said MS 7654 Granite Mt. Lode; thence S. 87°24'07" E., 19.63 ft. dist., along line 1–2 of said MS 7654 Granite Mt. Lode to corner No. 5 of said MS 7654 Shoe Basin Lode; thence N. 07°16'33" E., 182.80 ft. dist., along line 5–6 of said MS 7654 Shoe Basin Lode to the intersect of line 4–1 of said MS 1141A Manerva Lode; thence N. 69°12'28" W., 124.74 ft. dist., along line 4–1 of said MS 1141A Manerva Lode to corner No. 1 of said MS 1141A Manerva Lode; thence N. 20°55'46" E., 513.76 ft. dist., along line 1–2 of said MS 1141A Manerva Lode to the intersect of line 5–6 of said MS 7654 Shoe Basin Lode; thence N. 07°16'39" E., 76.26 ft. dist., along line 5–6 of said MS 7654 Shoe Basin Lode to corner No. 6 of said MS 7654 Shoe Basin Lode; thence N. 10°53'33" W., 121.61 ft. dist., along line 6–1 of said MS 7654 Shoe Basin Lode to the intersect of line 4–1 MS 469 Whale Lode; thence S. 68°30'06" E., 52.66 ft. dist., along line 4–1 of said MS 469 Whale lode to corner No. 1 of said MS 469 Whale lode; thence N. 21°30'09" E., 192.88 ft. dist., along line 1–2 of said MS 469 Whale lode to the intersect of line 2–3 of said MS 7654 Shoe basin Lode; thence S. 11°28'18" E., 51.39 ft. dist., along line 2–3 of said MS 7654 Shoe basin Lode to the intersect of line 1–2 of said MS 1141A Manerva Lode; thence N. 20°55'48" E., 653.51 ft. dist., along line 1–2 of said MS 1141A Manerva Lode to corner No. 2 of said MS 1141A Manerva Lode; thence S. 69°12'20" E., 148.60 ft. dist., along line 2–3 of said MS 1141A Manerva Lode to corner No. 3 of said MS 1141A Manerva Lode, more or less, to the place of beginning. Said Tract contains 94.90 acres, more or less. Also including a Tract of land described as follows: Beginning at corner No. 1 MS 765 Shoe Basin Lode; whence the NW corner of Section 16, T. 5 S., R. 75 W., 6th P.M. bears N. 07°15'31" W., 767.87 ft. dist., thence S. 82°21'11" E., 142.97 ft. dist., along line 1–2 MS 7654 Shoe Basin Lode to the intersect of line 3–4 MS 466 Falls Lode; thence S. 21°29'57" W., 253.03 ft. dist., along line 3–4 of said MS 466 Falls Lode to the intersect of line 6–1 MS 7654 Shoe Basin Lode; thence N. 10°53'31" W., 259.11 ft. dist., along line 6–1 of said MS 7654 Shoe Basin Lode to corner No. 1 of said MS 7654 Shoe Basin Lode, more or less, to the point of beginning. Said Tract contains 0.40 acres, more or less. Also including a Tract of land described as follows: Beginning at a point at the intersect of line 3–4 MS 19781A W.B.L. Lode and line 1–2 MS 465 National Treasury Lode, whence the NW corner of Section 16, T. 5 S., R. 75 W., 6th P.M. bears N. 59°34'53" W., 2462.02 ft. dist., thence S. 31°06'01" W., 288.73 ft. dist., along line 3–4 of said MS 19781A W.B.L. Lode to the intersect of line 3–4 MS 471 Savage Lode; thence S. 31°06'01" W., 148.63 ft. dist., along line 3–4 of said MS 471 Savage Lode to the intersect of line 1–2 of said MS 465 National Treasury Lode; thence N. 38°26'11" E., 430.35 ft. dist., along line 1–2 of said MS 465 National Treasury Lode to the intersect of line 3–4 of said MS 19781A W.B.L. Lode, more or less, to the point of beginning. Containing 0.18 acres, more or less.

Under the name and style of "The Globe and Phoenix Subdivision A Subdivision Exemption Plat of Mineral Surveys Nos. 462, 463, 1141A, 7654, 8154, 19781A & B, 19786A & B" has laid out, Platted and subdivided same as shown on this plat, and by these presents does hereby dedicate to the County of Summit, State of Colorado, the streets, roads and other public areas as shown hereon for use as such and hereby dedicate those portions of land labeled as utility easements to the County of Summit for use by the utility companies in the installation and maintenance of utility lines and facilities. It is understood that the dedication of public rights–of–way for streets and roads does not necessarily result in the acceptance of roads constructed therein for maintenance by the County of Summit.

In witness whereof, the said owner, Transpacific Tourism of Colorado Inc., has caused its name hereunto be subscribed this 17th day of December, 2003.

by Harvey H Anderson

By Harvey H. Anderson as President and CEO

ACKNOWLEDGMENT:

State of Colorado)
)
County of ~~Summit~~ Jefferson)

The foregoing owner's certificate was acknowledged before me this 17 day of Dec 2003, by Harvey H. Anderson

Witness my hand and seal:

Phyllis Bill
Notary Public

My Commission Expires My Commission expires Aug. 6, 2005

NOTARY PUBLIC PHYLLIS BILLS STATE OF COLORADO

TITLE COMPANY'S CERTIFICATE:

Land Title Guarantee does hereby certify that it has examined the title to all lands shown hereon and title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

none

Dated this 19th Day of December, 2003

Agent

APPROVAL BY CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS:

I, Gary M. Lindstrom, on behalf of the Summit County Board of County Commissioners do hereby approve this Subdivision Exemption Plat on this 19th Day of December, 2003, and hereby accept dedication of utility easements as shown hereon.

By:
Chairman, Board of County Commissioners

CLERK AND RECORDER'S ACCEPTANCE:

This Plat was accepted for filing in the office of the Summit County Clerk and Recorder on this 19th, Day of December, 2003 and filed for record at 16:20 P.M., under reception number 741325

Signature Cheri Brunvand By: deputy clerk

SUMMIT COUNTY SEAL COLORADO

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CERTIFICATE OF SURVEY

I, Brian D. Hatter, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents a survey made by me or under my direction and supervision. I further certify that the monuments shown hereon actually exist, and their positions are as shown.

Brian Dirk Hatter 12-15-03
Signature Date Seal
PLS No. 26597

COLORADO REGISTERED BRIAN DIRK HATTER 26597 PROFESSIONAL LAND SURVEYOR

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS AK, AZ, CO, NM, NV		E. SCHAAF & ASSOCIATES, INC. 361 PALMER ST. DELTA, COLORADO 81416 EMAIL: dhatter@aol.com	
PLAN SCALE: NA	REVISIONS: 12/11/03 ...	The Globe and Phoenix Subdivision A Subdivision Exemption Plat of Mineral Surveys Nos. 462, 463, 1141A, 7654, 8154, 19781A & B, 19786A & B Located in the W ½ Section 16, E½ Section 17 and the NW ¼ Section 21, T. 5 S., R. 75 W., 6th P.M., Summit County, Colorado	Transpacific Tourism of Colorado Inc., Summit County, Colorado
FIELD CREW: BDH, JJS, TCL			
DRAFTSMAN: BDH			
SHEET 1 OF 2	F.B.		DATE: 10/23/03 JOB #: 03-52