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El Paso County, CO



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COMBINATION AGREEMENT

This Combination Agreement is made and entered into this 6th day of June, 20 18, by and between Michael Demko & Aileen Wigton, hereinafter referred to as "OWNER" which term shall include his or her heirs, beneficiaries, personal representatives, successors and assigns, and EL PASO COUNTY, a Colorado municipal corporation, hereinafter referred to as "COUNTY".

WHEREAS, OWNER owns and holds title to the following described real property (hereinafter referred to as "the PROPERTY"):

Parcel 415000003

PART OF NE4 SEEC 15-14-60 DESC AS FOLS, CO AT NE COR OF SEC 15 TH S ALG LN OF SD SEC 197.75 FT FOR POB, TH CONT S 25.0 FT, W 198.0 FT PARA TO N LN OF SD SEC, N 222.75 FT TO N LN OF SEC 15, 2 88<44'00" E 99.0 FT, S 00<48'35" E 110.47 FT, S 88<44'00" W 15.0 FT, S 00<48'35" E 86.38 FT, TH N 88<44'00" E 114.0 FT TP POB.

AND

Parcel 415000004

PART OF NE4 SEC 15-14-60 DESC AS FOLS, BEG AT NE COR OF SEC 15 TH S ALG E LN OF SD SEC 197.75 FT, S 88<44'00" W 114.0 FT, NO 00<48'35" W 86.38 FT, N 88<44'00" E 15.0 FT, N 00<48'35" W 110.47 FT, N 88<44'00" E ALG N SEC LN 99.0 FT TO POB.

Joined as parcel 415000006

PART OF NE4 SEC 15-14-60 DESC AS FOLS, COM AT NE COR OF SEC 15 H S ALG E LN OF SD SEC 222.75 FT, W 198.0 FT PARA TO LN OF SD SEC, N 222.75 FT TO N LN OF SEC 15, N88-44-00

(ENTER LEGAL DESCRIPTION OF PROPERTIES)

WHEREAS, the PROPERTY comprises two or more conforming lots, tracts or parcels located within the unincorporated area of the COUNTY; and

WHEREAS, OWNER desires to combine the PROPERTY into a single lot or parcel in conformance with the combination of contiguous lots/parcels provisions of COUNTY regulations.

NOW THEREFORE, for and in consideration of the facts set forth herein:

1. OWNER agrees that the PROPERTY has been combined together and is considered one parcel for purposes of zoning administration and any future sale, mortgages, or other real estate-related actions; and
2. OWNER agrees and covenants that OWNER will not hereafter convey to any third party or otherwise divest title to any portion of the PROPERTY comprising less than the entirety of the PROPERTY without first recording among the Public Records of El Paso County, Colorado a document granting the express consent of COUNTY to such conveyance or divestiture. OWNER understands that said consent of COUNTY may require OWNER to remove the uses or structures that would be considered nonconforming or a violation of the COUNTY regulations as a result of such conveyance or divestiture, and may subject the OWNER to compliance with land development processes and approvals; and
3. OWNER agrees that any attempted conveyance or divestiture in violation hereof shall be void and of no effect; and

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COUNTY shall be entitled to an award of reasonable attorney's fees and costs incurred therein, including attorney's fees and costs incurred in appellate proceedings; and
5. OWNER understands and agrees that this Combination Agreement does not relieve the PROPERTY from compliance with regulations or criteria of other agencies or departments or the County's regulations, except as otherwise expressly provided for by the County's regulations; and
6. OWNER understands and agrees that the Combination Agreement does not eliminate lot lines or any easements associated with the PROPERTY; and
7. OWNER understands and agrees that this Combination Agreement does not guarantee that the PROPERTY will be considered a "buildable parcel"; and
8. OWNER agrees that this Agreement shall constitute a covenant running with the PROPERTY for the benefit of the COUNTY, and shall be binding upon the heirs, beneficiaries, personal representatives, successor and assigns of OWNER.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals this 12 day of June, 20 18.

OWNER

STATE OF Colorado)
)
COUNTY OF El Paso) s.s.
Michael Demko
Owner
Michael Demko
Print Name

The foregoing instrument was acknowledged before me this 12 day of June, 20 18 by Michael Demko, COUNTY of El Paso. He/she is personally known to me or has produced State Drivers License as identification.

Tamra M. Novak
Notary Public
My Commission Expires: 05-04-2022

TAMRA M. NOVAK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184019216
My Commission Expires 05-04-2022

OWNER

STATE OF Colorado)
)
COUNTY OF El Paso) s.s.
Aileen Wigton
Owner
Aileen Wigton
Print Name

The foregoing instrument was acknowledged before me this 12 day of June, 20 18 by Aileen Wigton, COUNTY of El Paso. He/she is personally known to me or has produced State Drivers License as identification.

Tamra M. Novak
Notary Public
My Commission Expires: 05-04-2022

TAMRA M. NOVAK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184019216
My Commission Expires 05-04-2022

MORTGAGE JOINDER

STATE OF N/A)
)
COUNTY OF _____) s.s.

The undersigned holder of a Mortgage encumbering the Property dated _____, 20____, recorded with Reception # _____ in the Public Records of El Paso County, Colorado, hereby joins in this Combination Agreement for the sole purpose of subordinating the lien of said Mortgage to the covenants of OWNER more particularly set forth in this Combination Agreement.

Authorized Representative

Print Name

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, COUNTY of _____. He/she is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires:

MORTGAGE JOINDER

STATE OF N/A)
)
COUNTY OF _____) s.s.

The undersigned holder of a Mortgage encumbering the Property dated _____, 20____, recorded with Reception # _____ in the Public Records of El Paso County, Colorado, hereby joins in this Combination Agreement for the sole purpose of subordinating the lien of said Mortgage to the covenants of OWNER more particularly set forth in this Combination Agreement.

Authorized Representative

Print Name

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, COUNTY of _____. He/she is personally known to me or has produced _____ as identification.

Notary Public
My Commission Expires:

COUNTY APPROVAL

STATE OF Colorado)
COUNTY OF El Paso) S.S.

Craig Dossy
Development Services Department Director

Print Name

The foregoing instrument was acknowledged before me this 23 day of August, 20 18
by Craig Dossy, COUNTY of El Paso He/she is personally
known to me or has produced Known to me as identification.

Terry Lowderman
Notary Public

My Commission Expires: 9-16-2022

TERRY LOWDERMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19904011569
MY COMMISSION EXPIRES SEPTEMBER 16, 2022