

RETURN TO:
CITY OF CHERRY HILLS VILLAGE
2450 E. QUINCY AVENUE
CHERRY HILLS VILLAGE, COLORADO 80110

E3114071
5/28/2003 13:14:46
PG: 0001-001
6.00 DOC FEE: 0.00
TRACY K. BAKER
ARAPAHOE COUNTY

RESOLUTION NO. 02
SERIES OF 2003

INTRODUCED BY: Bonnie Blum
SECONDED BY: Viola Lahana

A
RESOLUTION
OF THE CITY COUNCIL
APPROVING A QUITCLAIM DEED FOR A VACATED PORTION OF
GREENBRIAR DRIVE

WHEREAS, in accordance with Ordinance No. 03-03 and Title 8 of Chapter 4 of the City Code, the City conditionally vacated a portion of platted Greenbriar Drive immediately adjacent Lot 3 of the Charlou Park Addition, also known as 6301 Greenbriar Drive; and


WHEREAS, by operation of state law and Title 8 of Chapter 4 of the City Code, ownership of vacated portions of property are intended to vest with certain adjacent landowners subject to any conditions of vacation; and

WHEREAS, the City Council desires to memorialize the vesting of ownership of the City's interest to the property vacated by Ordinance No. 03-03 in the adjacent landowners, George T. Ashen and Dolores C. Ashen, and the imposition of certain conditions upon such ownership as specified by Ordinance No. 03-03,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

The City Council hereby approves the attached "Quitclaim Deed and Restriction" and authorizes the Mayor to execute the Deed on behalf of the City of Cherry Hills Village, Colorado.

DONE AND RESOLVED this 6th day of May, 2003.



Douglas Scott, Mayor

ATTEST:

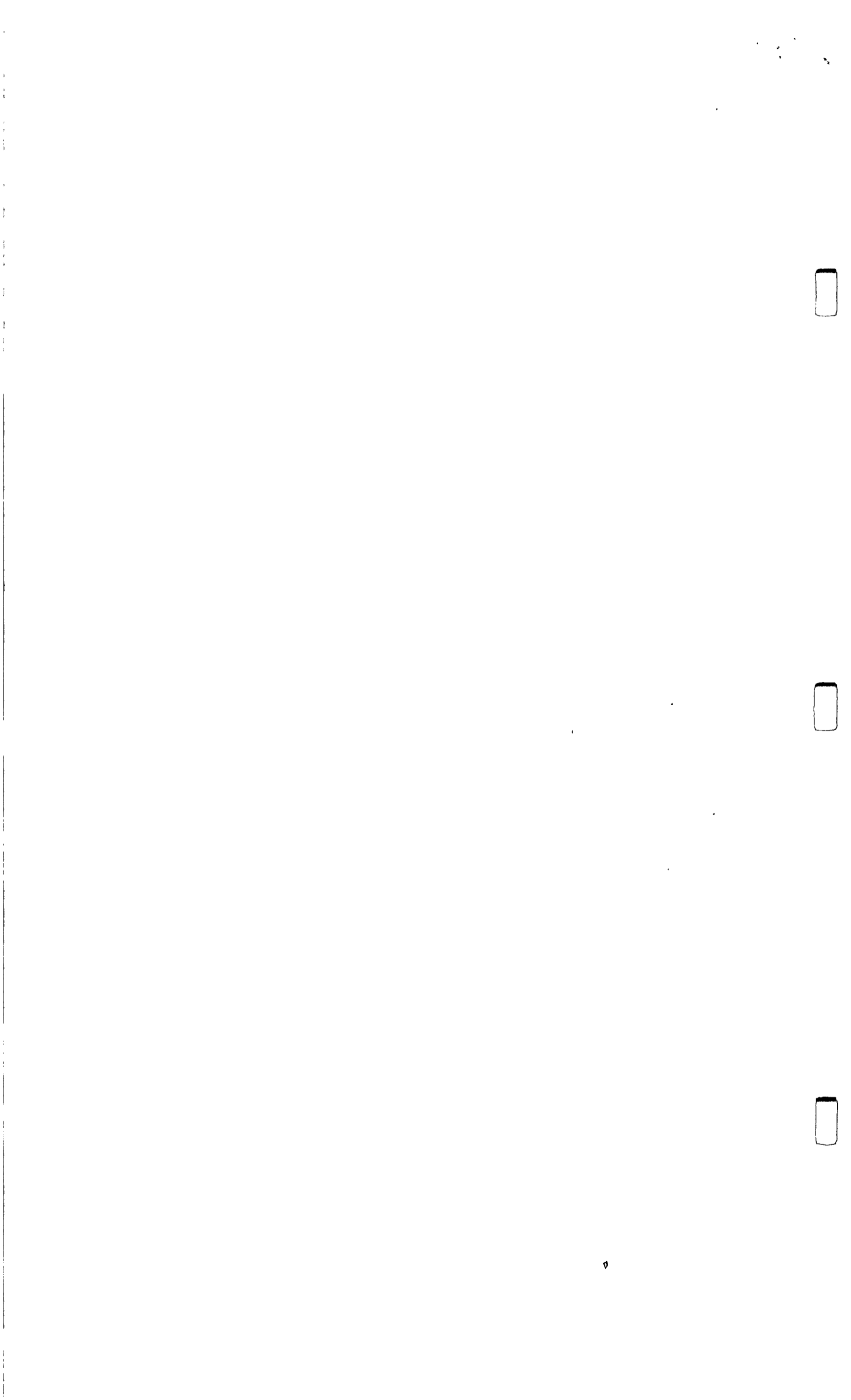


Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Robert C. Widner, City Attorney



RETURN TO:
City of Cherry Hills Village
2450 E. Quincy Ave
Cherry Hills Village CO 80110

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5/28/2003 13:14:46
PG: 0001-003
16.00 DOC FEE: 0.00
TRACY K. BAKER
ARAPAHOE COUNTY

QUITCLAIM DEED AND RESTRICTION

THIS QUITCLAIM DEED AND RESTRICTION, is made this 6th day of May 2003, by and between the **CITY OF CHERRY HILLS VILLAGE**, a home rule municipal corporation of the State of Colorado (hereinafter "Grantor"), whose legal address is 2450 East Quincy Avenue, Cherry Hills Village, Colorado, 80110, and **GEORGE T. ASHEN AND DOLORES C. ASHEN**, whose legal address is 6301 Greenbriar Drive, Englewood, Colorado 80031 (collectively hereinafter "Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of One and No/One-hundredths Dollars (\$1.00) the receipt and sufficiency of which is hereby acknowledged, does hereby QUITCLAIM unto Grantee, its heirs, successors and assigns, forever, all the right, title, interest, claim and demand, if any, which Grantor has in and to the following real property, together with improvements, if any, situate, lying, and being in the City of Cherry Hills Village, Arapahoe County, State of Colorado, illustrated on Exhibit A, attached hereto and incorporated by this reference, and more particularly described as follows (the "Property"):

A PORTION OF THE PROPERTY DEDICATED TO PUBLIC USE AS "GREENBRIAR LANE" ON THE CHARLOU PARK ADDITION PLAT RECORDED AT BOOK 12, PAGE 10 IN THE RECORDS OF THE CLERK OF ARAPAHOE COUNTY, COLORADO, SITUATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 8, T5S., R67W., OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 OF SAID CHARLOU PARK ADDITION, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF GREENBRIAR LANE, AND CONSIDERING SAID NORTHERLY RIGHT-OF-WAY LINE TO BEAR S65°46'52"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID POINT BEING THE POINT OF BEGINNING:

THENCE S65°46'52"E ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 219.90 FEET TO A POINT OF CURVATURE TO THE LEFT;
THENCE 79.45 FEET ALONG THE ARC OF SAID CURVE, HAVING AN INTERIOR ANGLE OF 22°45'41" AND A RADIUS OF 200.00 FEET TO A POINT;
THENCE DEPARTING SAID SOUTH LINE S01°33'45"W, A DISTANCE OF 9.07 FEET TO A POINT;
THENCE S88°35'10"W, A DISTANCE OF 18.89 FEET TO A POINT;
THENCE N83°30'45"W, A DISTANCE OF 70.73 FEET TO A POINT;
THENCE N82°35'03"W, A DISTANCE OF 78.96 FEET TO A POINT;
THENCE N76°57'46"W, A DISTANCE OF 62.01 FEET TO A POINT;
THENCE N68°48'59"W, A DISTANCE OF 49.88 FEET TO A POINT;
THENCE N65°46'52"W, A DISTANCE OF 13.28 FEET TO A POINT;
THENCE N42°13'10"W, A DISTANCE OF 18.39 FEET TO A POINT;
THENCE N24°13'08"E, A DISTANCE OF 52.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,529 SQUARE FEET OR 0.2647 ACRES OF LAND, MORE OR LESS.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of Grantor, either in law or equity, to the proper use, benefit and behoof Grantee, its heirs and assigns forever;



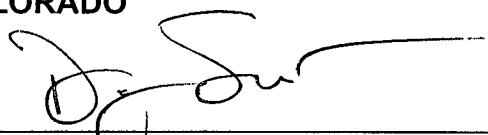
PROVIDED HOWEVER that:

1. The Property shall hereafter be sold, devised, conveyed, gifted, granted or otherwise transferred only together with the sale, devise, conveyance, gift, grant, or other transfer of Lot 3 of the Charlou Park Addition, as recorded in Plat Book 12, page 10, of the records of the Arapahoe County Clerk and Recorder, it being the intent of this restriction that fee simple ownership of both the Property and said Lot 3 shall always and forever be owned and held by the same owner as if both the Property and Lot 3 were one unified and combined parcel of real property; and
2. No structure, building, or development shall be constructed, erected, installed, undertaken, or maintained upon the Property except: (a) fence or fencing, berm(s), and landscaping as may be lawfully permitted by the applicable regulations of the City of Cherry Hills Village; and (b) underground utilities such as water, wastewater, drainage, gas, electricity, telephone, cable, and telecommunications.

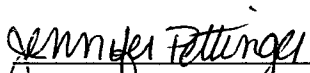
The foregoing restrictions (1) and (2) (the "Restrictions") touch and concern the Property and shall run with the land and bind all parties having or acquiring any interest in the Property or any part thereof and shall inure to the benefit of and be enforceable by Grantor, its successors-in-interest, heirs, and assigns. Grantor may enforce these Restrictions by any appropriate legal or equitable action, including but not limited to specific performance, injunction or such other remedies and penalties as Grantor deems appropriate. If Grantor substantially prevails in such an action, it shall also be entitled to an award for the Grantor's reasonable attorneys' fees and costs. In the event the Property is sold, devised, conveyed, gifted, granted or otherwise transferred without complying with these Restrictions, such sale, transfer or conveyance shall be wholly null and void and shall confer no title whatsoever upon the purported transferee.

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth above.

**GRANTOR:
CITY OF CHERRY HILLS VILLAGE,
COLORADO**

By: 
Douglas Scott, Mayor

ATTEST:

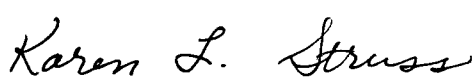

Jennifer Pettinger, City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 16 day of May, 2003, by Douglas Scott as Mayor and Jennifer Pettinger as City Clerk of the City of Cherry Hills Village, Colorado.

Witness my hand and official seal.

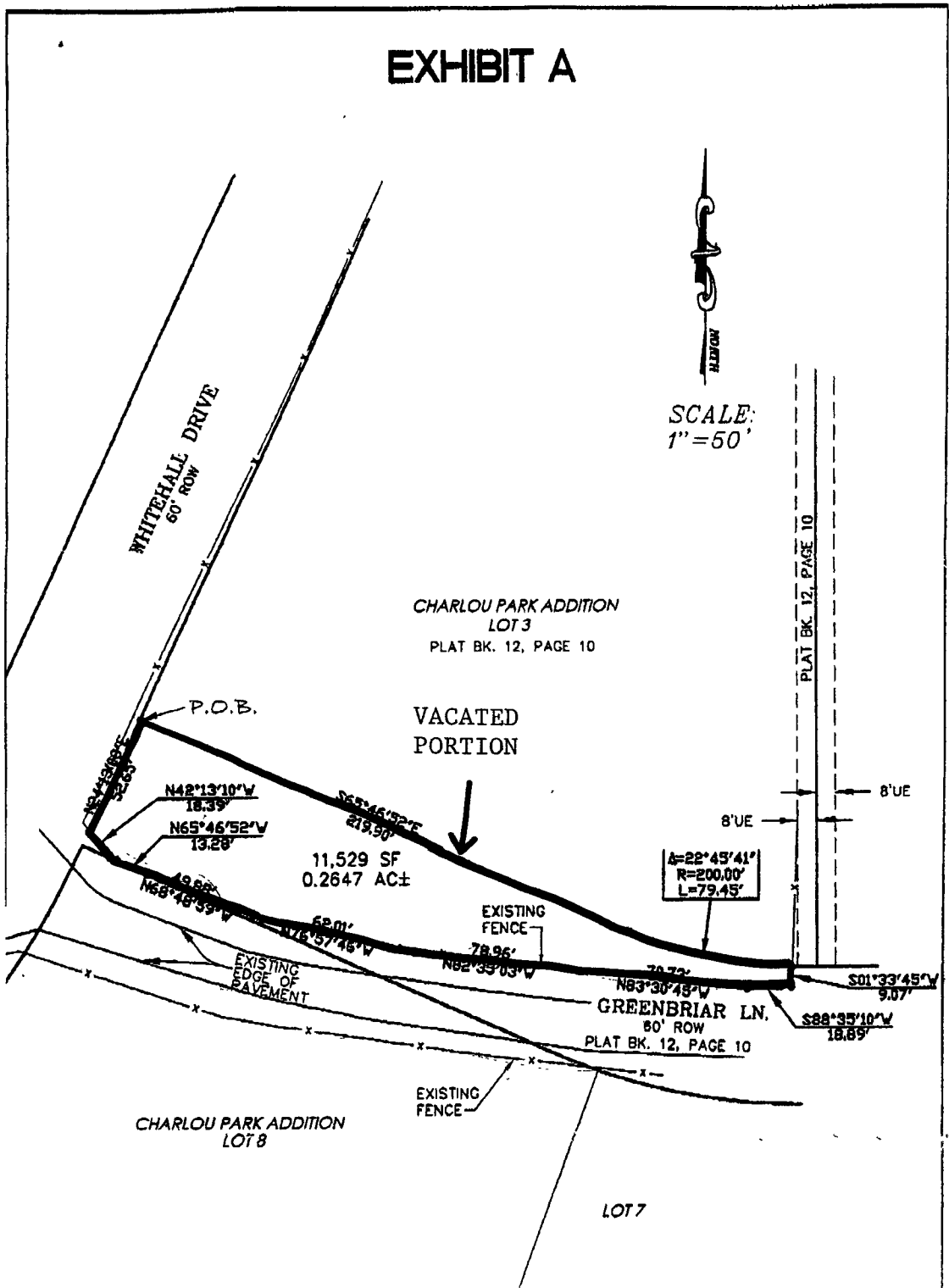
My Commission Expires: My Commission Expires
09/22/2004


Notary Public



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EXHIBIT A



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.



ASPEN Surveying, Inc.

2993 So. PEORIA STREET
SUITE 150
Aurora, CO 80014
Phone (303) 750-4590
Fax (303) 750-0646

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