

Appendix B

Property Encumbrances

Betasso Property

1. Right of way, whether in fee or easement only, for County Road No. 118 (Fourmile Canyon Drive); and Colorado State Highway 119 (Boulder Canyon).
2. Any rights, interest or easements in favor of the United States, the State of Colorado or the Public, which exists or are claimed to exist in and over the present and past bed, banks or waters of Fourmile Creek.
3. Right of way for ditches and canals constructed by the authority of the United States, as reserved in United States Patent recorded September 21, 1920 in Book 75 at Page 91.
4. Right of way for ditches and canals constructed by the authority of the United States, as reserved in United States Patent recorded February 2, 1923 in Book 75 at Page 131.
5. The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted as reserved in United States patent recorded December 18, 1893 in Book 100 at Page 75; and any and all assignments thereof or interest therein.
6. Right of way for ditches and canals constructed by the authority of the United States, as reserved in United States Patent recorded September 10, 1928 in Book 369 at Page 109.
7. An easement for electrical appurtenances and incidental purposes granted to Public Service Company of Colorado by the instrument recorded December 28, 1948 in Book 840 at Page 242.
8. An easement for electrical appurtenances and incidental purposes granted to Public Service Company of Colorado by the instrument recorded April 20, 1954 in Book 949 at Page 151.
9. Right of way, agreements, and obligations contained in the Right of Way Deed, granted to the City of Boulder, a municipal corporation recorded April 17, 1962 in Book 1226 at Page 213.
10. An easement for water pipeline and incidental purposes granted to the City of Boulder, a municipal corporation by the instrument recorded June 21, 1962 in Book 1234 at Page 383.

11. Covenants, conditions and restrictions, which do not include a forfeiture or reverter clause, set forth in the instrument recorded October 11, 1973 at Reception No. 83395. Provisions regarding race, color, creek, and national origin, if any, are deleted.
12. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement between the City of Boulder and the County of Boulder for the Lakewood Pipeline recorded October 4, 1994 at Reception No. 1467761.
13. Terms, conditions, provisions, agreements, and obligations contained in the Permanent Easement Deed and Agreement recorded March 17, 1999 at Reception No. 1917437.
14. The affects of Resolution 99-81 (A resolution conditionally approving Docket #HP-99-04: Designation of the Betasso Ranch complex and site in unincorporated Boulder County as an historic landmark under the Boulder County Historic Preservation Regulations) recorded August 13, 1999 at Reception No. 197351.
15. Survey matters as set forth on Land Survey Plat dated May 2000, File No. 3-911.

Benjamin Property

1. Reservation by the State of Colorado for all rights to any and all minerals, ores, and metals of any kind and character and all coal, asphaltum, oil, gas, or other like substance in or under said land, the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as reserved in Patent recorded April 26, 2007 as Reception No. 2851778. (Affects Parcel I)
2. Reservation of all rights to any and all minerals, ores, and metals of any kind and character and all coal, asphaltum, oil, gas, or other like substance in or under said land, the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as set forth in Patent recorded July 15, 1993 on Film 1846 as Reception No. 1314631. (Affects Parcel II)
3. Such rights as may exist in and to the County Road shown on the map on file in the office of the Boulder County Assessor and as set forth in document recorded February 6, 1976 on Film 914 as Reception No. 166180. (Affects Parcel II)
4. Reservation contained in Patent recorded September 23, 1919 in Book 385 at Page 142, which provide as follows:

First, there is reserved from the lands herein, a right of way for ditches or canals constructed by the authority of the United States.

Second, that in the absence of necessary legislation by Congress, the Legislature of Colorado may provide rules for working the mining claims or premises hereby granted, involving easements, drainage, and other necessary means to its complete development. (Affects Parcel III)

5. Reservation of all rights to any and all minerals, ores, and metals of any kind and character and all coal, asphaltum, oil, gas, or other like substance in or under said land, the right of ingress and egress for the purpose of mining, together with enough of the surface of the same as may be necessary for the proper and convenient working of such minerals and substances, as set forth in Patent recorded August 13, 1976 on Film 934 as Reception No. 187899. (Affects Parcel IV)
6. A right of way for ditches or canals constructed by authority of the United States as reserved in Patent recorded April 26, 1945 in Book 756 at Page 223. (Affects Parcel V)
7. Reservation of all the coal and other minerals, together with the right to prospect for, mine and remove the same as set forth in Patent recorded April 26, 1945 in Book 756 at Page 223. (Affects Parcel V)
8. Such rights as may exist in and to Salina Road aka Four-Mile Canyon Road aka County Road No. 118 as shown on the map on file in the office of the Boulder County Assessor. (Affects Parcel V)
9. A right of way for ditches or canals constructed by authority of the United States as reserved in Patent recorded September 10, 1928 in Book 369 at Page 110. (Affects Parcels VI and VII)
10. All coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitation of the Act of December 29, 1916 (39 STAT. 862), as reserved in Patent recorded September 10, 1928 in Book 369 at Page 110. (Affects Parcels VI and VII)
11. A right of way for ditches or canals constructed by authority of the United States as reserved in Patent recorded December 15, 1952 in Book 918 at Page 513. (Affects Parcel VIII)
12. That in the absence of necessary legislation by Congress, the Legislature of Colorado may provide rules for working the mining claim or premises, involving easements, drainage, and other necessary means to its complete development, as reserved in United States Patent, recorded December 15, 1952 in Book 918 at Page 513. (Affects Parcel VIII)

13. Subject to the provisions of the Act of December 29, 1916 (39 STAT. 862) with reference to the disposition, occupancy and use of the land as permitted to an entryman under said Act, as set forth in Patent recorded December 15, 1952 in Book 918 at Page 513. (Affects Parcel VIII)
14. The grazing rights only, on the surface of the land, not inconsistent or in conflict at any time with mining operations, as reserved by Charles R. Weaver in Deed recorded July 16, 1934 in Book 624 at Page 23. (Affects Parcel VIII)
15. Right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patent, recorded September 13, 1893 in Book 106 at Page 169. (Affects Parcel IX)
16. Right of a proprietor of any other vein, lode or ledge, to enter the premises (with the exception of the surface) for the purpose of removing the ore from such vein, lode, or ledge, as reserved in United States Patent, recorded September 13, 1893 in Book 106 at Page 169. (Affects Parcel IX)
17. That in the absence of necessary legislation by Congress, the Legislature of Colorado may provide rules for working the mining claim or premises, involving easements, drainage, and other necessary means to its complete development, as reserved in United States Patent, recorded September 13, 1893 in Book 106 at Page 169. (Affects Parcel IX)
18. The terms, conditions, provisions and obligations of an Agreement concerning roads recorded August 7, 1980 on Film 1128 as Reception No. 406681. (Affects Parcels I, II, III, IV, VI, and VII)
19. Such rights as may exist in and to the Arkansas Gulch, and Four Mile Creek traversing over and across said land as shown on map on file in the office of the Boulder County Assessor. (Affects Parcels III, V, VII, VIII, and IX)

Tinsley Property

1. Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded July 30 1908 in Book 167 at Page 93.
2. Right of way, whether in fee or easement only, for Bummer Gulch over, through, upon, and across subject property.

Williams Property

1. The right of the proprietor of a vein or lode to extract and remove his ore should the same be found to penetrate or intersect the premises as contained in Patent recorded July 30, 1908 in Book 167 at Page 93.

2. Right-of-way for ditches or canals constructed by the authority of the United States as reserved in Patent recorded July 30, 1908 in Book 167 at Page 93.
3. Right-of-way for Middle Boulder Creek traversing a portion of said land as shown on map on file in the office of the Boulder County Assessor.

Hannum Property

1. Reservations and rights-of-way as set forth in Patent recorded April 26, 1945 in Book 756 at Page 223
2. Such rights as may exist in and to Fourmile Canyon Dr. (Boulder County Road No. 118) over and across said land as shown on the map on file in the office of the Boulder County Assessor.
3. Such rights as may exist in and to Fourmile Creek as it traverses said land as shown on the map on file in the office of the Boulder County Assessor.