

RESOLUTION NO. 2012-07-01

**RESOLUTION OF DOLORES CANYON METROPOLITAN DISTRICT NO. 1
INCREASING THE RATE OF THE PUBLIC IMPROVEMENTS FEE UNDER THE
DECLARATION OF COVENANTS IMPOSING AND IMPLEMENTING THE
DOLORES CANYON PUBLIC IMPROVEMENTS FEE**

WHEREAS, Dolores Canyon Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District, by a Resolution No. 2011-03-04, accepted the designation as the Designated Receiving Entity under the Declaration of Covenants Imposing and Implementing the Dolores Canyon Public Improvements Fee (the "Declaration"); and

WHEREAS, in its capacity as Designated Receiving Entity under the Declaration, the District is empowered to determine, from time to time, the amount of the public improvements fee to be impose on each PIF Sale (as defined in the Declaration) that occurs from, within, or upon the Property (as defined in the Declaration); and

WHEREAS, the District, by a Resolution No. 2011-03-05, set the initial rate of the public improvements fee ("PIF") imposed upon each PIF Sale in the amount of two and a half percent (2.5%) of the revenue generated by Lodging Sales (as defined by the Declaration), and two and a half percent (2.5%) of the revenue generated by Retails Sales (as defined by the Declaration); and

WHEREAS, the District entered into an Intergovernmental Priority PIF Revenue-Sharing Agreement with the Mesa County Gateway Public Improvement District ("MCGPID"), dated July 9, 2012, by which the District agreed to implement an additional one and a half percent (1.5%) PIF (the "Priority Services PIF") and to remit the revenues of the Priority Services PIF to

the MCGPID in consideration for MCGPID's agreement to provide certain services to the District; and

WHEREAS, the District now desires to increase the total rate of the PIF by the Declaration in order to collect the Priority Services PIF.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Dolores Canyon Metropolitan District as follows:


1. The Board does hereby adopt a new rate of public improvements fee to be imposed upon each PIF Sale in the amount of four (4%) of the revenue generated by Lodging Sales, and four (4%) of the revenue generated by Retails Sales. Such fee shall remain in effect until further action of the Board.
2. The Board hereby authorizes and directs the officers of the District and the District's Manager to take all actions necessary to give notice of such increased rate to each Retailer (as defined in the Declaration) subject to the Declaration and other interested parties.
3. As provided for in the Declaration, the District, in its capacity as the Designated Receiving Entity under the Declaration, reserves the right, under certain circumstances to change the rate of the public improvements fee from time to time. In the event that the District's agreement with MCGPID regarding the Priority Services PIF is terminated or amended, the District shall be empowered to terminate, increase or decrease the Priority Services PIF component of the PIF rate.
4. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word hereof, or the application thereof in any given

circumstance shall not affect the validity of the remainder of this Resolution, which shall be given effect in accordance with the manifest intent hereof.

APPROVED AND ADOPTED this 26th day of July, 2012.

DOLORES CANYON METROPOLITAN
DISTRICT NO. 1, a quasi-municipal entity and
political subdivision of the State of Colorado

By: _____

President 

Attest:


Secretary

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

Legal Description of the Property Owned by Western Sky Investments, LLC

Parcel No. 3477-153-00-089

Lot EE, Gateway Commercial Area Exemption, Plat Bk 3604, Pgs 900-901, Rec. No. 2181212, Mesa County records, EXCEPTING that portion within the right-of-way of Colorado State Highway No. 141, and being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of Colorado State Highway No. 141, said point being also on the South line of the SW1/4SW1/4 of Section 15, Township 51 North, Range 19 West of the New Mexico Principal Meridian, and from which the Southwest Corner of said Section 15, bears N.89°57'09"W, a distance of 555.99 feet; thence S.89°57'09"E, and along said South line of Section 15 a distance of 130.78 feet to a point on the centerline of the Dolores River; thence N.35°12'51"W, and following said centerline of the Dolores River a distance of 399.06 feet; thence N.16°05'56"W, and continuing along said centerline of the Dolores River a distance of 321.09 feet to a point on the easterly right-of-way line of said Colorado State Highway No. 141; the following five (5) courses are along said easterly right-of-way line:

- (1) S.53°11'09"W, a distance of 44.05 feet;
- (2) S.47°32'14"W, a distance of 136.90 feet;
- (3) along a curve to the left having a radius of 188.80 feet and a central angle of 65°53'30" for an arc length of 217.12 and for which the chord bears S.02°05'25"W, a distance of 205.36 feet;
- (4) S.43°21'24"E, a distance of 133.83 feet;
- (5) S.48°02'10"E, a distance of 321.44 feet to the Point of Beginning;

AND

Parcel No. 3477-164-00-057

Parcel A of the Russell Ranch Agricultural Land Division;

AND

Parcel No. 3477-164-00-100

A tract of land in Sections 15, 16, 21 and 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian, and including part of Dolores Placer No. 1 (U.S. Mineral Survey No. 3253) and part of Dolores Placer No. 4 (U.S. Mineral Survey No. 3255) lying South and West of the Dolores River, a part of Government Lot 5 in said Section 16, Parcel B of the Russell Ranch Agricultural Land Division, Bk 19, Pg 42, Rec. No. 2060191 and including Lots 1, 2 and 3 of the Gateway Apartments Exemption, Plat Bk No. 3604, Pg 902, Rec. No. 2181213, Mesa County Records and including Lots 1 through 7 and Lots AA, BB, CC, DD and FF of the Gateway Commercial Area Exemption, Plat Bk No. 3604, Pgs 900-901, Rec. No. 2181212, Mesa County records, and being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Mesa County Road 4.1 (dedicated by Russell Ranch Agricultural Land Division, Plat Bk No. 19, Pg 42, Rec. No. 2060191, Mesa County records) and from which the 1/4 Corner common to abovementioned Sections 16 and 21,

monumented with a BLM pipe and brass cap set in a mound of stones, bears S.00°37'42"W, a distance of 1044.02 feet; thence N.00°37'37"E. and along the West line of the SE1/4 of said Section 16 a distance of 273.90 feet to the Center-South 1/16th Corner of said Section 16; thence N.00°37'24"E. and continuing along said West line a distance of 531.79 feet to a point set at the intersection of the N/S centerline of said Section 16 and the line between Corners No. 3 and No. 4 of Dolores Placer No. 1 (U.S. Mineral Survey No. 3253) monumented with an aluminum pipe and cap monument; thence N.00°38'12"E. and continuing along the West line of said SE1/4 of Section 16, a distance of 281.68 feet; thence N.50°38'05"E. a distance of 303.67 feet to a point in the centerline of the Dolores River; thence following said centerline the following five (5) courses:

- (1) S.30°07'43"E. a distance of 527.47 feet;
- (2) N.89°19'43"E. a distance of 160.23 feet;
- (3) N.61°17'04"E. a distance of 436.57 feet;
- (4) N.74°30'44"E. a distance of 429.79 feet;
- (5) N.40°46'47"E. a distance of 165.38 feet to a point on the line between Corners No. 1 and No. 2 of said Dolores Placer No. 1 (U.S. Mineral Survey No. 3253); thence S.47°35'47"E. and along said Placer line a distance of 993.63 feet to a point in the centerline of the Dolores River; thence along said centerline the following five (5) courses:
 - (6) S.05°49'29"W. a distance of 64.67 feet;
 - (7) S.43°51'12"E. a distance of 350.60 feet;
 - (8) S.61°26'41"E. a distance of 168.20 feet;
 - (9) S.37°41'20"E. a distance of 294.43 feet;
 - (10) S.16°05'56"E. a distance of 297.17 feet to a point on the westerly right-of-way line of Colorado State Highway No. 141; thence along said westerly right-of-way line S.53°11'09"W. a distance of 81.87 feet; thence S.46°54'04"W. and continuing along said westerly right-of-way line a distance of 164.93 feet to a point of curvature; thence continuing along said right-of-way line following a curve to the left having a radius of 288.80 feet, a central angle of 65°52'49"E. for an arc length of 332.07 feet and for which the chord bears S.02°14'24"W, a distance of 314.08 feet; thence S.42°25'16"E. and continuing along said right-of-way line a distance of 164.93 feet; thence S.48°42'21"E. and continuing along said right-of-way line a distance of 211.66 feet to a point on the South line of said Section 15; thence S.89°57'09"E. and along said South line a distance of 276.76 feet to a point in the centerline of the Dolores River; thence S.52°52'13"E. and following said centerline a distance of 634.83 feet; thence S.85°07'13"E. and continuing along said centerline a distance of 331.60 feet to a point where the line of a wash intersects the centerline of the Dolores River; thence S.35°52'30"W. and along said line of a wash, a distance of 682.84 feet to a point on the southwesterly right-of-way line of said Colorado State Highway No. 141; thence N.03°12'29"W. and along said southwesterly right-of-way line a distance of 94.08 feet; thence N.05°42'32"W. and continuing along said southwesterly right-of-way line a distance of 138.50 feet to a point on the westerly line of John Brown Road; thence S.33°03'05"W. and along said westerly line a distance of 169.58 feet; thence S.20°03'08"W. and continuing along said westerly line a distance of 368.37 feet to the Northeast Corner of that parcel of land described in Bk 2309 at Pgs 382-383, Rec. No. 1791729, Mesa County records; thence N.68°14'47"W. and leaving said westerly line, and following the northerly line of above said parcel described in Bk 2309 at Pgs 382-383, Mesa County records, a distance of 340.19 feet; thence S.34°43'39"W. and following the westerly line of above said parcel described in Bk 2309 at Pgs 382-383, a distance of 350.75 feet to a point on the northerly line of that parcel described

in Bk 1524 at Pg 418, Rec. No. 1380657, Mesa County records; thence N.47°22'50"W. and following the northerly line of said parcel described in Bk 1524 at Pg 418, a distance of 10.84 feet to the Northwest Corner; thence S.31°20'58"W. and along the westerly line of said parcel described in Bk 1524 at Pg 418, a distance of 125.63 feet to a point on the northerly line of that parcel described in Bk 4062 at Pg 104, Rec. No. 2293212, Mesa County records; thence N.55°55'06"W. and following the northerly line of said parcel described in Bk 4062 at Pg 104, a distance of 45.97 feet to the Northwest Corner; thence S.35°01'34"W. and following the westerly line of that parcel described in Bk 4062 at Pg 104, and also following the westerly line of that parcel of land described in Bk 3931 at Pgs 76-77, Rec. No. 2261640, Mesa County records, for a total distance of 446.57 feet to a point on the West line of said Section 22, said point monumented with a rebar and aluminum cap marked L.S. 11221, and from which the Witness Corner monument (a pipe with a 3" dia. brass cap) that is set N.00°02'55"E. a distance of 78.24 feet from the True Corner position for the 1/4 Corner common to Sections 21 and 22, bears S.00°02'55"E. a distance of 736.34 feet; thence N.00°02'55"W. and along the West line of the SW1/4NW1/4 of said Section 22, a distance of 504.54 feet to the North 1/16th Corner common to said Sections 21 and 22, thence N.89°54'35"W. and along the South line of the NE1/4NE1/4 of said Section 21, a distance of 1316.78 feet to the NE1/16 Corner of said Section 21; thence N.00°00'18"W. and along the West line of the NE1/4NE1/4 of said Section 21 a distance of 1318.95 feet to the E1/16 Corner common to Sections 21 and 16; thence N.89°55'29"W. and along the North line of the NW1/4NE1/4 of said Section 21 a distance of 807.32 feet to the Southeast Corner of that parcel of land described in Plat Bk 19 at Pg 42, Rec. No. 2060191, Mesa County records; thence following the boundary of said parcel described in said Plat Bk 19 at Pg 42 the following five (5) courses:

(11) N.44°25'57"E. a distance of 229.70 feet;

(12) N.32°40'40"E. a distance of 511.86 feet;

(13) N.23°09'41"W. a distance of 151.67 feet;

(14) N.40°06'30"E. a distance of 53.11 feet;

(15) N.65°43'20"W. a distance of 350.23 feet to a point on the southerly right-of-way line of County Road 4.1; thence S.57°39'44"W. and along said southerly right-of-way line a distance of 80.00 feet; thence continuing along said southerly right-of-way line along a curve to the right having a radius of 291.45 feet; a central angle of 71°39'45" for an arc length of 364.53 feet; and for which the chord bears N.86°30'24"W. a distance of 341.23 feet; thence N.50°40'31"W. and continuing along said southerly right-of-way line a distance of 233.13 feet to the Point of Beginning, and EXCEPTING that portion of the right-of-way of Colorado State Highway No. 141 shown within the boundary;

AND

Parcel No. 3477-222-00-095

A tract or parcel of land situated in the SW ¼ NW ¼ of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian, more particularly described as follows: assuming the West line of said SW ¼ NW ¼ of said Section 22 bears North 0°21'35" East and all other bearings contained here are relative thereto. Beginning at a point on the West line of said SW ¼ NW ¼ of said Section 22 from which the Southwest corner bears South 0°21'35" West 731.40 feet or 653.0 feet to a witness corner, thence South 71°36'30" East 423.77 feet to the Westerly side of John Brown Road;

thence North 30°58' East along said road 268.11 feet;
thence North 54°59'32" West 430.84 feet to a steel pin (1" drill steel) and an established fence line;
thence South 35°39'43" West 320.14 feet to the West line of said SW ¼ NW ¼ of said Section 22;
thence South 0°21'35" West along said West line 83.20 feet to the Point of Beginning,
Mesa County, Colorado;

AND

Parcel No. 3477-222-00-030

A tract or parcel of land situated in the W1/2 NW1/4 of Section 22, Township 51 North, Range 19 West, New Mexico Principal Meridian, Mesa County, Colorado more particularly described as follows:

Assuming the East line SW1/4 NW1/4 Section 22 bears North 0°21'35" East, and all other bearings contained herein are relative thereto:

Beginning at a point on the Westerly side of John Brown Road from which the Southwest corner of said SW1/4 NW1/4 of Section 22 bears South 32°30'42" West, 1335.49 feet; thence North 33°27'14" East along said Westerly side of John Brown Road 116.18 feet; thence North 30°44'45" East, continuing along said Road 218.78 feet to the established fence line; thence along said fence line for the next three (3) courses:

(1) North 67°52'04" West, 340.04 feet,
(2) thence South 35°04'00" West, 350.57 feet,
(3) thence South 54°56'00" East, 208.71 feet, thence North 35°04'00" East, 92.60 feet; thence South 54°56'00" East, 142.46 feet to the point of beginning;

TOGETHER with a Driveway easement as conveyed in Deed recorded December 16, 1969 in Book 941 at page 918;

AND

Parcel No. 3477-222-00-034

A tract or parcel of land situated in the SW1/4 NW1/4 of Section 22, Township 51 North, Range 19 West, New Mexico Principal Meridian, and being more particularly described as follows:

Assuming the West line of said SW1/4 NW1/4 Section 22 bears north 0°21'35" East and all other bearings herein contained are relative thereto, beginning at a point from which the SW corner of said SW1/4 NW1/4 Section 22 bears South 35°39'43" West 320.14 feet and South 0°21'35" West 814.60 feet, thence South 54°59'32" East 430.84 feet to the Westerly side of John Brown Road, thence South 30°58'00" West along said Road 268.11 feet, thence South 71°36'30" East 964.63 feet to the East line of said SW1/4 NW1/4 Section 22, thence North 0°21'35" East along said East line 141.61 feet, thence North 54°54'00" West 1246.72 feet to a pin and cap (LS 11221) and established fence line, thence North 55°17'10" West along said fence 45.49 feet, thence South 35°39'43" West 126.47 feet to the Point of Beginning;

AND

Parcel No. 3477-222-00-094

A tract or parcel of land situated in the W ½ NW ¼ of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian, Mesa County, Colorado more particularly described as follows:

Assuming the East line of said SW ¼ NW ¼ Section 22 bears S 0°21'35" W and all other bearings contained herein are relative thereto beginning at a point on the Westerly Right-of Way line of State Highway No. 141 and East line of said SW ¼ NW ¼ Section 22 from which the SE corner bears S 0°21'35" W 901.62 feet;

thence along the said Westerly R.O.W. line of State Highway No. 141 for the next seven (7) courses:

- (1) N 40°30' W 52.40 feet,
 - (2) thence N 2°26'50" W 110.50 feet to a point of a curve to the right,
 - (3) thence around the arc of said curve 304.34 feet, the chord of which bears N 20°00' W 303.60 feet, the radius of said curve being 1206.0 feet with a central angle of 14°24',
 - (4) thence N 9°28'00" W 200.50 feet,
 - (5) thence N 7°48'00" W 120.00 feet,
 - (6) thence N 2°46'57" W 114.34 feet,
 - (7) thence N 5°17' W 138.50 feet to the Westerly side of John Brown Road,
- thence along said Westerly side of John Brown Road for the next three (3) courses:

- (1) S 33°38'27" W 169.58 feet,
 - (2) thence S 20°22'11" W 368.62 feet,
 - (3) thence S 30°44'45" W 218.78 feet,
- thence S 58°48'00" E 636.63 feet more or less to the point of beginning.

AND

Parcel No. 3477-222-00-033

A tract or parcel of land situated in the SW ¼ NW ¼ of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian, County of Mesa, State of Colorado, more particularly described as follows:

Assuming the West line of said SW ¼ NW ¼ of Section 22 bears N 0°21'35" E and all

Other bearings contained herein are relative thereto, beginning at a point on the Westerly side of John Brown Road from which the Southwest corner of said SW ¼ NW ¼ of Section 22 bears S 32°30'4" W 1335.49 feet; thence N 54°56'00" W 142.46 feet; thence S 35°04'00" W 92.6 feet to an established fence line; thence along said fence line N 54°56'00" W 208.71 feet; thence continuing along said fence N 48°00'00" W 11.06 feet; thence continuing along said fence S 31°37'00" W 125.46 feet; thence S 54°54'00" E 1246.72 feet to the East line of said SW ¼ NW ¼ of Section 22; thence N 0°21'35" E along said East line 457.45 feet to a point on the Westerly right of way of State Highway No. 141; thence N 58°48'00" W 636.63 feet to a fence line on the Westerly side of said John Brown Road; thence S 33°27'14" W along said road 116.18 feet to the point of beginning.

Legal Description of the Property Owned by Hendricks Real Estate Holdings, LLC

PARCEL No. 3477-221-00-092

All that part of Dolores Placer No. 4 in the SE1/4SW1/4 of Section 15, Township 51 North, Range 19 West of the New Mexico Principal Meridian and in the NE1/4NW1/4 and in the W1/2NE1/4 of Section 22, of said Township and Range, lying North and East of the Dolores River and East of West Creek.

All that part of Dolores Placer No. 5 in the SW1/4SE1/4 and the SE1/4SW1/4 of Section 15, Township 51 North, Range 19 West of the New Mexico Principal Meridian, lying South and East of West Creek.

Lots 1 and 2 and the E1/2NE1/4 of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian.

That part of the SE1/4SW1/4 of Section 15, Township 51 North, Range 19 West of the New Mexico Principal Meridian, South and East of Dolores Placer No. 5 and North and East of Dolores Placer No. 4.

Lots 6 and 7 and the NE1/4SE1/4 of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian; EXCEPT a tract or parcel of land No. 32 of Colorado Department of Highways Project No. S 0141 in the NE1/4 of the SE1/4 and Lot 7 of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian as conveyed to County of Mesa by instrument recorded February 9, 1960 in Book 774 at Page 410.

All that part of Lot 7 in Section 15, Township 51 North, Range 19 West of the NMPM which lies in the W1/2SE1/4 of said Section 15; TOGETHER WITH an easement over and across the following described tract to-wit: Commencing at a point 1035 feet; South 43°55' West of Corner No. 10 of Dolores Placer No. 5 and thence South 35° East to 160 feet; thence South 54° West 251.44 feet; thence South 45°51' East 231.67 feet; thence North 66°32' East 214.41 feet for a point of beginning; thence South 66°32' West 30.54 feet; thence South 35°30' East 234.25 feet; thence North 43°41' East 30.54 feet; thence North 35°30' West to the point of beginning.

TOGETHER WITH all water and water rights, ditch and ditch rights belonging to or used in connection with that real property described above, including, without limitation, the following: 3.36 c.f.s. decreed in Cliff Ranch Ditch on February 11, 1939 out of West Creek for irrigation purposes with an October 1, 1910 appropriation date; 0.52 c.f.s. decreed to Cliff Ranch Ditch on February 11, 1939 out of West Creek for domestic purposes with an October 1, 1910 appropriation date; 3.34 c.f.s. decreed to Cliff Ranch Ditch on February 11, 1939 out of West Creek for irrigation purposes with a February 10, 1939 appropriation date; 4.5 c.f.s. decreed to the Casto Pumping Plant on February 11, 1939 with an appropriation date of October 11, 1922 for irrigation purposes originally adjudicated to the Foster Minar Ditch in the Dolores River, but moved to the present point of diversion and renamed as the Casto Pumping Plant in 1972. Together with all its appurtenances;

AND

PARCEL WITHIN 3477-221-00-092 (formerly School District 51 a/k/a 3477-154-00-943)

A parcel of land situated in the S ½ Section 15, Township 51 North, Range 19 West, of the New Mexico Principal Meridian being described as follows:

Beginning at a point being S10°15'27"W 1327.38 feet from Corner 10 of the Dolores Placer No. 5, and considering line 10-1 of the Dolores Placer No. 5 to bear S43°55'00"W and all bearings contained herein to be relative thereto;
thence S10°18'09"E 215.78 feet;
thence S48°39'17"W 70.30 feet;
thence N46°17'55"W 177.32 feet;
thence N46°15'53"E 197.05 feet to the point of beginning;

AND

PARCEL No. 3477-154-00-179

A tract of land located in the East Half of Section 15, and the West Half of Section 14, parts of Government Lots 1, 2, 5 and 6, also that part of the Dolores Placer No. 5 lying Southeast of State Highway 141 R.O.W. in said Government Lots, all located in Township 51 North, Range 19 West, New Mexico Principal Meridian, County of Mesa, State of Colorado.

Commencing at the E1/4 Corner of Section 15, T. 51 N., R. 19 W., NMPM, and considering the North line of the NW1/4SW1/4 to bear S.89°56'00"E. from the E1/4 Corner and with all bearings contained herein relative thereto; thence S.89°56'00"E. 660.50 feet along said North line to the true P.O.B.; thence N.48°27'01"W. 274.47 feet; thence N.33°06'05"W. 306.04 feet to South line of the Dolores Placer; thence N.33°06'05"W. 513.34 feet; thence along the South R.O.W. line of State Hwy 141 for the next 3 courses: course 1 – S.56°35'30"W. 36.91 feet; course 2 – along the arc of a curve to the left with a radius of 1036.00 feet; a distance of 189.50 feet; (chord bears S.48°12'00"W. 189.30 feet); course 3 – S.39°50'30"W. 31.10 feet; thence S.26°57'00"W. 95.30 feet along Hubbard Property line; thence S.24°56'00"W. 72.00 feet along Hubbard Property line; thence N.29°29'18"W. 42.75 feet to a State Hwy R.O.W. Monument; thence along the South R.O.W. line of State Hwy 141 for the next 3 courses: course 1 – S.38°12'00"W. 87.10 feet; course 2 – S.39°02'30"W. 202.70 feet; course 3 – along the arc of a curve to the right with a radius of 2352.00 feet; a distance of 523.12 feet, (chord bears S.47°02'08"W. 522.08 feet); thence N.90°00'00"E. 112.60 feet; thence along the approximate center of West Creek for the next 6 courses: course 1 – S.33°39'01"W. 121.14 feet; course 2 – S.63°12'39"W. 256.43 feet; course 3 – S.58°01'31"W. 341.56 feet; course 4 – S.55°03'23"W. 257.30 feet; course 5 – S.22°07'52"W. 189.61 feet; course 6 – S.42°12'09"W. 278.08 feet; thence N.55°26'56"E. 47.84 feet to a point on the Dolores Placer line between Corner 2 and 3; thence along said Placer line N.43°38'00"E. 623.46 feet to the West line of Government Lot 6; thence S.00°02'00"E. 865.59 feet along the West line said Lot 6; thence S.89°57'00"E. 1315.38 feet along the South line said Lot 6; thence N.00°02'00"W. 400.00 feet along the East line said Lot 6; thence N.35°54'43"E. 1125.18 feet to the true P.O.B.

Also subject to a 50 ft. by 200 ft. Ingress/Egress Easement located in the NE Corner of the above described property, lying along the NE line at the present bridge crossing West Creek;

AND

PARCEL No. 3477-222-00-003

A tract of land in the North One-Half of Section 22, Township 51 North, Range 19 West of the New Mexico Principal Meridian, in Mesa County, Colorado, and being within Dolores Placer No. 4 (U.S. Mineral Survey No. 3255) and lying westerly of the Dolores River, and being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of State Highway No. 141, from which Corner No. 3 of said Dolores Placer No. 4 bears S.15°00'52"W. a distance of 186.98 feet; thence N.47°28'43"W. and along said northeasterly right-of-way line (as described in Colorado Department of Highways Project No. S0141(8)), a distance of 1495.06 feet to a point of intersection with the line between Corners No. 3 and 4 of said Dolores Placer No. 4; thence N.41°29'30"W. and along aforesaid line a distance of 677.63 feet to a point of intersection with the said northeasterly right-of-way line; thence northwesterly following said right-of-way line along the arc of a non-tangent curve, having a radius of 1081.66 feet, a central angle of 15°46'22" for an arc length of 297.77 feet, and for which the chord bears N.19°18'11"W. a distance of 296.83 feet; thence N.09°49'34"W. and continuing along said right-of-way line a distance of 187.80 feet; thence N.07°25'00"W. and continuing along said right-of-way line a distance of 111.69 feet; thence N.12°26'03"W. and continuing along said right-of-way line a distance of 114.34 feet; thence N.07°25'00"W. and continuing along said right-of-way line a distance of 37.15 feet to a point on the line of a wash as described in the Title Commitment by Abstract & Title Co. of Mesa County Inc., File No. 00901839 C 2, dated April 8, 1999; thence N.35°36'08"E. and following said line of the wash a distance of 515.18 feet to a point on the centerline of the Dolores River as it flowed in January of 2007; thence along the centerline of said Dolores River the following thirteen (13) courses:

- 1) S.85°07'13"E. a distance of 50.29 feet;
- 2) S.67°40'04"E. a distance of 245.01 feet;
- 3) S.81°43'38"E. a distance of 438.34 feet;
- 4) N.87°11'34"E. a distance of 406.53 feet;
- 5) S.80°55'44"E. a distance of 106.07 feet;
- 6) S.14°38'42"E. a distance of 166.55 feet;
- 7) S.07°40'14"W. a distance of 171.50 feet;
- 8) S.23°56'34"W. a distance of 241.58 feet;
- 9) S.16°49'31"W. a distance of 364.21 feet;
- 10) S.00°04'25"E. a distance of 517.50 feet;
- 11) S.13°58'31"E. a distance of 252.32 feet;
- 12) S.25°24'09"E. a distance of 457.47 feet;
- 13) S.38°36'46"E. a distance of 293.62 feet to a point on the easterly line of said Dolores Placer No. 4; thence S.15°00'12"W. and along said easterly line a distance of 205.57 feet to the Point of Beginning.