

3661566 11/24/2009 11:25A Weld County, CO  
1 of 1 R 11.00 D 0.00 Steve Moreno Clerk & Recorder

# TOPS BUSINESS PARK SUBDIVISION AMENDMENT

A REPLAT OF LOT 8, "TOPS BUSINESS PARK" AND LOT 1, "SHREK MINOR SUBDIVISION AMENDMENT"  
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 68 WEST  
OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO  
2.093 ACRES

### CERTIFICATE OF OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT BLACKFOX REAL ESTATE GROUP, LLC A COLORADO LIMITED LIABILITY COMPANY AND FIRST BANK OF COLORADO BEING THE OWNER OR LIENHOLDER OF CERTAIN LANDS IN FREDERICK, COLORADO, DESCRIBED HEREIN, HAS CAUSED SAID LAND TO BE FINAL PLATTED IN TO LOTS, TRACTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME OF "TOPS BUSINESS PARK SUBDIVISION AMENDMENT", AND DO HEREBY RESERVE FOR DEDICATION TO THE PUBLIC FOREVER SUCH PUBLIC STREETS, RIGHTS-OF-WAY, EASEMENTS AND DESIGNATED OR DESCRIBED AS FOR PUBLIC USES AS SHOWN HEREON AND SUCH OTHER EASEMENTS SHOWN FOR THE PURPOSES SHOWN. THE SIGNATURE OF ANY REPRESENTATIVE OF ANY PARTNERSHIP OR CORPORATE ENTITY INDICATES THAT ALL REQUIRED PARTNERSHIP OR CORPORATE APPROVALS HAVE BEEN OBTAINED.

### PARCEL DESCRIPTION

LOT 8 OF "TOPS BUSINESS PARK" (PLAT RECORDED 03/11/1985 AT RECEPTION NO. 2001489) AND LOT 1 OF "SHREK MINOR SUBDIVISION AMENDMENT" (PLAT RECORDED 02/17/2009 AT RECEPTION NO. 3605785), LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO, EXCEPTING THEREFROM THE EASTERLY 30.00 FEET OF SAID LOT 1 (SHOWN ON PLAT AS "AREA RESERVED FOR DEDICATION"), CONTAINING 2.093 ACRES, MORE OR LESS.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL THIS 20<sup>th</sup> DAY OF November, 2009, A.D.

BLACKFOX REAL ESTATE GROUP, LLC

BY: Jason Hepp  
AS: REPRESENTATIVE

### ACKNOWLEDGMENT

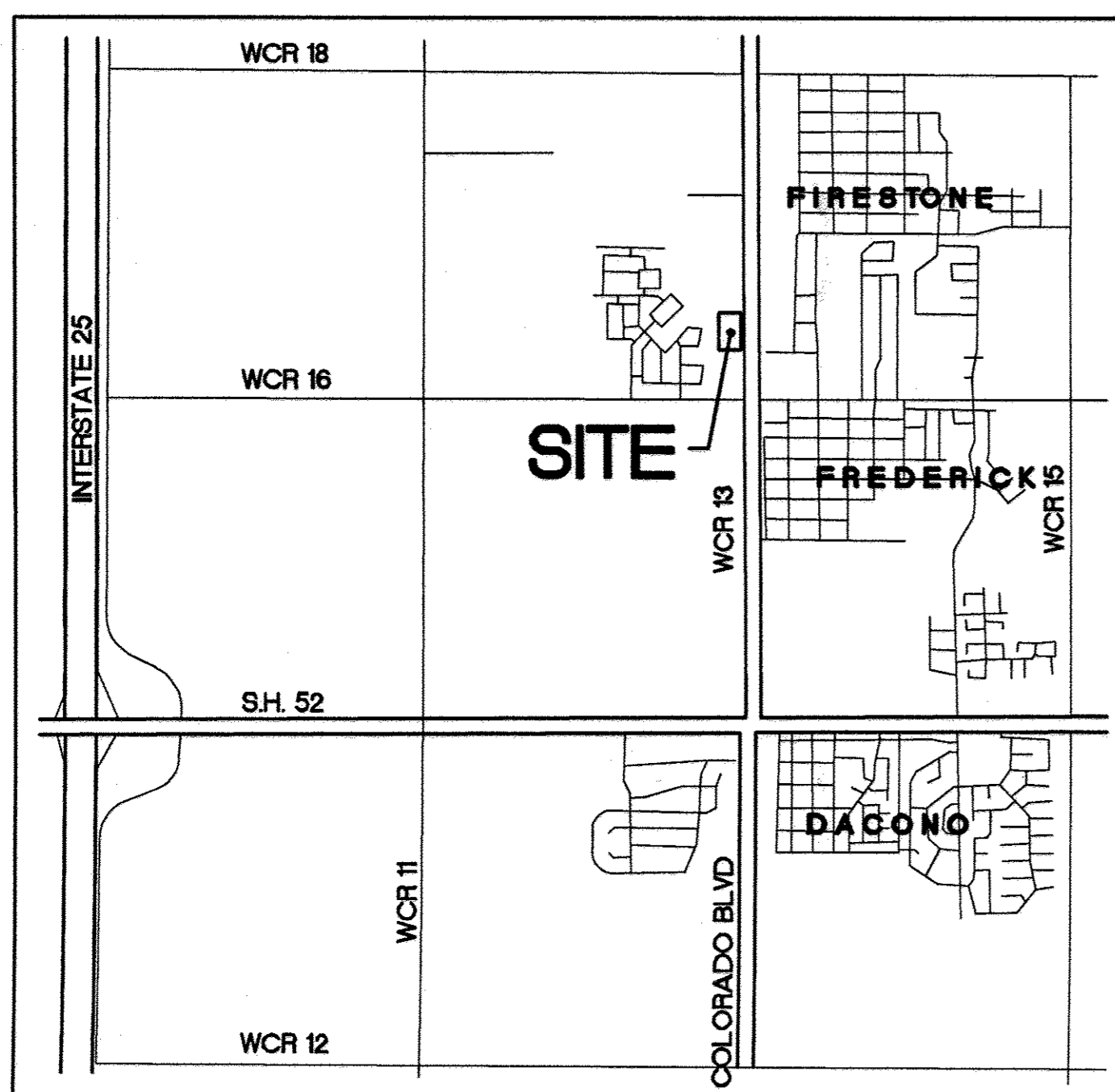
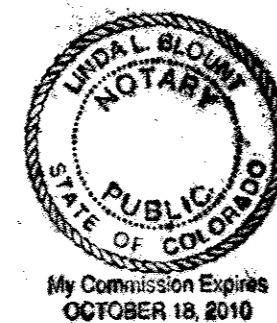
STATE OF COLORADO )  
COUNTY OF Weld ) SS

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 20<sup>th</sup> DAY OF November, 2009, A.D. BY JASON HEPP AS REPRESENTATIVE OF BLACKFOX REAL ESTATE GROUP, LLC.

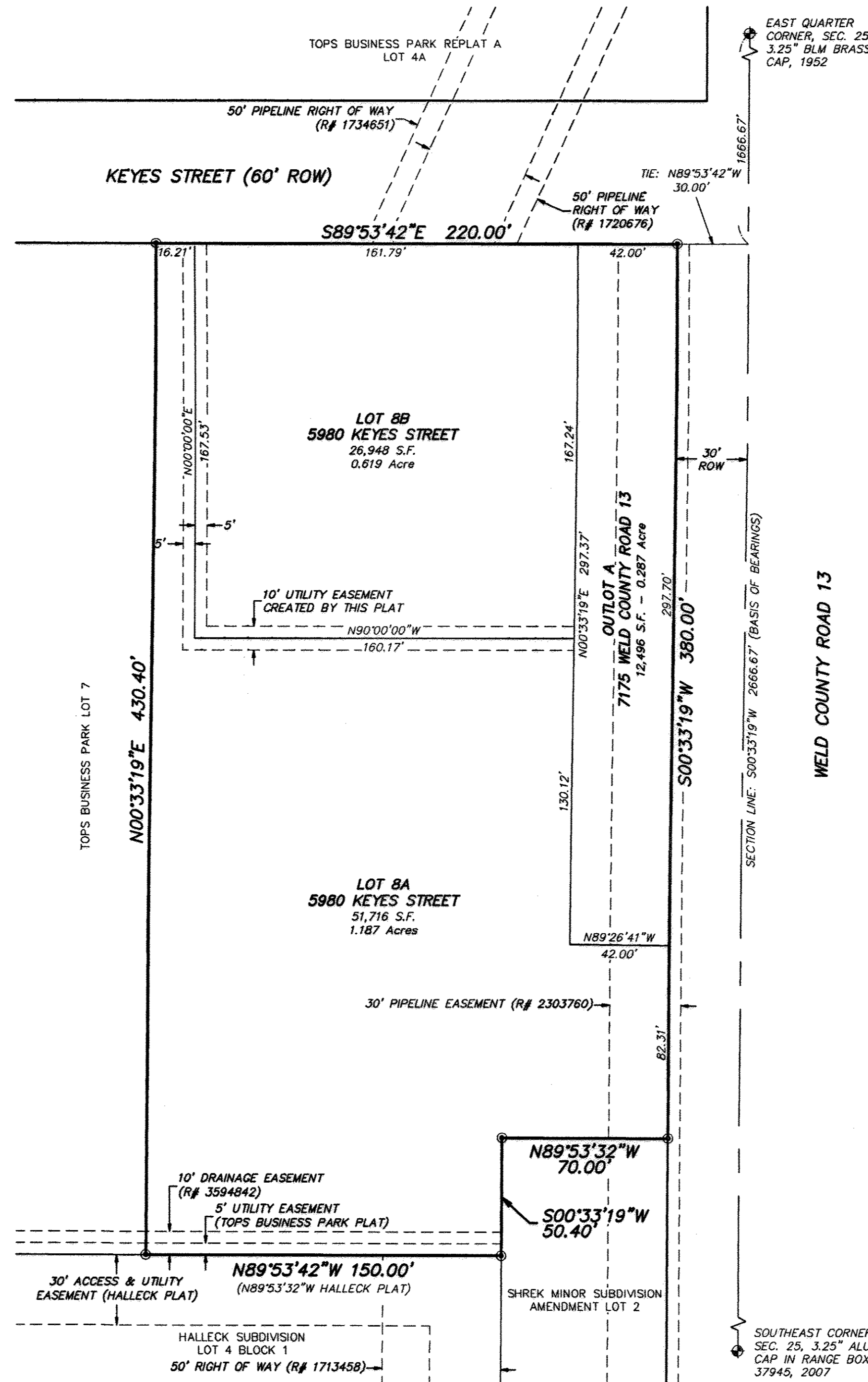
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 10-18-2010

Sinda S. Blount  
NOTARY PUBLIC



VICINITY MAP (1"=0.5 MILE)



OWNER:  
BLACKFOX REAL ESTATE GROUP, LLC  
P.O. BOX 209  
HYGIENE, CO 80533

SURVEYOR:  
HURST & ASSOCIATES, INC.  
4999 PEARL EAST CIRCLE, SUITE 106  
BOULDER, CO 80301

### NOTES:

- NOTICE: ACCORDING TO COLORADO LAW, ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY MUST COMMENCE WITHIN THREE YEARS AFTER SUCH DEFECT IS FIRST DISCOVERED. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- BASIS OF BEARING IS ASSUMED S00°33'19"W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SEC. 25, T2N, R68W, 6TH P.M.
- EASEMENT, RIGHT OF WAY, TITLE AND MINERAL INTEREST INFORMATION IS BASED ON TITLE COMMITMENT NUMBER 915481-C-2 PREPARED BY STEWART TITLE GUARANTY COMPANY WITH AN EFFECTIVE DATE OF 09/09/2009. NO FURTHER RESEARCH BY HURST & ASSOCIATES, INC. WAS DONE REGARDING SUCH INFORMATION. ACCORDING TO SAID COMMITMENT, TITLE COMPANY MAKES NO REPRESENTATION AS TO PRESENT OWNERSHIP OF MINERAL RIGHTS REGARDING CURRENT LOT 8 OF "TOPS BUSINESS PARK". MINERAL RIGHTS OF LOT 1 OF "SHREK MINOR SUBDIVISION AMENDMENT" ARE RESERVED BY UNION PACIFIC RAILROAD COMPANY AS SHOWN ON QUITCLAIM DEED RECORDED 10/10/2003 AT RECEPTION NO. 3115816.
- THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE. PER FIRM MAP COMMUNITY PANEL NUMBER 080268 0863 C DATED 09/28/1992.
- THE INTENT FOR THIS PLAT IS TO PROVIDE LOT 8B FOR DEVELOPMENT IN ACCORDANCE WITH TOWN OF FREDERICK STANDARDS.
- DEVELOPMENT OF THIS SITE IS SUBJECT TO RESOLUTION 09080 APPROVED BY THE BOARD OF TRUSTEES SEPTEMBER 22, 2009, WHICH WAIVED CERTAIN PROVISIONS OF THE LAND USE CODE AND ESTABLISHED CERTAIN TERMS AND CONDITIONS FOR FUTURE DEVELOPMENT.
- THE PORTIONS OF PIPELINE RIGHTS OF WAY RECORDED 01/01/1977 AT RECEPTION NO. 1720676 AND 10/31/1977 AT RECEPTION NO. 1734651 THAT CROSS LOTS 8A AND 8B HAVE BEEN RELEASED BY AGREEMENT RECORDED 04/02/2009 AT RECEPTION NO. 3614218.
- LANDSCAPING FOR OTHER LOTS WILL BE PROVIDED BY INDIVIDUAL LOT OWNERS AND OWNER'S ASSOCIATION OF COMMON AREAS, PER DEVELOPMENT REQUIREMENTS.
- DEVELOPMENT SHALL OCCUR IN ACCORDANCE WITH THE ADOPTED COMPREHENSIVE PLAN FOR THE TOWN OF FREDERICK AND IS SUBJECT TO THE REQUIREMENTS OF THE LAND USE CODE INCLUDING BUT NOT LIMITED TO THE SITE PLAN PROCESS, ROAD RIGHTS-OF-WAY REQUIREMENTS, AND DEDICATIONS AS NOTED IN SECTIONS 2.7 ROADS, 2.9 SIDEWALKS, 2.11 PARKS AND OPEN SPACE, AND 2.14 LANDSCAPING OF THE LAND USE CODE.
- ALL LANDSCAPING REQUIRED AND APPROVED AS PART OF THE DEVELOPMENT SHALL BE MAINTAINED IN GOOD HEALTH BY THE PROPERTY OWNER. SITE MAINTENANCE SHALL EXTEND TO THE EDGE OF ROAD / BACK OF CURB IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE CODE.
- A TRAFFIC IMPACT STUDY AND A "MOAPI" WILL NEED TO BE APPROVED BEFORE ANY PERMITS WILL BE ISSUED.
- THERE ARE NO PROVISIONS FOR OUTDOOR STORAGE WITHIN THESE LOTS.
- THIS SITE IS IN PROXIMITY TO AN UNDERGROUND COAL MINE AND MAY BE UNDERMINED. DEVELOPMENT MAY REQUIRE SUBSIDENCE INVESTIGATIONS AND AN ENGINEERED FOUNDATION.
- SUBDIVISION CORNERS MONUMENTED WITH #5 REBAR WITH 1" PLASTIC CAPS, PLS 37990 AT CORNERS SHOWN.
- OVERALL BOUNDARY CLOSES WITH A PRECISION OF 1:1,134,000. ALL INDIVIDUAL LOTS CLOSE WITH AN PRECISION OF NOT LESS THAN 1:350,000.

### NOTES (CONTINUED):

- ACCESS TO LOTS WILL BE THROUGH A SHARED POINT OF ENTRY ALONG A COMMON ACCESS ALONG THE WESTERN PROPERTY LINES.
- OUTLOT A MAINTENANCE COSTS WILL BE SHARED UNTIL OR UNLESS OTHER AGREEMENTS ARE MADE AND APPROVED BY THE TOWN.

### SURVEYOR'S CERTIFICATE

I, BO BAIZE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND.

I FURTHER CERTIFY THAT THE FINAL PLAT AND THE LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH APPLICABLE STATE OF COLORADO REQUIREMENTS ON THIS 14<sup>th</sup> DAY OF November, 2009.

Bo Baize

BY: BO BAIZE  
COLORADO PLS NO. 37990  
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.



### STAFF CERTIFICATE OF APPROVAL

THIS SUBDIVISION AMENDMENT OF "TOPS BUSINESS PARK SUBDIVISION AMENDMENT" IS APPROVED AND ACCEPTED BY THE TOWN OF FREDERICK STAFF THIS 22<sup>nd</sup> DAY OF November, 2009 IN ACCORDANCE WITH SECTION 4.11.2 OF THE LAND USE CODE FOR SUBDIVISION AMENDMENTS.

[Signature]  
STAFF PLANNER

TOPS BUSINESS PARK  
SUBDIVISION AMENDMENT  
FREDERICK, COLORADO

SCALE HOR. 1"=40'  
VERT. N/A

DESIGN/APPR. BO

DATE 11/19/09

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OPR. 09/30/09  
REV. 10/05/09  
REV. 11/03/09  
REV. 11/19/09