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**TOWN OF MINTURN, COLORADO**

**RESOLUTION NO. 19- 2008**

**A RESOLUTION BY THE COUNCIL OF THE TOWN OF MINTURN, COLORADO  
APPROVING A PRELIMINARY SUBDIVISION PLAT APPLICATION**

**FILE NO. PUD PP 06-01**

**WHEREAS**, The Town of Minturn (hereinafter the "Town") Council, in addition to any authority granted by general or special law, has certain powers and duties contained in Minturn Municipal Code Sec. 16.21.4.A; and,

**WHEREAS**, on July 26, 2006, the Town Planning Commission recommended that the Town Planner approve Ginn Battle North, LLC, a Georgia limited liability company; Ginn Battle South, LLC, a Georgia limited liability company; and Ginn-LA Battle One, Ltd., LLLP, a Georgia limited liability limited partnership (collectively hereinafter "Applicant") PUD Concept Plan with conditions; and on August 3, 2006, the Town Planner issued a Letter of Notification of approval of Applicant's PUD Concept Plan with Conditions; and,

**WHEREAS**, on November 1, 2006, the Applicant submitted an application for PUD Preliminary Subdivision Plat under requirements set forth in Minturn Municipal Code Sec. 17.6.1; this proposed PUD Preliminary Subdivision Plat details the development of approximately 4,340 acres of land situated between the Town and the Town of Red Cliff, Colorado; and,

**WHEREAS**, on November 13, 2006, the Town Planner issued a letter determining completeness of the application for a PUD Preliminary Subdivision Plat; and,

**WHEREAS**, at public hearings for the PUD Preliminary Subdivision Plat held between January 10, 2007 and May 23, 2007, and after review of presented evidence, testimony, exhibits, review of the Town Master Plan, comments of public officials and referred agencies, comments from the public and recommendation from Town Staff, the Town of Minturn Planning and Zoning Commission, by resolution, approved recommendation for approval to the Town of Minturn Council; and,

**WHEREAS**, at public hearings for the PUD Preliminary Subdivision Plat held between June 6, 2007 and February 27, 2008, and after consideration of the application, the relevant support materials, and findings of the Planning Commission, town staff and other agencies and information given at the public hearing, and after determining compliance with the evaluation criteria listed herein and other standards and criteria of this Code, the Town Council finds makes the following findings:

1. That proper publication and public notice were provided as required by law for hearings before the Town Council.

2. Preliminary plat maps are drafted in a preliminary fashion appropriate in scale and dimension. As conditioned, the construction plans for streets, utilities, erosion control and other public improvements will be drawn in sufficient detail to fully represent the intentions of the sub-divider with regard to the type, materials and location of the proposed improvements, consistent with the approval and agreed upon engineering standards for the project.
3. All maps do conform to necessary format and inclusions.
4. All maps do contain preliminary information sufficient to indicate street names and a block and lot numbering system and approximate area of each lot and its proposed use.
5. As conditioned, all final maps will contain information sufficient to indicate Site or facilities to be reserved or dedicated for public parks, schools or other public uses, if any. The applicant will identify and designate for dedication the locations for facilities for fire, emergency response, and police services to be located within the project and the funding for the same and provide the approval of the same by the fire district, ambulance district, and Town police department.
6. The site's geological, mineral resource, drainage and floodways, soil, vegetation, wildfire and other natural or manmade characteristics, including hazards and pollution which will affect the proposed land use, are investigated and shown on maps supplemental to the preliminary plat, accompanied by such reports as necessary, in required detail, to complete description of the existing conditions regarding soils, vegetation, wildlife, wildfire, slope, proximity to water bodies, pollution and buildings.
7. As conditioned, the final plat will be accompanied by a map show a generalized grading plan for the areas to be developed for public or private use, showing existing and revised contours and any proposed retaining structures. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project.
8. As conditioned, the final plat will display cross sections to illustrate potentially difficult grade relationships between proposed roads, building sites and parking areas. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project.
9. As conditioned, the final plat will display street plans and profiles in required detail. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project.
10. As conditioned, the final plat will display a drainage study in required detail. The current study does not include computations for the capacity and velocity through drainage structures. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project.

11. The water supply for the project is the subject of the negotiations of a water service agreement between applicant and the Town Council. Applicant has submitted its statement of Water Supply Options that includes engineering that pertains to the various components of alternatives for water service, availability, sources of supply, and the adequacy of supply for the various planned water uses for the project.
12. As conditioned, there will be evidence that the Town is willing to service the proposed subdivision. The applicant will enter into a water service agreement with the Town for municipal water service for the project.
13. As conditioned, there will be information regarding the present service requirements, future commitments and present and future water supply capabilities of the Town in connection with the negotiation of the water service agreement with the Town Council. The applicant will supplement its statement of Water Supply Options as necessary to complete the water service agreement with more detailed information regarding its water rights, water right applications, and water planning and related engineering that pertains to all components of water service, availability, sources of supply, and the adequacy of supply for the various planned water uses for the project.
14. As conditioned, there will be information provided in connection with the negotiation of the water service agreement with the Town Council regarding the water rights owned or used by the applicant, and an analysis of the potential for transfer to the Town for the purpose of supplying the development. The applicant will supplement its statement of Water Supply Options as necessary to complete the water service agreement with more detailed information regarding its water rights, water right applications, and water planning and related engineering that pertains to all components of water service, availability, sources of supply, and the adequacy of supply for the various planned water uses for the project.
15. As conditioned and in addition to the criteria and standards provided for fire protection, there will be additional evidence of compliance with all applicable water system construction and operation specifications of the Town, to include demonstrated adequacy for fire protection. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project.
16. A review and analysis of all viable options for water supply, indicating the relative benefits of each is submitted.
17. As conditioned and at the time of the submission of any final subdivision plat, the applicant will present written evidence that the utility companies involved have been advised of the proposed system and that an agreement on design has been reached.
18. A central sewer collection system will be provided. Evidence is included that the Town is willing to service the proposed subdivision as evidenced by the wastewater service agreement with the Town.

19. As conditioned, information will be available regarding present and future requirements and future commitments and capabilities of the provider of service.
20. Adequate evidence is provided that the proposed sewer collection system is capable of serving the proposed subdivision.
20. It is shown that the proposed systems comply with Town ordinances and/or regulations regarding fire control and protections.
21. An erosion control plan that incorporates re-vegetation and renegotiation is included in the submission.
22. A re-vegetation landscaping plan is included in the submission.
23. The developer has attempted to minimize increases in impervious cover by such methods as the proposed construction of parking garages and the maximum use of open space subject to the remediation requirements for the superfund sites.
24. The developer has presented information indicating the percentage increase in impervious cover projected as a result of the development.
25. As conditioned, all applications for subdivision will include a non-point source pollution control program sufficient in required detail and will provide a Water Quality Management Plan including Best Management Practices for both construction and project operation with the submission of any final subdivision plat.
26. All plats and reports are prepared, dated and signed by professional persons as required.
27. As conditioned, an Environmental Impact Report, as required, is included in the submission.
28. As conditioned, a completed Section 404 permit or other appropriate authorization, such as that of the EPA under CERCLA, as required, shall be provided with any final subdivision plat submission.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:**

The application for Planned Unit Development Preliminary Subdivision Plat, File No. PUD PP06-01, be approved for the property described in Exhibit A, attached hereto and incorporated herein by reference.

The application for Planned Unit Development Preliminary Subdivision Plat, File No. PUD PP 06-01, be approved for the aforementioned described property subject to compliance with the conditions for preliminary plat, a copy of which are attached hereto as Exhibit B and incorporated herein by reference.

The Town Council direct the Director of Planning for the Town to provide a copy of this resolution to the Applicant.

The preliminary subdivision plat dated February 26, 2008 attached hereto as Exhibit "C" is approved.

This resolution shall serve as an agreement binding the Applicant to the aforementioned conditions.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 27th day of February, 2008.

TOWN OF MINTURN

By: *Harvey Fleberty*  
Mayor

ATTEST:

*[Signature]*

Town Clerk



## EXHIBIT A

### BATTLE MOUNTAIN ANNEXATION PARCEL No. 1 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, THENCE N00°19'28"W, A DISTANCE OF 99.97 FEET ALONG THE WEST SECTION LINE OF SAID SECTION 36; THENCE DEPARTING SAID LINE THE FOLLOWING FOUR (4) COURSES:

- 1) N28°14'06"E, A DISTANCE OF 715.12 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 2) N57°25'05"E, A DISTANCE OF 557.63 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 3) N70°47'03"E, A DISTANCE OF 761.45 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 4) N89°57'20"E, A DISTANCE OF 87.51 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N89°57'20"E, A DISTANCE OF 120.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 240.00 FEET; THENCE S89°57'20"W, A DISTANCE OF 120.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 240.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.661 ACRES OF LAND MORE OR LESS.

### BATTLE MOUNTAIN ANNEXATION PARCEL No. 2 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST AND SECTION 2, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, THENCE N00°19'28"W, A DISTANCE OF 99.97 FEET ALONG THE WEST SECTION LINE OF SAID SECTION 36; THENCE DEPARTING SAID LINE THE FOLLOWING FOUR (4) COURSES:

- 1) N28°14'06"E, A DISTANCE OF 715.12 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 2) N57°25'05"E, A DISTANCE OF 557.63 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 3) N70°47'03"E, A DISTANCE OF 761.45 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 4) N89°57'20"E, A DISTANCE OF 37.51 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N89°57'20"E, A DISTANCE OF 50.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 240.00 FEET; THENCE N89°57'20"E, A DISTANCE OF 120.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 240.00 FEET; THENCE N89°57'22"E, A DISTANCE OF 50.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 1302.00 FEET; THENCE S89°57'20"W, A DISTANCE OF 220.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 1302.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.915 ACRES OF LAND MORE OR LESS.

### BATTLE MOUNTAIN ANNEXATION PARCEL No. 3 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST AND SECTION 1 AND 2, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, THENCE N00°19'28"W, A DISTANCE OF 99.97 FEET TO THE TRUE POINT OF BEGINNING:

THENCE DEPARTING SAID LINE THE FOLLOWING EIGHT (8) COURSES:

- 1) N28°14'06"E, A DISTANCE OF 715.12 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 2) N57°25'05"E, A DISTANCE OF 557.63 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 3) N70°47'03"E, A DISTANCE OF 761.45 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE;
- 4) N89°57'20"E, A DISTANCE OF 37.51 FEET;
- 5) S00°00'00"E, A DISTANCE OF 1302.00 FEET;
- 6) N89°57'20"E, A DISTANCE OF 220.00 FEET;
- 7) N00°00'00"E, A DISTANCE OF 1302.00 FEET;
- 8) N89°57'20"E, A DISTANCE OF 50.00 FEET TO THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 126 AT PAGE 192; THENCE ALONG SAID PARCEL THE FOLLOWING TWO (2) COURSES:

1) S10°00'00"W, A DISTANCE OF 89.49 FEET;

2) S80°00'00"E, A DISTANCE OF 125.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 1000.00 FEET; THENCE S30°31'04"E, A DISTANCE OF 2069.67 FEET; THENCE S59°28'56"W, A DISTANCE OF 800.00 FEET; THENCE N30°31'04"W, A DISTANCE OF 2458.44 FEET; THENCE N90°00'00"W, A DISTANCE OF 1055.69 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 73.556 ACRES OF LAND MORE OR LESS.

### BATTLE MOUNTAIN ANNEXATION PARCEL No. 4 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST, SECTIONS 1, 2, 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 24; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

- 1) N89°55'30"E, A DISTANCE OF 42.40 FEET;
- 2) S28°18'00"E, A DISTANCE OF 97.26 FEET;
- 3) S27°40'00"E, A DISTANCE OF 834.17 FEET;
- 4) S21°45'36"E, A DISTANCE OF 1187.40 FEET;
- 5) N59°22'34"E, A DISTANCE OF 103.21 FEET;
- 6) S24°31'00"E, A DISTANCE OF 322.73 FEET TO A POINT OF CURVATURE;

7) 430.88 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 26°58'52", A RADIUS OF 915.00 FEET, AND A CHORD WHICH BEARS S11°01'26"E, A DISTANCE OF 426.91 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY N53°54'26"W, A DISTANCE OF 71.36 FEET; THENCE S21°45'36"E, A DISTANCE OF 135.40 FEET TO A POINT ON SAID RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING EIGHT (8) COURSES:

1) 271.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 16°58'10", A RADIUS OF 915.00 FEET, AND A CHORD WHICH BEARS S16°12'58"W, A DISTANCE OF 270.01 FEET

2) S24°42'01"W, A DISTANCE OF 211.28 FEET;

3) S35°46'25"W, A DISTANCE OF 205.45 FEET;

4) S14°35'55"W, A DISTANCE OF 532.15 FEET;

5) S01°16'40"E, A DISTANCE OF 429.57 FEET;

6) S01°26'17"W, A DISTANCE OF 268.56 FEET;

7) S33°57'06"W, A DISTANCE OF 246.94 FEET, TO A STONE MONUMENT FOUND IN PLACE;

8) S08°01'44"E, A DISTANCE OF 378.04 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY S08°17'45"E, A DISTANCE OF 306.15 FEET TO CORNER No. 8

OF RIVER BEND MILL SITE (MS No.19856); THENCE ALONG THE 8-9 LINE OF SAID RIVER BEND MILL SITE N72°57'00"E, A DISTANCE OF 114.55 FEET TO CORNER No. 9; THENCE ALONG THE 1-9 LINE OF SAID RIVER BEND MILL SITE N00°00'03"W, A DISTANCE OF 101.14 FEET; THENCE DEPARTING SAID 1-9 LINE S54°58'20"E, A DISTANCE OF 95.23 FEET TO A POINT ON THE 3-4 LINE OF SAID RIVER BEND MILL SITE; THENCE ALONG SAID 3-4 LINE S10°57'09"W, A DISTANCE OF 390.94 FEET TO CORNER No. 4; THENCE ALONG THE 4-5 LINE OF SAID RIVER BEND MILL SITE S22°32'25"W, A DISTANCE OF 2.99 FEET; THENCE DEPARTING SAID 4-5 LINE S78°26'14"E, A DISTANCE OF 1.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR THE DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

1) S15°10'48"W, A DISTANCE OF 289.39 FEET;

2) S21°48'39"W, A DISTANCE OF 243.16 FEET;

3) S30°16'07"W, A DISTANCE OF 140.01 FEET;

4) S27°42'40"W, A DISTANCE OF 65.41 FEET;

5) N85°17'30"W, A DISTANCE OF 81.52 FEET;

6) S04°42'30"W, A DISTANCE OF 69.09 FEET TO A POINT ON THE 1-2 LINE OF THE BROOKLYN PLACER (MS No.19500); THENCE ALONG SAID 1-2 LINE S19°50'01"W, A DISTANCE OF 268.43 FEET TO A POINT ON SAID RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

1) S31°32'13"W, A DISTANCE OF 533.60 FEET;

2) S33°39'54"W, A DISTANCE OF 140.23 FEET;

3) S23°58'23"W, A DISTANCE OF 151.92 FEET;

4) S26°02'26"W, A DISTANCE OF 245.65 FEET;

5) S13°30'08"W, A DISTANCE OF 135.47 FEET;

6) S04°24'03"W, A DISTANCE OF 136.44 FEET;

7) S04°05'15"E, A DISTANCE OF 146.56 FEET;

8) S13°03'41"E, A DISTANCE OF 60.00 FEET;

9) N21°23'46"W, A DISTANCE OF 307.48 FEET TO A POINT ON THE 5-6 LINE OF SAID BROOKLYN PLACER THENCE ALONG SAID 5-6 LINE N16°10'31"W, A DISTANCE OF 271.77 FEET TO CORNER No. 6; THENCE ALONG THE 6-7 LINE OF SAID BROOKLYN PLACER N12°26'20"W, A DISTANCE

OF 500.60 FEET TO CORNER No. 3 OF THE MARS MILL SITE (MS No.20745), A 4 1/2 INCH ALUMINUM MONUMENT FOUND IN PLACE; THENCE ALONG THE 2-3 LINE OF SAID MARS MILL SITE N45°48'07"W, A DISTANCE OF 1087.10 FEET TO CORNER No. 2, A 4 1/2 INCH ALUMINUM MONUMENT FOUND IN PLACE, ALSO BEING A POINT ON THE 5-6 LINE OF THE HOMESTEAD ENTRY SURVEY (H.E.S.) 41; THENCE ALONG SAID 5-6 LINE N79°07'29"W, A DISTANCE OF 2659.38 FEET TO CORNER No. 5, A 2 1/2 INCH IRON PIPE IN CONCRETE FOUND IN PLACE; THENCE ALONG THE 4-5 LINE OF SAID H.E.S. 41 N38°47'02"W, A DISTANCE OF 387.01 FEET TO CORNER No. 4, A STONE MONUMENT FOUND IN PLACE; THENCE ALONG THE 3-4 LINE OF SAID H.E.S. 41 N44°15'33"E, A DISTANCE OF 992.55 FEET TO CORNER No. 3, A STONE MONUMENT FOUND IN PLACE; THENCE ALONG THE 2-3 LINE OF SAID H.E.S. 41 S82°16'20"E, A DISTANCE OF 1508.13 FEET TO CORNER No. 2, A 2 1/2 INCH IRON PIPE IN CONCRETE FOUND IN PLACE; THENCE ALONG THE 1-2 LINE OF SAID H.E.S. 41 N39°26'18"E, A DISTANCE OF 1104.36 FEET TO CORNER No. 1, A STONE MONUMENT FOUND IN PLACE, ALSO BEING CORNER No. 5 OF THE HOMESTEAD ENTRY SURVEY (H.E.S.) 40; THENCE ALONG THE 5-6 LINE OF SAID H.E.S. 40 N23°20'28"E, A DISTANCE OF 1564.32 FEET TO CORNER No. 6, A STONE MONUMENT FOUND IN PLACE; THENCE ALONG THE 6-7 LINE OF SAID H.E.S. 40 N25°05'49"W, A DISTANCE OF 706.80 FEET TO CORNER No. 2 OF THE GOLD STAR MILL SITE (MS No.20712), A 4 1/2 INCH ALUMINUM MONUMENT FOUND IN PLACE; THENCE ALONG THE 2-3 LINE OF SAID GOLD STAR MILL SITE N67°56'53"W, A DISTANCE OF 968.68 FEET TO CORNER No. 3, A 4 1/2 INCH ALUMINUM MONUMENT FOUND IN PLACE, ALSO BEING CORNER No. 3 OF THE TREASURY VAULT LODGE (MS No.20712); THENCE ALONG THE 3-4 LINE OF SAID TREASURY VAULT LODGE N67°54'55"W, A DISTANCE OF 401.48 FEET TO CORNER No. 4, A 4 1/2 INCH ALUMINUM MONUMENT FOUND IN PLACE, ALSO BEING A POINT ON THE 3-4 LINE OF HOMESTEAD ENTRY SURVEY (H.E.S.) 46; THENCE ALONG SAID 3-4 LINE N69°12'30"E, A DISTANCE OF 553.35 FEET TO A POINT ON THE BOUNDARY OF A PARCEL DESCRIBED AT RECEPTION No. 733099; THENCE ALONG SAID BOUNDARY N34°20'33"E, A DISTANCE OF 268.78 FEET TO A 1 1/2 INCH ALUMINUM MONUMENT, LS No.11204, FOUND IN PLACE; THENCE N33°44'17"W, A DISTANCE OF 346.86 FEET TO A 1 1/2 INCH ALUMINUM MONUMENT, LS No.11204, FOUND IN PLACE; THENCE N59°38'05"W, A DISTANCE OF 743.66 FEET TO A 1 1/2 INCH ALUMINUM MONUMENT, LS No. 20695, FOUND IN PLACE; THENCE N00°04'55"E, A DISTANCE OF 459.57 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID SECTION 36, A 3 1/4 INCH BRASS MONUMENT FOUND IN PLACE, MARKING CORNER No. 1 OF THE RE50J LEASE; THENCE ALONG SAID SOUTHERLY LINE S89°58'30"W, A DISTANCE OF 420.19 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE N00°19'28"W, A DISTANCE OF 99.97 FEET ALONG THE WEST SECTION LINE OF SAID SECTION 36; THENCE DEPARTING SAID LINE THE FOLLOWING FIVE (5) COURSES:

1) S90°00'00"E, A DISTANCE OF 1055.69 FEET;

2) S30°31'04"E, A DISTANCE OF 2458.44 FEET;

3) N59°28'56"E, A DISTANCE OF 800.00 FEET;

4) N30°31'04"W, A DISTANCE OF 2069.67 FEET;

5) N00°00'00"E, A DISTANCE OF 1000.00 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 126 AT PAGE 192; THENCE N10°00'00"E, A DISTANCE OF 111.63 FEET ALONG SAID PARCEL; THENCE DEPARTING SAID PARCEL N89°57'20"E, A DISTANCE OF 57.17 FEET TO A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID HIGHWAY 24; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:

1) 5.39 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 00°24'30", A RADIUS OF 756.30 FEET, AND A CHORD WHICH BEARS S32°43'45"E, A DISTANCE OF 5.39 FEET;

2) S32°56'00"E, A DISTANCE OF 199.00 FEET TO A POINT OF CURVATURE;

3) 228.37 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 04°37'54", A RADIUS OF 2825.00 FEET, AND A CHORD WHICH BEARS S30°37'03"E, A DISTANCE OF 228.30 FEET;

4) S28°18'00"E, A DISTANCE OF 946.45 FEET;

5) S00°01'30"W, A DISTANCE OF 78.74 FEET TO SAID SOUTH QUARTER CORNER ALSO BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 373.159 ACRES OF LAND MORE OR LESS.

TOGETHER WITH A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST, SECTIONS 1, 2, 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE S39°31'03"E, A DISTANCE OF 5796.96 FEET TO A POINT ON THE 1-2 LINE OF THE RIVER BEND MILL SITE (MS No. 19856) BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID 1-2 LINE S89°54'11"E A DISTANCE OF 150.98 FEET TO CORNER N. 2, A 3 1/4 INCH ALUMINUM FOREST SERVICE MONUMENT FOUND IN PLACE; THENCE S15°47'02"W ALONG THE 2-3 LINE OF SAID RIVER BEND MILL SITE, A DISTANCE OF 452.93 FEET, TO A POINT OF CURVATURE; THENCE DEPARTING SAID 2-3 LINE 147.26 FEET ALONG A NON-TANGENT CURVE TO TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 12°28'40", A RADIUS OF 676.20 FEET, AND A CHORD WHICH BEARS N07°47'20"W, A DISTANCE OF 146.97 FEET; THENCE N01°33'00"W A DISTANCE OF 290.59 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.818 ACRES OF LAND MORE OR LESS.

TOGETHER WITH A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST, SECTIONS 1, 2, 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36; THENCE S24°17'50"W, 3079.28 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR HIGHWAY 24 ALSO BEING A POINT ON THE 1-2 LINE OF THE HOMESTEAD ENTRY SURVEY (H.E.S.) 40 AND BEING THE TRUE POINT OF BEGINNING.

THENCE ALONG SAID 1-2 LINE S21°45'37"E, 324.31 FEET TO CORNER NO. 2, A 3 1/4 INCH ALUMINUM USDA MONUMENT FOUND IN PLACE; THENCE ALONG THE 2-3 LINE OF SAID H.E.S. 40 S20°13'06"W, 1158.66 FEET TO A POINT ON SAID RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

- 1) N01°33'00"W, 546.88 FEET TO A POINT OF CURVATURE;
- 2) 309.77 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 26°14'51", A RADIUS OF 676.20 FEET, AND A CHORD WHICH BEARS N11°34'34"E, A DISTANCE OF 307.07 FEET;
- 3) N24°42'00"E A DISTANCE OF 422.50 FEET TO A POINT OF CURVATURE;
- 4) 167.28 FEET ALONG THE ARC OF SAID CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 9°37'56", A RADIUS OF 995.00 FEET, AND A CHORD WHICH BEARS N19°53'02"E, A DISTANCE OF 167.08 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 5.308 ACRES, MORE OR LESS.

TOTAL COMBINED ACREAGE FOR PARCEL No. 4 CONTAINS 379.285 ACRES OF LAND.

#### BATTLE MOUNTAIN ANNEXATION PARCEL No. 5 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE S20°44'31"E, A DISTANCE OF 7851.43 FEET TO A POINT ON THE INTERSECTION

OF THE RIGHT-OF-WAY FOR THE DENVER AND RIO GRANDE WESTERN RAILROAD BEING THE TRUE POINT OF BEGINNING.

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

- 1) 167.35 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 2°28'40", A RADIUS OF 3869.72 FEET, AND A CHORD WHICH BEARS S08°36'27"W, A DISTANCE OF 167.34 FEET TO A POINT OF CURVATURE;
- 2) 325.85 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 28°35'01", A RADIUS OF 653.16 FEET, AND A CHORD WHICH BEARS S06°55'23"E, A DISTANCE OF 322.48 FEET;
- 3) S21°12'53"E, 749.30 FEET TO A POINT OF CURVATURE;
- 4) 365.44 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 03°41'13", A RADIUS OF 5679.19 FEET, AND CHORD WHICH BEARS S19°22'17"E, A DISTANCE OF 365.38 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY S77°25'00"W A DISTANCE OF 3.45 FEET TO A POINT ALONG THE 5-6 LINE OF THE ROSA M. LODE (MS No. 5712); THENCE N12°25'00"W A DISTANCE OF 1.24 FEET TO CORNER No. 6 OF SAID ROSA M. LODE (MS No. 5712), ALSO BEING CORNER No. 4 OF THE BROOKLYN PLACER (MS No. 19500); THENCE S77°37'53"W ALONG THE 4-5 LINE OF SAID BROOKLYN PLACER A DISTANCE OF 329.31 FEET; THENCE N36°28'58"W, A DISTANCE OF 47.70 FEET TO A POINT ON SAID RAILROAD RIGHT-OF-WAY, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

- 1) N14°56'18"W, A DISTANCE OF 547.42 FEET;
- 2) N13°03'41"W, A DISTANCE OF 357.80 FEET;
- 3) N04°05'15"W, A DISTANCE OF 138.92 FEET;
- 4) N04°24'03"E, A DISTANCE OF 128.75 FEET;
- 5) N13°30'08"E, A DISTANCE OF 126.00 FEET;
- 6) N26°02'26"E, A DISTANCE OF 241.06 FEET;
- 7) N23°58'23"E, A DISTANCE OF 84.30 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 8.503 ACRES OF LAND MORE OR LESS.

#### BATTLE MOUNTAIN ANNEXATION PARCEL No. 6 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 1, 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, S44°57'06"E, A DISTANCE OF 6468.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING SIX (6) COURSES:

- 1) S61°40'00"E, A DISTANCE OF 114.10 FEET;
- 2) S16°06'00"W, A DISTANCE OF 568.70 FEET;
- 3) S48°20'00"W, A DISTANCE OF 175.20 FEET;
- 4) S09°32'00"W, A DISTANCE OF 533.20 FEET;
- 5) S47°34'00"W, A DISTANCE OF 672.00 FEET;
- 6) S16°32'23"W, A DISTANCE OF 631.02 FEET; THENCE S61°40'14"W, A DISTANCE OF 453.22 FEET; THENCE S27°22'51"W, A DISTANCE OF 575.57 FEET; THENCE S18°58'13"E, A DISTANCE OF 460.65 FEET; THENCE N58°57'42"E,

A DISTANCE OF 598.46 FEET; THENCE S21°15'02"E, A DISTANCE OF 262.92 FEET; THENCE S25°53'37"W, A DISTANCE OF 519.56 FEET; THENCE S19°25'15"E, A DISTANCE OF 750.61 FEET; THENCE S23°43'06"E, A DISTANCE OF 822.11 FEET TO A POINT ON THE COOLIDGE LODGE (MS NO. 20293); THENCE S77°23'49"W A DISTANCE OF 256.81 FEET TO A POINT ALONG THE 3-4 LINE OF THE SAID COOLIDGE LODGE (MS No. 20293) AND THE 1-2 LINE OF THE CAVE LODGE (MS No. 20293) TO CORNER No. 3 OF SAID COOLIDGE LODGE ALSO BEING CORNER No. 2 OF SAID CAVE LODGE; THENCE N45°28'28"W, A DISTANCE OF 357.90 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR THE DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THIRTY (30) COURSES:

- 1) N77°25'00"E, A DISTANCE OF 89.29 FEET;
- 2) N35°15'53"W, A DISTANCE OF 67.25 FEET;
- 3) N25°44'53"W, A DISTANCE OF 237.58 FEET;
- 4) N16°13'58"W, A DISTANCE OF 6.62 FEET;
- 5) S77°25'00"W, A DISTANCE OF 75.15 FEET;
- 6) N16°13'53"W, A DISTANCE OF 477.59 FEET;
- 7) N16°50'51"W, A DISTANCE OF 123.71 FEET;
- 8) N77°25'00"E, A DISTANCE OF 75.27 FEET;
- 9) N18°53'02"W, A DISTANCE OF 301.82 FEET;
- 10) S77°25'00"W, A DISTANCE OF 50.47 FEET;
- 11) N21°09'37"W, A DISTANCE OF 563.64 FEET;
- 12) N32°50'52"W, A DISTANCE OF 150.75 FEET;
- 13) N08°55'55"W, A DISTANCE OF 432.48 FEET;
- 14) N09°29'46"E, A DISTANCE OF 214.86 FEET;
- 15) N18°46'01"E, A DISTANCE OF 189.39 FEET;
- 16) N32°08'16"E, A DISTANCE OF 42.96 FEET;
- 17) N90°00'00"E, A DISTANCE OF 58.63 FEET;
- 18) N31°50'40"E, A DISTANCE OF 69.78 FEET;
- 19) N90°00'00"W, A DISTANCE OF 28.69 FEET;
- 20) N32°07'49"E, A DISTANCE OF 39.90 FEET;
- 21) N30°58'34"E, A DISTANCE OF 282.81 FEET;
- 22) S04°42'30"W, A DISTANCE OF 158.17 FEET;
- 23) N30°58'34"E, A DISTANCE OF 337.16 FEET;
- 24) N27°42'40"E, A DISTANCE OF 229.87 FEET;
- 25) N85°17'30"W, A DISTANCE OF 86.91 FEET;
- 26) N27°42'40"E, A DISTANCE OF 36.37 FEET;
- 27) N30°16'07"E, A DISTANCE OF 143.36 FEET;
- 28) N21°48'40"E, A DISTANCE OF 251.73 FEET;
- 29) N15°10'48"E, A DISTANCE OF 313.68 FEET;
- 30) N14°06'56"E, A DISTANCE OF 341.08 FEET; THENCE DEPARTING SAID RAILROAD RIGHT-OF-WAY S54°58'20"E, A DISTANCE OF 29.79 FEET TO A POINT ON THE RIGHT-OF-WAY FOR SAID HIGHWAY 24; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING EIGHT (8) COURSES:

1) 264.70 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°50'18", A RADIUS OF 636.20 FEET, AND A CHORD WHICH BEARS S01°53'09"E, A DISTANCE OF 262.79 FEET;

2) S83°05'55"E, A DISTANCE OF 153.03 FEET TO A POINT OF CURVATURE;

3) 161.76 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 12°15'22", A RADIUS OF 756.20 FEET, AND A CHORD WHICH BEARS N03°54'18"E, A DISTANCE OF 161.45 FEET;

4) S55°44'00"E, A DISTANCE OF 103.56 FEET;

5) N57°43'00"E, A DISTANCE OF 210.50 FEET;

6) N27°35'00"E, A DISTANCE OF 278.60 FEET;

7) N00°52'00"E, A DISTANCE OF 276.80 FEET;

8) N37°45'00"E, A DISTANCE OF 426.81 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 44.500 ACRES, MORE OR LESS.

BATTLE MOUNTAIN ANNEXATION PARCEL No. 7 DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 11, AND 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE S20°44'31"E, A DISTANCE OF 7851.43 FEET TO A POINT ON THE INTERSECTION OF THE RIGHT-OF-WAY FOR THE DENVER AND RIO GRANDE WESTERN RAILROAD THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

1) 167.35 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 2°28'40", A RADIUS OF 3869.72 FEET, AND A CHORD WHICH BEARS S08°36'27"W, A DISTANCE OF 167.34 FEET TO A POINT OF CURVATURE;

2) 325.85 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 28°35'01", A RADIUS OF 653.16 FEET, AND A CHORD WHICH BEARS S06°55'23"E, A DISTANCE OF 322.48 FEET;

3) S21°12'53"E, 749.30 FEET TO A POINT OF CURVATURE:

4) 365.44 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 03°41'13", A RADIUS OF 5679.19 FEET, AND CHORD WHICH BEARS S19°22'17"E, A DISTANCE OF 365.38 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

1) N77°25'00"E, A DISTANCE OF 25.09 FEET;

2) S16°52'08"E, A DISTANCE OF 126.91 FEET;

3) S16°13'53"E, A DISTANCE OF 474.41 FEET;

4) S74°08'57"W, A DISTANCE OF 74.95 FEET TO CORNER No. 2 OF THE PERU LODGE (MD No. 5712); THENCE N11°30'03"W ALONG THE 1-2 LINE OF SAID PERU LODGE TO CORNER No. 1 A DISTANCE OF 304.32 FEET, ALSO BEING CORNER No. 5 OF THE ROSA M. LODGE (MS No. 5712); THENCE N12°25'00"W ALONG THE 5-6 LINE OF THE SAID ROSA M. LODGE, A DISTANCE OF 300.01 FEET; THENCE N77°25'00"E, A DISTANCE OF 3.45 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.724 ACRES OF LAND MORE OR LESS.

BATTLE MOUNTAIN ANNEXATION PARCEL No. 8 DESCRIPTION

BATTLE MOUNTAIN ANNEXATION PARCEL No. 8 CONSISTS OF THE FOLLOWING TWO (2) OWNERSHIP TRACTS:

A PARCEL OF LAND LOCATED IN SECTION 1, 11, 12 AND 13, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 8-A LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, S44°57'06"E, A DISTANCE OF 6468.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING SIX (6) COURSES:

- 1) S61°40'00"E, A DISTANCE OF 114.10 FEET;
- 2) S16°06'00"W, A DISTANCE OF 568.70 FEET;
- 3) S48°20'00"W, A DISTANCE OF 175.20 FEET;
- 4) S09°32'00"W, A DISTANCE OF 533.20 FEET;
- 5) S47°34'00"W, A DISTANCE OF 672.00 FEET;
- 6) S16°32'23"W, A DISTANCE OF 631.02 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING THIRTY-ONE (31) COURSES:

- 1) S42°45'37"E, A DISTANCE OF 206.60 FEET;
- 2) S10°14'37"E, A DISTANCE OF 389.38 FEET;
- 3) S47°16'47"E, A DISTANCE OF 351.19 FEET;
- 4) S13°19'47"E, A DISTANCE OF 237.58 FEET;
- 5) S47°16'13"W, A DISTANCE OF 354.68 FEET;
- 6) S16°22'41"W, A DISTANCE OF 394.99 FEET;
- 7) S06°58'30"E, A DISTANCE OF 606.53 FEET;
- 8) S22°17'14"E, A DISTANCE OF 841.76 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY FOR SAID HIGHWAY 24 S77°23'49"W A DISTANCE OF 98.09 FEET TO A POINT ALONG THE 3-4 LINE OF THE COOLIDGE LODE (MS No. 20293) AND THE 1-2 LINE OF THE CAVE LODE (MS No. 20293) TO CORNER No. 3 OF SAID COOLIDGE LODE ALSO BEING CORNER No. 2 OF SAID CAVE LODE; THENCE N23°43'06"W, A DISTANCE OF 822.11 FEET; THENCE N19°25'15"W, A DISTANCE OF 750.61 FEET; THENCE N25°53'37"E, A DISTANCE OF 519.56 FEET; THENCE N21°15'02"W, A DISTANCE OF 262.92 FEET; THENCE S58°57'42"W, A DISTANCE OF 598.46 FEET; THENCE N18°58'13"W, A DISTANCE OF 460.65 FEET; THENCE N27°22'51"E, A DISTANCE OF 575.57 FEET; THENCE N61°40'14"E, A DISTANCE OF 453.22 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 26.391 ACRES OF LAND MORE OR LESS.

TRACT 8-B LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, S44°57'06"E, A DISTANCE OF 6468.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING FOURTEEN (14) COURSES:

- 1) S61°40'00"E, A DISTANCE OF 114.10 FEET;
- 2) S16°06'00"W, A DISTANCE OF 568.70 FEET;

- 3) S48°20'00"W, A DISTANCE OF 175.20 FEET;
- 4) S09°32'00"W, A DISTANCE OF 533.20 FEET;
- 5) S47°34'00"W, A DISTANCE OF 672.00 FEET;
- 6) S16°32'23"W, A DISTANCE OF 631.02 FEET;
- 7) S42°45'37"E, A DISTANCE OF 206.60 FEET;
- 8) S10°14'37"E, A DISTANCE OF 389.38 FEET;
- 9) S47°16'47"E, A DISTANCE OF 351.19 FEET;
- 10) S13°19'47"E, A DISTANCE OF 237.58 FEET;
- 11) S47°16'13"W, A DISTANCE OF 354.68 FEET;
- 12) S16°22'41"W, A DISTANCE OF 394.99 FEET;
- 13) S06°58'30"E, A DISTANCE OF 606.53 FEET;
- 14) S22°17'14"E, A DISTANCE OF 841.76 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING TWENTY THREE (23) COURSES:

- 1) S22°17'14"E, A DISTANCE OF 259.35 FEET;
- 2) S46°50'14"E, A DISTANCE OF 295.81 FEET;
- 3) S12°34'14"E, A DISTANCE OF 369.84 FEET;
- 4) S08°48'49"W, A DISTANCE OF 423.80 FEET;
- 5) S12°11'11"E, A DISTANCE OF 306.78 FEET;
- 6) S64°21'38"E, A DISTANCE OF 315.84 FEET;
- 7) N75°27'54"E, A DISTANCE OF 291.12 FEET;
- 8) N48°58'55"E, A DISTANCE OF 374.05 FEET;
- 9) N61°48'55"E, A DISTANCE OF 853.98 FEET;
- 10) S63°58'05"E, A DISTANCE OF 292.11 FEET;
- 11) S18°06'55"W, A DISTANCE OF 625.08 FEET;
- 12) S03°39'05"E, A DISTANCE OF 526.41 FEET;
- 13) S20°13'40"W, A DISTANCE OF 384.58 FEET;
- 14) S21°49'40"W, A DISTANCE OF 405.57 FEET;
- 15) S18°14'35"W, A DISTANCE OF 106.71 FEET TO A POINT OF CURVATURE;
- 16) 106.76 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 06°05'24", A RADIUS OF 1004.43 FEET, AND A CHORD WHICH BEARS S18°14'35"W, A DISTANCE OF 106.71 FEET TO A POINT OF A COMPOUND CURVE;
- 17) 321.63 FEET ALONG THE ARC OF SAID NON-TANGENT COMPOUND CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 18°20'49", A RADIUS OF 1004.43 FEET, AND A CHORD WHICH BEARS S02°28'12"W, A DISTANCE OF 320.26 FEET;
- 18) S05°29'20"E, A DISTANCE OF 354.30 FEET;
- 19) S44°24'20"E, A DISTANCE OF 487.82 FEET;
- 20) S77°48'10"E, A DISTANCE OF 504.78 FEET;
- 21) S50°36'52"E, A DISTANCE OF 207.86 FEET;

22) S15°28'19"W, A DISTANCE OF 522.91 FEET;

23) S03°1'21"W, A DISTANCE OF 77.19 FEET TO THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE SOUTH LINE OF THE MAMIE LODGE (MS No. 781); THENCE DEPARTING SAID POINT N89°59'46"W, A DISTANCE OF 235.36 FEET; THENCE N29°19'42"E, A DISTANCE OF 292.78 FEET; THENCE N04°25'19"E, A DISTANCE OF 426.96 FEET; THENCE N79°00'28"W, A DISTANCE OF 794.51 FEET; THENCE N04°14'46"W, A DISTANCE OF 361.07 FEET; THENCE S67°19'25"W, A DISTANCE OF 625.51 FEET; THENCE S81°36'54"W, A DISTANCE OF 568.62 FEET; THENCE S69°36'59"W, A DISTANCE OF 701.04 FEET; THENCE N20°18'48"W, A DISTANCE OF 200.21 FEET; THENCE N00°13'11"E, A DISTANCE OF 306.77 FEET; THENCE N47°03'56"E, A DISTANCE OF 1042.50 FEET; THENCE N42°10'02"E, A DISTANCE OF 887.51 FEET; THENCE N35°25'23"W, A DISTANCE OF 673.89 FEET; THENCE S54°06'55"W, A DISTANCE OF 973.81 FEET; THENCE N08°45'24"W, A DISTANCE OF 393.18 FEET; THENCE N14°15'34"E, A DISTANCE OF 1012.63 FEET; THENCE N28°35'48"W, A DISTANCE OF 240.85 FEET; THENCE N02°57'34"W, A DISTANCE OF 239.46 FEET TO CORNER No. 2 OF THE COOLIDGE LODGE (MS No. 20293); THENCE ALONG THE 2-3 LINE OF THE SAID COOLIDGE LODGE N45°28'28"W, A DISTANCE OF 713.90 FEET TO CORNER No. 3 OF SAID COOLIDGE LODGE ALSO BEING CORNER No. 2 OF THE CAVE LODGE (MS No. 20293); THENCE ALONG THE 3-4 LINE OF SAID COOLIDGE LODGE ALSO BEING THE 1-2 LINE OF SAID CAVE LODGE N77°23'47"E, A DISTANCE OF 256.81 FEET TO A POINT ALONG THE 3-4 LINE OF THE COOLIDGE LODGE (MS No. 20293) AND THE 1-2 LINE OF THE CAVE LODGE (MS No. 20293) TO CORNER No. 3 OF SAID COOLIDGE LODGE ALSO BEING CORNER No. 2 OF SAID CAVE LODGE; THENCE DEPARTING SAID POINT S77°23'49"W A DISTANCE OF 98.09 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 99.166 ACRES OF LAND MORE OR LESS.

TOTAL COMBINED NET ACREAGE FOR PARCEL No. 8 CONTAINS 125.557 ACRES OF LAND.

#### BATTLE MOUNTAIN ANNEXATION PARCEL No. 9 DESCRIPTION

BATTLE MOUNTAIN ANNEXATION PARCEL No. 9 CONSISTS OF THE FOLLOWING TWO (2) OWNERSHIP TRACTS:

#### TRACT 9-A LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 1, 12, 13 AND 24, TOWNSHIP 6 SOUTH, RANGE 81 WEST; AND SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21 AND 29, TOWNSHIP 6 SOUTH, RANGE 80 WEST, ALL IN THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36; THENCE S63°38'38"E, A DISTANCE OF 2534.07 FEET TO CORNER No. 2 AT THE TOPAZ LODGE (MS No. 20461), A 1 1/2 INCH ALUMINUM CAP, LS No. 24325, FOUND IN PLACE, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE 2-3 LINE OF SAID TOPAZ LODGE S53°54'23"E, A DISTANCE OF 1499.98 FEET TO CORNER No. 3, A STONE MONUMENT FOUND IN PLACE, ALSO BEING A POINT ON THE 1-2 LINE OF THE QUAKER LODGE (MS No. 20461); THENCE ALONG SAID 1-2 LINE N59°25'24"E, A DISTANCE OF 455.97 FEET TO CORNER No. 2 OF SAID QUAKER LODGE, A STONE MONUMENT FOUND IN PLACE; THENCE S44°59'52"E, A DISTANCE OF 1860.88 FEET ALONG THE EASTERLY LINE OF SAID QUAKER LODGE, THE OXIDE LODGE (MS No. 20641) AND THE LIME LODGE (MS No. 20641) TO CORNER No. 2 OF SAID LIME LODGE, A 1 1/2 INCH ALUMINUM CAP, LS #24325, FOUND IN PLACE, ALSO BEING A POINT ON THE 1-2 LINE OF THE JEROME LODGE (MS No. 20461); THENCE N59°06'09"E, A DISTANCE OF 403.30 FEET TO CORNER No. 2 OF SAID JEROME LODGE, A STONE MONUMENT FOUND IN PLACE; THENCE ALONG THE EASTERLY LINE OF SAID JEROME LODGE, THE HANOVER LODGE (MS No. 20461), THE FRANKLIN LODGE (MS No. 20461), THE DE PUE LODGE (MS No. 20461) AND THE BLENDE LODGE (MS No. 20461) S45°07'20"E, A DISTANCE OF 3098.66 FEET TO CORNER No. 3 OF SAID BLENDE LODGE, A 1 1/2 INCH ALUMINUM CAP, LS #24325, FOUND IN PLACE, ALSO BEING A POINT ON THE 2-3 LINE OF THE COLORADO LODGE (MS No. 20355); THENCE ALONG SAID 2-3 LINE N59°25'36"E, A DISTANCE OF 139.32 FEET TO CORNER No. 3 OF SAID COLORADO LODGE, A STONE MONUMENT FOUND IN PLACE; THENCE S45°08'40"E, A DISTANCE OF 127.73 FEET TO A POINT ON THE WEST LINE OF TRACT 37, FROM WHICH ANGLE POINT No. 3 OF SAID TRACT 37, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, BEARS S00°02'47"E, A DISTANCE OF 144.88 FEET; THENCE ALONG SAID WEST LINE N00°02'47"W, A DISTANCE OF 1191.77 FEET TO ANGLE POINT No. 2 OF SAID TRACT 37, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE; THENCE ALONG THE NORTH LINE OF SAID TRACT 37, S89°56'44"E, A DISTANCE OF 2629.96 FEET TO ANGLE POINT No. 1 OF SAID TRACT 37, A 2 1/2 INCH BRASS G.L.O. MONUMENT, FOUND IN PLACE; THENCE ALONG THE EAST LINE OF SAID TRACT 37 S00°10'09"E, A DISTANCE OF 1321.68 FEET TO ANGLE POINT No. 4

OF SAID TRACT 37, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE; THENCE ALONG THE SOUTH LINE OF SAID TRACT 37 N89°50'57"W, A DISTANCE OF 648.90 FEET TO A POINT ON THE 3-4 LINE OF THE LONG BOY No. 4 LODGE (MS No. 20705); THENCE ALONG SAID 3-4 LINE S53°57'39"E 603.06 FEET TO CORNER No. 4 OF SAID LONG BOY No. 4 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE, ALSO BEING A POINT ON THE 3-4 LINE OF THE LONG BOY No. 10 LODGE (MS No. 20705); THENCE ALONG SAID 3-4 LINE AND THE 3-4 LINE OF THE LONG BOY No. 11 LODGE (MS No. 20705) N59°21'03"E, A DISTANCE OF 1146.41 FEET TO CORNER No. 3 OF SAID LONG BOY No. 11 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE; THENCE S30°38'37"E, A DISTANCE OF 1500.54 FEET TO CORNER No. 2 OF SAID LONG BOY No. 11 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE; THENCE S59°22'29"W, A DISTANCE OF 600.36 FEET TO CORNER No. 1 OF SAID LONG BOY No. 11 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE, ALSO BEING CORNER No. 1 OF THE FORESIGHT No. 9 LODGE (MS No. 20705); THENCE S30°45'22"E, A DISTANCE OF 1509.39 FEET TO CORNER No. 4 OF SAID FORESIGHT No. 9 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE, ALSO BEING A POINT ON THE 1-2 LINE OF THE FORESIGHT No. 8 LODGE (MS No. 20705); THENCE N58°01'34"E, A DISTANCE OF 277.76 FEET ALONG SAID 1-2 LINE TO CORNER No. 1 OF SAID FORESIGHT No. 8 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE; THENCE S30°34'48"E, A DISTANCE OF 1172.96 FEET ALONG THE 1-4 LINE OF SAID FORESIGHT No. 8 LODGE TO A POINT ON THE WEST LINE OF TRACT 38, FROM WHICH ANGLE POINT No. 3, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE BEARS S00°02'13"E, A DISTANCE OF 1765.71 FEET; THENCE ALONG SAID WEST LINE OF TRACT 38 N00°02'13"W, A DISTANCE OF 869.50 FEET TO ANGLE POINT No. 2, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE; THENCE N89°46'58"E, A DISTANCE OF 1319.01 FEET TO ANGLE POINT No. 1 OF SAID TRACT 38, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE; THENCE S00°05'00"E, A DISTANCE OF 1446.69 FEET ALONG THE EAST LINE OF SAID TRACT 38 TO A POINT ON THE 2-3 LINE OF THE FORESIGHT No. 4 LODGE (MS No. 20747), FROM WHICH ANGLE POINT No. 4 OF SAID TRACT 38 BEARS S00°05'00"E, A DISTANCE OF 1193.84 FEET; THENCE ALONG SAID 2-3 LINE S89°52'48"E, A DISTANCE OF 485.90 FEET TO CORNER No. 2 OF SAID FORESIGHT No. 4 LODGE, A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE; THENCE ALONG THE 1-2 LINE OF SAID FORESIGHT No. 4 LODGE S00°12'31"W, A DISTANCE OF 330.30 FEET TO CORNER No. 1 OF THE FORESIGHT No. 16 LODGE (MS No. 20747), A 4 1/2 INCH ALUMINUM CAP FOUND IN PLACE; THENCE S00°12'31"W, A DISTANCE OF 6802.59 FEET; THENCE N89°43'20"W, A DISTANCE OF 2900.08 FEET; THENCE S00°14'38"E, A DISTANCE OF 2315.26 FEET; THENCE S56°07'00"W, A DISTANCE OF 450.29 FEET; THENCE N10°48'47"W, A DISTANCE OF 1490.53 FEET; THENCE S79°11'13"W, A DISTANCE OF 149.11 FEET; THENCE S63°58'49"W, A DISTANCE OF 64.05 FEET; THENCE N08°55'47"W, A DISTANCE OF 40.30 FEET; THENCE S49°10'13"W, A DISTANCE OF 184.08 FEET; THENCE S07°49'47"E, A DISTANCE OF 69.57 FEET; THENCE S62°15'43"W, A DISTANCE OF 161.07 FEET; THENCE N08°03'47"W, A DISTANCE OF 150.22 FEET; THENCE S81°06'18"W, A DISTANCE OF 136.51 FEET; THENCE S06°49'41"E, A DISTANCE OF 1111.96 FEET TO A POINT ON THE 1-4 LINE OF THE UTE No. 7 LODGE (MS No. 20763); THENCE ALONG SAID 1-4 LINE N29°02'56"W, A DISTANCE OF 732.01 FEET TO A POINT ON THE 2-3 LINE OF THE METALIC LODGE (MS No. 20763); THENCE ALONG SAID 2-3 LINE N74°05'33"W, A DISTANCE OF 92.93 FEET TO A POINT ON THE 1-2 LINE OF THE OVEE LODGE (MS No. 4129); THENCE ALONG SAID 1-2 LINE S04°56'46"E 1249.39 FEET TO CORNER No. 1 OF SAID OVEE LODGE; THENCE ALONG THE 1-4 LINE OF SAID OVEE LODGE S85°03'14"W, A DISTANCE OF 98.77 FEET TO CORNER No. 4 OF SAID OVEE LODGE, A 1 1/2 INCH ALUMINUM CAP, LS No. 11204, FOUND IN PLACE, ALSO BEING A POINT ON THE 2-3 LINE OF THE SILURIAN LODGE (MS No. 14400); THENCE ALONG SAID 2-3 LINE S03°21'20"E, A DISTANCE OF 199.00 FEET TO CORNER No. 2 OF SAID SILURIAN LODGE; THENCE ALONG THE 1-2 LINE OF SAID SILURIAN LODGE S75°35'00"W, A DISTANCE OF 103.60 FEET TO CORNER No. 1 OF SAID SILURIAN LODGE ALSO BEING A POINT ON THE 3-4 LINE OF THE MOUNTAIN EAGLE LODGE (MS No. 14401); THENCE ALONG SAID 3-4 LINE S04°54'52"E, A DISTANCE OF 53.93 FEET TO CORNER No. 4 OF SAID MOUNTAIN EAGLE LODGE; THENCE ALONG THE 1-4 LINE OF SAID MOUNTAIN EAGLE LODGE S74°57'39"W, A DISTANCE OF 41.06 FEET TO ANGLE POINT No. 1 OF THE RED CLIFF TOWN BOUNDARY, A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE; THENCE CONTINUING ALONG SAID 1-4 LINE S74°57'39"W, A DISTANCE OF 95.95 FEET TO CORNER No. 1 OF SAID MOUNTAIN EAGLE LODGE; THENCE ALONG THE 1-2 LINE OF THE SAID MOUNTAIN EAGLE LODGE N05°00'00"W 1376.71 FEET TO A POINT ON THE 1-4 LINE OF THE PORTAL LODGE (MS No. 20763); THENCE ALONG SAID 1-4 LINE S47°20'15"W, A DISTANCE OF 189.26 FEET TO A POINT ON THE 2-3 LINE OF THE CARIBOE LODGE (MS No. 6509); THENCE DEPARTING SAID LINE 2-3 OF THE CARIBOE LODGE THE FOLLOWING THREE (3) COURSES:

- 1) N89°43'20"W, A DISTANCE OF 1990.32 FEET;
- 2) S00°15'04"E, A DISTANCE OF 783.95 FEET;
- 3) N89°43'20"W, A DISTANCE OF 1522.70 FEET TO A POINT ON THE 1-4 LINE OF THE IRON WILL LODGE (MS No. 3686); THENCE ALONG SAID 1-4 LINE AND THE 1-2 LINE OF THE BUENA VISTA LODGE (MS No. 1569) N38°32'00"W, A DISTANCE OF 272.50 FEET TO A POINT ON THE 2-3 LINE OF THE UTE No. 5 LODGE (MS No. 20763); THENCE ALONG SAID 2-3 LINE S51°33'07"W, A DISTANCE OF 52.30 FEET TO CORNER No. 3 OF SAID UTE No. 5 LODGE; THENCE ALONG THE 3-4 LINE OF SAID UTE No. 5 LODGE N03°56'23"W, A DISTANCE OF 133.00 FEET TO A POINT ON THE 1-2 LINE OF THE ASPEN

LODE (MS No. 698); THENCE ALONG SAID 1-2 LINE OF SAID ASPEN LODE AND THE 1-2 LINE OF THE SILVER LODE (MS No. 2958) N38°35'00"W, A DISTANCE OF 224.32 FEET TO CORNER No. 1 OF SAID SILVER LODE; THENCE ALONG THE 1-4 LINE OF SAID SILVER LODE TO CORNER No. 1 OF THE MOUNTAIN CHIEF LODE (MS No. 3675) N51°25'00"E, A DISTANCE OF 119.68 FEET; THENCE ALONG THE 1-4 LINE OF SAID MOUNTAIN CHIEF LODE N38°35'00"W, A DISTANCE OF 93.04 FEET TO A POINT ON THE 2-3 LINE OF THE ANNIE MURPHY LODE (MS No. 7821); THENCE ALONG SAID 2-3 LINE S34°58'37"W, A DISTANCE OF 166.62 FEET TO A POINT ON A THE EASTERLY RIGHT-OF-WAY OF HIGHWAY 24; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIFTEEN (15) COURSES:

- 1) N28°05'00"W, A DISTANCE OF 121.67 FEET;
- 2) N47°30'00"W, A DISTANCE OF 462.90 FEET;
- 3) N19°48'00"W, A DISTANCE OF 581.90 FEET;
- 4) N03°40'00"W, A DISTANCE OF 333.00 FEET;
- 5) N07°41'00"W, A DISTANCE OF 232.60 FEET;
- 6) N49°19'00"W, A DISTANCE OF 291.60 FEET;
- 7) N83°54'00"W, A DISTANCE OF 454.00 FEET;
- 8) N55°57'43"W, A DISTANCE OF 146.85 FEET;
- 9) N37°42'56"W, A DISTANCE OF 213.60 FEET;
- 10) N10°40'49"W, A DISTANCE OF 136.59 FEET;
- 11) N09°21'27"E, A DISTANCE OF 480.63 FEET;
- 12) N11°11'11"W, A DISTANCE OF 278.62 FEET;
- 13) N50°18'11"W, A DISTANCE OF 436.10 FEET;
- 14) N17°26'22"E, A DISTANCE OF 497.17 FEET;
- 15) N08°33'40"E, A DISTANCE OF 396.11 FEET TO A POINT No. THE 3-4 LINE OF THE BERTHA LODE (MS No. 603); THENCE ALONG SAID 3-4 LINE N80°30'00"E, A DISTANCE OF 736.01 FEET TO A POINT ON THE 1-4 LINE OF THE IOLA No. 2 LODE (MS No. 19933); THENCE ALONG SAID 1-4 LINE N10°03'30"W, A DISTANCE OF 193.53 FEET; THENCE DEPARTING SAID 1-4 LINE S80°30'00"W, A DISTANCE OF 671.02 FEET THROUGH A PORTION OF THE CORA LODE (MS No. 780) TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY No. 24; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THIRTY-NINE (39) COURSES:
  - 1) N08°33'40"E, A DISTANCE OF 578.22 FEET;
  - 2) N20°41'20"W, A DISTANCE OF 363.17 FEET;
  - 3) N70°19'07"W, A DISTANCE OF 691.51 FEET;
  - 4) N41°02'07"W, A DISTANCE OF 419.40 FEET;
  - 5) N02°07'07"W, A DISTANCE OF 355.11 FEET;
  - 6) N22°43'19"E, A DISTANCE OF 1002.98 FEET;
  - 7) N05°39'56"E, A DISTANCE OF 1357.95 FEET;
  - 8) N69°04'20"W, A DISTANCE OF 318.29 FEET;
  - 9) S63°41'26"W, A DISTANCE OF 707.60 FEET;
  - 10) S71°31'26"W, A DISTANCE OF 392.25 FEET;
  - 11) S59°57'26"W, A DISTANCE OF 458.94 FEET;
  - 12) N50°36'34"W, A DISTANCE OF 174.78 FEET;
  - 13) N07°13'26"E, A DISTANCE OF 277.86 FEET;
  - 14) N08°28'34"W, A DISTANCE OF 578.02 FEET;

- 15) N46°17'34"W, A DISTANCE OF 455.74 FEET;
- 16) N04°25'26"E, A DISTANCE OF 274.36 FEET;
- 17) N15°53'34"W, A DISTANCE OF 140.88 FEET;
- 18) N43°37'34"W, A DISTANCE OF 187.17 FEET;
- 19) N27°17'34"W, A DISTANCE OF 291.16 FEET;
- 20) N10°28'34"W, A DISTANCE OF 657.71 FEET;
- 21) N19°45'26"E, A DISTANCE OF 311.86 FEET;
- 22) N46°06'00"E, A DISTANCE OF 361.20 FEET;
- 23) N04°28'00"E, A DISTANCE OF 295.90 FEET;
- 24) N40°26'00"W, A DISTANCE OF 635.90 FEET;
- 25) N00°47'00"W, A DISTANCE OF 586.60 FEET;
- 26) N46°40'00"E, A DISTANCE OF 610.60 FEET;
- 27) N08°09'00"E, A DISTANCE OF 434.30 FEET;
- 28) N26°14'00"E, A DISTANCE OF 678.10 FEET;
- 29) N18°56'00"E, A DISTANCE OF 397.60 FEET;
- 30) N04°24'00"E, A DISTANCE OF 582.46 FEET;
- 31) N24°42'00"E, A DISTANCE OF 282.70 FEET;
- 32) N30°21'00"W, A DISTANCE OF 179.10 FEET;
- 33) N59°06'00"W, A DISTANCE OF 202.50 FEET;
- 34) N88°47'00"W, A DISTANCE OF 261.00 FEET;
- 35) S20°56'00"W, A DISTANCE OF 286.70 FEET;
- 36) S21°45'00"E, A DISTANCE OF 383.10 FEET;
- 37) S36°30'00"W, A DISTANCE OF 913.50 FEET;
- 38) S54°28'00"W, A DISTANCE OF 258.32 FEET;

39) N25°22'00"W, A DISTANCE OF 83.85 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

- 1) N14°33'51"E, A DISTANCE OF 729.22 FEET;
- 2) S06°02'22"E, A DISTANCE OF 162.45 FEET;
- 3) N14°47'55"E, A DISTANCE OF 1324.74 FEET TO A POINT OF CURVATURE;
- 4) 184.82 FEET ALONG THE ARC OF SAID CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 06°47'03", A RADIUS OF 1560.93 FEET, AND A CHORD WHICH BEARS N11°24'24"E, A DISTANCE OF 184.71 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY N59°22'34"E, A DISTANCE OF 150.42 TO CORNER No. 3 OF THE RUBY LODE (MS No. 20461); THENCE ALONG THE 2-3 LINE OF SAID RUBY LODE N53°54'26"W, A DISTANCE OF 142.60 FEET TO SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:
  - 1) 595.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 21°50'32", A RADIUS OF 1560.93 FEET, AND A CHORD WHICH BEARS N08°49'42"W, A DISTANCE OF 591.46 FEET;

2) N19°44'57" W, A DISTANCE OF 710.56 FEET TO THE 1-2 LINE OF THE SAPPHIRE LODE (MS No. 20461); THENCE DEPARTING SAID RIGHT-OF-WAY N59°20'47" E, A DISTANCE OF 415.86 FEET TO CORNER No. 2 OF SAID SAPPHIRE LODE A STONE MONUMENT FOUND IN PLACE, ALSO BEING CORNER No. 1 OF SAID TOPAZ LODE; THENCE N59°23'07" E, A DISTANCE OF 653.75 FEET TO SAID CORNER No. 2 OF SAID TOPAZ LODE AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 3714.634 GROSS ACRES OF LAND MORE OR LESS.

LESS AND EXCEPT ALL OF THE FOLLOWING DESCRIBED PARCELS:

U.S. FOREST SERVICE PARCEL 1 DESCRIPTION:

A PARCEL OF LAND LOCATED IN SAID SECTION 12, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE AN ANGLE POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY No. 24 BEARS N81°24'01" W, A DISTANCE OF 414.57 FEET AND THE SAID SOUTH QUARTER CORNER OF SECTION 36 BEARS N13°07'03" W, A DISTANCE OF 7435.09 FEET; THENCE S45°13'00" E, A DISTANCE OF 71.00 FEET; THENCE S56°45'00" W, A DISTANCE OF 34.67 FEET; THENCE N17°13'30" W, A DISTANCE OF 72.26 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.028 ACRES OF LAND MORE OR LESS.

U.S. FOREST SERVICE PARCEL 2 DESCRIPTION:

A PARCEL OF LAND LOCATED IN SAID SECTION 6, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE CORNER 3, OF SAID TRACT 37 BEARS N89°50'57" W, A DISTANCE OF 126.38 FEET; THENCE S89°50'57" E, A DISTANCE OF 247.44 FEET; THENCE S59°22'48" W, A DISTANCE OF 179.81 FEET; THENCE N45°08'40" W, A DISTANCE OF 130.77 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.261 ACRES OF LAND MORE OR LESS.

U.S. FOREST SERVICE PARCEL 3 DESCRIPTION:

A PARCEL OF LAND LOCATED IN SAID SECTION 18, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE CORNER 3, OF SAID TRACT 38 BEARS N64°03'15" E, A DISTANCE OF 4206.15 FEET; THENCE S30°46'00" E, A DISTANCE OF 42.36 FEET; THENCE S59°14'00" W, A DISTANCE OF 15.50 FEET; THENCE N10°40'00" W, A DISTANCE OF 45.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.008 ACRES OF LAND MORE OR LESS.

U.S. FOREST SERVICE PARCEL 4 DESCRIPTION:

A PARCEL OF LAND LOCATED IN SAID SECTION 17, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS

DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE CORNER 3, OF SAID TRACT 38 BEARS N01°46'33" W, A DISTANCE OF 5083.39 FEET; THENCE N90°00'00" E, A DISTANCE OF 129.62 FEET; THENCE S69°00'00" W, A DISTANCE OF 130.90 FEET; THENCE N08°59'00" W, A DISTANCE OF 47.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.070 ACRES OF LAND MORE OR LESS.

U.S. FOREST SERVICE PARCEL 5 DESCRIPTION:

A PARCEL OF LAND LOCATED IN SAID SECTION 17, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE COMMON ANGLE POINT ON THE 1-4 LINE OF THE IRON WILL LODE (MS No. 3686) AND THE 2-3 LINE OF THE CONTEST LODE (MS No. 17399) BEARS S74°27'25" W, A DISTANCE OF 272.39 FEET; THENCE N76°00'00" E, A DISTANCE OF 105.19 FEET; THENCE S15°32'00" E, A DISTANCE OF 37.13 FEET; THENCE N84°44'00" W, A DISTANCE OF 112.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.045 ACRES OF LAND MORE OR LESS

MATCHLESS AND POCAHONTAS EXCLUSION

A PARCEL OF LAND LOCATED IN SAID SECTION 19, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30" E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BETWEEN THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER OF SAID SECTION 36, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE SAID SOUTH QUARTER CORNER OF SAID SECTION 36 BEARS N20°23'11" W A DISTANCE OF 15813.29 FEET; THENCE S03°48'06" E A DISTANCE OF - 3629.45 FEET TO THE NORTHWESTERLY CORNER OF THE MATCHLESS LODE (MS NO. 3664), SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID MATHCLESS LOAD (MS NO. 3664) N55°08'00" E A DISTANCE OF 1500.40 FEET TO THE NORTHEAST CORNER OF SAID MATHCLESS LOAD (MS NO. 3664); THENCE ALONG THE NORTHEASTERLY LINE OF SAID MATHCLESS LOAD (MS NO. 3664) S36°00'00" E A DISTANCE OF 300.00 FEET TO A POINT ALONG THE NORTHERLY LINE OF THE POCAHONTAS LODE (MS NO. 3520); THENCE ALONG THE NORTH LINE OF SAID POCAHONTAS LODE (MS NO. 3520) THE FOLLOWING TWO (2) COURSES:

1) N55°08'00" E A DISTANCE OF 256.79 FEET;

2) THENCE N75°00'00" E A DISTANCE OF 418.60 FEET TO THE SOUTHEAST CORNER OF SAID POCAHONTAS LODE (MS NO. 3520); THENCE ALONG THE NORTH LINE OF SAID POCAHONTAS LODE (MS NO. 3520) THE FOLLOWING TWO (2) COURSES:

1) S55°08'00" W A DISTANCE OF 1500.00 FEET;

2) S75°00'00" W A DISTANCE OF 418.60 FEET TO A POINT ALONG THE SOUTH LINE OF SAID MATHCLESS LOAD (MS NO. 3664); THENCE ALONG SAID SOUTH LINE OF SAID MATHCLESS LOAD (MS NO. 3664) S55°08'00" W A DISTANCE OF 257.19 FEET TO THE SOUTHWEST CORNER OF SAID MATHCLESS LOAD (MS NO. 3664); THENCE ALONG THE WEST LINE OF SAID MATHCLESS

LOAD (MS NO. 3664) N36°00'00"W A DISTANCE OF 300.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15.230 ACRES OF LAND MORE OR LESS

TRACT 9-B DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 1, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36; THENCE S33°31'22"E, A DISTANCE OF 2127.71 FEET TO A POINT ON THE 1-2 LINE OF THE SAPPHIRE LODGE (MS No. 20461) ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY FOR THE DENVER AND RIO GRANDE WESTERN RAILROAD AND BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY S19°44'57"E, A DISTANCE OF 672.03 FEET TO A POINT OF CURVATURE; THENCE 378.81 FEET ALONG THE ARC OF SAID CURVE TURNING TO THE RIGHT HAVING A CENTRAL ANGLE OF 15°56'53", A RADIUS OF 1360.93 FEET, AND A CHORD WHICH BEARS S11°46'30"E, A DISTANCE OF 377.59 FEET THAT BEARS S11°46'31"E TO A POINT ON THE 2-3 LINE OF THE RUBY LODGE (MS No. 20461); THENCE ALONG SAID 2-3 LINE N53°54'26"W, A DISTANCE OF 225.87 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY FOR HIGHWAY 24 TO A POINT OF CURVATURE; THENCE 520.95 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 29°59'54", A RADIUS OF 995.00 FEET, AND A CHORD WHICH BEARS N09°31'11"W, A DISTANCE OF 515.02 FEET; THENCE N24°31'00"W, A DISTANCE OF 331.22 FEET TO A POINT ON THE 1-2 LINE OF THE RUBY LODGE (MS No. 20461); THENCE ALONG SAID 1-2 LINE OF THE RUBY LODGE AND THE 1-2 LINE OF SAID SAPPHIRE LODGE N59°22'04"E, A DISTANCE OF 117.38 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.431 GROSS ACRES OF LAND MORE OR LESS.

TOTAL COMBINED NET ACREAGE FOR PARCEL No. 9 CONTAINS 3701.423 ACRES OF LAND.

TRACT 8-A LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 1, 11, 12 AND 13, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, S44°57'06"E, A DISTANCE OF 6468.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING SIX (6) COURSES:

- 1) S61°40'00"E, A DISTANCE OF 114.10 FEET;
- 2) S16°06'00"W, A DISTANCE OF 568.70 FEET;
- 3) S48°20'00"W, A DISTANCE OF 175.20 FEET;
- 4) S09°32'00"W, A DISTANCE OF 533.20 FEET;
- 5) S47°34'00"W, A DISTANCE OF 672.00 FEET;
- 6) S16°32'23"W, A DISTANCE OF 631.02 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING THIRTY-ONE (31) COURSES:

- 1) S42°45'37"E, A DISTANCE OF 206.60 FEET;
- 2) S10°14'37"E, A DISTANCE OF 389.38 FEET;
- 3) S47°16'47"E, A DISTANCE OF 351.19 FEET;

- 4) S13°19'47"E, A DISTANCE OF 237.58 FEET;
- 5) S47°16'13"W, A DISTANCE OF 354.68 FEET;
- 6) S16°22'41"W, A DISTANCE OF 394.99 FEET;
- 7) S06°58'30"E, A DISTANCE OF 606.53 FEET;

8) S22°17'14"E, A DISTANCE OF 841.76 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY FOR SAID HIGHWAY 24 S77°23'49"W A DISTANCE OF 98.09 FEET TO A POINT ALONG THE 3-4 LINE OF THE COOLIDGE LODGE (MS No. 20293) AND THE 1-2 LINE OF THE CAVE LODGE (MS No. 20293) TO CORNER No. 3 OF SAID COOLIDGE LODGE ALSO BEING CORNER No. 2 OF SAID CAVE LODGE; THENCE N23°43'06"W, A DISTANCE OF 822.11 FEET; THENCE N19°25'15"W, A DISTANCE OF 750.61 FEET; THENCE N25°53'37"E, A DISTANCE OF 519.56 FEET; THENCE N21°15'02"W, A DISTANCE OF 262.92 FEET; THENCE S58°57'42"W, A DISTANCE OF 598.46 FEET; THENCE N18°58'13"W, A DISTANCE OF 460.65 FEET; THENCE N27°22'51"E, A DISTANCE OF 575.57 FEET; THENCE N61°40'14"E, A DISTANCE OF 453.22 FEET TO THE TRUE POINT OF BEGINNING;

SAID TRACT CONTAINING 26.391 ACRES OF LAND MORE OR LESS

TRACT 8-B LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 1, 11, 12 AND 13, TOWNSHIP 6 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WITH THE BEARINGS DESCRIBED HEREIN, BASED ON A BEARING OF N89°58'30"E AND A DISTANCE OF 2694.32 FEET FOR THE SOUTH LINE OF SAID SECTION 36 BETWEEN THE SOUTHWEST SECTION CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE AND THE SOUTH QUARTER CORNER, BEING A 2 1/2 INCH BRASS G.L.O. MONUMENT FOUND IN PLACE, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 36, S44°57'06"E, A DISTANCE OF 6468.47 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING FOURTEEN (14) COURSES:

- 1) S61°40'00"E, A DISTANCE OF 114.10 FEET;
- 2) S16°06'00"W, A DISTANCE OF 568.70 FEET;
- 3) S48°20'00"W, A DISTANCE OF 175.20 FEET;
- 4) S09°32'00"W, A DISTANCE OF 533.20 FEET;
- 5) S47°34'00"W, A DISTANCE OF 672.00 FEET;
- 6) S16°32'23"W, A DISTANCE OF 631.02 FEET;
- 7) S42°45'37"E, A DISTANCE OF 206.60 FEET;
- 8) S10°14'37"E, A DISTANCE OF 389.38 FEET;
- 9) S47°16'47"E, A DISTANCE OF 351.19 FEET;
- 10) S13°19'47"E, A DISTANCE OF 237.58 FEET;
- 11) S47°16'13"W, A DISTANCE OF 354.68 FEET;
- 12) S16°22'41"W, A DISTANCE OF 394.99 FEET;
- 13) S06°58'30"E, A DISTANCE OF 606.53 FEET;

14) S22°17'14"E, A DISTANCE OF 841.76 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY FOR HIGHWAY 24 THE FOLLOWING TWENTY THREE (23) COURSES:

- 1) S22°17'14"E, A DISTANCE OF 259.35 FEET;
- 2) S46°50'14"E, A DISTANCE OF 295.81 FEET;

- 3) S12°34'14"E, A DISTANCE OF 369.84 FEET;
- 4) S08°48'49"W, A DISTANCE OF 423.80 FEET;
- 5) S12°11'11"E, A DISTANCE OF 306.78 FEET;
- 6) S64°21'38"E, A DISTANCE OF 315.84 FEET;
- 7) N75°27'54"E, A DISTANCE OF 291.12 FEET;
- 8) N48°58'55"E, A DISTANCE OF 374.05 FEET;
- 9) N61°48'55"E, A DISTANCE OF 853.98 FEET;
- 10) S63°58'05"E, A DISTANCE OF 292.11 FEET;
- 11) S18°06'55"W, A DISTANCE OF 625.08 FEET;
- 12) S03°39'05"E, A DISTANCE OF 526.41 FEET;
- 13) S20°13'40"W, A DISTANCE OF 384.58 FEET;
- 14) S21°49'40"W, A DISTANCE OF 405.57 FEET;
- 15) S18°14'35"W, A DISTANCE OF 106.71 FEET TO A POINT OF CURVATURE;
- 16) 106.76 FEET ALONG THE ARC OF A NON-TANGENT CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 06°05'24", A RADIUS OF 1004.43 FEET, AND A CHORD WHICH BEARS S18°14'35"W, A DISTANCE OF 106.71 FEET TO A POINT OF A COMPOUND CURVE:
- 17) 321.63 FEET ALONG THE ARC OF SAID NON-TANGENT COMPOUND CURVE TURNING TO THE LEFT HAVING A CENTRAL ANGLE OF 18°20'49", A RADIUS OF 1004.43 FEET, AND A CHORD WHICH BEARS S02°28'12"W, A DISTANCE OF 320.26 FEET;

- 18) S05°29'20"E, A DISTANCE OF 354.30 FEET;
- 19) S44°24'20"E, A DISTANCE OF 487.82 FEET;
- 20) S77°48'10"E, A DISTANCE OF 504.78 FEET;
- 21) S50°36'52"E, A DISTANCE OF 207.86 FEET;
- 22) S15°28'19"W, A DISTANCE OF 522.91 FEET;

23) S03°11'21"W, A DISTANCE OF 77.19 FEET TO THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE SOUTH LINE OF THE MAMIE LODE (MS No. 781); THENCE DEPARTING SAID POINT N89°59'46"W, A DISTANCE OF 235.36 FEET; THENCE N29°19'42"E, A DISTANCE OF 292.78 FEET; THENCE N04°25'19"E, A DISTANCE OF 426.96 FEET; THENCE N79°00'28"W, A DISTANCE OF 794.51 FEET; THENCE N04°14'46"W, A DISTANCE OF 361.07 FEET; THENCE S67°19'25"W, A DISTANCE OF 625.51 FEET; THENCE S81°36'54"W, A DISTANCE OF 568.62 FEET; THENCE S69°36'59"W, A DISTANCE OF 701.04 FEET; THENCE N20°18'48"W, A DISTANCE OF 200.21 FEET; THENCE N00°13'11"E, A DISTANCE OF 306.77 FEET; THENCE N47°03'56"E, A DISTANCE OF 1042.50 FEET; THENCE N42°10'02"E, A DISTANCE OF 887.51 FEET; THENCE N35°25'23"W, A DISTANCE OF 673.89 FEET; THENCE S54°06'55"W, A DISTANCE OF 973.81 FEET; THENCE N08°45'24"W, A DISTANCE OF 393.18 FEET; THENCE N14°15'34"E, A DISTANCE OF 1012.63 FEET; THENCE N28°35'48"W, A DISTANCE OF 240.85 FEET; THENCE N02°57'34"W, A DISTANCE OF 239.46 FEET TO CORNER No. 2 OF THE COOLIDGE LODE (MS No. 20293); THENCE ALONG THE 2-3 LINE OF THE SAID COOLIDGE LODE N45°28'28"W, A DISTANCE OF 713.90 FEET TO CORNER No. 3 OF SAID COOLIDGE LODE ALSO BEING CORNER No. 2 OF THE CAVE LODE (MS No. 20293); THENCE ALONG THE 3-4 LINE OF SAID COOLIDGE LODE ALSO BEING THE 1-2 LINE OF SAID CAVE LODE N77°23'47"E, A DISTANCE OF 256.81 FEET TO A POINT ALONG THE 3-4 LINE OF THE COOLIDGE LODE (MS No. 20293) AND THE 1-2 LINE OF THE CAVE LODE (MS No. 20293) TO CORNER No. 3 OF SAID COOLIDGE LODE ALSO BEING CORNER No. 2 OF SAID CAVE LODE; THENCE DEPARTING SAID POINT S77°23'49"W A DISTANCE OF 98.09 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 99.166 ACRES OF LAND MORE OR LES

TOWN OF MINTURN

By: *Haukeye Fleck*  
 Mayor

ATTEST:

*[Signature]*  
 Town Clerk



**Town of Minturn Town Council**  
**Conditions to Approval of Battle Mountain PUD Preliminary**  
**Subdivision Plat Application**  
**Approved February 27, 2008**

**Administrative:**

1. The Applicant shall pay all required fees and charges related to development of the subject property.

**Council and Staff:**

1. All staff and consultant comments received in connection with the review and processing of all applications for Final Subdivision Plat will be appropriately addressed, mitigated, or corrected in connection with the review and processing of each Final Subdivision Plat application.
2. Any and all material representations of the Applicant made orally in their presentation at public hearings or in the materials presented, except as the same may have been subsequently modified in written or oral testimony submitted in the course of the public hearings on this application, shall be adhered to and are made a condition of approval.
3. The Applicant will identify and designate on the applicable final subdivision plats for dedication the lots and easements on which the locations for facilities and associated infrastructure and equipment for fire, emergency response, and police services will be located within the Project, and Applicant will comply with all applicable provisions of the Code pertaining to such infrastructure.

The Applicant will continue to coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the Project (that include, without limitation, standards, the process for securing variances and approvals, and the process for amending the standards) that will be submitted with the Final Development Plan for the Project and approved as a part of the same; in the event of a conflict on the appropriate standards to apply, the reasonable engineering determination by the Town shall prevail. Notwithstanding the fact that preliminary engineering plans have been submitted by Applicant prior to the development of these standards, all final construction plans shall meet or exceed these standards, unless a variance is otherwise granted by the Town.

**Outside Agencies:**

1. Prior to the recording of the first final subdivision plat, Applicant will pay to Eagle County School District the amount of the fees-in-lieu of school land dedication based

upon the calculation of those fees as set forth in the School District's letter dated March 15, 2007 or as otherwise agreed between Applicant and School District.

**Environmental/Superfund:**

a. At the time of the execution of this Agreement, Applicant had not received a copy of a proposed final Agreement and Order on Consent pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. Sec. 9601, *et. seq.*, ("AOC") from the United States Environmental Protection Agency ("EPA") for the Bolts Lake Area and Areas within Operable Unit 1 ("OU-1") of the Eagle Mine Superfund Site ("Superfund Site") which includes without limitation both OU-1 and OU-2, also known as the Bolts Lake Character Area, that is acceptable to the Town. It is very important to the Town that the Bolts Lake Character Area within the Superfund Site be the subject of additional remediation or environmental response activities as proposed by Applicant to accommodate residential and recreational uses and provide for the future health and safety of the Town. It is also critical to the interests of the Town that it be able to store water in Bolts Lake and that the remedy or environmental response activities approved pursuant to an AOC and Record of Decision ("ROD") permit the reconstruction and future use of the historic footprint of Bolts Lake in a manner that is acceptable to the Town. Applicant agrees to use its commercially reasonable best efforts to work with the EPA and the Town in order to secure as soon as practicable an AOC and ROD that include remediation of the Bolts Lake Character Area and the reconstruction and future use of Bolts Lake in a manner that is acceptable to the Town and Applicant. If Applicant provides an AOC approved by EPA and acceptable to Ginn that is rejected by the Town, Applicant shall be required for no more than two years from such rejection to use its commercially reasonably best efforts to obtain an AOC acceptable to the Town. In the event a proposed final AOC for the remedial or environmental response activities within the Bolts Lake Character Area is provided to Applicant for execution that is not acceptable to the Town, including but not limited to, because it does not include the right to store water in Bolts Lake, Applicant agrees that it will not execute the proposed final AOC. In such circumstance or in the event that no AOC for the remedial or environmental response activities within the Bolts Lake Character Area has been agreed upon by EPA and Applicant within 3 years from the Effective Date of the Annexation Agreement, or sooner upon agreement of Applicant and the Town, the Town and Applicant agree to explore in good faith the options available to generate an acceptable revised proposed AOC from the EPA within a reasonable time and the options available for the preparation of a different development scenario for the Project within the Bolts Lake Character Area that would allow for the storage of water in Bolts Lake. Such different development scenarios may be inconsistent with the approved Preliminary Development Plan and approved Preliminary Subdivision Plat and may require an amendment to one or both that is acceptable to the Town under the Municipal Code.

b. Notwithstanding the foregoing, Applicant agrees that it will not, at any time, execute any AOC relating to remedial or environmental response activities within the Bolts Lake Character Area or the Gilman Character Area in connection with development scenarios prepared subsequent to the Effective D of the Annexation Agreement without the review and acceptance of the Town, in its sole discretion.

c. Applicant agrees to negotiate in good faith in order to secure, no later than the time of the Town's approval of an AOC for the Bolts Lake Character Area environmental response activities, an agreement with CBS Operations, Inc. ("CBS") regarding Applicant's and CBS's respective responsibilities for the operation and maintenance and monitoring of remedies at the Superfund Site as approved by the EPA and State of Colorado and that is acceptable to the Town. Applicant agrees that prior to the execution of a final agreement with CBS, it will provide to the Town a copy of such agreement for the Town's review and acceptance, in its sole discretion.

d. In the event no AOC for the remedial or environmental response activities within the Bolts Lake Character Area has been agreed upon by EPA and Applicant within three years of the Effective Date of the Annexation Agreement or sooner if Applicant seeks approval from the Town after such date for a development scenario that does not include remedial or environmental response activities within the Bolts Lake Character Area, Applicant shall be obligated to rehabilitate the Bolts Lake or provide for alternative water storage as further provided in the Water Service Agreement between the parties. Applicant shall use commercially reasonable best efforts to obtain all appropriate agreements with and approvals from the EPA, the Colorado Department of Public Health and Environment ("CDPHE"), the United States Army Corps of Engineers, the Colorado Division of Water Resources (Dam Safety Branch) and any other state or federal agency with jurisdiction over the rehabilitation and construction of Bolts Lake. Applicant will provide timely to the Town copies of all appropriate agreements and approvals as they are issued for the Town's review and acceptance, in its sole discretion.

e. Prior to approval of the Final Development Plan for the Project and prior to the approval of the Preliminary Subdivision Plat for the MU-1 parcel in the Bolts Lake Character Area, Applicant will provide timely to the Town copies of all documents prepared consistent with the National Contingency Plan in connection with regulated activities in the Bolts Lake Character Area as they are issued for the Town's review and acceptance, in its sole discretion.

f. Prior to commencing construction activities, remediation or other environmental response activities and ground disturbance activities within the boundaries of the Superfund Site at Bolts Lake Character Area, Applicant will provide timely to the Town copies of all drafts of the AOC relating to the Bolts Lake Character Area and a copy of the proposed final AOC, as they are issued by EPA for the Town's review and acceptance, in its sole discretion. To the extent any construction activities and ground disturbance activities within the Bolts Lake Character Area are conducted outside of the Superfund Site boundaries and are exclusive of activities relating to the Superfund Site, Applicant will secure appropriate permits and approvals from the Town in accordance with the Municipal Code.

g. At the time of the execution of this Agreement, Applicant had not received a proposed final AOC from the EPA for environmental response activities within the North Gilman areas within the Gilman Character Area, also known as OU-2, of the Superfund Site, that would permit the location of proposed infrastructure connecting the Bolts Lake Character Area and the other Character Areas of the Project through the North Gilman area. Applicant agrees to use its commercially reasonable best efforts to work with the EPA, CDPHE and the Town in order to secure as soon as possible an AOC for the environmental response activities within the

North Gilman portion of the Gilman Character Area. Applicant agrees that it will execute an AOC relating to the environmental response activities in the North Gilman portion of the Gilman Character Area only following the Town's review and acceptance, in its sole discretion.

h. Prior to the approval of an amended Preliminary Subdivision Plat or other authorization for the location and installation of infrastructure in the North Gilman areas of the Superfund Site, Applicant will provide timely to the Town copies of documents relating to the proposed environmental response activities for infrastructure installation, including but not limited to the Engineering Evaluation and Cost Analysis, draft AOCs and proposed final AOC, as they are issued for the Town's review and acceptance, in its sole discretion.

i. Prior to the commencement of construction activities relating to the installation of infrastructure through the North Gilman areas within the Gilman Character Area of the Superfund Site, Applicant will provide to the Town written evidence of approval by EPA, CDPHE and other regulatory authorities of such activities for the Town's review and acceptance, in its sole discretion.

j. Prior to approval of an amended Preliminary Subdivision Plat or Plats for the MU-2 parcel in the Gilman Character Area, Applicant will, as appropriate and applicable, provide timely to the Town copies of all documents prepared pursuant to the National Contingency Plan in connection with environmental response activities proposed to be conducted in the Gilman Character Area, as they are issued for the Town's review and acceptance, in its sole discretion.

k. Prior to commencing construction activities, environmental response activities and ground disturbance activities within the boundaries of the Gilman Character Area other than activities associated with approved infrastructure installation, Applicant will provide timely to the Town copies of the draft AOCs for the Gilman Character Area and copies of the proposed final AOC(s) for the Town's review and acceptance, in its sole discretion. To the extent any construction activities and ground disturbance activities within the Gilman Character Area are conducted outside of the Superfund Site boundaries and are exclusive of activities relating to the Superfund Site, Applicant will secure appropriate permits and approvals from the Town in accordance with the Municipal Code.

l. All activities, uses, construction, operation and maintenance plans for any areas that are designated areas in the Superfund Site, including areas within the Bolts Lake Character Area and Gilman Character Area, will comply fully with the environmental response, construction, operation and maintenance plans and requirements of the EPA, CDPHE, and the Town. Financial assurance, acceptable to the Town, will be provided to the EPA for the environmental response, operation and maintenance requirements as provided herein. Except as provided below in connection with the Bolts Lake Character Area, financial assurance for any designated areas in the Superfund Site to the EPA will be approved by the Town at such time that the final environmental response activity plans are completed for the designated areas and approved by the EPA and by the Town in its sole and absolute discretion and the estimated costs of construction of the same, acceptable to the Town, are created based on such plans.

m. Use of the Superfund Site will be restricted by environmental covenants consistent with the requirements of C.R.S. Sections 25-15-317 through 327 and consistent with the remediation, use, construction, operation and maintenance plans and requirements of the EPA, CDPHE, and the Town. Financial assurance, acceptable to the Town, will be provided to the EPA for the long term operation and maintenance requirements for the Superfund Site, including areas within the Bolts Lake Character Area and the Gilman Character Area.

n. At such time that an amended Preliminary Subdivision Plat or Plats are prepared by Applicant for the MU-1 parcel in the Bolts Lake Character Area and for the MU-2 parcel in the Gilman Character Area and submitted to the Town for approval, a supplemental Environmental Impact Report (consistent with Minturn Municipal Code Section 16-20-4-9 (2007)) that includes information developed consistent with the National Contingency Plan, in connection with its efforts with the EPA and CDPHE, will be submitted for each such character area.

o. The estimated costs of remediation for the Bolts Lake Area and Areas within OU-1 of the Superfund Site have been identified in the Remediation Feasibility Study ("RI/FS") dated February 16, 2007. Applicant asserts that the assumptions and formulas used to prepare such estimated costs are confidential business information and the Town agrees to treat such information consistent with the provisions of C.R.S. Section 24-72-204(3) (A) (IV). In accordance with the terms of the AOC, Applicant will provide to the EPA a performance bond or letter of credit in the amount equal to 125% of the sum of the estimated costs identified in the RI/FS for Alternatives 2 through 9 for remediation of the Bolts Lake Character Area and operation and maintenance of Alternatives 2 through 9, excluding the cost of rehabilitation of Bolts Lake, which is addressed in Section 2.2 hereof. The performance bond or letter of credit will be in accordance with the provisions of the Annexation Agreement in a form acceptable to the Town and approved by EPA. At such time that the final remediation or environmental response plans are completed for the Bolts Lake Character Area and approved by the EPA and by the Town in its sole and absolute discretion and the estimated costs of construction of the same, acceptable to the Town, are created based on such plans, the above-stated amount of the performance bond or letter of credit will be increased or decreased as appropriate to ensure that it represents 125% of the estimated remediation costs.

p. There shall be no excavation, boring, dredging, trenching, or other intrusion of the contaminated soil associated with, but not limited to, new construction, operation, maintenance, and repair actions within the Superfund Sites without prior notice to the CDPHE with a copy provided to the Town. There shall be no boring, drilling, advancing, installation, or construction of new wells to groundwater including, but not limited to, drinking water wells, irrigation water wells, monitoring wells, and piezometers within the Superfund Sites without prior notice to the CDPHE with a copy provided to the Town.

### **Planning:**

1. No construction of those portions of the Project that are located to the east of the rights of way for the railroad and for Highway 24 and no construction of infrastructure, improvements, gondola, or utilities across such rights of way shall take place until the property that underlies the alignment of infrastructure, improvements, gondola, and

utilities across such rights of way to serve such portions of the Project is annexed into the Town. If applicable, any final plat for such portions of the Project shall contain a plat note with this restriction.

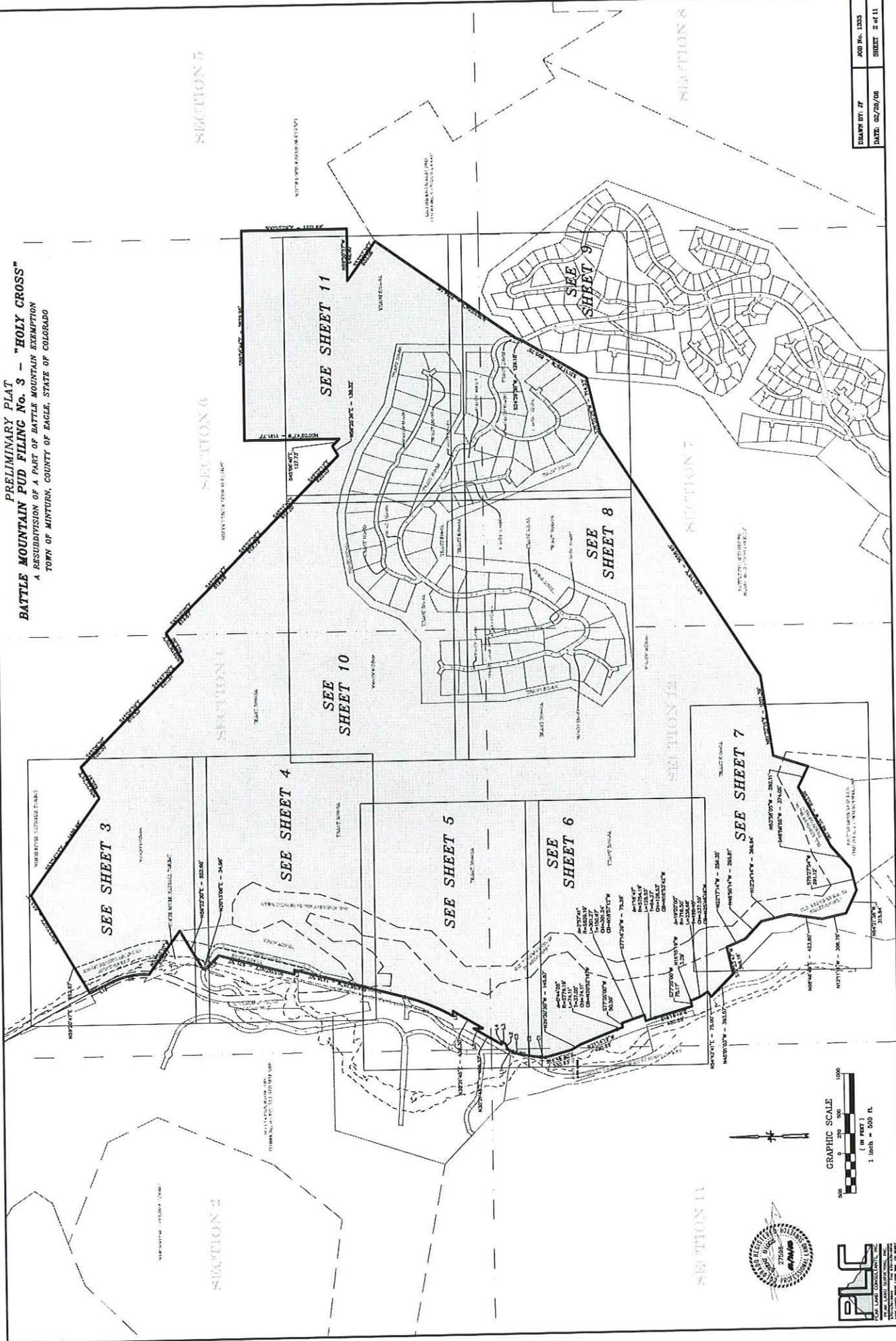
2. In addition, the final plat for any portion of the Project that is located to the east of the rights of way for the railroad and for Highway 24 shall include a plat note that provides that no lots may be sold until the property that underlies the alignment of infrastructure, improvements, gondola, and utilities across such rights of way to serve such portions of the Project is annexed into the Town.
3. In connection with the final subdivision plat submission, Applicant will provide the locations of utilities through the property and an agreement with the appropriate utility companies that indicates that utility service can and will be provided to the Project and a detailed phasing plan that includes specifics associated with infrastructure installation and construction.
4. In connection with the approval of the PUD Final Development Plan but no more than one year from the effective date of the Annexation Agreement, Applicant shall dedicate to the Town and public an easement parallel to the Eagle River and Cross Creek through its property 20 feet from the Ordinary High Water Mark (as defined in the PUD Guide) for the purpose of walking, fishing and any and all forms of boating such as kayaking, rafting, canoeing, and tubing, provided however that a condition of such easement on Cross Creek will be that portions of such access between the golf course cart paths that cross Cross Creek may be closed during those times of the year that the golf course is open and operational. In the event the dedication is made prior to the Final Approval as defined in the annexation agreement, such dedication shall be in the form of a revocable license to be confirmed by easement free and clear of liens and encumbrances at Final Approval. In the event there is no Final Approval as defined in the annexation agreement, the license shall terminate upon the termination of this agreement. Such easement shall be subject to any restrictions imposed by the EPA, CDPHE or both.
5. Final Subdivision Plat notes shall be comprehensive for each final subdivision plat regarding requirements pertaining to each parcel or lot for the protection of wetland and riparian areas, the need, as appropriate, for onsite geotechnical assessments prior to building, site drainage assessment and mitigation, the submission of grading plans and evaluation of slope stability, and such other requirements as may be appropriate or necessary and such dedications, reservations, and easements as are necessary to effectuate the conditions or Applicant commitments or obligations as appropriate on a final subdivision plat.
6. Area MU-1 (Bolts Lake Character Area): The Applicant has requested that tract MU-1 be platted as one parcel that will be subjected to future preliminary subdivision plat application and review consistent with the requirements of the Municipal Code once there is more information regarding remediation activities for the parcel and the specific land uses for the parcel. Applicant will have to provide specific information on the location and engineering for the utility corridor for utilities and related infrastructure that is planned to traverse the east portion of the site, which information will include the

approval of the EPA and CDPHE, as appropriate, for the utility corridor. It is anticipated that these facilities will be constructed in connection with the first phase of development. Their as-built locations will be the basis for specific dedicated easements for such facilities on the subsequent preliminary subdivision plat. Prior to approval of the amended preliminary subdivision plat for the MU-1, Applicant will provide to the Town copies of the Remedial Investigation, Risk Assessment, Feasibility Study, Proposed Plan, Record of Decision, Remedial Design/Remedial Action documents and draft and final Agreement and Order on Consent, as they are issued.

7. Area MU-2 (Gilman Character Area): The Applicant has requested that tract MU-2 be platted as one parcel that will be subjected to future preliminary subdivision plat application and review consistent with the requirements of the Municipal Code once there is more information regarding remediation activities for the parcel and the specific land uses for the parcel. Applicant will have to provide specific information on the location and engineering for the utility corridor for utilities and related infrastructure that is planned to traverse the east portion of the site, which information will include the approval of the EPA and CDPHE, as appropriate, for the utility corridor. It is anticipated that these facilities will be constructed in connection with the first phase of development. Their as-built locations will be the basis for specific dedicated easements for such facilities on the subsequent preliminary subdivision plat. Prior to approval of the amended preliminary subdivision plat for the MU-2, Applicant will provide to the Town copies of the Remedial Investigation, Risk Assessment, Feasibility Study, Proposed Plan, Record of Decision, Remedial Design/Remedial Action documents and draft and final Agreement and Order on Consent, as they are issued.
8. Area MU-3 and MU-4: The Applicant has requested that tracts MU-3 and MU-4 be both platted as one parcel for each tract that will be subjected to future preliminary subdivision plat applications and review consistent with the requirements of the Municipal Code once there is more information regarding the specific land uses for each parcel that are dependent upon the environmental response activities located in the PUD.



**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 3 - "HOLY CROSS"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



BLANKY DT. 17  
 200 No. 1333  
 DATE: 02/29/08  
 SHEET 2 of 11



GRAPHIC SCALE  
 (IN FEET)  
 0 250 500 1000  
 1 INCH = 500 FT.



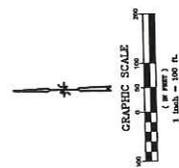
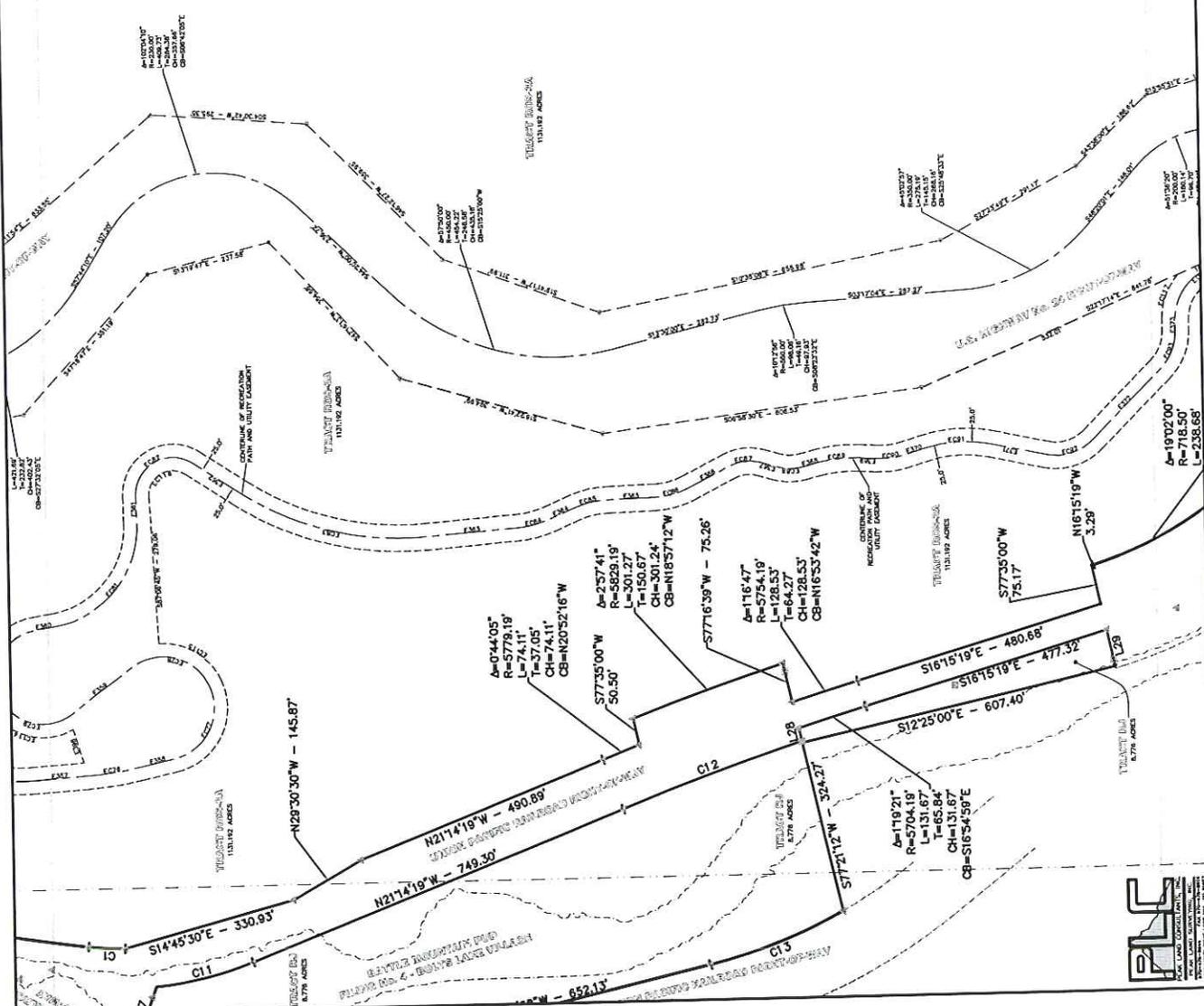






SHEET 5  
SHEET 6

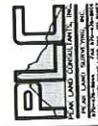
**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 3 - "HOLY CROSS"**  
A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



SECTION 12

SHEET 6  
SHEET 7

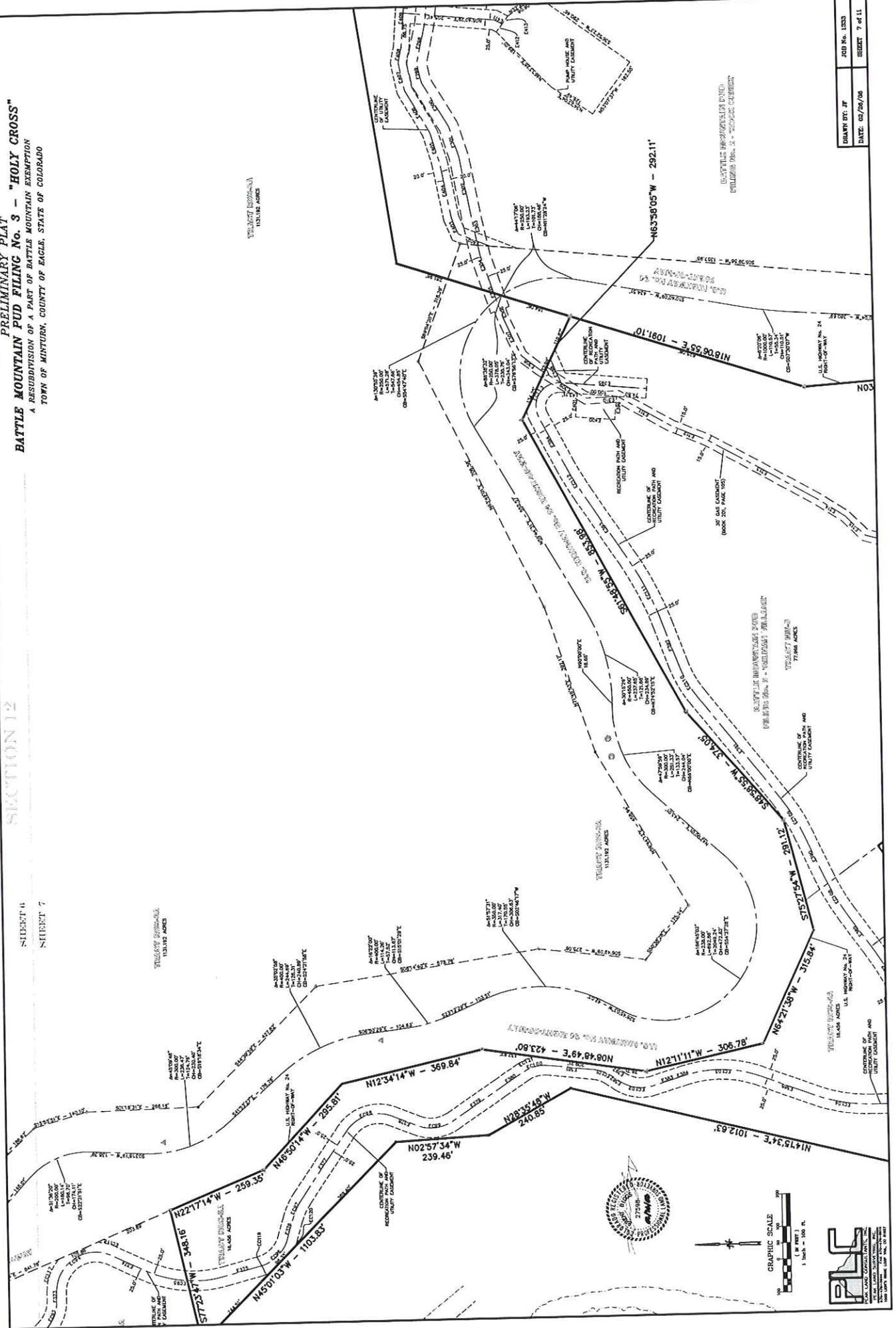
DRAWN BY: JF	JOB No. 1233
DATE: 02/28/08	SHEET 6 of 11



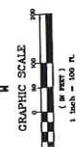
**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 3 - "HOLY CROSS"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

SECTION 12

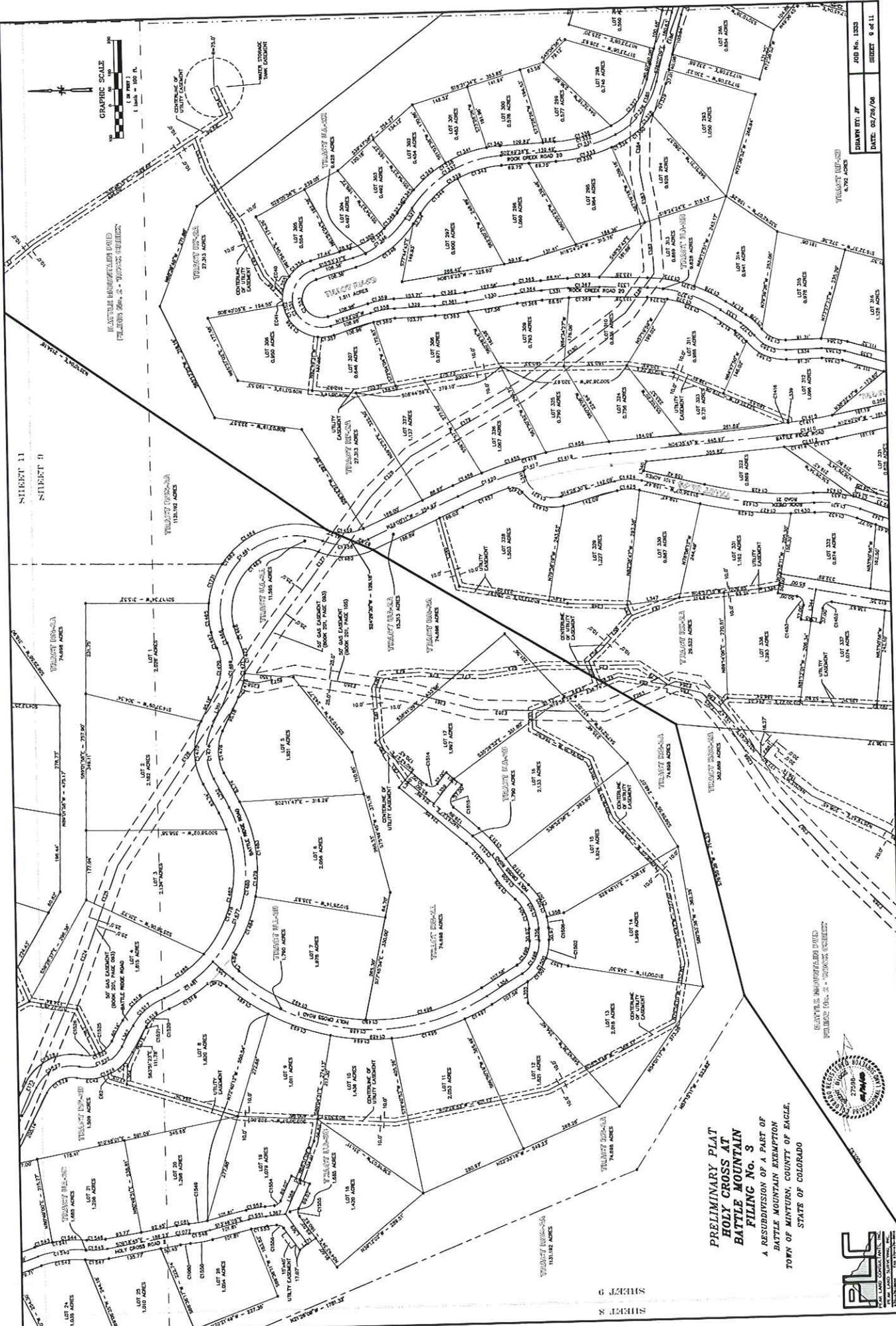
SHEET 4  
 SHEET 7



PLAT NO. 1233
DATE: 02/26/08
SHEET: 7 of 11







SHEET 11  
SHEET 9

**PRELIMINARY PLAT  
HOLY CROSS AT  
BATTLE MOUNTAIN  
FILING No. 3**  
A RESUBDIVISION OF A PART OF  
BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE,  
STATE OF COLORADO

RECYCLED PAPER  
PRINTED ON 50% RECYCLED PAPER



DRAWN BY: JF	JOB No. 1000
DATE: 02/28/00	SHEET: 9 of 11

SHEET 9  
SHEET 6

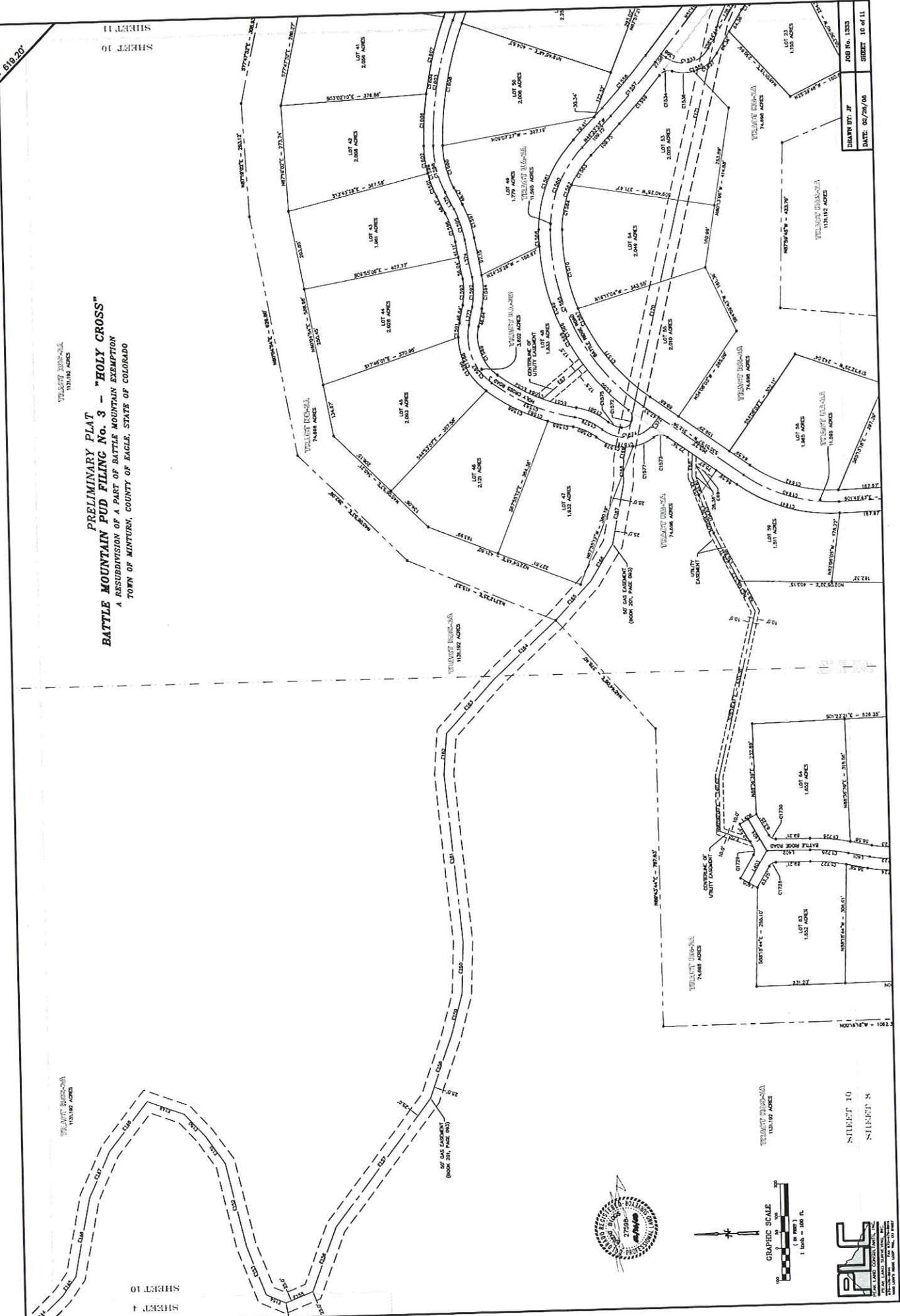
SHEET 10  
SHEET 11  
619.20'

**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 3 - "HOLY CROSS"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

TRACT 1300-A  
131.16 ACRES

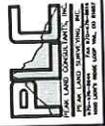
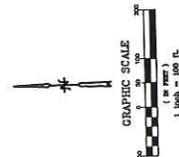
TRACT 1300-A  
131.16 ACRES

SHEET 1  
SHEET 10

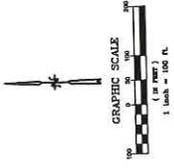


DATE: 02/28/06  
 SHEET 10 OF 11  
 DRAWN BY: JF  
 JOB No. 1333

SHEET 10  
SHEET 8



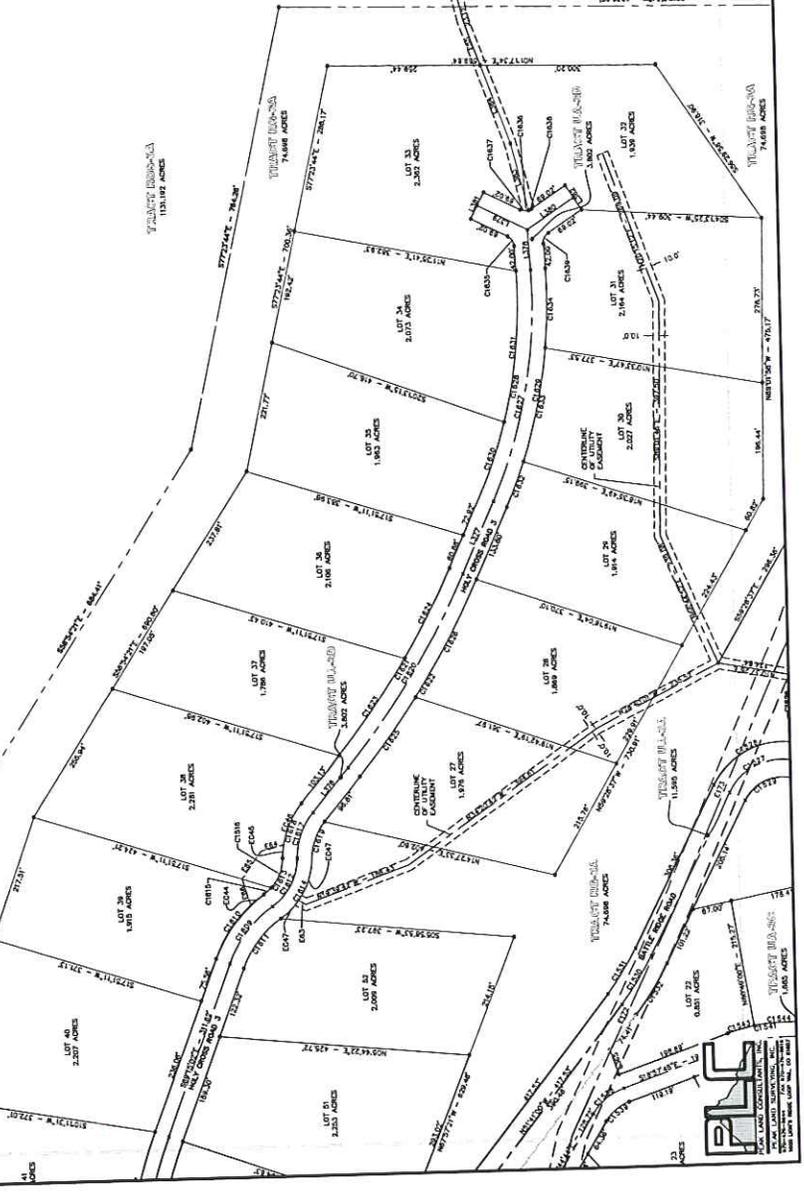
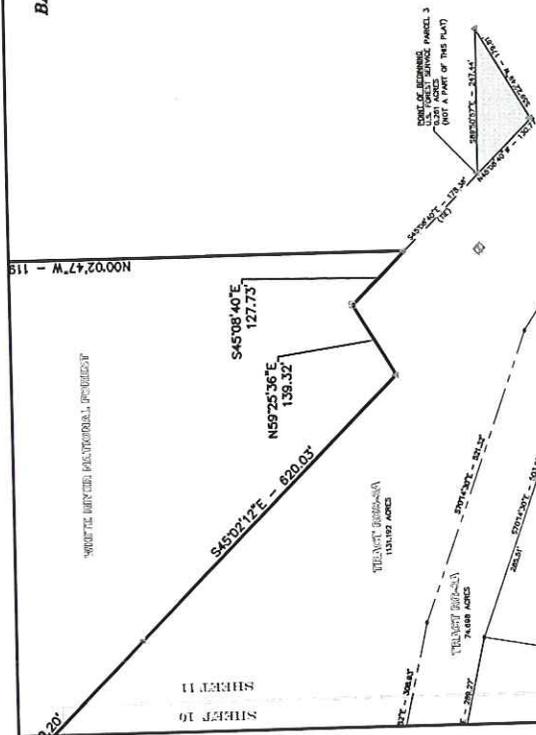
**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 3 - "HOLY CROSS"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



N89°50'57"W - 648.90'  
 WASHINGTON CANTONAL ELECTRODEURAL PROJECT  
 S55°57'39"E - 803.08'



DATE: 02/26/06  
 SHEET: 11 of 11

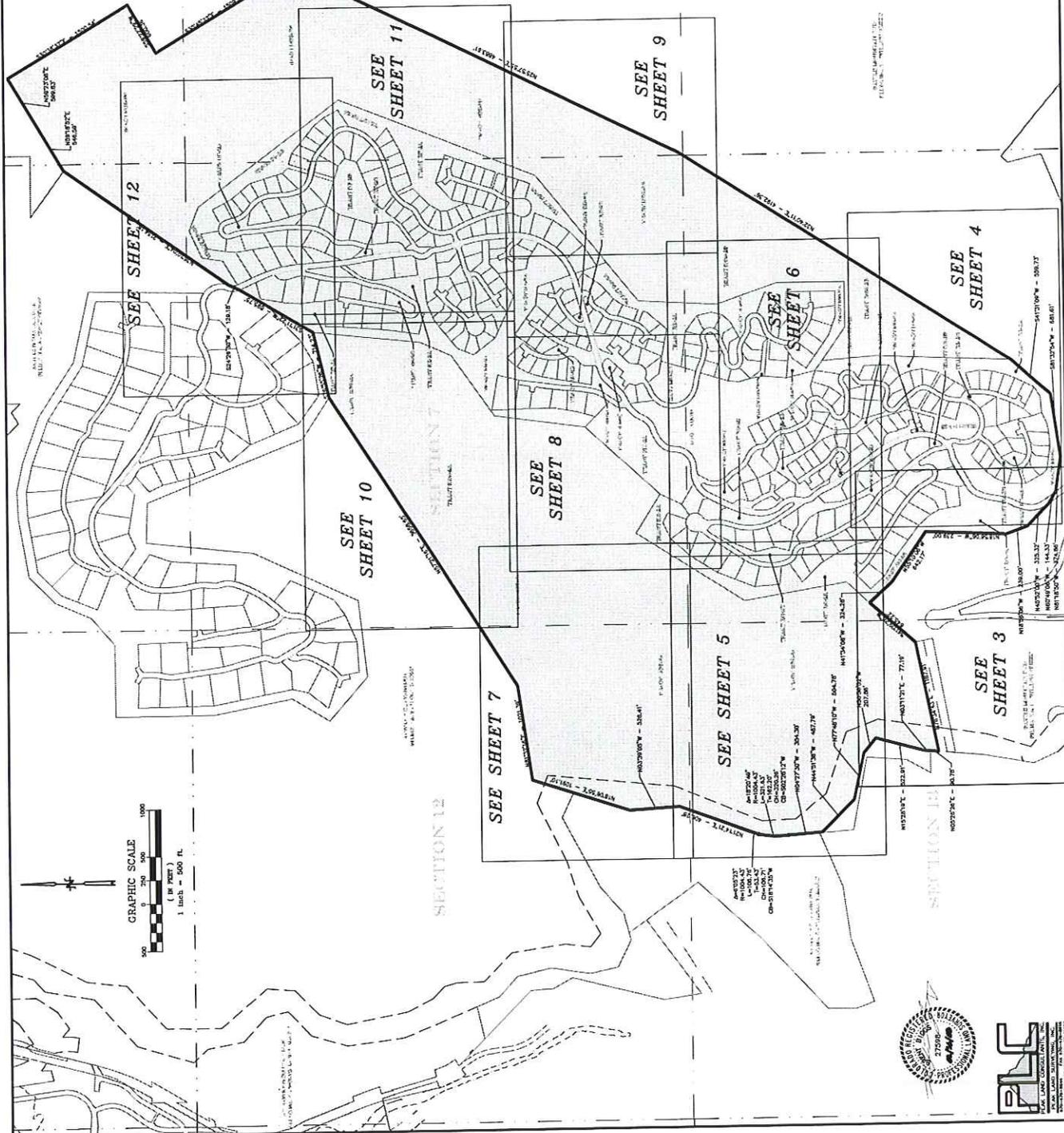


SHEET 11  
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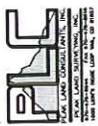


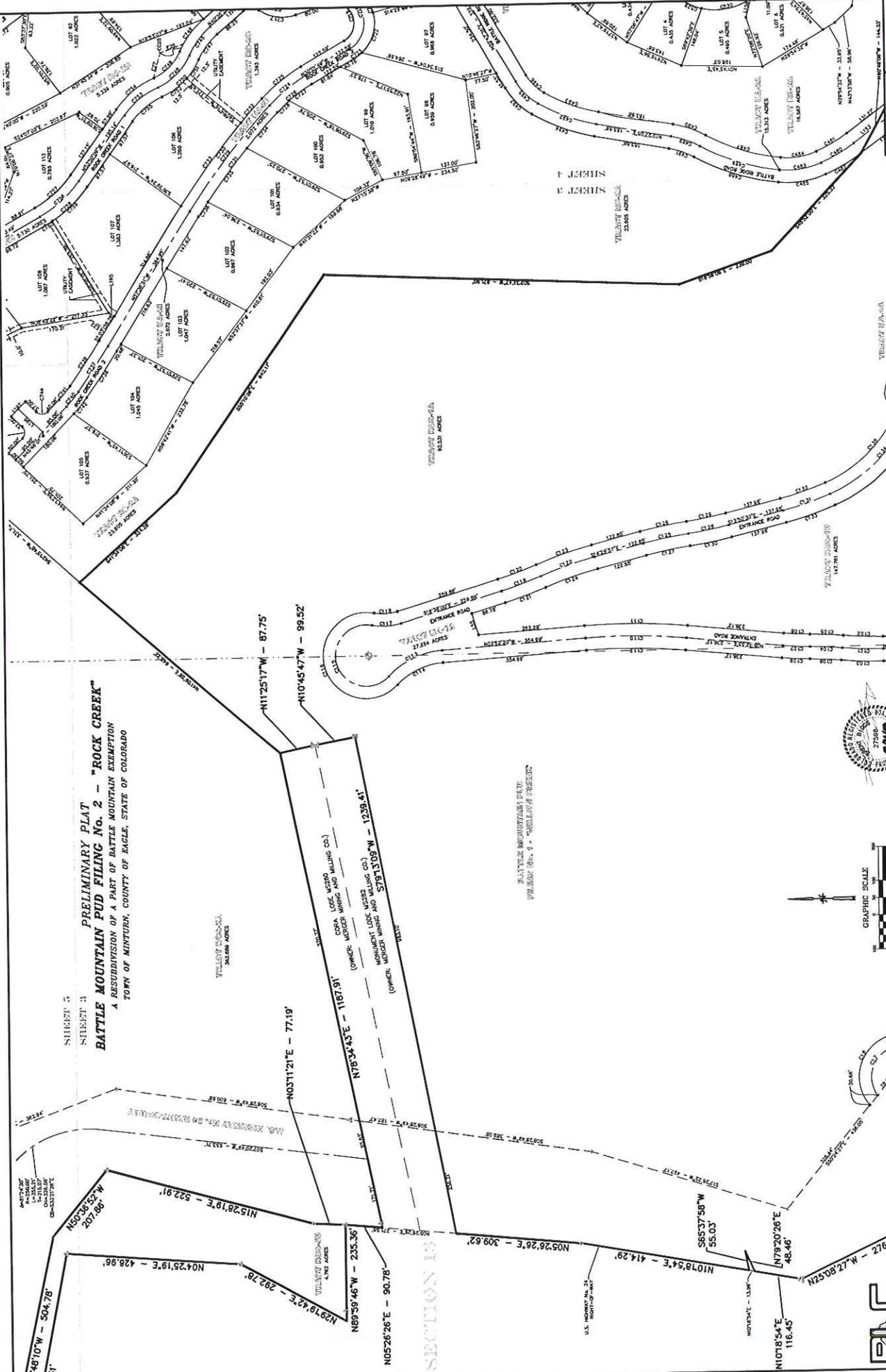


**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



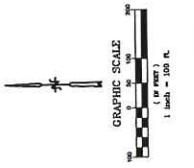
DRAWN BY: JF	SUB No. 1353
DATE: 02/26/08	SHEET 2 of 12



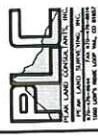


**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING NO. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

SHEET 3  
 SHEET 3



PLAT FILED FOR RECORD IN THE PUBLIC OFFICE OF THE COUNTY OF EAGLE, COLORADO



77°48'10"W - 504.78'  
 N04°25'19"E - 426.96'  
 N15°26'19"E - 522.91'  
 N05°59'49"W - 235.36'  
 N03°11'21"E - 77.19'  
 N11°25'17"W - 87.75'  
 N10°45'47.7"W - 99.52'  
 N178°34'43"E - 1187.91'  
 S79°15'09"W - 1239.41'  
 N05°26'26"E - 90.78'  
 N05°26'26"E - 309.62'  
 N10°18'54"E - 414.29'  
 S65°37'58"W - 55.03'  
 N79°20'26"E - 48.46'  
 N10°18'54"E - 116.45'  
 S5°19'2"E - 422.82'

SECTION 13

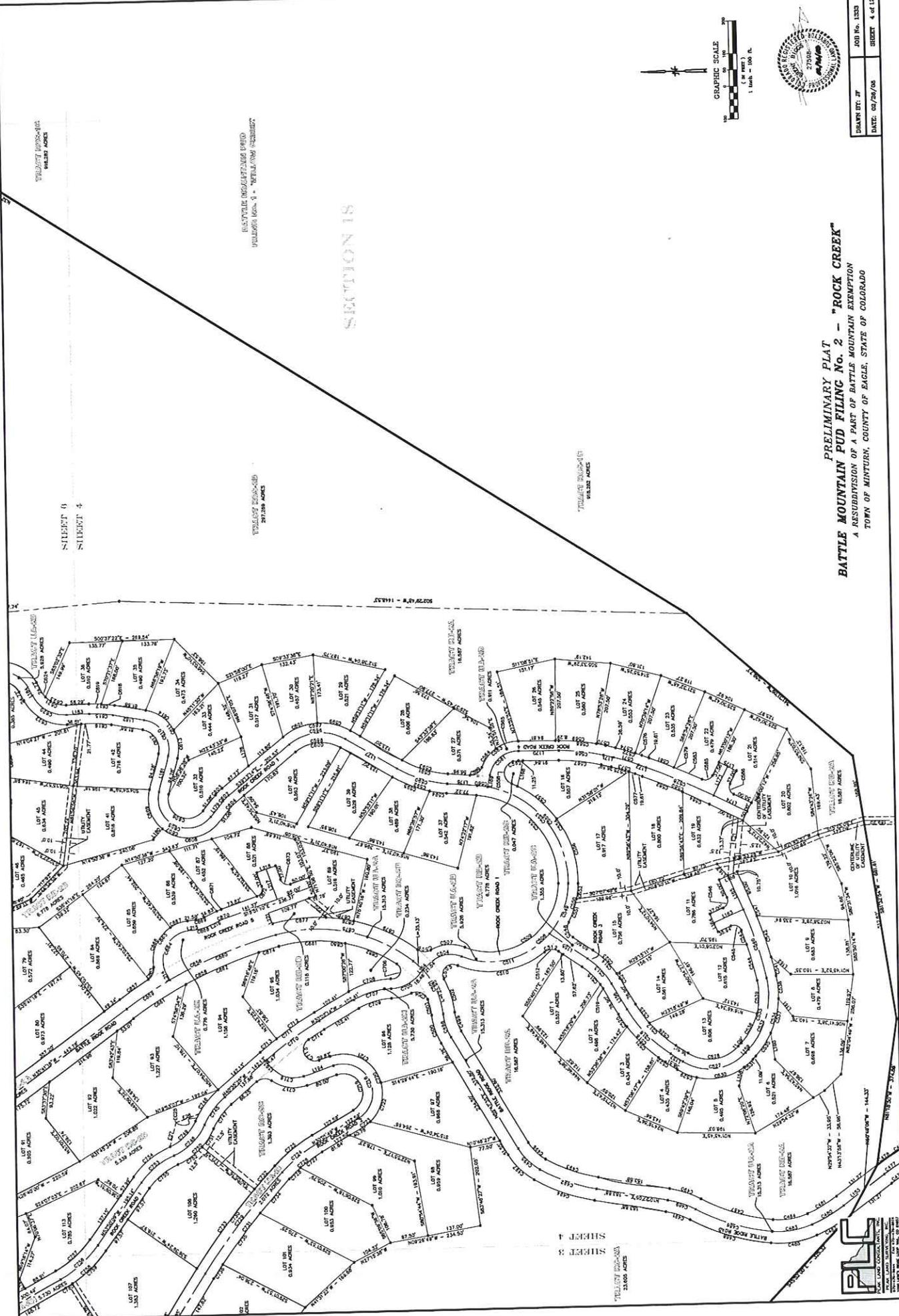
U.S. HIGHWAY 26

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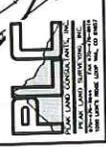
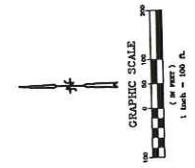


SHEET 4  
SHEET 3

SECTION 18

PRELIMINARY PLAT  
**BATTLE MOUNTAIN PUD FILING No. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY: JF  
 DATE: 02/28/06  
 JOB NO. 1333  
 SHEET 4 of 12







SHEET 6

U.S. FOREST SERVICE  
 10,000 ACRES  
 (NOT A PART OF THIS PLAT)

TRACT 1  
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TRACT 2  
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TRACT 3  
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SHEET 8

SHEET 6

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SHEET 6

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SHEET 6

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TRACT 174  
 18,500 ACRES

TRACT 175  
 18,500 ACRES

TRACT 176  
 18,500 ACRES

TRACT 177  
 18,500 ACRES

TRACT 178  
 18,500 ACRES

TRACT 179  
 18,500 ACRES

TRACT 180  
 18,500 ACRES

TRACT 181  
 18,500 ACRES

TRACT 182  
 18,500 ACRES

SHEET 21

SHEET 6

TRACT 183  
 18,500 ACRES

TRACT 184  
 18,500 ACRES

TRACT 185  
 18,500 ACRES

TRACT 186  
 18,500 ACRES

TRACT 187  
 18,500 ACRES

TRACT 188  
 18,500 ACRES

TRACT 189  
 18,500 ACRES

TRACT 190  
 18,500 ACRES

TRACT 191  
 18,500 ACRES

TRACT 192  
 18,500 ACRES

TRACT 193  
 18,500 ACRES

TRACT 194  
 18,500 ACRES

TRACT 195  
 18,500 ACRES

SHEET 22

SHEET 6

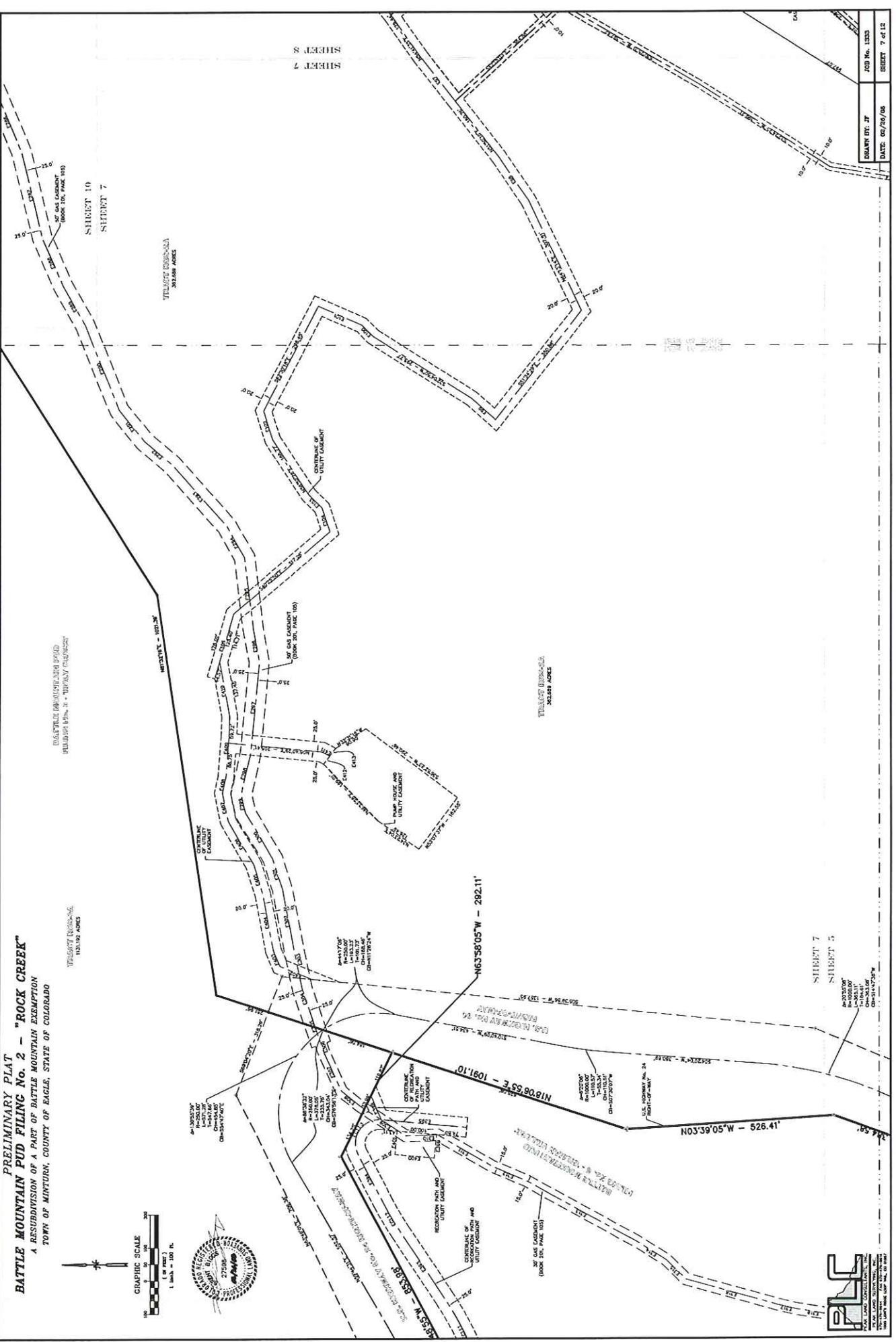
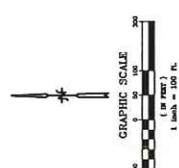
TRACT 196  
 18,500 ACRES

TRACT 197  
 18,500 ACRES

**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

TRACT 000000-00  
 131.192 ACRES

BATTLE MOUNTAIN PUD  
 FILING No. 2 - "ROCK CREEK"

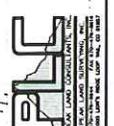


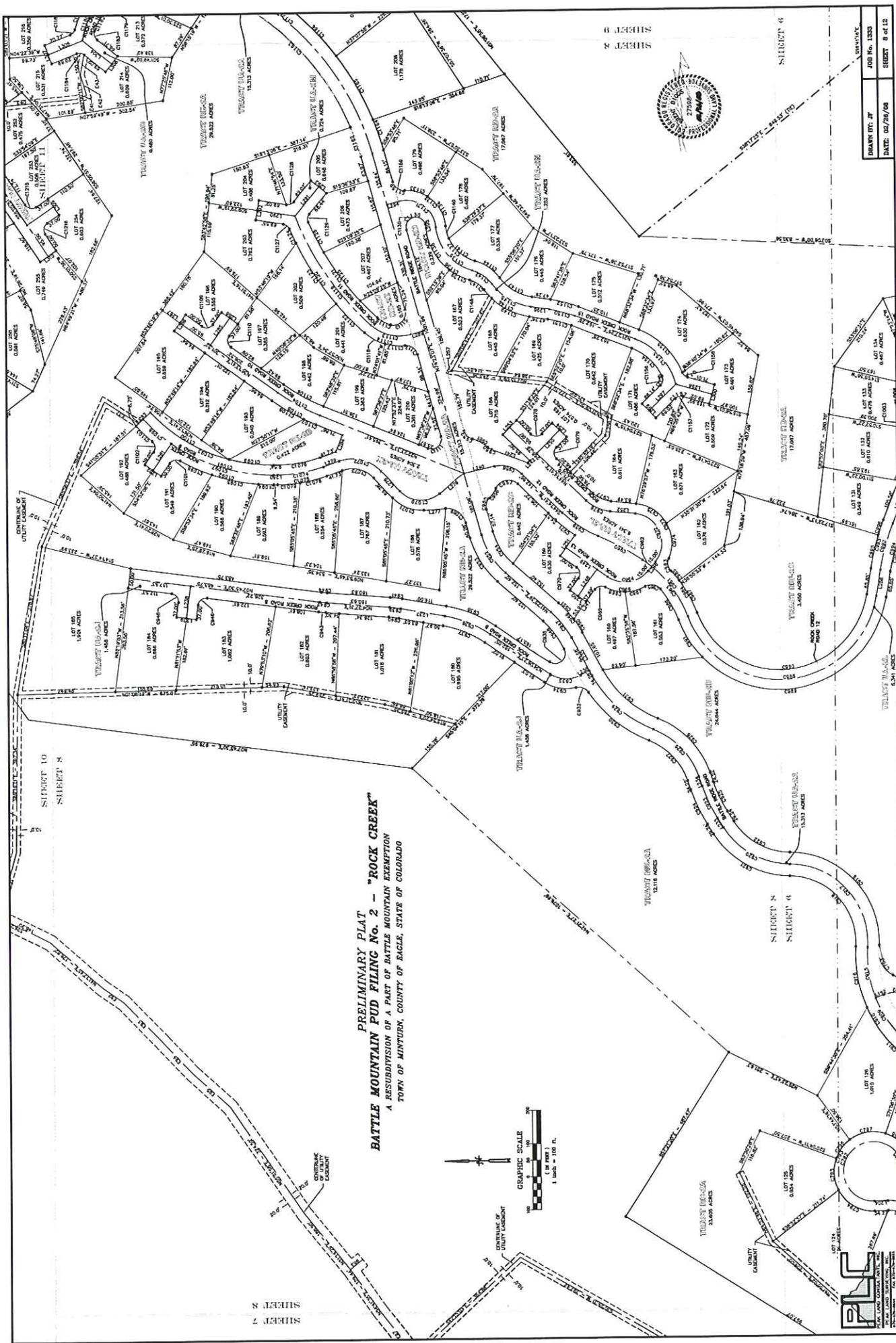
SHEET 10  
 SHEET 7

SHEET 8  
 SHEET 7

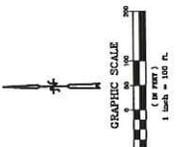
SHEET 7  
 SHEET 5

DRAWN BY: JF	JOB No. 1555
DATE: 02/26/08	SHEET 7 of 13





**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



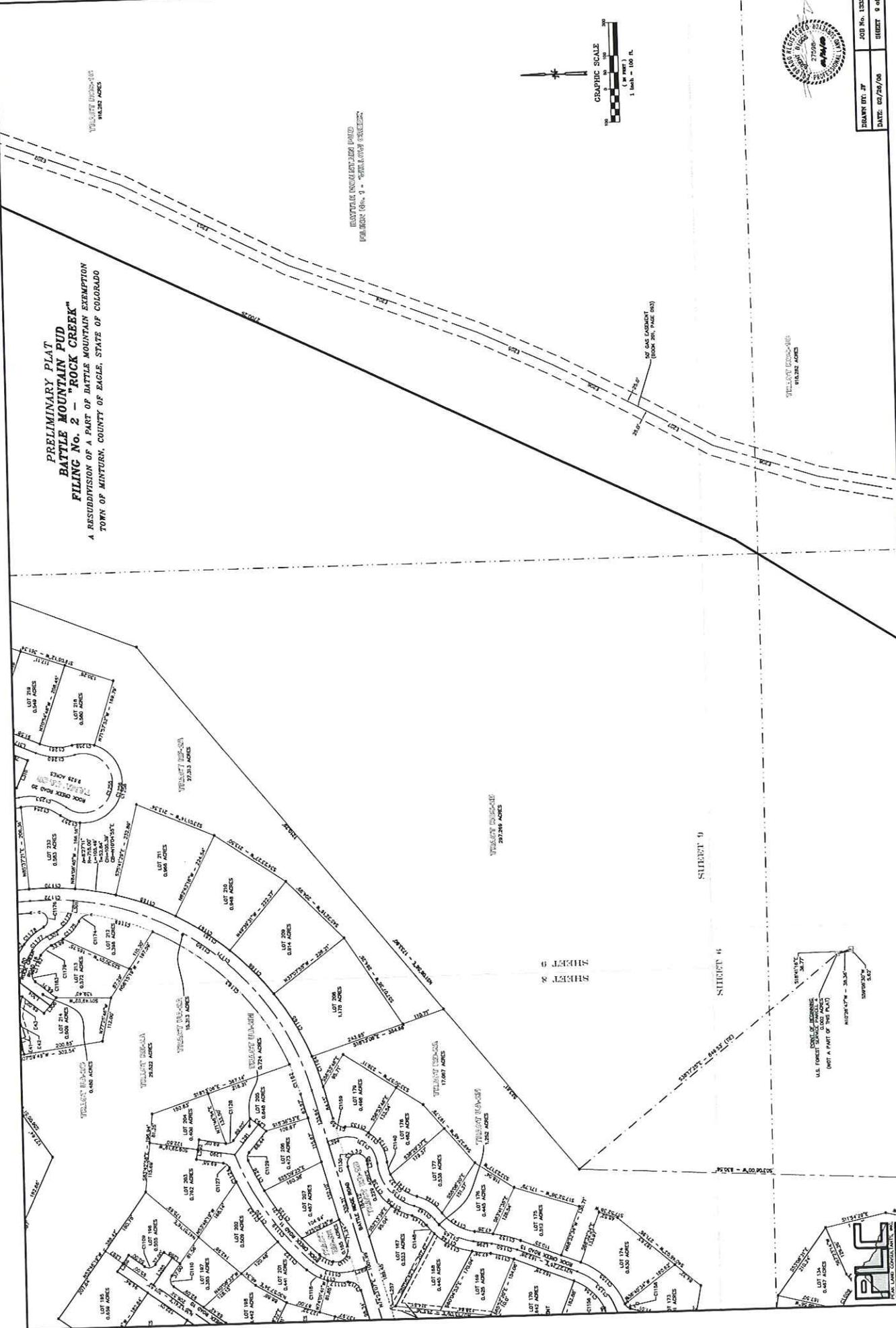
SHEET 9  
 SHEET 8  
 SHEET 6

SHEET 7  
 SHEET 8

DRAWN BY: JF  
 DATE: 02/29/04  
 SHEET 9 of 12

PREPARED BY:  
 [unreadable]  
 1000 [unreadable]  
 [unreadable] CO  
 [unreadable]

**PRELIMINARY PLAT  
BATTLE MOUNTAIN PUD  
FILING NO. 2 - "ROCK CREEK"**  
A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



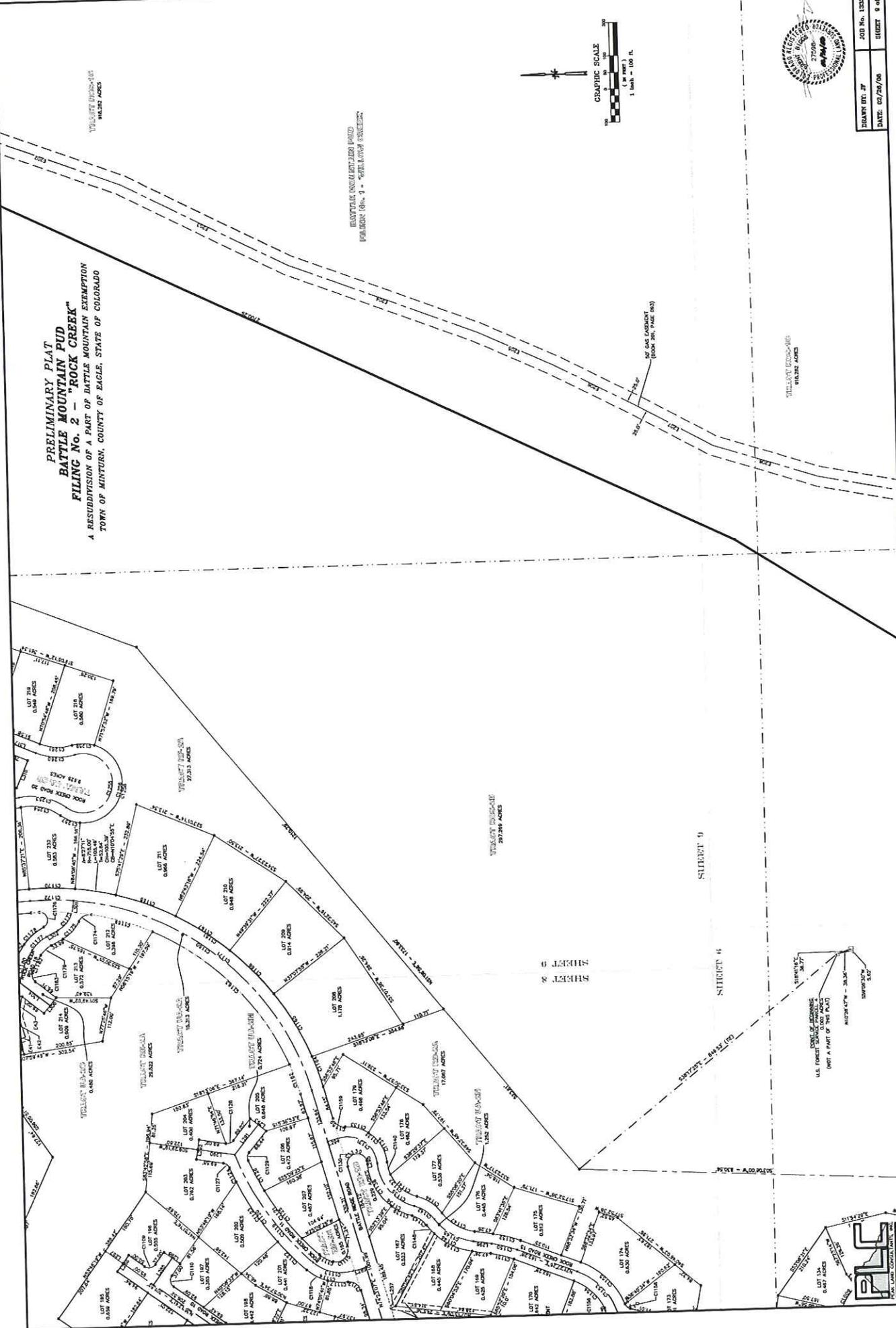
VEGETATION EASEMENT  
1/4 ACRES

ROCK CREEK EASEMENT  
1/4 ACRES



DATE: 02/20/06  
DRAWING NO. 27  
JOB NO. 1333  
SHEET 6 of 12

**PRELIMINARY PLAT  
BATTLE MOUNTAIN PUD  
FILING NO. 2 - "ROCK CREEK"**  
A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



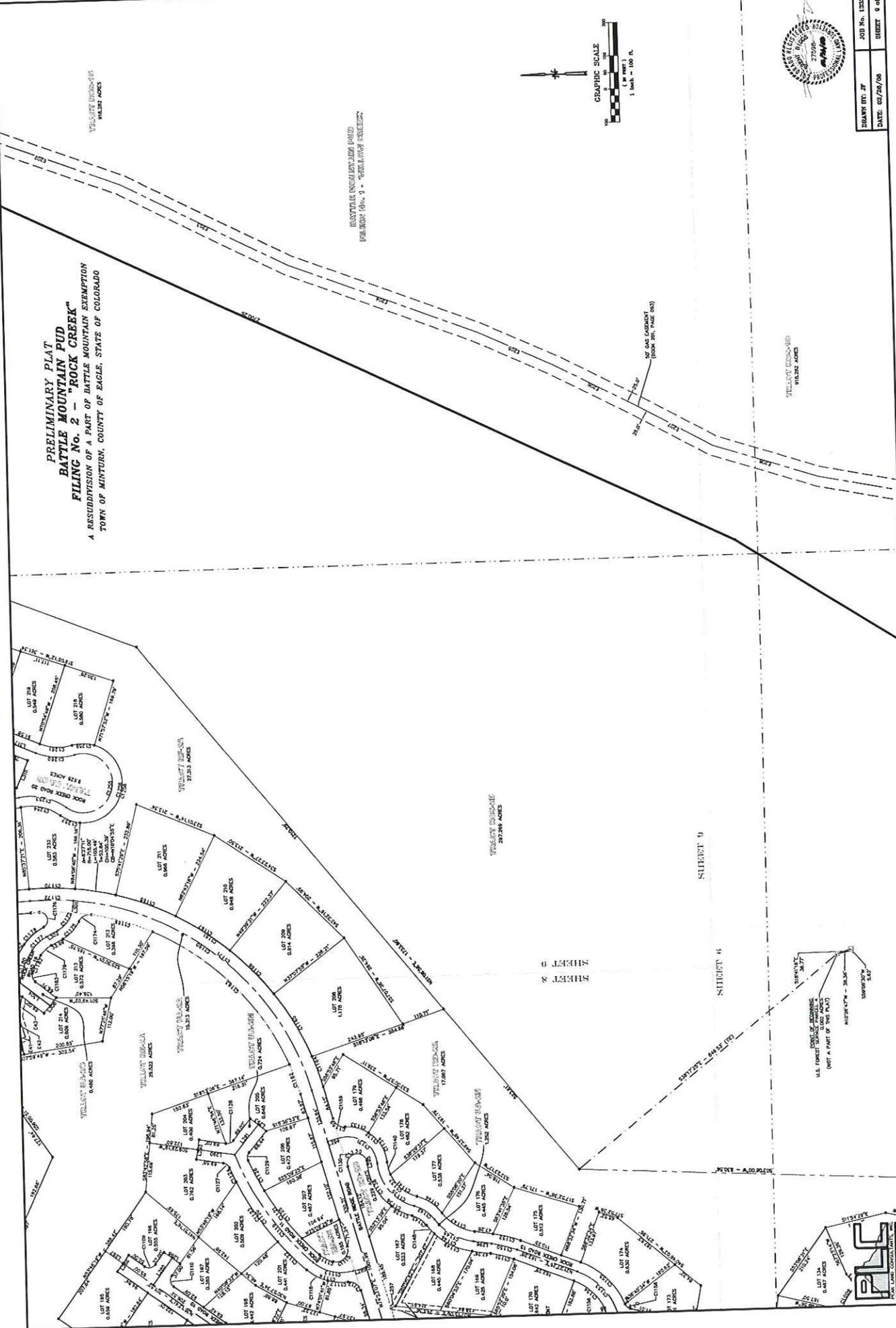
VEGETATION EASEMENT  
1/4 ACRES

ROCK CREEK EASEMENT  
1/4 ACRES



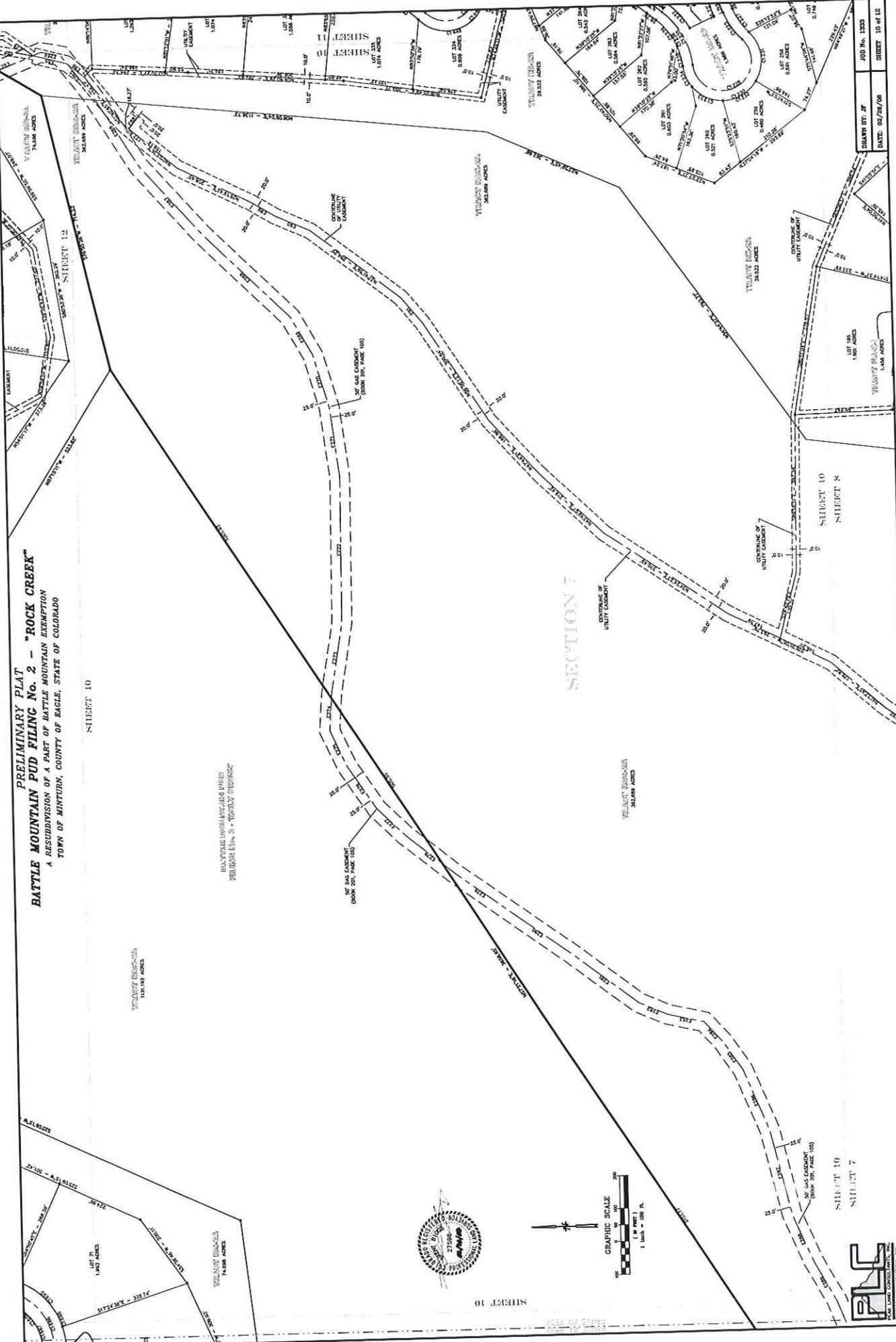
DATE: 02/20/06  
DRAWING NO. 27  
JOB NO. 1333  
SHEET 6 of 12

**PRELIMINARY PLAT  
BATTLE MOUNTAIN PUD  
FILING NO. 2 - "ROCK CREEK"**  
A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN POD FILING No. 2 - "ROCK CREEK"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

SHEET 10



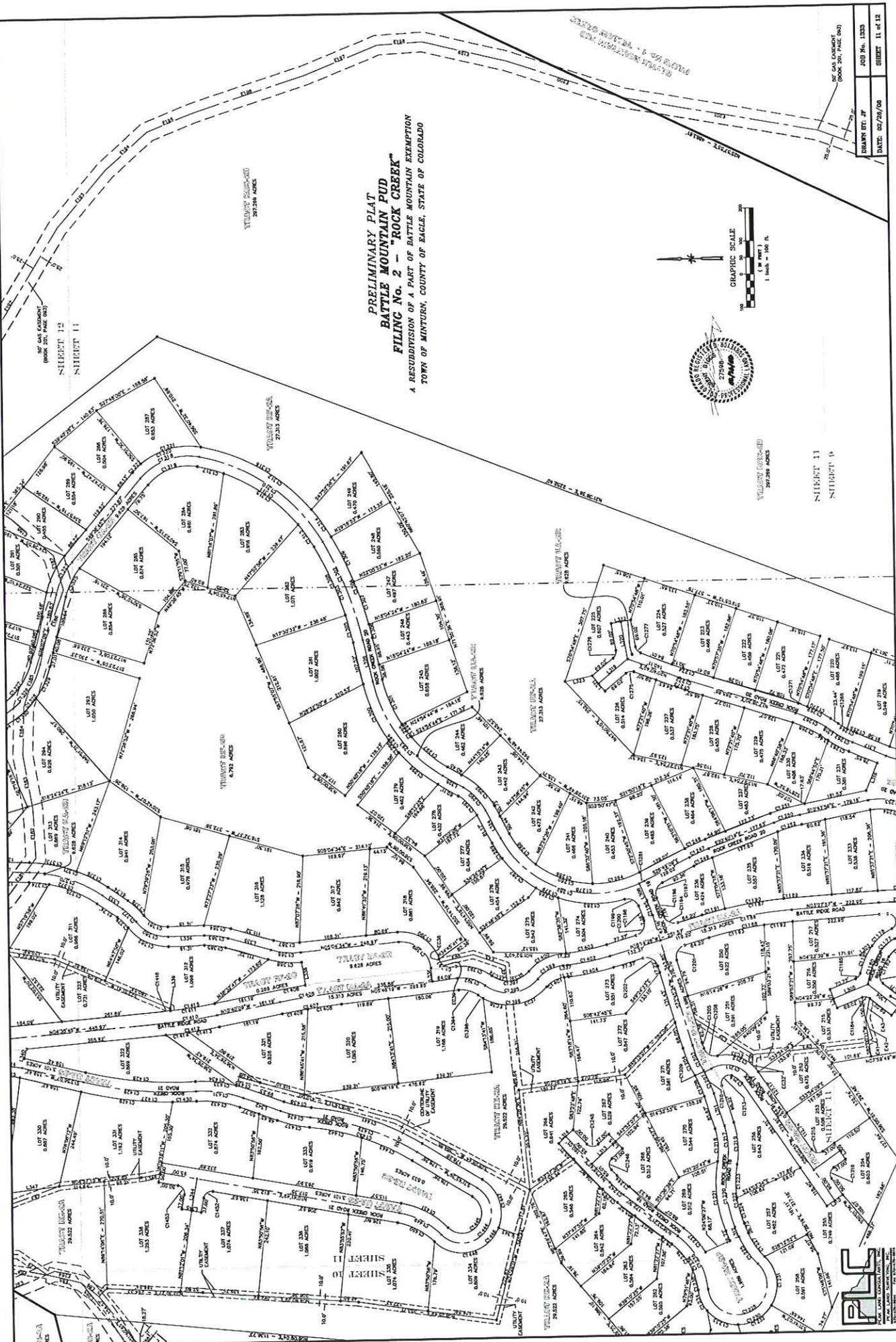
SHEET 10

SHEET 10  
 SHEET 7



DATE: 02/26/06  
 DRAWN BY: JF  
 JOB NO. 1333  
 SHEET 10 of 12

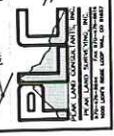
**PRELIMINARY PLAT  
BATTLE MOUNTAIN PUD  
FILING No. 2 - "ROCK CREEK"**  
A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



SHEET 12  
SHEET 11

SHEET 11  
SHEET 9

DATE: 02/29/06  
DRAWN BY: JF  
JOB No. 1333  
SHEET 11 of 12







PRELIMINARY PLAT  
**BATTLE MOUNTAIN PUD**  
**FILING No. 5 - "GILMAN VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

SECTION 11

SECTION 12

SECTION 7

SECTION 18

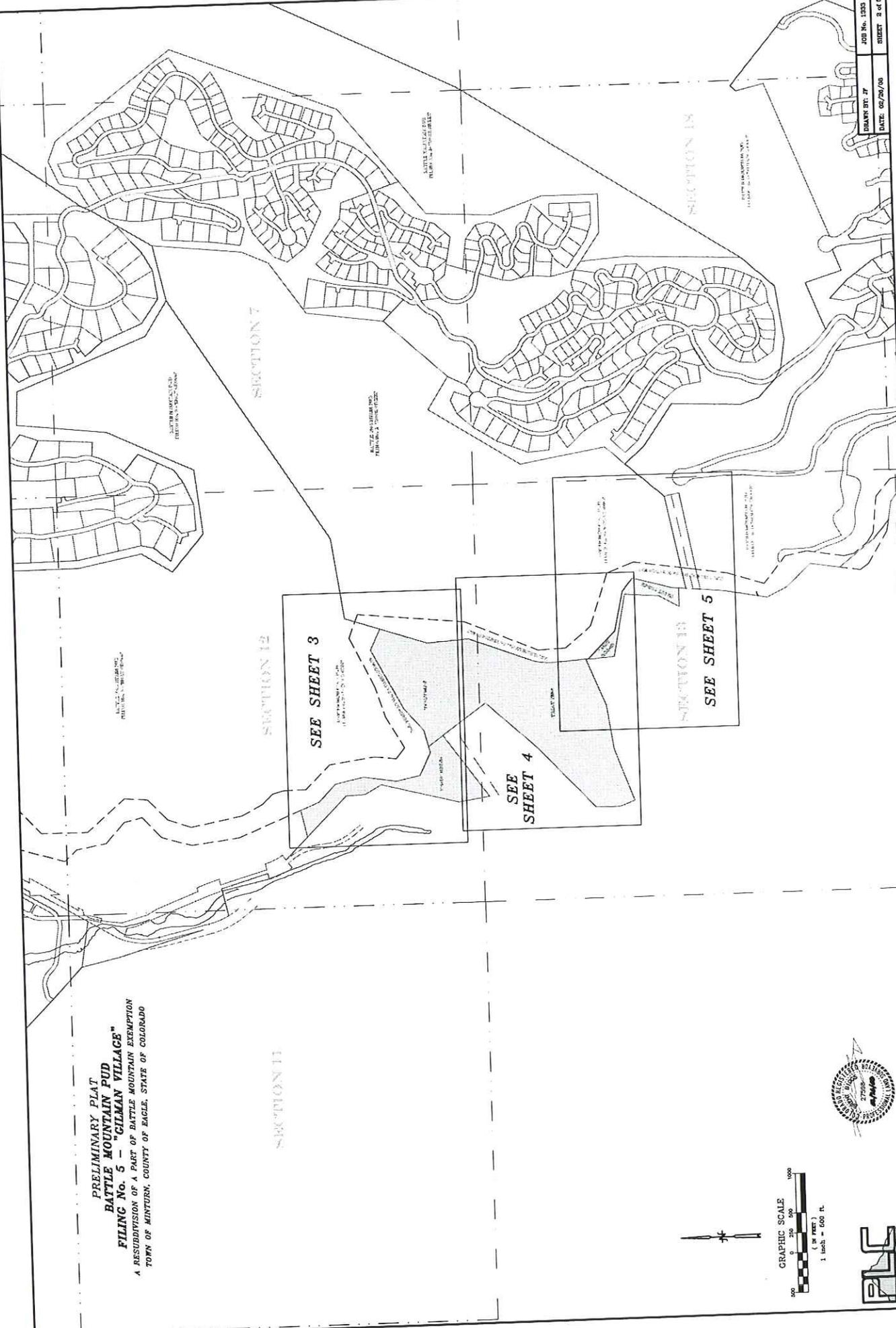
SEE SHEET 3

SEE SHEET 4

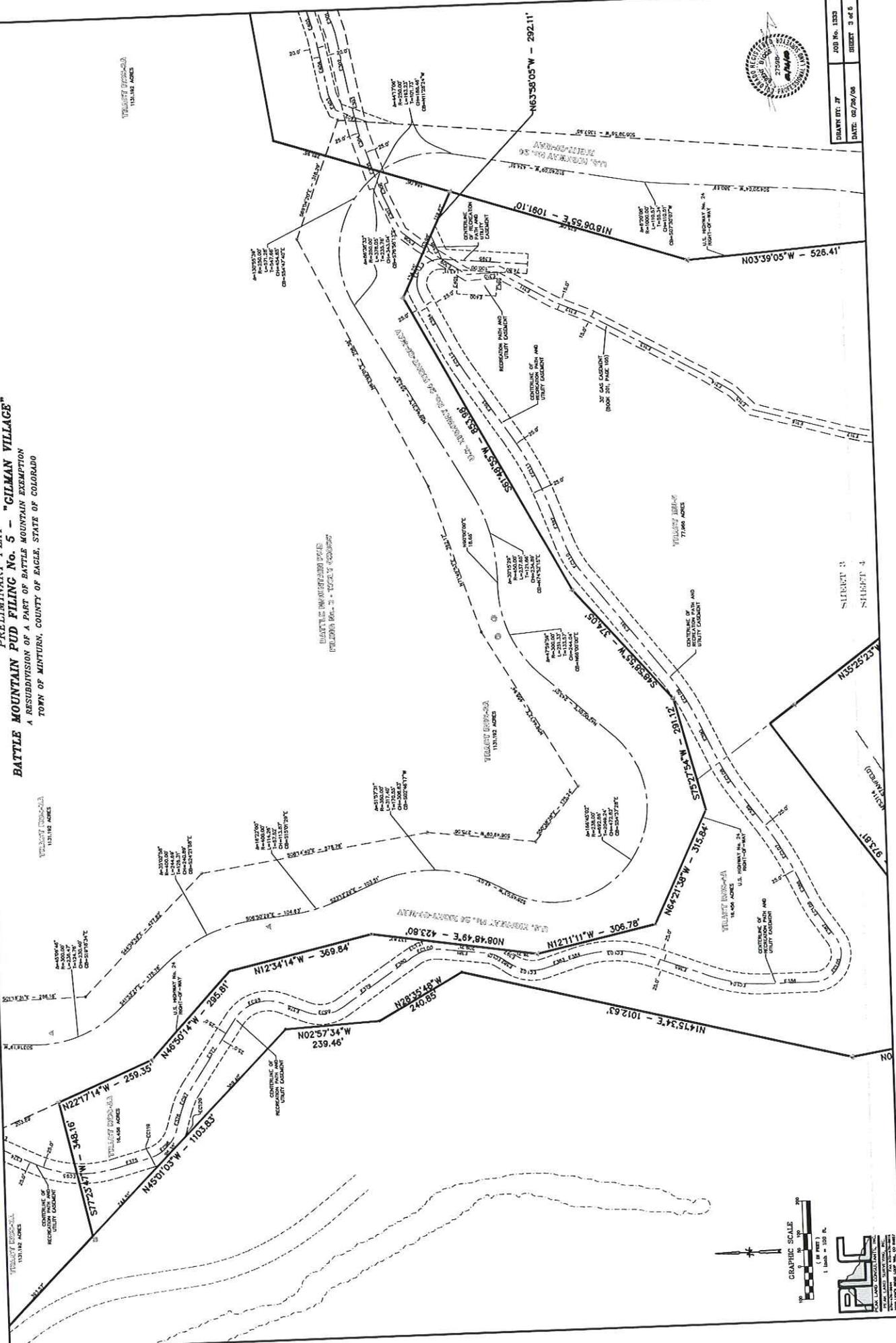
SEE SHEET 5



DRAWN BY: JF  
 JOB No. 1553  
 DATE: 02/28/00  
 SHEET 3 OF 6

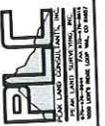
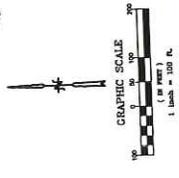


**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 5 - "GILMAN VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



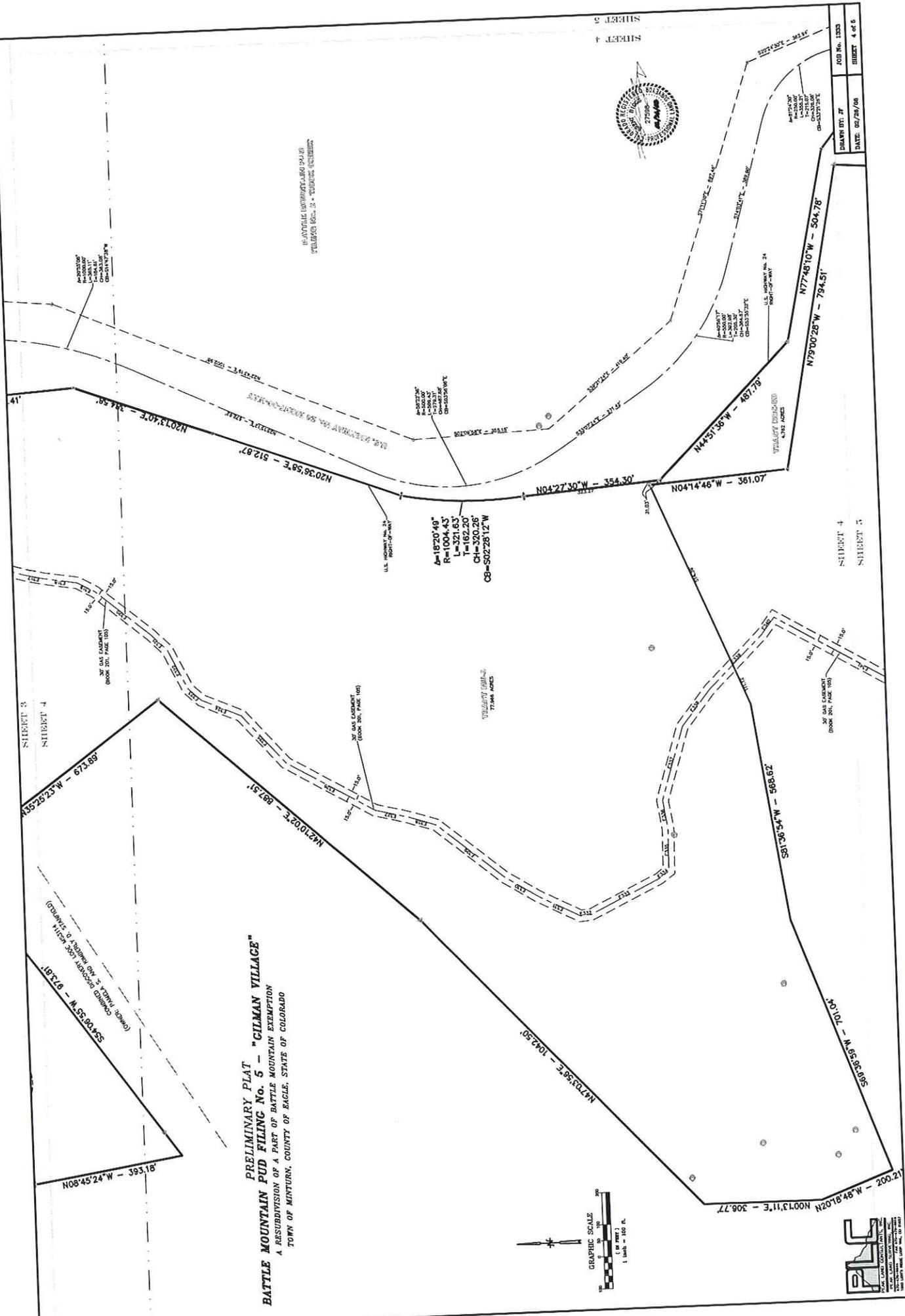
DRAWN BY: JF  
 JOB No. 1333  
 DATE: 05/26/96  
 SHEET 3 OF 6

SUBJECT 3  
 SUBJECT 4





**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 5 - "GILMAN VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



U.S. HIGHWAY No. 24  
 RIGHT-OF-WAY

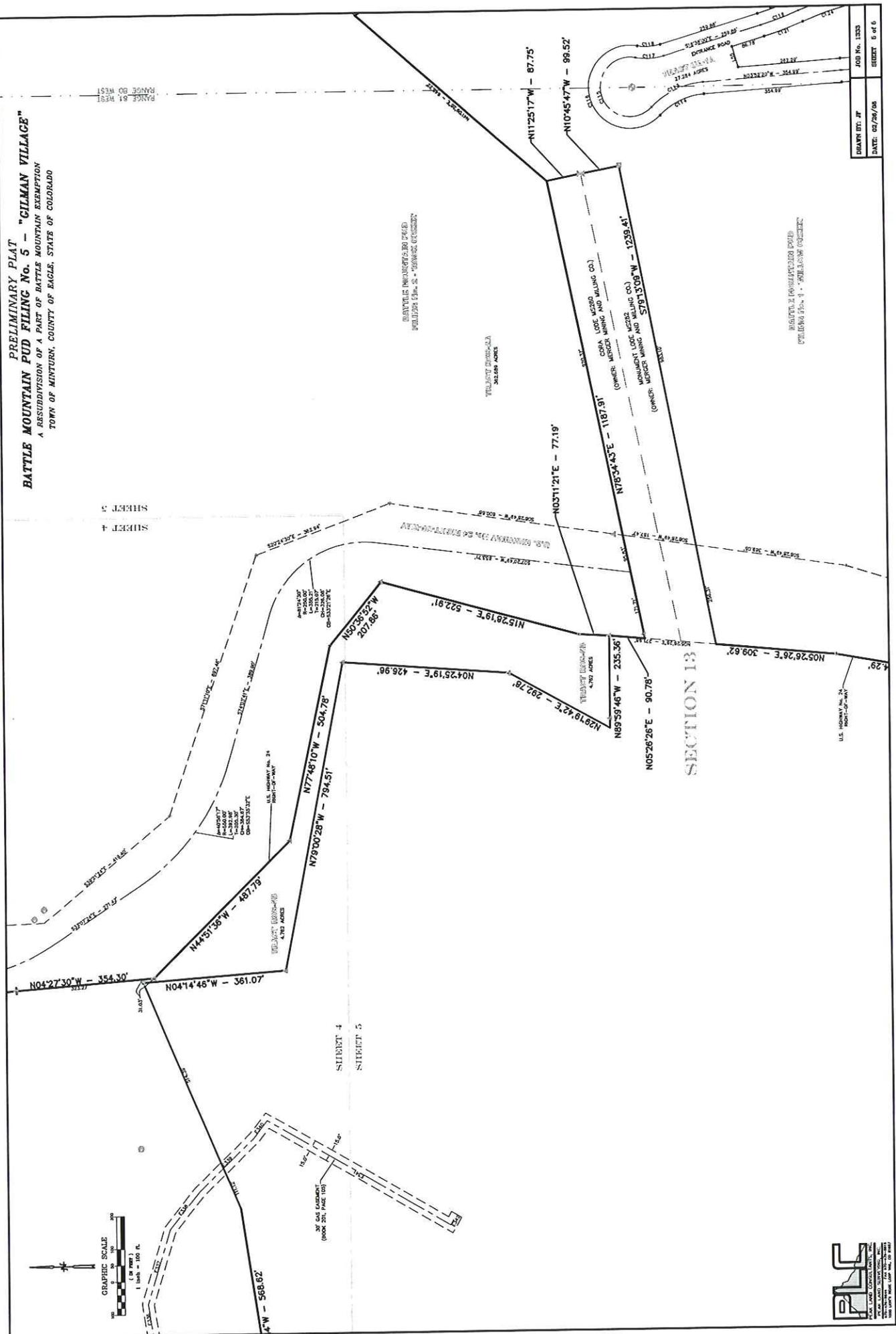
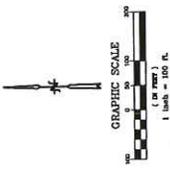


PAC  
 PROFESSIONAL ARCHITECTS  
 1000 W. 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
 PHONE: 303.733.1111  
 FAX: 303.733.1112  
 WWW.PACARCHITECTS.COM

**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 5 - "GILMAN VILLAGE"**  
 A RECONSIDERATION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

PLAT NO. 5  
 SHEET 4

SHEET 4  
 SHEET 5

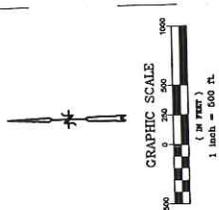
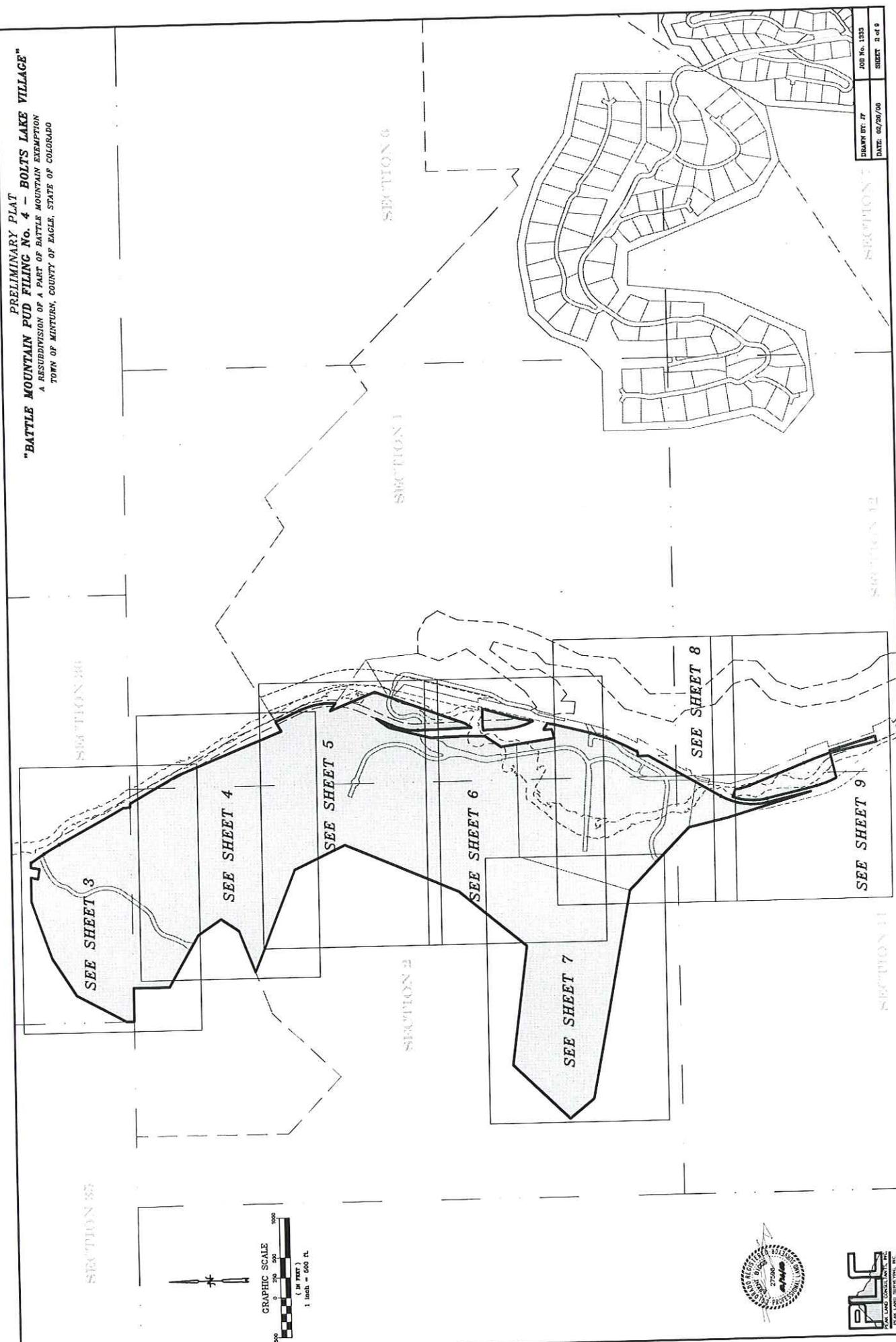


PLANNED BY: JF	JOB No. 1353
DATE: 02/29/06	SHEET: 4 of 6



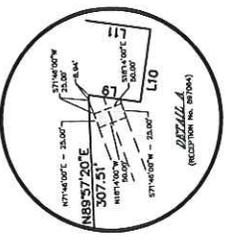
**PRELIMINARY PLAT**  
**"BATTLE MOUNTAIN PUD FILING No. 4 - BOLTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MENTURN, COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY: JF  
 DATE: 02/29/08  
 JOB No. 1353  
 SHEET 8 of 9



**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING NO. 4 - "BOLTS LAKE VILLAGE"**  
 A RESSUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

RECORDING INFORMATION: 10/10/2006 10:41:00 AM



SECTION 35

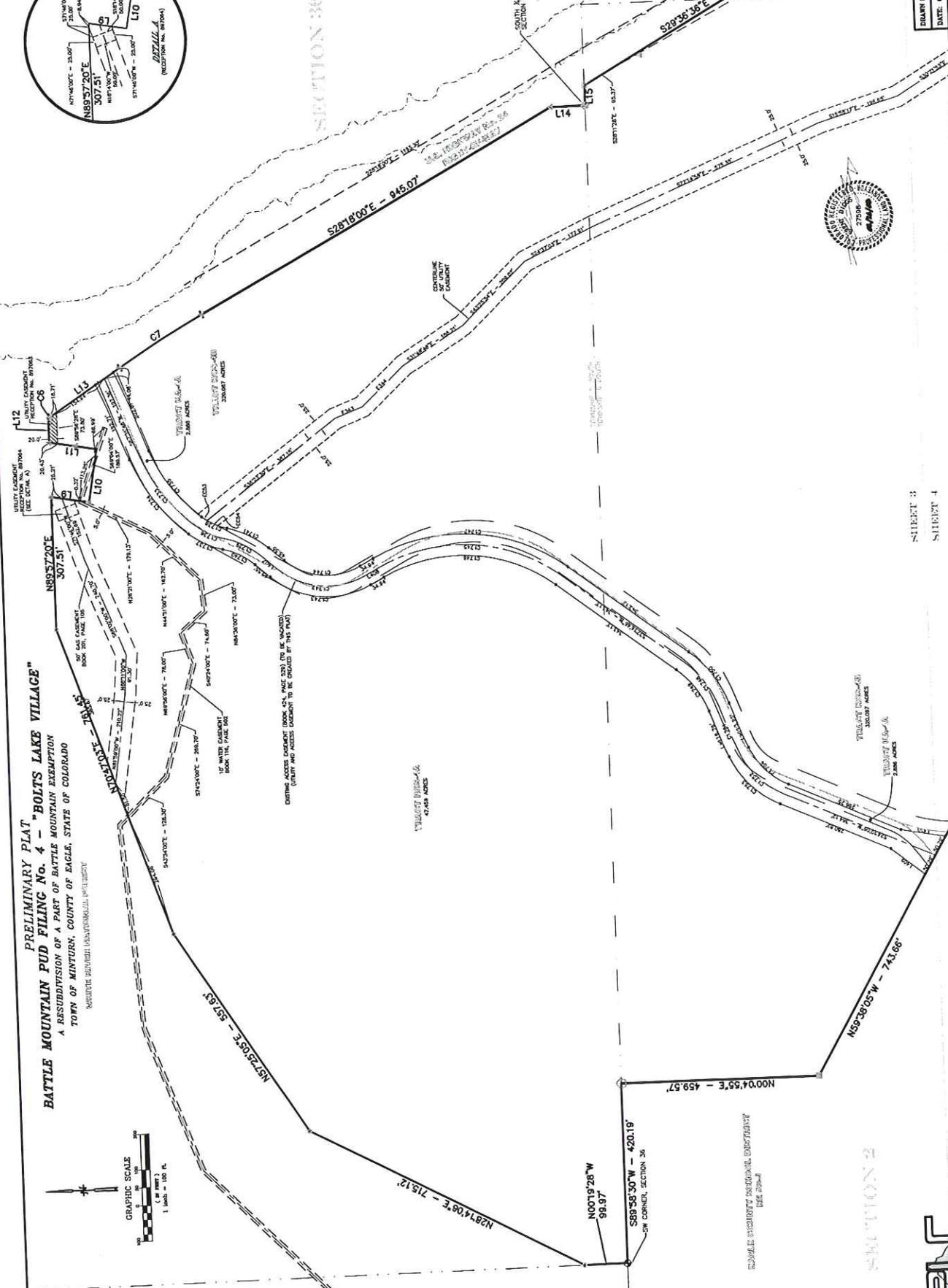
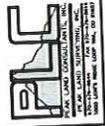
SECTION 36

SHEET 3  
SHEET 4

ISSUED BY: JF  
JOB NO.: 1323  
DATE: 02/20/06  
SHEET 3 of 9

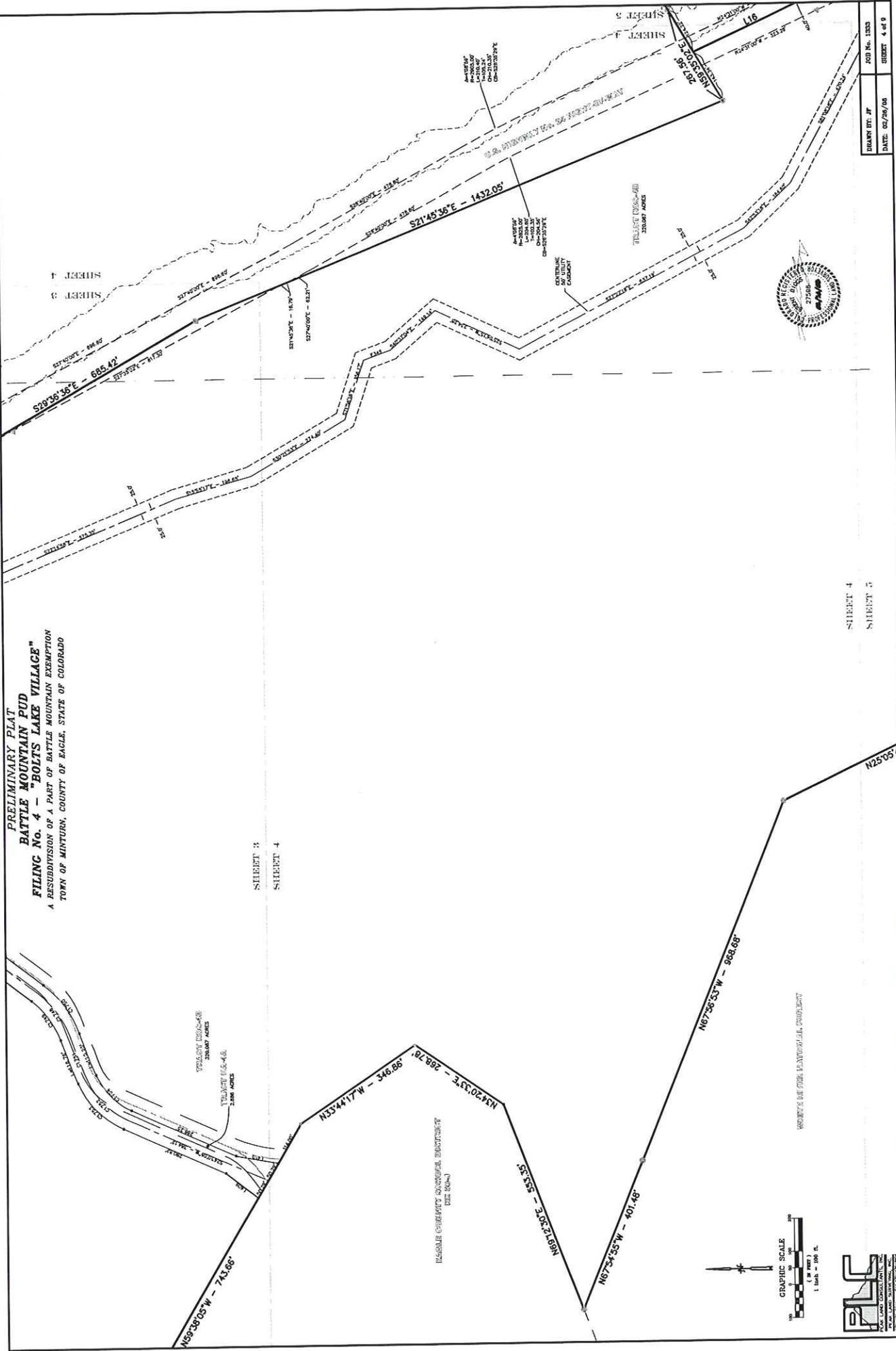


SHEET 3  
SHEET 4

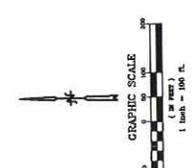


RECORDING INFORMATION: 10/10/2006 10:41:00 AM

**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD**  
**FILING No. 4 - "BOLTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



VERIFIED BY STATE SURVEYOR GENERAL, COLORADO



SHEET 4  
 SHEET 5

DATE: 02/26/06	SHEET: 4 of 9
DRAWN BY: JF	JOB No. 1333

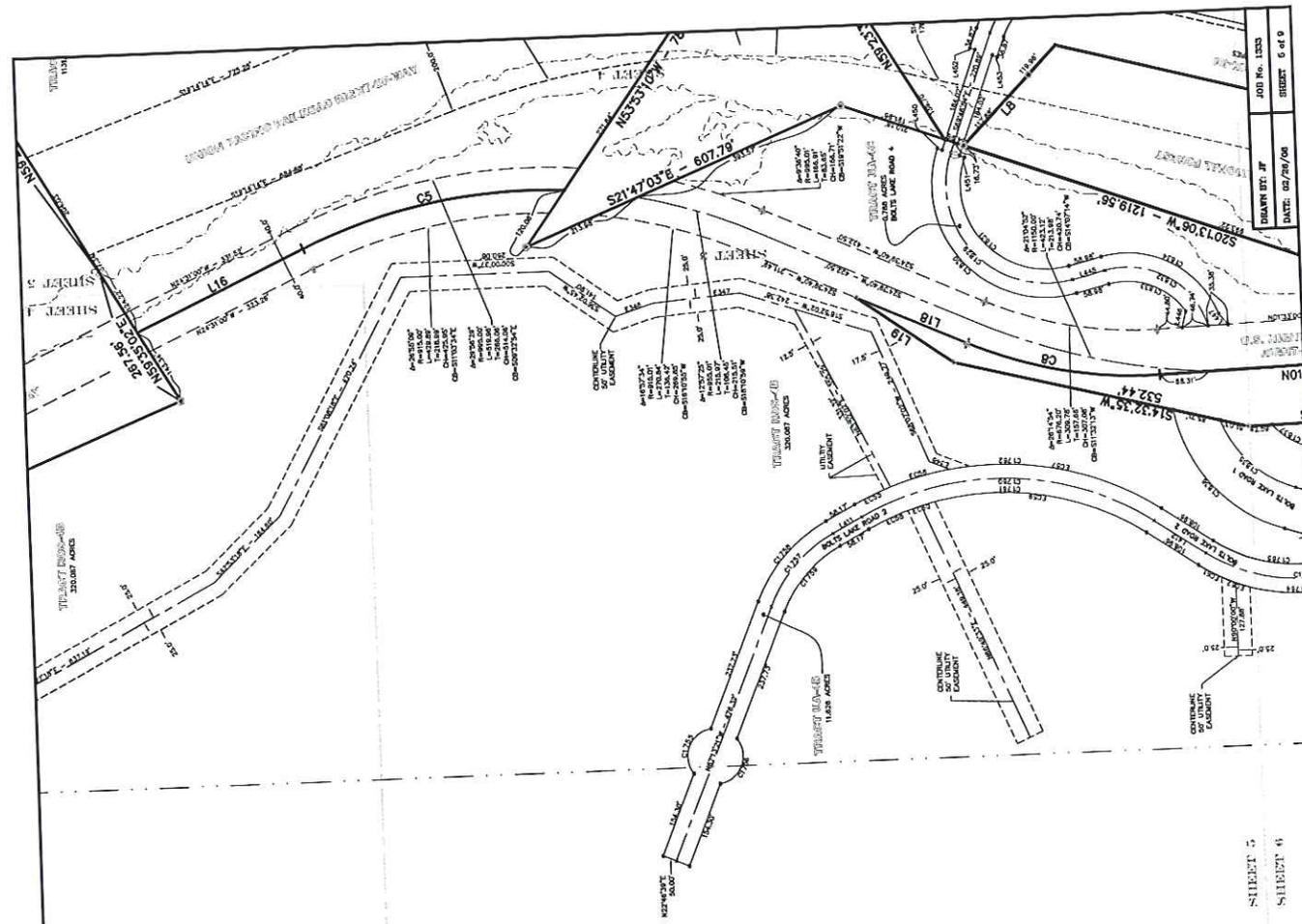
**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 4 - "BOLTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

N67°56'33"W - 988.68'  
 N25°05'49"W - 706.60'  
 N23°20'28"E - 1564.32'



REGISTERED PROFESSIONAL ENGINEER

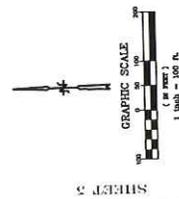
SECTION 2



SHEET 5  
 6 SHEETS

DATE: 02/26/06	DRAWN BY: JF	JOB NO. 1333
SHEET 6 OF 9		

PRELIMINARY PLAT  
 BATTLE MOUNTAIN PUD  
 FILING No. 4 - "BOLTS LAKE VILLAGE"  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

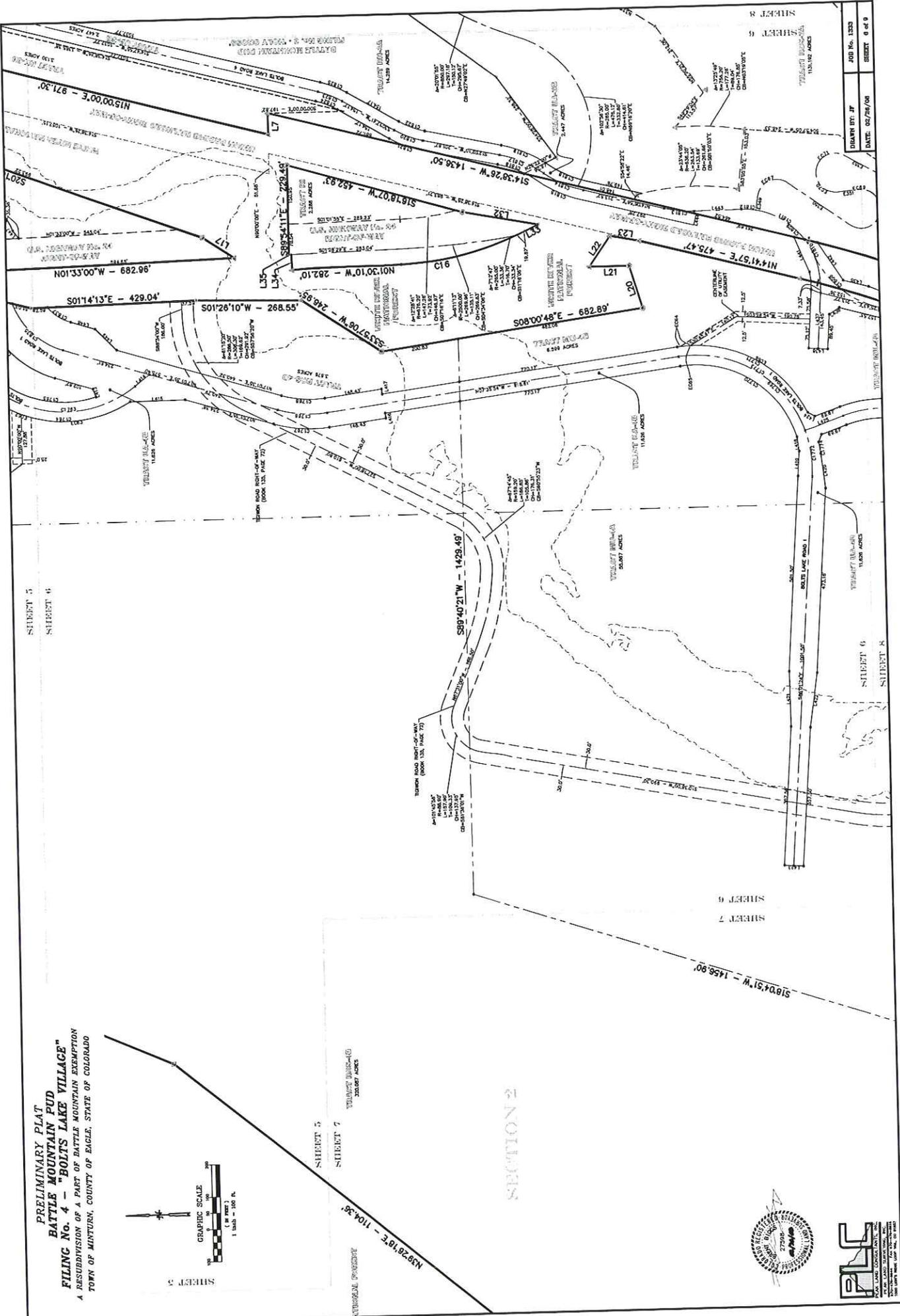


SHEET 5  
 SHEET 6

SHEET 7  
 SHEET 8



DATE: 02/10/06  
 DRAWN BY: JF  
 JOB No. 1333  
 SHEET 6 OF 8



**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING NO. 4 -- "BOULTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

SECTION 2

SHEET 5  
 SHEET 7

TULSAIT BUCK-400  
 30.00 ACRES

SECTION 2 BATTLE MOUNTAIN PUD FILING NO. 4

N39°26'18"E - 1104.36'

S82°16'20"E - 1508.13'

N41°33'E - 892.85'

N38°47'02"W - 587.01'

TULSAIT BUCK-400  
 30.00 ACRES

N79°07'28"W - 2659.33'

S18°04'51"W - 1458.90'

TULSAIT BUCK-400  
 30.00 ACRES

N46°48'07"W - 1097.71'

SECTION 2 BATTLE MOUNTAIN PUD FILING NO. 4

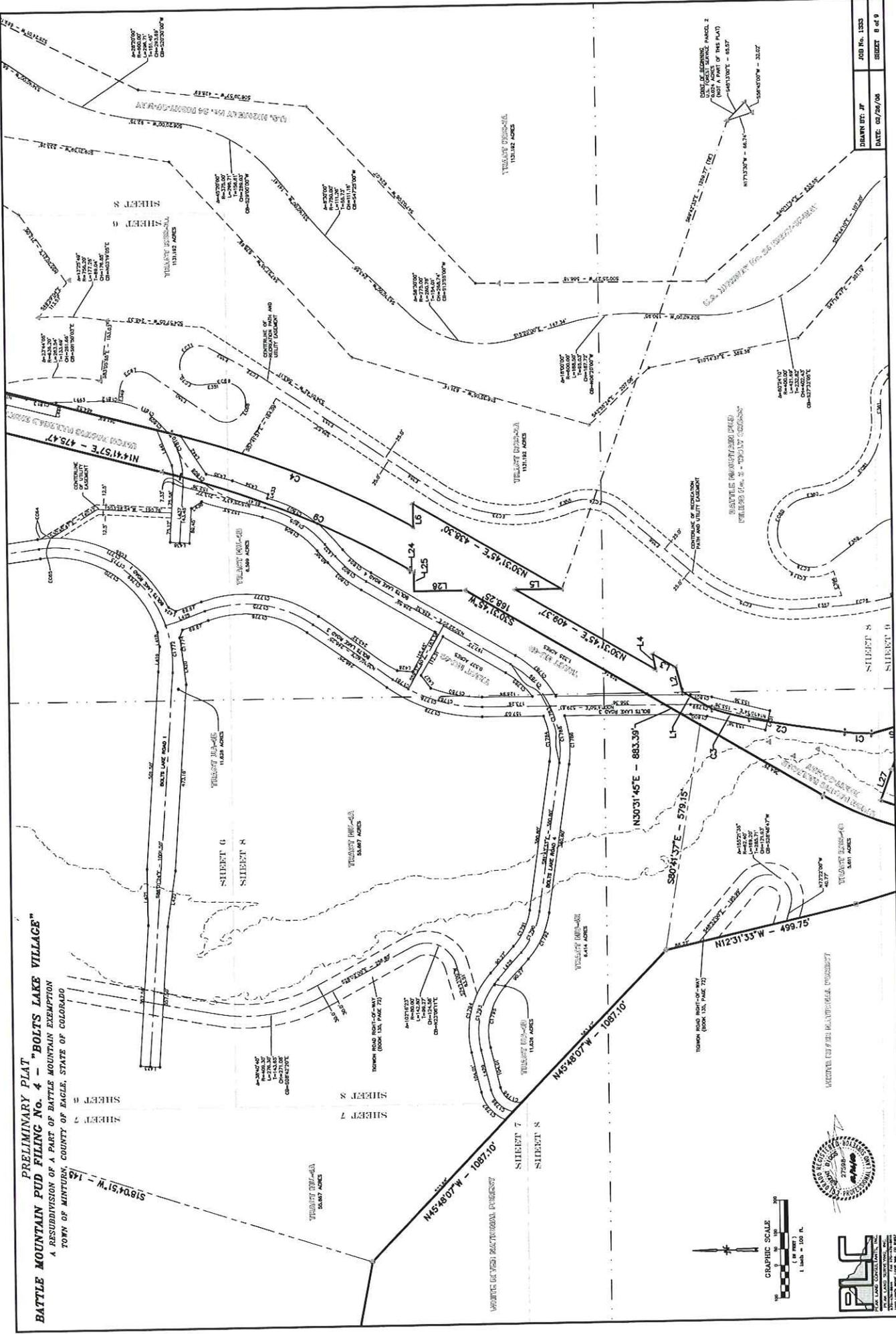
SECTION 2 BATTLE MOUNTAIN PUD FILING NO. 4



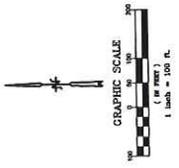
DRAWN BY: JF	JOB No. 1333
DATE: 02/28/06	SHEET 7 of 9

SHEET 7  
 SHEET 8  
 SHEET 9

8



**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 4 - "BOLTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MONTICLO, COUNTY OF EAGLE, STATE OF COLORADO



VERTICAL CURVES: 100' TO 150'  
 HORIZONTAL CURVES: 100' TO 150'

SHEET 6  
 SHEET 7  
 SHEET 8  
 SHEET 9  
 SHEET 10

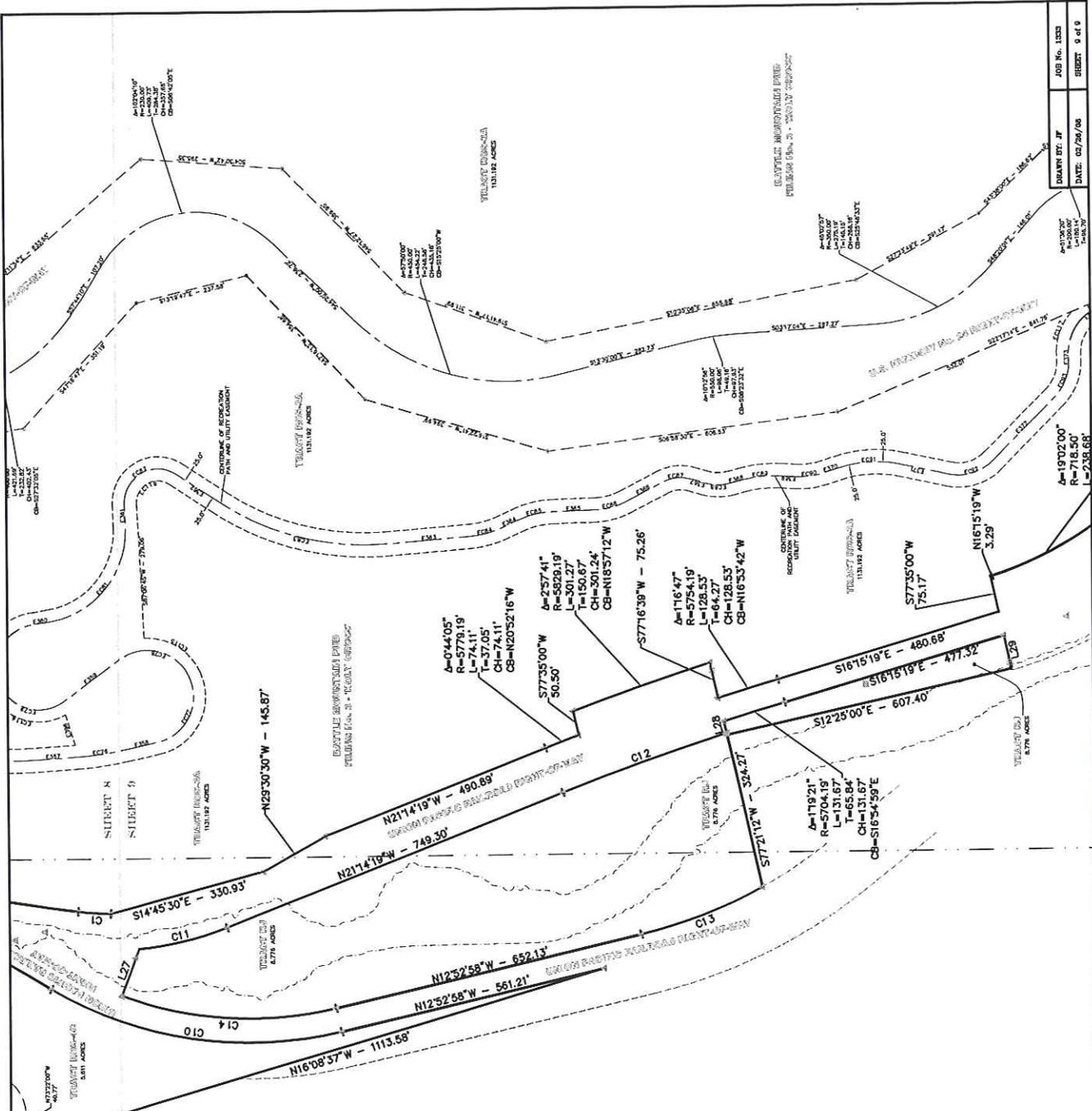
TRUST DEEDS  
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TRUST DEEDS  
 EASEMENTS

TRUST DEEDS  
 EASEMENTS

TRUST DEEDS  
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**PRELIMINARY PLAT**  
**BATTLE MOUNTAIN PUD FILING No. 4 - "BOLTS LAKE VILLAGE"**  
 A RESUBDIVISION OF A PART OF BATTLE MOUNTAIN EXEMPTION  
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



DEPART. OF: IF  
 DATE: 02/29/08  
 JOB No. 1323  
 SHEET: 0 of 9

