

6100
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.

1-12
ENVIRONMENTAL COVENANT

HJN Family, LLC ("HJN") grants an Environmental Covenant ("Covenant") this 25th day of June, 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, CO 80246-1530.

WHEREAS, HJN is the owner of certain commercial property located at 5300 West Alameda Avenue, Lakewood, CO, 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, pursuant to the Amended Corrective Action Plan, COD069724771, approved on January 8, 2008, the Property is impacted by an enforcement and remedial action at the adjoining property, located at 5330 West Alameda Avenue, pursuant to the *Colorado Hazardous Waste Act*, §25-15-301, *et seq.*

WHEREAS, the purpose of this Environmental Covenant is to ensure protection of human health and the environment by imposing certain use restrictions on the Property.

WHEREAS, HJN agrees 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, 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, HJN hereby grants this Environmental Covenant to the Department and declares that the Property as described in the attached Exhibit A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 11 below, which shall run with the Property in perpetuity and be binding on HJN and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Environmental Covenant, the term OWNER means the then current 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.

 R \$61.00
D \$0.00
2009104205 COVE
10/20/2009 08:50:50 AM 12 Page(s)
Jefferson County, Colorado

1) Use restrictions. The Owner will not use the Property in the following ways:

- a) Groundwater beneath the Property shall not be removed; however, monitoring of groundwater constituents via monitoring wells is permitted.
- b) Taking any action which damages water monitoring wells on the Property or interferes with monitoring required by the Department is prohibited; however, the location of monitoring wells may be changed with the approval of the Department.

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 an engineered feature or structure is no longer necessary;
- e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
- e) other appropriate supporting information.

3) Conveyances. OWNER shall notify the Department at least fifteen (15) days in advance of the closing on any proposed sale or other 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) Third Party Beneficiary. The OWNER of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.

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

9) Enforcement. The Department may enforce the terms of this Covenant pursuant to § 25-15-322, C.R.S. HJN may file suit in district court to enjoin actual or threatened violations of this Covenant.

10) 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.

11) Notices. Any document or communication required under this Covenant shall be sent or directed to:

Walter Avramenko
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

HJN, has caused this instrument to be executed this 25th day of June, 2009.

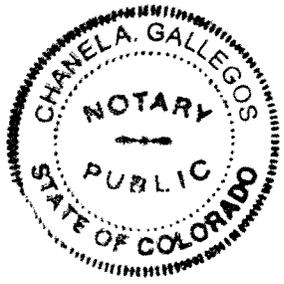
HJN Family, LLC

By: Juanita Joseph

Title: Manager

STATE OF Colorado)

COUNTY OF Denver)



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The foregoing instrument was acknowledged before me this 25 day of June, 2009, by Juanita Joseph on behalf of HJN Family, LLC.

Chanel A. Gallegos

Notary Public

1573 Market St.

Address

Denver, CO 80202

My Commission expires ~~My Commission Expires~~ 2/19/2012

Accepted by the Colorado Department of Public Health and Environment this 30th day of September, 2009

By: Gary W. Baughman

Title: Director, HHPWMD

STATE OF COLORADO)

COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 29 day of SEPTEMBER, 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

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EXHIBIT A

5300 West Alameda Avenue

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Roads

- Road Labels
- Roads res
- Highways
- Major Roads

Parcel

- Parcel
- Parcel Address

Water Features

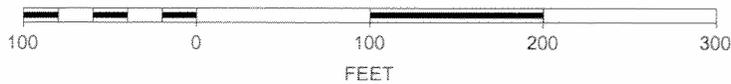
- Lakes

county

Surrounding Counties



SCALE 1 : 1,249



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Property Information

History

GENERAL INFORMATION

Schedule: 110316 Parcel ID: 49-131-00-001 [Print Help](#)
 Status: Active Property Type: Commercial
 Property Address: 05300 W ALAMEDA AVE
 LAKEWOOD CO 80226
 Mailing Address: c/o JUDITH A JOSEPH
 01551 LARIMER ST #1301
 DENVER CO 80202
 Neighborhood: 122 -

Owner Name(s)
 HJN FAMILY LLC

PROPERTY DESCRIPTION

Subdivision Name: -

| Block | Lot | Key | Section | Township | Range | QuarterSection | Land Sqft |
|-------|-----|-----|---------|----------|-------|----------------|-----------|
| | | 038 | 13 | 4 | 69 | NE | 14374 |
| Total | | | | | | | 14374 |

Assessor Parcel Maps Associated with Schedule
[map49-131.pdf](#)

[Graphic Parcel Map](#)

[MapQuest Location](#)

COMMERCIAL INVENTORY

| Building Number | Year Built | Quality | Floor | Structure Type | Units | Main SqFt | Basement SqFt | Land Area |
|-----------------|------------|---------|-------|----------------|-------|-----------|---------------|-----------|
| 1 | 1973 | Average | 1 | General Retail | 1 | 3600 | 0 | 14374 |

SALE HISTORY

| Sale Date | Sale Amount | Deed Type | Reception |
|------------|-------------|-----------------------|--------------------------|
| 04-14-1972 | 39,000 | | CONVER02 |
| 11-12-1973 | 97,000 | | CONVER01 |
| 10-07-1988 | 0 | Deed | 88098669 |
| 08-23-1999 | 0 | Special Warranty Deed | F0933093 |

TAX INFORMATION

| 2009 Payable 2010 | |
|-------------------|----------------|
| | Actual Value |
| Land | 53,300 |
| Imp | 213,200 |
| Total | 266,500 |
| | Assessed Value |
| Land | 15,460 |
| Imp | 61,830 |
| Total | 77,290 |
| 2008 Payable 2009 | |
| | Actual Value |
| Land | 53,700 |
| Imp | 214,900 |
| Total | 268,600 |
| | Assessed Value |
| Land | 15,570 |
| Imp | 62,320 |
| Total | 77,890 |

| View Mill Levy Detail For Year | 2009 | 2008 |
|--------------------------------|------|------|
| 2009 Mill Levy Information | | |
| Tax District | 7805 | |
| County | TBA | |
| School | TBA | |
| LAKWOOD | TBA | |
| ALAMEDA CORRIDOR BUSINESS IMP | TBA | |
| ALAMEDA W. & SAN. DIST. | TBA | |
| REGIONAL TRANSPORTATION DIST. | TBA | |
| URBAN DRAINAGE&FLOOD CONT DIST | TBA | |
| URBAN DRAINAGE&FLOOD C SO.PLAT | TBA | |
| W ALAMEDA AVE CORR-URB R1 2023 | TBA | |
| WEST METRO FIRE PROTECTION D | TBA | |
| Total | TBA | |

[Treasurer Information](#)



O&E REPORT

Attn: Rachel J. Cross
 Company: Burns Figa & Will, PC
 Phone: 303-796-2626 Fax:
 Order Number: 1011068 Date Ordered: 6-30-2009

g

Property Information

Owner: Hjn Family Llc
 Address: 5300 W Alameda Ave Lakewood, CO 80226
 County: Jefferson
 Parcel Number: 110316

Legal Description

See Attached Vesting

Ownership

| Doc Type | Grantor | Grantee | Date | Reference # |
|---------------|-------------------|----------------|-----------|-------------|
| Warranty Deed | Harriet S. Joseph | Hjn Family Llc | 8-26-1999 | 933093-1999 |

Deed of Trust/Mortgages

| Item | Payable to | Amount | Date | Reference # |
|------|------------|--------|------|-------------|
|------|------------|--------|------|-------------|

Other Documents Requested

| Item | Payable to | Amount | Date | Reference # |
|------|------------|--------|------|-------------|
|------|------------|--------|------|-------------|

Prepared By: Mary Morgan

Phone: 303.780.4079

Date: 6/30/2009

The liability of Stewart Title of Colorado, Inc. for any errors or omissions in the information provided is limited to the amount paid for this report. Maximum liability is further limited to our customer. There is no expressed or implied warranties that this report is reliable for title information and, therefore should be verified by a Commitment for Title Insurance.

No representation is made to the completeness, validity, or the legal sufficiency of such documents, nor have any of such documents been examined to determine whether or not there are any Exceptions, Reservations, Encumbrances or other matters which might be detrimental to Title.

No search has been made for any prior Restrictions, Covenants, Easements, Rights of Way, if any, recorded prior to the commencement of this search.

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Schedule Number: 110316

Owner Name: HJN FAMILY LLC

Property Address: 05300 W ALAMEDA AVE

Property Tax Amount For Last Year: \$8,113.40

CURRENT PAYABLE TAX INFORMATION

Tax District: 7805

Tax Mill Levy: 104.389

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| | <u>Full Amount</u> | <u>Half Amount</u> |
|---------------------|--------------------|------------------------|
| Due Date: | 4/30 | 2/28 & 6/15 |
| Original Bill: | \$8,130.86 | \$0.00 |
| Abatement: | \$0.00 | \$0.00 |
| Amount Paid: | \$8,130.86 | \$0.00 |
| General Due: | \$0.00 | \$0.00 |
| Gen Delinq: | \$0.00 | \$0.00 |
| Sid Billed: | \$0.00 | \$0.00 |
| Sid Paid: | \$0.00 | \$0.00 |
| Sid Delinq: | \$0.00 | \$0.00 |
| Balance Due: | \$0.00 | \$0.00 |

Pay Taxes Now

Zero Balance Due: No Payment Required

Payment Dates & Terms

PAYMENT INFORMATION

| <u>Payment Type</u> | <u>Amount</u> | <u>Date</u> | <u>Payor</u> | <u>Receipt Number</u> |
|---------------------|---------------|-------------|--------------|-----------------------|
| Real Property | \$8,130.86 | 04/14/2009 | | 041409120016 |

SPECIAL WARRANTY DEED
(Statutory Form, C.R.S. § 38-30-115)

HARRIET S. JOSEPH, whose address is 3329 East Bayaud, No. 1112, Denver, Colorado 80209 of the City and County of Denver and State of Colorado, for the consideration of Ten and no/100 DOLLARS (\$10.00), in hand paid, hereby sells and conveys to HJN FAMILY LLC, whose address is Judith A. Joseph, 1551 Larimer Street, Number 1301, Denver, Colorado 80202 of the City and County of Denver and State of Colorado, the following real property in the County of Jefferson and State of Colorado, to wit:

THAT portion of the North 192 feet of Block 7, PORTER AND ANTHONY'S SUBDIVISION According to the recorded plat thereof, and of the W1/2 of vacated South Ames Street (formerly Lansing Avenue), adjoining thereto, lying Southerly of the Southerly line of Alameda Avenue as said Southerly line is defined in Deed recorded in Book 377 at Page 318 of the Jefferson County records, lying within the West 150 feet of the East 175 feet of the W1/2 of the NE1/4 of the NE1/4 of the NE1/4 of Section 13, Township 4 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado.

known by street and number as 5300 West Alameda Avenue, Lakewood, Colorado 80226, with all its appurtenances and warrants title to the same against all persons claiming under me, subject to the lien for general real property taxes for 1999 payable in 2000, and taxes for subsequent years; AND except any tax, assessment, fees or charges, by reason of the inclusion of the subject property in Alameda Water and Sanitation District, Bancroft Fire Protection District and Foothills Metropolitan Recreation and Park District.

Signed this 23 day of August, 1999.

Harriet S. Joseph
Harriet S. Joseph

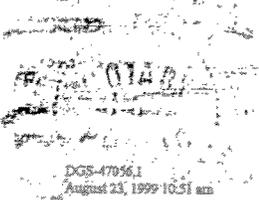
STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 23 day of August, 1999, by Harriet S. Joseph.

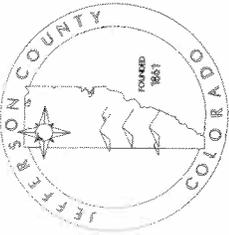
My commission expires: July 18, 2000
Witness my hand and official seal.

Christina M. Dahlbeck
Notary Public

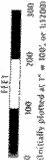
STATE DOCUMENTARY FEE
5.00
AUG 26 1999



MAP 49-131



Jim Everson
Assessor



| TOWNSHIP INDEX | | SECTION INDEX | |
|----------------|-----|---------------|-----|
| 17 | 21 | 01 | 01 |
| 18 | 22 | 02 | 02 |
| 19 | 23 | 03 | 03 |
| 20 | 24 | 04 | 04 |
| 21 | 25 | 05 | 05 |
| 22 | 26 | 06 | 06 |
| 23 | 27 | 07 | 07 |
| 24 | 28 | 08 | 08 |
| 25 | 29 | 09 | 09 |
| 26 | 30 | 10 | 10 |
| 27 | 31 | 11 | 11 |
| 28 | 32 | 12 | 12 |
| 29 | 33 | 13 | 13 |
| 30 | 34 | 14 | 14 |
| 31 | 35 | 15 | 15 |
| 32 | 36 | 16 | 16 |
| 33 | 37 | 17 | 17 |
| 34 | 38 | 18 | 18 |
| 35 | 39 | 19 | 19 |
| 36 | 40 | 20 | 20 |
| 37 | 41 | 21 | 21 |
| 38 | 42 | 22 | 22 |
| 39 | 43 | 23 | 23 |
| 40 | 44 | 24 | 24 |
| 41 | 45 | 25 | 25 |
| 42 | 46 | 26 | 26 |
| 43 | 47 | 27 | 27 |
| 44 | 48 | 28 | 28 |
| 45 | 49 | 29 | 29 |
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| 47 | 51 | 31 | 31 |
| 48 | 52 | 32 | 32 |
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| 52 | 56 | 36 | 36 |
| 53 | 57 | 37 | 37 |
| 54 | 58 | 38 | 38 |
| 55 | 59 | 39 | 39 |
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| 57 | 61 | 41 | 41 |
| 58 | 62 | 42 | 42 |
| 59 | 63 | 43 | 43 |
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| 64 | 68 | 48 | 48 |
| 65 | 69 | 49 | 49 |
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| 67 | 71 | 51 | 51 |
| 68 | 72 | 52 | 52 |
| 69 | 73 | 53 | 53 |
| 70 | 74 | 54 | 54 |
| 71 | 75 | 55 | 55 |
| 72 | 76 | 56 | 56 |
| 73 | 77 | 57 | 57 |
| 74 | 78 | 58 | 58 |
| 75 | 79 | 59 | 59 |
| 76 | 80 | 60 | 60 |
| 77 | 81 | 61 | 61 |
| 78 | 82 | 62 | 62 |
| 79 | 83 | 63 | 63 |
| 80 | 84 | 64 | 64 |
| 81 | 85 | 65 | 65 |
| 82 | 86 | 66 | 66 |
| 83 | 87 | 67 | 67 |
| 84 | 88 | 68 | 68 |
| 85 | 89 | 69 | 69 |
| 86 | 90 | 70 | 70 |
| 87 | 91 | 71 | 71 |
| 88 | 92 | 72 | 72 |
| 89 | 93 | 73 | 73 |
| 90 | 94 | 74 | 74 |
| 91 | 95 | 75 | 75 |
| 92 | 96 | 76 | 76 |
| 93 | 97 | 77 | 77 |
| 94 | 98 | 78 | 78 |
| 95 | 99 | 79 | 79 |
| 96 | 100 | 80 | 80 |
| 97 | 101 | 81 | 81 |
| 98 | 102 | 82 | 82 |
| 99 | 103 | 83 | 83 |
| 100 | 104 | 84 | 84 |
| 101 | 105 | 85 | 85 |
| 102 | 106 | 86 | 86 |
| 103 | 107 | 87 | 87 |
| 104 | 108 | 88 | 88 |
| 105 | 109 | 89 | 89 |
| 106 | 110 | 90 | 90 |
| 107 | 111 | 91 | 91 |
| 108 | 112 | 92 | 92 |
| 109 | 113 | 93 | 93 |
| 110 | 114 | 94 | 94 |
| 111 | 115 | 95 | 95 |
| 112 | 116 | 96 | 96 |
| 113 | 117 | 97 | 97 |
| 114 | 118 | 98 | 98 |
| 115 | 119 | 99 | 99 |
| 116 | 120 | 100 | 100 |

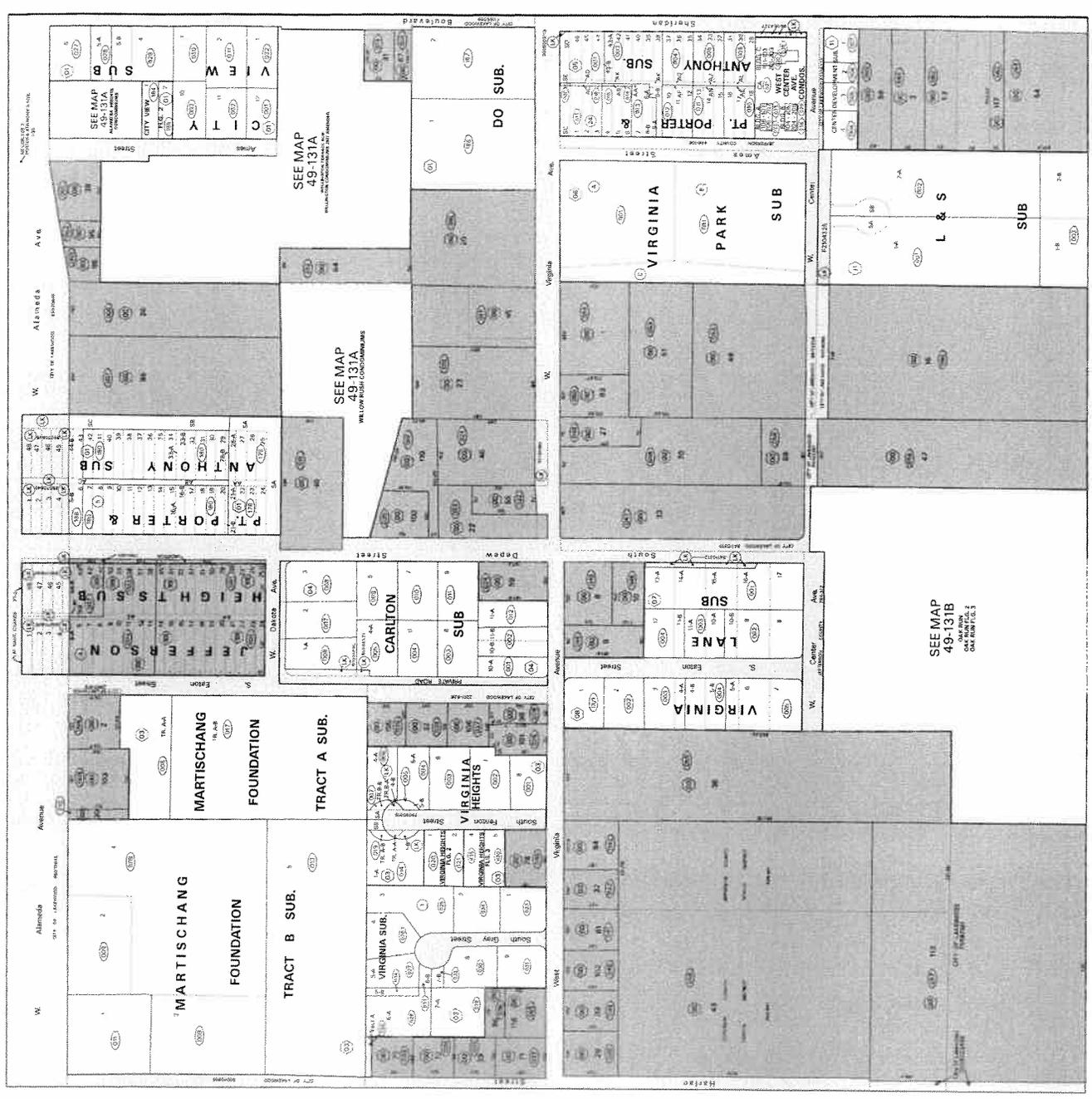
| QUARTER SECTIONS | |
|------------------|----|
| 1 | NW |
| 2 | NE |
| 3 | SW |
| 4 | SE |

DISCLAIMER
Caution: This map is for assessment purposes only. It is not necessarily accurate for legal conveyance. Subsequent editions with updated information will be published on a continual basis. Therefore, the information contained on this map may be modified or altered.

KEY
 Section Lines
 Tie Bar Lines
 Subdivision Lines
 Quarter Section/Tie Bar Lines
 Township Boundaries
 County Boundaries
 All Others
 Right of Way, Water & Rail Road
 Areas without parcel numbers
 Areas with parcel numbers
 Block numbers 99 & 00

This map was last updated on 10/20/2014. It is not necessarily accurate for legal conveyance. Subsequent editions with updated information will be published on a continual basis. Therefore, the information contained on this map may be modified or altered.

Jefferson County Assessor's Office
 1000 North Lincoln Avenue, Suite 100
 Jefferson, Colorado 80158
 Phone: 303.733.1000
 Fax: 303.733.1001
 Website: www.jeffco.us



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