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County of Jefferson State of Co

*Ord 1610
Roske, Rose and Alderfer
6550 Indiana*

ANNEXATION AGREEMENT

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THIS AGREEMENT, made and entered into this 27th day of March, 19 80, by and between the City of Arvada, County of Jefferson, State of Colorado, hereinafter called Arvada, and Howard D. Roske, John S. Rose and Henry D. Alderfer, hereinafter called the Annexing Property Owner(s).

WITNESSETH THAT:

WHEREAS, Annexing Property Owner(s) have filed a petition for the Annexation of 15.448 acres described as follows:

A tract of land in the southwest quarter of Section 6, Township 3 South, Range 69 West of the 6th Principal Meridian in Jefferson County, Colorado more particularly described as follows:

Commencing at the southwest corner of Section 6, Township 3 South, Range 69 West; thence N 01°10'00" E along the west line of said Section 6, a distance of 1030.31 feet; thence S 89°21'30" E a distance of 30.00 feet to the true point of beginning on the east right-of-way line of Colorado State Highway No. 72; thence N 01°10'00" E along said east right-of-way line and parallel with said west section line a distance of 697.72 feet to the southwest corner of a tract of land described in instrument recorded in Book 389 at Page 552 of the Jefferson County Records; thence along the south and east boundaries of said tract (Book 389, Page 552) the following courses and distances: S 88°23'00" E, 522.00 feet, N 01°10'00" E, 123.70 feet; S 88°23'00" E, 197.00 feet, N 01°10'00" E, 95.60 feet; thence S 88°23'00" E a distance of 167.50 feet to a point on the westerly boundary of the north half of a property described by instrument recorded in book 2394 at Page 325 of the Jefferson County records; thence S 01°10'00" W along said west line, being also the westerly boundary of Cobe Laboratories Arvada Building site as recorded in the subdivision plat book of the Jefferson County records, and its northerly extension, a distance of 901.93 feet; thence N 89°21'30" W along the northerly boundary of said subdivision a distance of 886.51 feet to the true point of beginning, containing 15.448 acres, more or less,

which are owned by the Annexing Property Owner(s) to the City of Arvada.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, IT IS AGREED AS FOLLOWS:

1. The Annexing Property Owner(s) agree that all access to the site will come from West 65th Way. No direct access will be allowed from Indiana for this property. Construction on Indiana must be approved by the Colorado Highway Department.

2. The Annexing Property Owner(s) agree to dedicate a total right-of-way of fifty-five feet for the East half of Indiana where it adjoins the annexed property. Construction of the East half of Indiana Street shall be done at the owner(s) expense and in accordance with the applicable street ordinance at the time of development.

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3. The Annexing Property Owner(s) agree to pipe the Clark Lateral as it passes through the site. Construction plans must be submitted for piping said ditch and these plans must be approved by the ditch owners as well as the City Engineer.

4. The Annexing Property Owner(s) agree to pay the City of Arvada the Unit Drainage Fee subject to City Code, Article VI (Storm Drainage Facilities), Sec. 2-31, Unit Drainage Fee, prior to the final approval of a final development plan, building permit, or a plat of a subdivision, whichever occurs first. In the event the Annexing Property Owner(s) fail or refuse to pay the Unit Drainage Fee prior to the final approval of a development plan, building permit or platting, such failure or refusal shall be deemed sufficient justification for Arvada to refuse to approve any plat development plan or building permit submitted. Under such circumstances, the Annexing Property Owner(s), for themselves, their successors and assigns, hereby waive any right, or equitable claim they may have against the City of Arvada, its officers, agents, employees and elected officials, for failure to approve any such plat, development plan or building permit. Such waiver shall include any rights which may accrue to the Annexing Property Owner(s) under any Colorado Statute which requires action on a final plat within a specified period of time.

5. The Annexing Property Owner(s) agree that they will, at their own expense, furnish and install the public improvements, in accordance with the plans and specifications approved by the City of Arvada.

6. The Annexing Property Owner(s) agree that this Annexation Agreement, by its terms, shall be binding upon the City, the Annexing Property Owner(s), and upon the successors and assigns thereof; and shall constitute covenants running with the described property. This Agreement shall be recorded with the County Clerk and Recorder of Jefferson County, Colorado.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

CITY OF ARVADA, COLORADO

Testa Miller
Mayor

ATTEST: EA L

Deeda Parker
City Clerk

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ANNEXING PROPERTY OWNER(S)

Howard D. Roske
Howard D. Roske

John S. Rose
John S. Rose

Henry D. Alderfer
Henry D. Alderfer

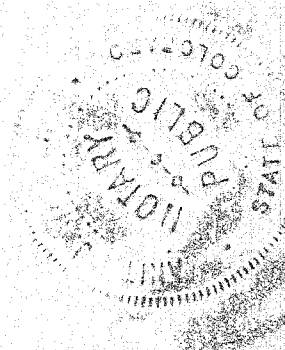
ATTEST:

Acknowledged before me this 27 day of March, 19 80

by _____

Quita J. Wagoner
Notary Public

My Commission Expires: 4-11-83



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