

# Town of Blue River Memorandum

TO: Mayor & Members of the Board of Trustees

FROM: Town Manager Michelle Eddy

DATE: April 19, 2024

SUBJECT: 2024 Proposed Tarn Improvements and Plan

## Background

On April 21, 1971, and updated in 1991 an agreement (attached) was drafted and signed designating perpetual recreation rights to the Goose Pasture Tarn, "Tarn," to the Town of Blue River, "Town." Since 1971, residents of the Town of Blue River have enjoyed use of the Tarn for fishing, kayaking, paddle boarding and boats with electric motors. The Town of Breckenridge owns the dam, water and land under the water. The Theobald Family has remained owner of the land surrounding the Tarn, aka "the doughnut."

The Town has stocked the Tarn in the summer with trout, provided resident stickers and boat permits for a fee of \$20. The Town has utilized law enforcement to enforce residency requirements and rules outlined in Chapter 6 of the Blue River Municipal Code.

Since 2016, members of the Board of Trustees including the Mayor and Mayor Pro Tem and staff have conducted ongoing conversations with the Theobald Family concerning the potential purchase of land surrounding the Tarn.

In 2020, the Town of Breckenridge, owner of the water, dam and land under the Tarn began construction of a new earthen dam and closed use of the Tarn until the end of 2023.

In January 2024, Town of Blue River Mayor Toby Babich and Town Manager Michelle Eddy met with Rob Theobald concerning the reopening of the Tarn and the potential improvements, staffing, and potential purchase. At the meeting plans were presented (attached) and a discussion of a long-term land use agreement. A draft plan were sent to the Theobald Family in February. The Town Attorney's office has been working on a land use agreement. To date no response has been received.

## Draft Plan

## Entrance/Exit

• It is proposed to improve the entrance to the west side of the Tarn by widening and realigning the area. The entrance will contain a sign indicating "Private Lake. No

Public Access." The entrance will be a one-way entrance with an exit on the north end. There will be additional signage indicating one way and no access on the north end. This draft concept has been preliminarily approved by CDOT. The exit had previously been used by construction crews during the dam replacement.

• By creating a one way in/out, it improves the safety of exiting and re-entering Hwy 9.

## West Side Recreation Area

- It is proposed to install a sign at the base of the entrance area indicating for use by Blue River Residents ONLY and permits required.
- A small shed will be installed, and power provided to the shed. The shed will be painted to meet Land Use Regulations and with colors matching the natural environment. The shed will be a check in point and station for the proposed Blue River Ambassador staff.
- Power for the shed will be to allow for use of a small tablet and Starlink internet. The system will enable staff to verify permitting and residency.
- A single porta potty will be placed for the summer only replicating what has been provided and serviced at Theobald Memorial Park (Town Park).
- A trash can will be placed out daily and removed daily for use by residents utilizing the Tarn.
- It is proposed to have limited parking available, with the "roadway" crossing through the middle and green fishing, boat entrance space along the water way.

## **Blue River Ambassadors**

- The Blue River Ambassadors will be seasonal staff working Memorial Day to September 30<sup>th</sup> each season.
- The Ambassadors will be responsible for checking residency, directing residents in going online to purchase boat permits, picking up trash and weeds in the area of the Tarn.
- Ambassadors will unlock and open the shed each day as well as closing and locking the shed. All trash bags will be returned to Town Hall each day.

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#### WARRANTY DEED

This Deed is from THE TOWN OF BLUE RIVER, COLORADO, a municipal corporation ("Blue River" or "Grantor"), to THE TOWN OF BRECKENRIDGE, COLORADO, a municipal corporation ("Breckenridge" or "Grantee"), 150 Ski Hill Road, P.O. Box 168, Breckenridge, Colorado 80424. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, bargains, sells and conveys to Grantee the following real property in the County of Summit and State of Colorado:

 A PARCEL OF LAND KNOWN AS GOOSE PASTURE TARN AND DAM AND LOCATED PARTIALLY WITHIN THE CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 13623; PARTIALLY WITHIN THE GOLD NUGGET PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 13623; PARTIALLY WITHIN THE GOLDEN CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 5025 AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO,
 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 8, THE SPILLWAY FILING NO. 1 SUBDIVISION AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, SUMMIT COUNTY, COLORADO, BEING THE TRUE POINT OF BEGINNING, WHENCE CORNER NO. 11 OF SAID CROWN PLACER BEARS N 12°56'12" W 1174.72 FEET DISTANT; THENCE S 89°59'10" E ALCNG THE SOUTHERLY BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 232.37 FEET; THENCE S 65°55'02" E CONTINUING ALONG SAID SOUTHERLY BOUNDARY LINE A DISTANCE OF 174.59 FEET; THENCE S 21°49'37" W A DISTANCE OF 66.72 FEET TO A POINT ON THE EDGE OF THE WATER SURFACE OF GOOSE PASTURE TARN, WHENCE CORNER NO. 12 OF SAID CROWN PLACER, IDENTICAL TO CORNER NO. 3 OF SAID GOLD NUGGET PLACER BEARS N 79°56'41" E 445.4 FEET DISTANT; THENCE ALONG SAID EDGE OF THE WATER SURFACE FOR THE FOLLOWING 144 COURSES:

THENCE S  $83^{\circ}01'19''$  E A DISTANCE OF 52.50 FEET THENCE S  $16^{\circ}07'44''$  E A DISTANCE OF 44.29 FEET THENCE S  $27^{\circ}29'15''$  E A DISTANCE OF 40.21 FEET THENCE S  $44^{\circ}49'21''$  E A DISTANCE OF 41.68 FEET THENCE S  $25^{\circ}05'43''$  E A DISTANCE OF 42.74 FEET THENCE N  $61^{\circ}43'57''$  E A DISTANCE OF 7.02 FEET THENCE S  $23^{\circ}03'05''$  E A DISTANCE OF 52.58 FEET THENCE S  $33^{\circ}15'06''$  E A DISTANCE OF 46.67 FEET THENCE S  $15^{\circ}34'12''$  E A DISTANCE OF 48.34 FEET THENCE S  $80^{\circ}57'10''$  W A DISTANCE OF 11.90 FEET THENCE S  $15^{\circ}21'08''$  E A DISTANCE OF 100.71 FEET

State Documentary Foo Date 10-4-91 \* Ex 39-13-104(1) o

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THENCE	s	03°11′45″	Е	Α	DISTANCE	OF	50.22 FEET
THENCE	$\mathbf{S}$	10°01′51″	W	А	DISTANCE	OF	19.72 FEET
THENCE	$\mathbf{S}$	04°19'02"	Е	Α	DISTANCE	OF	202.99 FEET
THENCE	s	40°52'59"	W	Α	DISTANCE	OF	47.49 FEET
THENCE	S	31'42'05"	W	Α	DISTANCE	OF	117.28 FEET
THENCE	s	27.08/22"	W	A	DISTANCE	OF	51.43 FEET
THENCE	s	63'24'48"	W	A	DISTANCE	OF	25.76 FEET
THENCE	s	24 . 13 / 59"	W	A	DISTANCE	OF	61.94 FEET
THENCE	И	74'21'46"	W	A	DISTANCE	OF	87.32 FEET
	N	80°07'49"	W	A	DISTANCE	OF	54.68 FEET
THENCE	N	22.39.02"	W	A	DISTANCE	OF	48.17 FEET
	N	61'26'33"	W	A	DISTANCE	OF	66.66 FEET
	N	66'03'12"	W	A	DISTANCE	OF	25.76 FEET
	N	84°16'11"	W	Â	DISTANCE	OF	83.96 FEET
	s	78.31.53"	W	A	DISTANCE	OF	38.34 FEET
	s	40°03'16"	W	A	DISTANCE	OF	
	s	21.53.24"	W	A	DISTANCE		36.12 FEET
	S	03°55'37″				OF	54.64 FEET
	S		E	A	DISTANCE	OF	19.70 FEET
		38°56'38″	W	A	DISTANCE	OF	72.44 FEET
	S	21°52'04″	W	A	DISTANCE	OF	80.57 FEET
	S	00°25′30″	E	Α	DISTANCE	OF	47.72 FEET
	S	40°28'59"	W	Α	DISTANCE	OF	31.27 FEET
	S	56°20'12"	W	Α	DISTANCE	OF	25.57 FEET
	S	35°04'26"	W	Α	DISTANCE.		59.36 FEET
	S	22•15/20"	W	A	DISTANCE	OF	38.92 FEET
	S	06°00′22″	W	A	DISTANCE	$\mathbf{OF}$	32.83 FEET
	s	21*08/25"	W	Α	DISTANCE	OF	62.61 FEET
THENCE	S	37*01'53"	W	A	DISTANCE	OF	54.79 FEET
THENCE	S	04°19'52″	W	Α	DISTANCE	OF	44.99 FEET
THENCE	S	13°47′02″	W	Α	DISTANCE	$\mathbf{OF}$	87.58 FEET
THENCE	S	13*10'13"	W	Α	DISTANCE	OF	36.04 FEET
THENCE	S	28'29'12"	W	Α	DISTANCE	OF	157.75 FEET
THENCE	S	34'14'12"	W	Α	DISTANCE	OF	33.43 FEET
	s	24 . 50 47"	Ε	A	DISTANCE	OF	42.32 FEET
	S	13*22'32"	E	A	DISTANCE	OF	33.31 FEET
	s	17'50'03"	w	A	DISTANCE	OF	62.41 FEET
	s	74.10.42"	W	Ä	DISTANCE	OF	29.49 FEET
	N	45°15'58"	W	A	DISTANCE	OF	67.88 FEET
	S	63.06,18"	W	A	DISTANCE	OF	50.37 FEET
	s	11.25.24"	W	A	DISTANCE		
	s	09.00.35	Ë	A	DISTANCE	OF	55.72 FEET
	s S					OF	89.99 FEET
		08°24′22″	E	A	DISTANCE	OF	48.46 FEET
THENCE		05°28'15″		A	DISTANCE		47.50 FEET
THENCE :		03°39'21"	W	A	DISTANCE	OF	99.59 FEET
	S	00.01,41"	W	A	DISTANCE	OF	92.37 FEET
	S	87°07′53″	W		DISTANCE	OF	58.20 FEET
	N	88*56'27"	W	А	DISTANCE	$\mathbf{OF}$	57.25 FEET
	S	27°31′07″	W		DISTANCE	OF	124.22 FEET
	S	29°52′17″	W	Α	DISTANCE	OF	124.16 FEET
THENCE :	S	49*36'54"	W	Α	DISTANCE	OF	15.59 FEET
	S	57 • 17 ′ 12 ″	W	Α	DISTANCE	$\mathbf{OF}$	12.86 FEET
THENCE :	S	76°32′28″	W	A	DISTANCE	OF	11.18 FEET

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THENCE N 80	°23′51″	W A	DISTANCE	OF'	58.91 FEET
THENCE S 30	°13′47″	A W	DISTANCE	OF	29.88 FEET
TO A POINT,	WHENCE	COR	NER NO. 1	OF	SAID GOLD NUGGET
PLACER BEAR	S S 26°4	B'1	8″ W 150.	44	FEET DISTANT;
		AN	DISTANCE	OF	297.29 FEET
					76.44 FEET
THENCE N 70			DISTANCE		
THENCE N 75			DISTANCE		
THENCE N 65			DISTANCE		
THENCE N 47			DISTANCE		
THENCE N 15			DISTANCE		33.09 FEET
THENCE N 36			DISTANCE		
THENCE N 18			DISTANCE		
			DISTANCE		
			DISTANCE		73.59 FEET
THENCE N 24			DISTANCE		
THENCE N 81			DISTANCE		
THENCE N 59			DISTANCE		
THENCE N 12			DISTANCE		18.62 FEET
THENCE N 00			DISTANCE		
THENCE N 06			DISTANCE		
THENCE N 01			DISTANCE		12.17 FEET
THENCE N 16			DISTANCE		13.75 FEET
THENCE N 25			DISTANCE		
THENCE N 25			DISTANCE		
THENCE N 20'					125.19 FEET
THENCE N 24					200.05 FEET
THENCE N 24'			DISTANCE		218.03 FEET
	'59'24" E		DISTANCE		50.30 FEET
THENCE N 10°			DISTANCE		
THENCE N 20°					51.06 FEET
THENCE N 49°	'49 <b>'</b> 57″ E	A	DISTANCE	OF	5.59 FEET
THENCE N 66'		A	DISTANCE	OF	14.67 FEET
THENCE N 83'		A	DISTANCE	OF	16.77 FEET
THENCE S 63		A	DISTANCE	OF	37.16 FEET
THENCE N 89°	'09'58" E	: A	DISTANCE	OF	37.33 FEET
THENCE S 65"			DISTANCE		
THENCE N 88°			DISTANCE		
THENCE N 76	'16'11″ E	A	DISTANCE	OF	85.62 FEET
THENCE N 79"			DISTANCE		
THENCE N 73°	57'06" E	A	DISTANCE	OF	54.54 FEET
THENCE N 47					23.13 FEET
THENCE N 77"	21'34" E	A	DISTANCE	OF	24.11 FEET ·
THENCE S 81.	30'32" E		DISTANCE		
	11'43" E		DISTANCE		
	57'43" E		DISTANCE		
THENCE N 61.					21.83 FEET
THENCE N 26°			DISTANCE		
	57'11" E				30.45 FEET
THENCE N 54°			DISTANCE		18.62 FEET
THENCE N 70°					36.52 FEET
	16'24" E		DISTANCE	OF	23.94 FEET
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THENCE N 53°56'05" E A DISTANCE OF 9.91 FEET	
THENCE N 78°26'21" E A DISTANCE OF 29.32 FEET	
THENCE S 55°12'50" E A DISTANCE OF 49.54 FEET	
THENCE N 75°52'08" E A DISTANCE OF 7.98 FEET	
THENCE N 23°21'01" E & DISTANCE OF 22 8 FEFT	
THENCE N 00°04'05" E A DISTANCE OF 45.00 FEET	
THENCE N 26°55'14" E A DISTANCE OF 31.74 FEET	
THENCE N 04°07'45" E A DISTANCE OF 13.69 FEET	
THENCE N 55°57'49" E A DISTANCE OF 24.61 FEET	
THENCE N 77°40'07" E A DISTANCE OF 44.81 FEET	
THENCE S 76°44'57" E A DISTANCE OF 23.61 FEET	
THENCE S 48°18'60" E A DISTANCE OF 37.56 FEET	
THENCE S 54°14'27" E A DISTANCE OF 37.50 FEET	
THENCE S 58°00'56" E A DISTANCE OF 24.49 FEET	
THENCE S 68°20'10" E A DISTANCE OF 39.65 FEET	
THENCE S 77°17'45" E A DISTANCE OF 35.66 FEET	
THENCE S 89°58'34" E A DISTANCE OF 33.88 FEET	
THENCE N 74°45'09" E A DISTANCE OF 59.25 FEET	
THENCE N 60°20'52" E A DISTANCE OF 59.25 FEET THENCE N 60°20'52" E A DISTANCE OF 20.53 FEET	
THENCE N 56°41'08" E A DISTANCE OF 20.55 FEET THENCE N 56°41'08" E A DISTANCE OF 21.11 FEET	
THENCE N 56 41 08" E A DISTANCE OF 21.11 FEET THENCE N 77°38'07" E A DISTANCE OF 15.40 FEET	
THENCE N // 30 0/ E A DISTANCE OF 15.40 FEET	
THENCE N 61°07'30" E A DISANCE OF 81.50 FEET	
THENCE N 49°37'08" E A DISTANCE OF 11.00 FEET	
THENCE S. 88°01'48" E A DISTANCE OF 27.12 FEET	
THENCE N 80°27'54" E A DISTANCE OF 80.45 FEET	
THENCE N 63°20'11" E A DISTANCE OF 19.47 FEET	
THENCE N 60°43'15" E A DISTANCE OF 32.27 FEET	
THENCE N 49°07'12" E A DISTANCE OF 70.59 FEET	
THENCE N 39°37'46" E A DISTANCE OF 32.35 FEET	
THENCE N 29°15'35" E A DISTANCE OF 34.04 FEET	
THENCE N 45°06'48" E A DISTANCE OF 31.05 FEET	
THENCE N 03°59'45" E, LEAVING SAID EDGE OF THE	
WATER SURFACE, A DISTANCE OF 59.41 FEET; THENCE	
N 21.26'56" E A DISTANCE OF 66.94 FEET; THENCE	
N 08'25'43" W A DISTANCE OF 245.55 FEET TO THE	
NORTHWESTERLY CORNER OF THE GOOSE PASTURE TARN	
DAM SPILLWAY; THENCE N 62°40'36" E A DISTANCE	
OF 32.82 FEET TO THE NORTHEASTERLY CORNER OF SAID	
SPILLWAY; THENCE N 56°46'43" E A DISTANCE OF	
41.89 FEET TO THE TRUE POINT OF BEGINNING; (containing	
68.291 acres more or less), TOGETHER WITH A PERPETUAL	
RIGHT OF INGRESS, EGRESS AND REGRESS THERETO, AND	
TOGETHER WITH ALL APPURTENANCES THERETO AND ANY WATER	
RIGHTS ASSOCIATED THEREWITH, INCLUDING WITHOUT LIMITATION	
ANY RIGHT TO WATER CONTAINED IN THE DEED DATED	
DECEMBER 19, 1970, RECORDED IN BOOK 205 AT PAGES 66-72 OF	
THE SUMMIT COUNTY REAL PROPERTY RECORDS, RESERVING UNTO	
BLUE RIVER, ITS SUCCESSORS AND ASSIGNS THE PERPETUAL	
RIGHT TO USE GOOSE PASTURE TARN (THE EXISTING LAKE	
LOCATED UDON THE COLD MUCCET DIAORD COOME DIAORD AND	
LOCATED UPON THE GOLD NUGGET PLACER, CROWN PLACER AND GOLDEN CROWN PLACER MINING CLAIMS IN SUMMIT COUNTY,	
COLORADO) FOR RECREATIONAL FISHING AND OTHER RELATED	
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RECREATIONAL PURPOSES. THE FOREGOING RESERVATION SHALL BE EXCLUSIVE TO BLUE RIVER VIS-A-VIS BRECKENRIDGE, BUT SHALL BE SUBJECT TO ALL EXISTING EASEMENTS AND WATER STORAGE RIGHTS, AND TO ALL OTHER MATTERS SET FORTH IN THIS DEED; TO SUCH REASONABLE RULES AND REGULATIONS AS MAY BE ADOPTED BY BLUE RIVER OR ITS SUCCESSORS AND ASSIGNS; AND TO THE CONDITION THAT SUCH USE FOR RECREATIONAL PURPOSES AND BLUE RIVER'S RULES AND REGULATIONS RELATING THERETO SHALL NOT IN ANY MANNER INTERFERE WITH OR RESTRICT BRECKENRIDGE'S ACCESS TO, OR ITS OPERATION, MAINTENANCE AND USE OF, GOOSE PASTURE TARN AND THE OTHER PROPERTY CONVEYED BY THIS DEED, OR ITS WATER AND OTHER RIGHTS WITH RESPECT THERETO. BLUE RIVER ALSO RESERVES UNTO ITSELF A RIGHT OF FIRST REFUSAL TO PURCHASE THE LAND UNDERLYING GOOSE PASTURE TARN IF BRECKENRIDGE SHOULD EVER DECIDE TO SELL SUCH LAND. UPON MAKING SUCH DECISION, BRECKENRIDGE SHALL PROMPTLY GIVE WRITTEN NOTICE TO BLUE RIVER OF THE PURCHASE PRICE AND OTHER MATERIAL TERMS OF THE PROPOSED SALE. BLUE RIVER SHALL THEN HAVE THE RIGHT, FOR A PERIOD OF 30 DAYS AFTER SUCH NOTICE IS GIVEN, TO PURCHASE SUCH LAND FOR THE STATED CONSIDERATION AND ON THE SAME TERMS AND CONDITIONS DESCRIBED IN SUCH NOTICE. BLUE RIVER SHALL NOTIFY BRECKENRIDGE WITHIN SEVEN DAYS OF ITS RECEIPT OF THE FOREGOING NOTICE WHETHER IT ELECTS TO EXERCISE ITS RIGHT OF FIRST REFUSAL. THE STATUS OF BRECKENRIDGE AS AN OWNER OF LAND LOCATED IN THE TOWN OF BLUE RIVER AS A RESULT OF THIS DEED SHALL NOT AFFORD BRECKENRIDGE ANY RIGHT OF ACCESS TO GOOSE PASTURE TARN FOR RECREATIONAL PURPOSES. THIS CONVEYANCE AND THE FOREGOING RESERVATIONS ARE ALSO SUBJECT TO THE PERPETUAL RIGHT OF ROBERT A. THEOBALD AND LOIS G. THEOBALD, THEIR PERSONAL REPRESENTATIVES AND ASSIGNS, INCLUDING WITHOUT LIMITATION THE LOIS G. THEOBALD CO., TO STORE WATER IN EXCESS OF THE RIGHT OF THE TOWN OF BRECKENRIDGE TO STORE 800 ACRE-FEET IN GOOSE PASTURE TARN TOGETHER WITH THE PERPETUAL RIGHT OF INGRESS, EGRESS AND REGRESS ON, UNDER, OVER AND ACROSS THE ABOVE-DESCRIBED PROPERTY FOR ANY AND ALL PURPOSES NECESSARY OR INCIDENT TO THE FULL USE, ENJOYMENT AND EXERCISE BY ROBERT A. THEOBALD AND LOIS G. THEOBALD AND SUCH PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH STORAGE RIGHTS, INCLUDING THE RIGHT TO WITHDRAW ALL OR ANY PART OF SAID WATER IN EXCESS OF 800 ACRE-FEET FROM GOOSE PASTURE TARN AT ANY TIME BETWEEN SEPTEMBER 1ST IN ANY YEAR AND APRIL 1ST OF ANY SUBSEQUENT YEAR WHEN THE WITHDRAWAL THEREOF WILL NOT INTERFERE WITH THE RIGHT OF THE TOWN OF BRECKENRIDGE TO WITHDRAW FROM GOOSE PASTURE TARN ITS 800 ACRE-FEET; AND

(2) THE PARCEL OF LAND CONTAINING THE BRECKENRIDGE TREATMENT PLANT WHICH IS LOCATED PARTIALLY WITHIN THE CROWN PLACER MINING CLAIM, U.S. SURVEY NO. 13623, AND PARTIALLY WITHIN THE GOLDEN CROWN PLACER MINING CLAIN, U.S. SURVEY NO. 5225, AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHWESTERLY CORNER COMMON TO LOTS 9 AND 10, THE SPILLWAY FILING NO. 1 SUBDIVISION, AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, BEING THE POINT OF BEGINNING, WHENCE CORNER NO. 11 OF THE CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 13623 BEARS N 0°24'37" E A DISTANCE OF 913.31 FEET, THENCE S 49°38'58" E, A DISTANCE OF 10.00 FEET, THENCE S 15°36'47" E A DISTANCE OF 317.24 FEET, THENCE S 24°26'38" WEST A DISTANCE OF 84.58 FEET, THENCE S 64°00'11" W A DISTANCE OF 175.27 FEET, TO THE NORTHWEST CORNER OF LOT NO. 495, THE LAKESHORE SUBDIVISION, AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, THENCE S 43°3'4" W A DISTANCE OF 114.85 FEET, THENCE N 69°57'16" W 90.87 FEET, THENCE N 62°30'58" W A DISTANCE OF 92.28 FEET, THENCE N 8°54'55" E 238.73, THENCE N 79°47'9" E A DISTANCE OF 88.78 FEET, TO THE NORTHEAST CORNER OF LOT NO. 498 OF THE LAKESHORE SUBDIVISION, THENCE N 5°17'23" E A DISTANCE OF 256.69 FEET TO THE SOUTHWEST CORNER OF LOT NO. 10, SPILLWAY FILING NO. 1 SUBDIVISION, THENCE S 81°1'7" E ALONG THE SOUTHERLY BOUNDARY OF SAID SUBDIVISION, A DISTANCE OF 199.58 FEET TO THE POINT OF BEGINNING. (containing 3.658 acres), TOGETHER WITH ALL APPURTENANCES THERETO. THIS CONVEYANCE IS SUBJECT TO THE PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY OF ROBERT A. THEOBALD AND LOIS G. THEOBALD AND THEIR SUCCESSORS AND ASSIGNS FOR INGRESS AND EGRESS TO THE TRACT OF LAND LOCATED EASTERLY OF THE ABOVE-DESCRIBED SITE AND CONTAINING APPROXIMATELY 1.954 ACRES OVER THE ROAD PRESENTLY EXISTING FROM THE LAKESHORE ROAD TO SAID 1.954 ACRE TRACT OR SUCH OTHER ROAD AS MIGHT HEREAFTER BE CONSTRUCTED FOR INGRESS AND EGRESS FROM THE LAKESHORE ROAD TO SAID 1.954 ACRE TRACT; AND

(3) A PIPELINE AND UTILITY EASEMENT 30 FEET IN WIDTH, BEING 15 FEET ON EITHER SIDE OF A CERTAIN LINE WITHIN THE GOLDEN CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 5225 AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE NORTHEAST CORNER OF LOT NO. 494, THE LAKESHORE SUBDIVISION AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, BEARS S 26°15′42″ W A DISTANCE OF 149.46 FEET; THENCE N 59°11′25″ W, A DISTANCE OF 183.02 FEET, THENCE N 57°31′46″ E A DISTANCE OF 155.22 FEET TO THE NORTH END OF THE WEST SPILLWAY WINGWALL OF GOOSE PASTURE TARN. (containing 0.234 acres), TOGETHER WITH ALL APPURTENANCES THERETO.

The land underlying the Goose Pasture Tarn and Dam described in Section (1) above and the land described in Section (2) above are conveyed subject to the covenant and restriction that there shall never be constructed on such land any residential or commercial building or subdivision. The foregoing restriction shall not, however, affect or restrict the use of such land, or construction on such land, for water storage, su ply, diversion, treatment or transportation, or facilities related thereto. The foregoing provisions are intended to touch, concern and burden the property conveyed hereby, shall be considered a covenant and restriction running with the land and shall be binding upon and run to the benefit of Blue River and Breckenridge and their respective successors and assigns in and to title.

THE TOWN OF BLUE RIVER, COLORADO warrants the title to the above-described property subject only to the following:

(1) Exceptions and reservations in the United States Patents;

(2) A pedestrian easement as the same exists along the southwest side of Lots 9 and 10, The Spillway Filing No. 1 Subdivision, and along the Blue River at the location of said Lots as the same appears on the plat of said Spillway Filing No. 1 Subdivision, as the same is recorded in the office of the Clerk and Recorder of Summit County, Colorado;

(3) Restrictions and reservations of record;

(4) The perpetual right of Eagle County Development Corporation, a Colorado corporation, and its successors and assigns to use Goose Pasture Tarn (the existing lake located upon the Gold Nugget Placer, Crown Placer and Golden Crown Placer Mining Claims in Summit County, Colorado) for recreation purposes subject only to such reasonable rules and regulations as may be adopted by Blue River or its successors in title.

Signed this  $2q^{1/2}$  day of <u>larger (1991</u>, 1991.

THE TOWN OF BLUE RIVER, COLORADO, a municipal corporation

Nation of the second

By: Mayor

ATTEST: Town-Clerk

(SEAL)

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STATE OF COLORADO ) ) COUNTY OF SUMMIT )

SS.

The foregoing instrument was acknowledged before me this  $24^{\pi V}$  day of <u>Activity</u>, 1991 by <u>Stens M. TACINGRA</u> as Mayor of The Town of Blue River, Colorado, c municipal corporation.

WITNESS my hand and official seal.

My commission expires: <u>August 151992</u>.

Patricia a Butler Notary Public

(SEAL)

11	ORDER NUMBER	A
	SL-5191-0	
	AMOUNT	
	\$100.00	

Dated this <u>22nd</u> day of <u>April</u>, 19<u>71</u>, at the hour of 2:00 o'clock BM.

1. The name of the insured and the estate, or interest of the insured in the land described below and covered by this policy is as follows:

THE TOWN OF BLUE RIVER, COLORADO, a municipal corporation.

2. The land, the title to which is insured, is described or known as follows:

SEE DESCRIPTION OF PROPERTY ON SHEETS 3 THROUGH 7.

## SCHEDULE B

This Policy does not insure against loss or damage by reason of the following:

- 1. Rights or claims of parties in possession not shown of record, including unrecorded easements.
- 2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- 3. Mechanics liens, or any rights thereto, where no notice of such liens or rights appear of record.
- 4. Taxes and assessments not yet due or payable; and Special Taxes or Assessments certified to the office of the County Treasurer subsequent to: date hereof.
- 5. Conditions, stipultions, exceptions, rights of way for ditches and canals constructed by the authority of the United States, as contained in U. S. Patents of record, as follows: Crown Placer, Book 66, Page 39; Golden Crown Placer, Book 47, Page 561; the Golden Crown Placer, Book 66, Page 39 of the Summit County, Colorado records.
- 6. Easements which are in existence or of record and restrictions and reservations of record.
- 7. The perpetual right of Eagle County Development Corporation, a Colorado corporation, and its successors and assigns to use Goose Pasture Tarn, the existing lake located upon the Gold Nugget Placer, Crown Placer and Golden Crown Placer Mining Claims in Summit County, Colorado, for recreation purposes subject only to such reasonable rules and regulations as may be adopted by Purchaser (The Town of Blue River) ot its successors in title pertaining to the types of recreation uses which may be made of Goose Pasture Tarn, aforesaid, the periods of such use and the standard of conduct with respect to such use.

Policy No. CO 192414-0

# (continued) Sh

Sheet 1 of 7

(N)

## SCHEDULE B

CONTINUED

ORDER NUMBER

SL-5191-0

- 8. The Town of Blue River shall not voluntarily permit the existing dam structure to be removed or permit the lowering or enlargement of the existing outlet to the dam; perpetual right of Robert A. Theobald and Lois G. Theobald to store water in excess of the right of the Town of Breckenridge to store 800 acre-feet of water in Goose Pasture Tarn, as more fully set forth in a deed from Robert A. Theobald and Lois G. Theobald to the Town of Breckenridge, recorded December 22, 1970 in Book 205 at Page 59, under Reception No. 118649.
- 9. The Town of Blue River shall have no right to withdraw any water from GoodCPasture Tarn unless all or any part of the storage rights of the Town of Breckenridge are abandoned, or unless all or any part of the property of the Town of Breckenridge and Robert A. Theobald and Lois G. Theobald are conveyed or otherwise transferred to the Town of Blue River, Colorado.
- 10. Right of Town of Breckenridge to withdraw no more than 400 acre-feet of water from Goose Pasture Tarn between June 1 and September 1 of any one year provided that nothing will prohibit Breckenridge from drawing said waters down 800 acre-feet from high water line at any time and from time to time during a period from September 1 of one year to April 1 of the following year.
- 11. Any fees, charges, taxes or assessments by virtue of inclusion of the subject property in County-Wide Sanitary Sewer System.
- 12. A pedestrian easement as the same exists along the southwest side of Lots 9 and 10, The Spillway Filing No. 1 Subdivision, and along the Blue River at the location of said Lots as the same appears on the plat of said Spillway Filing No. 1 Subdivision, as the same is recorded in the office of the Clerk and Recorder of Summit County, Colorado.

(continued)

AMERICAN LAND TITLE ASSOCIATION OWNERS POLICY - STANDARD FORM 8-1962

SL-5191-0

### ATTACHED TO AND FORMING A PART OF ORDER NO.

SCHEDULE A, PARAGRAPH 2, DESCRIPTION OF PROPERTY.

A PARCEL OF LAND KNOWN AS GOOSE PASTURE TARN AND DAM AND LOCATED PARTIALLY WITHIN THE CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 13623; PARTIALLY WITHIN THE GOLD NUGGET PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 13623; PARTIALLY WITHIN THE GOLDEN CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 5225 AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT S. THE SPILLMAY FILING NO. 1 SUBDIVISION AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, SUMMIT COUNTY, COLORADO. BEING THE TRUE POINT OF BEGINNING, WHENCE CORNER NO. 11 OF SAID CROWN PLACER BEARS N 12°56'12" W 1174.72 FEET DISTANT; THENCE S 89°59'10" E ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 232.37 FEET; THENCE S 65°55'02" E CONTINUING ALONG SAID SOUTHERLY BOUNDARY LINE A DISTANCE OF 174.59 FEET: THENCE S 21°49'37" W A DISTANCE OF 66.72 FEET TO A POINT ON THE EDGE OF THE WATER SURFACE OF GOOSE PASTURE TARN, WHENCE CORNER NO. 12 OF SAID CROWN PLACER, IDENTICAL TO CORNER NO. 3 OF SAID GOLD NUGGET PLACER BEARS N 79°56'41" E 445.4 FEET DISTANT; THENCE ALONG SAID EDGE OF THE WATER SURFACE FOR THE FOLLOWING 144 COURSES:

THENCE THENCE THENCE THENCE	S	83°01'19" 16°07'44" 27°29'15" 44°49'21"	E A E A	DISTANCE DISTANCE DISTANCE DISTANCE	OF	.52.50 44.29 40.21 41.68	FEET FEET FEET FEET
THENCE		25°05'43''	ΕA	DISTANCE	-	42.74	FEET
THENCE		61°43'57"	ЕΑ	DISTANCE		7.02	FEET
THENCE		23°03'05"	ΕA	DISTANCE		0.0107000000000000000000000000000000000	FEET
THENCE	S	33°15'06"	ΕA	DISTANCE	OF	46.67	FEET
THENCE	S	15°34'12"	ЕΑ	DISTANCE	OF	48.34	FEET
THENCE		80°57'10"	WA	DISLANCE	OF		FEET
THENCE	S	15°21'03"	ΕA	DISTANCE	OF	100.71	L FEET
THENCE	S	03°11'45"	EA	DISTANCE	OF	50.22	
THENCE	S	10°01'51"	WA	DISTANCE	OF	19.72	FEET
THENCE	S	04°19'02"	EA	DISTANCE	OF	202.99	) FEET
THENCE	S	40°52'59"	VI A	DISTANCE	OF	47.49	
THENCE	S	31°42'05"		DISTANCE		117.28	
THENCE	S	27°08'22"	WA	DIȘTANCE	OF	51.43	FEET

Policy No. CO 192414-0

Sheet 3 of 7 (continued)

SL-5191-0

ATTACHED TO AND FORMING A PART OF ORDER NO.

SCHEDULE A, PARAGRAPH 2, DESCRIPTION OF PROPERTY.

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THEFEE S	63°24'48"	ι. Λ	DISTANCE	OF	25.76 FILET	
· THENCE S						
THERCE					87.32 FEET	
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THENCE N	66°03'12"	M A	DISTANCE	OF	25.76 FEET	
THENCE N		ΨA	DISTANCE	OF	83.96 FEET	
THENCE S			DISTANCE	OF	38.34 FLET	
THENCE S			DISTANCE	OF		
THENCE S			DISTANCE	OF	54.64 FEET	
THENCE S			DISTANCE		19.70 FEET	
THENCE S	38°56'38"	ΜA	DISTANCE	OF	72.44 FEET	
THENCE S			DISTANCE		80.57 FEET	
THENCE S			DISTANCE			
THENCE S			DISTANCE		31.27 FEET	
	40 23 33	WA				
THENCE S			DISTANCE		25.57 FEET	
THENCE S			DISTANCE		59.36 FEET	
THENCE S	22°15'20"	WΑ	DISTANCE	OF	38.92 FEET	
'THENCE S	06°00'22"	WΑ	DISTANCE	OF	32.83 FEET	
THENCE S			DISTANCE		62.61 FEET	
THENCE S		WA			54.79 FEET	
					44.99 FEET	
THENCE S			DISTANCE	OF	87.58 FEET	
THENCE S			DISTANCE	OF		
THENCE S		WΑ	DISTANCE	OF	157.75 FEET	
THENCE S	34°14'12"	WΑ	DISTANCE	OF	33.43 FEET	
THENCE S			DISTANCE	OF	42.32 FEET	
THENCE S			DISTANCE	OF	33.31 FEET	
			DISTANCE	OF	62.41 FEET	
THENCE S			DISTANCE	OF	29.49 FEET	
- THENCE N			DISTANCE	OF	67.88 FEET	
THENCE S	63°06'18"	WA	DISTANCE	OF	50.37 FEET	
THENCE S	11°25'24"	Ψ. A	DISTANCE	OF	55.72 FEET	
THENCE S			DISTANCE	OF		
	08°24'22''				48.46 FEET	
THENCE O	05°28'15"				47.50 FEET	
	03°39'21."	WA	DISTANCE	Or	99.59 FEET	
THENCE S		WΑ	DISTANCE	OF	92.37 FEET	
THENCE S	87°07'53"	V A	DISTANCE	OF	58.20 FEET	
THENCE N	88°56'27"	WΑ	DISTANCE	OF	57.25 FEET	
THENCE S				OF		,
	29°52'17"				124.16 FEET	
	49°36'54''		DISTANCE		15.59 FEET	
THENCE S	57°17'12''	W A	DISTANCE	OF	12.86 FEET	
THENCE S	76°32'28''	WΑ	DISTANCE	OF	11.18 FEET	
					58.91 FEET	
					29,88 FEET	
ירסט מסאמות א	אד נתהאריה	CODY	T ON STI	0F	SAID GOLD NUGGET	
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FINCER B	LAKS S ZO	40.10	D W LOU.4	+4 1	FEET DISTANT;	
THENCE N	54 4/ 26	W A	DISTANCE	OF	297.29 FEET	
THENCE N	57 38 47	WΑ	DISTANCE	OF	76.44 FEET	
THENCE N	70°41'13''	WΑ	DISTANCE	OF	212.73 FEET	
FOR \$100 17	7 - 0 - 0 1 - 11	** 1	DIAMANON	07	FO 70 PPT-1	

ATTACHED TO AND FORMING A PART OF ORDER NO.

SL-5191-0

SCHEDULE A, PARAGRAPH 2, DESCRIPTION (
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SL-5191-0

## ATTACHED TO AND FORMING A PART OF ORDER NO.

SCHEDULE A, PARAGRAPH 2, DESCRIPTION OF PROPERTY.

THENCE N 39°37'46" E A DISTANCE OF 32.35 FEET THENCE N 29°15'35" E A DISTANCE OF 34.04 FEET THENCE N 45°06'43" E A DISTANCE OF 31.05 FEET THERCE N.03°59'45" E, LEAVING SAID EDGE OF THE WATER SURFACE, A DISTANCE OF 59.41 FEET; THENCE N 21°26'56" E A DISTANCE OF 66.94 FEET; THENCE N 08°25'43" W A DISTANCE OF 245.55 FEET TO THE NORTHWESTERLY CORNER OF THE GOOSE PASTURE TARM DAM SPILLMAY; THENCE N 62°40'36" E A DISTANCE OF 32.82 FEET TO THE NORTHEASTERLY CORNER OF SAID SPILLWAY; THENCE N 56°46'43" E A DISTANCE OF 41.89 FEET TO THE TRUE POINT OF BEGINNING; (containing 68.291 acres more or less) EXCEPTING THEREFROM THE PERPETUAL RIGHT OF ROBERT A. THEODALD AND LOIS G. THEOBALD, THEIR FERSONAL REPRESENTATIVES AND ASSIGNS TO STORE WATER IN EXCESS OF THE RIGHT OF THE TOWN OF BRECKENRIDGE TO STORE 800 ACRE-FERT IN GOOSE PASTURE TARN TOGETHER WITH THE PERPETUAL RIGHT OF INGRESS, EGRESS AND REGRESS ON, UNDER, OVER AND ACROSS THE PROPERTY CONVEYED BY ROBERT A. THEOBALD AND LOIS G. THEOBALD TO THE TOWN OF BRECKENRIDGE, COLORADO FOR ANY AND ALL PURPOSES NECESSARY OR INCIDENT TO THE FULL USE, ENJOYMENT AND EXERCISE BY ROBERT A. THEOBALD AND LOIS G. THEOBALD OF THE STORAGE RIGHTS HEREBY RESERVED INCLUDING THE RIGHT TO WITHDRAW ALL OR ANY PART OF SAID WATER IN EXCESS OF 800 ACRE-FEET FROM GCOSE PASTURE TARN AT ANY TIME BETWEEN SEPTEMBER 1ST IN ANY YEAR AND APRIL 1ST OF ANY SUBSEQUENT YEAR WHEN THE WITHDRAWAL THEREOF WILL NOT INTERFERE WITH THE RIGHT OF THE TOWN OF BRECKENRIDGE TO WITHDRAW FROM GOOSE PASTURE TARN SAID 800 ACRE-FEET, AND

EXCEPTING THEREFROM THE PERPETUAL RIGHT OF THE TOWN OF BRECKENRIDGE TO STORE AND WITHDRAW 800 ACRE-FEET OF WATER IN GOOSE PASTURE TARN TOGETHER WITH THE PERPETUAL RIGHT OF INGRESS, EGRESS AND REGRESS ON, UNDER, OVER AND ACROSS THE PROPERTY CONVEYED BY THE TOWN OF BRECKENRIDGE, COLORADO, TO THE TOWN OF BLUE RIVER, COLORADO, FOR ANY AND ALL PURPOSES NECESSARY OR INCIDENT TO THE FULL USE, ENJOYMENT AND EXERCISE BY THE TOWN OF BRECKENRIDGE OF THE STORAGE RIGHTS HEREBY RESERVED PROVIDED THAT IF SAID STORAGE RIGHTS ARE EVER ABANDONED BY THE TOWN OF BRECKENRIDGE SUCH STORAGE RIGHTS SHALL PASS TO THE TOWN OF BLUE RIVER.

TOGETHER WITH A PARCEL OF LAND FOR A TREATMENT PLANT LOCATED PARTIALLY WITHIN THE CROWN PLACER MINING CLAIM, U.S. SURVEY NO. 13623, AND PARTIALLY WITHIN THE GOLDEN CROIN PLACER MINING CLAIM, U.S. SURVEY NO. 5225, AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SL-5191-0

#### ATTACHED TO AND FORMING A PART OF ORDER NO.

SCHEDULE A, PARAGRAPH 2, DESCRIPTION OF PROPERTY.

IAKESHORE SUBDIVISION, AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, THENCE S 43°3'4" W A DISTANCE OF 114.85 FEET, THENCE N 69°57'16" W 90.87 FEET, THENCE N 62°30'58" W A DISTANCE OF 92.28 FEET, THENCE N 8°54'55" E 238.73 THENCE N 79°47'9" E A DISTANCE OF 88.78 FEET, TO THE NORTHEAST CORNER OF LOT NO. 498 OF THE LARESHORE SUBDIVISION, THENCE N 5°17'23" E A DISTANCE OF 256.69 FELT TO THE SOUTHWEST CORNER OF LOT NO. 10 SPILIMAY FILING NO. 1 SUBDIVISION, THENCE S 81°1'7"E ALCHG THE SOUTHERLY BOUNDARY OF SAID SUBDIVISION, A DISTANCE OF 199.58 FEET TO THE POINT OF BEGINNING. (containing 3.658 acres) SUBJECT TO A PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY OVER AND ACROSS SAID PARCEL FOR INGRESS AND EGRESS TO TRACT OF LAND LOCATED EASTERLY OF THE DESCRIBED SITE AND CONTAINING APPROXIMATELY 1.954 AGRED OVER THE ROAD PRESENTLY EMISTING FROM THE LAKESHORE ROAD TO SAID 1.954 ACRE TRACT OR SUCH OTHER RCAD AS MIGHT HEREAFTER BE CONSTRUCTED FOR INGRESS AND EGRESS FROM THE LAKESHORE ROAD TO SAID 1.954 ACRE TRACT,

EXCEPTING THEREFROM THE PERPETUAL RIGHT OF THE TOWN OF BRECKENRIDGE TO FULLY USE ALL OF THE AFORESAID DESCRIBED PROPERTY FOR A WATER TREATMENT PLANT PROVIDED THAT IF SAID WATER TREATMENT PLANT IS EVER ABANDONED BY THE TOWN OF BRECKENRIDGE, THE DESCRIBED PROPERTY OCCUPIED BY SUCH TREATMENT PLANT SHALL PASS TO THE TOWN OF BLUE RIVER.

TOGETHER WITH A PIPELINE AND UTILITY EASEMENT 30 FEET IN WIDTH, BEING 15 FEET ON EITHER SIDE OF A CERTAIN LINE WITHIN THE GOLDEN CROWN PLACER MINING CLAIM, U.S. MINERAL SURVEY NO. 5225 AND WHOLLY WITHIN THE TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE NORTHEAST CORNER OF LCT NO. 494, THE LAKESHORE SUBDIVISION AS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO, BEARS S 26°15'42" W A DISTANCE OF 149.46 FEET; THENCE N 59°11'25" W, A DISTANCE OF 183.02 FEET, THENCE N 59°11'25" W, A DISTANCE OF 155.22 FEET TO THE NORTH END OF THE WEST SPILLWAY WINGWALL OF GOOSE PASTURE TARN. (containing 0.234 acces), EXCEPTING THEREFROM THE PERPETUAL RIGHT OF THE TOWN OF BRECKENRIDGE TO USE SAID PIPELINE AND UTILITY EASEMENT. IN THE DISTRICT COURT IN AND FOR THE

COUNTY OF SUMMIT AND STATE OF COLORADO

Civil Actions No. 2735 and 2790

ROBERT A. THEOBALD and LOIS G. THEOBALD,

Plaintiffs,

vs.

THE TOWN OF BRECKENRIDGE, a Colorado Municipal Corporation,

> Defendant and First Party Plaintiff.

vs.

THE TOWN OF BLUE RIVER, a ) Colorado Municipal Corporation)

> Third Party Defendant

and

TOWN OF BRECKENRIDGE, a Colorado Municipal Corporation,

Petitioner,

vs.

ROBERT A. THEOBALD, LOIS G. THEOBALD: THEODORE A. BOERSTLER; DON WOODS; SUSAN COCKRELL, and SCOTT GOULD; DAVID B. TENTLER, and DIANNE T. TENTLER, as joint tenants; HARRY L. BAUM; THEODORE A. BOERSTLER and VIRGINIA L. BOERSTLER, as joint tenants; JOHN F. HEALY and FRANCES PATTEE HEALY, as tenants in common; HAROLD D. STEPHENS and) EDITH M. STEPHENS as joint tenants; FRANK F. BROWN, Trea-) surer and Ex-Officio Public Trustee of the County of Summit, State of Colorado, UNITED) MORTGAGE COMPANY, Denver,



Win

## STIPULATION, AND ORDER THEREON

Blue River ("Blue River"), hereby stipulate and agree as follows:

1. Theobalds shall convey to Breckenridge, by quit claim deed, all their right, title and interest in and to the following property located in Summit County, Colorado,

(a) Lots 496, 497 and 498, The Lakeshore Subdivision, subject to a perpetual, non-exclusive easement and right of way over and across the aforesaid tract for ingress and egress to a tract of land located easterly thereof and containing approximately 1.954 acres, over the presently existing road from the Lakeshore Road to said 1.954 acre tract, or such other road as may hereafter be constructed for ingress and egress.

(b) A certain triangular parcel of land described

Beginning at the Northwesterly Corner of Lot 495 of the Lakeshore Subdivision. Thence S 70° 46' E, a distance of 123.94 feet; thence N 19°14' E a distance of 123.94 feet; thence N 64°00'11" E C -)6' a distance of 175.27 feet to the point of beginning.

Breckenridge shall pay Theobalds for the aforesaid parcels of land the sum of \$10,000.00 in cash or certified or cashier's funds. Closing shall be held on or before May 10, 1974, in the law offices of Theobalds in Breckenridge, Colorado.

2. After obtaining the necessary approval as set forth below, Breckenridge shall promptly undertake and diligently prosecute stabilization and landscaping of the road and banks on the present access into the treatment plant. The contractor or contractors engaged by Breckenridge to perform such work shall be required to post, and shall such arbitrator on or before June 15, 1974; no such approval shall be unreasonably withheld. If the Theobalds' arbitrator does not approve such work on or before June 15, 1974, Breckenridge and Theobalds, through their respective arbitrators, shall immediately select a third arbitrator as provided in paragraph 4 hereof, and such arbitrator shall on or before July 1, 1974, prepare and submit to Breckenridge and Theobalds plans and specifications for the work, which work shall thereupon be promptly commenced and prosecuted in accordance with such plans. No work shall be commenced until approved as aforesaid, and all said work shall be completed within six months following approval of the plans and specifications as aforesaid, unless weather conditions prohibit, in which event additional time not to exceed 60 days shall be allowed at the beginning of the next construction season.

3. If the work is not certified and approved as set forth below as being timely and properly completed on or before the end of the period referred to above, Breckenridge shall thereupon cease all such work being done by it directly or indirectly. Thereafter, Breckenridge shall be allowed 60 days within which to pursue its remedies with the bonding company and thereby have the work completed. If the work has not been completed in this manner on or before the end of said 60 day period, Theobalds shall have the right to complete the work, directly or indirectly, at Breckenridge's expense, and shall be promptly reimbursed by Breckenridge for the actual and reasonable cost of all such remaining work.

4. The work shall be deemed complete when it has been certified and approved as properly engineered and constructed, arbitrator, whose determination as to any pending matter, including plans and specifications, performance of the work, any additional work required before certification and approval, and certification and approval of the work, shall be final and binding on all parties. The fees and expenses of the arbitrator selected by each party shall be borne by such party; the reasonable fees and expenses of the third arbitrator, in the event one is selected, shall be borne equally by Theobalds and Breckenridge.

5. From and after the date of the order approving this Stipulation, it shall be the obligation of Breckenridge to maintain the treatment plant and the treatment plant site, any road that exists or which may be constructed to provide access to the treatment plant site and any banks adjacent thereto. Blue River shall have no maintenance obligation whatever as to the treatment plant, the treatment plant site, any road providing access thereto, or any banks adjacent thereto. It is agreed that the aforementioned maintenance obligations include, without limitation, normal maintenance work, as well as maintenance of the aesthetic appearance of the property in a state as consistent as possible with the natural surroundings.

6. Blue River shall not be required to pay any money to any other party hereto, or to otherwise expend any money, in connection with the execution of this stipulation or the performance of any of the terms hereof.

7. Except as expressly modified hereby, all applicable existing agreements between Theobalds and Breckenridge, and between Breckenridge and Blue River, shall remain in full force and effect. All provisions of all such agreements which apply to land, or interests in land, previously conveyed of land containing approximately 1.954 acres, for ingress and egress to said tract from the Lakeshore Road, and for ingress and egress to said tract along any other road which may be hereafter constructed to the treatment plant.

Upon conveyance of the property in accordance with 8. Paragraph 1 above, and completion of the stabilization and landscaping work referred to in Paragraphs 2, 3, and 4 above, both of the within actions shall be dismissed as to all parties named in each such action with prejudice, each party to pay his, her or its own costs with regard thereto.

The representatives of Breckenridge and Blue 9. River, by their signatures affixed hereto, represent that they have the authority to bind their respective towns by executing this stipulation as authorized by valid vote and resolution or ordinance of their respective towns.

Robert A. Theobald Robert A. Theobald

THE TOWN OF BRECKENRIDGE

ATTEST: mary alesner Town

TOWN OF BLUE RIVER

Mayor

## ORDER

This matter coming on to be heard on the Stipulation of the parties as set forth above, the Court having considered the contents of said Stipulation and being otherwise advised in the premises,

IT IS HEREBY ORDERED that each of the parties hereto comply with each and every item of the terms of said Stipulation.

DONE AND SIGNED in open court this \_\_\_\_\_ day of

, 1974.

BY THE COURT:

Judge

April, 23, 1971

Town of this liver Brechenridja, Colorado 80424

Attention: Mr. Robert A. Theybald, Mayor

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Enclosed plaase find <u>title insurance policy on the Goose</u> <u>Pasture Farn properties by virtue of conveyance by The Town of</u> Breckenridge to Blue River for postions of the Crown, Gold Nugget and Golden Crown Placer Mining Claips.

The enclosed policy was paid for by the Town of Breckenridge.

Very truly yours,

Jean Core

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Enclosure





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# Exit The Tarn would become one way in A DESCRIPTION OF A DESCRIPTION OF and out. The exit would be formalized on the north end to exit out to Hwy 9

