### **AMENDMENT**

TO

## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR

### **DELMONICO TOWNHOMES**

g5.00

The undersigned, being one hundred percent (100%) of the owners of the real property described in the Declaration of Covenants, Conditions and Restrictions for Delmonico Townhomes recorded in Book 3991 at Page 834 of the records of the Clerk and Recorder of El Paso County, Colorado, and the successor in interest of the Declarant pursuant to Article II, Section 2.7, pursuant to the authority granted in Article XX, Section 20.2, hereby amend said Declaration of Covenants, Conditions and Restrictions for Delmonico Townhomes as follows:

### ARTICLE I. RECITALS

1. Article I, RECITALS, is hereby deleted in its entirety and the following substituted therefore:

PWB Investments, a General Partnership, (the "Declarant") as the owner of certain real property subject to this Declaration, located in El Paso County, Colorado, and more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Properties"), which Properties consist of twenty two (22) individual Lots to be improved and sold, and related Common Areas and Common Area Improvements as set forth on Subdivision Plat filed or to be filed, hereby makes the following grants, submissions, and declarations:

Declarant desires to provide for the preservation and enhancement of property values, amenities and opportunities in Delmonico Townhomes, contributing to the personal and general health, safety and walfare of residents and for the maintenance of the Common Area and Improvements and to this end desires to subject the Properties, together with such additions as may hereafter be made thereto, to the covenants, conditions, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said Properties and each Owner thereof.

2. ARTICLE II Section 2.18 is deleted in its entirety and the following substituted therefore:

Section 2.18, PROPERTIES. Properties shall mean and refer to that certain real property described on Exhibit A and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

3. The following Article III, Section 3.1.E is added:

ARTICLE III, Section 3.1.E, GARAGE EASEMENT. Declarant reserves the right to grant exclusive easements upon the common areas for garages, electricity therein and driveway thereto which will be assigned to particular owners for exclusive use; such reservation and assignment shall be made in a form as may be approved by the Declarant.

4. ARTICLE XVII, ENLARGEMENT OF PROJECT (ANNEXATION) is hereby amended as follows:

The first sentence of Section 17.1, Special Rights Reserved to Declarant; Enlargement of Project is hereby deleted and the following substituted therefore:

Section 17.1, Special Rights Reserved to Declarant; Enlargement of Project. The Declarant shall have the absolute right, but not the obligation, the same is hereby specifically reserved unto Declarant to be exercised prior to March 1, 1995, to annex to the land and Improvements described in this Declaration and to the Subdivision Plat herein referred to, and thereby to submit to each and every provision of this Declaration the land described on Exhibit "C", attached hereto and incorporated herein by this reference, or any portions thereof as further referenced hereunder, together with the Improvements to be constructed thereon as further referenced herein.

5. The date of March 1, 1990 as set forth in the Declaration of Covenants, Conditions and Restrictions for Delmonico Townhomes, wherever and often as said date may

appear therein, is hereby amended to read March 1, 1995 and shall be as effective as if originally stated therein.

Fatricia A. Elliott

Patricia A. Elliott

Solvent Deline

Dated this \_\_\_\_\_\_ day of August, 1990.

STATE OF COLORADO) ) ss. COUNTY OF EL PASO)

The above and foregoing Amendment to Declaration of Covenants, Conditions, and Restrictions for Delmonico Townhomes was subscribed and sworn to before me this  $3i^{2r}$ day of August, 1990, by Robert A. Elliott, Patricia A. Elliott, Jennifer A. Elliott and Robert T. Hunt.

B. Mfo, My commission expires: 2.4-9/ gITNESS my hand and official seal.

- 3 -

### EXHIBIT A

Lots 1 through 14, Delmonico Subdivision Filing No. 1, Phase 4, 5, and

Lots 1 through 8, Delmonico Subdivision Filing No. 1, Phase 8, 9.

All according to the recorded Plat thereof, El Paso County, Colorado.

### EXHIBIT C

That part of Lot 2 not Platted into Delmonico Subdivision Filing No. 1 Phase 4, 5, and Phase 8, 9 all in Delmonico Subdivision Filing No. 1. being in Colorado Springs, County of El Paso, State of Colorado.

DELECTION TO MANCHES ASSECTATION. IN.  These legal address is [including read or stress address if applicable]  C/O PARO CONSTRICTION. 7125 W. Jefferson. \$130. Lakescood. CO. 80235  ***********************************	· · · · · · · · · · · · · · · · · · ·	ARDIS W. SCHMITT El Pase County Clerk & Recorder
the County of CNE AND NO/100 and State of COLORRÓO for the state of CNE AND NO/100 localizes to beard public hereby sell and convey to DEMONICO TONNEMERS ASSOCIATION, TAX.  These input address to (including read or stress address if application)  CA PARON CONSTRUCTION, TAX.  Additification of the County of EL Paron and State of Colorado.  Additification of the County of EL Paron and State of Colorado  at allowing Real Property situated in the County of EL Paron and State of Colorado.  Tracts A, B and C, in Delimenico Subdivision Filing No. 1,  Phase 4, 5, in the City of Colorado Springs, El Paro County, Colorado.  BIARLE LARRIMOCHIANIA  JUL 19 1355  FEE THING.  This all its appartmenances and warrent (a) the title to the same, subject to though for the year 1985 and subsequent year coverants, easements, reservations, restrictions, and rights of way of record, if any.  Stand and delivered this  EV: ANTHONY R. PASQUINEZAL, General Partmen  BY: ANTHONY R. PASQUINEZAL, General Partmen  This ferrogring funtrument was acknowledged before a day of 1985.	7	Warranty Deed 3
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Signed and delivered this  Signed and delivered	c/o PALCO CONS	STRUCTURY, 7125 W. Jefferson, \$1.30. Lakesoon, CO. AU2.55
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		BY: ANTHONY RAPASQUINEZAL, General Partner
7		PWE INVESTMENTS, a policyado General Partner
	STATE OF	BY: ANTHONY R. PASQUINEZAL, General Partner  BY: ANTHONY R. PASQUINEZAL, General Partner  The ferrying instrument was acknowledged before a the day of 19

NOTARY PUBLIC

COLORADO
EL Paso

The foregoing instrument was acknowledged before me

by Anthony R. Pasquinelli as General Partner of MANNA MANNA

and and afficial seal.
The guest 30,1988

leggy Llesiner

• IF TORYT TEMANCY IS NOT SEMINED, STRIKE PHRASE RETWEEN ASTRIBUES.



ARDIS W. SCHMITT EL PASO COUNTY CLERK & RECORDER

200K 5538 PAGE 640

### CABLE TELEVISION INSTALLATION AGREEMENT

(Please type or print. ALL BLOWS 福水下 82 COMPLETED.)

Agreement dated July 19/1 1988, between Colorado Springs Cablevision. Inc., ("CABLEVISION"). AND DELECTION TOWNHOMES ASSOCIATION, INC. ("OWNER"). In consideration of the mutual promises and conditions hereinafter set forth. the parties agree as follows:

- 1. PREMISES. OWNER owns an apartment, trailer park, townhouse, or condominium complex known as DELMONICO TOWNHOMES ASSOCIATION, INC., whose address is 6004-6030 Colony Circle & 201-237 Hargrove, described as Townhome Association consisting of 22 units, including any additional units added in the future (the "PREMISES").
- CABLE SYSTEM. CABLEVISION operates a cable television system in the city of Colorado Springs and El Paso County pursuant to a legal franchise. (the "FRANCHISE"). CABLEVISION will design. install. upgrade and maintain CABLE SYSTEM. CABLEVISION operates a cable television system in the service to the PREMISES. The EQUIPMENT shall at all times remain the property of CABLEVISION, no party, firm, company, or corporation, including the OWNER shall in any way strack to or use in part or in full, in any manner, any reception device, wiring, or any other communication equipment owned by CABLEVISION, Service and maintenance of the EQUIPMENT will be provided by CABLEVISION in accordance with the provisions of the FRANCHISE. Arrangements for hooking up. serving and billing individual residents of the PREMISES will be made directly between CABLEVISION and such residents at standard rates as approved in the FRANCHISE.
- 3. EASEMENTS: ACCESS. OWNER hereby grants to CABLEVISION an unrestricted easement in gross covering routing necessary for installation of the EQUIPMENT hereunder. In connection with the initial wiring, OMNER, or a designated representative will accompany CABLEVISION employees in to any unoccupied residential unit. After initial wiring, OMNER shall provide reasonable access to the PREMISES so that CABLEVISION may install EQUIPMENT, market cable services. or maintain or remove the EQUIPMENT at such time as CABLEVISION shall determine.
- 4. DAMAGE TO PREMISES OR EQUIPMENT. Any damages to the PREMISES caused by CABLEVISION, its agents or employees, will be repaired by CABLEVISION. Any damages to the EQUIPMENT caused by OWNER, its agents, or employees will be repaired promptly by OWNER. CABLEVISION shall hold harmless and indemnify OWNER from and against any and all damage or claims for damage asserted by reasons of CABLEVISION'S construction and maintenance of the cable system. except loss or damage arising from any negligent act or omission of OWNER. its agents, or employees.
- 5. TERM; TERMINATION; SUCCESSOR. This Agreement shall continue for the duration of the FRANCHISE, and any extensions thereof unless CABLEVISION shall earlier determine that it is technically or economically impractical to continue to provide service hereunder. If OWNER sells, transfers, or encumbers the PREMISES, such sale or encumbrance will be made subject to continuation of this Agreement, and in connection therewith, this Agreement may be recorded in the real property records of El Paso County, Colorado.
- REMOVAL OF EQUIPMENT. CABLEVISION shall have the right to remove all of its EQUIPMENT from the PREMISES, or at its option to deactivate all such EQUIPMENT in any manner it sees fit. OWNER shall grant CABLEVISION reasonable access for removal. Such removal shall be done so as to not damage or deface the OWNER'S PREMISES.
- MISCELLANEOUS PROVISIONS. CABLEVISION shall not be liable for any failure to perform hereunder arising from causes beyond its control. This writing contains the entire Agreement between the OMNER and CABLEVISION and may not be amended except by an agreement in writing signed by the parties.

  This agreement shall be doverned by the laws of the State of Colorado.

  DELMONICO TOWNSOMES ASSOCIATION, INC.

  Signature of Cablevision Rep.

  Signature of Owner's Rep.

4Albert lease print name of above signature

Please profite name of above signature

DELMONICO TOWNHOMES ASSOCIATION, INC.

Title/Position

JULY 14, 1988

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# DELMONICO SUB

PART OF THE NW 1/4 OF SEC CITY OF COLORADO SPRINGS, C

SI

KNOW ALL MEN BY THESE PRESENTS: That PWB Investments, a Colorede General Pertnership of Park West Construction Company, Brune A. Pasquinelli as President and Anthony R. Pasquinelli as Sacretary and Dwayne Black and Associates, Ind., and Columbia Capital Corporation, being the parties in Interest to the following described tract of land to wife

A part of the NW 1/k, of Section 18, T.13 S., R. 66 W., of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado being more particularly described as follows:

Commencing at the Northeast corner of Parcel "K" (Delmonico Drive right-of-way) as on record in the Office of the Clerk and Recorders, in said El Paso County as recorded in Book 3040, at Page 158; thence Drive, a distance of 126.73 feet to a point of curve; thence continuing along said Easterly right-of-way line of said Delmonico continuing along said Easterly right-of-way line, along said curve; Drive, a distance of 126.73 feet to a point of curve; thence continuing along said Easterly right-of-way line, along said curve; thence the left, having a centrel angle of %4.931'06", a radius of 360.00 feet, continuing along said Easterly right-of-way line, along said tangent; thence asid tangent, a distance of 180.67 feet to the POINT OF BEGINNING; \$597.82 feet; thence \$ 48.84.55 %, a distance of 665.00 feet; thence \$ 48.84.55 %, a distance of 665.00 feet; thence at Delmonico Drive; thence N a distance of 665.00 feet; thence Easterly line, a distance of 671.83 feet to A point on said Easterly Reserved Feet of the Point of Easterly right-of-way line, a distance of 971.83 feet to the POINT of Easterly right-of-way line, a distance of 971.83 feet to the POINT of

The above party in interest has caused said tract to be platted into lots, block, and easements as shown on the plat. The undersigned do hereby grant unto the City of Colorado Springs those easements shown on the plat and further restrict the use of all easements to the City of Colorado Springs and/or its assign. Provided, however, that the sasements shall remain exclusively vested in the City of Colorado Springs. All streets are hereby dedicated to the City of Colorado Springs. All streets are hereby dedicated to the City of Colorado Springs for public use. This tract of land as herein platted shall be known as DELMONICO SUBDIVISION FILING NO. 1, in the City of Colorado Springs. El Pago County. Colorado.

### IN WITNESS WHEREOF:

The aforementioned, PWB Im 1987 K.D. this instrument this day of JANUARY

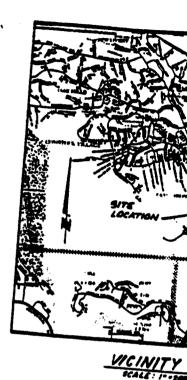
Gruno A. Pasquinelli, President

Anthony Pasquiney/1, Secretary

of P.W.B. Investments, a Colorada Ganardi Parinarahip.

STATE OF COLORADO COUNTY OF EL PACE

The Commence



IN WITHESS WHEREOF:

Holder of Deed of Trust

The aforementioned, Columbia Capital Corpor Assistant Vice President, have executed the

of C. Staples, istant Vice President of Columbia Capital Corporation.

STATE OF CL COUNTY OF THE SS

The foreaging instrument was acknowledged bed day of Tonna 1980 A.D. by James C. Vice Presedent, on Columbia Capital Corporati

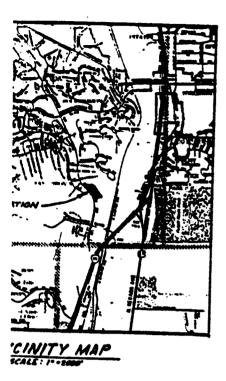
Witness my Hand and Seal: Dec 4. The

Notary Public 5835 Hulman

### DOISIDION | IFING MO. |

SECTION 18, TI3S, R.66W. OF THE 6th P.M. S, COUNTY OF EL PASO, STATE OF COLORADO.

SHEET I OF 2



pital Corporation, James C. Staples, executed this instrument this John. 1984, A.D.

knowledged before me this D. by James C. Staples, as Assistant sital Corporation.

80907

EMOW ALL MEN BY THESE PRESENTS: That the City Council of Colorado Springs, Colorado, authorized the platting of the above described treat of land as set forth in this plat at a meeting of said City Council held on the ATO day of There are, 19 per, A.D., and at the same time authorized the undersigned to acknowledge the same which is done accordingly on behalf of the City of Colorado Springs, this all of the City of Colorado Springs, this all the city of Colorado Springs are city of Colorado Springs.

e plat of "DELMONICO SUBDIVISION FILING NO. 1" in the City of

NOTICE IS HEREBY GIVEN:

That the area included in the plat described herein is subject to the Code of the City of Colorado Springs, Colorado, as amended.

No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public improvements and utilities have been installed as specified by the improvements and utilities have been installed as specified by the City of Colorado Springs, or alternatively, until acceptable assurances, including but not limited to letters of credit, cash, construction bonds, or combinations thereof, guaranteeing the payment of the fees and the completion of all required public improvements and utilities have been placed on file with the City of Colorado Springs. All atreets, alleys, and easements shown on this plat for access purposes are excepted from this provision:

EASEMENTS:

Unless shown greater in width, both sides of all rear lot lines are hereby platted with a seven (7) foot easement for drainage purposes and public utilities only with the sole responsibility for maintenance being vested with the adjacent property owners.

CONSTRUCTION AND HAINTENANCE EASEMENT:

CONSTRUCTION AND MAINTENANCE EASEMENT:

If any portion of any original exterior wall of a residence is
situated within three feet of any adjoining lot line, a valid easement
shall and does exist, three feet in width along the adjoining lot and
adjacent to the said lot line, which easement may be used for the
purpose of construction, reconstruction, and maintenance of said
exterior wall of a residence that is situated within three feet from
the nearest point of said easement.

STATE OF COLORADO

COUNTY OF EL PASO

I hereby certify that this instrument was filed for record in my office at 1.00 o'clock 2. .M., this 230 day of the records of El Paso County, Coiroado.

Reception No. 1093017 Recorder: Ordin W. Shoutt

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#### DEDICATION

The above party in interest has caused said tract to be platted into lots, block, and essements is shown on the plat. The undersigned duhereby grant unto the City of Colorado Springs those essements shown on the plat and further restrict the use of all essements to the City of Colorado Springs ind/or its assign. Provided, however, that the sole right and authority to release or quit claim all or any such essements shall remain evolusively vested in the City of Colorado Springs. All streets are hereby dedicated to the City of Colorado Springs for public use. This tract of land as herein platted shall reknown is DELMONICO SUBDIVISION FILING NO. 1, in the City of Colorado Springs, El Paso County, Colorado.

IN WITHESS WHEREOFT

of P.W.B. Investments, a Coloredo General Partnership.

STATE OF COLORADO

Witness sy Midd and Soul:

Street Public Street - 1-12-84

Belo. Sp. C 80907

PARK FEES GRAPHS From Remond E.D. DRAINAGE FEES MARRIES A.B. BRIDGE FEES MARRIES A.B.



VICINITY A

IN WITNESS WHEREOF:

Helder of Deed of Trust.

Jaga C. Staples, Maintaint Vice President of Columbia Capital Corporation.

STATE OF CLOS
COUNTY OF CUROS
55

The foregoing instrument was acknowledged by day of \_\_\_\_\_\_\_\_\_, 1989 A.D. by James Vice President, of Columbia Capital Corpora

Witness my Hand and Seal: Du 4.7

Hotary Public 5835 Kulmen & Address: Ochonolo Maring.

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COUNTY OF AL TONG

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According to Colorede law you MUST commonly defect in this survey within six year defect. In no event, may any action base to communed more than ten years from the

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"CINITY MAP	

executed this instrument this 1984. A.D.

cknowledged before me this. .D. by James C. Staples, as Assistant pital Corporation.

Co 10907

\_, 198 4 A. D.

=219-225

lw you Mist commence any legal action based upon by within six years after you first discover such ly any action based upon any defect in this survey on years from the date of the certification the

The decempanying plot of "DELMONICO SUBDIVISION FILING NO I" In the City of Columbia Springs, El Pase County, Calorado is hereby approved for filing.

Planning Director

NOTICE IS HEREBY GIVEN!

That the area included in the plat described herein is subject to the Code of the City of Colorado Springs, Colorado, as amended.

No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public improvements and utilities have been installed as specified by the Gity of Colorado Springs, or alternatively, until acceptable assurances, including but not limited to letters of credit, cash, of the fees and the completion of all required public improvements and utilities have been placed on file with the City of Colorado Springs. All streets, alleys, and essements shown on this plat for access purposes are excepted from this provision:

EASEMENTS:

MASERIATE:
Whiese shown greater in width, both sides of all rear lot lines are
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and public utilities only with the sole responsibility for maintenance
being vested with the adjacent property owners.

CONSTRUCTION AND MAINTENANCE EASEMENT: If any portion of any original exterior wall of a recidence is situated within three feet of any adjoining lot line, a valid easement shall and does exist, three feet in width along the adjoining let and adjacent to the said lot line, which essement may be used for the nurmouse of construction, reconstruction, and maintenance of said purpose of construction, reconstruction, and seintenance of said exterior wall of a residence that is situated within three feet from the necrest point of said easement.

STATE OF COLORADO

COUNTY OF EL PASO

I hereby certify that this instrument was filed for record in my office at V.P. o'clock P. .N., this day of day of vectored in Plat Book V.B. at Page 44 of the records of El Pago County, Colroado.

Reception No. 1093017 - Recorder: Ordin W. Schoutt.

1700

CERTIFICATION: The undersigned Registered Land Surveyor in the State CERTIFICATION: The undersigned Registered Land Surveyor in the State of Colorado hereby certifies that the accompanying plat was surveyed and drawn under his supervision and accurately shows the described tract of land, and subdivision thereof, and that the requirements of Title 32 - the Colorado Revised Statutes, 1973, as accorded, have been set to the seas of his prefessional knowledge, belief and opinion.

Registered Land



PART OF THE NW 1/4 OF SECTION CITY OF COLORADO SPRINGS, COU UNPLATTED 85\*78\*18\*= 597.42 LOT

LEGEND:

DENOTES PIN WITH COSTIN CAP L.S. NO. 11330 SET

NOTE:
NO ACCESS PERMITTED FROM LOT I
ON TO DELMONICO DRIVE.

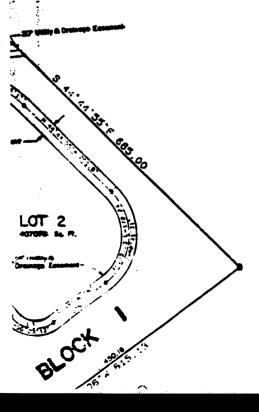
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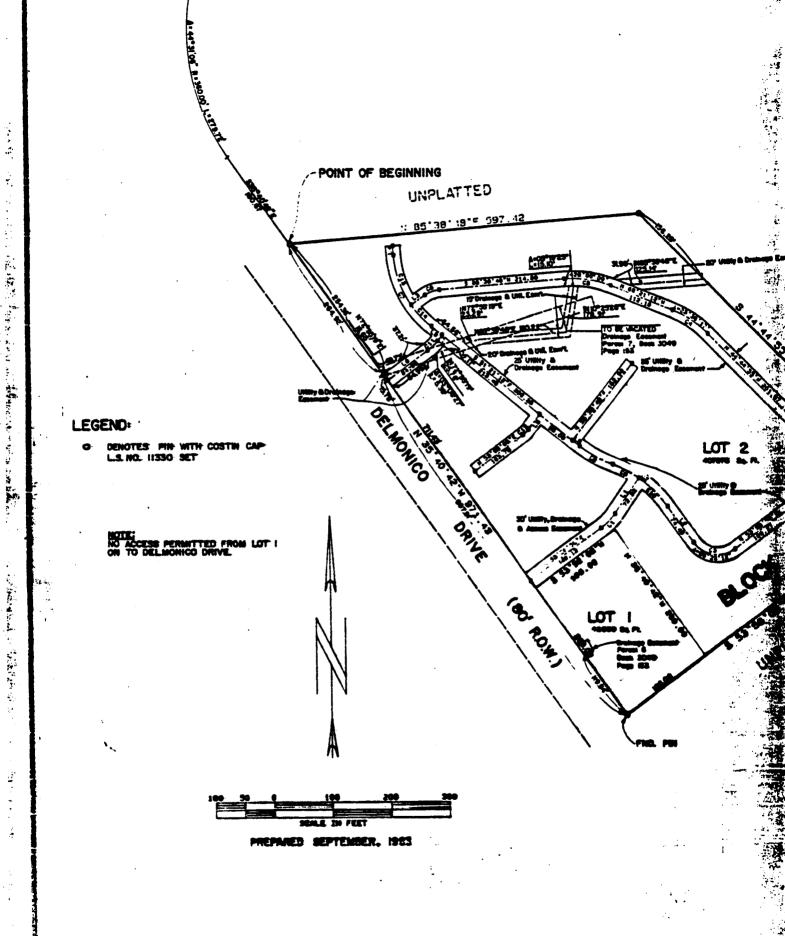
F SECTION 18, TI3S, R.66W. OF THE 6th P.M. GS, COUNTY OF EL PASO, STATE OF COLORADO.

SHEET 2 OF 2

LINE	BEARING	DISTANCE
1	N 34"46"07"E	72.22
2	3 35'40'42'E	74.40
3	5 55'23'40'W	28.54
4	9 04"21"12"E	16.33
8	3 51'21'12'F	19.00
•	N 54'18'18'E	84.26
7	N 38'38'48"E	12.50
	N 38'38'48'E	31.31
6	3 31,51,15.£	22.89

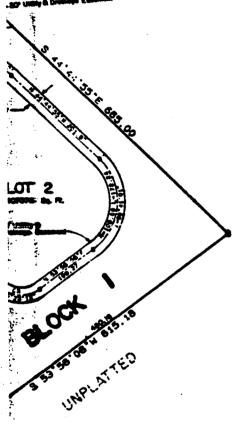
CURVE	DELTA	RADIUS	ARC	TANGENT
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ż	33,25,08,	200.00	110.23	50.90
3	90.53.15.	50.00	78.88	50.34
4	23'36'17"	175.00	72.10	36.57
5	28,00,00.	175.00	79.41	40.40
ē	30,12,00,	50.00	26.40	13.51
7	47.00.00.	100.43	130.90	73.87
á	10'11'30'	200.00	63.51	32.02
	14'18'58'	200.00	40.67	25.12
10	18,33,11,	200.00	69.25	34.46
11	15.40.30.	85.50	23.42	11.70
12	15*17*18*	50.00	13.34	8.71
13	30,12,00,	160, 43	98.45	45,78
14	16.45.00.	160.43	40.53	24.94

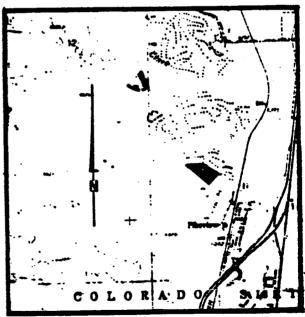




1	N 34"48'07"F	72.22
2	5 35'40'42'E	74.40
3	5 55'23'48"W	28.54
4	9 04"Z1"12"E	18.33
5	3 51,51,15.£	15.00
6	N 54"19"18"E	84.25
7	N 38'38'48'E	12.50
	N 38'38'48'E	31.31
	3 31,51,15.£	22.85

		•		
CURVE	DELTA	RADIUS	ARC	TANGENT
		100.00	33.45	16.80
1	18.05.28,			80.90
2	33"52'08*	200.00	110.23	
3	90,53,15,	50.00	78.56	50.34
4	23*36*17*	175.00	72.10	36.57
-				40.40
5	58,00.00.	175.00	78.41	
ě	30.12.00.	80.00	28.40	13.51
7	47*00*00*	100.43	130.90	73.67
•		200.00	63.51	32.02
•	10.11.38.			
	14"18"50"	200.00	40.57	25. 12
10	18,33,11,	200.00	68.25	34.46
		85.50	23.42	11.78
11	15'40'30"			
12	15*17*18*	50.00	13.34	€.71
13	30'15'00"	100.43	20.45	45.79
			40.53	24.94
• •	48.00	106.43	<del>-8</del> .78	24.54





VICINITY MAP

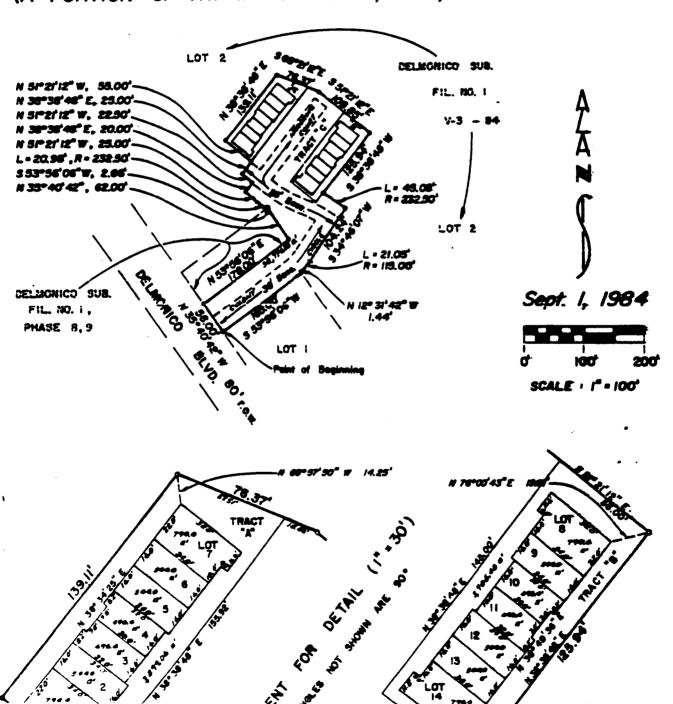
ADD TO SEWER EAST-ENTS WHITE LIR.

Coate Engineering

## DELMONICO SUBDIVISION FILING NO. I, PHASE 4,5

A REPLAT OF A PORTION OF DELMONICO SUBDIVISION FILING NO. I, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, CO.

(A PORTION OF NW 1/4 of SEC. 18, T 13 S, R 66 W of 6th PML)



KNOW ALL MEN BY THESE PRESENTS ! mes,a Colorado General Pertnership of Anthony R. Pasquinelli and Busyue Black and Associates, Inc., being the That PVS Invests portion in interest to the following described tract of land to wit: A parties of Lot 2 in Block 1 of "Delmonico Subdivision Filing No. 1", in the City of Colorado Springs, a subdivision plat recorded in Flat Book V-3 at Page 54 of the records of El Page County, Colorado, being user particularly described as follows; Degianing at a point on the Northeasterly right of way line of Delmonico Srive, said point being common to both Lots 1 and 2, Beginning at a point on the Northeasterly right of way line of Delmonico Srive, said point being common to both Lots 1 and 2, Beginning at a point of Philosophy and Philo Beginning at a point on the Mortheasterly right of way line of Delmanico Brive, said point being common to both Lots 1 and 2, in Block 1 in said "Delmanico Suddivision Filing No. 1"; themes along the Southwasterly line of said Lot 2 in Block 1 in "Belmanico Subdivision Filing No. 1", North 35°40'42" West a distance of 54.00 feet to the most Southerly corner of "Delmanico Subdivision Filing No. 1, Phase 8, 9", as recerved in Flat Book of Page of the reserve of El Pase County, Colorado; themes along the soundary of said subdivision for the following three courses; (1) North 33°56'06" East a distance of 178.00 (cot;(2) themes South 33°46'06" What a distance of 2,66 feet; themes angle right themes North 35°46'42" West a distance of 62,60 feet; (3) themes South 33°46'06" What a distance of 2,66 feet; themes angle right is a second to the stable with a codium of 22 66 feet; of themes South 33°46'06" What a distance of 33°46'117" Units A thence Burth 35°40'42" Bust a distance of 62.00 feet: (3) themse South 53°36'65" that a distance of 2.66 feet; thence angle right along a curve to the right with a radius of 232.50 feet a distance of 20,00 feet and whose cherd bears Berth 53°36'17" West a distance of 20,07 feet; thence Berth 36°30'46" East a distance of 20,00 feet; thence Berth 31°21'12" Bust a distance of 22.50 feet; thence Berth 36°30'46" East a distance of 25.00 feet; thence Berth 51°21'12" East a distance of 35.00 feet; thence Berth 36°30'46" East a distance of 35.00 feet; thence Berth 36°31'16" East a distance of 35.00 feet; thence Berth 36°31'12" East a distance of 39.11 feet; thence South 66°21'12" East a distance of 76.37 feet; thence South 51°21'12" East a distance of 10.25 feet; thence South 51°21'12" East a distance of 10.25 feet; thence South 51°21'12" East a distance of 45.00 feet and these cherd bears South 57°05'26" East a distance of 45.01 feet; thence South 57°05'26" East a distance of 45.01 feet; thence South 57°05'26" East a distance of 45.01 feet; thence South 57°05'26" East a distance of 45.01 feet; thence South 57°05'26" East a distance of 16.24 feet; thence on curve to the right with a radius of 115.00 feet a distance of 11.65 feet; thence South 57°05'26" East a distance of 1.44 feet to the unit Northerly curver of Let 1 in Block 1 in "Delawaice Easth Feet Easth 53°36'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a distance of 165.60 feet to the point of Let 1 in Block 1 in "Delawaice Easth 58°05'65" Bot a dista

beginning, containing 1.125 Acres more or less. DEDICATION:

The above parties in interest have owned said treat of land to be replacted into lots treats and encounts as shown on the plat.

The subove parties in interest have owned said treat of land to be replacted into lots treats and encounts as shown on the plat and further restrict the said. The undersigned does hereby grant unto the City of Colorado Springs and/or Assigns, provided, however, that the sale right and sutherity to release or quit claim all or any such exponents shell remain anclusively verted in the City of Colorado Springs. This treat of land or berein replacted shell be known as "Deleasados Subdivision Filing No. 1, These 4, 5", in the City of Colorado Springs, El Paso Colorado Springs, County, Colorado. This Replat process all prior place and definates fit the area described by this replat. 34%. IN WITNESS WHEREOF . y R. Panguinelli and Dunyne Black and Ass his of A a efec m Block President of Dusyne Black a 114 STATE OF WELL 32 OF Cak YTHUC riodged before so this 5th Ame Imper mts, a Colorado O hour R. Pasquinelli, of PMB Invest

" Witness Hy Hand and Soul:

84

19737 October

My Commission Empires: 12920, 1925.

STATE OF COLORADO COUNTY OF EL PASO The foregoing instrument was 33

ecknowledged before we this J Dusyme Black as Provident of Dusyme Black and Asse

1964 A. D. by

Witness My Hand and Seal:

'Hotary Public.

...

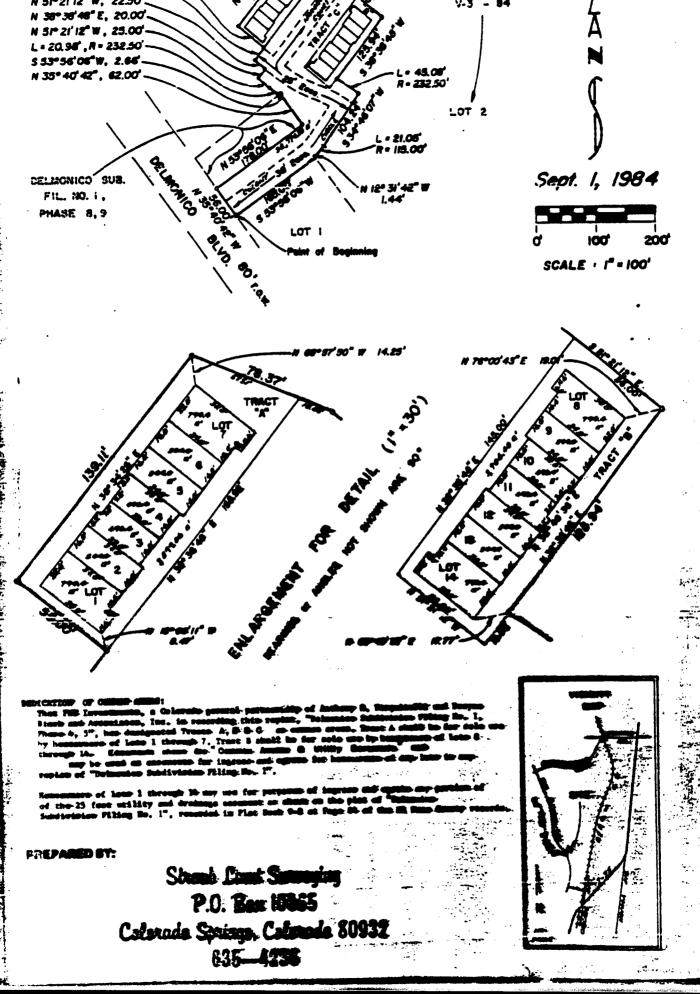
13811

CERTIFICATION . mying replat w - eartifies that the se The undersigned Registered Land Surveyor in th cribul tract of land and replatting thereof, and the require drawn under his supervision and and winter at helief. Title 38, C. R. S. 1975 as amended,

NOTICE IS HEREBY GIVEN !

That the area included in the replat described hereic is subject to the coic of the City of Coloredo Springs 1880, a

No building permits shall be issued for building situs within this replot until all required foce have been said and all required public improvements and utilities have been installed as operation by the City of Colorede Springs, or alternatively, until acceptable assurances, including but not limited to letters of credit, cash, essettration beens, or combinations thereof guaranteeing the payment of the fees and the completion of all required public improvements and stilling have been placed on file with the City of Colorado Springs, All acrosse, alleys and accounts shown on this replat for accome purposes are excepted from this provision.



here exceed this instrument this 2000 day o	<b>7</b> J	
Heta Rhenned	Dina Ba	Desyme black and Associates,
Americany R. Penguatalia	Draymo Black, Procident of	Dueyne black and Associates,
STATE OF SERVICE SS	<b>444</b>	
COUNTY OF COR. 38 COUNTY OF COR. 38 The foregoing instrument was asknowledged before we authory R. Pasquinalli, of PMS Investments, a Color	e the 30% day of Grandy . 19	■ A, D, by
Anthony R. Pasquinelli, of PM Investments, a Colo	- 10/4 ·	<u>م</u>
Witness My Hand and Seel: Hetary Public	Fire of Olage m.	or cathy organiz All
By Considerion Empires: May 20, 1925.	·	
The state of the s		
		30
STATE OF COLORADO SS	- we settlem at formany	984 A. D. by
STATE OF COLOMBOO SS COUNTY OF EL PASO The foregoing instrument was acknowledged before w Dunyme Black as Procident of Dunyme Black and Asse	relates, Inc., of PWB investments, a Coloredo	General Pertnerable.
Witness by Rend and Seal:	Way DC	halint The state of the state o
Dusyne Black as President of Dusyne Black and Assertingue By Hand and Seal:  Witness My Hand and Seal:  Wy Counterion Expires:	Man dis	who fair all A
My Commission Expires: 1 13 1981		
	•	* X - 4
CERTIFICATION : The undersigned Registered Land Surveyor in the St	have at followed hands associated that the same	meanving roplet was ourvered
		nof, and the requirements of
Title 38, C. R. S. 1975 as annualed, have been use	50 CHO SELL OF MED MEDICALE CON ACTION!	A. Tile
(lla l.	Street	
Alen E. Street	State of Colorado L. S. 44435	
NOTICE IS HEREST GIVER: That the area included in the replat described by the building permise shall be insent for building provides shall be insent for building but not in mail encounts assuments, including but not in	otton within this replat until all required for one installed as openified by the City of Color	so have been gold and all rade brings, or alternative books, or authentions there
That the even included in the replat described her the building possible chall be issued for building required public improvements and utilities have be until compatible assurances, including but ust in guarancesing the payment of the feas and the comp file with the City of Colorade Springs. All screen	ottes within this replat until all required for one installed as openified by the City of Color mitted to letters of credit, each, construction letter of all remained mails increments and	o have been paid and all rade tyrings, or alternative bands, or authinations there atilities have been placed a
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ARDIS W. SCHMITT EL PASO COUNTY CLERK & RECORDER

EXHIBIT "B"

### AGREEMENT AND EASIMENT "AS BUILT"

...

For and in consideration of ONE AND NO/100ths DOLLARS (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by PME Investments, a Colorado General Partnership, hereby gives and grants to the City of Colorado Springs, a perpetual essement over, under and across the property herein described for the installation of electric service lines, together with necessary fixtures and attachments. This service lines, together with necessary fixtures and attachments. This essement shall be for such electric service as actually installed with the right to meintain the same in their installed location. Should the right to meintain the same in their installed location. Should the right to meintain the same in their installed location. Should the right to meintain the same in their installed location. Should the right to meintain the same in their installed location and electric lines or any fixtures and attachments be moved, they will only be moved or relocated at the expense of the property owner, who shall provide a like easement for installation at a new location.

This easement covers the following described property situate in the County of El Paso and State of Colorado, to-wit:

Over, under and across a portion of Lots 1 and 2, Block 1, Delmonico Subdivision Filing No. 1 as recorded in Plat Book V-3 at Page 84 of the records of El Paso County, Colorado; a replat of a portion of Delmonico Subdivision Filing No. 1, Phase 4 and 5 as recorded in Plat Book X-3 at Page 183; and a replat of a portion of Delmonico Subdivision Filing No. 1, Phase 8 and 9 as recorded in Plat Book X-3 at Page 164, as installed per print attached as Exhibit A which is made a part of this Agreement and

Grantor retains all of its rights to the use and occupation of said real estate not inconsistent with the use by Grantee, its successors or assigns, of the right of way and essement herein granted for the purposes aforesaid.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seel, this 22NO day of <u>FERRUARY</u>, A.D. 1988.

ATTEST:

General Partnership, d/b/a Value Homes, a General Partner,

by: TAPA Holdings, Inc., a Colore Corporation

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Dennis Sobanski Vice President

Joseph Griese

STATE OF ILLINOISTY

COUNTY OF COOK

The foregoing instrument was acknowledged before so this day of

Mustora Hunfewal

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My Commission Expires:

"OFFICIAL SEAL"
THEODOR'S GRUZLEWSKI
NOTARY POULD, STUTE OF ILLINOIS
MY COMMISSION EXPIRES ONE AND