

AFTER RECORDING, RETURN TO:
Caroleen F. Jolivet, Esq.
Mulliken Weiner Berg & Jolivet P.C.
102 South Tejon Street, Suite 900
Colorado Springs, CO 80903

Chuck Broerman
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Rec \$43.00 Pages

El Paso County, CO

218129431

USE RESTRICTION COVENANT

This USE RESTRICTION COVENANT (the "Covenant"), dated effective as of ~~October 29~~, 2018 (the "Effective Date"), is executed by PRI #2, LLC, a Colorado limited liability company ("Owner"), for the benefit of El Paso County, Colorado (the "County").

RECITALS

A. Owner is the owner of two parcels of vacant real estate located in the County of El Paso, State of Colorado that are more particularly described on Exhibit A attached hereto and incorporated herein by this reference (collectively, "the Restricted Parcels" and individually, a "Restricted Parcel").

B. The Restricted Parcels are part of a Planned Unit Development known as Flying Horse North and, as part of the approved development plan, are intended to be used as public park/open space parcels.

C. Owner desires to restrict the use of the Restricted Parcels for the benefit of the public and the County.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner, for itself and for each future owner of a Restricted Parcel, hereby restricts the use of each of the Restricted Parcels as follows:

1. Use Restrictive Covenant. Use of the Restricted Parcels shall be limited to those allowed by the approved Flying Horse North Planned Unit Development Plan, including public parks, open space, trails and other recreational facilities, restrooms, shelters and maintenance buildings, and they shall not be developed or used by Owner for the construction of residences and/or any commercial buildings (the "Restrictive Covenant"). Until such time as a Restricted Parcel, or any portion thereof, is opened to the public, Owner shall have the right but not the obligation to import and export dirt to and from any Restricted Parcel or portion thereof not so opened to the public, directly or through an assign, provided that the Restricted Parcel is reseeded upon completion of all such work within a Restricted Parcel.

2. Run with the Land. The Restrictive Covenant touches and concerns the land, shall run with the land for the benefit of the County and shall burden each of the Restricted Parcels in perpetuity.

[Handwritten marks]

3. Amendment/Termination. This Covenant may only be terminated, waived, amended, supplemented and/or otherwise modified upon the written consent of all of the record owners of the Restricted Parcels and the County.

4. Miscellaneous.

(a) Headings. The headings of this Covenant have been inserted only for the purposes of convenience, are not part of this Covenant and shall not be deemed in any manner to modify, explain, qualify or restrict any of the provisions of this Covenant.

(b) Severability. If any term or provision of this Covenant shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Covenant shall not be affected thereby, but each term and provision shall be valid and be enforced to the fullest extent permitted by law.

(c) Counterparts. This Covenant may be executed in counterparts, each of which shall be deemed an original, but which when taken together shall constitute one and the same instrument.

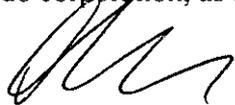
Executed as of the Effective Date.

OWNER:

PRI #2, LLC

a Colorado limited liability company

By: Elite Properties of America, Inc.
a Colorado corporation, as Manager

By: 

Name: Douglas Strimple

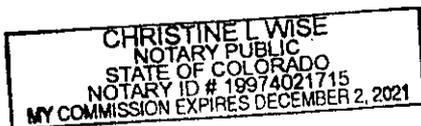
Office: CEO

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 25th day of October, 2018, by Douglas Strimple as CEO of Elite Properties of America, Inc., a Colorado corporation, as Manager of PRI #2, LLC, a Colorado limited liability company.

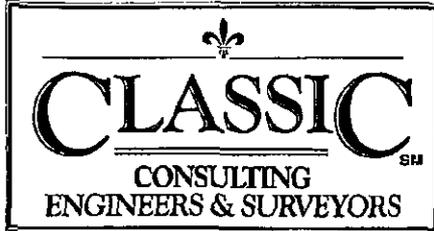
Witness my hand and official seal.

My Commission Expires: 12-02-2021



Christine L. Wise
Notary Public

EXHIBIT A



619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903
(719)785-0790 (719)785-0799(fax)

JOB NO. 1096.10-15
OCTOBER 24, 2017
REV. OCTOBER 22, 2018
PAGE 1 OF 5

LEGAL DESCRIPTION: RESTRICTED PARCELS

PARCEL 1

A PARCEL OF LAND BEING A PORTION OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT BOTH ENDS BY A 2" ALUMINUM CAP STAMPED "PLS 18465", IS ASSUMED TO BEAR S89°11'00"W, A DISTANCE OF 1320.84 FEET.

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S89°11'00"W ON SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, A DISTANCE OF 90.32 FEET;
THENCE N00°48'00"W, A DISTANCE OF 1197.86 FEET;
THENCE S89°12'00"W, A DISTANCE OF 300.78 FEET;
THENCE N57°58'00"W, A DISTANCE OF 578.28 FEET;
THENCE N40°29'00"W, A DISTANCE OF 357.92 FEET;
THENCE N20°19'00"W, A DISTANCE OF 483.41 FEET TO POINT "A", SAID POINT BEING A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SHORTWELL DRIVE, AS PLATTED IN FLYING HORSE NORTH FILING NO. 1 RECORDED UNDER RECEPTION NUMBER _____, RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ON SAID NORTHERLY RIGHT OF WAY LINE OF SHORTWELL DRIVE THE FOLLOWING (2) TWO COURSES:

- 1) ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N20°19'00"W, HAVING A DELTA OF 35°50'54", A RADIUS OF 760.00 FEET AND A DISTANCE OF 475.51 FEET TO A POINT OF TANGENT;
- 2) N74°28'06"W, A DISTANCE OF 9.72 FEET;

THENCE N00°15'00"W, A DISTANCE OF 415.99 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 31;
THENCE N89°06'20"E ON SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, A DISTANCE OF 456.49 FEET;
THENCE CONTINUING N89°06'20"E, A DISTANCE OF 474.67 FEET;
THENCE S70°47'00"E, A DISTANCE OF 1307.16 FEET;
THENCE S00°03'00"W, A DISTANCE OF 2202.43 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31;

THENCE S89°11'15"W ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, A DISTANCE OF 386.69 FEET TO THE POINT OF BEGINNING.

CONTAINING A GROSS CALCULATED AREA OF 60.706 ACRES.

EXCEPTING THEREFROM THAT PORTION OF SAID SHORTWELL DRIVE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "A", SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SHORTWELL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON SAID NORTHERLY RIGHT OF WAY LINE OF SHORTWELL DRIVE THE FOLLOWING (2) TWO COURSES:

- 1) ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N20°19'00"W, HAVING A DELTA OF 16°59'35", A RADIUS OF 760.00 FEET AND A DISTANCE OF 225.41 FEET TO A POINT OF TANGENT;
- 2) N52°41'25"E, A DISTANCE OF 446.58 FEET;

THENCE S70°47'00"E, A DISTANCE OF 95.91 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID SHORTWELL DRIVE;

THENCE ON SAID SOUTHERLY RIGHT OF WAY LINE OF SHORTWELL DRIVE THE FOLLOWING (2) TWO COURSES:

- 1) S52°41'25"W, A DISTANCE OF 499.47 FEET TO A POINT OF CURVE;
- 2) ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 16°59'35", A RADIUS OF 840.00 FEET AND A DISTANCE OF 249.13 FEET;

THENCE N20°19'00"W, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.304 ACRES.

CONTAINING A NET CALCULATED AREA OF 59.402 ACRES.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE EASTERLY 12 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTH END BY A 2" ALUMINUM CAP STAMPED "LS 13830" AND AT THE SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED "CCES PLS 30118", IS ASSUMED TO BEAR S00°09'03"W, A DISTANCE OF 1326.35 FEET.

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;
THENCE N58°18'23"E, A DISTANCE OF 743.96 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"E, A DISTANCE OF 1235.25 FEET;
THENCE N00°00'00"E, A DISTANCE OF 390.05 FEET;
THENCE N71°03'00"W, A DISTANCE OF 95.82 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N47°03'44"W, HAVING
A DELTA OF 49°15'07", A RADIUS OF 60.00 FEET AND A DISTANCE OF 51.58 FEET TO A POINT ON
CURVE;
THENCE S71°03'00"E, A DISTANCE OF 158.65 FEET;
THENCE N90°00'00"E, A DISTANCE OF 163.27 FEET;
THENCE S01°05'00"W, A DISTANCE OF 253.38 FEET;
THENCE S06°28'00"W, A DISTANCE OF 562.03 FEET;
THENCE S75°47'00"W, A DISTANCE OF 720.92 FEET;
THENCE S30°20'00"W, A DISTANCE OF 832.21 FEET;
THENCE N75°52'00"W, A DISTANCE OF 668.89 FEET TO A POINT ON CURVE;
THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N89°38'55"E, HAVING
A DELTA OF 23°18'05", A RADIUS OF 770.00 FEET AND A DISTANCE OF 313.15 FEET TO A POINT
OF TANGENT;
THENCE N22°57'00"E, A DISTANCE OF 479.89 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 12°26'28", A RADIUS OF
1830.00 FEET AND A DISTANCE OF 397.36 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 32.833 ACRES.

LEGAL DESCRIPTION STATEMENT:

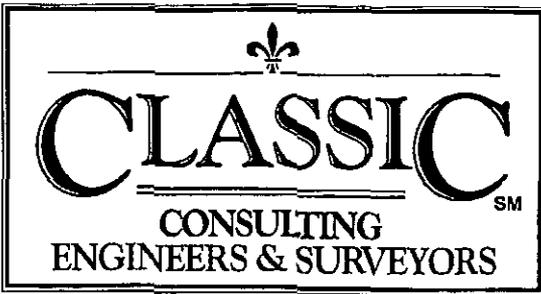
I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF
COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL AND ATTACHED EXHIBITS WERE
PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE,
INFORMATION AND BELIEFS ARE CORRECT.



The seal is circular with a double-line border. The outer ring contains the text "COLORADO LICENSED" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. The inner circle contains the name "DOUGLAS P. REINELT" and the number "30118". A handwritten date "10-22-18" is written across the center of the seal. A signature is written over the seal.

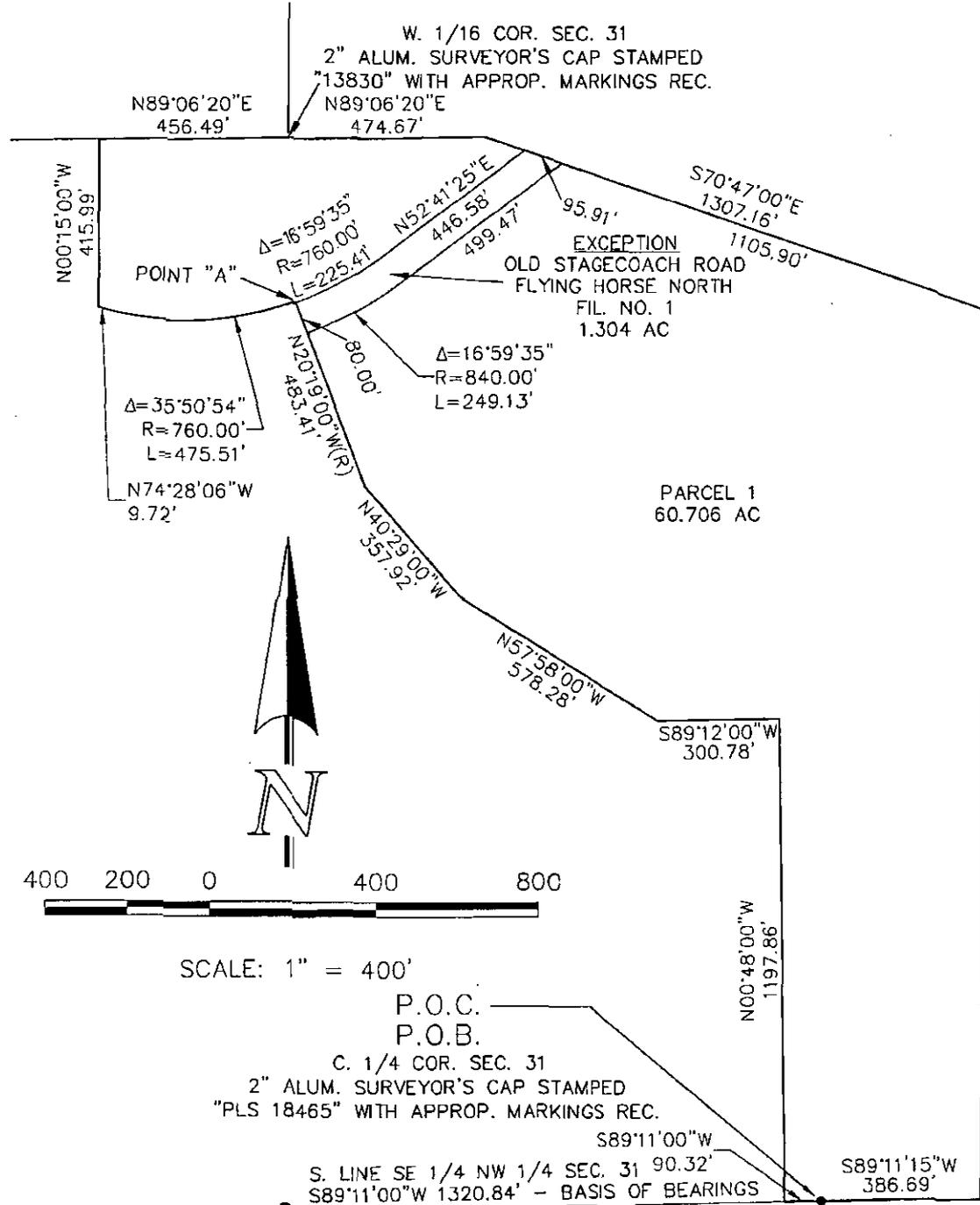
DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

OCT 22, 2018
DATE



619 N. Cascade Avenue, Suite 200 (719)785-0790
 Colorado Springs, Colorado 80903 (719)785-0799 (Fax)

FLYING HORSE NORTH
 RESTRICTED PARCEL 1
 1096.10-15
 SHEET 4 OF 5
 OCTOBER 24, 2017
 REV. OCTOBER 22, 2018

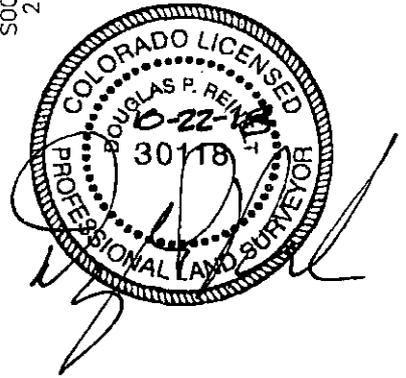


SCALE: 1" = 400'

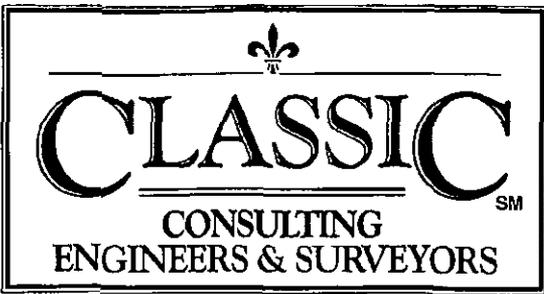
P.O.C.
 P.O.B.

C. 1/4 COR. SEC. 31
 2" ALUM. SURVEYOR'S CAP STAMPED
 "PLS 18465" WITH APPROP. MARKINGS REC.

2" ALUM. SURVEYOR'S CAP STAMPED
 "PLS 18465" WITH APPROP. MARKINGS REC.

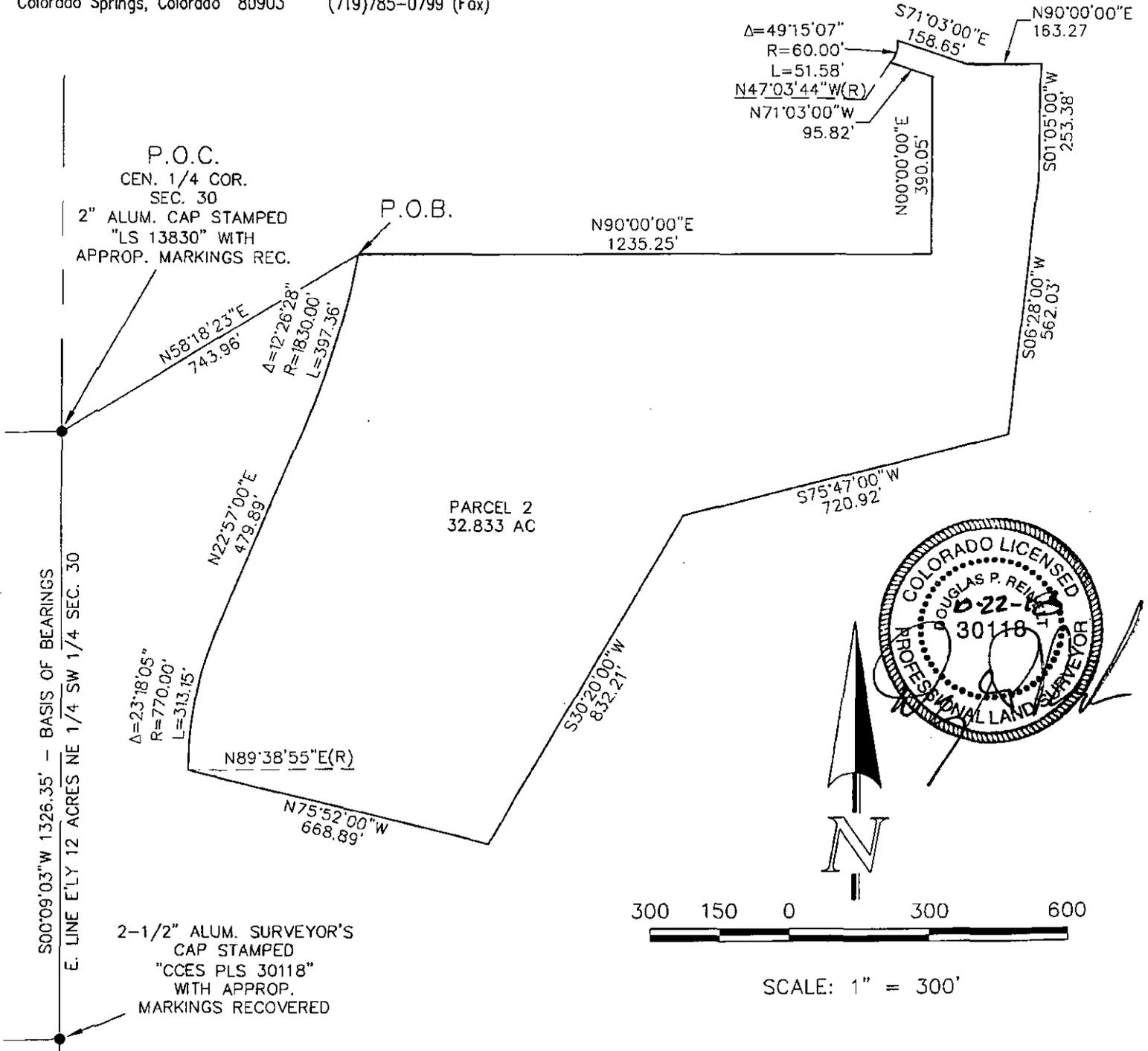


CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.



619 N. Cascade Avenue, Suite 200 (719)785-0790
 Colorado Springs, Colorado 80903 (719)785-0799 (Fax)

FLYING HORSE NORTH
 RESTRICTED PARCEL 2
 1096.10-15
 SHEET 5 OF 5
 OCTOBER 24, 2017
 REV. OCTOBER 22, 2018



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