

HIGBY ESTATES

A PORTION OF THE E 1/2 OF THE SE 1/4 OF SECTION 19, AND THE SW 1/4 OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M. EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT HIGBY PROJECT, L.L.C., BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

LEGAL DESCRIPTION:

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 19 AND THE SOUTHWEST QUARTER OF SECTION 20, IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, N 89°30'02" E A DISTANCE OF 2666.84 TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER N 00°00'00" E A DISTANCE OF 2608.22 FEET TO INTERSECT THE SOUTH RIGHT OF WAY LINE OF HIGBY ROAD, THENCE ALONG SAID SOUTH RIGHT OF WAY LINE S 89°30'34" W A DISTANCE OF 2603.49 FEET TO INTERSECT THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE OF HIGBY ROAD, N 89°27'11" W A DISTANCE OF 1312.77 FEET TO INTERSECT THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., THENCE ALONG SAID WEST LINE S 00°02'38" W A DISTANCE OF 2625.83 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, THENCE ALONG THE SOUTH LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, N 89°27'20" E A DISTANCE OF 1313.76 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M. AND CONTAINING 233.267 ACRES, MORE OR LESS.

DEDICATION:

THE ABOVE OWNER HAS CAUSED SAID TRACT TO BE SURVEYED AND PLATTED INTO LOTS, STREETS AND EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT IS DRAWN TO A FIXED SCALE AS INDICATED THEREON AND ACCURATELY SETS FORTH THE BOUNDARIES AND DIMENSIONS OF SAID TRACT AND THE LOCATION OF SAID EASEMENTS, AND WHICH PLAT SO PLATTED SHALL BE KNOWN AS "HIGBY ESTATES", EL PASO COUNTY, COLORADO, ALL STREETS AS PLATTED ARE HEREBY DEDICATED FOR PUBLIC USE AND SAID OWNER DOES HEREBY PERSONALLY COVENANT AND AGREE THAT ALL PLATTED STREETS WILL BE CONSTRUCTED AND THAT PROPER DRAINAGE FOR SAME WILL BE PROVIDED AT HIS OWN EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, AND UPON ACCEPTANCE BY RESOLUTION, ALL STREETS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO.

IN WITNESS WHEREOF:

THE AFORESAID HIGBY PROJECT, L.L.C. HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 18 DAY OF June, 1998

Carl N. Turse BY CARL N. TURSE, FOR AND ON BEHALF OF HIGBY PROJECT, L.L.C.

NOTARIAL:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 18 DAY

OF June, 1998 BY CARL N. TURSE FOR AND ON BEHALF OF HIGBY PROJECT, L.L.C.

Steven R. Benedick My Commission Expires 3-28-2000
NOTARY PUBLIC

MY COMMISSION EXPIRES THE 03/28/2000 DAY OF March IN THE YEAR 2000.

COUNTY APPROVAL:

APPROVAL IS GRANTED THIS 14th DAY OF MAY A.D. 1998

Clifford Brown 23 June 1998
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS DATE

James B. Conroy June 23, 1998
DIRECTOR, PLANNING DATE

RECORDING:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT

4:41 O'CLOCK P.M. THIS 23rd DAY OF June, 1998

AND IS DULY RECORDED AT RECEPTION NO. 98026361 OF THE

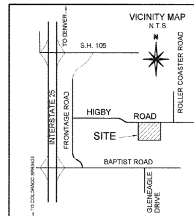
RECORDS OF EL PASO COUNTY, COLORADO.

PATRICK J. KELLY, RECORDER

BY Steven R. Benedick

DEPUTY

SEE 20.00 1.00



FEES:

PARK FEES \$17,430 - Reconn.

DRAINAGE FEES N/A

BRIDGE FEES N/A

SCHOOL FEES \$13,616 - Distric 30

Receipt # 49223

SURVEYORS CERTIFICATE

THE UNDERSIGNED REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO DOES HEREBY CERTIFY THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS PROFESSIONAL KNOWLEDGE AND BELIEF.

James L. Giltner 2784
REGISTERED LAND SURVEYOR
JAMES L. GILTNER, LS NO. 27264

EASEMENTS

UNLESS OTHERWISE INDICATED, SIDE AND REAR LOT LINES ARE HEREBY PLATTED ON BOTH SIDES WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL FRONT LOT LINES ARE HEREBY PLATTED WITH A 20-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR THE MAINTENANCE OF THESE EASEMENTS, IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

NOTES:

1. ALL CORNERS SET WITH A # 4 REBAR WITH SURVEYORS CAP P.L.S. #27264, UNLESS OTHERWISE NOTED.
2. BASIS OF BEARINGS IS THE EAST-WEST CENTERLINE OF SECTION 20, T11S, R66W, OF THE 6TH P.M. PER THE PLAT OF "SENT TREE III".
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JAMES L. GILTNER, PLS. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY AND TITLE OF RECORD, THIS SURVEY RELIED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY LAWYERS TITLE INSURANCE CORPORATION COMMITMENT NUMBER 96121120 EFFECTIVE DATE DECEMBER 05, 1996.
4. (1) INDICATES NOT A PART OF THIS PLAT
5. THE DEPARTMENT OF TRANSPORTATION MUST BE CONTACTED PRIOR TO THE ESTABLISHMENT OF ANY DRIVEWAY
6. NO DIRECT VEHICULAR ACCESS WILL BE PERMITTED FROM ANY LOT TO HIGBY ROAD.
7. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE A SPECIALLY DESIGNED SYSTEM. AS A RESULT OF POSSIBLE HIGH-GROUND WATER ON LOTS 4 THROUGH 8 AND 11, SEWAGE DISPOSAL SYSTEMS DESIGNED BY A PROFESSIONAL ENGINEER MAY BE REQUIRED.
8. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL DOMESTIC WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
9. ALL STRUCTURAL FOUNDATIONS MUST BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO.
10. DUE TO WILDFIRE CONCERNS THE APPLICANTS AND SUBSEQUENT HOMEOWNERS ARE ENCOURAGED TO INCORPORATE WILDFIRE FUEL BREAK PROVISIONS AS RECOMMENDED BY THE COLORADO STATE FOREST SERVICE AND ILLUSTRATED IN PUBLICATIONS AVAILABLE THROUGH THE STATE FOREST SERVICE.
11. WELLS WITHIN THIS SUBDIVISION OPERATE UNDER A WATER DECREE ISSUED IN WATER COURT CONSOLIDATED CASE NUMBERS 96CW1133 & 96CW232.
12. JUDICIAL ARRIAN SHALL ASSIGN TO THE PROPERTY OWNERS ASSOCIATION ITS ARAPAHOE AQUIFER AND ITS LARAMIE-FOX HILL AQUIFER WATER AS DECREED IN WATER COURT CONSOLIDATED CASE NUMBERS 96CW1133 & 96CW232.
13. ALL NONTRIBUTARY LARAMIE-FOX HILLS GROUND WATER SHALL BE RESERVED IN ANY DEEDS OF THIS PROPERTY FOR THE WATER ALLOCATION PLAN.
14. ALL FUTURE OWNERS ARE HEREBY ADVISED OF THE STATE ENGINEER'S WARNING THAT "WATER IN THE DENVER BASIN AQUIFER IS ALLOCATED BASED ON A 100 YEAR AQUIFER LIFE... ALL FUTURE OWNERS SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN THE 100 YEARS INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINE. FURTHERMORE THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY UPON NONRENEWABLE AQUIFERS. ALTERNATE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE OPERATIONS WITH A WATER SUPPLY."
15. AREAS WHERE SLOPES EXCEED 30% SHALL BE DEEMED NO BUILD/PRESERVATION AREAS.
16. BUILDING SITES BISECTED BY DRAINAGE SHALL REQUIRE CULTIVETS TO BE PLACED AND MAINTAINED BY THE INDIVIDUAL OWNERS ACCORDING TO THE STANDARDS OF THE EL PASO COUNTY DEPARTMENT OF TRANSPORTATION.
17. TRACT "A" IS HEREBY DESIGNATED FOR THE CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES WITH THE OWNERSHIP, RESPONSIBILITY AND MAINTENANCE OF SAME BEING VESTED IN THE HIGBY RANCH PROPERTY OWNERS ASSOCIATION AS PROVIDED FOR IN THAT INSTRUMENT RECORDED AT RECEPTION # 19806358 OF THE RECORDS OF EL PASO COUNTY.
18. INDIVIDUAL PURCHASERS ARE HEREBY ALERTED THAT ALL LOTS CONTAIN STORMWATER CONVEYANCE PATHS. SAID PURCHASERS ACKNOWLEDGE ACCEPTANCE OF THESE FLOWS ONTO AND THROUGH THESE LOTS. THE PURCHASERS OF THESE LOTS SHALL BE RESPONSIBLE FOR MAINTAINING THESE PATHS AND FOR PROVIDING MEASURES TO ELIMINATE EROSION IF SUCH SHOULD OCCUR.
19. INDIVIDUAL PURCHASERS AND THE PROPERTY OWNERS ASSOCIATION ARE HEREBY ALERTED THAT THEY HAVE INTERESTS, RIGHTS AND OBLIGATIONS UNDER THE RESERVATION AND ASSIGNMENT AGREEMENT IN THAT INSTRUMENT RECORDED AT RECEPTION # 19806358 OF THE RECORDS OF EL PASO COUNTY.
20. INDIVIDUAL PURCHASERS ARE HEREBY ALERTED THAT THEY SHALL RECEIVE, AT THE TIME OF LOT SALES, SUFFICIENT WATER RIGHTS IN THE DAWSON AQUIFER UNDERLYING EACH LOT TO SATISFY THE EL PASO COUNTY 300-YEAR WATER SUPPLY: 9.410 ACRE-FEET FOR THE ENTIRE SUBDIVISION.
21. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING DEPARTMENT: SOILS AND GEOLOGICAL STUDY, WATER AVAILABILITY STUDY, DRAINAGE REPORT, WILDFIRE HAZARD REPORT, NATURAL FEATURES REPORT, PERCOLATION TEST RESULTS, EROSION CONTROL REPORT.
22. NO LOT OR INTEREST THEREIN SHALL BE SOLD, CONVEYED OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED UNTIL AND UNLESS THE REQUIRED PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE SUBDIVISION AGREEMENT BETWEEN THE APPLICANT AND EL PASO COUNTY AS RECORDED AT RECEPTION # 19806358. THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, OR IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED WHICH IS SUFFICIENT IN THE JUDGMENT OF THE BOARD OF COUNTY COMMISSIONERS, TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS.
23. DETENTION POND MAINTENANCE AGREEMENT IS PER THAT INSTRUMENT RECORDED AT RECEPTION # 19806358 OF THE RECORDS OF EL PASO COUNTY.
24. MAILBOXES MUST BE CONSTRUCTED TO POSTAL SERVICE STANDARDS AND A MINIMUM OF 3 FEET FROM THE EDGE OF PAVEMENT.

THE E 1/2 OF THE SE 1/4 OF SEC. 19, AND THE SW 1/4 OF SEC. 20, T. 11 S., R. 66 W., 6TH P.M.

| REVISIONS | | |
|-----------|---------------------------|----------|
| NO. | DESCRIPTION | BY DATE |
| 1 | PER COUNTY COMMENTS 11499 | 04/11/98 |
| 2 | PER COUNTY COMMENTS 22498 | 04/11/98 |
| 3 | PER COUNTY COMMENTS 23346 | 05/22/98 |
| 4 | PER COUNTY COMMENTS 31388 | 05/21/98 |
| 5 | PER COUNTY COMMENTS 31389 | 05/21/98 |
| 6 | CHANGE OF OWNERSHIP | 06/15/98 |

HIGBY ESTATES
PLAT SHEET 1 OF 2

JAMES L. GILTNER, PLS
8300 BUTTERWEE DRIVE
COLORADO SPRINGS, CO 80920
(719) 528-7015

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

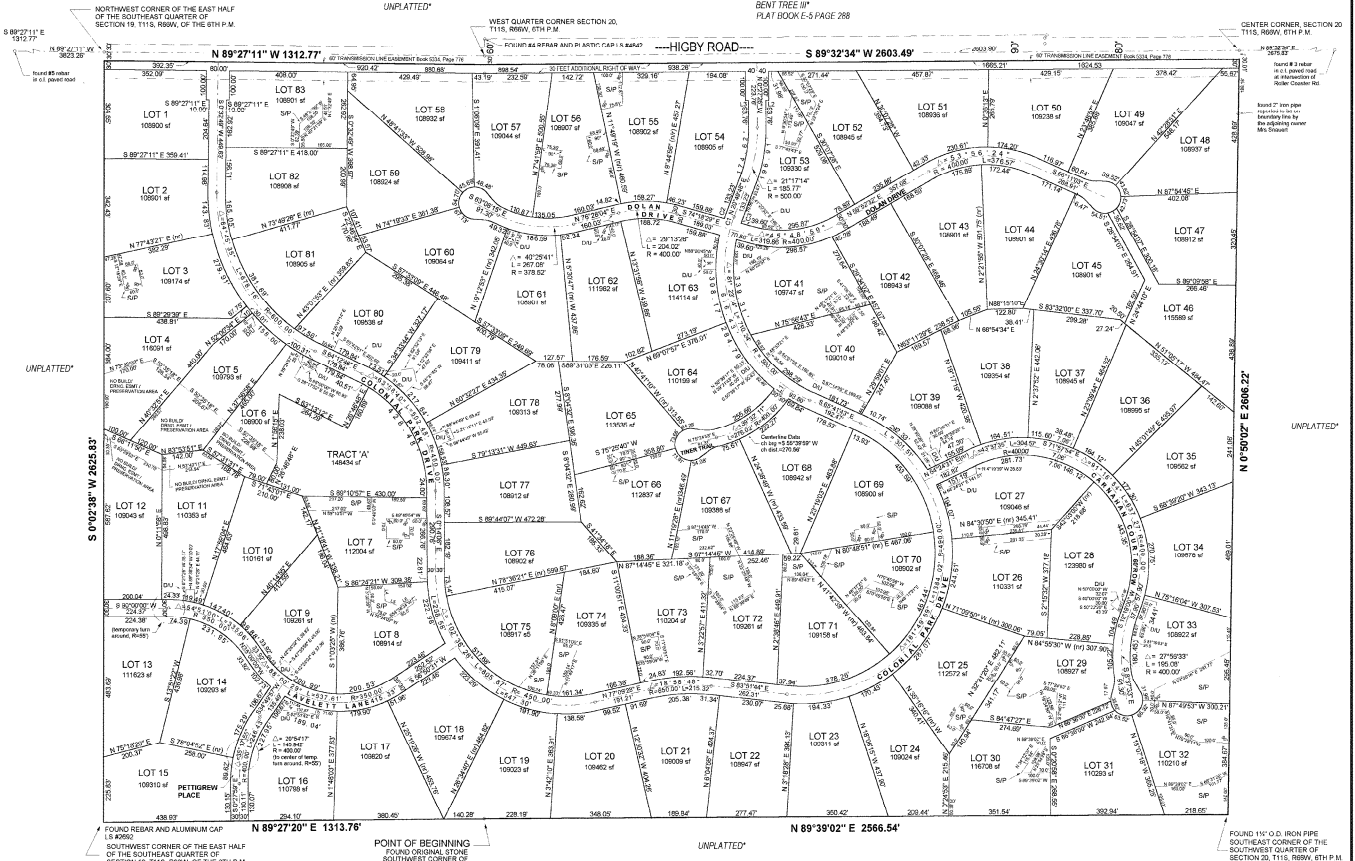
HIGBY ESTATES

**A PORTION OF THE E 1/2 OF THE SE 1/4 OF SECTION 19, AND THE SW 1/4 OF SECTION 20,
TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO**

| CURVE NO. | C1 | C2 | C3 |
|------------|-----------|-----------|-----------|
| DELTA | 09°08'11" | 01°33'30" | 01°29'42" |
| ARC LENGTH | 14.84' | 11.30' | 12.73' |
| RADIUS | 104.99' | 104.99' | 270.00' |

| LINE NO. | L1 | L2 | L3 |
|----------|---------------|---------------|---------------|
| BEARING | N 89°32'34" E | N 88°32'34" E | N 89°32'34" E |
| DISTANCE | 2603.49' | 10.00' | 10.00' |

| LINE NO. | L4 | L5 | L6 | L7 |
|----------|---------------|---------------|---------------|---------------|
| BEARING | S 89°32'34" E | S 79°21'11" E | N 88°32'34" E | S 89°32'34" E |
| DISTANCE | 47.68' | 53.02' | 47.68' | 18.97' |



NOTES:
 1 S/P DENOTES AREA OF SLOPE/PRESERVATION/NO BUILD EASEMENT
 2 D/U DENOTES AREA OF PUBLIC DRAINAGE AND UTILITY EASEMENT
 3 (W) DENOTES NONRADIAL BEARING

FOUND REBAR AND ALUMINUM CAP
 SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 19, T11S, R66W, 6TH P.M.

POINT OF BEGINNING
 FOUND ORIGINAL STONE SOUTHWEST CORNER OF SECTION 20, T11S, R66W, 6TH P.M.

FOUND 1" O.D. IRON PIPE
 SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20, T11S, R66W, 6TH P.M.

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|-----|------------------------------|----|---------|
| 1 | PER COUNTY COMMENTS 5/14/09 | JL | 5/13/09 |
| 2 | PER PLANNER COMMENTS 2/25/08 | JL | 2/25/08 |
| 3 | PER COUNTY COMMENTS 2/23/08 | JL | 2/23/08 |
| 4 | PER COUNTY COMMENTS 2/13/09 | JL | 2/13/09 |
| 5 | PER COUNTY COMMENTS 5/18/09 | JL | 6/6/09 |

HIGBY ESTATES
 PLAT SHEET 2 OF 2

JAMES L. GILTNER, PLS
 8030 BUTTERWEED DRIVE
 COLORADO SPRINGS, CO 80920
 (719) 528-7015

IN THE E 1/2 OF THE SE 1/4 OF SEC. 19 & THE SW 1/4 OF SEC. 20, T 11 S, R 66 W OF THE 6TH P.M.

Drawing Scale
 0 100' 200' 400'
 1" = 200'