

326398

BOOK 355 PAGE 278

COVENANT

WHEREAS, PARADISE ESTATES, INC., a Colorado Corporation, is in the process of subdividing and platting certain real property lying in the City of Woodland Park, and more specifically described by the legal description as Lots 4 thru 27 inclusive, Paradise Estates Filing No. 5, Teller County, Colorado;

AND WHEREAS, the City Council of the City of Woodland Park, a home-rule Colorado municipal corporation, has heretofore approved a waiver and exception of the normal requirement that the said land and subdivision be served by municipal sewer, and instead has authorized that the said land and subdivision lots be served by individual septic disposal systems, subject to all applicable laws and resolutions of the State of Colorado and County of Teller pertaining thereto;

AND WHEREAS, the said waiver and exception heretofore granted by the City of Woodland Park was subject to, and conditioned upon, the recording of the instant Covenant;

NOW THEREFORE, intending to be bound thereby, the said PARADISE ESTATES, INC., a Colorado Corporation, is the lawful record owner of the hereinafter described real property, hereby covenants and agrees as follows:

1. That sewage disposal from each lot herein specified shall be the responsibility of each individual lot owner, and the recorded plat of such subdivision will bear a Plat Note so stating.

2. In the event that such individual sewage disposal systems should be found by the City Council of the City of Woodland Park, based upon competent technical evidence, to have become a public health hazard or public nuisance, or to pose any health hazard to the central water system owned by the said City of Woodland Park, then and in that event the City Council of the

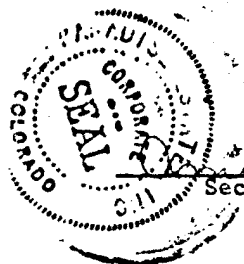
said City of Woodland Park is hereby authorized pursuant to Article XI of the Charter of the City of Woodland Park, Colorado, or pursuant to any other applicable Colorado Revised Statute, to create, or cause to be created, a special or local improvement district which is designed to construct, operate, and maintain a central sewer collection and disposal system for the entire real property hereinafter described. In such event, any and all approvals required to be given by the affected land owner or owners are hereby deemed to have been granted by the undersigned without reservation, and all right to litigate, appeal, or otherwise legally contest the establishment and operation of such local or special improvement districts is hereby waived, specifically including, but not limited to, any approval requirement by popular vote or election. The cost of establishment, operation, and maintenance of such special or local improvement district shall be borne by the then owners of such real property, whether by tax mill levy, service charge, tap fee, or whatsoever form, as may be then prescribed by the Charter and Ordinances of the City of Woodland Park and the Statutes of the State of Colorado.

3. This Covenant shall be perpetual and shall run with the land, and shall be binding upon those persons signatory thereto, and all of their successors, assigns, personal representatives, and specifically including all persons who may acquire the specified lots in the said Paradise Estates Filing No. 5 subdivision by, through, or under them.

4. This Covenant may be modified by written instrument duly signed and notarized by all persons who shall be the record owners of the hereinafter described real property, and signed by the Mayor and attested by the City Clerk of the City of Woodland Park, Colorado, upon approval by the City Council as required by Charter.

IN WITNESS WHEREOF, the undersigned have hereunto set
their hands and seals this 1st day of August, 1984, at Woodland
Park, Teller County, Colorado.

PARADISE ESTATES, INC.



Amy E. Brown
Secretary

William F. Brown, Jr.
President

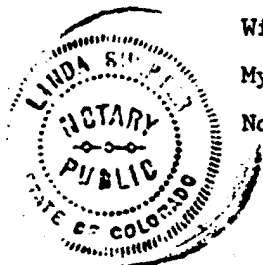
STATE OF COLORADO]
COUNTY OF TELLER] ss.

The foregoing instrument was acknowledged before me
this 1st day of August, 1984, by Paradise Estates, Inc., by
William F. Brown, Jr., it's President and Amy E. Brown it's
Secretary.

Witness my hand and official seal.

My commission expires: June 13, 1984

Notary Address: 140 Paradise Cir.
Woodland Park, CO



Linda Sue Sumpter
Notary Public

COVENANT

WHEREAS, PARADISE ESTATES, INC., a Colorado Corporation, is in the process of subdividing and platting certain real property lying in the City of Woodland Park, and more specifically described by the legal description as Lots 4 thru 27 inclusive, Paradise Estates Filing No. 5, Teller County, Colorado;

AND WHEREAS, the City Council of the City of Woodland Park, a home-rule Colorado municipal corporation, requests that the roadways contained in the subdivision should be paved at some future date.

AND WHEREAS, Paradise Estates, Inc., agrees that the roadways contained in the subdivision should be paved at such time as the adjacent roadways connecting Paradise Estates Filing No. 5 with U.S. Route No. 24 are paved.

NOW THEREFORE, intending to be bound thereby, the said PARADISE ESTATES, INC., a Colorado Corporation, is the lawful record owner of the hereinafter described real property, hereby covenants and agrees as follows:

1. In the event that the City Council of the City of Woodland Park, based upon competent technical evidence requires the roadways in Paradise Estates Filing No. 5 to be paved in conjunction with other roadways adjacent thereto and connecting same to U.S. Route No. 24, then and in that event the City Council of the said City of Woodland Park is hereby authorized pursuant to Article XI of the Charter of the City of Woodland Park, Colorado, or pursuant to any other applicable Colorado Revised Statute, to create, or cause to be created, a special or local improvement district which is designed to construct, and give to the City of Woodland Park for maintenance, paving of the roadways contained within Paradise Estates Filing No. 5. In such event, any and all approvals required to be given by the affected land owner or owners are hereby deemed to have been granted by the undersigned without reservation, and all right to litigate, appeal, or otherwise legally contest the establishment

and operation of such local or special improvement districts is hereby waived, specifically including, but not limited to, any approval requirement by popular vote or election. The cost of establishment, operation, and maintenance of such special or local improvement district shall be borne by the then owners of such real property, whether by tax mill levy, service charge, or whatsoever form, as may be then prescribed by the Charter and Ordinances of the City of Woodland Park and the Statutes of the State of Colorado.

2. In the event the City of Woodland Park, causes the adjacent and connecting roadways to be paved through general funds or any other monies and not assessed to the affected lot owners, then parity with adjacent properties shall be the standard for Paradise Estates Filing No. 5. In the event of partial funding is caused by the City of Woodland Park, then parity with adjacent properties shall be the standard for Paradise Estates Filing No. 5. The City Council shall not impose a special improvement district that will not allow the affected land owner parity with adjacent land owners.

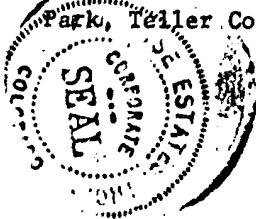
3. This Covenant shall be perpetual and shall run with the land, and shall be binding upon those persons signatory thereto, and all of their successors, assigns, personal representatives, and specifically including all persons who may acquire the specified lots in the said Paradise Estates Filing No. 5 subdivision by, through, or under them.

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IN WITNESS WHEREOF, the undersigned have hereunto set
their hands and seals this 1st day of August, 1984, at Woodland
Park, Teller County, Colorado.



PARADISE ESTATES, INC.

Amy E. Brown
Secretary

William F. Brown, Jr.
President

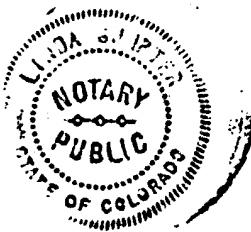
STATE OF COLORADO }
 } ss.
COUNTY OF TELLER }

The foregoing instrument was acknowledged before me
this 3rd day of August, 1984, by Paradise Estates, Inc., by
William F. Brown, Jr., it's President and Amy E. Brown it's
Secretary.

Witness my hand and official seal.

My commission expires: June 13, 1984

Notary Address: 140 Paradise Cir
Woodland Park, CO



Linda A. Dwyer
Notary Public