

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

KARP NEU HANON PC  
201 14TH STREET, SUITE 200  
P.O. BOX 2030  
GLENWOOD SPRINGS, CO 81602  
ATTENTION: MICHAEL J. SAWYER

No Documentary Transfer Tax Payable.  
Grantee is a political subdivision of the State of  
Colorado. C.R.S. § 39-13-104(1)(a)

**SPECIAL WARRANTY DEED**  
**STATUTORY FORM – C.R.S. § 38-30-113(1)(b)**  
**(Highlands Area – Parcel Nos. 1 & 2)**

BATTLE NORTH, LLC, a Georgia limited liability company (together with its successors and assigns, “**Grantor**”), whose street address is 164 Railroad Ave., Minturn, CO 81645, for the consideration of Ten and 00/100 Dollars (\$10.00), in hand paid, and other good and valuable consideration described herein, hereby sells and conveys to TOWN OF MINTURN (together with its successors and assigns, “**Grantee**”), whose street address is 302 Pine Street, P.O. Box 309, Minturn, CO 81645, Attn: Town Manager, fee simple title to the real property that is legally described and graphically depicted at **Exhibit A** attached hereto and made a part hereof (the “**Land**”), and warrants the title to the Land against all persons claiming under Grantor; subject, however, to the following:

(a) As set forth in **Exhibit B** attached hereto and made a part hereof, the limitations and restrictions applicable to Grantee’s uses of the Land for the benefit of and appurtenant to Grantor’s adjacent properties, which limitations and restrictions will run with title to the Land and be legally enforceable against Grantee and the Land by Grantor (“**Deed Restriction**”); and

(b) The matters set forth in **Exhibit C** (the “**Exceptions**”) attached hereto and made a part hereof.

Signed the \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, to be made effective the \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.



**Exhibit A**  
**to Special Warranty Deed**  
**Legal Descriptions and Graphic Depictions of the Land**

**[Insert legal description and graphic depiction for Exemption Plat Parcel Nos. 1 and 2.]**

**Exhibit B**  
**to Special Warranty Deed**  
**Deed Restriction**

**DEED RESTRICTION**

Without Grantor's prior written consent, which consent may be withheld in Grantor's sole discretion, the Land as legally described and graphically depicted in Exhibit A to this Special Warranty Deed may not be used: (i) as a Spa/Wellness Center (as such term is defined in Section 16-2-20 of the Minturn Town Code in effect as of **[insert Closing Date]**); or (ii) for any industrial purpose such as manufacturing, processing, assembling, fabricating, repairing (including vehicle service or repairs), warehousing, receiving, storing, mining and related resource extraction, junkyard, or similar industrial uses. Municipal uses, such as ground mounted solar energy systems and public works facilities, are not considered industrial uses prohibited by this Deed Restriction.

Ownership and use of the Land are subject to all rights and obligations set forth in: (i) that certain Agreement Pertaining to Acquisition for Bolts Lake Reservoir by and among Eagle River Water and Sanitation District ("**District**"), Upper Eagle Regional Water Authority ("**Authority**," and together with District, "**ERWSD**") and Grantor, dated as of February 9, 2021 ("**Reservoir Agreement**"); and (ii) that certain Special Warranty Deed recorded in the real property records of the Eagle County clerk and recorder's office on February 10, 2022 at Reception No. 202202329 conveying certain real property from Grantor to District ("**District Deed**"), as such rights and obligations relate to the Land and Cross Creek Parcel (as such term is defined and legally described in the Reservoir Agreement and District Deed), and specifically including such rights and obligations related to the Relocation and Reserved Easements (as such terms are defined in Exhibit B of the District Deed).

**Exhibit C**  
**to Special Warranty Deed**  
**Exceptions**

Conveyance of the Land pursuant to the foregoing Special Warranty Deed is subject to the following Exceptions:

(to be inserted/incorporate from applicable Title Commitment Schedule B-II)

1. [Special Warranty Deed recorded in the real property records of the Eagle County clerk and recorder's office on February 10, 2022 at Reception No. 202202329 conveying certain real property from Grantor to District.]