

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 12 - SERIES 2024**

**A RESOLUTION TERMINATING THE PLANNED UNIT
DEVELOPMENT PRELIMINARY PLAN AND BATTLE
MOUNTAIN PUD GUIDE (RESOLUTION NO. 18-2008).**

WHEREAS, The Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act.

WHEREAS, The Town is authorized by the Local Government Land Use Control Enabling Act of 1974, § 29-20-101 through § 29-20-108, C.R.S., as amended, and § 31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations.

WHEREAS, On February 27, 2008, Town Council approved the Planned Unit Development Preliminary Plan and Battle Mountain PUD Guide pursuant to Resolution No. 18-2008 (“PUD Preliminary Plan”) for the property set forth therein, which property includes, but is not limited to, the certain property legally described and graphically depicted in Exhibit A attached hereto (“Battle North Property”).

WHEREAS, On March 6, 2024, Town Council approved the rezoning of the Battle North Property pursuant to Ordinance No. 1, Series 2024.

WHEREAS, In connection with the rezoning of the Battle North Property, the Town seeks to clarify that the PUD Preliminary Plan is terminated as it applies to the Battle North Property.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO:**

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Town Council hereby terminates the PUD Preliminary Plan as it applies to the Battle North Property described in Exhibit A attached hereto. Accordingly, the Battle North Property is released from the encumbrance of the PUD Preliminary Plan, which is of no further force or effect as applied to the Battle North Property.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 6th day of March, 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A

Legal Description of the Battle North Property

Exemption Plat Parcels 1-5 and 9-16 Legal Description

A parcel of land located in Sections 1, 2, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and Section 36 of Township 5 South, Range 81 West of the Sixth Principal Meridian and consisting of the following parcels: Mineral Survey 20712 - Treasury Vault Mill Site, Mineral Survey 20712 - Gold Star Mill Site, H.E.S. 41, Mineral Survey 20745 - Mars Mill Site; along with those portions of the following parcels situated westerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for the Union Pacific Railroad as described in the D&RGW Right-of-Way and Track Map dated June 30, 1919: Nelson Addition (Book 131 Page 76), H.E.S. 46, Mineral Survey 19500 - Brooklyn Placer, Mineral Survey 20043 - May No. 5 Lode, Mineral Survey 20257 - May No. 14 and May No. 15, Mineral Survey 20461 - Ruby Lode, H.E.S. 40 and Mineral Survey 19856 - River Bend Mill Site; and excepting the parcel described in Book 380 Page 574; being more particularly described as follows:

Beginning at the Southwesterly corner of a parcel of land described in Book 131 page 76 said point also being the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place whence the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place bears N 89°58'35" E a distance of 2,694.09 feet; thence the following five courses along the northwesterly boundary of said parcel described in Book 131 page 76:

1. N 00°20'54" W a distance of 99.96 feet along the west line of said Section 36;
2. N 28°13'18" E a distance of 715.35 feet;
3. N 57°23'50" E a distance of 557.58 feet;
4. N 70°47'50" E a distance of 762.18 feet;
5. N 89°56'50" E a distance of 491.16 feet to a point on said westerly right-of-way of U.S. Highway 24;

thence the following four courses along said westerly right-of-way of U.S. Highway 24:

1. 57.85 feet along the arc of a non tangent curve to the left having a radius of 756.30 feet, a central angle of 04°22'58", and the chord bears S30°36'24" E a distance of 57.84 feet;
2. S 32°47'53" E a distance of 199.00 feet;
3. 228.45 feet along the arc of a non tangent curve to the right having a radius of 2,825.00 feet, a central angle of 04°38'00", and the chord bears S 30°28'53" E a distance of 228.39 feet;
4. S 28°09'53" E a distance of 895.89 feet to a point on the easterly boundary of said parcel described in Book 131 page 76;

thence along said easterly boundary S 00°10'02" W a distance of 77.04 feet to the South Quarter corner of said Section 36 being a 2-1/2 inch GLO Brass Cap found in place said point also being Angle Point 1 of Homestead Entry Survey (H.E.S.) No. 46, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 1-2 of said H.E.S. No. 46 S 89°38'32" E a distance of 41.61 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following two courses along said westerly right-of-way of U.S. Highway 24:

1. S 28°09'53" E a distance of 149.51 feet;
2. S 27°31'53" E a distance of 807.36 feet to a point on line 1-2 of Homestead Entry Survey (H.E.S.) No. 40 Township 6 South, Range 81 West of the Sixth Principal Meridian;

thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 1,161.84 feet to a point on line 1-2 of Mineral Survey 20461 "Ruby Lode"; thence along said line 1-2 of Mineral Survey 20461 "Ruby Lode" N 59°21'27" E a distance of 100.96 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way:

1. S 24°22'53" E a distance of 31.22 feet;
2. 76.61 feet along the arc of a tangent curve to the left having a radius of 800.00 feet, a central angle of 05°29'13", and the chord bears S 27°07'29" E a distance of 76.58 feet;
3. 75.27 feet along the arc of a tangent curve to the right having a radius of 800.00 feet, a central angle of 05°23'27", and the chord bears S 27°10'22" E a distance of 75.24 feet;
4. S 24°28'38" E a distance of 57.10 feet;
5. S 24°28'38" E a distance of 79.86 feet;
6. 436.38 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 27°19'32", and the chord bears S 10°48'52" E a distance of 432.26 feet to a point on line 2-3 of said Mineral Survey 20461 "Ruby Lode";

thence along said 2-3 line of Mineral Survey 20461 "Ruby Lode" N 53°55'33" W a distance of 74.99 feet to a point on said line 1-2 of H.E.S. No. 40; thence along said line 1-2 of H.E.S. No. 40 S 21°45'15" E a distance of 140.75 feet to a point on said westerly right-of-way of U.S. Highway 24; thence the following six courses along said westerly right-of-way of U.S. Highway 24:

1. 262.58 feet along the arc of a non tangent curve to the right having a radius of 915.00 feet, a central angle of 16°26'33", and the chord bears S16°31'05" W a distance of 261.68 feet;
2. S 24°44'22" W a distance of 216.35 feet;
3. S 35°45'52" W a distance of 205.41 feet;
4. S 14°36'41" W a distance of 532.15 feet;
5. S 01°15'08" E a distance of 429.27 feet;

6. S 01°25'41" W a distance of 268.53 feet to a point on line 3-4 of said H.E.S. No. 40;

thence along said 3-4 line of H.E.S. No. 40 S 33°56'45" W a distance of 246.93 feet to Angle Point 4 of said H.E.S. No. 40 said point also being Angle Point 8 of Homestead Entry Survey (H.E.S.) No. 41, Township 6 South, Range 81 West of the Sixth Principal Meridian; thence along line 7-8 of said H.E.S. No. 41 S 08°01'50" E a distance of 294.82 feet to the center of the Eagle River; thence the following sixteen courses along said center of the Eagle River:

1. S 58°05'40" W a distance of 123.33 feet;
2. N 88°07'28" W a distance of 508.06 feet;
3. S 76°34'22" W a distance of 74.00 feet;
4. S 40°53'40" W a distance of 200.00 feet;
5. S 33°39'49" W a distance of 68.33 feet;
6. S 33°39'49" W a distance of 288.54 feet;
7. S 38°27'21" W a distance of 172.00 feet;
8. S 19°18'51" W a distance of 106.00 feet;
9. S 07°08'39" E a distance of 140.00 feet;
10. S 24°25'48" E a distance of 132.00 feet;
11. S 11°21'54" E a distance of 374.00 feet;
12. S 16°33'40" E a distance of 326.72 feet;
13. S 15°15'48" E a distance of 154.00 feet;
14. S 02°48'58" E a distance of 158.00 feet;
15. S 39°00'16" E a distance of 132.00 feet;
16. S 53°11'20" E a distance of 209.22 feet to a point on the westerly side of the right-of-way of the Union Pacific Railroad;

Thence the following three courses along said westerly right-of-way of the Union Pacific Railroad as described:

1. along said 1-2 line N 13°07'52" W a distance of 39.09 feet;
2. 37.95 feet along the arc of a non tangent curve to the left having a radius of 836.49 feet, a central angle of 02°35'59", and the chord bears S 13°13'46" W a distance of 37.95 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;
3. 47.98 feet along the arc of a tangent curve to the left having a radius of 3,919.72 feet, a central angle of 00°42'05", and the chord bears S 11°34'45" W a distance of 47.98 feet, said curve being parallel to and offset 100.00-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence the following five courses along said westerly right-of-way of the Union Pacific Railroad, said right-of-way being parallel to and offset 25.00 feet westerly from the centerline of the western corridor of said Union Pacific Railroad:

1. S 30°39'47" W a distance of 44.76 feet;
2. 141.71 feet along the arc of a tangent curve to the left having a radius of 4,816.15 feet, a central angle of 01°41'09", and the chord bears S 29°49'13" W a distance of 141.71 feet;

3. 577.96 feet along the arc of a tangent curve to the left having a radius of 873.26 feet, a central angle of $37^{\circ}55'13''$, and the chord bears S $10^{\circ}01'01''$ W a distance of 567.46 feet;

4. 132.72 feet along the arc of a tangent curve to the left having a radius of 2,684.59 feet, a central angle of $02^{\circ}49'57''$, and the chord bears S $10^{\circ}21'34''$ E a distance of 132.70 feet;

5. S $11^{\circ}46'32''$ E a distance of 338.53 to a point on line 5-6 of Mineral Survey 19500 "Brooklyn Placer";

thence along said line 5-6 of Mineral Survey 19500 "Brooklyn Placer" N $16^{\circ}11'23''$ W a distance of 982.56 feet to Angle Point 6 of said Mineral Survey 19500 "Brooklyn Placer"; thence along line 6-7 of said Mineral Survey 19500 "Brooklyn Placer" N $12^{\circ}07'10''$ W a distance of 494.47 feet to Angle Point 3 of Mineral Survey 20745 "Mars Mill Site"; thence along line 2-3 of said Mineral Survey 20745 "Mars Mill Site" N $45^{\circ}47'44''$ W a distance of 1,091.01 feet to Angle Point 2 of said Mineral Survey 20745 "Mars Mill Site" said point also being on line 5-6 of said H.E.S. No. 41;

thence the following five courses along said H.E.S. No. 41:

1. along line 5-6 N $79^{\circ}06'56''$ W a distance of 2,661.26 feet to Angle Point 5;

2. along line 4-5 N $38^{\circ}40'30''$ W a distance of 385.83 feet to Angle Point 4;

3. along line 3-4 N $44^{\circ}15'35''$ E a distance of 992.47 feet to Angle Point 3;

4. along line 2-3 S $82^{\circ}15'42''$ E a distance of 1,508.05 feet to Angle Point 2;

5. along line 1-2 N $39^{\circ}24'50''$ E a distance of 1,104.62 feet to Angle Point 1 said point also being Angle Point 5 of H.E.S. No. 40;

thence the following two courses along said H.E.S. No. 40:

1. along line 5-6 N $23^{\circ}21'23''$ E a distance of 1,564.21 feet to Angle Point 6;

2. along line 6-7 N $25^{\circ}10'25''$ W a distance of 707.61 feet to Angle Point 2 of Mineral Survey 20712 "Gold Star Mill Site";

thence along line 2-3 of said Mineral Survey 20712 "Gold Star Mill Site" N $67^{\circ}56'00''$ W a distance of 967.24 feet to Angle Point 3 of said Mineral Survey 20712 "Gold Star Mill Site" said point also being Angle Point 3 of Mineral Survey 20712 "Treasury Vault Mill Site"; thence along line 3-4 of said Mineral Survey 20712 "Treasury Vault Mill Site" N $67^{\circ}56'00''$ W a distance of 403.10 feet to Angle Point 4 of said Mineral Survey 20712 "Treasury Vault Mill Site" said point also being on line 3-4 of said H.E.S. No. 46; thence along line 3-4 of said H.E.S. No. 46 N $69^{\circ}12'00''$ E a distance of 553.58 feet to a point on a parcel described in Book 380 Page 574;

thence the following four courses along the easterly boundary of said parcel described in Book 380 Page 574:

1. N $34^{\circ}17'20''$ E a distance of 269.23 feet;

2. N 33°47'30" W a distance of 346.69 feet;
3. N 59°40'30" W a distance of 743.48 feet;
4. N 00°15'50" E a distance of 459.11 feet to a point on line 1-7 of said H.E.S. No. 46 said point also being on the South line of said Section 36;

thence along said line 1-7 of H.E.S. No. 46 S 89°58'35" W a distance of 420.19 feet to the point of beginning, Exemption Plat Parcels 1-5 and 9-16 containing 410.56 acres more or less.

Parcel 8 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 20461 Ruby and Sapphire Lodes situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; being more particularly described as follows:

Beginning at a point on the 1-2 line of Mineral Survey 20461 Sapphire Lode and the intersection of the western right-of-way of the Union Pacific Railroad, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 65°38'07" W a distance of 4,268.70 feet; thence the following three courses along said west right-of-way of the Union Pacific Railroad:

1. S 19°13'15" E a distance of 625.71 feet;
2. 147.39 feet along the arc of a tangent curve to the right having a radius of 3365.06 feet, a central angle of 02°30'34", and the chord bears S 17°57'58" E a distance of 147.37 feet;
3. 301.02 feet along the arc of a tangent curve to the right having a radius of 1,286.60 feet, a central angle of 13°24'19", and the chord bears S 10°00'31" E a distance of 300.34 feet to a point on the 2-3 line of said Mineral Survey 20461 Ruby Lode;

thence along said 2-3 line of Mineral Survey 20461 Ruby Lode N 53°55'33" W a distance of 246.47 feet to a point on the easterly right-of-way of U.S. Highway 24; thence the following five courses along said easterly right-of-way of U.S. Highway 24:

1. 526.06 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of 30°17'42", and the chord bears N 09°19'47" W a distance of 519.95 feet;
2. N 24°28'38" W a distance of 137.00 feet;
3. 82.80 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, a central angle of 05°23'27", and the chord bears N 27°10'22" W a distance of 82.77 feet;
4. 68.95 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, a central angle of 05°29'13", and the chord bears N 27°07'29" W a distance of 68.92 feet;

5. N 24°22'53" W a distance of 40.00 feet to a point on the 1-2 line of Mineral Survey 20461 Ruby Lode;

thence along said 1-2 line of Mineral Survey 20461 Ruby Lode N 59°21'27" E a distance of 86.36 feet to corner number 1 of Mineral Survey 20461 Ruby Lode said point also being corner number 1 of Mineral Survey 20461 Sapphire Lode; thence along the 1-2 line of said Mineral Survey 20461 Sapphire Lode N 59°21'07" E a distance of 55.86 feet to the point of beginning, Parcel 8 containing 2.81 acres more or less.

Parcel 7 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Homestead Entry Survey (H.E.S.) 40 and Mineral Survey 20461 Puritan Lode situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and westerly of the western right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said H.E.S. 40, whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 52°43'19" W a distance of 5,128.97 feet; thence along the 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 192.30 feet to a point on the 1-2 line of Mineral Survey 20461 Puritan Lode; thence along said 1-2 line of said Mineral Survey 20461 Puritan Lode N 59°22'30" E a distance of 155.38 feet to a point on the western right-of-way of the Union Pacific Railroad as described in D&RGW Right-of-Way and Track Map dated June 30, 1919; thence along said western right-of-way of the Union Pacific Railroad the following two courses:

1. 26.42 feet along the arc of a non tangent curve to the right having a radius of 2408.63 feet, a central angle of 00°37'43", and the chord bears S14°03'37" W a distance of 26.42 feet;
2. 184.39 feet along the arc of a tangent curve to the right having a radius of 58445.82 feet, a central angle of 00°10'51", and the chord bears S14°27'54" W a distance of 184.39 feet to a point on the 2-3 line of the Mineral Survey 20461 Puritan Lode;

thence along said 2-3 line of the Mineral Survey 20461 Puritan Lode N 45°06'44" W a distance of 131.43 feet to the 2-3 line of said H.E.S. 40; thence along said 2-3 line of said H.E.S. 40 S 20°12'45" W a distance of 927.03 feet to a point on the eastern right-of-way of U.S. Highway 24; thence the following four courses along said eastern right-of-way of U.S. Highway 24:

1. N 01°30'38" W a distance of 546.66 feet;
2. 309.80 feet along the arc of a tangent curve to the right having a radius of 676.20 feet, a central angle of 26°15'00", and the chord bears N 11°36'52" E a distance of 307.10 feet;
3. N 24°44'22" E a distance of 422.47 feet;
4. 160.49 feet along the arc of a non tangent curve to the left having a radius of 994.91 feet, a central angle of 09°14'33", and the chord bears N 20°07'14" E a distance of 160.32 feet to a point on the 1-2 line of said H.E.S. 40;

thence along said 1-2 line of said H.E.S. 40 S 21°45'15" E a distance of 321.76 feet; to the point of beginning, Parcel 7 containing 5.57 acres more or less.

Parcel 6 Legal Description

A parcel of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19856 - River Bend Mill Site situated easterly of the eastern right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 being more particularly described as follows:

Beginning at Corner No. 2 of said River Bend Mill Site, being a 2-1/2" U.S.D.A. Aluminum Cap marked "2 MS 19856 LS7235 1988", whence the Southwest corner of said Section 36 being a 2-1/2 inch GLO Brass Cap bears N 40°38'51" W a distance of 5,894.14 feet; thence along the 2-3 line of said River Bend Mill Site S 15°52'59" W a distance of 381.86 feet to a point on the eastern right-of-way of U.S. Highway 24; thence the following four courses along the easterly right-of-way of U.S. Highway 24:

1. 82.50 feet along the arc of a non tangent curve to the right having a radius of 646.20 feet, a central angle of 07°18'55", and the chord bears N05°10'06" W a distance of 82.45 feet;

2. N 01°30'38" W a distance of 282.09 feet;

3. S 88°29'22" W a distance of 30.00 feet;

4. N 01°30'38" W a distance of 4.26 feet to a point on the 1-2 line of said River Bend Mill Site;

thence S 89°53'21" E a distance of 149.47 feet along said 1-2 line of said River Bend Mill Site to the point of beginning, Parcel 6 containing 0.52 acres more or less.

EXCEPTING THE FOLLOWING PARCELS WHICH HAVE BEEN TRANSFERRED TO EAGLE RIVER WATER AND SANITATION DISTRICT AND AUTHORITY

Reservoir Parcel Legal Description

An area of land located in Sections 1 and 2 of Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point whence the Southwest corner of Section 36 being a 2-1/2 inch GLO Brass Cap found in place bears N 37°39'01" W a distance of 5280.23 feet; thence S 70°24'37" W a distance of 321.43 feet; thence S 88°25'20" W a distance of 133.35 feet; thence N 40°19'21" W a distance of 209.57 feet; thence S 37°10'39" W a distance of 380.51 feet; thence S 88°48'40" W a distance of 208.38 feet; thence N 53°11'01" W a distance of 658.80 feet; thence N 29°33'21" E a distance of 904.04 feet; thence N 62°05'59" E a distance of 597.19 feet; thence N 77°20'34" E a distance of 590.72 feet; thence S 70°32'11" E a distance of 192.32 feet; thence S 03°57'24" E a distance of 329.65 feet; thence S 08°36'11" W a distance of 122.85 feet; thence 74.09 feet along the arc of a tangent curve to the right having a radius of 230.00, a central angle of 18°27'27", and the chord bears S17°49'54"W a distance of 73.77 feet; thence S27°03'38"W a distance of 170.68 feet; thence 22.79 feet along the arc of a tangent curve to the right having a radius of 180.00, a central angle of 7°15'16", and the chord bears S30°41'16"W a distance of 22.78 feet; thence S34°18'54"W a distance of 88.83 feet; thence 74.76 feet along the arc of a tangent curve to the left having a radius of 131.74, a central angle of 32°30'56", and the chord bears S18°03'26"W a distance of 73.76 feet; thence S01°47'58"W a distance of 431.39 feet to the point of beginning containing 41.29 acres more or less.

Dam Parcel Legal Description

An area of land located in Section 1 of Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point whence the Southwest corner of Section 36 being a 2-1/2 inch GLO Brass Cap found in place bears N 48°36'05" W a distance of 4568.24 feet; thence S 61°06'46" E a distance of 234.05 feet; thence S 22°22'09" W a distance of 746.23 feet; thence S 00°00'00" E a distance of 181.43 feet; thence S 34°56'03" W a distance of 213.62 feet; thence N 01°47'58" E a distance of 431.39 feet; thence 74.76 feet along the arc of a tangent curve to the right having a radius of 131.74 feet, a central angle of 32°30'56", and the chord bears S 18°03'26" W a distance of 73.76 feet; thence N 34°18'54" E a distance of 88.83 feet; thence 22.79 feet along the arc of a tangent curve to the left having a radius of 180.00 feet, a central angle of 07°15'16", and the chord bears S 30°41'16" W a distance of 22.78 feet; thence N 27°03'38" E a distance of 170.68 feet; thence 74.09 feet along the arc of a tangent curve to the left having a radius of 230.00 feet, a central angle of 18°27'27", and the chord bears S 17°49'54" W a distance of 73.77 feet; thence N 08°36'11" E a distance of 122.85 feet; thence N 03°57'24" W a distance of 222.27 feet to the point of beginning containing 3.06 acres more or less.

Inlet Parcel Legal Description

A Parcel of land 40 feet in width located in H.E.S. No. 41 as patented March 7, 1912 in Section 2, Township 6 South, Range 81 West, 6thP.M., for the purpose of constructing, operating and maintaining a water supply conveyance structure consisting of open channels and/or pipelines to supply water to Bolts Lake Reservoir from the Eagle River and from Cross Creek, more particularly described as follows:

Beginning at a point on the westerly boundary of the OTP Area as described on an Exhibit prepared by Gamba & Associates, Inc., dated January 18, 2018 on behalf of Battle Mountain, whence Corner No. 2 of said H.E.S. 41, being an original stone monument found in place, bears S64°05'11" W a distance of 376.68 feet;

Thence from the Point of Beginning the following 15 courses along the northerly boundary of said 40-ft wide Easement:

1. thence N24°43'37"W a distance of 57.52 feet;
2. thence N02°34'28"W a distance of 50.51 feet;
3. thence N17°36'42"E a distance of 57.23 feet;
4. thence N23°06'54"E a distance of 15.58 feet;
5. thence N10°13'05"E a distance of 33.85 feet;
6. thence N51°21'28"E a distance of 144.42 feet;
7. thence N80°01'14"E a distance of 245.49 feet;
8. thence N75°30'49"W a distance of 122.70 feet;
9. thence S89°25'59"W a distance of 54.63 feet;
10. thence N22°13'41"W a distance of 55.35 feet;
11. thence N51°17'35"E a distance of 30.98 feet;
12. thence S87°20'19"E a distance of 69.22 feet;
13. thence S43°32'09"E a distance of 86.00 feet;
14. thence N87°52'49"E a distance of 154.45 feet;
15. thence N66°03'04"E a distance of 185.03 feet to a point on the southerly boundary of the Bolts Lake Reservoir Area as described on an Exhibit prepared by Gamba & Associates, Inc., dated February 1, 2019 on behalf of Battle North LLC;

Thence the following two courses along said southerly boundary of the Bolts Lake Reservoir Area;

1. thence S53°11'01"E a distance of 19.42 feet;
2. thence N88°48'40"E a distance of 59.59 feet;

Thence leaving said southerly boundary of the Bolts Lake Reservoir Area the following 16 courses along the southerly boundary of said 40-ft wide Easement:

1. thence S66°03'04"W a distance of 257.18 feet;
2. thence S87°52'49"W a distance of 180.21 feet;
3. thence N43°32'09"W a distance of 87.98 feet;
4. thence N87°20'19"W a distance of 40.88 feet;
5. thence S22°13'41"W a distance of 75.43 feet;
6. thence S89°25'59"W a distance of 86.49 feet;
7. thence N75°30'49"W a distance of 119.31 feet;
8. thence S80°01'14"W a distance of 226.60 feet;

9. thence S51°21'28"W a distance of 119.19 feet;
10. thence S10°13'05"W a distance of 23.36 feet;
11. thence S23°06'54"W a distance of 18.18 feet;
12. thence S17°36'42"W a distance of 48.19 feet;
13. thence S02°34'28"E a distance of 35.56 feet;
14. thence S24°43'37"E a distance of 4.16 feet;
15. thence S10°13'05"W a distance of 16.93 feet;
16. thence S19°01'53"W a distance of 43.82 feet,

to the Point of Beginning, containing 1.23 acres more or less.

Cross Creek Parcel Legal Description

A parcel of land 40 feet in width located in H.E.S. No. 41 as patented March 7, 1912 in Section 2, Township 6 South, Range 81 West, 6th P.M., for the purpose of constructing, operating and maintaining a water supply conveyance structure consisting of open channels and/or pipelines to supply water to Bolts Lake Reservoir from Cross Creek, more particularly described as follows:

Beginning at a point on the 4-5 line of said H.E.S. No. 41 whence Comer No. 5 of said H.E.S. 41, being an original stone monument found in place, bears S38°40'30"E a distance of 209.77 feet; thence from the Point of Beginning N38°40'30"W a distance of 42.22 feet along said 4-5 line of said H.E.S. No. 41;

thence leaving said 4-5 line the following 52 courses along the northern boundary of said 40-ft wide Parcel:

1. thence N32°39'21"E a distance of 27.83 feet;
2. thence N51°22'40"E a distance of 60.49 feet;
3. thence N57°17'27"E a distance of 81.86 feet;
4. thence N28°51'58"E a distance of 17.48 feet;
5. thence N37°59'43"E a distance of 40.08 feet;
6. thence N59°32'43"E a distance of 36.90 feet;
7. thence N79°41'59"E a distance of 25.11 feet;
8. thence N59°28'21"E a distance of 12.12 feet;
9. thence N29°00'22"E a distance of 9.26 feet;
10. thence N01°03'29"E a distance of 7.78 feet;
11. thence N15°41'15"W a distance of 25.00 feet;
12. thence N30°19'19"E a distance of 60.07 feet;
13. thence N45°20'15"E a distance of 69.82 feet;
14. thence N80°43'22"E a distance of 64.07 feet;
15. thence N74°01'07"E a distance of 79.28 feet;
16. thence N59°31'42"E a distance of 161.00 feet;
17. thence S76°40'51"E a distance of 30.12 feet;
18. thence S50°54'02"E a distance of 73.00 feet;
19. thence S65°50'54"E a distance of 48.74 feet;
20. thence S72°43'32"E a distance of 44.10 feet;
21. thence S55°22'06"E a distance of 56.36 feet;

22. thence S71°34'21"E a distance of 81.30 feet;
23. thence S81°19'48"E a distance of 52.56 feet;
24. thence S57°21'03"E a distance of 52.70 feet;
25. thence S64°54'54"E a distance of 53.72 feet;
26. thence S69°30'00"E a distance of 56.02 feet;
27. thence S46°49'29"E a distance of 34.38 feet;
28. thence N71°56'14"E a distance of 44.33 feet;
29. thence S58°11'01"E a distance of 65.31 feet;
30. thence S74°03'40"E a distance of 24.97 feet;
31. thence N77°15'36"E a distance of 54.42 feet;
32. thence N47°40'31"E a distance of 25.21 feet;
33. thence N89°12'17"E a distance of 62.32 feet;
34. thence S87°39'42"E a distance of 140.68 feet;
35. thence S59°38'48"E a distance of 57.24 feet;
36. thence S71°30'33"E a distance of 27.33 feet;
37. thence S82°12'51"E a distance of 54.26 feet;
38. thence S77°43'20"E a distance of 106.59 feet;
39. thence S70°35'49"E a distance of 65.95 feet;
40. thence S87°25'05"E a distance of 55.95 feet;
41. thence N76°07'16"E a distance of 27.53 feet;
42. thence N13°39'39"E a distance of 66.59 feet;
43. thence S85°50'53"E a distance of 72.54 feet;
44. thence N50°35'41"E a distance of 22.66 feet;
45. thence N34°29'42"E a distance of 101.73 feet;
46. thence N69°09'13"E a distance of 31.70 feet;
47. thence S86°10'16"E a distance of 83.45 feet;
48. thence N84°39'57"E a distance of 56.51 feet;
49. thence S53°23'43"E a distance of 29.64 feet;
50. thence N88°59'36"E a distance of 17.27 feet;
51. thence N65°07'19"E a distance of 39.81 feet;
52. thence N54°04'58"E a distance of 36.08 feet to a point on the westerly boundary of a 40-ft wide Easement for a water supply conveyance structure from the Eagle River to Bolts Lake;

thence S14°44'58"E a distance of 4.99 feet along the westerly boundary of a 40-ft wide Easement for a water supply conveyance structure from the Eagle River to Bolts Lake; thence S11°51'41"E a distance of

38.71 feet along said westerly boundary of a 40-ft wide Easement for a water supply conveyance structure from the Eagle River to Bolts Lake;

thence leaving said westerly boundary the following 52 courses along the southern boundary of said 40-ft wide Parcel:

1. thence S54°04'58"W a distance of 22.36 feet;
2. thence S65°07'19"W a distance of 52.13 feet;
3. thence S88°59'36"W a distance of 39.34 feet;

4. thence N53°23'43"W a distance of 27.94 feet;
5. thence S84°39'57"W a distance of 44.39 feet;
6. thence N86°10'16"W a distance of 77.90 feet;
7. thence S69°09'13"W a distance of 10.47 feet;
8. thence S34°29'42"W a distance of 94.91 feet;
9. thence S50°35'41"W a distance of 44.30 feet;
10. thence N85°50'53"W a distance of 54.66 feet;
11. thence S13°39'39"W a distance of 56.99 feet;
12. thence S76°07'16"W a distance of 57.57 feet;
13. thence N87°25'05"W a distance of 67.65 feet;
14. thence N70°35'49"W a distance of 69.37 feet;
15. thence N77°43'20"W a distance of 102.54 feet;
16. thence N82°12'51"W a distance of 56.44 feet;
17. thence N71°30'33"W a distance of 35.23 feet;
18. thence N59°38'48"W a distance of 51.42 feet;
19. thence N87°39'42"W a distance of 129.61 feet;
20. thence S89°12'17"W a distance of 46.06 feet;
21. thence S47°40'31"W a distance of 20.60 feet;
22. thence S77°15'36"W a distance of 75.21 feet;
23. thence N74°03'40"W a distance of 40.77 feet;
24. thence N58°11'01"W a distance of 52.28 feet;
25. thence S71°56'14"W a distance of 49.41 feet;
26. thence N46°49'29"W a distance of 50.03 feet;
27. thence N69°30'00"W a distance of 49.60 feet;
28. thence N64°54'54"W a distance of 57.96 feet;
29. thence N57°21'03"W a distance of 46.85 feet;
30. thence N81°19'48"W a distance of 47.48 feet;
31. thence N71°34'21"W a distance of 90.41 feet;
32. thence N55°22'06"W a distance of 55.95 feet;
33. thence N72°43'32"W a distance of 40.40 feet;
34. thence N65°50'54"W a distance of 56.39 feet;
35. thence N50°54'02"W a distance of 69.09 feet;
36. thence N76°40'51"W a distance of 4.89 feet;
37. thence S59°31'42"W a distance of 150.01 feet;
38. thence S74°01'07"W a distance of 86.71 feet;
39. thence S80°43'22"W a distance of 53.65 feet;
40. thence S45°20'15"W a distance of 51.79 feet;
41. thence S30°19'19"W a distance of 37.81 feet;
42. thence S15°41'15"E a distance of 14.06 feet;
43. thence S01°03'29"W a distance of 23.62 feet;
44. thence S29°00'22"W a distance of 29.94 feet;
45. thence S59°28'21"W a distance of 30.15 feet;
46. thence S79°41'59"W a distance of 25.13 feet;
47. thence S59°32'43"W a distance of 22.18 feet;
48. thence S37°59'43"W a distance of 29.27 feet;
49. thence S28°51'58"W a distance of 24.41 feet;

50. thence S57°17'27"W a distance of 89.93 feet;
51. thence S51°22'40"W a distance of 51.83 feet;
52. thence S32°39'21"W a distance of 34.75 feet;

to the Point of Beginning, containing 2.496 acres more or less.