

CATHERINE H. ANDERSON PROPERTY

CONSERVATION EASEMENT

BASELINE REPORT



Arapahoe County, Colorado

CATHERINE H. ANDERSON PROPERTY

CONSERVATION EASEMENT BASELINE REPORT

April, 2007



Arapahoe County, Colorado

Prepared for:

***Catherine H. Anderson
4400 East Quincy Ave.
Englewood, CO 80113***

Prepared by:

***Michael G. Figgs
LREP, Inc.
P.O. Box 5
Allenspark, CO 80510
mfiggs@indra.com***

Cover Photo: Photo Point 4B
Inside Cover Photo: Photo Point 9A



Landscape, Resource, Ecosystem Planning, Inc.

P.O. Box 5, Allenspark, CO 80510 mfiggs@indra.com

Phone 970-577-0200 Fax 970-577-9922 Mobile 303-579-5821

August 17, 2007

Melinda M. Beck
Faegre & Benson LLP
1700 Lincoln Street, Suite 3200
Denver, CO 80203-4532

Re: Draft Catherine H. Anderson Property Conservation Easement Baseline Report

Dear Melinda,

Enclosed is a pdf version of the draft report. By this cover, I am also sending digital copies of the report to Sydney Macy with the Conservation Fund and Dan Pike with Colorado Open Lands. Please review this draft and forward your comments and corrections to me, and I will make the necessary changes to the report.

Sincerely,

Michael G. Figgs

encl.

cc: Sydney Macy, The Conservation Fund
Dan Pike, Colorado Open Lands

CATHERINE H. ANDERSON PROPERTY CONSERVATION EASEMENT

BASELINE REPORT

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CATHERINE H. ANDERSON PROPERTY CONSERVATION EASEMENT

BASELINE REPORT

1.0 PURPOSE OF THE BASELINE REPORT

1.1 Introduction

This document is a natural and cultural resource baseline report that establishes the existing condition of the Catherine H. Anderson Conservation Easement Property (the "Property"). Catherine H. Anderson (the "Grantor") is granting a conservation easement, referred to herein as the "Conservation Easement", to Colorado Open Lands (the "Grantee"). The Property is approximately 17.55 acres in size, more or less. Unless specifically described otherwise, the Catherine H. Anderson Conservation Easement Property is the subject property of this report, as displayed in Figure 4. Other properties described herein are referenced 1) as adjacent properties, 2) with respect to their management relationship to the Property, and/or 3) as providing access to the subject Property.

All references herein to the "Deed of Conservation Easement" refer to the final signed and recorded Deed of Conservation Easement dated August 1, 2007, and provided by Melinda Beck with Fagre & Benson, LLP, a copy of which is located in Appendix 1 attached to this report. All references herein to the Deed of Conservation Easement are for reference purposes only, and in the case of all legal interpretations, the language of the final signed and recorded Deed of Conservation Easement is primary, and governs any interpretations, deliberate or accidental, made in this baseline report.

1.2 Conservation Values

The purpose of the Conservation Easement is to preserve and protect the specific Conservation Values of the Property. Accordingly, this report is essential in order to:

1. Establish the characteristics, current use, historical management and status of improvements on the Property.
2. Provide evidence of Conservation Values.
3. Comply with Internal Revenue Service regulations for charitable gifts.
4. Comply with the standards and practices issued by the Land Trust Alliance (1993) and Colorado Coalition of Land Trusts (Wohlgenant 1997), and the due diligence requirements of Great Outdoors Colorado (2002).
5. Establish a baseline condition in order to assure that any future changes in the use of the Property will be consistent with the terms of the Conservation Easement.
6. Contribute to the organizational effectiveness and efficiency of the Grantee during its future monitoring visits.

The public interest Conservation Values to be protected by the Conservation Easement, and the location they are described in this report, are:

- Recreation (Section 8)

- Relatively Natural Habitat (Sections 4-7)
- Open Space (Section 8)
- Historic (Section 9)

Specific features supporting these Conservation Values that the Property contains, and the location they are described in this report, include:

- A portion of the Highline Canal passes through the Property and is utilized by hundreds of people every week for walking, jogging, hiking, bicycle riding, and horseback riding and is available for the substantial and regular use of the public. (Section 8).
- The Property contains wetlands, riparian areas, a pond, and natural areas that provide food, shelter, breeding ground, and migration corridors for several wildlife species. (Section 7).
- The habitat on the Property is also “significant” as required by the Treasury Regulations, as it represents wildlife habitat in an urban area, and is the first verified and documented breeding site in Colorado for the Hooded Merganser (Section 7).
- The Property is visually accessible to the general public from the public Highline Canal Trail which traverses the Property and from Quincy Avenue, which adjoins the Property (Section 8).
- The Property qualifies as an historically important land area because it is an independently significant land area and is listed in the National Register of Historic Places by the United States Department of the Interior (Section 9).
- Conservation of the Property is consistent with the Arapahoe County Comprehensive Plan (Section 8).

2.0 BASELINE REPORT METHODOLOGY AND FORMAT

Report methodology follows the suggested format in Lind (1991), and Diehl and Barrett (1988). This report was compiled and formatted to satisfy the requirements of the Internal Revenue Service (IRS) with respect to charitable contributions as described in Small (1986). This report is also designed to conform to the Colorado Coalition of Land Trusts Standards and Practices for the Stewardship of Conservation Easements (Wohlgenant 1997). This report is not intended to be an exhaustive and comprehensive inventory. The report is specifically designed to describe those resources that support the public interest Conservation Values of the Conservation Easement, and to describe the existing conditions of the Property with respect to the terms of the Deed of Conservation Easement, specifically including Section 4 Structures, Areas, Section 5 Resource Management, and Section 6 Restricted Practices.

Conservation Values are documented by means of appropriate maps, project plans, aerial and ground photography, natural resource file searches and literature reviews, and site specific narrative descriptions of the relevant natural and cultural resources. Summaries are found in the text of this report, under the appropriate resource section. Detailed supplemental information for specific resources is placed in the appendices as follows:

Appendix 1 is reserved for a copy of the signed and recorded Deed of Conservation Easement.

Appendix 2 includes a title report for the Property.

Appendix 3 has a color aerial photograph provided by GlobeXplorer via TerraServer.com.

Appendix 4 contains a summary of climate data.

Appendix 5 is reserved for ground photography documentation. Site photographs have been labeled and placed in this appendix, along with a Ground Photography Log describing all photo points, and a Photo Point Map recording the location of all Photo Points. Where Photo Points are noted in this report, refer to Appendix 5.

Appendix 6A includes a contact list, containing names, addresses, and phone numbers for the Grantor, Grantee, the report preparer, and specialists in the natural resources discussed in this report. Appendix 6B contains county assessor information on adjacent property owners.

Appendix 7 is reserved for soils information from the Natural Resources Conservation Service.

Appendix 8 is reserved for vegetation resources, including a plant list for the Property.

Appendix 9 is reserved for wildlife resources, including a potential vertebrate wildlife species list for the Property.

Appendix 10 has historic resources information, including a certificate of designation for the National Register of Historic Places, and the National Register of Historic Places application form with detailed Property history and descriptions.

Additional Property information was collected by means of a Grantor Interview conducted with Catherine Anderson on November 2, 2006. Field work took place on the same day. All Property condition statements are based upon the field work and Grantor Interview. Original notes from the field work and Grantor Interview are retained by the report preparer.

3.0 LOCATION AND GENERAL DESCRIPTION OF THE PROPERTY

3.1 Location/Acreage

The Property is located on an upland between the South Platte River on the west, and Cherry Creek on the east, in western Arapahoe County. The Property is within the corporate boundary of Cherry Hills Village, and two miles northeast of the City of Littleton, the seat of Arapahoe County. Figure 1 displays the regional setting of the Property; Figure 2 displays the local setting. Figure 3 places the Property in the context of the Cherry Hills Village Parks and Trails Program, Figure 4 is a survey map, and Figure 5 is a topographic of the Property.

The Property is located within the Northwest 1/4 of Section 7, Township 5 South, Range 67 West of the Sixth Principal Meridian. A complete legal description of Conservation Easement is attached to the Deed of Conservation Easement in Appendix 1. The entire Property is approximately 17.55 acres in size, more or less.

Figure 1. Regional Setting.

Source: US Geological Survey, State of Colorado topographic map, 1980. Scale: 1" = 6 miles. Contour interval 500 feet. Top of page is north. Lands in green are administered by the USDA National Forest Service. Lands in blue are administered by the State of Colorado.

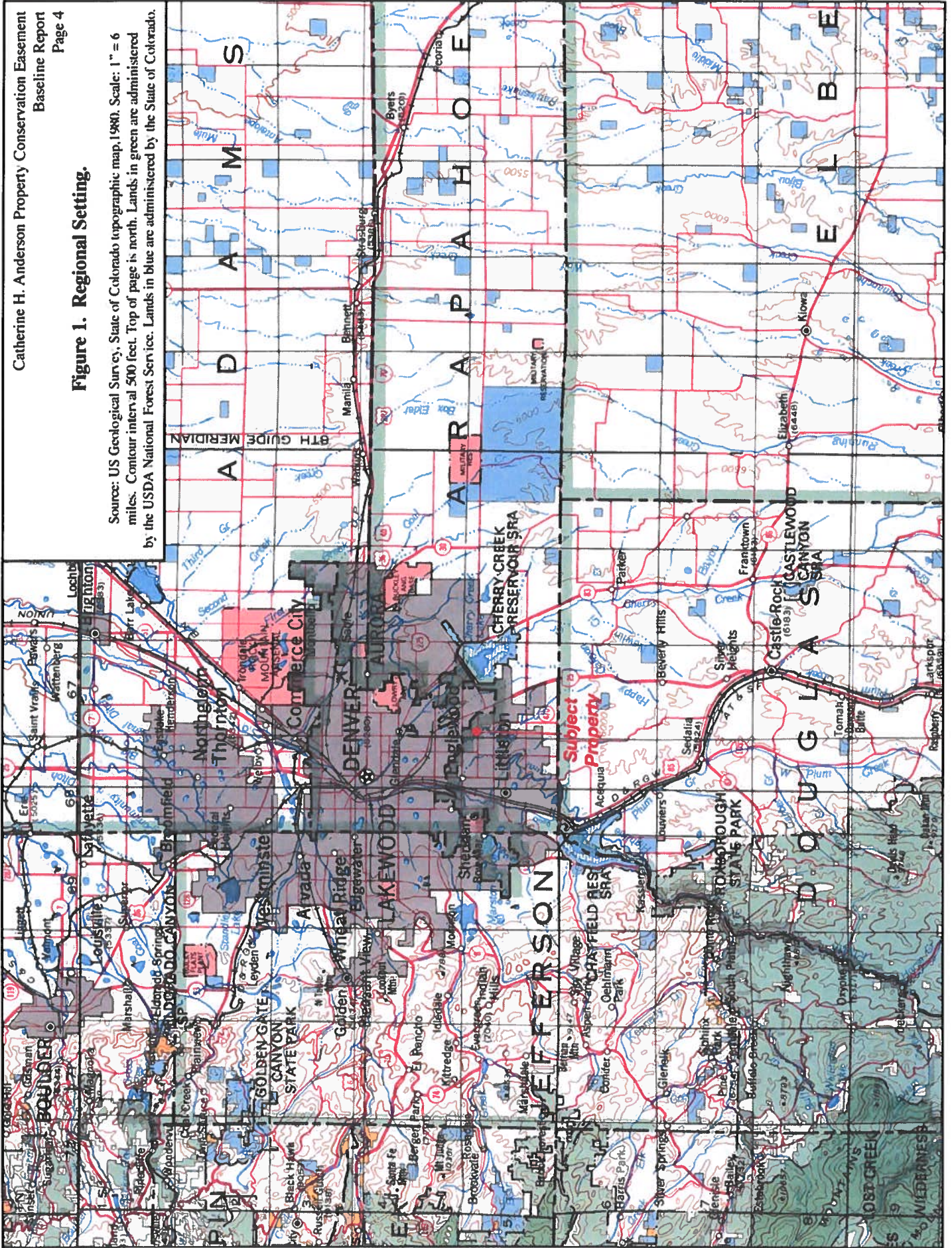
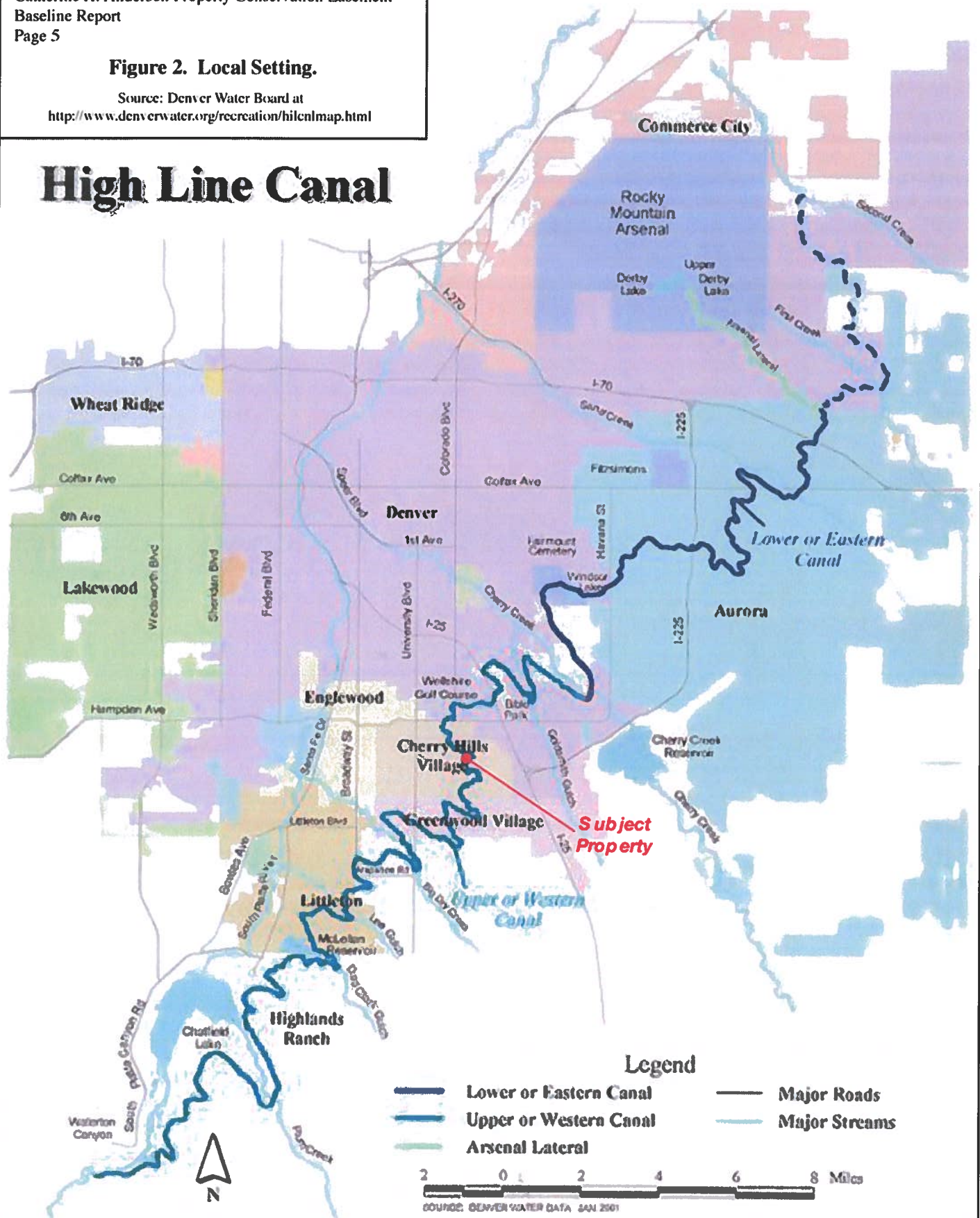


Figure 2. Local Setting.

Source: Denver Water Board at
<http://www.denverwater.org/recreation/hilenlmap.html>

High Line Canal



January 2007

Feet

Miles



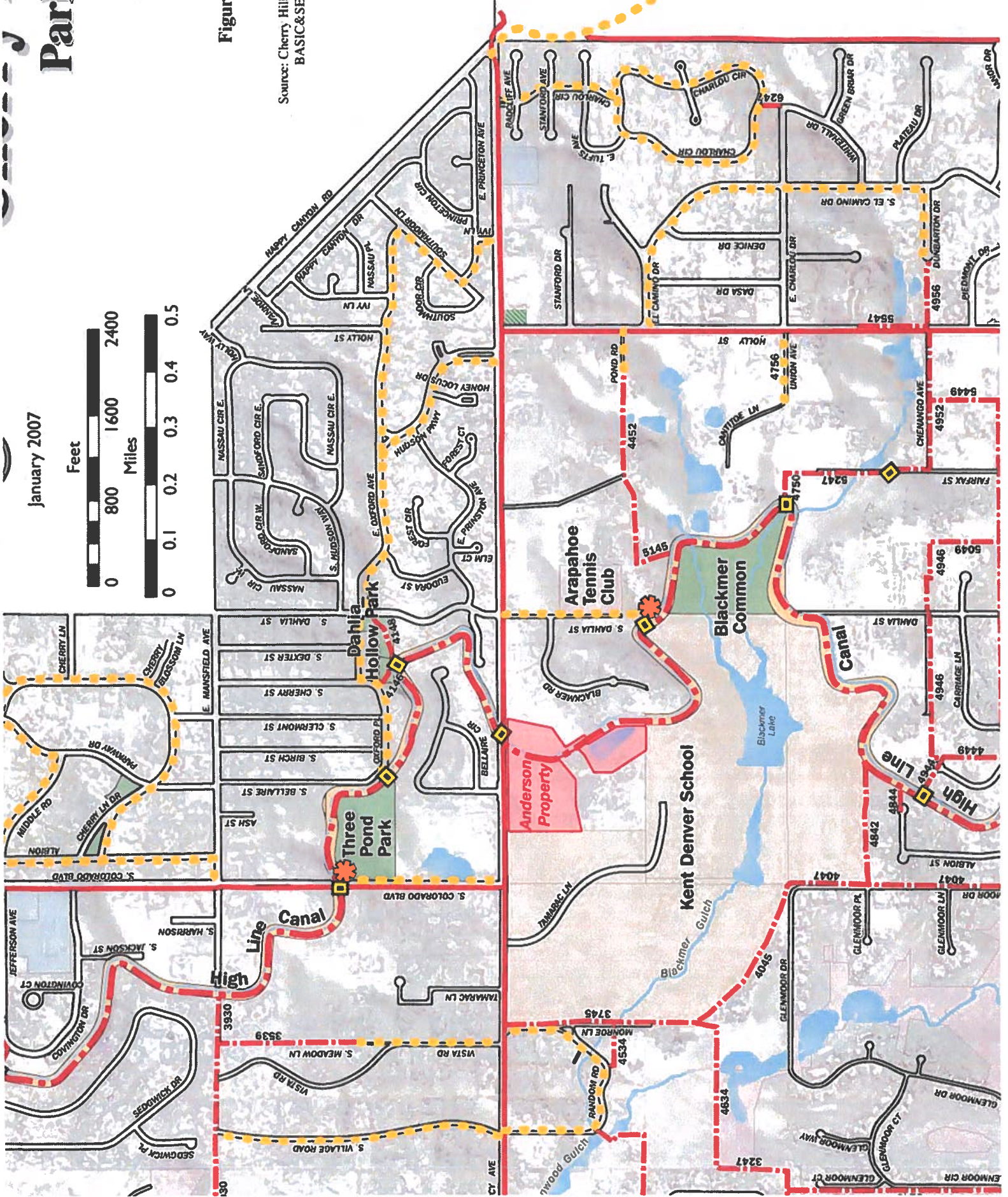
Parks and Recreation

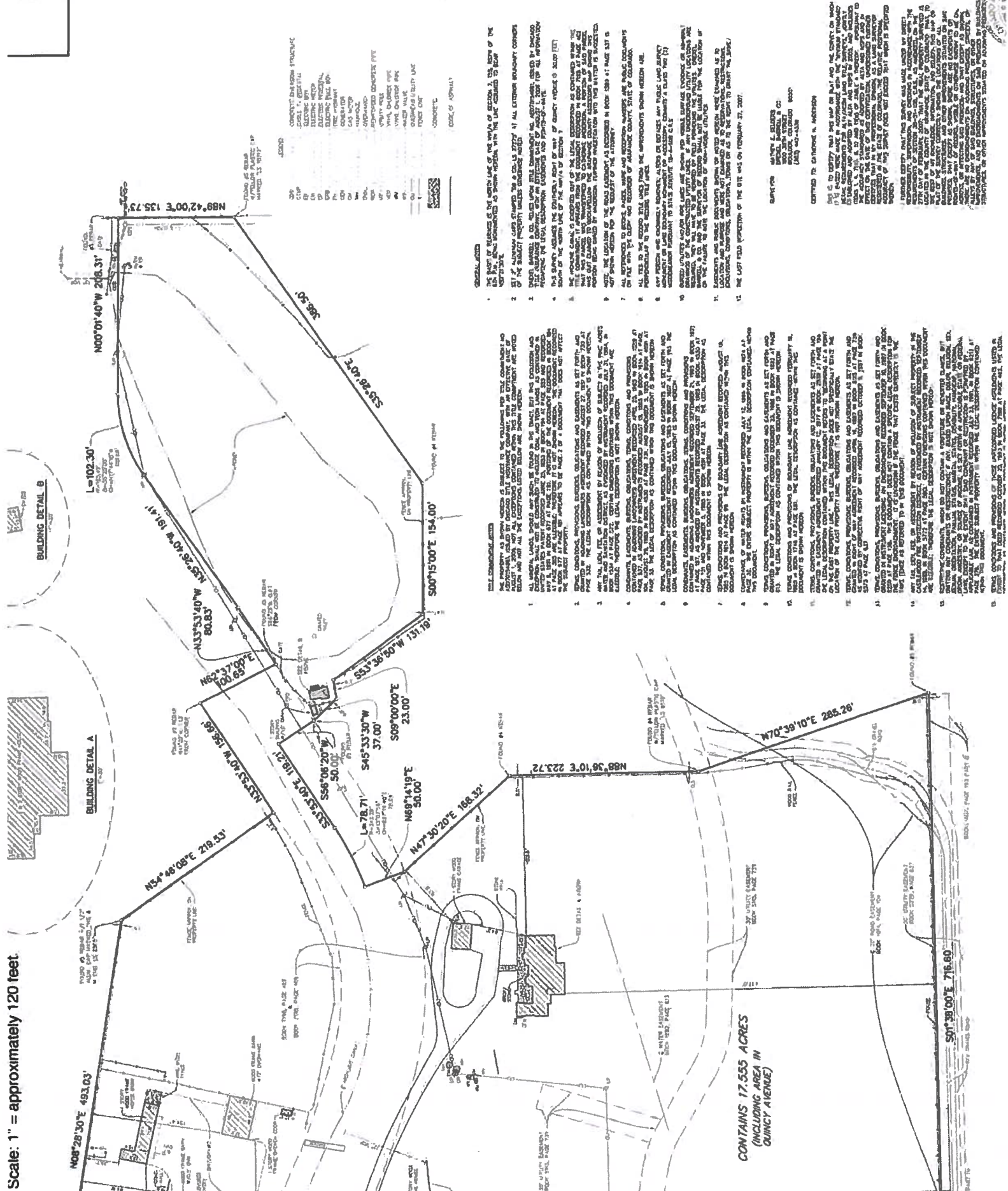
Catherine H. Anderson

Figure 3. Cherry Hills Village Map

Source: Cherry Hills Village at <http://www.cherryhills.org/BASIC&SEC=77B50CA3385>

Legend





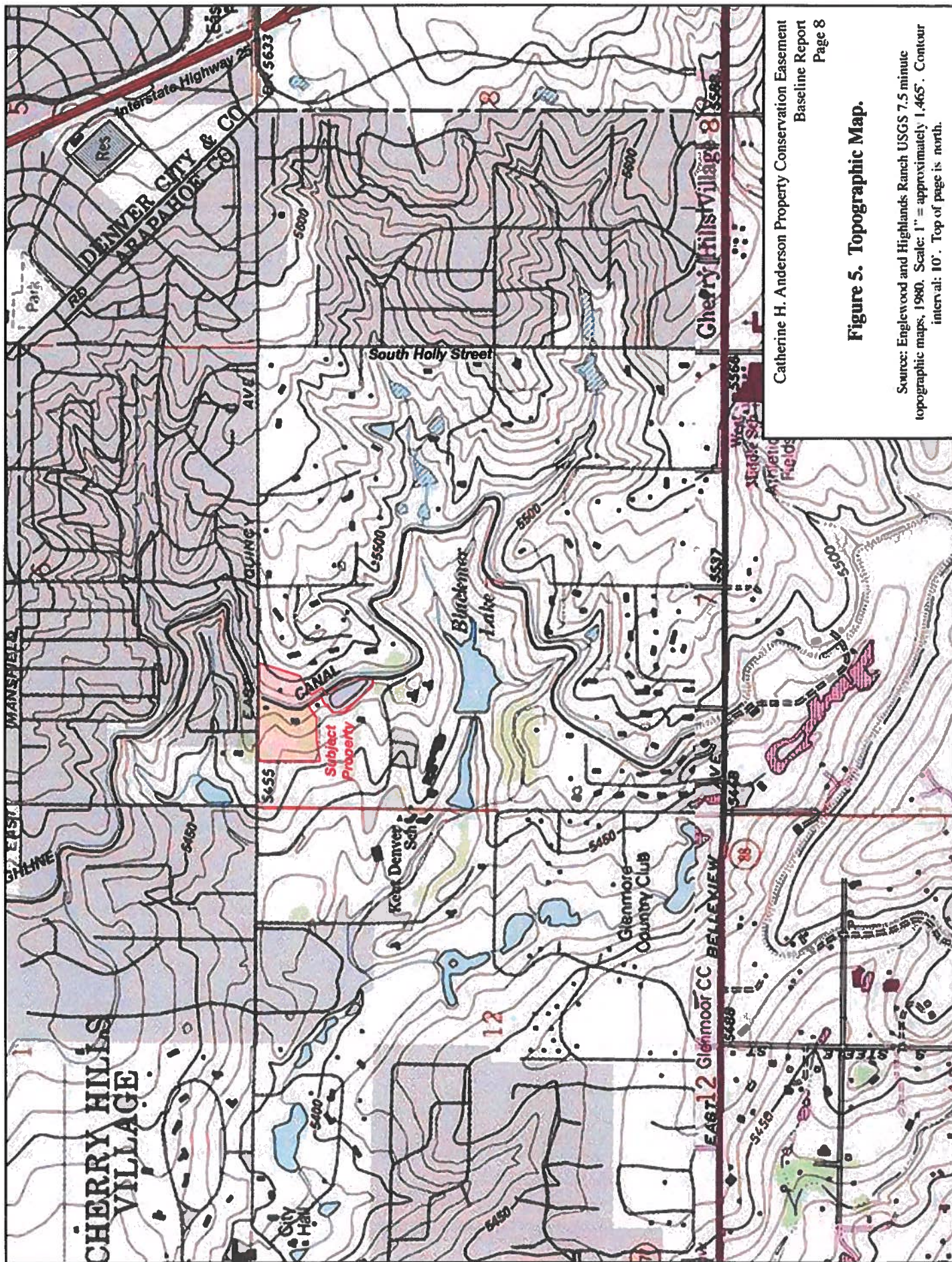


Figure 5. Topographic Map.

Source: Englewood and Highlands Ranch USGS 7.5 minute topographic maps, 1980. Scale: 1" = approximately 1,465'. Contour interval: 10'. Top of page is north.

3.2 Geographic Setting/Surface Features

The Property is located in the Colorado Piedmont section of the Great Plains physiographic province (USDI Geological Survey 2006a). The Property is thirteen miles east of the Front Range of the Rocky Mountains, and therefore has ecological characteristics of the plains life zone (Figure 1). The Property is in the Central High Plains Section of Central Shortgrass Prairie Ecoregion (Neely *et al.* 2006).

The Property has relatively flat topography (all Photo Points), falling gently from east to west, with the low elevation of approximately 5,475' at the southwest corner (Figure 5, Photo Point 4), and the high point along the east boundary at approximately 5,505' (Photo Points 9 and 13).

The Property has *Tame Pasture* used for horse grazing, and extensive tree plantings classified herein as *Urban Forest* (Photo Points 1-8). The Highline Canal is located in the east central portion of the Property (Figure 4, Photo Point 8). A pond that stores irrigation water is located in the southeast portion of the Property (Figure 3, Photo Point 14). The *Tame Pasture* throughout the Property is irrigated.

Primary improvements on the Property include the Anderson Residence (also called the Blackmer-Honnen-Anderson House, Photo Point 3C) with a detached garage (Photo Point 2) and Hopkins House (Photo Point 7) west of the Highline Canal. The barnyard east of the Highline Canal has a large barn (Photo Point 12), small barn (Photo Point 10), horse barn (Photo Point 9) and Caretaker's Residence (Photo Point 11).

3.3 Access

The Property is accessed via Quincy Avenue on the north Property boundary (Figures 4 and 5). A driveway on the west side of the Highline Canal provides access to the Anderson Residence and Hopkins House. A separate driveway to the east of the Highline Canal provides access to the structures at the barnyard.

3.4 Boundary Description/Adjacent Properties

Adjacent properties are displayed in Appendix 6B and are summarized below. Adjacent parcels to the northeast and northwest corners are included in the north boundary description, and adjacent parcels to the southeast and southwest corners are included in the south boundary description. Refer to Appendix 6B for specific parcel information.

North Quincy Avenue. North of Quincy Avenue are 9 residential parcels.

East Five residential parcels and the Highline Canal.

South Three residential parcels and the Denver Kent School.

West Denver Kent School.

The Property has over 4,800 feet of boundary (Figure 4). The north and east boundaries, and most of the south boundary, are adjacent to residential parcels. All of the west boundary and a portion of the south boundary are adjacent to the Denver Kent School which has a large open area, and thus facilitates views of the mountains to the west of the Property. The Highline Canal runs through the northern portion of the Property, and forms the east boundary in the southern portion of the Property.

3.5 Land Conservation Context

This subsection summarizes the land conservation importance of the Property, including intrinsic values, but emphasizing the contextual values, including other land conservation activities in the area of the Property, and local, state and regional land conservation priorities. Particular land conservation features are referenced to specific sections in this report.

The Highline Canal that runs through the Property is owned and administered by Denver Water. The canal was constructed in the 1870's, is over 66 miles long, and was one of the key agricultural improvements that was integral to the settling of the Colorado Front Range (Denver Water 2007). As such, the canal represents a significant historical feature (Section 5).

The Property includes *Tame Pasture* used for livestock grazing, an extensive *Urban Forest* planted in a diversity of native and non-native trees and shrubs, and 1.71 acres of *Aquatic* and *Shoreline Wetland* habitat (Section 6).

The Property is the first verified and documented breeding site in Colorado for the hooded merganser, a diving duck that feeds primarily on small fish, crustaceans and aquatic insects. The mergansers use nest boxes around the pond put up and maintained by the Grantor (Section 7).

The northern leopard frog, a state species of concern, has a moderate probability of occurrence on the Property, particularly at the pond and along the Highline Canal (Section 7).

Conservation of the Property is consistent with the Arapahoe County Comprehensive Plan, including Natural and Cultural Resources and Environmental Quality policies, Open Space, Parks and Trails policies (Section 8.2).

Conservation of the Property adds to the system of protected lands and parks maintained by Cherry Hills Village along the Highline Canal. The Highline Canal trail is part of an integrated trails system in the City, including a paved, off-street pedestrian trail that runs along the north Property boundary (Section 8.2).

The landscape context of the Property is a traditional agricultural parcel in an urban setting. The Property includes *Tame Pasture* grazed by horses, historic residences and agricultural buildings, and extensive plantings of trees. The Property is part of the local scenic backdrop as viewed from the Highline Canal trail west towards the mountains of the Front Range. Views from the canal include stands of native plains cottonwoods in a riparian-like setting, and the pond (Section 8.3)

The Property provides foreground scenic views from approximately one-half mile of the Highline Canal and over one-half mile of Quincy Avenue. The desired landscape character of the Property is retention of the dominant natural values, and the public interest in the visual resources of the Property is considered high (Section 8.4).

Starting in 1970 the maintenance road along the Highline Canal was opened to public use. A portion of the trail passes through the Property and is utilized by hundreds of people every week for walking, jogging, hiking, bicycle riding, and horseback riding and is available for the substantial and regular use of the public. South Suburban Parks and Recreation District administers 18.1 miles of the canal, including that portion that runs through the Property. The Highline Canal also serves as a major trail linkage, connecting to numerous local trails in adjacent neighborhoods.

The Hopkins House built circa 1898 by James C. and Grace M. Hopkins is the oldest, intact farm house remaining in Cherry Hills Village. The Blackmer-Honnen-Anderson House (Anderson Residence) was built in 1934. The structures in the barnyard were designed in 1934 and built shortly thereafter. After Honnen purchased the Property he converted one of the barns into a residence. Grantor has maintained all of these structures, and the structures retain their essential agricultural and historic integrity. The structures represent perhaps the best collection of historic agricultural buildings in the urbanized portion of Arapahoe County. As displayed in Appendix 10A attached to this report, the Property has been added to the National Register of Historic Places, as certified by the Colorado Historical Society (Section 9.3).

3.6 Climate

The nearest long term weather station to the Property is Cherry Creek Dam, located 2.5 miles east of the Property (Station 051547). Selected climate data since 1951 is displayed in Table 1. A summary of historic climate information is found in Appendix 4. Detailed information is available from the Western Regional Climate Center (refer to Section 10). The climate at Cherry Creek Dam would be expected to be similar to the Property. The Property has an arid climate typical of this portion of the Great Plains, with low humidity, high winds, high rates of evaporation, and periodic severe drought (Neely 2006). Most of the annual precipitation is rainfall from April through August.

Table 1. Climate Data

Average Annual Max. Temperature (F)	65.8
Average Annual Min. Temperature (F)	33.8
Average Annual Total Precipitation (in.)	16.86
Average Annual Total SnowFall (in.)	52.2
Average Annual Snow Depth (in.)	0
Warmest Month of the Year	July, followed by August and June
Coldest Month of the Year	January, followed by December and February
Month with the Greatest Precipitation	May, followed by July and June
Month with the Least Precipitation	January, followed by December and February
Month with the Greatest Snowfall	March followed by November and April

4.0 GEOLOGY, SOILS AND MINERAL RESOURCES

4.1 Introduction

The geology and soils of the Property support the agriculture use of the Property. Soils management, mining and mineral rights are relevant to the Resource Management and Restricted Practices sections of the Deed of Conservation Easement. All of these resources are significant components of the existing condition of the Property.

4.2 Surficial Geology

Surficial geology mapped by Trimble and Machette (1979) includes a single mapping unit as described below:

Table 2. Geologic Mapping Units

<i>Formation/Type</i>	<i>Map Unit Composition</i>	<i>Location on Property</i>
Colluvium (Upper Holocene)	Generally unconsolidated material deposited on slopes by gravity and sheetwash.	Throughout all of the Property.

This mapping unit is typically a thin layer over the Denver Formation that is comprised of claystone, siltstone, sandstone, and conglomerate composed primarily of altered andesitic (volcanic) debris. The Denver Formation underlies most of the Denver metropolitan area.

4.3 Soils

Soils have been mapped and described by the USDA Natural Resources Conservation Service (1971). A soils map, soils map key, and detailed soils descriptions are found in Appendix 7. There is one soil mapping unit on the Property as described in Table 3.

Table 3. Soils

<i>Soil Type</i>	<i>Location on Property</i>
Renohill-Buick loams, 3 to 9 percent slopes	Entire Property.

Renohill-Buick loams are moderately deep, well drained soils that occur on uplands. Natural fertility is moderate to high. Most of this complex is in grass. Because of shallowness and the severe hazard of erosion, the soils in this complex are not suited to cultivated crops.

4.3.1 Soil Erosion/Soil Management

No significant erosion sites were observed on the Property during the field work conducted for this report. Both the Highline Canal and pond have earthen embankments that were constructed many decades in the past. No other significant amount of the surface disturbance of soils was observed during the field work conducted for this report.

The Deed of Conservation Easement addresses soil management as follows.

5. *Resource Management.*

C. ***Agricultural Uses.*** The Property may be used for agricultural purposes, subject to the limitations in this Easement. All agricultural uses shall be conducted using stewardship and management methods that preserve the natural resources upon which agriculture is based. Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, and avoiding unsustainable livestock grazing practices. The construction and maintenance of agricultural ditches, stock ponds or other agricultural water features is permitted. Maintenance of the Highline Canal in accordance with the Denver Water Easement is permitted. Maintenance of the pond is permitted. These uses are referred to as the “**Agricultural Uses.**”

6. *Restricted Practices.*

B. ***Surface Disturbance.*** Except as permitted within this Deed, any alteration of the surface of the land, including without limitation, the movement, excavation or removal of soil, sand, gravel, rock, peat or sod, that is inconsistent with the preservation and protection of the Conservation Values, is prohibited.

4.3.2 NRCS Range Sites

A range site is a distinctive kind of rangeland that produces a characteristic natural plant community that differs from natural plant communities on other range sites in kind, amount, and proportion of range plants. Most soil units that support rangeland vegetation are assigned to a range site. Range site information is useful for determining the potential native vegetation on a given property, and preparing reclamation and reseeding plans based upon native seed mixes. There is one range site associated with the soil type on the Property. Detailed descriptions of this range site is found in Appendix 7.

Loamy Foothills range site consists of moderately deep and deep soils that have a surface layer of loam or silt loam. The moisture in winter and spring and the elevation are favorable for the growth of cool-season grasses. Western wheatgrass and, to a lesser extent, green needlegrass are the most productive plants. Junegrass and native bluegrass also grow on this site. Blue grama is the dominant increaser with grazing; threeawn and soapweed are also increasers.

4.4 Mining/Mineral Rights

No surface or subsurface mining features, including development of oil, gas, coal or fuel, were observed on the Property during the field work conducted for this report.

The Deed of Conservation Easement addresses mining as follows.

5. *Resource Management.*

E. ***Minerals and Other Deposits.*** The exploration, development, mining or other extraction of minerals of any kind or description, including oil, coal gas, hydrocarbons, coal, peat, sand, gravel, rock or soil, is prohibited.

6. *Restricted Practices.*

B. ***Surface Disturbance.*** Except as permitted within this Deed, any alteration of the surface of the land, including without limitation, the movement, excavation or

removal of soil, sand, gravel, rock, peat or sod, that is inconsistent with the preservation and protection of the Conservation Values, is prohibited.

A title commitment for the Property was prepared by Land Title Guarantee Company (Appendix 2). Under Schedule B--Section 2, Exception 12 references mineral rights.

5.0 WATER RESOURCES

5.1 Introduction

Water resources support the agriculture use and vegetation resources of the Property, and therefore support the Relatively Natural Habitat and Open Space Conservation Values. Water improvements and water rights are relevant to the Resource Management and Restricted Practices sections of the Deed of Conservation Easement. Water resources are significant components of the existing condition and use of the Property.

5.2 Surface Drainage

The Property is in the watershed of the South Platte River, the primary river system of northeast Colorado, which passes approximately 4 miles to the west of the Property (Figures 1 and 2). The US Geological Survey locates the Property in the Missouri Hydrologic Region (No. 10), South Platte Subregion (No. 101900), and the Middle South Platte/Cherry Creek Unit (No. 10190003) (USDI Geological Survey 2006b, EPA 2006).

The Property is located on an upland between the South Platte River and Cherry Creek four miles to the east (Figures 1 and 2). There are no natural drainages with permanent or perennial flows on the Property. Surface drainage is generally from east to west. Excess surface drainage from the Property, if any, drains toward Little Dry Creek one-half mile west of the property, which drains directly to the South Platte River.

No springs or seeps were observed on the Property during the field work conducted for this report.

No significant storm water drainage features were observed on the Property during the field work conducted for this report.

5.3 Wetlands

Narrow, linear wetlands are located around the edge of the pond. Narrowleaf cattail (*Typha angustifolia*) was the only plant species noted growing in the water.

Water in the Highline Canal and the pond are likely "waters of the United States" and therefore US Army Corps of Engineers (ACOE) jurisdictional wetlands. No other wetlands were observed on the Property during the field work conducted for this report.

5.4 Water Rights/Water Improvements

Grantor has water rights that are conveyed in the Highline Ditch and diverted into the pond (Figure 4; refer to Exhibit "C" attached to the Deed of Conservation Easement in Appendix 1). There is a storage right for the pond as well.

Water stored in the pond is used for irrigation of the pasture and lawns on the Property. A pump house is located north of the pond that pumps water to other portions of the Property (Figure 4). Irrigation pipe is used to distribute water over the pasture.

The Highline Canal that runs through the Property is owned and administered by Denver Water. The canal was constructed in the 1870's, is over 66 miles long, and was one of the key agricultural improvements that was integral to the settling of the Colorado Front Range (Denver Water 2007). As such, the canal represents a significant historical feature.

The Deed of Conservation Easement addresses water resources as follows:

5. Resource Management.

C. Agricultural Uses. The Property may be used for agricultural purposes, subject to the limitations in this Easement. All agricultural uses shall be conducted using stewardship and management methods that preserve the natural resources upon which agriculture is based. Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, and avoiding unsustainable livestock grazing practices. The construction and maintenance of agricultural ditches, stock ponds or other agricultural water features is permitted. Maintenance of the Highline Canal in accordance with the Denver Water Easement is permitted. Maintenance of the pond is permitted. These uses are referred to as the “**Agricultural Uses.**”

F. Water Rights. The Property subject to this Easement includes any and all decreed and undeclared water rights, ditches and ditch rights, springs and spring rights, reservoir and reservoir rights, wells and groundwater rights, water allotments, units or shares, and any other types of rights related to the ownership of water, tributary, non-tributary and not non-tributary, appurtenant to or customarily or historically used or associated with or upon the Property, together with any and all of the rights associated with the historical and beneficial use of any of the embankments, flumes, headgates, measuring devices or any other structures that are appurtenant to those water rights, along with all easements and rights of way therefore including but not limited to those specifically described in **Exhibit C** attached hereto and made a part of this Deed (collectively, the “**Water Rights**”). The Water Rights are beneficially used on the Property as set forth in C.R.S. Section 38-30.5-102. Grantor shall have the right to improve, maintain, repair, relocate and reconstruct facilities related to the Water Rights (such as ditches, wells and reservoirs). Grantor shall not transfer, encumber, sell, lease or otherwise separate the Water Rights from the Property. Grantor shall not change the historic use or point of diversion of the Water Rights without the prior written consent of, and determination by, Grantee that such change is not inconsistent with the preservation and protection of the Conservation Values. If Grantor fails to maintain the historic use of the Water Rights, or the Water Rights are abandoned, by action or inaction, or otherwise subject to a threat of abandonment, Grantee shall have the right, but not the obligation, to request mediation between Grantee, Grantor and appropriate employees from the Colorado State Engineer's Office. The mediation shall seek to determine the status of the Water Rights and what actions are necessary, if any, to protect the Water Rights in accordance with the provisions of this Section 5.F. If mediation does not result in an outcome mutually agreeable to Grantee and Grantor, Grantee may seek enforcement against Grantor in accordance with Section 8. Notwithstanding any of the foregoing to the contrary, Grantor shall not be required in any one (1) year to use the Water Rights to irrigate any portion of the Property. If Grantor wishes not to irrigate for a

period of more than one (1) year, Grantor shall obtain Grantee's approval, to be granted if Grantee determines that failure to irrigate is not inconsistent with the preservation and protection of the Conservation Values.

6. *Restricted Practices.*

C. ***Existing Water Features.*** Except as permitted within this Deed, alteration, impairment, modification or adverse change in or to existing ponds, wetlands or stream channels that is inconsistent with the preservation and protection of the Conservation Values, is prohibited.

A title commitment for the Property was prepared by United Title Company (Appendix 2). Under Schedule B--Section 2, Exceptions 10 and 11 reference non-specific water rights, claims or title water, not shown in public records or associated with the Highline Canal. Exceptions 14 and 29 reference water and sanitation districts. Exception 19 references a conveyance of a water right.

6.0 VEGETATION RESOURCES

6.1 Introduction

Vegetation resources support the agriculture use of the Property and the Relatively Natural Habitat Conservation Value. Forestry practices and weed management are relevant to the Resource Management and Restricted Practices sections of the Deed of Conservation Easement. Vegetation resources are one of the primary components of the existing condition and use of the Property, and require ongoing management decisions.

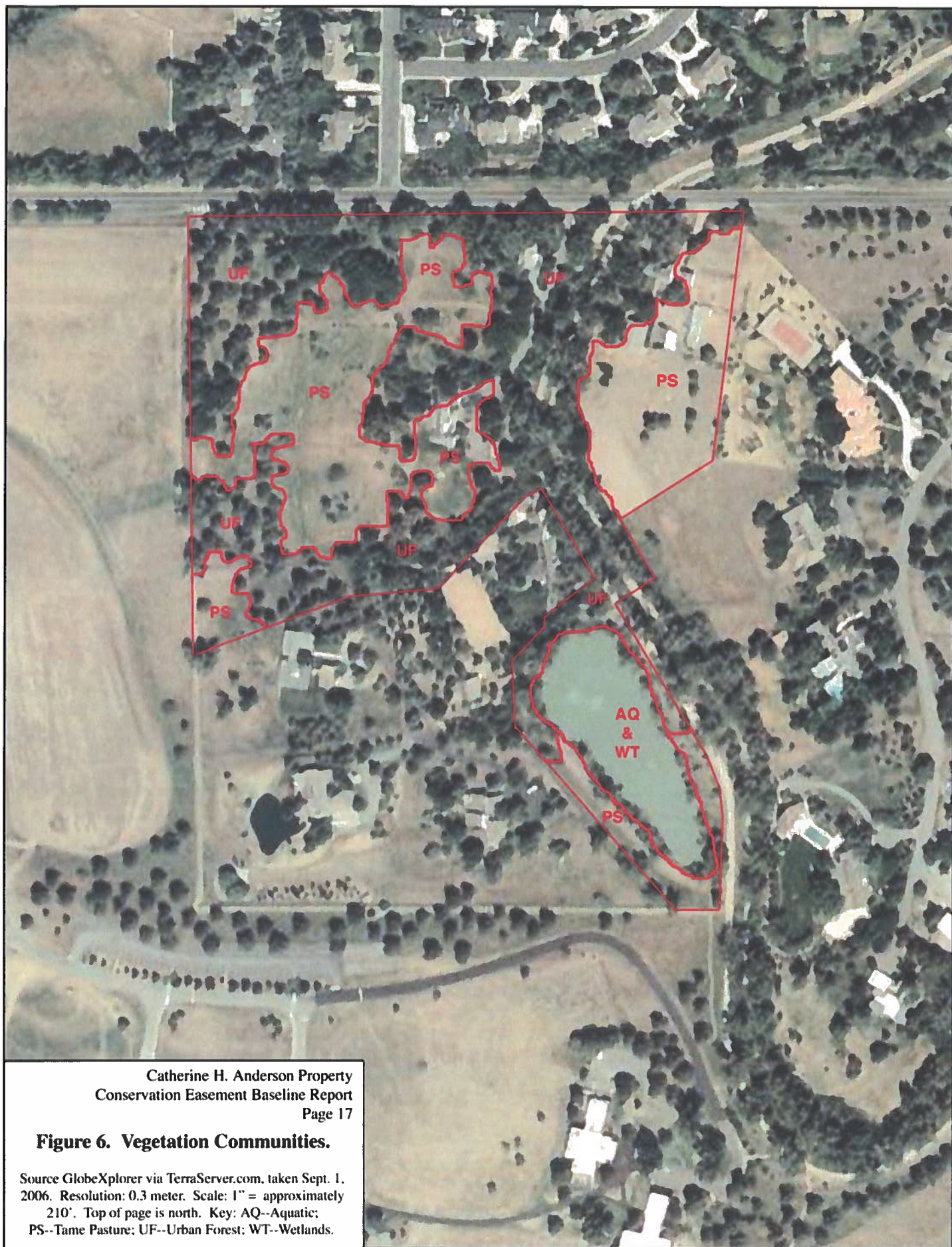
The Property was surveyed on November 2, 2006. Fieldwork focused on describing the presence and distribution of plant communities and the common plant species found in these communities. A total of 34 vascular plants were identified during the fieldwork, most to species level. A list of all plant species identified is included in Appendix 8A. Plant nomenclature follows USDA Soil Conservation Service (1999). This list is intended to be descriptive, not comprehensive. It is likely that many more species of plants occur on the Property. Many plants were inconspicuous or absent above ground in November and therefore were unlikely to be identified. Of the 34 plants identified, only 10, or 29%, are native. This plant species composition reflects the historical and current agricultural use of the Property, as well as its urban setting.

6.2 Description of Vegetation Communities

Based upon the field work, four vegetation communities are described for the Property. These communities are summarized in Table 4 and displayed in Figure 6 below, and described in the text that follows.

Table 4. Vegetation Communities

<i>Vegetation Community</i>	<i>Size in Acres</i>	<i>Location</i>
Urban Forest	9.11	Throughout the Property.
Tame Pasture	6.73	Forest openings.
Shoreline Wetland	mapped with Aquatic	Around the pond.
Aquatic	1.71	Open water of the pond.



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Figure 6. Vegetation Communities.

Source GlobeXplorer via TerraServer.com, taken Sept. 1, 2006. Resolution: 0.3 meter. Scale: 1" = approximately 210'. Top of page is north. Key: AQ--Aquatic; PS--Tame Pasture; UF--Urban Forest; WT--Wetlands.

6.2.1 Urban Forest

Much of the Property is forested with a mix of native and cultivated trees, including ponderosa pine (*Pinus ponderosa*), plains cottonwood (*Populus deltoides*), white and English oak (*Quercus alba*, *Q. robur*), Siberian elm (*Ulmus pumila*), American and European linden (*Tilia americana*, *T. x europea*), maple (*Acer* sp.), and Scotch pine (*Pinus sylvestris*) (Photo Points 1-8, 10, 11, 13 and 14). This community includes the embankments and areas adjacent to the Highline Canal, which is lined with plains cottonwoods (Photo Points 8, 13 and 14).

6.2.2 Tame Pasture

Openings in the *Urban Forest* have been planted with European pasture grasses, including smooth brome (*Bromus inermis*) and crested wheatgrass (*Agropyron cristatum*) (Photo Points 1, 3-5 and 13). This community is regularly grazed by horses. Forbs include a mix of native and non-native species such as alfalfa (*Medicago sativa*), western yarrow (*Achillea millefolium* ssp. *occidentalis*), yellow sweetclover (*Melilotus officinale*), and asters (*Symphyotrichum falcatum*, *S. porteri*).

6.2.3 Shoreline Wetland

The shore of the pond is vegetated with riparian species including plains cottonwood, Russian olive (*Elaeagnus angustifolia*), and coyote willow (*Salix exigua*) (Photo Point 14). Narrowleaf cattail (*Typha angustifolia*) was observed growing in the mud near the high water line.

6.2.4 Aquatic

This is a cover type representing the open water on the pond (Photo Point 14). Narrowleaf cattail (*Typha angustifolia*) was the only plant species noted growing in the water.

6.3 Noxious Weeds

The State of Colorado, in conjunction with county and municipal governing bodies, has developed the State Noxious Weed list as required by the Colorado Weed Management Act, § 35-5.5-101 through 119, C.R.S. (2003). This list, current as of 2006, is found in Appendix 8B. The state weed list is typically further refined by local weed districts. The noxious weed list for Arapahoe County is also included in Appendix 8B (Arapahoe County 2007). Noxious weeds are of importance, since severe infestations can conceivably adversely impact the Conservation Values of the Property. A comprehensive inventory of noxious weeds was beyond the scope of work of the baseline report. However, the presence of weeds was discussed with the Grantor, and summarized below in Table 5.

Table 5. Noxious Weeds

<i>Common Name</i>	<i>Scientific Name</i>	<i>Habitat</i>	<i>Abundance</i>
Canada thistle*	Cirsium arvense	Tame Pasture, Shoreline Wetland	Uncommon
musk thistle*	Carduus nutans	Tame Pasture	Uncommon
leafy spurge*	Euphorbia esula	Tame Pasture	Uncommon

*--On the Arapahoe County Noxious Weed list.

These three species are on the "B" list of the State Noxious Weed List, which consists of species for which management plans are being developed to stop their continued spread. These species are also on the Arapaho County noxious weed list, and are therefore priority species for control. Photographs of these three species are located in Appendix 8B with the Arapahoe County noxious weed list (Whitson et al. 1996). The Grantor has been controlling the weed species by hand pulling, application of vinegar, and digging.

The Deed of Easement addresses weed control as follows:

5. *Resource Management.*

C. ***Agricultural Uses.*** ...Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, and avoiding unsustainable livestock grazing practices...

6. *Restricted Practices.*

I. ***Weed Control.*** The Property shall be managed to control noxious weeds to the extent reasonably possible. Grantor shall utilize natural and organic weed control methods to the extent reasonably possible.

6.4 Colorado Natural Heritage Program

A records search for the vicinity of the Property was conducted of the online Colorado Natural Heritage Program (CNHP) data base for imperiled ecological communities and for threatened, endangered and sensitive plant species (Colorado Natural Heritage Program 2007a and 2007b). This data base was also checked for the presence of sites of biodiversity significance, known as Potential Conservation Areas, (PCAs), on or near the Property. No site occurrences for these resources have been documented on the Property.

6.5 Forestry/Forest Pathogens

According to the Grantor, forestry activities take place on a fairly regular basis, primarily as a result of storm and wind damage. No evidence of significant outbreaks of forest pathogens was observed during the field work conducted for this report.

The Deed of Conservation Easement addresses forestry activities as follows:

5. *Resource Management.*

D. ***Trees, Shrubs, Bushes.*** Trees, shrubs and bushes on the Property (except the Canal Area) may be cut to control insects and disease, to control invasive non-native species, and to prevent personal injury and property damage. Tree thinning activities on the Property (except the Canal Area) may take place to maintain the character and nature of the habitat. Trees, shrubs, bushes and other growth within the Canal Area may only be removed in accordance with the terms of the Denver Water Easement, described above.

6.6 Wildfire Management

According to the Grantor there have been no recent wildfires on the Property, nor was any evidence of wildfire observed on the Property during the field work conducted for this report. Because the irrigated pasture is grazed by horses, and the trees are kept well

trimmed, wildfire hazard is considered low. There is no formal wildfire mitigation plan for the Property. The Property is served by the Cherry Hills Village Fire Protection District.

7.0 WILDLIFE RESOURCES

7.1 Introduction

This section describes the wildlife resources that support the Relatively Natural Habitat Wildlife Conservation Value. Wildlife management is relevant to the Resource Management section of the Deed of Conservation Easement.

7.2 Wildlife Habitat

Wildlife use of the landscape tends to focus on specific habitats. The plant communities and cover types discussed in the vegetation section are equivalent to major habitat types, and are summarized below.

Urban Forest: essential breeding habitat for dozens of species of resident and migratory birds, including neo-tropical migrants, and essential foraging and cover habitat for deer and fox. Mature trees with nest cavities and hollow cores provide breeding habitat for bats.

Tame Pasture: important habitat for small mammals, foraging habitat for deer, fox and migratory and resident songbirds.

Aquatic (Pond): critical habitat for those species adapted to permanent water habitats, including fish, aquatic invertebrates, amphibians, water adapted mammals, and birds such as waterfowl and shorebirds.

Shoreline Wetland: critical habitat for amphibians and small mammals, foraging habitat for deer, breeding habitat for migratory songbirds.

7.3 Wildlife Species List

A potential vertebrate wildlife species list for the property was compiled from the Natural Diversity Information Source (NDIS) database for Arapahoe County for amphibians, birds, mammals and reptiles. This list was then edited by the report preparer for the habitats present on the Property, and checked with appropriate literature review (Adams 2003, Andrews and Righter 1992, Kingery 1998, Fitzgerald *et al.* 1994, and Hammerson 1999). Based upon this potential wildlife species list, suitable habitat is found on the Property for 6 species of amphibians, 187 species of birds, 32 species of mammals and 10 species of reptiles. The complete results of the data run are found in Appendix 9A. Wildlife observed by the Grantor or during the field work conducted for this report are noted as "confirmed" in the wildlife species list.

Of particular note is that the Property is the first verified and documented breeding site in Colorado for the hooded merganser, a diving duck that feeds primarily on small fish, crustaceans and aquatic insects (Kingery 1998, Cornell Laboratory of Ornithology 2007). The mergansers use nest boxes around the pond put up and maintained by the Grantor.

7.4 Wildlife Species of Concern

Table 6 is a list of federal and state listed endangered and threatened species, and State of Colorado listed "Species of Special Concern" that are potentially found on the Property (Colorado Division of Wildlife 2005). Range maps are located in Appendix 9B for species that have not been confirmed on the Property, but have a moderate to high probability of occurrence on the Property.

Table 6. Potential Wildlife Species of Concern

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status 1</i>
<i>Amphibians (1 species)</i>		
Northern Leopard Frog	<i>Rana pipiens</i>	SC
<i>Mammals (1 species)</i>		
Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	FT, ST
<i>Reptiles (1 species)</i>		
Common garter snake	<i>Thamnophis sirtalis</i>	SC
1-Status Codes:		
FE = Federally Endangered		
FT = Federally Threatened		
SE = State Endangered		
ST = State Threatened		
SC = State Special Concern (not a statutory category)		
State information located at http://wildlife.state.co.us/species_cons/list.asp		

Northern leopard frogs live in damp riparian shrubland habitat adjacent to open water. This species was historically abundant in Colorado and has become scarce in some areas of the state. Population declines on the plains of eastern Colorado are linked to increasing populations of non-native bullfrog and the destruction of habitat (Hammerson 1999). Hammerson has several historical records on the South Platte River four miles to the west of the Property, and on Cherry Creek four miles east of the Property. The probability of occurrence on the Property is moderate and is most likely in the *Aquatic* and *Shoreline Wetland* habitats.

The Property is within the Denver Metropolitan Area Block Clearance Zone established by the US Fish & Wildlife Service for **Preble's meadow jumping mouse**, which indicates that this species is very unlikely to occur on the property even if suitable habitat is present (USDI Fish & Wildlife Service 2007). The block clearance map indicates that there have been several habitat evaluations and one unsuccessful trapping effort in the Little Dry Creek watershed near the Property. Potential suitable habitat is present on and near the Property, represented by small stands of coyote willow along the Highline Canal and around the pond; however, this habitat is poorly developed and discontinuous from other suitable habitat. The probability of occurrence of this species on the Property is considered very low to absent.

The **common garter snake** is generally restricted to aquatic, wetland, and riparian habitat and is seldom found away from water (Hammerson 1999). It remains common within portions of its range and declining in other areas due in part to loss of habitat in the Front Range Urban Corridor. Hammerson documents this species on the South Platte

River four miles west of the Property, but has no records on Cherry Creek four miles east of the Property. The south metropolitan Denver area is on the southern edge of this species' range in Colorado. The probability of this species occurring on the Property is very low to low and is most likely in the *Shoreline Wetland* habitat.

7.5 Wildlife Habitat Management

Grass carp are found in the pond, but are prone to winter kill. Denver Water has to relocated beaver in order to keep the Highline Canal unobstructed. The Property is within the corporate boundary of Cherry Hills Village and hunting is not allowed.

The Deed of Conservation Easement addresses agricultural land uses as follows:

5. Resource Management.

G. **Habitat Improvements.** Habitat improvement and maintenance activities may be permitted upon Grantee's approval and determination that said improvements and activities are not inconsistent with the preservation and protection of the Conservation Values. Notwithstanding the foregoing, Grantor may replant native grasses anywhere on the Property that currently consists of non-native grasses without Grantee's approval.

8.0 OPEN SPACE, SCENIC AND RECREATION RESOURCES

8.1 Introduction

This section describes the Open Space Conservation Value, including scenic resources, and describes the Recreation Conservation Value. Open space resources are evaluated by means of the Arapahoe County Comprehensive Plan (Arapahoe County 2001), and the local governmental policy established by Cherry Hills Village. Documentation for the scenic resources of the Property includes the Photo Points in Appendix 5 and the discussion below in Sections 8.3 and 8.4. Site characteristics were evaluated by generally following the Scenery Management System used by the USDA Forest Service (1995). Recreation resources are evaluated by use of the policies of the South Suburban Parks and Recreation District (2007) and the Cherry Hills Village Parks and Recreation Department (2007a).

8.2 Open Space

8.2.1 Arapahoe County

The Arapahoe County Comprehensive Plan (Arapahoe County 2001) includes the following applicable guiding principles, goals and policies in regard to open space and the preservation of the Property.

Vision and Guiding Principles

- Arapahoe County will be a place that maintains a balance between growth and the natural environment;
- Arapahoe County will be a place that maintains its rural heritage and character;

- Arapahoe County will be a place that conserves natural areas and environmental quality;
- Arapahoe County will be a place that protects cultural and historic community treasures;
- Arapahoe County will be a place that ensures efficient and improved...parks, trails and recreation facilities.

Comprehensive Plan Principles

Resource Conservation and Environmental Quality

Residents of the County feel strongly about conserving resources and maintaining a healthy environment. The County will work to conserve its natural and cultural resources that provide wildlife habitat, maintain environmental quality and enrich the lives of residents through education, observation and outdoor recreation opportunities. The County will also promote human health and environmental quality by conserving water resources, protecting water quality, and maintaining compliance with air quality standards.

Natural and Cultural Resources and the Environment

Countywide Policies

GOAL NCR 1 - Conserve Natural Areas and Resources

Arapahoe County will conserve its natural areas and resources that provide habitat, maintain environmental quality and that enrich the lives of residents by providing opportunities for education, scientific research, nature interpretation, fishing, hunting, art, observation and outdoor recreation.

Policy NCR 1.2 - Conserve Wildlife Habitat and Corridors and Sensitive Development Areas

Arapahoe County will develop a wildlife program to identify and conserve lands and plants that provide food, forage and breeding grounds for wildlife. In many cases in the arid high plains, the Riparian Areas are the best wildlife habitat, so the strategies for Riparian Areas are applicable. Sensitive Development Areas, defined as intact ecosystems, such as short grass prairie lands, are also important habitat. The County will further inventory habitat and sensitive areas, consider acquisition and other voluntary conservation measures and develop standards so that public works projects avoid wildlife habitat and provide crossings and connections in new roads.

Policy NCR 1.2 - Maintain Significant Views and Ridgelines

Arapahoe County will identify and maintain significant views, ridgelines, and high points to the maximum extent feasible to minimize degradation of scenic quality.

GOAL NCR 1 - Preserve Cultural Resources

Policy NCR 2.1 - Preserve Historic, Archaeological and Cultural Resources

Arapahoe County will identify and support preservation of structures and districts with historic, archaeological and cultural significance.

Strategy NCR 2.1(a) Identify and Designate Historic, Cultural and Archaeological Resources

The County will use field surveys and will work with community groups to identify and designate important historic, cultural and archaeological resources.

Open Space, Parks and Trails

Countywide Policies

GOAL OS 1 - Develop a Countywide Open Space, Parks and Trails System

Arapahoe County will have a countywide connected system of open space, and will contain parks, trails and recreation facilities in Growth Areas that provide active and passive recreation opportunities for County residents.

Policy OS 1.1 - System of Connected Countywide System of Open Space, and Public Parks and Trails

Arapahoe County will work to improve a connected system of open space and increase residents' access to public parks and trails in Growth Areas. The County will develop policies and procedures to identify priority open space lands, set level of service standards and address regional connections. The County will primarily focus on voluntary techniques for creating an open space system, but will establish dedication requirements.

8.2.2 Cherry Hills Village Parks and Trails Plan

Figure 3 displays the eastern portion of the Cherry Hills Village Parks and Trails Map (Cherry Hills Village 2007a). Features of note on this map include the following:

1. The Highline Canal trail that runs through or adjacent to the Property from north to south.
2. A paved off-street trail that runs along Quincy Avenue along the entire north Property boundary.
3. The Blackmer Common park located approximately one-third mile to the southeast of the Property, and adjacent on three sides to the Highline Canal.
4. Three Pond Park and Dahlia Hollow Park located one-half mile north of the Property and also adjacent to the Highline Canal.

The Cherry Hills Village City Council has the following policies regarding preservation of the Highline Canal corridor:

City of Cherry Hills Village Resolution No. 13, Series of 2006 supporting Open Space, which recognizes the need to preserve the Highline Canal Corridor and other areas that are:

- Lands which maintain urban open space, natural areas, water quality, urban wildlife habitat and movement corridors, views, trail corridors, floodplains and wetlands;
- Lands which serve to maintain community identity; and
- Lands for passive and active recreational needs including, but not limited to, walking, cycling, horseback riding, cross country skiing, photograph and nature studies.

8.3 Scenic Features

The landscape context of the Property is a traditional agricultural parcel in an urban setting (all Photo Points). The Property includes *Tame Pasture* grazed by horses, historic residences and agricultural buildings, and extensive plantings of trees. The Property is located within the corporate boundary of Cherry Hills Village, and the Property is part of the local scenic backdrop as viewed from the Highline Canal trail west towards the mountains of the Front Range (Figures 1-3). Views from the canal include stands of native plains cottonwoods in a riparian-like setting, and the pond (Photo Points 8 and 14). The Property is adjacent to Quincy Avenue on the north, that also has an off street paved pedestrian trail, and both of these public facilities also provide views across the Property towards the mountains (Photo Point 6C).

The scenic attractiveness of the Property is rated as moderately distinctive, as the Property is prime farmland in a rapidly urbanizing area. The Property is moderately natural appearing and the scenic integrity of the Property is rated as moderately high (appears somewhat altered, but is a traditional agricultural parcel). The sensitivity of the viewshed is also considered high, since preservation of the scenic views from the Highline Canal and Quincy Avenue makes the protection of the scenic attributes of the Property much more valuable. The presence of the historic structures further enhances the scenic value of the Property (refer to Section 8.2 above, Section 9.3 below, and Photo Points 3C, 7, and 9-12).

8.4 Public Enjoyment of the Scenic Features

The extent of the public enjoyment of a given scenic resource is determined by the concept of landscape visibility. Landscape visibility considers two issues:

1. The importance of the views to the public
2. The sensitivity of the viewshed based upon the distance of the observer as follows:

Foreground: views up to one-half mile distant
Midground: views one-half to four miles distant
Background: views more than four miles distant

The Property provides foreground scenic views from approximately one-half mile of the Highline Canal and over one-half mile of Quincy Avenue. The desired landscape character of the Property is retention of the dominant natural values, and the public interest in the visual resources of the Property is considered high, as discussed below in Section 8.5.

Section 8.5 Public Recreation

The Highline Canal that runs through the Property is owned and administered by Denver Water. The canal was constructed in the 1870's, is over 66 miles long, and was one of the key agricultural improvements that was integral to the settling of the Colorado Front Range. As such, the canal represents a significant historical feature. Starting in 1970 the maintenance road along the Canal was opened to public use. A portion of the trail passes through the Property and is utilized by hundreds of people every week for walking, jogging, hiking, bicycle riding, and horseback riding and is available for the substantial and regular use of the public. Significant natural areas, wetland areas and a pond exist on the Property adjacent to the trail, providing a natural area recreation corridor for public use.

Denver Water has managed public use of the canal primarily by delegating management to local special districts and municipal parks departments. South Suburban Parks and Recreation District administers 18.1 miles of the canal, including that portion that runs through the Property (South Suburban Parks and Recreation District 2007). Although precise user data was not found during the compilation of this report, the public online information sources make clear that the Highline Canal is one the major public trails and certainly is the longest trail in the Denver Metropolitan area.

The Highline Canal also serves as a major trail linkage, connecting to numerous local trails into adjacent neighborhoods. Such is the case with the off street trail that runs parallel on the north Property boundary (Figure 3). This local trail is under the administration of the Cherry Hills Village Parks and recreation Department (Cherry Hills Village 2007a). Such trails connections are important goals of local recreation agencies (refer to Figure 3, and Goal OS 1.1 and Policy 1.1 in Section 8.2.1 above).

The Deed of Conservation Easement addresses recreation as follows.

4. Structures, Areas.

C. **Canal Area – Structures and Uses.** At the time of granting of this Deed on the Canal Area there is a bridge connecting the East Area to the West Area of the Property (“**Bridge**”). Grantor may maintain, repair and replace the bridge on the Canal Area upon notice to but without further permission of the Grantee. Grantor may also maintain the pathway on the Canal Area. The Canal Area may be used for the Preservation, Recreational and Agricultural Uses described below, and any uses which are permitted or required under the Denver Water Easement, described above, subject to the other limitations contained herein.

F. Other Improvements.

(5). **Recreational and Educational Improvements.** Grantor may construct small recreational and educational improvements on the Property that are not inconsistent with the preservation and protection of the Conservation Values only with the prior written approval of Grantee.

5. Resource Management.

A. **Preservation Uses.** The Parties intend that the Property remain in its substantially open condition with trees, grassed areas, gardens and the pond, and that only the permitted structures described herein shall be constructed or maintained on the Property. The Property, and the structures permitted thereon, may be used as a nature preserve, for historic preservation and interpretation, for gardens, for private

and public meetings, gatherings and celebrations, for classes and education, for photography, painting and other artistic endeavors, and such other uses as help to preserve the Property and instill an appreciation and respect for the natural and human history of the vicinity (collectively the “**Preservation Uses**”).

B. **Recreation Uses.** Low-impact recreational uses such as bird watching, hiking, horseback riding and cross-country skiing are permitted on the Property; bicycling is permitted only on the Canal Area of the Property. Public Use of the Canal Area is permitted subject to the terms of the Denver Water Easement. These uses are referred to as the “**Recreational Uses**”.

9.0 LAND USE

9.1 Introduction

Land uses on the Property are reviewed in the context of comparing conditions on the Property at the time of the grant of Conservation Easement to the Structures and Uses, Resource Management and Restricted Practices sections in the Deed of Conservation Easement, and to provide basic real estate information. The Historic Conservation Value is discussed in Section 9.3.

9.2 Cherry Hills Village

The provisions of the Cherry Hills Village Municipal Code, as amended, apply to the development of buildings, structures and uses on all private land in the City (Cherry Hills Village 2007b). Selected County Assessor information for the Property is listed below in Table 7, current as of July, 2007 (refer also to Appendix 6B).

Table 7. County Assessor Information

<i>Parcel ID #</i>	<i>Owner</i>	<i>Address:</i>	<i>Acres</i>	<i>Classification</i>
2075-07-2-00-013	Anderson, Catherine H.	4400 E. Quincy Ave.	4.22	Improved Residential
2075-07-2-00-015	Anderson, Catherine H.	4400 E. Quincy Ave.	11.36	Improved Residential

9.3 Land Uses on the Property

Detailed Property history is presented in the National Register of Historic Places Registration Form attached to this report as Appendix 10B. The following summary is taken from this form, as well as the Grantor Interview.

Grantor acquired the Property in 1964. The Property originally passed from the public domain as railroad grant land, and the Property was used as a wheat farm prior to acquisition by Myron Kerr Blackmer in the early 20th century. Ed Honnen purchased the Property in 1951, prior to Grantor's ownership. The Hopkins House built circa 1898 by James C. and Grace M. Hopkins is the oldest, intact farm house remaining in Cherry Hills Village (Figure 4; Photo Point 7). The Blackmer-Honnen-Anderson House (Anderson Residence) was built in 1934 (Photo Point 3C). The structures in the barnyard were designed in 1934 and built shortly thereafter. After Honnen purchased the Property he

converted one of the barns into a residence (Figure 4; Photo Point 11). Grantor has maintained all of these structures, and the structures retain their essential agricultural and historic integrity. The structures represent perhaps the best collection of historic agricultural buildings in the urbanized portion of Arapahoe County (Photo Points 9-11). As displayed in Appendix 10A attached to this report, the Property has been added to the National Register of Historic Places, as certified by the Colorado Historical Society.

The Property continues to be used for agriculture, typically with 2 to 3 horses and ponies kept on site. Horses are grazed in the *Tame Pasture*, and this grass feed is supplemented with hay brought on site during the winter months. Additional horses may be boarded on a temporary basis, particularly if they are used by riding students. Hay is rarely cut in the pasture, but the pasture may be mowed on occasion to prevent seeding of the grasses.

The Deed of Conservation Easement addresses certain general land uses on the Property as follows:

4. ***Structures, Uses.***

F. ***Other Improvements.***

(6). ***Other Improvements.*** The construction or reconstruction of any other improvement on the Property is prohibited unless Grantee determines in its sole discretion that the proposed construction is not inconsistent with the preservation and protection of the Conservation Values.

5. ***Resource Management.***

A. ***Preservation Uses.*** The Parties intend that the Property remain in its substantially open condition with trees, grassed areas, gardens and the pond, and that only the permitted structures described herein shall be constructed or maintained on the Property. The Property, and the structures permitted thereon, may be used as a nature preserve, for historic preservation and interpretation, for gardens, for private and public meetings, gatherings and celebrations, for classes and education, for photography, painting and other artistic endeavors, and such other uses as help to preserve the Property and instill an appreciation and respect for the natural and human history of the vicinity (collectively the “**Preservation Uses**”).

C. ***Agricultural Uses.*** The Property may be used for agricultural purposes, subject to the limitations in this Easement. All agricultural uses shall be conducted using stewardship and management methods that preserve the natural resources upon which agriculture is based. Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, and avoiding unsustainable livestock grazing practices. The construction and maintenance of agricultural ditches, stock ponds or other agricultural water features is permitted. Maintenance of the Highline Canal in accordance with the Denver Water Easement is permitted. Maintenance of the pond is permitted. These uses are referred to as the “**Agricultural Uses.**”

6. ***Restricted Practices.***

A. ***Subdivision.*** Grantor and Grantee agree that the division, subdivision or de facto subdivision of the Property, whether by legal or physical process, into two or

more parcels of land or partial or separate interests (including, but not limited to, condominium interests or the partition of undivided interests) is prohibited. At all times the Property shall be owned and conveyed as a single parcel which shall be subject to the terms and conditions of this Easement.

D. *Commercial or Industrial Activity.* Industrial uses are prohibited. Commercial uses inconsistent with the preservation and protection of the Conservation Values of this Deed are prohibited. However, fees may be charged for the activities and uses that are permitted herein. No fee shall be charged for use of the Highline Canal, except to the extent such fee is permitted or required under the Denver Water Easement.

E. *Feed Lot.* The establishment or maintenance of a feed lot is prohibited. For purposes of this Deed, "feed lot" is defined as a permanently constructed confined area or facility within which the Property is not grazed or cropped annually, and which is used and maintained continuously and exclusively for purposes of feeding livestock. Nothing in this section shall prevent Grantor from seasonally confining livestock into an area, corral or other facility for feeding, or from leasing pasture for the grazing of livestock owned by others.

J. *Other Restricted Uses.* Golf courses, sod farms, helicopter pads, airstrips and ball fields are prohibited.

No subdivision, commercial or industrial activity, golf courses, sod farms, helicopter pads, airstrips or ball fields were observed on the Property during the field work conducted for this report.

9.3.1 Utility Easements

Utility lines are displayed in Figure 4, and include the following:

1. Overhead powerline running from Quincy Avenue to the Hopkins House.
2. Overhead powerline running from Quincy Avenue to the Caretaker's House and that services the structures in the barnyard.
3. Overhead powerline running from Quincy Avenue to the Anderson Residence, and continuing south along the west side of the Highline Canal. This line provides power to the pumphouse on the north side of the pond.
4. Natural gas lines connecting to the residences.
5. City sanitation line to the Caretaker's Residence.
6. Septic system that services the Hopkins House and Anderson Residence.
7. Buried waterlines servicing the residences (Figure 4).
8. Water is pumped from the pumphouse north of the pond to the pasture area in the northern portion of the Property; water is distributed over the pasture by use of pipe.

A title commitment for the Property was prepared by Land Title Guarantee Company (Appendix 2). Under Schedule B--Section 2, Exceptions 13, 15-17, 20, 22-24 and 28 reference various easement agreements.

The Deed of Conservation Easement addresses utility lines and easements as follows:

4. *Structures, Uses.*

F. *Other Improvements.*

(3). *Utilities.* Existing utilities may be repaired and replaced in the same location with a similar structure without any further permission of Grantee. Grantor may install new underground utility lines to serve the uses permitted on the Property without restriction.

9.3.2 **Structures**

There are three residences on the Property; 1) the Anderson Residence (also called the Blackmer-Honnen-Anderson House, Figure 4, Photo Point 3C) with a detached garage (Photo Point 2), 2) Hopkins House (Photo Point 7) west of the Highline Canal, and 3) Caretakers residence at the barnyard (Photo Point 11). Other structures at the barnyard include a large barn (Photo Point 12), small barn (Photo Point 10), horse barn (Photo Point 9). Other structures include a small chicken coop at the barnyard, bridge across the Highline Canal west of the barnyard, and the pumphouse north of the pond.

The Deed of Conservation Easement addresses structures as follows:

4. *Structures, Uses.* For the purposes of this Easement the Parties have identified three areas (the “**Areas**”) on the Property as depicted on the attached **Exhibit B**. The Areas are: (1) The “**West Area**” which lies west of the Highline Canal; (2) the “**East Area**” which lies east of the Highline Canal, and (3) the “**Canal Area**” which encompasses the Highline Canal. The structures and improvements which exist on the Areas at the time of granting of this Easement are described as “**Existing Improvements**”. The Parties agree that the current and permitted uses of and improvements to the Property are not inconsistent with the preservation and protection of the Conservation Values and are permitted, and also agree that the Grantor may charge fees for use of the Property. Without limiting the generality of any of the foregoing, Grantor and Grantee hereby acknowledge and agree:

A. *West Area - Structures and Uses.* The West Area may be used for Preservation Uses as described in Paragraph 5(A), below, subject to the limitations described in Paragraph 4(A)(4), below, and for Agricultural Uses that are described in Paragraph 5(C), below. The existing and permitted structures within the West Area and their permitted uses are described as follows:

(1) *Hopkins House.* At the time of granting of this Deed on the West Area there is a single family residence (the “**Hopkins House**”) of approximately 1360 square feet, which has been leased for caretaker residence use pursuant to the Hopkins House Lease. Without the express written permission of the Grantee, no demolition, construction, alteration, or remodeling or any other thing shall be undertaken or permitted to be undertaken on the Property which would affect either the present facade or increase or decrease the height of the Hopkins House, including without limitation anything which would alter the external appearance of the Hopkins House, as depicted in the Present Conditions Report. The reconstruction, repair, or refinishing of the present facade, damage to which has resulted from casualty loss, deterioration, or wear and tear, and including damage from natural causes (aka “Acts of God”) shall be permitted provided that such

reconstruction, repair, or refinishing is performed according to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, issued and as may from time to time be amended by the U.S. Secretary of Interior, or similar standards acceptable to Grantee (hereinafter, collectively the "**Standards**"), subject to the prior written approval of Grantee, and in a manner which maintains or recreates, as the case may be, a substantially similar appearance of the present façade. The Hopkins House may be used for a caretaker residence for a caretaker of the Property or for one or more of the Preservation Uses, described in Paragraph 5(A), below.

(2) ***Main Residence and Detached Garage.*** At the time of granting of this Deed on the West Area there is a single family residence of approximately 3593 square feet (the "**Main Residence**"), and a detached garage of approximately 660 square feet.

(a) During the Life Estate Catherine H. Anderson or a caretaker may occupy the Main Residence for residential purposes, and may maintain, repair and replace the Main Residence and the detached garage (but shall not enlarge those structures), at their current locations without further permission of the Grantee. If the Main Residence or detached garage are replaced, any replacement structures shall be in the same architectural style as the existing structures to the extent reasonably possible.

(b) After termination of the Life Estate the Main Residence may be used only as a caretaker's residence for a caretaker of the Property. The Main Residence and the detached garage may be maintained, repaired and replaced (but not enlarged), at their current location, without further permission of the Grantee. Alternatively, if the Main Residence and detached garage are demolished or removed and no new structures are constructed in their place, then the area shall be re-graded to a natural contour, replanted and thereafter maintained in native or other non-invasive vegetation.

(3) ***Pond.*** At the time of granting of this Deed there exists a Pond, a pump house and a well near the south end of the West Area. Grantor may maintain, repair, replace or remove the pump house without further permission of Grantee. If Grantor determines that it is too expensive to maintain and fill the pond, upon notice to but without further permission of Grantee the pond may be drained, provided that the area shall be re-graded to a natural contour, by filling in the existing area without materially affecting the existing contour and slopes, and replanted and thereafter maintained in native or other non-invasive vegetation. In addition, the regrading and re-contouring must be accomplished in a manner that does not alter the existing natural drainage flow across the Property.

(4) ***Limitations on Preservation Use.*** The Property shall be managed in accordance with a "**Management Plan**", which shall be prepared by Cherry Hills Village, and approved by Grantee, within one (1) year after termination of the Life Estate. The West Area shall be managed primarily as a natural area with limited public access. The East Area shall be managed for Preservation Uses, Recreational Uses and Agricultural Uses described herein.

B. ***East Area – Structures and Uses.*** The East Area may be used for Preservation Uses, Recreation Uses and Agricultural Uses that are described in Paragraph 5(A), 5(B) and 5(C), below. At the time of granting of this Deed on the

East Area there is a single family residence of approximately 1182 square feet, a 1472 square foot barn ("Big Barn"), a 1207 square foot barn and several sheds and outbuildings. The total square footage of the existing East Area structures is approximately 4000 square feet ("Maximum East Area Square Footage"). Grantor may maintain, repair, replace, relocate or reconstruct the existing East Area structures anywhere within East Area, or construct replacement structure(s) within the East Area, provided that no indoor riding arenas shall be permitted and at no time shall the total square footage of structures exceed the Maximum East Area Square Footage. Notwithstanding the foregoing, Grantor may not demolish the Big Barn unless it is destroyed by casualty to the degree that it is rendered unsafe for use. The house on the East Parcel may only be occupied for residential purposes by a caretaker of the Property. In addition, the structures within the East Area may be used for the Preservation Uses, Recreational Uses or Agricultural Uses described herein.

C. **Canal Area – Structures and Uses.** At the time of granting of this Deed on the Canal Area there is a bridge connecting the East Area to the West Area of the Property ("Bridge"). Grantor may maintain, repair and replace the bridge on the Canal Area upon notice to but without further permission of the Grantee. Grantor may also maintain the pathway on the Canal Area. The Canal Area may be used for the Preservation, Recreational and Agricultural Uses described below, and any uses which are permitted or required under the Denver Water Easement, described above, subject to the other limitations contained herein.

F. **Other Improvements.**

(6). **Existing Improvements Construction.** The construction or reconstruction of any other improvement on the Property is prohibited unless Grantee determines in its sole discretion that the proposed construction is not inconsistent with the preservation and protection of the Conservation Values.

9.3.3 Roads and Trails, Motor Vehicles, Access

A paved driveway to the west of the Highline Canal provides access to the Anderson Residence and Hopkins House (Figure 4, Photo Points 2 and 7). A separate gravel driveway to the east of the Highline Canal provides access to the structures at the barnyard (Photo Point 11). The Highline Canal has a gravel surface maintenance road that is used for the public trail (Photo Point 8). A driveway that provides access to residences south of the Property crosses small portions of the west and south Property boundaries (Figure 4).

A title commitment for the Property was prepared by Land Title Guarantee Company (Appendix 2). Under Schedule B--Section 2, Exceptions 13, 15-17, 20, 22-24 and 28 reference various easement agreements.

4. **Structures, Uses.**

F. **Other Improvements.**

(1). **Road Construction and Paving.** Grantor may maintain the existing pavement or otherwise resurface those roads, driveways or parking areas in the West Area that are already paved as of the date of this Deed. Grantor shall not pave or otherwise place any impermeable surface on any roads, driveways or parking areas that are unpaved as of the date of this Deed without Grantee's prior

written approval. In addition, the Grantor may maintain the Bridge, and the road and trail along the Highline Canal and around the pond in the Pond Area, and may relocate the driveway in the East Area. The location of the roads, trails and Bridge are generally depicted on the attached **Exhibit B**. No such roads or driveways shall be wider than necessary to provide access or to meet local codes for width of access to improvements.

6. *Restricted Practices.*

F. **Public Access.** Public access is permitted on the Highline Canal trail on the Canal Area, subject to rules and regulations established in the Denver Water Easement. Nothing contained herein shall be construed as affording the public access to the remainder of the Property, although the Grantor may permit public access to the Property on such terms and conditions as it deems appropriate, provided that such access is not inconsistent with the preservation and protection of the Conservation Values of the Property.

9.3.4 Fencing/Boundary Management

Perimeter fences are in place around most of the Property excepting 1) the eastern portion of the north boundary, 2) portions of the east boundary along the Highline Canal, and 3) a short stretch of the south boundary that is crossed by the driveway to adjacent parcels (Figure 4). Interior fences are in place in order to maintain horse grazing in the pastures.

The Deed of Conservation Easement addresses fencing as follows:

4. *Structures, Uses.*

F. *Other Improvements.*

(2). **Fences.** Existing fences may be repaired and replaced, and new fences may be built anywhere on the Property for purposes of reasonable and customary management of livestock and wildlife not inconsistent with the preservation and protection of the Conservation Values without any further permission of Grantee. No white fences are permitted on the Property; all fencing shall be constructed of natural materials, such as split rail and wooden posts, and shall be unpainted.

Quincy Avenue forms the north Property boundary. The east boundary is either fenced or demarcated by the Highline Canal. The south boundary is either fenced or demarcated by the access driveway. The west boundary is fenced. Property boundaries are therefore relatively easy to locate and monitor.

9.3.5 Hazardous Materials

No obvious evidence of hazardous materials was observed on the Property during the field work conducted for this report; however, this baseline report does not fulfill the requirements of a Phase I environmental assessment to ascertain the presence of hazardous materials. One power pole with a transformer was noted, but no transformer leaks were observed.

The Deed of Conservation Easement addresses hazardous materials as follows:

6. *Restricted Practices.*

H. **Hazardous Materials.** Grantor may use agri-chemicals (organic agri-chemicals to the extent reasonably possible) on the Property in accordance with all applicable federal, state or local laws and manufacturer's specifications. Otherwise, the treatment, permanent storage, disposal or release of hazardous materials on, from or under the Property is prohibited. For the purpose of this Deed, hazardous materials shall mean any hazardous or toxic material or waste that is subject to any federal, state, or local law or regulation. Notwithstanding anything in this Deed to the contrary, this prohibition does not impose any liability on Grantee for hazardous materials, nor does it make Grantee an owner of the Property, nor does it permit or require Grantee to control any use of the Property that may result in the treatment, storage, disposal or release of hazardous materials within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

9.3.6 Trash

No trash piles were observed on the Property during the field work conducted for this report. The Property is clean and well kept.

The Deed of Conservation Easement addresses trash as follows:

6. ***Restricted Practices.***

G. **Trash.** The dumping or accumulation of any kind of trash, sludge, or refuse on the Property is prohibited, except for farm-related trash and refuse produced on the Property, provided that such dumping or accumulation is not inconsistent with the preservation and protection of the Conservation Values. The storage or accumulation of agricultural products and by-products on the Property is permitted in accordance with all applicable government laws and regulations.

9.3.7 Billboards and Signs

No commercial billboards or signs were observed on the Property during the field work conducted for this report.

The Deed of Conservation Easement addresses signs as follows:

4. ***Structures, Uses.***

F. ***Other Improvements.***

(4). **Billboards and Signs.** Grantor may place identification and informational signs on the Property. Grantor shall not construct, maintain, or erect any signs or billboards on the Property that are inconsistent with the preservation and protection of the Conservation Values.

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11.0 PRINCIPAL REPORT PREPARERS

Statement of Qualifications

MICHAEL G. FIGGS, President, LREP, Inc.

Natural Resources Planner, Ecologist

PROFESSIONAL INTEREST

Mr. Figgs' professional interest is in developing and implementing land and resource planning and management that is consistent with sustainable environmental and ecological practices. To be successful this goal must, of necessity, be integrated with diverse and sometimes conflicting community interests. A critical objective is to address each resource and planning issue in its larger ecological setting and context, as opposed to restricting the issue to narrow analysis, which tends to lead to arbitrary results and constrain conservation, management and mitigation options.

AREAS OF EXPERTISE

Mr. Figgs has twenty-six years experience in natural and cultural resources management, land use planning, land conservation and public policy. Public sector experience includes work with municipal, county, state and federal governments, and private sector experience includes work with private property owners, developers, corporations, environmental organizations, civic and neighborhood organizations, and homeowners associations. Management of natural and cultural resources includes inventory and baseline documentation, development of public planning policies, management plans, impact analysis and mitigation. Resources inventoried and documented include geology and minerals, hydrology, vegetation (including plant communities, threatened and endangered species, noxious weeds, forestry and wildfire hazard), wildlife, cultural and agricultural resources, scenic, recreation, and land use (including land use planning and land conservation).

EXPERIENCE AND EDUCATION

Since 1980, Mr. Figgs has developed, from an avocation in natural and cultural history, a professional career in land use planning, natural resource management and land conservation. Resource inventories he has directed include geology, hydrology, vegetation, soils, wetlands, forest ecology, wildlife, archaeology, historic, agricultural lands, recreation, and land use. Planning and management projects include analysis of public interests and natural resource policies in municipal, county, state and federal comprehensive plans. Public policy work is based upon the analysis and application of regulatory standards in these comprehensive plans.

Community organization skills include founding and management of non-profit corporations, founding and management of for-profit corporation, service on citizen advisory committees at the municipal, county, and congressional levels, and community and environmental groups. Through community organization efforts he has developed proven skills in written and oral communication in public speaking, consensus building, and organizational leadership and management, typically in relation to the resolution of controversial resource management issues.

LAND CONSERVATION

Conservation Easement Baseline Reports, 1988 to the Present

Reports completed on more than one hundred sixty properties in thirty Colorado counties, totaling over 170,000 acres. Baseline reports establish specific resources to be protected by conservation easements, and the public interest served by these easements. Mr. Figgs has conducted workshops on baseline report methodology for the Colorado Coalition of Land Trusts and other land conservation organizations in Colorado. Examples include the following projects.

Fort Carson Buffer, 2005 to Present

To address concerns regarding the increase of residential development around Fort Carson, located between the Cities of Colorado Springs and Pueblo, policy makers in Colorado have proposed the Pilot Project on Compatible Use Buffers on Real Property Bordering Fort Carson, introduced as H. R. 632 in the 109th Congress. This project utilizes conservation easements and leases to limit development and preserve habitat on private land adjacent to Fort Carson. The centerpiece are ranches owned by the Walker family to the south and east of Fort Carson. Mr. Figgs was selected to work on this project by the Colorado Field Office of The Nature Conservancy. The baseline reports must include all of the standard components of these reports, as described above, and contain extensive historical information on the use of the family ranch lands, and the reports must integrate with extensive rare plant data collected by the Colorado Natural Heritage Program. Mr. Figgs' reports are reviewed and approved by attorneys and natural resource specialists in the Colorado and Washington D.C. offices of The Nature Conservancy, the Department of the Army, as well as the Walker family. The project has protected 7,920 acres to date, and is moving into a third phase of another 5,000 acres. It is expected that 50,000 acres, or more, will eventually be protected.

South Platte Heritage Corridor Plan, 2000 to Present

The Adams County Parks Department has received a \$7.78 million legacy grant from the Great Outdoors Colorado Trust to protect twelve miles of the river from Commerce City to Brighton. Projects include conservation easements, fee simple acquisitions, floodplain management, agricultural preservation, wildlife management, trail development and outdoor education opportunities. Mr. Figgs has been retained to prepare the baseline reports for conservation easements, including third party conservation easements required by Great Outdoors Colorado. Mr. Figgs has completed reports for seven transactions, and three more are in preparation. Mr. Figgs' reports must be reviewed and accepted by Adams County, Great Outdoors Colorado, and third party conservation easement holders, including the City of Westminster and Colorado Open Lands. Protected properties Mr. Figgs has worked on include a dairy farm, public fishing park, and an important Bald Eagle night roost.

City of Fort Collins Natural Areas Program, 2005 to Present

The Natural Areas Program, a division of the Natural Resources Department, manages over 36,000 acres of public lands and conservation easements. Mr. Figgs has been retained to prepare baseline reports for conservation easements held by the program. He has completed reports on two mountain backdrop properties, and four properties located in the Timnath and Wellington community buffers. Mr. Figgs has also completed reports on two properties in the Laramie Foothills - Mountains to Plains project, which has Great Outdoors Colorado legacy grant funding, and is being completed in cooperation with Larimer County, the Nature Conservancy, and Legacy Land Trust. These partners to date have preserved more than 50,000 acres of the Laramie Foothills. Mr. Figgs is currently completing a third baseline report in this area for a 1,600 acre ranch that is an inholding in the City's 18,700 acre Soapstone Ranch open space. Mr. Figgs' reports must be reviewed and accepted by the City of Fort Collins, Great Outdoors Colorado, and third party conservation easement holders, typically Larimer County Open Lands, a division of the Larimer County Parks Department, and the private property owners.

Colorado Coalition of Land Trusts, 1989 to 1990

Mr. Figgs was a founder of the Colorado Coalition of Land Trusts (CCLT), and served on the first Board of Directors as Vice President. The mission of CCLT is to promote and support land conservation excellence in Colorado through leadership, advocacy, education and outreach. Duties included organizing the original Board of Directors, working with attorneys to complete the Articles of Incorporation and Bylaws, and organizing semi-annual land trust conferences. Mr. Figgs served as the Boulder County Land Trust representative to CCLT. Mr. Figgs also served as the CCLT representative to the Land Trust Alliance, the national umbrella organization

supporting the land trust industry. Mr. Figgs' duties in this regard was to promote the widespread adoption in Colorado of the Land Trust Alliance's standards and practices for land trusts.

NATURAL RESOURCES RESEARCH, MANAGEMENT AND PLANNING

John Martin Reservoir State Park, 2004

Mr. Figgs was retained by the Colorado Division of State Parks, Department of Natural Resources, to conduct a management assessment for the Bald Eagle, Piping Plover and Least Tern at John Martin Reservoir State Park near La Junta. These species are managed in cooperation between Colorado State Parks, the US Army Corps of Engineers, which manages reservoir operations and federal land at the reservoir, the Colorado Division of Wildlife, and an independent private consultant who is a specialist with expertise on the Piping Plover and Least Tern. Mr. Figgs completed an assessment of how these agencies are managing habitat for these three species that are federally and state listed threatened and endangered species. His report was accepted by Colorado State Parks. The report was completed in partnership with Patrick Murphy, Ph.D., Ecotone Corporation, a plant ecologist who was conducting vegetation studies at the reservoir.

Long Term Breeding Bird Monitoring, Rocky Mountain National Park, 2002 to 2005

Mr. Figgs was retained by the Rocky Mountain Bird Observatory to conduct long term breeding bird research in Rocky Mountain National Park, with the approval of Park staff. Mr. Figgs conducted point count surveys during four consecutive breeding seasons. Funding for the project ended in 2005, but Mr. Figgs has continued some of the surveys on a volunteer basis with the approval of Park staff.

Boulder Feeder Canal Resource Inventory, 2002

This report included a physical characteristics component, and ecological characteristics description, a winter raptor survey, breeding bird survey and Preble's Meadow Jumping Mouse assessment. Mr. Figgs was project manager and responsible for the winter raptor survey, breeding bird survey, and preparation of wildlife mitigation plans. The inventory was conducted on a 13.2 mile segment of the Boulder Feeder Canal in eastern Boulder County. The Boulder Feeder Canal is part of the Colorado-Big Thompson Project constructed in the 1950's under the authority of the US Bureau of Reclamation, and managed by the Northern Colorado Water Conservancy District. Boulder County Parks and Open Space Department, partnering with the City of Boulder Open Space Department, is proposing to construct public trail access along the canal. This project was completed in partnership with Alan Carpenter, Ph.D., with Land Stewardship Consulting, Inc., who conducted the physical and ecological characteristics inventory, and Mark Bakeman, Ph.D., who conducted the Preble's Meadow Jumping Mouse assessment.

DEVELOPMENT PROJECTS

Cemex USA, 1987 to Present

For twenty years Mr. Figgs has served as environmental studies manager for this 25 year mine and reclamation project in Boulder County, supervising specialists in the fields of vegetation, wetlands, mine reclamation, wildlife, historic resources and tribal consultations. The mine project supplies feedstock to the cement plant located at Lyons. Along with the engineering manager (Paul Banks, Banks & Gesso, LLC) and the cement plant manager, Mr. Figgs prepared all permit documents submitted to Boulder County and the Colorado Division of Reclamation and Mine Safety (DRMS). Mr. Figgs was also responsible for managing the community information program that provided for direct negotiations between Cemex and concerned members of the public, including successful negotiations with seven distinct community groups. The necessary state and county permits were approved in 1994, after review by the County, DRMS, Colorado Department of Public Health and Environment, and Colorado Division of Wildlife. Since that time Mr. Figgs has been responsible for managing the interim permit reviews conducted by

Boulder County whereby the County determines compliance with the terms and conditions of the permits approved in 1994, including reviews in 1995, 1997, 1999, and 2004. For the 1995 review Mr. Figgs submitted management plans covering the domains of land use, agriculture, archaeology, historic resources and wildlife for 2,500 acres of company mine buffer land. During the 2004 review Mr. Figgs successfully negotiated a significant upgrade in the mine reclamation plan, working together with Cemex, the mine reclamation consultants (David Buckner, Ph.D. and Denise Arthur, Ph.D., with Esco Associates, Inc.) and Boulder County staff. Additional tasks completed by Mr. Figgs include:

- Design, supervision and execution of a five year winter raptor study on 4,000 acres of land in order to assess the impacts of mining and reclamation on the Bald Eagle, Golden Eagle and Ferruginous Hawk, and their prairie dog prey base. This project was completed in partnership with Richard W. Thompson, M.S., Western Ecosystems, Inc. This report was accepted by Boulder County, the agency that requested the study.
- Wildlife resources assessment for a cement kiln dust disposal site at the cement plant. This assessment was reviewed and accepted by DRMS and the Colorado Division of Wildlife. The report was also independently reviewed by the US Fish & Wildlife Service, with a determination of no conflicts.
- In 2002 Mr. Figgs served as facilitator, at the joint request of Boulder County and Cemex, for a series of transactions whereby Boulder County acquired 800 acres of Cemex mine buffer land for open space, and the County acquired options and conservation easements on another 800 acres of buffer land.

Prairie Center, THF Realty, 2003 to Present

Mr. Figgs has served as project wildlife consultant for this 20 year mixed use development site on 1,788 acres in the City of Brighton in Adams County. Mr. Figgs has prepared the following studies and reports for this project:

- Phase I Wildlife Resources Assessment.
- Phase II Wildlife Resources Assessment (including a Bald Eagle monitoring study, Burrowing Owl clearance survey, breeding bird survey and habitat assessment, and a hawk nest monitoring study).
- Black-tailed Prairie Dog study (This study determined the historic and current prairie dog population within a 3.5 mile radius of a Bald Eagle nest at Barr Lake State Park, and compared the results to prairie dog populations at seven other Bald Eagle nest sites in the Front Range Urban Corridor. This study was completed in partnership with Cecily H. Y. Mui, M.S. with LREP, Inc.).
- Bald Eagle Habitat Mitigation Plan (presenting a mitigation plan for Bald Eagle hunting habitat lost at the project site, with both on-site and off-site mitigation components).
- Prairie/Lakes Regional Wildlife Sanctuary (a wildlife habitat and natural resources management plan for 118 acres of land to be dedicated to the City of Brighton for open space and a community park).
- Kimmel Property Ecological Resources and Mitigation Site Assessment (an assessment of a 72 acre parcel for use as a prairie dog mitigation site).
- Bald Eagle Construction Protocols (protocols developed to avoid harassment and disturbance of bald eagles potentially using habitat at Prairie Center).

Mr. Figgs organized and chaired twenty-five Construction Protocol meetings that included representation from the City of Brighton, Colorado Division of Wildlife, Adams County Parks Department, Rocky Mountain Bird Observatory, THF Realty and its consultants, and the general contractor. These meetings developed a consensus on how to proceed with wildlife studies and mitigation plans. All of the above listed reports and associated mitigation plans were reviewed

and accepted by the City of Brighton and the Colorado Division of Wildlife. The City has approved three Overall Development Plans and two Sites Plans, a third Site Plan is being developed for City review. A Home Depot and a Super Target have been constructed, along with an additional 2 million square feet of retail space.

Other recent wildlife impact assessments include:

- Cheyenne Mountain Air Force Station in El Paso County.
- 12,000 acre wind energy site in Prowers County.
- 200 acre concert facility in Larimer County located on a 1,450 acre ranch.
- mine projects in Jefferson and Larimer Counties.
- 638 acre mixed use annexation to City of Brighton.
- annexation of a 1,400 acre mixed use development to the town of Windsor.

COMMUNITY SERVICE

North Foothills Open Space Advisory Committee, 1997 to 1998.

Appointed chair of the committee by the Boulder County Board of Commissioners. The committee, comprised of 22 stakeholder organizations, formulated recommendations to county government for natural resource protection and recreation management on 11,000 acres of county open space that was being opened for public use.

North St. Vrain Advisory Committee 1987 to 1996.

Mr. Figgs was appointed by Congressman David Skaggs and the Boulder County Board of Commissioners and served on the coordinating and water subcommittees. Mr. Figgs prepared environmental resource description and management recommendations on over 30,000 acres of watershed in northwestern Boulder County, including portions of the Arapaho/Roosevelt National Forest and Rocky Mountain National Park. Participated in negotiations involving private property owners, municipal, county, state and federal agencies, water rights owners, community and environmental organizations. The committee's work was successfully accomplished by means of federal legislation, land exchanges, and revised management plans on federal lands, and revised county planning policies. As a member of the coordinating subcommittee, Mr. Figgs was responsible for preparing and giving presentations at 16 public hearings. Mr. Figgs was requested to testify before a congressional hearing in Washington D.C. The federal legislation, approved by voice vote with no opposition, protected the headwaters and more than twelve miles of the creek, and prohibits federal funding or permits for reservoir construction on the creek.

City of Boulder Open Space Board of Trustees, 1986 to 1990.

Mr. Figgs was appointed by the Boulder City Council to serve on the Open Space Board of Trustees (OSBT). By election of the OSBT, he served as Chair of the Board in 1990. The OSBT is a City Charter Board charged with oversight of the City Open Space program. Mr. Figgs worked with City staff and citizens in program development and management. During his tenure the open space holdings grew from approximately 18,000 to 26,000 acres, there was a successful City Charter amendment, and a successful sales tax election. Mr. Figgs took the lead in increasing the size and professionalism of the Department staff, cooperation with other open space programs, and introducing concepts of ecosystem management and large scale land conservation. He served on the Tallgrass Prairie Committee and Prairie Dog Management Committee. After his five year term on the OSBT expired in 1990, Mr. Figgs was appointed by the OSBT to serve on the Open Space Department Productivity Study Committee in 1991, convened by the City Manager. He was appointed by City Council in 1996 to serve on the Dog Management Roundtable, was elected to serve on the Coordinating Subcommittee, and took the lead in negotiating a final agreement among the interested parties. In 2001 he was appointed by the OSBT to serve on the Visitor Plan Advisory Committee.

Biographical Sketch

Nancy D. Lederer

A. Vitae

Address: University of Colorado Phone: 303-492-3216
University Museum - Herbarium email: lederer@stripe.colorado.edu
350 UCB, Boulder, CO 80309-0350

Degrees: B.A. Biology, University of Colorado, Boulder, 1980
B.A. Elementary Education, Antioch College, 1973

PROFESSIONAL EXPERIENCE

Collection Manager of Botany, University Museum Herbarium, University of Colorado, 1996 to present.
Botanical and Ecological Consultant, Landscape, Resource, Ecosystem Planning, Inc., 1995 to present.
Field Botanist/Ecologist with Colorado Natural Heritage Program, 1993-1994.
Assistant Riparian Ecologist, The Nature Conservancy, 1991-1992.
Professional Research Assistant, Institute of Arctic and Alpine Research, University of Colorado 1982-1990.
Field Assistant, University of Alaska, 1982.
Wildlife and Plant Ecology Technician, Stoecker-Keammerer & Assoc. Ecological Consultants, 1980-1981.

B. Selected Publications

Hogan, T., N. Lederer and D. Clark. 2005. Floristic Inventory of Black Canyon of the Gunnison National Park and Curecanti National Recreation Area. Report prepared for National Park Service, Northern Colorado Plateau Network, Moab, UT.

Landscape, Resource, Ecosystem Planning, Inc. 1995 to present. Vegetation chapters for conservation easement baseline inventory reports. Over 50 reports prepared for Colorado Open Lands, Palmer Foundation, Land Trust of the Upper Arkansas, The Nature Conservancy, Legacy Land Trust.

Kettler, S.M., N.D. Lederer and T. Hogan. 1993. Natural Heritage Inventory of the rare plants and significant natural communities of the Doudy Draw and Eldorado Mountain area, Colorado. Report prepared by Colorado Natural Heritage Program for City of Boulder Open Space.

Lederer, N.D. 1994. A floristic inventory of Arapaho Ranch, Boulder County, Colorado. Report prepared for Boulder County Nature Association, P.O. Box 493, Boulder, CO 80306.

Lederer, N.D. Unpub. Establishment Record for North St. Vrain Research Natural Area within Arapaho and Roosevelt National Forests, Boulder County, Colorado. Report prepared for USDA Forest Service, 240 W. Prospect St., Fort Collins, CO, 1995.

Pague, C.A. and N. Lederer. 1993. Natural Heritage Inventory of the Clear Creek District, Arapaho-Roosevelt National Forest. Natural Heritage Technical Report #94-2. Colorado Natural Heritage Program, University of Colorado Museum, Boulder, CO.

Kittel, G.M. and N.D. Lederer. 1993. A preliminary classification of the riparian vegetation of the Yampa and San Miguel/Dolores river basins. Final report to Colorado Department of Health and Environmental Protection Agency, 96 p. plus appendices.

APPENDIX 1

DEED OF CONSERVATION EASEMENT

DEED OF CONSERVATION EASEMENT
[CATHERINE H. ANDERSON PROPERTY]

Any time the Property is transferred by Grantor to any third party, Grantor shall pay a transfer fee of _ of 1% of the sale price to Grantee and notify Grantee pursuant to the requirements of Section 10 of this Deed.

THIS DEED OF CONSERVATION EASEMENT ("**Deed**") is granted on this day of _____ 2007, by **CATHERINE H. ANDERSON**, whose address is 4400 East Quincy Ave., Englewood, CO 80113 ("**Grantor**"), to **COLORADO OPEN LANDS**, a Colorado non-profit corporation ("**Grantee**"), whose address is Suite 320, 274 Union Boulevard, Lakewood, Colorado 80228, collectively the "**Parties**".

RECITALS:

- A. **Description of Property.** Grantor is the owner of the fee simple interest in the subject Property legally described in Exhibit A and depicted in Exhibit B, both attached hereto and made a part of this Deed, which consists of approximately 17.5 acres of land, together with existing improvements (as further described in Section 4(A)), water and mineral rights, located in Arapahoe County, State of Colorado (the "**Property**").
- B. **Qualified Organization.** Grantee is a "qualified organization," as defined in §170(h) of the Internal Revenue Code and a charitable organization as required under §§38-30.5-104(2), Colorado Revised Statutes (C.R.S.).
- C. **Conservation Purposes.** The Conservation Purposes set forth in this paragraph may hereinafter be collectively referred to as the "Conservation Values." According to Section 170(h)(4)(A) of the Internal Revenue Code and Section 1.170A-14(d) of the Treasury Regulations, the Conservation Values of a qualified conservation contribution may be for one or more of the following: to preserve land for outdoor recreation by or education of the general public; to protect relatively natural habitat of fish, wildlife or plants; to preserve open space; and to preserve historically important land or structures.

Recreation or Education [§ 1.170A-14(d)(2)]. The Highline Canal, with its public trail, traverses the Property. The Highline Canal, which was built between 1879 and 1883, extends for more than 66 miles from Waterton Canyon on the South Platte River, through Arapahoe, Denver and Adams Counties. Starting in 1970 the maintenance road along the Canal was opened to public use. A portion of the trail passes through this Property and is utilized by hundreds of people every week for walking, jogging, hiking, bicycle riding, and horseback riding and is available for the substantial and regular use of the public. Significant natural areas, wetland areas and a pond exist on the Property adjacent to the trail, providing a natural area

recreation corridor for public use. Public use of the Highline Canal (the “**Canal Area**”) is permitted subject to rules and regulations established by the City and County of Denver, Colorado, acting by and through its Board of Water Commissioners (“**Denver Water**”), or its licensees, as described in the Easement Agreement recorded on October 20, 1993 in Book 7198 at Page 466, in the records of the Arapahoe County, Colorado Clerk and Recorder (the “**Denver Water Easement**”).

Relatively Natural Habitat [§ 1.170A-14(d)(3)]. The Property contains wetlands, riparian areas, a pond, and natural areas that provide food, shelter, breeding ground, and migration corridors for several wildlife species. The Property serves as natural habitat for several bird species, including waterfowl, shorebirds, hawks, and neo-tropical migrants. The habitat on the Property is also “significant” as required by the Treasury Regulations, as it represents wildlife habitat in an urban area, and is the first verified and documented breeding site in Colorado for the Hooded Merganser.

Open Space [§ 1.170A-14(d)(4)]. The Property qualifies as open space because it will be preserved for the scenic enjoyment of the general public and will yield a significant public benefit.

Scenic enjoyment. The Property adds to the scenic character of the local rural landscape in which it lies, contains a harmonious variety of shapes and textures, and provides a degree of openness, contrast and variety to the overall landscape. The Property is visually accessible to the general public from the public Highline Canal Trail which traverses the Property and from Quincy Avenue, which adjoins the Property. There are scenic vistas of the Front Range of the Rocky Mountains from the Property.

Significant public benefit. The Highline Canal Trail through the Property is utilized by thousands of people every year. There is a strong likelihood that development of the Property would lead to or contribute to degradation of the scenic and natural character of the area. Preservation of the Property will continue to provide an opportunity for the general public to appreciate its scenic and recreational values.

It should also be noted that the terms of the Easement do not permit a degree of intrusion or future development that would interfere with the essential scenic quality of the land.

Historic [§ 1.170A-14(d)(5)(ii)]. The Property qualifies as an historically important land area because it is an independently significant land area and is listed in the National Register of Historic Places by the United States Department of the Interior. The Property has an intact collection of 1930's agricultural buildings that retain their agricultural integrity and that have all but disappeared from the rest of urban Arapahoe County.

These Conservation Values are of great importance to Grantor, Grantee, the residents of Arapahoe County, residents of the greater metropolitan Denver area, and residents of the State of Colorado.

D. **State Policy Concerning Conservation Easements.** C.R.S. §§33-1-101, provides in relevant part that "it is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors." C.R.S. §§38-30.5-102, provides for the creation of conservation easements to maintain land "in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural, horticultural, wetlands, recreational, forest or other use or condition consistent with the protection of open land . . ."

E. **Other Supporting Government Policy.**

City of Cherry Hills Village Resolution No. 13, Series of 2006 supporting Open Space, which recognizes the need to preserve the Highline Canal Corridor and other areas that are:

- Lands which maintain urban open space, natural areas, water quality, urban wildlife habitat and movement corridors, views, trail corridors, floodplains and wetlands;
- Lands which serve to maintain community identity; and
- Lands for passive and active recreational needs including, but not limited to, walking, cycling, horseback riding, cross country skiing, photograph and nature studies

The Arapahoe County Comprehensive Plan which provides in part that the intent of Arapahoe County is to use "open space as a means to help...maintain rural character, conserve wildlife habitat...and provide opportunities for...wildlife observation."

The Arapahoe County Comprehensive Plan Goals NCR 1, provides in part that it is the goal of Arapahoe County to "conserve its natural areas and resources that provide habitat and maintain environmental quality."

F. **Documentation of Present Conditions.** The Conservation Values and the characteristics, current use, and status of improvements on and development of the Property as of the date of this Deed are further documented in a "**Present Conditions Report**," dated July 2007 and prepared by LREP, Inc., which report is acknowledged as accurate by Grantor and Grantee. The Present Conditions Report has been provided to both Parties and will be used by Grantee to assure that any future changes in the use of the Property will be consistent with the

terms of this Deed. However, the Present Conditions Report is not intended to preclude the use of other evidence to establish the condition of the Property as of the date of this Deed.

G. Charitable Donation. Grantor intends to create a conservation easement under C.R.S. §§38-30.5-101, and hereby makes a charitable gift of the property interest conveyed by this Deed to Grantee.

H. Gift to Cherry Hills Village. In order to further assure preservation of the Conservation Values of the Property, after granting this Easement the Grantor intends to donate the Property to Cherry Hills Village. The Property will be donated subject to reservation of a life estate for the benefit of the Grantor (the "**Life Estate**") which will allow Grantor to continue to live on the Property, subject to the terms of this Easement. This Easement has been granted subject to the terms of two existing leases (the "**Leases**"): the lease for the Hopkins House located on the West Area (the "**Hopkins House Lease**"), and the lease for the house on the East Area (the "**East Area House Lease**").

ACKNOWLEDGEMENT OF INTENT:

As a guide to the interpretation of this Deed and administration of the Conservation Easement created by this Deed by future generations, Grantor and Grantee, for themselves, and for their successors and assigns, herein expressly declare their agreement and dedication to the following purpose and intent:

1. **Purpose.** The purpose (the "**Purpose**") of this Easement (defined below) is to preserve and protect in perpetuity the Conservation Values of the Property. This Purpose is in accordance with §170(h) of the Internal Revenue Code. In order to achieve this Purpose, Grantor intends to convey this Deed to Grantee to ensure that the Conservation Values of the Property will be preserved and protected forever.

2. **Intent.** Subject only to the Purpose set forth above, the intent of the Parties is to permit all other uses of the Property that are not inconsistent with the preservation and protection of the Conservation Values as determined by Grantee in its sole discretion and that are not expressly prohibited herein. Nothing in this Deed is intended to compel a specific use of the Property, such as agriculture, other than the preservation and protection of the Conservation Values.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Grantor and Grantee mutually agree as follows:

1. **Conveyance of Easement.** Grantor voluntarily grants and conveys to Grantee and Grantee voluntarily accepts, a perpetual Conservation Easement in gross, an immediately vested

interest in real property defined by C.R.S. §§38-30.5-101, *et seq.*, and of the nature and character described in this Deed, for the purpose of preserving and protecting the Conservation Values of the Property in perpetuity ("**Easement**").

2. ***Rights of Grantee.*** To accomplish the Purpose of this Easement the following rights are hereby conveyed to Grantee:

A. To preserve and protect the Conservation Values of the Property;

B. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that, except in cases where Grantee determines that immediate entry is required pursuant to those provisions in Section 8, such entry shall be upon at least 48 hours prior notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;

C. To prevent any activity on or use of the Property that is inconsistent with the Purpose of this Easement and, except as limited by Section 7 below, Grantee may require the restoration of such areas or features of the Property that are damaged by an inconsistent activity or use; and

Nothing in this Section shall preclude the right of Grantee to enforce the preservation and protection of the Conservation Values of the Property or any other provisions of this Deed.

3. ***Rights Retained by Grantor.*** Grantor retains the right to occupy the Property pursuant to the terms of the Life Estate, to comply with the terms of the Leases, and to perform any act not specifically prohibited or restricted by this Easement. These ownership rights include, but are not limited to, the retention of the economic viability of the Property, provided that such acts and uses are not inconsistent with the preservation and protection of the Conservation Values.

4. ***Structures, Areas.*** For the purposes of this Easement the Parties have identified three areas (the "**Areas**") on the Property as depicted on the attached **Exhibit B**. The Areas are: (1) The "**West Area**" which lies west of the Highline Canal; (2) the "**East Area**" which lies east of the Highline Canal, and (3) the "**Canal Area**" which encompasses the Highline Canal. The structures and improvements which exist on the Areas at the time of granting of this Easement are described as "**Existing Improvements**". The Parties agree that the current and permitted uses of and improvements to the Property are not inconsistent with the preservation and protection of the Conservation Values and are permitted, and also agree that the Grantor may charge fees for use of the Property. Without limiting the generality of any of the foregoing, Grantor and Grantee hereby acknowledge and agree:

A. ***West Area - Structures and Uses.*** The West Area may be used for Preservation Uses as described in Paragraph 5(A), below, subject to the limitations described in Paragraph 4(A)(4), below, and for Agricultural Uses that are described in Paragraph 5(C), below. The existing and permitted structures within the West Area and their permitted uses are described as follows:

(1) ***Hopkins House.*** At the time of granting of this Deed on the West Area there is a single family residence (the “**Hopkins House**”) of approximately 1360 square feet, which has been leased for caretaker residence use pursuant to the Hopkins House Lease. Without the express written permission of the Grantee, no demolition, construction, alteration, or remodeling or any other thing shall be undertaken or permitted to be undertaken on the Property which would affect either the present facade or increase or decrease the height of the Hopkins House, including without limitation anything which would alter the external appearance of the Hopkins House, as depicted in the Present Conditions Report. The reconstruction, repair, or refinishing of the present facade, damage to which has resulted from casualty loss, deterioration, or wear and tear, and including damage from natural causes (aka “Acts of God”) shall be permitted provided that such reconstruction, repair, or refinishing is performed according to The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, issued and as may from time to time be amended by the U.S. Secretary of Interior, or similar standards acceptable to Grantee (hereinafter, collectively the “**Standards**”), subject to the prior written approval of Grantee, and in a manner which maintains or recreates, as the case may be, a substantially similar appearance of the present façade. The Hopkins House may be used for a caretaker residence for a caretaker of the Property or for one or more of the Preservation Uses, described in Paragraph 5(A), below.

(2) ***Main Residence and Detached Garage.*** At the time of granting of this Deed on the West Area there is a single family residence of approximately 3593 square feet (the “**Main Residence**”), and a detached garage of approximately 660 square feet.

(a) During the Life Estate Catherine H. Anderson or a caretaker may occupy the Main Residence for residential purposes, and may maintain, repair and replace the Main Residence and the detached garage (but shall not enlarge those structures), at their current locations without further permission of the Grantee. If the Main Residence or detached garage are replaced, any replacement structures shall be in the same architectural style as the existing structures to the extent reasonably possible.

(b) After termination of the Life Estate the Main Residence may be used only as a caretaker's residence for a caretaker of the Property. The Main Residence and the detached garage may be maintained, repaired and replaced (but not enlarged), at their current location, without further permission of the Grantee. Alternatively, if the Main Residence and detached garage are demolished or removed and no new structures are constructed in their place, then the area shall be re-graded to a natural contour, replanted and thereafter maintained in native or other non-invasive vegetation.

(3) **Pond.** At the time of granting of this Deed there exists a Pond, a pump house and a well near the south end of the West Area. Grantor may maintain, repair, replace or remove the pump house without further permission of Grantee. If Grantor determines that it is too expensive to maintain and fill the pond, upon notice to but without further permission of Grantee the pond may be drained, provided that the area shall be re-graded to a natural contour, by filling in the existing area without materially affecting the existing contour and slopes, and replanted and thereafter maintained in native or other non-invasive vegetation. In addition, the regrading and re-contouring must be accomplished in a manner that does not alter the existing natural drainage flow across the Property.

(4) **Limitations on Preservation Use.** The Property shall be managed in accordance with a "Management Plan", which shall be prepared by Cherry Hills Village, and approved by Grantee, within one (1) year after termination of the Life Estate. The West Area shall be managed primarily as a natural area with limited public access. The East Area shall be managed for Preservation Uses, Recreational Uses and Agricultural Uses described herein.

B. **East Area – Structures and Uses.** The East Area may be used for Preservation Uses, Recreation Uses and Agricultural Uses that are described in Paragraph 5(A), 5(B) and 5(C), below. At the time of granting of this Deed on the East Area there is a single family residence of approximately 1182 square feet, a 1472 square foot barn ("Big Barn"), a 1207 square foot barn and several sheds and outbuildings. The total square footage of the existing East Area structures is approximately 4000 square feet ("Maximum East Area Square Footage"). Grantor may maintain, repair, replace, relocate or reconstruct the existing East Area structures anywhere within East Area, or construct replacement structure(s) within the East Area, provided that no indoor riding arenas shall be permitted and at no time shall the total square footage of structures exceed the Maximum East Area Square Footage. Notwithstanding the foregoing, Grantor may not demolish the Big Barn unless it is destroyed by casualty to the degree that it is rendered unsafe for use. The house on the East Parcel may only be occupied for residential

purposes by a caretaker of the Property. In addition, the structures within the East Area may be used for the Preservation Uses, Recreational Uses or Agricultural Uses described herein.

C. ***Canal Area – Structures and Uses.*** At the time of granting of this Deed on the Canal Area there is a bridge connecting the East Area to the West Area of the Property (“**Bridge**”). Grantor may maintain, repair and replace the bridge on the Canal Area upon notice to but without further permission of the Grantee. Grantor may also maintain the pathway on the Canal Area. The Canal Area may be used for the Preservation, Recreational and Agricultural Uses described below, and any uses which are permitted or required under the Denver Water Easement, described above, subject to the other limitations contained herein.

D. ***Notification of Replacement or Enlargement.*** If any improvements are replaced or enlarged in a manner not requiring Grantee’s approval, Grantor shall notify Grantee of the replacement or enlargement so that its records may be updated.

E. ***Definition of Floor Area.*** For purposes of Section 4, floor area is defined as all residential or non-residential finished or unfinished space, covered and enclosed within two or more walls, but does not include residential covered or uncovered decks or patios.

F. ***Other Improvements.***

(1). ***Road Construction and Paving.*** Grantor may maintain the existing pavement or otherwise resurface those roads, driveways or parking areas in the West Area that are already paved as of the date of this Deed. Grantor shall not pave or otherwise place any impermeable surface on any roads, driveways or parking areas that are unpaved as of the date of this Deed without Grantee’s prior written approval. In addition, the Grantor may maintain the Bridge, and the road and trail along the Highline Canal and around the pond in the Pond Area, and may relocate the driveway in the East Area. The location of the roads, trails and Bridge are generally depicted on the attached **Exhibit B**. No such roads or driveways shall be wider than necessary to provide access or to meet local codes for width of access to improvements.

(2). ***Fences.*** Existing fences may be repaired and replaced, and new fences may be built anywhere on the Property for purposes of reasonable and customary management of livestock and wildlife not inconsistent with the preservation and protection of the Conservation Values without any further permission of Grantee. No white fences are permitted on the

Property; all fencing shall be constructed of natural materials, such as split rail and wooden posts, and shall be unpainted.

(3). **Utilities.** Existing utilities may be repaired and replaced in the same location with a similar structure without any further permission of Grantee. Grantor may install new underground utility lines to serve the uses permitted on the Property without restriction.

(4). **Billboards and Signs.** Grantor may place identification and informational signs on the Property. Grantor shall not construct, maintain, or erect any signs or billboards on the Property that are inconsistent with the preservation and protection of the Conservation Values.

(5). **Recreational and Educational Improvements.** Grantor may construct small recreational and educational improvements on the Property that are not inconsistent with the preservation and protection of the Conservation Values only with the prior written approval of Grantee.

(6). **Other Improvements.** The construction or reconstruction of any other improvement on the Property is prohibited unless Grantee determines in its sole discretion that the proposed construction is not inconsistent with the preservation and protection of the Conservation Values.

5. **Resource Management.** Grantor recognizes the importance of good resource management and stewardship to preserve and protect the Conservation Values. To this end, the following uses of the Property shall be conducted in accordance with the provisions below. In the event Grantee believes any resource management practice(s) are not consistent with the preservation and protection of the Conservation Values, Grantee may request that Grantor and Grantee shall, at Grantor's expense, consult with a mutually agreed upon resource management professional. This professional will provide written recommendations for said resource management practice(s) not inconsistent with the preservation and protection of the Conservation Values.

A. **Preservation Uses.** The Parties intend that the Property remain in its substantially open condition with trees, grassed areas, gardens and the pond, and that only the permitted structures described herein shall be constructed or maintained on the Property. The Property, and the structures permitted thereon, may be used as a nature preserve, for historic preservation and interpretation, for gardens, for private and public meetings, gatherings and celebrations, for classes and education, for photography, painting and other artistic endeavors, and such other uses as help to preserve the Property and instill an appreciation and respect for the natural and human history of the vicinity

(collectively the “**Preservation Uses**”).

B. **Recreation Uses.** Low-impact recreational uses such as bird watching, hiking, horseback riding and cross-country skiing are permitted on the Property; bicycling is permitted only on the Canal Area of the Property. Public Use of the Canal Area is permitted subject to the terms of the Denver Water Easement. These uses are referred to as the “**Recreational Uses**”.

C. **Agricultural Uses.** The Property may be used for agricultural purposes, subject to the limitations in this Easement. All agricultural uses shall be conducted using stewardship and management methods that preserve the natural resources upon which agriculture is based. Long term stewardship and management goals include preserving soil productivity, maintaining natural stream channels, preventing soil erosion, minimizing invasive species, and avoiding unsustainable livestock grazing practices. The construction and maintenance of agricultural ditches, stock ponds or other agricultural water features is permitted. Maintenance of the Highline Canal in accordance with the Denver Water Easement is permitted. Maintenance of the pond is permitted. These uses are referred to as the “**Agricultural Uses**.”

D. **Trees, Shrubs, Bushes.** Trees, shrubs and bushes on the Property (except the Canal Area) may be cut to control insects and disease, to control invasive non-native species, and to prevent personal injury and property damage. Tree thinning activities on the Property (except the Canal Area) may take place to maintain the character and nature of the habitat. Trees, shrubs, bushes and other growth within the Canal Area may only be removed in accordance with the terms of the Denver Water Easement, described above.

E. **Minerals and Other Deposits.** The exploration, development, mining or other extraction of minerals of any kind or description, including oil, coal gas, hydrocarbons, coal, peat, sand, gravel, rock or soil, is prohibited.

F. **Water Rights.** The Property subject to this Easement includes any and all decreed and undeclared water rights, ditches and ditch rights, springs and spring rights, reservoir and reservoir rights, wells and groundwater rights, water allotments, units or shares, and any other types of rights related to the ownership of water, tributary, non-tributary and not non-tributary, appurtenant to or customarily or historically used or associated with or upon the Property, together with any and all of the rights associated with the historical and beneficial use of any of the embankments, flumes, headgates, measuring devices or any other structures that are appurtenant to those water rights, along with all easements and rights of way therefor including but not limited to those specifically described in **Exhibit C** attached hereto and made a part of this Deed (collectively, the “**Water Rights**”). The Water Rights are beneficially used on the Property as set forth in C.R.S. Section 38-30.5-102. Grantor shall have the right to

improve, maintain, repair, relocate and reconstruct facilities related to the Water Rights (such as ditches, wells and reservoirs). Grantor shall not transfer, encumber, sell, lease or otherwise separate the Water Rights from the Property. Grantor shall not change the historic use or point of diversion of the Water Rights without the prior written consent of, and determination by, Grantee that such change is not inconsistent with the preservation and protection of the Conservation Values. If Grantor fails to maintain the historic use of the Water Rights, or the Water Rights are abandoned, by action or inaction, or otherwise subject to a threat of abandonment, Grantee shall have the right, but not the obligation, to request mediation between Grantee, Grantor and appropriate employees from the Colorado State Engineer's Office. The mediation shall seek to determine the status of the Water Rights and what actions are necessary, if any, to protect the Water Rights in accordance with the provisions of this Section 5.F. If mediation does not result in an outcome mutually agreeable to Grantee and Grantor, Grantee may seek enforcement against Grantor in accordance with Section 8. Notwithstanding any of the foregoing to the contrary, Grantor shall not be required in any one (1) year to use the Water Rights to irrigate any portion of the Property. If Grantor wishes not to irrigate for a period of more than one (1) year, Grantor shall obtain Grantee's approval, to be granted if Grantee determines that failure to irrigate is not inconsistent with the preservation and protection of the Conservation Values.

G. **Habitat Improvements.** Habitat improvement and maintenance activities may be permitted upon Grantee's approval and determination that said improvements and activities are not inconsistent with the preservation and protection of the Conservation Values. Notwithstanding the foregoing, Grantor may replant native grasses anywhere on the Property that currently consists of non-native grasses without Grantee's approval.

6. ***Restricted Practices.***

A. **Subdivision.** Grantor and Grantee agree that the division, subdivision or de facto subdivision of the Property, whether by legal or physical process, into two or more parcels of land or partial or separate interests (including, but not limited to, condominium interests or the partition of undivided interests) is prohibited. At all times the Property shall be owned and conveyed as a single parcel which shall be subject to the terms and conditions of this Easement.

B. **Surface Disturbance.** Except as permitted within this Deed, any alteration of the surface of the land, including without limitation, the movement, excavation or removal of soil, sand, gravel, rock, peat or sod, that is inconsistent with the preservation and protection of the Conservation Values, is prohibited.

C. ***Existing Water Features.*** Except as permitted within this Deed, alteration, impairment, modification or adverse change in or to existing ponds, wetlands or stream channels that is inconsistent with the preservation and protection of the Conservation Values, is prohibited.

D. ***Commercial or Industrial Activity.*** Industrial uses are prohibited. Commercial uses inconsistent with the preservation and protection of the Conservation Values of this Deed are prohibited. However, fees may be charged for the activities and uses that are permitted herein. No fee shall be charged for use of the Highline Canal, except to the extent such fee is permitted or required under the Denver Water Easement.

E. ***Feed Lot.*** The establishment or maintenance of a feed lot is prohibited. For purposes of this Deed, "feed lot" is defined as a permanently constructed confined area or facility within which the Property is not grazed or cropped annually, and which is used and maintained continuously and exclusively for purposes of feeding livestock. Nothing in this section shall prevent Grantor from seasonally confining livestock into an area, corral or other facility for feeding, or from leasing pasture for the grazing of livestock owned by others.

F. ***Public Access.*** Public access is permitted on the Highline Canal trail on the Canal Area, subject to rules and regulations established in the Denver Water Easement. Nothing contained herein shall be construed as affording the public access to the remainder of the Property, although the Grantor may permit public access to the Property on such terms and conditions as it deems appropriate, provided that such access is not inconsistent with the preservation and protection of the Conservation Values of the Property.

G. ***Trash.*** The dumping or accumulation of any kind of trash, sludge, or refuse on the Property is prohibited, except for farm-related trash and refuse produced on the Property, provided that such dumping or accumulation is not inconsistent with the preservation and protection of the Conservation Values. The storage or accumulation of agricultural products and by-products on the Property is permitted in accordance with all applicable government laws and regulations.

H. ***Hazardous Materials.*** Grantor may use agri-chemicals (organic agri-chemicals to the extent reasonably possible) on the Property in accordance with all applicable federal, state or local laws and manufacturer's specifications. Otherwise, the treatment, permanent storage, disposal or release of hazardous materials on, from or under the Property is prohibited. For the purpose of this Deed, hazardous materials shall mean any hazardous or toxic material or waste that is subject to any federal, state, or local law or regulation. Notwithstanding anything in this Deed to the contrary, this prohibition does not impose any liability on Grantee for hazardous materials, nor does it make

Grantee an owner of the Property, nor does it permit or require Grantee to control any use of the Property that may result in the treatment, storage, disposal or release of hazardous materials within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

I. **Weed Control.** The Property shall be managed to control noxious weeds to the extent reasonably possible. Grantor shall utilize natural and organic weed control methods to the extent reasonably possible.

J. **Other Restricted Uses.** Golf courses, sod farms, helicopter pads, airstrips and ball fields are prohibited.

7. **Responsibilities of Grantor and Grantee Not Affected.** Other than as specified herein, this Deed is not intended to impose any legal or other responsibility on Grantee, or in any way to affect any existing obligations of Grantor as owner of the Property. Additionally, unless otherwise specified below, nothing in this Deed shall require Grantor to take any action to restore the condition of the Property after any Act of God or other event over which Grantor had no control. Grantor shall continue to be solely responsible and Grantee shall have no obligation for the upkeep and maintenance of the Property and Grantor understands that nothing in this Deed relieves Grantor of any obligation or restriction on the use of the Property imposed by law. Among other things, this shall apply to:

A. **Taxes.** Grantor shall continue to be solely responsible for payment of all taxes and assessments levied against the Property. If Grantee is ever required to pay any taxes or assessments on its interest in the Property, Grantor will reimburse Grantee for the same. If for any reason Grantor fails to pay any taxes, assessments or similar requisite charges, Grantee may pay such taxes, assessments or similar requisite charges, and may bring an action against Grantor to recover all such taxes, assessments and similar charges plus interest thereon at the rate charged delinquent property taxes by the county assessor's office in which the Property is located.

B. **Liability.** Grantor shall indemnify, defend, and hold Grantee and its members, officers, directors, employees, agents, and contractors (collectively, the "Indemnified Parties") harmless from and against any and all loss, damage, cost, or expense, including reasonable attorneys' fees, arising from or in any way related to: (i) injury to or the death of any person, or damage to property, occurring on or about or related to the Property, except to the extent due to the acts or omissions of the Indemnified Parties; (ii) the obligations under this Section 7 or (iii) the presence or release of hazardous materials on, under, or about the Property under Section 6(F) and (iv) the violation or alleged violation of, or other failure to comply with any state, federal, or local law, regulation, or requirement, including, without limitation, CERCLA and state hazardous waste statutes, by any person other than any of the Indemnified Parties, in

any way affecting, involving, or relating to the Property. Grantee shall indemnify, defend and hold Grantor and its assigns, successors and heirs harmless from and against any and all loss, cost or expense, including reasonable attorney's fees, arising from or in any way related to the injury to or death of any person, or damage to property, occurring on or about or related to the Property arising out of the Indemnified Parties' actions on the Property.

If the Property is ever owned by a governmental entity and a court of competent jurisdiction in the State of Colorado determines that the indemnification provision set forth above is not to be permitted or enforceable under applicable Colorado law, the following provisions shall apply:

Grantor and Grantee agree that Grantee shall not be liable for any and all liabilities, penalties, loss, damage, costs, causes of action, claims, demands, judgments or expense, arising from or in any way related to: (i) injury to or the death of any person, or damage to property, resulting from any act, omission, condition, or other matter related to or occurring on or about or related to the Property, regardless of cause; (ii) the past, present or future use of or the presence of any hazardous materials on, under or about the Property; and (iii) the violation or alleged violation of, or other failure to comply with any state, federal or local law, regulation, or requirement, including, without limitation, CERCLA and state hazardous waste statutes, by any person in any way affecting, involving, or relating to the Property.

Grantor agrees to fully cooperate with Grantee in efforts to dismiss Grantee from any action alleging that Grantee is liable for anything covered under this subsection 7.B.

8. ***Enforcement.*** Grantee shall have the right to prevent and correct or require correction of violations of the terms of this Deed and Purposes of this Easement. In those cases where Grantee determines that immediate entry is required to inspect for, prevent, terminate, or mitigate a violation of this Easement, Grantee may enter the Property without advance notice but shall provide notice to Grantor as soon as possible. Grantee may notify Grantor in writing of the nature of the alleged violation. Upon receipt of this written notice, Grantor shall immediately cease the alleged violation and either (a) if necessary, restore or remediate the Property to its condition prior to the violation; (b) provide a written plan for restoration and remediation of the Property acceptable to Grantee; (c) provide written documentation, acceptable to Grantee, that the activity is permitted and is not a violation. If Grantor is unable or unwilling to cease the immediate alleged violation, and comply with (a), (b) or (c) of the previous sentence, both Parties agree to resolve the dispute through mediation, or court procedures. At any point in time, the Parties may take appropriate legal action including an injunction to stop the alleged violation.

Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including, without limitation, costs and expenses of suit, and attorneys' fees and any costs of restoration

necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. In the event the deciding body determines that Grantee has brought a frivolous suit or acted in bad faith in seeking to enforce this Easement, each Party shall be responsible for their own costs. The Parties will share equally in the mediation fees. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including the right to recover any damages for loss of Conservation Values. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and the failure of Grantee to discover a violation or to take action shall not waive any of Grantee's rights, claims or interests in pursuing any such action at a later date.

9. ***Transfer of Easement.*** Grantee shall have the right to transfer this Easement to the Cherry Hill Land Preserve [confirm name], a Colorado non-profit corporation, upon notice to, but without further permission of Grantor. In addition, Grantee shall have the right to transfer this Easement subject to Grantor's approval not to be unreasonably withheld, to any public agency or private non-profit organization that, at the time of transfer, is a "qualified organization" under § 170(h) of the U.S. Internal Revenue Code, and under C.R.S. §§38-30.5-101, *et seq.*, only if Grantee requires and the agency or the organization expressly agrees as a condition to the transfer, that the conservation purposes set forth in the Recitals to this Easement continue to be carried out and only if the agency or the organization expressly agrees to assume the responsibility imposed on Grantee by this Easement. Grantee shall notify Grantor in advance of any proposed transfers. If Grantee ever ceases to exist or no longer qualifies under federal or state law, a court with jurisdiction shall transfer this Easement to another qualified organization having similar purposes and that agrees to assume the responsibility.

10. ***Transfer of Property.*** Any time the Property or a portion thereof is transferred by Grantor to any third party, Grantor shall pay a transfer fee of _ of 1% of the purchase price to Grantee to be used for the purpose of the defense of conservation easements or for other purposes consistent with Grantee's mission. Grantor shall notify Grantee in writing within (5) business days after closing using the form in **Exhibit D** attached hereto. The document of conveyance shall expressly refer to this Deed of Conservation Easement. Said transfer fee shall be waived if the Property is transferred to The Conservation Fund, the City of Cherry Hills Village or Grantor's immediate family members, heirs or beneficiaries.

11. ***Real Property Interest.*** The granting of this Deed immediately vests Grantee with a property interest. Grantor and Grantee also agree, as to the value of the Property, an appraisal has been completed that indicates the fair market value of this property interest is ____% percent of the full fair market value of the Property. Pursuant to Treasury Regulation § 1.170A-14(g)(6)(ii), Grantor and Grantee further agree that this percentage shall remain constant.

12. ***Termination of Easement.*** This Easement may only be terminated or extinguished by judicial proceedings by a court of competent jurisdiction. The total loss of all the Conservation Values on the Property is the only grounds under which this Deed can be

terminated. Should this Easement be extinguished, sold for public use, taken for public use, or terminated, whether in whole or in part, Grantee shall be paid proceeds equal to the aforementioned percentage of the fair market value of the Property, unless otherwise provided by Colorado law. Grantee's use of the proceeds shall comply with Treasury Regulation § 1.170A-14(g)(6)(i).

13. ***Perpetual Duration.*** This Easement shall be a servitude running with the land in perpetuity. The provisions of this Deed that apply to Grantor or Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear; provided, however, that each party's rights and obligations under this Easement shall terminate (as to such party, but not as to such party's successor, who shall be bound as provided herein) upon a transfer of the party's entire interest in this Easement or the Property, except that liability of such transferring party for act or omissions occurring prior to such transfer shall survive the transfer.

14. ***Change of Circumstance.***

A. ***Economic Value.*** The fact that any use of the Property that is prohibited by this Easement, or any other use as determined to be inconsistent with the Purpose of this Easement, may become economically more valuable than permitted uses has been considered by the Grantor in granting this Easement. It is the intent of both Grantor and Grantee that such circumstances shall not justify the termination or extinguishment of this Easement pursuant to Section 12. In addition, the inability to carry on any or all of the permitted uses, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for its termination or extinguishment pursuant to Section 12.

B. ***Agricultural Value.*** In the event Grantee believes that agriculture is no longer a Conservation Value, Grantee may request that Grantor and Grantee develop an acceptable plan to ensure appropriate land cover consistent with the preservation and protection of the Conservation Values. The expense of developing and implementing said plan shall be paid for by Grantor.

15. ***Notices.*** As specified herein, any notices required by this Deed shall be sent as appropriate to the following Parties or their successors in writing. All Parties shall be notified of any change of address.

Grantor: Catherine H. Anderson
4400 East Quincy Ave.
Englewood, CO 80113
(303) 771-4113

Grantee: Colorado Open Lands
274 Union Blvd., Suite 320
Lakewood, CO 80228
(303) 988-2373

16. ***Liens on the Property.***

A. ***Current Liens.*** There are no mortgages or deeds of trust encumbering the Property at the time of granting of this Easement.

B. ***Subsequent Liens.*** No provisions of this Deed should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing. Any mortgage or lien arising from such a borrowing is subordinate to this Easement.

17. ***No Merger.*** Unless the Parties expressly state that they intend a merger of estates or interests to occur, then no merger shall be deemed to have occurred hereunder or under any document executed in the future affecting this Easement.

18. ***Grantor's Representations and Warranties.***

A. Except as provided in Section 16, Grantor warrants that Grantor has good and sufficient title to the Property, free from all liens and encumbrances securing monetary obligations except ad valorem property taxes for the current year, and hereby promises to defend title to the Property against all claims that may be made against it by any person claiming by, through, or under Grantor.

B. Grantor represents and warrants that, without investigation and to the best of her knowledge:

(1) No hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, deposited, or transported, in, on, or across the Property, and that there are no underground storage tanks located on the Property, except for septic tanks located on the Property;

(2) Grantor and the Property are in compliance with all federal state, and local laws, regulations, and requirements applicable to the Property and its use;

(3) There is no pending or threatened litigation in any way affecting, involving, or relating to the Property; and

(4) No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, or local law, regulation, or requirement applicable to the Property or its use.

19. **Acceptance.** Grantee hereby accepts without reservation the rights and responsibilities conveyed by this Deed.

20. **General Provisions:**

A. **Severability.** If any provision of this Deed, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

C. **Waiver of Defenses.** Grantor hereby waives any defense of laches, estoppel or prescription and acknowledges and agrees that the one-year statute of limitation provided under C.R.S. § 38-41-119 does not apply to this Easement, and Grantor waives any rights of Grantor pursuant to such statute.

D. **Controlling Law and Interpretation.** This Easement shall be performed and broadly interpreted under the laws of State of Colorado, resolving any ambiguities and questions of the validity of specific provisions in favor of maintaining the Purpose of this Deed. Any decisions resolving such ambiguities shall be documented in writing.

E. **Counterparts.** The Parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by all Parties; each counterpart shall be deemed an original instrument as against any party who has signed it; all counterparts, when taken together, shall constitute this instrument.

F. **Amendment.** This Easement may be amended only with the written consent of the Grantor and the Grantee. No amendment shall be allowed that will confer a private benefit to the Grantor or any other individual greater than the benefit to the general public (see IRS Reg. 1.170A-14(h)(3)(i)) or result in private inurement for a Board member, staff or contract employee of Grantee (see IRS Reg. 1.501(c)(3)-1(c)(2)), or affect the qualifications of this Easement under any applicable laws. Any amendment must not be inconsistent with the preservation and protection of the Conservation Values

of the Property and shall not affect the perpetual duration of the Easement. Grantee shall have the right to charge a fee to Grantor for time and costs associated with any amendment. Any amendment must be in writing, signed by both Parties, and recorded in the official records of Arapahoe County, Colorado.

G. **Entire Agreement.** This instrument sets forth the entire agreement of the Parties with respect to the terms of this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the terms of this Easement, all of which are merged herein.

21. **Development Rights.** Grantor hereby grants to Grantee all development rights except as specifically reserved herein, and the Parties agree that such rights are terminated and extinguished.

22. **Recording.** The Grantor shall record this Deed in timely fashion in the official records of Arapahoe County, Colorado, and Grantee may re-record it at any time as may be required to preserve its rights in this Easement.

23. **No Third Party Beneficiary.** This Deed is entered into by and between Grantor and Grantee, and is solely for the benefit of Grantor and Grantee, and their respective successors in interest and assigns, and does not create rights of responsibilities in any third parties.

24. **Grantee Acknowledgement of Donation.** Grantee acknowledges receipt and acceptance of this Easement encumbering the Property described herein, for which no goods or services were provided

TO HAVE AND TO HOLD, this Deed of Conservation Easement unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor and Grantee, intending to legally bind themselves, have set their hands on the date first written above.

GRANTOR:

Catherine H. Anderson

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2007, by Catherine H. Anderson, as Grantor.

Witness my hand and official seal.

My commission expires: _____

Notary Public

GRANTEE:

COLORADO OPEN LANDS,
a Colorado non-profit corporation

By _____
Daniel E. Pike, President

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me this ____ day of _____,
2007, by Daniel E. Pike as President of Colorado Open Lands, a Colorado non-profit corporation.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

Legal Description of the Property

Arapahoe County, Colorado:

EXHIBIT B

Map of Property and Areas

EXHIBIT C

(Retained) Water Rights

EXHIBIT D

Sample Notice of Transfer of Property

To: Colorado Open Lands (“Grantee”)
From: **[Insert name of fee owner]** (“Grantor”)

Pursuant to Section 10 of the Deed of Conservation Easement recorded (date) under reception number _____, Grantee is hereby notified by Grantor of the transfer of the fee simple interest in the subject Property legally described in **Exhibit A** attached hereto effective **[insert date of closing]** to **[insert name of new Grantor]**, who can be reached at **[insert name, legal address, phone and fax number]**. Also pursuant to Section 10 of the aforementioned Deed of Conservation Easement is attached a copy of the new ownership deed.

GRANTOR:

By: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, 200__, by _____ as _____ of _____.

Witness my hand and official seal.
My commission expires:_____

Notary Public

Date: _____

APPENDIX 2

TITLE REPORT



Land Title Guarantee Company

CUSTOMER DISTRIBUTION

Date: 03-30-2007

Our Order Number: ABD70154961-2

Property Address:
4400 E. QUINCY AVE.

If you have any inquiries or require further assistance, please contact one of the numbers below:

For Title Assistance:
Commercial Title "ABD" Unit
David Knapp
14001 E ILIFF AVE #500
AURORA, CO 80014
Phone: 303-636-2774
Fax: 303-755-7957
EMail: dknapp@ltgc.com

FAEGRE & BENSON
1700 LINCOLN ST
3200 WELLS FARGO CENTER
DENVER, CO 80203
Attn: MELINDA BECK
Phone: 303-607-3628
Fax: 303-607-3600
Copies: 1
EMail: mbeck@faegre.com
Linked Commitment Delivery

THE CONSERVATION FUND
1942 BROADWAY #323
BOULDER, CO 80302
Attn: SYDNEY MACY
Copies: 1
Sent Via DE Express

ALLAN C BEEZLEY PC
1327 SPRUCE ST #302
BOULDER, CO 80302
Attn: ALLAN C BEEZLEY
Phone: 303-440-5867
Fax: 303-539-6530
Copies: 2
EMail: acbpc@infionline.net
Linked Commitment Delivery

THE CONSERVATION FUND
1655 N. FORT MYER DR. #1300
ARLINGTON, VA 22203
Attn: JEAN POMPA/RICHARD ERDMANN
Copies: 1
Sent Via US Postal Service

FAEGRE & BENSON
1700 LINCOLN ST
3200 WELLS FARGO CENTER
DENVER, CO 80203
Attn: ANDI YAHR
Phone: 303-607-3500
Fax: 303-607-3600
Copies: 1
EMail: myahr@faegre.com
Linked Commitment Delivery



Land Title Guarantee Company

Date: 03-30-2007

Our Order Number: ABD70154961-2

Property Address:
4400 E. QUINCY AVE.

Buyer/Borrower:
THE CONSERVATION FUND, A MARYLAND NONPROFIT CORPORATION

Seller/Owner:
CATHERINE H. ANDERSON

Note: Once an original commitment has been issued, any subsequent
modifications will be emphasized by underlining.

Need a map or directions for your upcoming closing? Check out Land Title's web site at www.ltgc.com
for directions to any of our 54 office locations.

ESTIMATE OF TITLE FEES

ALTA Owners Policy 10-17-92

TBD

If Land Title Guarantee Company will be closing this transaction, above fees will be collected at that time.

TOTAL

\$0.00

Chicago Title Insurance Company

ALTA COMMITMENT

Our Order No. ABD70154961-2

Schedule A

Cust. Ref.:

Property Address:
4400 E. QUINCY AVE.

1. Effective Date: March 19, 2007 at 5:00 P.M.

2. Policy to be Issued, and Proposed Insured:

"ALTA" Owner's Policy 10-17-92

\$0.00

Proposed Insured:
THE CONSERVATION FUND, A MARYLAND NONPROFIT CORPORATION

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A Fee Simple

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

CATHERINE H. ANDERSON

5. The land referred to in this Commitment is described as follows:

SEE ATTACHED PAGE(S) FOR LEGAL DESCRIPTION

LEGAL DESCRIPTION

NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE
UPON COMPLIANCE WITH THE REQUIREMENTS UNDER SCHEDULE B-1, HEREIN.

-

PARCEL 1:

THE PROPERTY DESCRIBED IN THOSE DEEDS TO CATHERINE H. ANDERSON RECORDED
DECEMBER 30, 1964 IN BOOK 1569 AT PAGES 16 AND 20 AS THAT PROPERTY DESCRIPTION
IS MODIFIED BY THE TERMS OF A BOUNDARY LINE AGREEMENT RECORDED AUGUST 18, 1965
IN BOOK 1614 AT PAGE 99 AND BY A BOUNDARY LINE AGREEMENT RECORDED FEBRUARY 16,
1968 IN BOOK 1746 AT PAGE 681;

EXCEPT THE FOLLOWING PROPERTY:

THAT PROPERTY DESCRIBED IN DEED RECORDED APRIL 20, 1965 IN BOOK 1589 AT PAGE
535;

THAT PROPERTY DESCRIBED IN DEED RECORDED JANUARY 17, 1992 IN BOOK 6353 AT PAGE
794;

THAT PROPERTY DESCRIBED IN DEED RECORDED AUGUST 11, 1994 IN BOOK 7666 AT PAGE
25;

THAT PROPERTY PLATTED AS LEDA MEADOWS BY INSTRUMENT RECORDED MAY 7, 1986 UNDER
RECEPTION NO. 2664580; AND

THAT PROPERTY WITHIN THE RIGHT-OF-WAY OF THE HIGHLINE CANAL, COUNTY OF ARAPAHOE,
STATE OF COLORADO. -

-

PARCEL 2:

THAT PROPERTY DESCRIBED IN DEED FROM THE CITY AND COUNTY OF DENVER TO CATHERINE
H. ANDERSON RECORDED OCTOBER 20, 1993 IN BOOK 7198 AT PAGE 462;

EXCEPT THAT PROPERTY DESCRIBED IN DEED RECORDED AUGUST 11, 1994 IN BOOK 7666 AT
PAGE 25, COUNTY OF ARAPAHOE, STATE OF COLORADO.

ALTA COMMITMENT

Schedule B - Section 1

(Requirements)

Our Order No. ABD70154961-2

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

Item (c) Payment of all taxes, charges or assessments levied and assessed against the subject premises which are due and payable.

Item (d) Additional requirements, if any disclosed below:

1. LAND TITLE GUARANTEE COMPANY REQUIRES AN ACCURATE LEGAL DESCRIPTION TO BE PROVIDED FOR REVIEW AND APPROVAL. UPON FURTHER REVIEW THE COMPANY HEREBY RESERVES THE RIGHT TO INSERT ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS AS MAY BE NECESSARY.

2. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID SURVEY.

3. DULY EXECUTED AND ACKNOWLEDGED EASEMENT AGREEMENT BY AND BETWEEN CATHERINE H. ANDERSON AND THE CONSERVATION FUND, A MARYLAND NONPROFIT CORPORATION.

***** NOTICE OF FEE CHANGE, EFFECTIVE SEPTEMBER 1, 2002 *****

Pursuant to Colorado Revised Statute 30-10-421, "The county clerk and recorder shall collect a surcharge of \$1.00 for each document received for recording or filing in his or her office. The surcharge shall be in addition to any other fees permitted by statute."

ALTA COMMITMENT

Schedule B - Section 2

(Exceptions)

Our Order No. ABD70154961-2

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Liens for unpaid water and sewer charges, if any.
8. In addition, the owner's policy will be subject to the mortgage, if any, noted in Section 1 of Schedule B hereof.
9. EXISTING LEASES AND TENANCIES, IF ANY.
10. ANY WATER RIGHTS OR CLAIMS OR TITLE TO WATER IN, ON OR UNDER THE LAND, WHETHER OF RECORD OR NOT.
11. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF HIGH LINE CANAL.
12. ALL MINERAL LANDS, SHOULD ANY SUCH BE FOUND IN THE TRACT, BUT THIS EXCLUSION AND EXCEPTION SHALL NOT BE CONSTRUED TO INCLUDE COAL AND IRON LANDS, AS CONTAINED IN UNITED STATES PATENT RECORDED JUNE 25, 1883 IN BOOK 194 AT PAGE 385 AND RECORDED MAY 5, 1891 IN BOOK 677 AT PAGE 181.
13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ADJOINING LANDOWNERS AGREEMENT RECORDED AUGUST 27, 1951 IN BOOK 730 AT PAGE 532.
14. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT

ALTA COMMITMENT

Schedule B - Section 2

(Exceptions)

Our Order No. ABD70154961-2

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

PROPERTY IN THE PINE ACRES WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JULY 31, 1964, IN BOOK 1534 AT PAGE 572.

- 15. COVENANTS, EASEMENTS, BURDENS, OBLIGATIONS, TERMS, CONDITIONS AND PROVISIONS CONTAINED IN ADJOINING LANDOWNERS AGREEMENT RECORDED APRIL 20, 1965 IN BOOK 1589 AT PAGE 537, AS AMENDED BY INSTRUMENTS RECORDED AUGUST 18, 1965 IN BOOK 1614 AT PAGE 104, AUGUST 29, 1985 IN BOOK 4530 AT PAGE 731, AND NOVEMBER 5, 1985 IN BOOK 4591 AT PAGE 33.**
- 16. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED JULY 15, 1965 IN BOOK 1607 AT PAGE 193.**
- 17. COVENANTS, EASEMENTS, BURDENS, OBLIGATIONS, TERMS, CONDITIONS AND PROVISIONS CONTAINED IN ADJOINING LANDOWNERS AGREEMENT RECORDED SEPTEMBER 21, 1965 IN BOOK 1621 AT PAGE 187, AS AMENDED BY INSTRUMENTS RECORDED AUGUST 29, 1985 IN BOOK 4530 AT PAGE 731 AND NOVEMBER 5, 1985 IN BOOK 4591 AT PAGE 33.**
- 18. TERMS, CONDITIONS AND PROVISIONS OF BOUNDARY LINE AGREEMENT RECORDED AUGUST 18, 1965 IN BOOK 1614 AT PAGE 99.**
- 19. CONVEYANCE OF WATER RIGHTS BY INSTRUMENT RECORDED JULY 12, 1966 IN BOOK 1674 AT PAGE 32.**
- 20. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT-OF-WAY AGREEMENT RECORDED DECEMBER 23, 1966 IN BOOK 1692 AT PAGE 613.**
- 21. TERMS, CONDITIONS AND PROVISIONS OF BOUNDARY LINE AGREEMENT RECORDED FEBRUARY 16, 1968 IN BOOK 1746 AT PAGE 681.**
- 22. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED JANUARY 12, 1977 IN BOOK 2539 AT PAGE 194.**

ALTA COMMITMENT

Schedule B - Section 2

(Exceptions)

Our Order No. ABD70154961-2

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

- 23. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY AGREEMENT RECORDED APRIL 16, 1987 IN BOOK 5115 AT PAGE 739 AS MODIFIED BY CORRECTIVE RIGHT-OF-WAY AGREEMENT RECORDED OCTOBER 6, 1987 IN BOOK 5279 AT PAGE 637.**
- 24. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN INSTRUMENT LICENSING AN ENCROACHMENT RECORDED SEPTEMBER 10, 1987 IN BOOK 5259 AT PAGE 138.**
- 25. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CASTLEWOOD FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED SEPTEMBER 14, 1989, IN BOOK 5772 AT PAGE 590.**
- 26. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 23, 1991, IN BOOK 6212 AT PAGE 376.**
- 27. TERMS, CONDITIONS AND PROVISIONS OF THOSE UNRECORDED LICENSE AGREEMENTS LISTED IN EXHIBIT TO THAT DEED RECORDED OCTOBER 20, 1993 IN BOOK 7198 AT PAGE 462.**
- 28. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT AGREEMENT RECORDED OCTOBER 20, 1993 IN BOOK 7198 AT PAGE 466.**
- 29. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE HIGHLIND PARK WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 11, 1994, IN BOOK 7550 AT PAGE 777.**

LAND TITLE GUARANTEE COMPANY and LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION

DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- A) The subject real property may be located in a special taxing district.
- B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer's authorized agent.
- C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D) The Company must receive payment of the appropriate premium.
- E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

NOTICE OF PRIVACY POLICY

**Fidelity National Financial Group of Companies / Chicago Title Insurance Company
Security Union Title Insurance Company**

July 1, 2001

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- * From applications or other forms we receive from you or your authorized representative;
- * From your transactions with, or from the services being performed by, us, our affiliates, or others;
- * From our internet web sites;
- * From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- * From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- * to agents, brokers or representatives to provide you with services you have requested;
- * to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- * to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right to Access Your Personal Information and Ability to Correct Errors Or Request Changes Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests submitted to the Fidelity National Financial Group of Companies/Chicago Title Insurance Company shall be in writing, and delivered to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA 93110

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY, INC., A COLORADO CORPORATION
AND
MERIDIAN LAND TITLE, L.L.C., A COLORADO LIMITED LIABILITY COMPANY, D/B/A
LAND TITLE GUARANTEE COMPANY - GRAND JUNCTION

This Statement is provided to you as a customer of Land Title Guarantee Company, a Colorado corporation and Meridian Land Title, LLC, d/b/a Land Title Guarantee Company - Grand Junction.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- * applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- * your transactions with, or from the services being performed by, us, our affiliates, or others;
- * a consumer reporting agency, if such information is provided to us in connection with your transaction; and
- * the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- * We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- * We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- * Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- * We regularly access security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows. Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of the Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any claim of loss or damage, whether or not based on negligence, which arises out of the status of the title to the estate or interest or the lien of the insured mortgage covered hereby or any action asserting such claim, shall be restricted to the provisions and Conditions and Stipulations of this Commitment.

Issued by:

LAND TITLE GUARANTEE COMPANY
3033 EAST FIRST AVENUE
SUITE 600
PO BOX 5440 (80217)
DENVER, CO 80217

CHICAGO TITLE INSURANCE COMPANY



Robert M. Davis

President

John C. Johnson

Secretary

Carol M. Drullen

Authorized Officer or Agent

APPENDIX 3

AERIAL PHOTOGRAPHY



**Appendix 3, Aerial Photography
Catherine H. Anderson Conservation Easement
Baseline Report**

Aerial Photograph.

Source GlobeXplorer via TerraServer.com, taken
September 1, 2006. Resolution: 0.3 meter. Scale:
1" = approximately 210'. Top of page is north.

APPENDIX 4

CLIMATE INFORMATION

APPENDIX 4 CLIMATE DATA

CATHERINE H. ANDERSON PROPERTY CONSERVATION EASEMENT BASELINE REPORT

CHERRY CREEK DAM, COLORADO (051547)

Period of Record Monthly Climate Summary

Period of Record : 10/ 17/1951 to 1/9/2004

[illegible]

APPENDIX 5

GROUND PHOTOGRAPHY

APPENDIX 5 GROUND PHOTOGRAPHY PHOTO LOG

CATHERINE H. ANDERSON PROPERTY

CONSERVATION EASEMENT BASELINE REPORT

Explanation

Each Photo Point is generally numbered in the order the Points were completed in the field. Photo Point "Frames" are given a letter designation (such as A, B and C for a three exposure Photo Point) and are lettered from left to right (in the example above, the Frame on the left would be "A", the Frame in the middle would be "B", and the Frame on the Right would be "C"). The Photo Point number is labeled on the back of each Frame. Descriptions of specific features generally proceed from left to right, both within a Frame and between multiple Frames. Each Frame was taken in the field in a sequential panning action on each Photo Point in order for adjacent Frames to overlap. This allows for all of the Frames in a Photo Point to be assembled into one composite photograph (a panorama).

The specific narrative for each Photo Point generally proceeds through three steps:

1. Location of the Property boundaries.
2. Description of the significant cultural features (such as structures, improvements, and roads) and natural features (prominent or important topographic features, drainages, and water courses).
3. Location and description of the vegetation communities listed in the text of the report.

Features described in each Frame are further located by the following Frame divisions:

Upper Left	Upper Center	Upper Right
Left Center	Center	Right Center
Lower Left	Lower Center	Lower Right

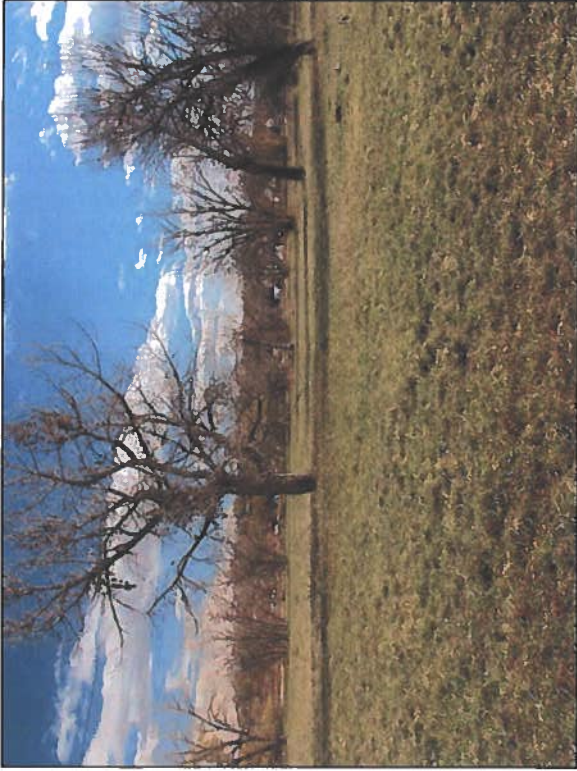


Photo Point 1A



Photo Point 1B



Photo Point 2



Photo Point 3A

Photo Point: 1 A & B

Subject: The north central portion of the Property, north of the Anderson Residence, and west of the Hopkins House.

Vegetation Communities

Tame Pasture is displayed in the foreground. Smooth brome (*Bromus inermis*) and crested wheatgrass (*Agropyron cristatum*) are the dominant grasses. Common forbs include a mix of native and non-native species such as alfalfa (*Medicago sativa*), western yarrow (*Achillea millefolium* ssp. *occidentalis*), yellow sweetclover (*Melilotus officinale*), and asters (*Symphyotrichum falcatum* and *S. porteri*).

Urban Forest is displayed in the background. This community is a mix of native and cultivated trees, including ponderosa pine (*Pinus ponderosa*), plains cottonwood (*Populus deltoides*), white and English oak (*Quercus alba*, *Q. robur*), Siberian (Chinese) elm (*Ulmus pumila*), American and European linden (*Tilia americana*, *T. x europea*), maple (*Acer* sp.), and Scotch pine (*Pinus sylvestris*).

Photo Point: 2

Subject: Garage associated with the Anderson Residence.

Vegetation Communities

Tame Pasture is displayed in the foreground. *Urban Forest* is displayed in the background.

Photo Point: 3 A-C

Subject: The south central portion of the Property, including the Anderson Residence.

Vegetation Communities

Tame Pasture is displayed in the foreground. *Urban Forest* is displayed in the midground and background. A plains cottonwood (*Populus deltoides*) is the large tree with golden leaves on the right of Frame B. Many of the shrubs around the house and in the planter in the right center of the view are lilacs (*Syringa vulgaris*).



Photo Point 3B



Photo Point 3C

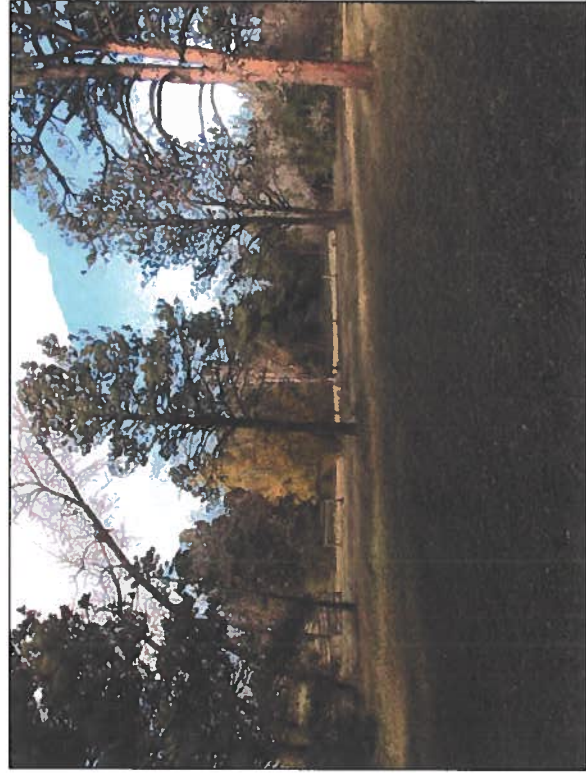


Photo Point 4A



Photo Point 4B

Photo Point: 3 A-C

Subject: The south central portion of the Property, including the Anderson Residence.

Vegetation Communities

Tame Pasture is displayed in the foreground. *Urban Forest* is displayed in the midground and background. A plains cottonwood (*Populus deltoides*) is the large tree with golden leaves on the right of Frame B. Many of the shrubs around the house and in the planter in the right center of the view are lilacs (*Syringa vulgaris*).

Photo Point: 4 A-C

Subject: The southwest portion of the Property, to the southwest of the Anderson Residence. The split rail fence on the far left of Frame A is on the west Property boundary. The fence running through the center of Frame A and into the center of Frame B is an internal pasture division fence.

Vegetation Communities

Tame Pasture is displayed in the foreground of all Frames. *Urban Forest* is displayed in the midground and background. The conifer trees are mostly ponderosa pine (*Pinus ponderosa*) and Scotch pine (*Pinus sylvestris*). Most of the shrubs are lilacs.



Photo Point 4C



Photo Point 5

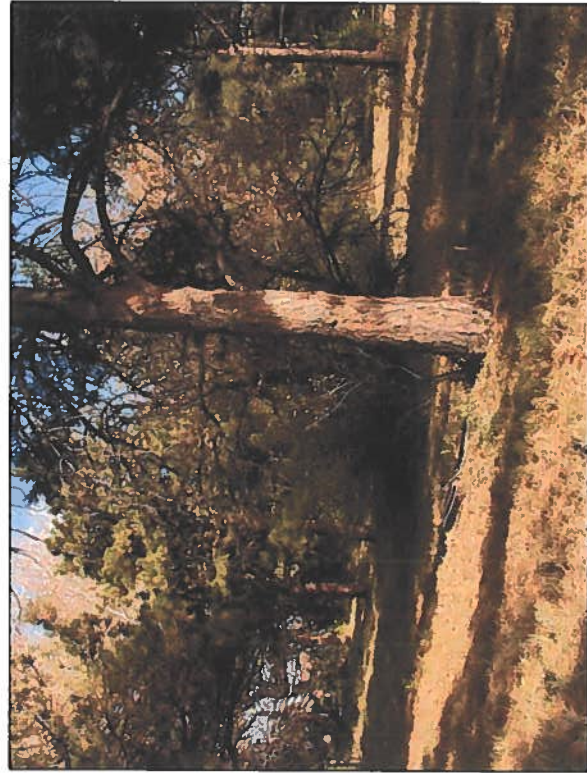


Photo Point 6A



Photo Point 6B

Photo Point: 4 A-C

Subject: The southwest portion of the Property, to the southwest of the Anderson Residence. The split rail fence on the far left of Frame A is on the west Property boundary. The fence running through the center of Frame A and into the center of Frame B is an internal pasture division fence.

Vegetation Communities

Tame Pasture is displayed in the foreground of all Frames. *Urban Forest* is displayed in the midground and background. The conifer trees are mostly ponderosa pine (*Pinus ponderosa*) and Scotch pine (*Pinus sylvestris*). Most of the shrubs are lilacs.

Photo Point: 5

Subject: The west central portion of the Property, directly west of the Anderson Residence, which is displayed in the center of the Frame.

Vegetation Communities

Tame Pasture is displayed in the foreground and midground. *Urban Forest* is displayed throughout the Frame. The conifer trees are mostly ponderosa pine and Scotch pine. The large deciduous tree west of the residence is a plains cottonwood.

Photo Point: 6 A-C

Subject: The northwest portion of the Property. The north Property boundary is to the left of Frame A. The split rail fence running through the center and left center of Frame C is on the west Property boundary. The Kent School parcel is on the far side of the fence in Frame C.

Vegetation Communities

Urban Forest is displayed in all Frames. The conifer trees are mostly ponderosa pine and Scotch pine.

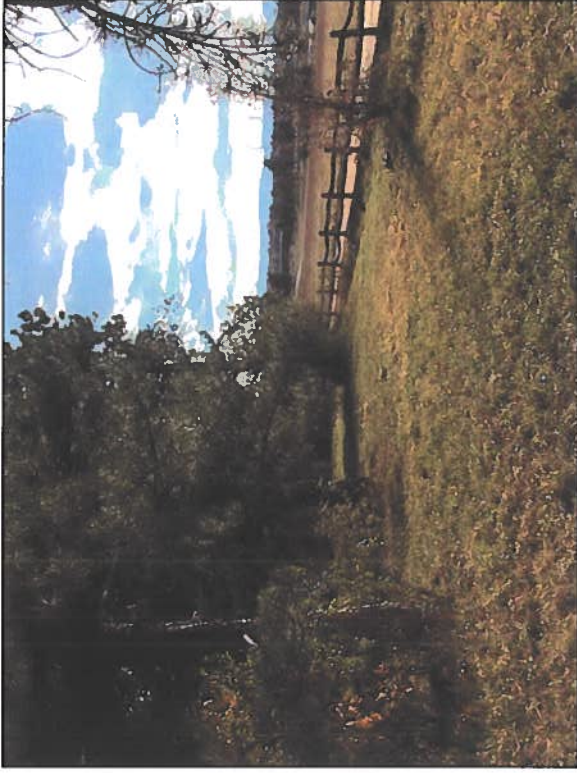


Photo Point 6C



Photo Point 7

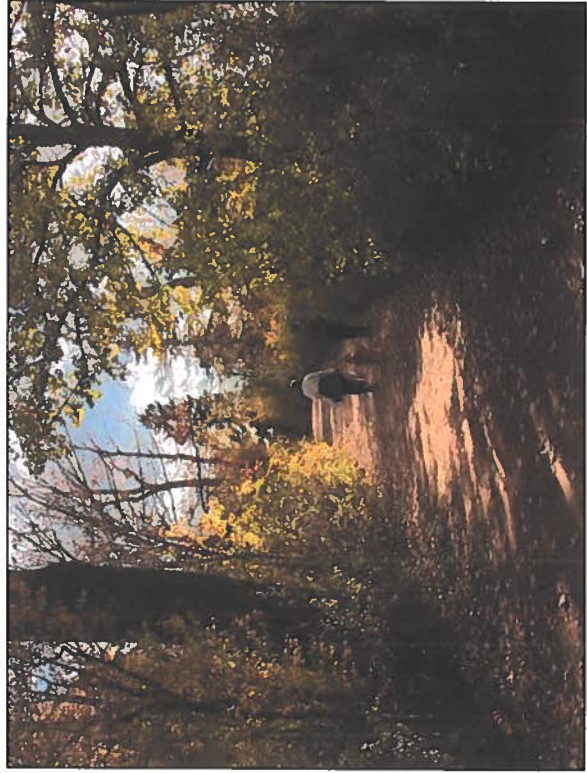


Photo Point 8A

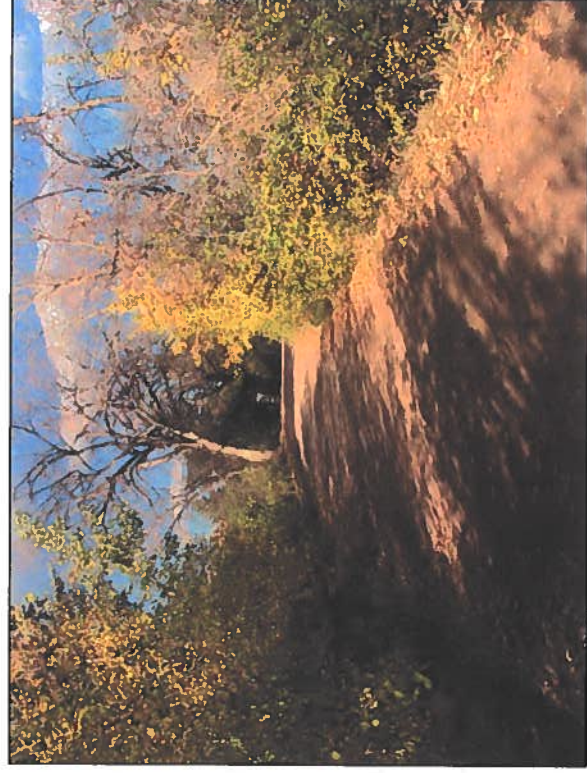


Photo Point 8B

Photo Point: 6 A-C

Subject: The northwest portion of the Property. The north Property boundary is to the left of Frame A. The split rail fence running through the center and left center of Frame C is on the west Property boundary. The Kent School parcel is on the far side of the fence in Frame C.

Vegetation Communities

Urban Forest is displayed in all Frames. The conifer trees are mostly ponderosa pine and Scotch pine.

Photo Point: 7

Subject: The Hopkins House from the south. The driveway to the Anderson Residence is in the lower right of the Frame.

Vegetation Communities

Urban Forest is displayed on all sides of the house. Deciduous trees include oak (*Quercus sp.*) and maple (*Acer sp.*). Most of the shrubs are lilacs.

Photo Point: 8 A & B

Subject: The Highline Canal Trail in the east central portion of the Property. Frame A is a view looking south, and Frame B is a view looking north. The Highline Canal is on the left of Frame A, and right of Frame B.

Vegetation Communities

Urban forest is displayed along the canal and maintenance road that serves as the trail corridor. Most of the larger trees are plains cottonwoods. Note that this area has a well developed shrub understory.



Photo Point 9

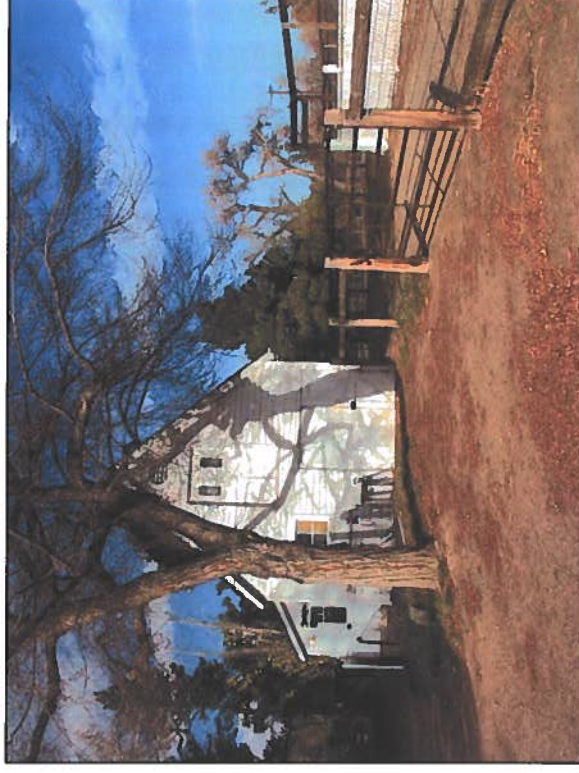


Photo Point 10

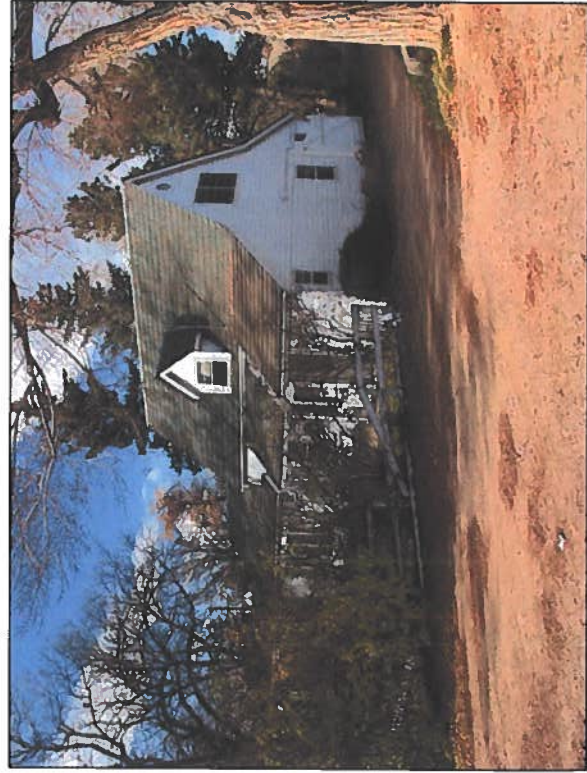


Photo Point 11

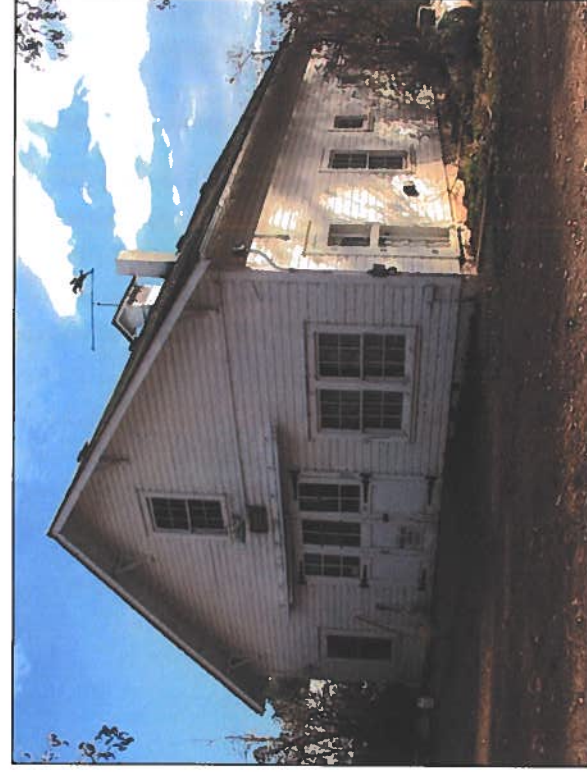


Photo Point 12

Photo Point: 9

Subject: The Horse Barn on the east side of the barnyard.

Photo Point: 10

Subject: The small barn on the northeast side of the barnyard. The large tree in front is a Siberian (Chinese) elm (*Ulmus pumila*).

Photo Point: 11

Subject: Residence on the northwest side of the barnyard. This is a converted barn.

Photo Point: 12

Subject: The large barn on the southwest side of the barnyard.

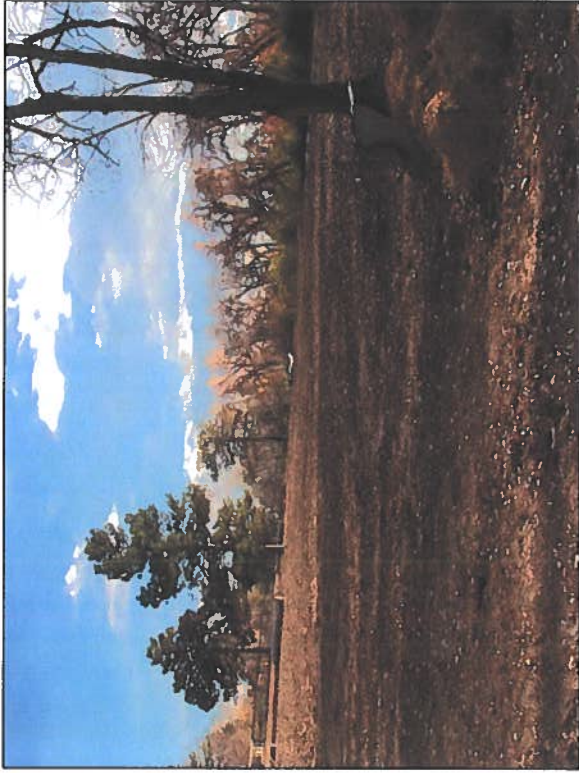


Photo Point 13



Photo Point 14

Photo Point: 13

Subject: The pasture south of the large barn in the east central portion of the Property.

Vegetation Communities

Tame Pasture is displayed in the foreground. *Urban Forest* is displayed in the background. Blue grama is dominant in this area. The conifer trees in the upper left are ponderosa pine. The deciduous trees in the center and left background are plains cottonwoods along the east side of the Highline Canal.

Photo Point: 14

Subject: The pond in the southeast portion of the Property.

Vegetation Communities

The pond is an *Aquatic* habitat. Narrowleaf cattail (*Typha angustifolia*) grows around the edges of the pond.

The Shoreline Wetlands around the pond include Russian olive (*Elaeagnus angustifolia*), and coyote willow (*Salix exigua*).

Photo Point	Location (refer to Photo Point Map)	View Direction-1	Time-2	Date	Lens-3	Northing	Easting
1 A & B	Approximately 20 yards northwest of the water valve.	W-N	1:30 PM	11/02/06	13 mm	not taken	not taken
2	Approximately 30 yards southwest of the garage.	NE	1:35 PM	11/02/06	9 mm	not taken	not taken
3 A-C	Approximately 40 yards south of the southeast corner of the Anderson Residence.	NW	1:40 PM	11/02/06	9mm	not taken	not taken
4 A-C	Approximately 5 yards north of the driveway and 10 yards east of the west boundary.	N-E	1:55 PM	11/02/06	13 mm	not taken	not taken
5	Three paces east of the fence on the west boundary.	E	2:00 PM	11/02/06	13 mm	not taken	not taken
6 A-C	Approximately 40 yards south of the north boundary to clear foreground trees, and 5 yards east of the west boundary.	E-S	2:05 PM	11/02/06	13 mm	not taken	not taken
7	Approximately 40 yards south of the Hopkins House from the west edge of the driveway.	N	2:20 PM	11/02/06	9 mm	not taken	not taken
8 A & B	Approximately 40 yards south of the north boundary to clear foreground trees, and 5 yards east of the west boundary.	9A-S 9B-N	2:35 PM	11/02/06	13 mm	not taken	not taken
9	Twenty-five paces west of the northwest corner of the horse barn.	N-E	2:45 PM	11/02/06	9 mm	not taken	not taken
10	Twenty-five paces south of the small barn.	SE	2:50 PM	11/02/06	9 mm	not taken	not taken
11	Thirty paces to the southeast of the residence	N	2:55 PM	11/02/06	9 mm	not taken	not taken
12	Thirty paces to the northwest of the large barn.	NW	3:00 PM	11/02/06	9 mm	not taken	not taken
13	Five paces to the west of the large barn.	S	3:05 PM	11/02/06	9 mm	not taken	not taken
14	The southwest side of the pond, in a break in the shoreline vegetation.	S	3:15 PM	11/02/06	9 mm	not taken	not taken

Photo Log Notes

- 1-Direction that photograph faces, panning from left to right, or clockwise.
- 2-Mountain Standard Time.
- 3-Focal length of lens in millimeters.
- 4-Map datum NAD 83; UTM Zone 13 S coordinates, true north.

Additional Notes:

Camera: Olympus E-20N 5.0 Mega pixel digital camera.
 Lens: Olympus 9-36mm zoom (equivalent to 35 to 150 mm zoom lens in standard 35 mm equipment).
 Filters: polarizer; polarization typically set at maximum possible setting.
 Tripod: camera set at 60" above ground.

APPENDIX 6A

CONTACTS

APPENDIX 6A CONTACT LIST
CATHERINE H. ANDERSON PROPERTY
CONSERVATION EASEMENT BASELINE REPORT

Grantor

Catherine H. Anderson
4400 East Quincy Ave.
Englewood, CO 80113
Phone: 303-771-4113

Grantor's Legal Counsel (for the Conservation Easement)

Melinda Beck
Faegre & Benson
1700 Lincoln Street
3200 Wells Fargo Center
Denver, CO 80203
Phone: 303-607-3628
Fax: 303-607-3600

Grantee

Colorado Open Lands
274 Union Blvd., Suite 320
Lakewood, CO 80228
Phone: 303-988-2373

Easement Documentation Report Preparer

Michael G. Figgs
LREP, Inc.
P.O. Box 5
Allenspark, CO 80510
Phone: 970-577-0200
Fax: 970-577-9922
E-mail: mfiggs@indra.com

2.0 Baseline Report and Methodology

Title Report

Land Title Guarantee Company
3033 East First Avenue, #600
Denver, CO 80206
Phone: 303-321-1880
Fax: 303-322-7603

Aerial Photography

National Aerial Photography Program (NAPP)
US Geological Survey
EROS Data Center Customer Services
Sioux Falls, SD 57198
Phone: 605-594-615
Fax: 605-594-6589
Web Site: http://edc.usgs.gov/Webglis/glisbin/finder_main.pl?dataset_name=NAPP

TerraServer.com
TerraServer.com, Inc.
5995 Chapel Hill Rd.
Suite 109
Raleigh, NC 27607
E-mail: support@terra-server.com

4.0 Geology Soils and Mineral Resources

Natural Resources Conservation Service and Farm Service Agency

Byers Service Center
133 W. Bijou Ave.
Byers, CO 80103
Phone: 303-822-5257
Fax: 303-822-9542

Economic Minerals Report

Bruce A Collins, Ph.D.
PO Box 23
1116 Mineota Drive
Silt CO 81652
Phone: 970-876-5400
E-mail: bacol@rof.net

5.0 Hydrology and Water Resources

Colorado Division of Water Resources

Hal D. Simpson, State Engineer
1313 Sherman St., Room 818
Denver, CO 80203
Phone: 303-866-3581
Records Section
Phone: 303-866-3447
Greeley phone: 970-352-8712
Web site: <http://water.state.co.us/default.htm>

South Platte River Basin
Water Division 1
Dick Stenzel, District Engineer
810 9th St, Second Floor
Greeley, CO 80631
Phone: 970-352-8712
Fax: 970-392-1816

US Geological Survey

Web site: <http://nwis-colo.cr.usgs.gov/>

Both of the above web sites provide current and historical flow data.

Highline Canal

Denver Water
1600 West 12th Ave.
Denver, CO 80204-3412
Phone: 303-628-6277-6000
Web site: <http://www.denverwater.org/recreation/highline.html>

6.0 Vegetation Resources

Noxious Weeds

Arapahoe County Noxious Weed Program
Russell Johnson
10730 E. Briarwood Ave, Suite 100
Centennial, CO 80112
Phone: 720-874-6713
Fax: 303-798-6054
E-mail: rjohnson@co.arapahoe.co.us

Eric Lane
Colorado Department of Agriculture
Division of Plant Industry
700 Kipling St., Room 4000
Lakewood, CO 80215-5894
Phone: 303-239-4182
Web page: <http://www.ag.state.co.us/DPI/weeds/Weed.html>

Colorado State University Cooperative Extension
Web page: <http://www.colostate.edu/Depts/CoopExt/PUBS/NATRES/pubnatr.html>
(Natural resource publications for sale or download, including many publications on weeds.)

Rare Plants and Imperiled Natural Communities

Colorado Natural Heritage Program
Environmental Review Department
College of Natural Resources
Colorado State University
254 General Services Building
Fort Collins, CO 80523
Phone: 970-491-7331
Fax: 970-491-3349

Fire Protection Districts

South Metro Fire District
9195 E. Mineral Ave.
Centennial, CO 80112
Phone: 720-488-7200
Web Site: <http://www.southmetro.org/>

7.0 Wildlife Resources

Natural Diversity Information Source
Web site: <http://www.ndis.nrel.colostate.edu/>

Colorado Division of Wildlife

Dave Lovell
Wildlife Biologist/GIS Specialist
Colorado Division of Wildlife
Southeast Region
2126 N. Weber Street
Colorado Springs, CO 80918
Phone: 719-227-5227

Fax: 719-227-5297
E-mail: dave.lovell@state.co.us

8.0 Open Space, Scenic and Recreation Resources

South Suburban Parks and Recreation District
6631 S. University Blvd.
Centennial, CO 80121
Phone: 303-798-5131
Fax: 303-798-3030
Web site: <http://www.ssprd.org/southsubNew/default.asp>

10.0 Land Use

Arapahoe County

Arapahoe County Assessor
5334 S. Prince Street
Littleton Colorado 80166
Phone 303-795-4600
E-mail: www.Assessor@co.arapahoe.co.us

Cherry Hills Village

Cherry Hills Village Planning & Zoning Commission
2450 East Quincy Avenue
Cherry Hills Village, CO 80113
Phone: 303-789-2541
Fax: 303-761-9386

Historic Resources

Colorado Historical Society
1300 Broadway
Denver, CO 80203
Phone: 303-866-3682
Web site: <http://www.coloradohistory.org/>

APPENDIX 6B

ADJACENT PROPERTY OWNERS

Key to Numbered Adjacent Parcels in Figure 3.								
Arapahoe County Tax Assessor information current as of July, 2007.								
Map Key #	Schedule #	Current Owner(s)	Street Name	City	St	ZIP	Acres	Improvements
1	2075-06-3-00-001	GILMAN FAMILY LIMITED PARTNERSHIP	4001 E. QUINCY AVE.	ENGLEWOOD	CO	80113	14.00	YES
2	2075-06-3-00-002	GILMAN FAMILY LIMITED PARTNERSHIP	4001 E. QUINCY AVE.	ENGLEWOOD	CO	80113	0.96	NO
3	2075-06-3-09-006	STRAUGHAN, GEORGE M & CYNTHIA P	4201 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.524	YES
4	2075-06-3-09-007	NANCY GREENBERG HICKEY REVOCABLE TRUST	4200 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.497	YES
5	2075-06-3-09-008	CACCIA, THOMAS J & KELLY R	4210 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.494	YES
6	2075-06-3-09-009	FOX, JANE HEATHER	4220 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.58	YES
7	2075-06-3-09-010	BLUM, JOSHUA D & MEG L	4230 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.535	YES
8	2075-06-3-12-007	TILTON, DAVID G & DEBORAH L	4240 S. BELLAIRE CIR.	ENGLEWOOD	CO	80113	0.836	YES
9	2075-06-3-08-001	WHITTLESEY, BRADLEY A & JOAN V	4700 E. PRINCETON AVE.	ENGLEWOOD	CO	80113	1.07	YES
10	2075-07-2-01-003	BRAINERD, HELEN BEBB	6 BLACKMER RD.	ENGLEWOOD	CO	80113	2.363	YES
11	2075-07-2-01-004	PINTO, E MARC & MARGOT MCCLENDON	8 BLACKMER RD.	ENGLEWOOD	CO	80113	2.68	YES

Map Key #	Schedule #	Current Owner(s)	Street Name	City	St	ZIP	Acres	Improvements
12	2075-07-2-01-005	GARGAN, NANCY H	10 BLACKMER RD.	ENGLEWOOD	CO	80113	2.408	YES
13	2075-07-2-01-006	BENES, REBECCA C	12 BLACKMER RD.	ENGLEWOOD	CO	80113	2.35	YES
14	2075-07-2-01-015	SEARLE, ELIZABETH B	14 BLACKMER RD.	ENGLEWOOD	CO	80113	2.418	YES
15	2075-07-2-00-014	KENT-DENVER COUNTRY DAY SCHOOL	4000 E. QUINCY AVE.	ENGLEWOOD	CO	80113	81.35	YES
16	2075-07-2-02-002	STINSON, WALTON L & MARY C	4150 E. QUINCY AVE	ENGLEWOOD	CO	80113	2.684	YES
17	2075-07-2-00-011	ROCKAFELLOW, GORDON G & NANCY J	4200 E. QUINCY AVE	ENGLEWOOD	CO	80113	2.503	YES
18	2075-07-2-00-010	LOWDERMILK, WAYNE A & JOYCE C	4140 E. QUINCY AVE.	ENGLEWOOD	CO	80113	2.446	YES

APPENDIX 7

SOILS INFORMATION

Soils Map.

Source: Soil Survey of Arapaho County, Colorado.
Scale: 1" = approximately 500'.
Top of page is north.



Soils Map Key

Map Unit Key ¹	Soil Type	Range Site ²	Capability Subclass ³
RhD	Renohill-Buick loams, 3 to 9 percent slopes	Loamy Foothills	Vle nonirrigated

¹ Map unit key from the soils map. Soils descriptions follow in this appendix.

² Range site description for Loamy Foothills is found on pages 49 of the Soil Survey of Arapaho County, Colorado, and follows in this appendix.

³ Capability subclasses are defined on pages 34 and 35 of the Soil Survey of Arapaho County, Colorado), and follow in this appendix.

The Truckton soil occurs in the higher areas. Its surface layer is about 5 inches thick. The subsoil, about 12 inches thick, is sandy loam and contains more clay than the surface layer.

Almost all of this complex is in native grass. Because of the slope, droughtiness, and a severe hazard of erosion, these soils are not suited to cultivated crops. Careful control of grazing is needed to maintain a good grass cover and to help control erosion. (Capability unit VIe-3; Sandy Foothill range site; tree planting suitability group 4)

Bresser and Truckton soils, 3 to 9 percent slopes, eroded (8wD2).—This mapping unit occurs mainly in the western three-fourths of the county. The Bresser soils make up about 50 to 70 percent of this mapping unit, and the Truckton soils, 20 to 40 percent. Included with these soils in mapping were small areas of Blakeland, Ascalon, and Stapleton soils.

The Bresser soils have a sandy loam or sandy clay loam surface layer about 4 inches thick. In most places the surface layer is light colored because soil blowing has removed organic matter from the surface soil and plowing has mixed material from the subsoil with the original surface soil. The subsoil is sandy clay loam.

The Truckton soils have a surface layer of brown sandy loam about 4 inches thick. In some places erosion has removed the original surface soil and the subsoil is exposed.

Although most areas of these soils are cultivated, cultivated crops are not suited because the hazard of soil blowing is severe. Blowouts are common on the ridgetops where slopes face west and north. In these areas most of the surface soil has been removed and the subsoil or the underlying material is exposed. Sandy loam or loamy sand several inches thick have been deposited over the original soil material where slopes face east.

A permanent plant cover is needed for the control of erosion on these soils. Diversions also help to control runoff and erosion. (Capability unit VIe-3; Sandy Foothill range site; tree planting suitability group 2)

Buick Series

The Buick series consists of deep, gently sloping to sloping soils that occur on uplands in the western three-fourths of the county. These soils developed in material deposited by wind and water.

In a typical profile the surface layer is brown loam that is free of lime and about 6 inches thick. The subsoil, about 50 inches thick, is brown and light yellowish-brown clay loam in the upper part and is very pale brown and pale-olive sandy clay loam in the lower part. The subsoil contains lime below a depth of about 12 inches. Horizons of an old buried soil occur below a depth of about 22 inches.

The Buick soils have a moderate rate of water intake and high available water holding capacity. They are moderately high in natural fertility.

These soils are suited to native grasses and to wheat and other nonirrigated crops. Most of the acreage is in native grasses. Winter wheat is the main crop.

Typical profile of Buick loam, 3 to 5 percent slopes, about 200 feet east and 1,000 feet south of the northwest corner of section 2, T. 4 S., R. 60 W.:

A1—0 to 3 inches, brown (10YR 4/3) loam, dark brown (10YR 3/3) when moist; weak to moderate, fine, granular structure; soft when dry, very friable when moist; medium and fine, rounded concretions, less than 5 percent by volume, of feldspar and quartz are scattered on surface and throughout horizon; noncalcareous; clear, smooth boundary.

A3—3 to 6 inches, brown (10YR 4/3) loam, dark brown (10YR 3/3) when moist; weak, medium, subangular blocky structure; soft when dry, friable when moist; thin, patchy clay skins in lower inch; noncalcareous; clear, smooth boundary.

B2t—6 to 12 inches, brown (10YR 5/3) clay loam, brown (10YR 4/3) when moist; moderate, medium, prismatic structure that breaks to moderate or strong, fine, subangular and angular blocky structure; slightly hard when dry, friable when moist; thin, patchy clay skins; clear, smooth boundary.

B3ca—12 to 22 inches, light yellowish-brown (10YR 6/4) clay loam, yellowish brown (10YR 5/4) when moist; moderate, medium, prismatic structure that breaks to moderate, medium or fine, subangular blocky structure; slightly hard when dry, friable when moist; thin, patchy clay skins; very strongly calcareous; clear, smooth boundary.

B21cab—22 to 40 inches, very pale brown (10YR 7/3) sandy clay loam, pale brown (10YR 6/3) when moist; weak to moderate, coarse, prismatic structure; hard when dry, firm when moist; common, medium, distinct concretions of lime; very strongly calcareous; gradual, wavy boundary.

B22cab—40 to 50 inches, pale-olive (5Y 6/3) sandy clay loam, olive (5Y 5/3) when moist; vertical cleavage but no apparent structure; hard when dry, firm when moist; moderately to very strongly calcareous.

The A horizon ranges from sandy loam to loam or silt loam in texture and from 2 to 6 inches in thickness. The B2t horizon is clay loam, loam, or silt loam 5 to 15 inches thick. Depth to lime generally is about 12 inches but ranges from 5 to 16 inches. In some places the buried layers are more red and the structural peds are larger and more distinct than in the rest of the subsoil. The buried soil ranges from loam to clay and generally is gritty. Depth to shale or sandstone ranges from 4 to 6 feet.

The Buick soils are deeper to bedrock than the associated Renohill soils. The subsoil of Buick soils is less clayey and more compact in the lower part than that of the Weld soils. Buick soils have a thinner, less clayey subsoil than Fondis soils, but both kinds of soils have layers of buried soils.

Buick loam, 3 to 5 percent slopes (8xC).—This soil occurs in small, scattered areas on uplands in the western three-fourths of the county. It has the profile described as typical for the series.

Included with this soil in mapping were a few small areas of Weld silt loam, of Colby silt loam, and of Renohill loam. The Weld and Colby soils are on the crests or the highest parts of the slope, and the Renohill soils are next to drainageways.

Most of this soil is in native grass, but some of it is used for small grains. Cropping is hazardous because of the slope, low precipitation, and the hazard of soil blowing. Following winter wheat by summer fallow is a common practice. Stubble mulching and terracing help to control erosion. (Capability unit IIIe-2; Loamy Foothill range site; tree planting suitability group 1)

Buick loam, 5 to 9 percent slopes (8xD).—This soil is on uplands throughout the western three-fourths of the county. Its surface layer consists of about 5 inches of loam or silt loam. The upper part of the subsoil, about 14 inches thick, is clay loam. Lime is 5 to 12 inches below the soil surface. In many cultivated areas, material from the sub-

Most of this soil is in native grass, but a part of it is cultivated. Wheat and sorghum are the main crops. Where cultivated crops are grown, stubble-mulch tillage helps to conserve moisture and to control erosion, but this soil is better protected by reseeding it to grass. Regulating grazing and other good practices of range management are needed on range. (Capability unit V1e-3; Sandy Plains range site; tree planting suitability group 1)

Renohill Series

The Renohill series consists of moderately deep, well-drained, gently sloping to steep soils that occur on uplands, mainly in the western three-fourths of the county.

In a typical profile the surface layer is grayish-brown, noncalcareous loam about 5 inches thick. The subsoil, about 14 inches thick, is brown and light olive-brown, calcareous clay loam. The underlying material is light grayish-brown clay loam. Brown to olive-gray fractured shale is below a depth of about 26 inches.

The Renohill soils have medium internal drainage, moderately slow to slow permeability, and moderate available water holding capacity. They are moderate in natural fertility, but are susceptible to soil blowing and to water erosion.

Most of the acreage of Renohill soils is in native grass. Because of the slope and of shallowness of the rooting zone, these soils are not suited to cultivated crops.

Typical profile of Renohill loam, 3 to 9 percent slopes, 1,800 feet north and 1,100 feet west of the southeast corner of section 11, T. 5 S., R. 59 W.:

- A11—0 to 3 inches, grayish-brown (10YR 5/2) loam, dark grayish brown (10YR 4/2) when moist; weak, fine, granular structure; soft when dry, friable when moist; noncalcareous; clear, smooth boundary.
- A12—3 to 5 inches, grayish-brown (10YR 5/2) loam, dark, grayish brown (10YR 4/2) when moist; weak, medium, subangular blocky structure; slightly hard when dry, friable when moist; noncalcareous; clear, smooth boundary.
- B2t—5 to 10 inches, brown (10YR 5/3) clay loam, dark brown (10YR 4/3) when moist; moderate, medium, prismatic structure that breaks to moderate to strong, fine, angular blocky structure; hard when dry, firm when moist; patchy clay skins on ped surfaces; mildly calcareous; clear, smooth boundary.
- B3ca—10 to 16 inches, light olive-brown (2.5Y 5/4) clay loam, olive brown (2.5Y 4/4) when moist; moderate, medium, prismatic structure that breaks to strong, medium to fine, angular blocky structure; hard when dry, firm when moist; patchy clay skins on ped surfaces; strongly calcareous; gradual, smooth boundary.
- C1ca—19 to 26 inches, light grayish-brown (2.5Y 6/2) clay loam, grayish brown (2.5Y 5/2) when moist and crushed; weak, medium, prismatic structure that breaks to weak, medium, subangular blocky structure; hard when dry, firm when moist; few fine concretions of lime; gradual, smooth boundary.
- C2—26 to 36 inches, brown (7.5YR 5/4) to olive-gray (5Y 5/2) fractured shale of clay loam texture, dark brown (7.5YR 4/1) to olive gray (5Y 4/2) when moist; structureless; slightly calcareous to very strongly calcareous.

The A horizon is loam or clay and is 2 to 6 inches thick. The B2t horizon ranges from 5 to 10 inches in thickness and from clay loam to clay in texture. When the C1ca horizon is moist, colors range from olive (5Y 5/3) to light brownish gray (2.5Y 6/2). The profile normally is free of lime in the upper 4 or 5 inches, but in a few places it is calcareous throughout. Depth to hard shale or sandstone ranges from 20 to 40

inches. In the southwestern part of the county are a few areas of a Renohill loam that is much redder than is typical for Renohill soils.

The Renohill soils are less deeply leached of lime and are more shallow over shale or sandstone than the Buick soils, which are nearby. They are deeper and have more distinct horizons than the Thedalund and Samsil soils.

Renohill loam, 3 to 9 percent slopes (RdD).—This gently sloping to sloping soil is on uplands in the western three-fourths of the county. It has the profile described as typical for the series. Surface runoff is medium to rapid. The available water holding capacity is moderate.

Included with this soil in mapping were small areas of Thedalund clay loam, of Samsil clay, and of Buick loam. Also included in cultivated areas were areas of a Renohill soil that has a clay loam surface layer because the original surface layer has been mixed with material from the subsoil.

This soil is not suited to cultivated crops, and most areas are in native grass. Good range management is needed to prevent overgrazing. (Capability unit V1e-1; Loamy Plains range site; tree planting suitability group 4)

Renohill loam, reddish variant, 5 to 20 percent slopes (ReE).—This soil occurs on uplands in the southwestern part of the county. It is scattered in areas that generally are less than 40 acres in size. Except for the slope and the reddish color of this soil, it is similar to Renohill loam, 3 to 9 percent slopes.

Included with this soil in mapping were small areas of Little silty clay loam.

This soil is mostly in native grass and is used for grazing livestock. It also is a source of clay material that is used to make bricks and tile. Because surface runoff is medium to rapid and the hazard of erosion is moderate, careful range management is needed. (Capability unit V1e-1; Loamy Foothill range site; tree planting suitability group 4)

Renohill-Buick loams, 3 to 9 percent slopes (RdD).—This complex is on uplands in the western three-fourths of the county. Drainageways are well established and generally are less than 150 feet wide.

Renohill loam makes up to 40 to 70 percent of this complex, and Buick loam, 20 to 40 percent. Included with these soils in mapping were areas of Fondis silt loam, of Little silty clay loam, and of Loamy alluvial land. Also included, along crests of ridges that face north or west, were areas of Buick soil where soil blowing has been severe. Lime is near the surface in these areas, which have shallow gullies and are lighter colored where cultivated.

The Renohill soil occurs on side slopes that generally extend to the drainageways. Its surface layer is loam to clay loam about 4 inches thick. The subsoil is calcareous clay loam to clay. Depth to shale is about 30 inches.

The Buick soil occupies the higher areas of the complex. It has a loam surface layer about 4 inches thick. In the subsoil, which is clay loam about 16 inches thick, lime is about 10 inches from the soil surface. The underlying material is clay loam that extends to a depth of 4 or 5 feet.

Most of this complex is in grass. Because of shallowness and the severe hazard of erosion, the soils in this complex are not suited to cultivated crops. (Capability unit V1e-1; Loamy Foothill range site in the western part of the county; Loamy Plains range site in the eastern part; tree planting suitability group 4)

ceptible to soil blowing and water erosion. Implements that roughen the surface, bring up clods, and form ridges are effective. Chisels are most effective on the Baca, Fondis, and other loams and silt loams, and listers are most effective on Bijou, Truckton, and other sandy loams and loamy sands.

Maintaining soil tilth and structure.—Crop growth can be maintained or increased by practices that favor or improve soil tilth and structure. In this county the natural structure of most of the soils is favorable for plant growth, but plant growth and water intake are reduced if the structure of the surface layer is destroyed.

Where the soil has been tilled for a long time and most of the crop residue has been removed, soil aggregates of the original structure break into single grains. The sandy loams and loamy sands are then particularly susceptible to soil blowing and to restricted penetration of water and air, and the silt loams also are susceptible.

The tilth of many kinds of soils can be improved by allowing the crop residue to decompose on or near the surface. The decomposed residue helps to form the soil into aggregates that make it mellow and porous. This practice is stubble-mulch farming.

Most of the sandy loams and loamy sands of the county, such as Bijou and Truckton, respond well to nitrogen fertilizer. By applying fertilizer containing nitrogen on these soils, plant growth is increased, more crop residue can be returned to the soil, and soil tilth and structure are improved.

Controlling erosion.—Basic practices that help to control erosion are stubble mulching, leaving crop residue on or near the surface as a protective cover and to improve structure, and seeding permanent grass on steep slopes, in waterways, and in other areas susceptible to erosion.

Stubble-mulch tillage should be practiced on most cultivated soils in the county. Although the Heldt soils are clayey and cloddy, and their surface clods reduce the hazard of soil blowing, residue management may be needed

so as to control water erosion and to maintain tilth of the surface layer.

Exposed knobs of Truckton, Colby, and Bresser soils should be seeded to permanent grass because they are subject to severe soil blowing. If grazing is controlled, permanent grass also protects steep soils not suitable for cultivation.

Where water concentrates, grassed waterways should be established. If a good grass cover is not maintained, terrace outlets and drainageways are subject to gullying. In addition to controlling erosion, the grass can be used for hay or pasture.

Stripcropping by using strips as much as 165 feet wide and by alternating a crop and summer fallow helps to control erosion (fig. 9). Contour tillage and terraces that have grassed waterways are desirable on loamy soils where slopes are more than 3 percent.

Seeding cropland to permanent grass may be the most effective way to control erosion, and in many places this change is most beneficial to the soils. Other uses that may be suited to nearly all cultivated fields in the county are woodland, windbreaks, shelterbelts, wildlife habitat, and recreational areas.

IRRIGATED CROPLAND

The 2,200 acres of irrigated land in Arapahoe County make up less than 1 percent of the total acreage. In the central part of the county, the irrigated land is in small areas along drainageways and is used to grow plants that furnish supplemental feed for livestock. In the western part of the county, a few, small pastures for horses are irrigated with ditchwater from the South Platte River. Much of the irrigated land is rapidly being converted to homesites, and the water is used for domestic purposes.

In the central part of the county, most of the water used for irrigation is from wells that are 50 to 150 feet deep. These wells produce 100 to 400 gallons per minute, and the water is of good to excellent quality for irrigation. Both sprinklers and surface ditches are used. The principal irrigated crops are corn, alfalfa, and pasture. As much as 20 tons of silage per acre is obtained from corn, and annual yields of alfalfa range from 3 to 5 tons per acre.

Adequate fertilizer is required for good growth of irrigated crops. Land leveling, ditch lining, water control structures, and overnight storage ponds help to conserve moisture, to make irrigation easier, and to increase the acreage that can be irrigated.

Most of the soils of the survey area could be irrigated if water were available. The soils most suitable for irrigation are silt loams, loams, and sandy loams in the Bresser, Fondis, Nunn, Fort Collins, Weld, or Bijou series. Among the soils that are difficult to irrigate are the Heldt clays, Samsil clays, Little silty clay loams, and Truckton loamy sands. These soils contain a large percentage of clay, are sandy, or are shallow.

Capability grouping

Capability grouping shows, in a general way, the suitability of soils for most kinds of field crops. The groups are made according to the limitations of the soils when used for field crops, the risk of damage when they are used, and the way they respond to treatment. The grouping does not take into account major and generally expensive land form-



Figure 9.—Stripcropping by alternating wheat and fallow helps to control soil blowing. The soils are Fondis-Colby silt loams, 3 to 5 percent slopes.

ing that would change slope, depth, or other characteristics of the soils; does not take into consideration possible but unlikely major reclamation projects; and does not apply to rice, cranberries, horticultural crops, or other crops requiring special management.

Those familiar with the capability classification can infer from it much about the behavior of soils when used for other purposes, but this classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for range, for forest trees, or for engineering.

In the capability system, all kinds of soils are grouped at three levels, the capability class, subclass, and unit. These are discussed in the following paragraphs.

CAPABILITY CLASSES, the broadest groups, are designated by Roman numerals I through VIII. The numerals indicate progressively greater limitations and narrower choices for practical use. Classes are defined as follows:

- Class I soils have few limitations that restrict their use. (None in Arapahoe County.)
- Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. (None in Arapahoe County.)
- Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both.
- Class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both.
- Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use largely to pasture, range, woodland, or wildlife. (None in Arapahoe County.)
- Class VI soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife.
- Class VII soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland, or wildlife.
- Class VIII soils and landforms have limitations that preclude their use for commercial plants and restrict their use to recreation, wildlife, or water supply, or to esthetic purposes.

CAPABILITY SUBCLASSES are soil groups within one class; they are designated by adding a small letter, *s*, *w*, *s*, or *c*, to the class numeral, for example IIIe. The letter *e* shows that the main limitation is risk of erosion unless close-growing plant cover is maintained; *w* shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); *s* shows that the soil is limited mainly because it is shallow, droughty, or stony; and *c*, used in only some parts of the United States, shows that the chief limitation is climate that is too cold or too dry.

In class I there are no subclasses, because the soils of this class have few limitations. Class V can contain, at the most, only the subclasses indicated by *w*, *s*, and *c*, because the soils in class V are subject to little or no erosion, though they have other limitations that restrict their use largely to pasture, range, woodland, wildlife, or recreation.

CAPABILITY UNITS are soil groups within the subclasses. The soils in one capability unit are enough alike to be suited to the same crops and pasture plants, to require similar management, and to have similar productivity and other responses to management. Thus, the capability unit is a convenient grouping for making many statements about management of soils. Capability units are generally designated by adding an Arabic numeral to the subclass symbol, for example, IIIe-2 or IVe-1. Thus, in one symbol, the Roman numeral designates the capability class, or degree of limitation; the small letter indicates the subclass, or kind of limitation, as defined in the foregoing paragraph; and the Arabic numeral specifically identifies the capability unit within each subclass.

Management by capability units

The soils of Arapahoe County have been placed in 23 capability units. The soils in each unit have about the same limitations, are subject to similar risks of damage, need about the same kind of management, and respond to management in about the same way. Because the annual precipitation is low in this county, the use of the soils for non-irrigated crops is limited. The soils are only in capability classes III, IV, VI, VII, or VIII. Because only a small acreage is irrigated in this county, none of the soils has been placed in irrigated capability units.

In the following pages each capability unit is described, and management for each is discussed. To determine the soils in each capability unit, refer to the "Guide to Mapping Units" at the back of this survey. Also, the capability unit assigned to any soil is listed at the end of the description of that soil in the section "Descriptions of the Soils."

CAPABILITY UNIT IIIe-1

This unit consists of nearly level to gently sloping, deep soils that occur along major streams and drainageways throughout the county. These soils have a surface layer of sandy loam and a subsoil of sandy loam to sandy clay loam.

The soils in this unit take in water well and have moderate available water holding capacity. They are easy to work but are susceptible to soil blowing if not protected.

These soils are suited to the crops commonly grown in the county. In the western part of the county, winter wheat is the main crop and it is followed by a season of fallow. Farther east some barley and some sorghum are grown for feed. If the content of soil moisture is favorable, sorghum is often planted as a catch crop, as a cover crop, or after wheat is harvested.

The soils in this unit blow unless they are protected. Stubble or crop residue left on the surface through April protects these soils from soil blowing through the windy season. Other practices effective against soil blowing are stripcropping, stubble mulching, minimum tillage, and contour farming.

These soils are well suited to permanent pasture. Suitable pasture plants are smooth brome, wheatgrass, sand lovegrass, and sweetclover.

CAPABILITY UNIT IIIe-2

In this unit are deep, well-drained, gently sloping soils on uplands. These soils have a loamy surface layer and a clayey subsoil.

TABLE 3.—*Limitations of the soils*

Soils	Degree of limitation for—		
	Foundations for small buildings	Homesites with public sewers	Sites for light industries with public sewers
Sand pits	Slight	Severe	Severe
Sandy alluvial land	Slight	Severe	Severe
Shale outcrop	Severe	Severe	Severe
Stapleton sandy loam, 9 to 30 percent slopes	Slight	Slight	Severe
Tassel-Rock outcrop complex	Slight	Moderate	Severe
Terrace escarpments	Severe	Severe	Severe
Terry fine sandy loam, 5 to 20 percent slopes	Slight	Slight	Severe
Terry-Olney-Thedalund sandy loams, 5 to 20 percent slopes	Slight	Moderate	Severe
Thedalund clay loam, 9 to 20 percent slopes	Moderate	Slight	Severe
Thedalund clay loam, 9 to 20 percent slopes, eroded	Moderate	Slight	Severe
Truckton loamy sand, 1 to 5 percent slopes	Slight	Slight	Slight
Truckton loamy sand, 5 to 20 percent slopes	Slight	Slight	Severe
Weld fine sandy loam, 1 to 5 percent slopes	Moderate	Slight	Slight
Weld silt loam, 0 to 3 percent slopes	Moderate	Slight	Slight
Weld silt loam, 3 to 5 percent slopes	Moderate	Slight	Moderate
Weld-Deertrail silt loams, 0 to 3 percent slopes	Moderate	Slight	Slight
Wet alluvial land	Severe	Severe	Severe

The largest ranches generally are in the eastern part of the county. Most of these ranches are cow-calf enterprises, but some are cattle-sheep enterprises. Wheat-livestock units are more common in the central and western parts of the county. In the extreme western part, however, the small dairy farms are being replaced by residential, commercial, and industrial developments.

The larger ranches generally produce enough native hay to provide adequate feed during winter storms, but the smaller ranches depend on locally grown feed and on hay shipped from other areas to provide supplemental feed in winter.

Climate influences the production of forage. In the eastern part of the county, the climate is favorable for the growth of short grasses, mainly blue grama, buffalo-grass, and other warm-season grasses. In the western part of the county, western wheatgrass, green needlegrass, and other cool-season grasses grow better than the short grasses.

Range management practices

Proper grazing is the most important of all range practices. Controlling grazing so as to maintain cover adequate to protect the soils and to encourage the growth of perennial forage plants helps to maintain and improve the range. Generally, this means leaving at least half of the annual growth at the end of the growing season.

In addition to proper degree of use, deferred grazing and distribution of grazing also help to conserve plant cover, soil, and water. In their leaves, grasses manufacture the food they need to grow and reproduce. Grasses must store in their roots the food they need to start vigorous growth in spring. The desirable grasses, therefore, should

be given an opportunity to manufacture enough plant food for vigorous growth of tops and for good root development before they are grazed in spring. The vegetation should also be adequate to protect the soil against erosion and to encourage the intake and storage of water. Other beneficial practices are developing adequate water facilities and mechanical treatments that will increase the penetration and storage of moisture.

Range sites and condition classes

Soils differ in their capacity to produce vegetation. The kinds and amounts of native forage plants in an area depend on the combined effect of the soil and climate. A range site is an area where climate and soil are sufficiently uniform to produce about the same kinds and amounts of vegetation.

Grazing use and other management practices affect the kind of vegetation on each range site and the productivity of the site. Range condition is determined mainly by comparing the present vegetation on a given site with the vegetation that originally grew there. The classes of range condition used to indicate the degree to which the vegetation has been changed by grazing or other use are *excellent*, *good*, *fair*, and *poor*. A range in excellent condition is producing the maximum amounts of native plants for the site and the climate. Range in poor condition does not produce optimum yields of forage and is not protected against erosion.

The plants on any given range site can be classified or grouped as decreasers, increasers, and invaders, according to their response to grazing. Decreasers generally are the most desirable and productive plants on any given range site. Livestock seek out the most palatable and nutritious

for specified nonfarm uses—Continued

Degree of limitation for—Continued					Limiting soil features
Disposal of sewage effluent into—		Streets	Recreational areas	Landscape plantings	
Leaching fields	Lagoons				
Slight.....	Severe.....	Moderate.....	Moderate.....	Severe.....	Occasional flooding.
Severe.....	Severe.....	Moderate.....	Slight.....	Severe.....	Frequent flooding.
Severe.....	Severe.....	Severe.....	Severe.....	Severe.....	Cemented fine gravel below a depth of 2 feet.
Slight.....	Severe.....	Slight.....	Moderate.....	Severe.....	Sandstone at a depth of less than 18 inches; slope.
Severe.....	Severe.....	Moderate.....	Moderate.....	Severe.....	Flooding.
Severe.....	Severe.....	Severe.....	Slight.....	Slight.....	Sandstone below a depth of 3 feet.
Slight.....	Severe.....	Moderate.....	Moderate.....	Moderate.....	Variable depth to sandstone or shale.
Moderate.....	Severe.....	Slight.....	Moderate.....	Severe.....	Shale or sandstone at a depth of less than 30 inches.
Severe.....	Moderate.....	Moderate.....	Moderate.....	Severe.....	Surface soil removed; shale or sandstone at a depth of less than 30 inches.
Severe.....	Moderate.....	Moderate.....	Moderate.....	Severe.....	Sand below a depth of 2 feet; susceptible to soil blowing.
Slight.....	Severe.....	Slight.....	Moderate.....	Severe.....	Strongly rolling; sand below a depth of 2 feet; susceptible to soil blowing.
Slight.....	Severe.....	Slight.....	Moderate.....	Severe.....	Silty; liquefies.
Moderate.....	Moderate.....	Moderate.....	Moderate.....	Slight.....	Silty; liquefies.
Moderate.....	Moderate.....	Moderate.....	Moderate.....	Slight.....	Silty; liquefies; slope.
Moderate.....	Moderate.....	Moderate.....	Moderate.....	Slight.....	Silty; liquefies.
Severe.....	Severe.....	Severe.....	Slight.....	Slight.....	Water table at a depth of less than 3 feet; flooding; sand and gravel below a depth of 30 inches.

grasses, and under heavy grazing these plants, or decrease, tend to give way to less desirable plants or increasers. Increasers generally are shorter and less palatable than the decreaseers. They are more capable of withstanding close grazing than the decreaseers, and they normally increase in abundance as the most desirable plants are reduced. Under continuous heavy grazing, the increaser plants are weakened and reduced and are replaced by invaders, which are shrubby plants or annual weeds and grasses, that eventually dominate the site.

Descriptions of range sites

The 14 range sites in Arapahoe County are described in the following pages. Also given for each site is the total annual yield of herbage in years of favorable moisture and in years of unfavorable moisture. To determine the soils in any given range site, refer to the "Guide to Mapping Units" at the back of this soil survey. Seven mapping units have not been placed in any range site. They are Samsil-Little stony clays, 20 to 50 percent slopes, Stapleton sandy loam, 9 to 30 percent slopes, Gravelly land, Rock outcrop, Sand pits, Sandy alluvial land, and Terrace escarpments.

LOAMY PLAINS RANGE SITE

This range site occurs in the eastern part of the county, mainly on the larger ranches. It consists of deep to moderately deep, level to steep soils that have a fine sandy loam, loam, or silt loam surface layer.

Short grasses, mainly blue grama and buffalograss, are dominant on this site. If the site is in excellent condition, small amounts of western wheatgrass, junegrass, needlegrass, and other mid grasses appear during years when

moisture is favorable. These plants, however, are weakened and eliminated during dry periods. Among the common forbs are scarlet globemallow, wild alfalfa, and groundsel.

On this site the ratio of blue grama to buffalograss indicates range condition. As the condition of the range declines, the percentage of buffalograss increases. Under continuous overgrazing, blue grama grows in dense sod rather than in spaced bunches, and the range takes on a sodlike appearance. If the range is overgrazed in years of unfavorable moisture, there is a decrease of perennial plants and an increase of six-weeks fescue, cheatgrass, wild barley, woolly plantain, gunweed, and other less desirable plants.

This range site is suitable for grazing the year round, but topography gives livestock little protection during snowstorms. Supplemental feeding is needed if this site is grazed in winter.

A protective cover of litter, or a layer of plant residue, is essential in improving a poor or fair range condition or in maintaining a good or poor condition. Litter is increased by controlling grazing and by occasionally resting the range.

When this site is in excellent condition, the total annual yield of air-dry herbage ranges from 1,200 pounds per acre in years of favorable moisture to 400 pounds per acre in years of unfavorable moisture. Nearly all of this yield is forage suitable for cattle.

LOAMY SLOPES RANGE SITE

This range site is adjacent to the Loamy Plains range site in the eastern part of the county. It consists of gently sloping to steep soils that have a surface layer of silt loam or clay loam that contains large amounts of lime. Runoff is rapid, and the surface layer is dry much of the time.

When this site is in excellent condition, the total annual yield of air-dry herbage ranges from 1,500 pounds per acre in years of favorable moisture to 750 pounds per acre in years of unfavorable moisture. About two-thirds of this yield is forage suitable for cattle.

OVERFLOW RANGE SITE

This range site occurs along drainageways and receives extra moisture from floods. It consists of soils that have a loam, sandy loam, or clayey surface layer.

Because of the periodic flooding, forage and hay plants grow well on this range site, particularly in winter and early in spring. Western wheatgrass and switchgrass are the key grasses for indicating range condition, and they can be used in determining the kind of management needed. On this site western wheatgrass generally is more prevalent and is more easily grown than switchgrass. If the key plants are weakened or eliminated, buffalograss, sedges, low rabbitbrush, and blue grama become dominant. Continued deterioration of the site results in the invasion of fringed sage, Kentucky bluegrass, saltgrass, cheatgrass, and other less desirable plants.

When this site is in excellent condition, the total annual yield of air-dry herbage ranges from 3,000 pounds per acre in years of favorable moisture to 1,500 pounds per acre in years of unfavorable moisture. About two-thirds of this yield is forage suitable for cattle.

WET MEADOW RANGE SITE

This range site occurs on bottom lands and is flooded occasionally (fig. 15). It consists mostly of level to nearly level soils that have a sandy loam or loam surface layer and a high water table. Included in this site are a few small seeps on hillsides. These areas are indicated on the soil map by the standard symbol for wet spots. The water table is the major factor that affects the kind and growth of plants on this site.

When this range site is in excellent condition, switchgrass, cordgrass, wild licorice, indiangrass, and bluestem generally are dominant. Common increasers generally are western wheatgrass, saltgrass, and wild barley. In the wetter spots, sedges, rushes, and horsetail are common increasers. The invaders include blue grama, Kentucky bluegrass, cocklebur, gumwood, and annuals.

When this site is in excellent condition, the total annual yield of air-dry herbage is 4,000 pounds per acre in most years. About three-fourths of this yield is suitable forage for cattle.

LOAMY FOOTHILL RANGE SITE

This range site occurs in the western half of the county. It consists of moderately deep and deep soils that have a surface layer of loam or silt loam and slopes ranging from 0 to 25 percent.

On this site the moisture in winter and spring and the elevation are favorable for the growth of cool-season grasses. Western wheatgrass and, to a lesser extent, green needlegrass are the most productive plants. Junegrass and native bluegrass also grow on this site, but in amounts that vary according to the season. Blue grama is the dominant increaser, but three-awn and soapweed are also increasers. Continuous overgrazing, particularly early in spring, causes blue grama to form a dense sod and to replace the preferred grasses. The invaders, or undesirable plants, include fringed sage, hairy goldaster, and cheatgrass.

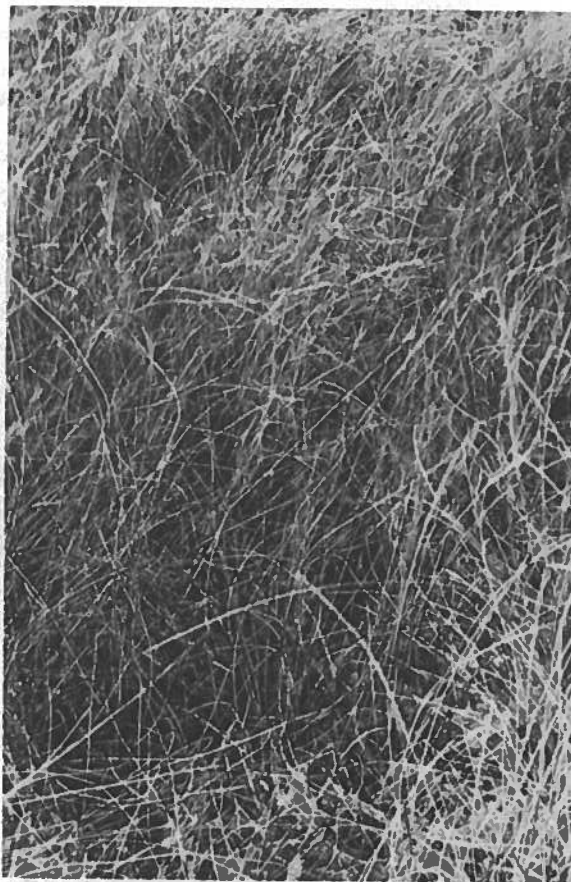


Figure 15.—An area of the Wet Meadow range site. The soil is Edgewater loam, 0 to 3 percent slopes.

When this site is in excellent condition, the total annual yield of air-dry herbage ranges from 1,500 pounds per acre in years of favorable moisture to 700 pounds per acre in years of unfavorable moisture. Nearly all of this yield is forage suitable for cattle.

CLAYEY FOOTHILL RANGE SITE

This range site occurs in the western half of the county, mainly in small areas that are closely intermingled with larger areas of the Loamy Foothill range site. The Clayey Foothill range site consists of shallow to deep soils that have a clay or clay loam surface layer and slopes ranging from 0 to 25 percent. Cultivated areas and severely eroded areas in the adjacent Loamy Foothill site are grazed with this range site.

On this site elevation and the pattern of rainfall are favorable for the growth of cool-season grasses and forbs that include western wheatgrass, green needlegrass, prairieclover, and small pod vetch. The dominant increaser is blue grama, but other increasers are buffalograss, three-awn, dryland sedge, and native bluegrass.

APPENDIX 8A

PLANT SPECIES LIST

Field Work November 2, 2006

SCIENTIFIC NAME - 1	COMMON NAME - 1	HAB - 2	AB - 3	COMMENTS
TREES				
<i>Acer sp.*</i>	maple	UF	FC	
<i>Aesculus glabra*</i>	buckeye	UF	FC	
<i>Elaeagnus angustifolia*</i>	Russian olive	UF, WT	CM	
<i>Fraxinus pensylvanica*</i>	green ash	UF	FC	
<i>Gymnocladus dioica*</i>	Kentucky coffee tree	UF	UC	
<i>Malus pumila*</i>	apple	UF	FC	
<i>Malus sp.*</i>	crabapple	UF	FC	
<i>Picea pungens</i>	blue spruce	UF	FC	
<i>Pinus ponderosa</i>	ponderosa pine	UF	CM	
<i>Pinus sylvestris*</i>	Scotch pine	UF	FC	
<i>Populus alba*</i>	white poplar	UF	FC	
<i>Populus deltoides</i>	plains cottonwood	UF, WT	AB	
<i>Populus tremuloides</i>	aspen	UF	FC	
<i>Quercus alba*</i>	white oak	UF	FC	
<i>Quercus robur*</i>	English oak	UF	FC	
<i>Robinia pseudoacacia*</i>	locust	UF	FC	
<i>Tilia americana*</i>	American linden	UF	UC	
<i>Tilia x europea*</i>	European linden	UF	UC	
<i>Ulmus pumila*</i>	Siberian elm	UF	FC	
SHRUBS				
<i>Salix exigua</i>	coyote willow	WT	CM	
<i>Syringa vulgaris</i>	common lilac	UF	CM	
FORBS				
<i>Achillea millefolium ssp. occidentalis</i>	western yarrow	PS		
<i>Carduus nutans*</i>	musk thistle	PS	UC	noxious weed, B list
<i>Cirsium arvense*</i>	Canada thistle	PS, WT	UC	noxious weed, B list
<i>Euphorbia esula*</i>	leafy spurge	PS	UC	noxious weed, B list
<i>Meilolus officinale*</i>	yellow sweetclover	PS	FC	
<i>Medicago sativa*</i>	alfalfa	PS	CM	
<i>Plantago lanceolata*</i>	narrowleaf plantain	PS	FC	

SCIENTIFIC NAME - 1	COMMON NAME - 1	HAB - 2	AB - 3	COMMENTS
<i>Symphotrichum falcatum</i>	white prairie aster	PS	FC	
<i>Symphotrichum porteri</i>	smooth white aster	PS	FC	
<i>Typha angustifolia</i>	narrowleaf cattail	AQ, WT	CM	
<i>Yucca glauca</i>	small soapweed	PS	UC	
GRASSES				
<i>Agropyron cristatum*</i>	crested wheatgrass	PS	CM	
<i>Bromus inermis*</i>	smooth brome	PS	AB	

NOTES

1-Nomenclature follows USDA Soil Conservation Service (1999).

2-As described in Section 6.1 of the report.

Urban Forest	UF
Tame Pasture	PS
Shoreline Wetland	WT
Aquatic	AQ

3-Abundance codes are described as follows:

Abundant (AB)--easily found in proper habitat, a dominant cover type forming stands

Common (CM)--easily found in proper habitat, but not a dominant cover type

Fairly Common (FC)--occasionally found in proper habitat

Uncommon (UC)--not easily found even in the expected habitat

*--Introduced species, non-native, as classified in *A Catalog of the Colorado Flora: A Biodiversity Baseline*. Vascular Plants: Weber and Wittman, electronic version 11-March-00.

APPENDIX 8B

NOXIOUS WEEDS

APPENDIX 8B

STATE NOXIOUS WEED LIST 2006

The following weed species are identified as the State Noxious Weeds in the amended Colorado Noxious Weed Act, §§ 35-5.5-108 and 115, C.R.S. (2005), effective May 30, 2006. Several million acres of Colorado are infested with invasive non-indigenous plants that are continuing to spread to uninfested lands and increase in abundance. A number of these species, designated as state noxious weeds, aggressively invade or are detrimental to economic crops or native plant communities, are poisonous to livestock, are carriers of detrimental insects, diseases, or parasites, or are detrimental, directly or indirectly, to the environmentally sound management of natural or agricultural systems. Noxious weeds are a present threat to the economic and environmental value of the lands of the state of Colorado and it is a matter of statewide importance that the governing bodies of counties and municipalities manage such weeds in a coordinated manner across the state. Lack of such coordination makes weed management efforts unnecessarily costly and limits the effectiveness of public and private efforts to control such noxious weeds. A broad array of public and private organizations support efforts to develop and implement a coordinated, statewide effort to stop the spread of noxious weeds. Classifying designated noxious weeds into specific management categories will provide a means to focus public and private resources strategically and in a cost-effective manner. By eradicating rare noxious weed species quickly (List A), these species can be prevented from establishing permanent populations in Colorado from which they will spread to harm the agricultural and environmental values of the lands of Colorado. It is important that local governing bodies and affected landowners apply integrated management techniques that will achieve the specified management objectives, particularly for eradication. Some techniques are more effective than others (prescribed) and some techniques are likely to be ineffective or contribute to the spread of the weed species (not prescribed). Prescribing integrated management techniques to achieve specified management objectives will help landowners achieve management objectives such as eradication in a timely manner while limiting environmental damage, effort, and cost. By stopping the spread of well-established species (List B), the values of uninfested lands for agriculture or the environment can be protected and the costs of land management to private and public landowners can be limited or reduced. By educating the public about improved management for widespread species (List C), the harm associated with these species can be reduced and such efforts can be made more cost-effective for many citizens. The State Noxious Weeds are:

A. All populations of List A species in Colorado are designated by the Commissioner for eradication. List A of the Colorado noxious weed list comprises the following noxious weed species:

- African rue (*Peganum harmala*)
- Camelthorn (*Alhagi pseudalhagi*)
- Common crupina (*Crupina vulgaris*)
- Cypress spurge (*Euphorbia cyparissias*)

Dyer's woad (*Isatis tinctoria*)
Giant salvinia (*Salvinia molesta*)
Hydrilla (*Hydrilla verticillata*)
Meadow knapweed (*Centaurea pratensis*)
Mediterranean sage (*Salvia aethiopis*)
Medusahead (*Taeniatherum caput-medusae*)
Myrtle spurge (*Euphorbia myrsinites*)
Orange hawkweed (*Hieracium aurantiacum*)
Purple loosestrife (*Lythrum salicaria*)
Rush skeletonweed (*Chondrilla juncea*)
Sericea lespedeza (*Lespedeza cuneata*)
Squarrose knapweed (*Centaurea virgata*)
Tansy ragwort (*Senecio jacobaea*)
Yellow starthistle (*Centaurea solstitialis*)

B. List B noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species. List B species must be managed in accordance with all the provisions of this Part 4, including any applicable state noxious weed management plans. Until a plan for a particular species is developed and implemented by rule, all persons are recommended to manage that species.

Absinth wormwood (*Artemisia absinthium*)
Black henbane (*Hyoscyamus niger*)
Bouncingbet (*Saponaria officinalis*)
Bull thistle (*Cirsium vulgare*)
Canada thistle (*Cirsium arvense*)
Chinese clematis (*Clematis orientalis*)
Common tansy (*Tanacetum vulgare*)
Common teasel (*Dipsacus fullonum*)
Corn chamomile (*Anthemis arvensis*)
Cutleaf teasel (*Dipsacus laciniatus*)
Dalmatian toadflax, broad-leaved (*Linaria dalmatica*)
Dalmatian toadflax, narrow-leaved (*Linaria genistifolia*)
Dame's rocket (*Hesperis matronalis*)
Diffuse knapweed (*Centaurea diffusa*)
Eurasian watermilfoil (*Myriophyllum spicatum*)
Hoary cress (*Cardaria draba*)
Houndstongue (*Cynoglossum officinale*)
Leafy spurge (*Euphorbia esula*)
Mayweed chamomile (*Anthemis cotula*)
Moth mullein (*Verbascum blattaria*)
Musk thistle (*Carduus nutans*)
Oxeye daisy (*Chrysanthemum leucanthemum*)

Perennial pepperweed (*Lepidium latifolium*)
Plumeless thistle (*Carduus acanthoides*)
Quackgrass (*Elytrigia repens*)
Redstem filaree (*Erodium cicutarium*)
Russian knapweed (*Acroptilon repens*)
Russian-olive (*Elaeagnus angustifolia*)
Salt cedar (*Tamarix chinensis*, *T. parviflora*, and *T. ramosissima*)
Scentless chamomile (*Matricaria perforata*)
Scotch thistle (*Onopordum acanthium*)
Scotch thistle (*Onopordum tauricum*)
Spotted knapweed (*Centaurea maculosa*)
Spurred anoda (*Anoda cristata*)
Sulfur cinquefoil (*Potentilla recta*)
Venice mallow (*Hibiscus trionum*)
Wild caraway (*Carum carvi*)
Yellow nutsedge (*Cyperus esculentus*)
Yellow toadflax (*Linaria vulgaris*)

C. List C noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.

Chicory (*Cichorium intybus*)
Common burdock (*Arctium minus*)
Common mullein (*Verbascum thapsus*)
Common St. Johnswort (*Hypericum perforatum*)
Downy brome (*Bromus tectorum*)
Field bindweed (*Convolvulus arvensis*)
Halogeton (*Halogeton glomeratus*)
Johnsongrass (*Sorghum halepense*)
Jointed goatgrass (*Aegilops cylindrica*)
Perennial sowthistle (*Sonchus arvensis*)
Poison hemlock (*Conium maculatum*)
Puncturevine (*Tribulus terrestris*)
Velvetleaf (*Abutilon theophrasti*)
Wild proso millet (*Panicum miliaceum*)

Plant Industry draft

Noxious Weed Program

Arapahoe County

County Weed Supervisor-Russell Johnson

Address: 10730 E. Briarwood Ave, Suite 100
Centennial, CO 80112

Phone Number: 720-874-6713

Fax Number: 303-798-6054

Email Address: rjohnson@co.arapahoe.co.us

Website Address:

<http://www.co.arapahoe.co.us/Departments/PW/weedcontrol.asp>

County Noxious Weed List

Canada thistle
Field bindweed
Knapweed, diffuse
Knapweed, Russian
Knapweed, spotted
Leafy spurge
Musk thistle
Purple loosestrife
Scotch thistle
Tamarisk (Saltcedar)
Toadflax, Dalmatian
Toadflax, yellow

APPENDIX 9A

POTENTIAL WILDLIFE SPECIES LIST

Potential Vertebrate Wildlife Species List

Sorted by taxon. Last updated: 05-16-00

A list of Occurrence and Abundance Classification Criteria are found at the end of this list.

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
AMPHIBIANS				
Tiger Salamander	Ambystoma tigrinum	Known to Occur	Common	
Plains Spadefoot	Spea bombifrons	Known to Occur	Uncommon	
Great Plains Toad	Bufo cognatus	Known to Occur	Unknown	
Western Chorus Frog	Pseudacris triseriata	Known to Occur	Common	
Bullfrog	Rana catesbeiana	Known to Occur	Common	
Northern Leopard Frog	Rana pipiens	Known to Occur	Uncommon	
BIRDS				
Pied-billed Grebe	Podilymbus podiceps	Known to Occur	Fairly Common	
Eared Grebe	Podiceps nigricollis	Known to Occur	Unknown	
Western Grebe	Aechmophorus occidentalis	Known to Occur	Unknown	
Clark's Grebe	Aechmophorus clarkii	Known to Occur	Unknown	
American White Pelican	Pelecanus erythrorhynchos	Known to Occur	Unknown	
Double-crested Cormorant	Phalacrocorax auritus	Known to Occur	Common	
American Bittern	Botaurus lentiginosus	Known to Occur	Rare	
Least Bittern	Ixobrychus exilis	Known to Occur	Casual\Accidental	
Great Blue Heron	Ardea herodias	Known to Occur	Common	Confirmed
Great Egret	Ardea alba	Known to Occur	Unknown	
Snowy Egret	Egretta thula	Known to Occur	Unknown	
Little Blue Heron	Egretta caerulea	Known to Occur	Unknown	
Cattle Egret	Bubulcus ibis	Known to Occur	Unknown	
Green Heron	Butorides virescens	Known to Occur	Unknown	Confirmed
Black-crowned Night-Heron	Nycticorax nycticorax	Known to Occur	Fairly Common	Confirmed
Yellow-crowned Night-Heron	Nyctanassa violacea	Known to Occur	Unknown	
White-faced Ibis	Plegadis chihi	Known to Occur	Unknown	
Canada Goose	Branta canadensis	Known to Occur	Abundant	
Wood Duck	Aix sponsa	Known to Occur	Uncommon	Confirmed
Green-winged Teal	Anas crecca	Known to Occur	Uncommon	
Mallard	Anas platyrhynchos	Known to Occur	Abundant	
Northern Pintail	Anas acuta	Known to Occur	Unknown	
Blue-winged Teal	Anas discors	Known to Occur	Fairly Common	
Cinnamon Teal	Anas cyanoptera	Known to Occur	Fairly Common	

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Northern Shoveler	<i>Anas clypeata</i>	Known to Occur	Rare	
Gadwall	<i>Anas strepera</i>	Known to Occur	Rare	
American Wigeon	<i>Anas americana</i>	Known to Occur	Rare	
Canvasback	<i>Aythya valisineria</i>	Known to Occur	Unknown	
Redhead	<i>Aythya americana</i>	Known to Occur	Rare	
Ring-necked Duck	<i>Aythya collaris</i>	Known to Occur	Uncommon	
Lesser Scaup	<i>Aythya affinis</i>	Known to Occur	Unknown	
Barrow's Goldeneye	<i>Bucephala islandica</i>	Known to Occur	Unknown	
Bufflehead	<i>Bucephala albeola</i>	Known to Occur	Unknown	
Hooded Merganser	<i>Lophodytes cucullatus</i>	Known to Occur	Unknown	Confirmed
Common Merganser	<i>Mergus merganser</i>	Known to Occur	Rare	
Ruddy Duck	<i>Oxyura jamaicensis</i>	Known to Occur	Rare	
Turkey Vulture	<i>Cathartes aura</i>	Known to Occur	Uncommon	
Osprey	<i>Pandion haliaetus</i>	Known to Occur	Uncommon	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Known to Occur	Unknown	
Northern Harrier	<i>Circus cyaneus</i>	Known to Occur	Rare	
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Known to Occur	Uncommon	Confirmed
Cooper's Hawk	<i>Accipiter cooperii</i>	Known to Occur	Uncommon	Confirmed
Northern Goshawk	<i>Accipiter gentilis</i>	Known to Occur	Uncommon	
Swainson's Hawk	<i>Buteo swainsoni</i>	Known to Occur	Fairly Common	Confirmed
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Known to Occur	Fairly Common	Confirmed
Ferruginous Hawk	<i>Buteo regalis</i>	Known to Occur	Unknown	
Golden Eagle	<i>Aquila chrysaetos</i>	Known to Occur	Uncommon	
American Kestrel	<i>Falco sparverius</i>	Known to Occur	Fairly Common	Confirmed
Prairie Falcon	<i>Falco mexicanus</i>	Known to Occur	Rare	
Peregrine Falcon	<i>Falco peregrinus</i>	Known to Occur	Unknown	
Sora	<i>Porzana carolina</i>	Known to Occur	Uncommon	
American Coot	<i>Fulica americana</i>	Known to Occur	Fairly Common	
Killdeer	<i>Charadrius vociferus</i>	Known to Occur	Common	
Spotted Sandpiper	<i>Actitis macularia</i>	Known to Occur	Fairly Common	
Common Snipe	<i>Gallinago gallinago</i>	Known to Occur	Uncommon	
Ring-billed Gull	<i>Larus delawarensis</i>	Known to Occur	Unknown	
California Gull	<i>Larus californicus</i>	Known to Occur	Unknown	
Herring Gull	<i>Larus argentatus</i>	Known to Occur	Unknown	
Forster's Tern	<i>Sterna forsteri</i>	Known to Occur	Unknown	

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Least Tern	<i>Sterna antillarum</i>	Known to Occur	Unknown	
Black Tern	<i>Chlidonias niger</i>	Known to Occur	Unknown	
Rock Dove	<i>Columba livia</i>	Known to Occur	Abundant	Confirmed
Mourning Dove	<i>Zenaida macroura</i>	Known to Occur	Abundant	Confirmed
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	Known to Occur	Unknown	
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Known to Occur	Uncommon	
Barn Owl	<i>Tyto alba</i>	Known to Occur	Rare	
Eastern Screech-Owl	<i>Otus asio</i>	Known to Occur	Uncommon	Confirmed
Western Screech-Owl	<i>Otus kennicottii</i>	Known to Occur	Unknown	
Great Horned Owl	<i>Bubo virginianus</i>	Known to Occur	Fairly Common	Confirmed
Long-eared Owl	<i>Asio otus</i>	Known to Occur	Rare	
Short-eared Owl	<i>Asio flammeus</i>	Known to Occur	Rare	
Common Nighthawk	<i>Chordeiles minor</i>	Known to Occur	Fairly Common	
Common Poorwill	<i>Phalaenoptilus nuttallii</i>	Known to Occur	Fairly Common	
Chimney Swift	<i>Chaetura pelagica</i>	Known to Occur	Fairly Common	
White-throated Swift	<i>Aeronautes saxatalis</i>	Known to Occur	Common	
Broad-tailed Hummingbird	<i>Selasphorus platycercus</i>	Known to Occur	Fairly Common	
Rufous Hummingbird	<i>Selasphorus rufus</i>	Known to Occur	Uncommon	
Belted Kingfisher	<i>Ceryle alcyon</i>	Known to Occur	Uncommon	
Lewis' Woodpecker	<i>Melanerpes lewis</i>	Known to Occur	Uncommon	
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Known to Occur	Uncommon	
Downy Woodpecker	<i>Picoides pubescens</i>	Known to Occur	Uncommon	Confirmed
Hairy Woodpecker	<i>Picoides villosus</i>	Known to Occur	Uncommon	Confirmed
Northern Flicker	<i>Colaptes auratus</i>	Known to Occur	Common	Confirmed
Olive-sided Flycatcher	<i>Contopus cooperi</i>	Known to Occur	Uncommon	
Western Wood-Pewee	<i>Contopus sordidulus</i>	Known to Occur	Common	
Willow Flycatcher	<i>Empidonax traillii</i>	Known to Occur	Uncommon	
Least Flycatcher	<i>Empidonax minimus</i>	Known to Occur	Casual\Accidental	
Hammond's Flycatcher	<i>Empidonax hammondi</i>	Known to Occur	Fairly Common	
Dusky Flycatcher	<i>Empidonax oberholseri</i>	Known to Occur	Uncommon	
Cordilleran Flycatcher	<i>Empidonax occidentalis</i>	Known to Occur	Fairly Common	
Eastern Phoebe	<i>Sayornis phoebe</i>	Known to Occur	Unknown	
Say's Phoebe	<i>Sayornis saya</i>	Known to Occur	Uncommon	
Western Kingbird	<i>Tyrannus verticalis</i>	Known to Occur	Common	
Eastern Kingbird	<i>Tyrannus tyrannus</i>	Known to Occur	Fairly Common	

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Horned Lark	<i>Eremophila alpestris</i>	Known to Occur	Common	
Tree Swallow	<i>Tachycineta bicolor</i>	Known to Occur	Fairly Common	
Violet-green Swallow	<i>Tachycineta thalassina</i>	Known to Occur	Common	
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	Known to Occur	Fairly Common	
Bank Swallow	<i>Riparia riparia</i>	Known to Occur	Common	
Cliff Swallow	<i>Petrochelidon pyrrhonota</i>	Known to Occur	Abundant	
Barn Swallow	<i>Hirundo rustica</i>	Known to Occur	Abundant	
Blue Jay	<i>Cyanocitta cristata</i>	Known to Occur	Fairly Common	
Black-billed Magpie	<i>Pica pica</i>	Known to Occur	Common	
American Crow	<i>Corvus brachyrhynchos</i>	Known to Occur	Common	
Common Raven	<i>Corvus corax</i>	Known to Occur	Fairly Common	
Black-capped Chickadee	<i>Poecile atricapillus</i>	Known to Occur	Fairly Common	Confirmed
Mountain Chickadee	<i>Poecile gambeli</i>	Known to Occur	Common	
Bushtit	<i>Psaltriparus minimus</i>	Known to Occur	Rare	Confirmed
White-breasted Nuthatch	<i>Sitta carolinensis</i>	Known to Occur	Fairly Common	Confirmed
Rock Wren	<i>Salpinctes obsoletus</i>	Known to Occur	Fairly Common	
Canyon Wren	<i>Catherpes mexicanus</i>	Known to Occur	Uncommon	
Carolina Wren	<i>Thryothorus ludovicianus</i>	Known to Occur	Unknown	
Bewick's Wren	<i>Thryomanes bewickii</i>	Known to Occur	Common	
House Wren	<i>Troglodytes aedon</i>	Known to Occur	Common	Confirmed
Ruby-crowned Kinglet	<i>Regulus calendula</i>	Known to Occur	Common	
Eastern Bluebird	<i>Sialia sialis</i>	Known to Occur	Unknown	
Western Bluebird	<i>Sialia mexicana</i>	Known to Occur	Uncommon	
Mountain Bluebird	<i>Sialia currucoides</i>	Known to Occur	Common	
Townsend's Solitaire	<i>Myadestes townsendi</i>	Known to Occur	Fairly Common	
Veery	<i>Catharus fuscescens</i>	Known to Occur	Unknown	
Swainson's Thrush	<i>Catharus ustulatus</i>	Known to Occur	Fairly Common	
Hermit Thrush	<i>Catharus guttatus</i>	Known to Occur	Common	
American Robin	<i>Turdus migratorius</i>	Known to Occur	Common	Confirmed
Gray Catbird	<i>Dumetella carolinensis</i>	Known to Occur	Uncommon	
Northern Mockingbird	<i>Mimus polyglottos</i>	Known to Occur	Rare	
Sage Thrasher	<i>Oreoscoptes montanus</i>	Known to Occur	Rare	
Brown Thrasher	<i>Toxostoma rufum</i>	Known to Occur	Very Rare	
American Pipit	<i>Anthus rubescens</i>	Known to Occur	Fairly Common	
Bohemian Waxwing	<i>Bombycilla garrulus</i>	Known to Occur	Unknown	Confirmed

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Cedar Waxwing	<i>Bombycilla cedrorum</i>	Known to Occur	Unknown	Confirmed
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Known to Occur	Rare	
European Starling	<i>Sturnus vulgaris</i>	Known to Occur	Abundant	Confirmed
Plumbeous Vireo	<i>Vireo plumbeus</i>	Known to Occur	Fairly Common	
Warbling Vireo	<i>Vireo gilvus</i>	Known to Occur	Common	Confirmed
Red-eyed Vireo	<i>Vireo olivaceus</i>	Known to Occur	Rare	
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	Known to Occur	Unknown	
Orange-crowned Warbler	<i>Vermivora celata</i>	Known to Occur	Rare	
Virginia's Warbler	<i>Vermivora virginiae</i>	Known to Occur	Fairly Common	
Yellow Warbler	<i>Dendroica petechia</i>	Known to Occur	Fairly Common	Confirmed
Chestnut-sided Warbler	<i>Dendroica pensylvanica</i>	Known to Occur	Casual\Accidental	
Yellow-rumped Warbler	<i>Dendroica coronata</i>	Known to Occur	Common	
Black-throated Gray Warbler	<i>Dendroica nigrescens</i>	Known to Occur	Unknown	
American Redstart	<i>Setophaga ruticilla</i>	Known to Occur	Rare	
Ovenbird	<i>Seiurus aurocapillus</i>	Known to Occur	Very Rare	Confirmed
Northern Waterthrush	<i>Seiurus noveboracensis</i>	Known to Occur	Unknown	
MacGillivray's Warbler	<i>Oporornis tolmiei</i>	Known to Occur	Uncommon	
Common Yellowthroat	<i>Geothlypis trichas</i>	Known to Occur	Fairly Common	
Hooded Warbler	<i>Wilsonia citrina</i>	Known to Occur	Casual\Accidental	
Wilson's Warbler	<i>Wilsonia pusilla</i>	Known to Occur	Fairly Common	
Yellow-breasted Chat	<i>Icteria virens</i>	Known to Occur	Fairly Common	
Western Tanager	<i>Piranga ludoviciana</i>	Known to Occur	Fairly Common	
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	Known to Occur	Casual\Accidental	
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>	Known to Occur	Fairly Common	
Blue Grosbeak	<i>Guiraca caerulea</i>	Known to Occur	Fairly Common	
Lazuli Bunting	<i>Passerina amoena</i>	Known to Occur	Fairly Common	
Indigo Bunting	<i>Passerina cyanea</i>	Known to Occur	Uncommon	
Green-tailed Towhee	<i>Pipilo chlorurus</i>	Known to Occur	Common	
Spotted Towhee	<i>Pipilo maculatus</i>	Known to Occur	Fairly Common	Confirmed
Rufous-crowned Sparrow	<i>Aimophila ruficeps</i>	Known to Occur	Unknown	
Chipping Sparrow	<i>Spizella passerina</i>	Known to Occur	Common	
Brewer's Sparrow	<i>Spizella breweri</i>	Known to Occur	Rare	
Field Sparrow	<i>Spizella pusilla</i>	Known to Occur	Unknown	
Vesper Sparrow	<i>Poocetes gramineus</i>	Known to Occur	Common	
Lark Sparrow	<i>Chondestes grammacus</i>	Known to Occur	Fairly Common	

Potential Vertebrate Wildlife Species List

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Lark Bunting	<i>Calamospiza melanocorys</i>	Known to Occur	Uncommon	
Savannah Sparrow	<i>Passerculus sandwichensis</i>	Known to Occur	Fairly Common	
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Known to Occur	Uncommon	
Fox Sparrow	<i>Passerella iliaca</i>	Known to Occur	Uncommon	
Song Sparrow	<i>Melospiza melodia</i>	Known to Occur	Fairly Common	
Lincoln's Sparrow	<i>Melospiza lincolni</i>	Known to Occur	Common	
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	Known to Occur	Common	
Dark-eyed Junco	<i>Junco hyemalis</i>	Known to Occur	Common	
Bobolink	<i>Dolichonyx oryzivorus</i>	Known to Occur	Uncommon	
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Known to Occur	Abundant	Confirmed
Western Meadowlark	<i>Sturnella neglecta</i>	Known to Occur	Common	
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	Known to Occur	Abundant	
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	Known to Occur	Common	
Common Grackle	<i>Quiscalus quiscula</i>	Known to Occur	Abundant	
Brown-headed Cowbird	<i>Molothrus ater</i>	Known to Occur	Common	
Bullock's Oriole	<i>Icterus bullockii</i>	Known to Occur	Common	
Cassin's Finch	<i>Carpodacus cassinii</i>	Known to Occur	Fairly Common	
House Finch	<i>Carpodacus mexicanus</i>	Known to Occur	Abundant	
Pine Siskin	<i>Carduelis pinus</i>	Known to Occur	Common	
Lesser Goldfinch	<i>Carduelis psaltria</i>	Known to Occur	Fairly Common	
American Goldfinch	<i>Carduelis tristis</i>	Known to Occur	Fairly Common	
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Known to Occur	Fairly Common	
House Sparrow	<i>Passer domesticus</i>	Known to Occur	Fairly Common	Confirmed
MAMMALS				
Common Name	Scientific Name	Occurrence Code	Abundance Code	
Virginia Opossum	<i>Didelphis virginiana</i>	Known to Occur	Casual\Accidental	
Least Shrew	<i>Cryptotis parva</i>	Known to Occur	Uncommon	
Western Small-footed Myotis	<i>Myotis ciliolabrum</i>	Known to Occur	Common	
Long-eared Myotis	<i>Myotis thysanodes</i>	Likely to Occur	Undetermined	
Little Brown Myotis	<i>Myotis lucifugus</i>	Likely to Occur	Undetermined	
Fringed Myotis	<i>Myotis thysanodes</i>	Likely to Occur	Undetermined	
Silver-haired Bat	<i>Lasionycteris noctivagans</i>	Known to Occur	Common	
Long-legged Myotis	<i>Myotis volans</i>	Likely to Occur	Undetermined	
Hoary Bat	<i>Lasiurus cinereus</i>	Likely to Occur	Undetermined	
Big Brown Bat	<i>Eptesicus fuscus</i>	Likely to Occur	Undetermined	

Common Name	Scientific Name	Occurrence Code	Abundance Code	Confirmed on Property
Townsend's Big-eared Bat	<i>Plecotus townsendii</i>	Likely to Occur	Undetermined	
Eastern Cottontail	<i>Sylvilagus floridanus</i>	Known to Occur	Uncommon	
Spotted Ground Squirrel	<i>Spermophilus spilosoma</i>	Known to Occur	Uncommon	
Thirteen-lined Ground Squirrel	<i>Spermophilus tridecemlineatus</i>	Known to Occur	Common	
Rock Squirrel	<i>Spermophilus variegatus</i>	Known to Occur	Fairly Common	
Fox Squirrel	<i>Sciurus niger</i>	Known to Occur	Common	
Plains Pocket Mouse	<i>Perognathus flavescens</i>	Known to Occur	Fairly Common	
Plains Harvest Mouse	<i>Reithrodontomys montanus</i>	Likely to Occur	Unknown	
Western Harvest Mouse	<i>Reithrodontomys megalotis</i>	Likely to Occur	Unknown	
Deer Mouse	<i>Peromyscus maniculatus</i>	Known to Occur	Abundant	
Northern Grasshopper Mouse	<i>Onychomys leucogaster</i>	Known to Occur	Fairly Common	
Mexican Woodrat	<i>Neotoma mexicana</i>	Known to Occur	Fairly Common	
House Mouse	<i>Mus musculus</i>	Known to Occur	Abundant	
Norway Rat	<i>Rattus norvegicus</i>	Known to Occur	Common	
Meadow Vole	<i>Microtus pennsylvanicus</i>	Known to Occur	Common	
Coyote	<i>Canis latrans</i>	Known to Occur	Abundant	Confirmed
Red Fox	<i>Vulpes vulpes</i>	Known to Occur	Abundant	Confirmed
Gray Fox	<i>Urocyon cinereoargenteus</i>	Known to Occur	Uncommon	
Raccoon	<i>Procyon lotor</i>	Known to Occur	Abundant	
Striped Skunk	<i>Mephitis mephitis</i>	Known to Occur	Abundant	
Mule Deer	<i>Odocoileus hemionus</i>	Known to Occur	Abundant	
White-tailed Deer	<i>Odocoileus virginianus</i>	Known to Occur	Common	
REPTILES				
Snapping Turtle	<i>Chelydra serpentina</i>	Known to Occur	Uncommon	Confirmed
Painted Turtle	<i>Chrysemys picta</i>	Known to Occur	Uncommon	
Racer	<i>Coluber constrictor</i>	Known to Occur	Sparsely Common	
Milk Snake	<i>Lampropeltis triangulum</i>	Known to Occur	Rare	
Smooth Green Snake	<i>Liophorophis vernalis</i>	Known to Occur	Rare	
Gopher Snake	<i>Pituophis catenifer</i>	Known to Occur	Sparsely Common	
Plains Black-headed Snake	<i>Tantilla nigriceps</i>	Known to Occur	Rare	
Western Terrestrial Garter Snake	<i>Thamnophis elegans</i>	Known to Occur	Fairly Common	
Plains Garter Snake	<i>Thamnophis radix</i>	Known to Occur	Fairly Common	
Lined Snake	<i>Tropidoclonion lineatum</i>	Known to Occur	Rare	

OCCURRENCE CLASSIFICATION CRITERIA

The following are categories used to classify species occurrence on a county basis for the purposes of the NDIS project.

CATEGORY	DEFINITION
Known to Occur	Species or sub-species known to occur in the county from actual records or sightings.
Likely to Occur	No known records or sightings exist for the county, but the species is suspected to occur because of its proximity to adjacent counties having known records or the availability of suitable habitats.

SPECIES CLASSIFICATIONS FOR ABUNDANCE

The following are the abundance classes which will be used to categorize species abundance on a county basis for the purposes of the NDIS project. The categories are intended to be objective in the sense that specific numbers of individuals or groups are used to define the abundance class.

AMPHIBIANS

CATEGORY	DEFINITION
Common	10 or more individual adults or 4 or more breeding aggregations can usually be observed, and the species can usually be found in 75-100% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Fairly Common	5 to 10 individual adults or 2 to 3 breeding aggregations can usually be observed, and the species can usually be found in 50-75% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.

AMPHIBIANS (continued)

Locally Common	10 or more individual adults or 4 or more breeding aggregations can usually be observed, and the species can usually be found in 0-33% of sites surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Sparsely Common	1 individual adult or 1 breeding aggregation can usually be observed in 67-100% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Uncommon	Fewer than 5 individual adults or at most 1 breeding aggregation can usually be observed, and the species can usually be found in less than 50% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Rare	Fewer than 5 individual adults or 1 to 2 breeding aggregations can usually be observed, and the species can usually be found in less than 50% of areas surveyed in a single season by standard techniques and in appropriate seasons and habitats.
Very Rare	Fewer than 10 records (including all historic records) for the state.
Extirpated	Known to have historically occurred, but known to no longer be present in a natural and free roaming condition.
Unknown	Can not be placed in any of the abundance categories above due to lack of information.

BIRDS

CATEGORY	DEFINITION
Abundant	Observed daily; >100/day in appropriate season and habitat
Common	Observed daily; 25-100/day in appropriate season and habitat
Fairly Common	Observed daily; 10-25/day in appropriate season and habitat
Uncommon	Usually observed daily in appropriate season and habitat; 1-10/day OR species may be gregarious so that a large group may be observed at one time, but usually only 1-2 groups per day is observed.
Rare	Usually not observed daily in appropriate season and habitat; 1-5/day and 1-10/season OR species may be gregarious so that a large group may be observed at one time, but usually only 1 group is observed.

BIRDS (continued)

Very Rare	10-40 records (includes all historical records) for the state as a whole
Casual/Accidental	1-9 records (includes all historical records)
Extirpated	Known to have historically occurred, but known to no longer be present
Unknown	Known to occur, but can't be placed in any of the abundance categories above

MAMMALS

CATEGORY	DEFINITION
Abundant	Observed daily; >100/day in appropriate season and habitat OR the dominant species (in terms of number) collected by standard techniques in appropriate season and habitat
Common	Observed daily; 25-100/day in appropriate season and habitat OR one of the most common species collected by standard techniques in appropriate season and habitat
Fairly Common	Observed daily; 10-25/day in appropriate season and habitat OR expected to be collected daily in small numbers by standard techniques in appropriate season and habitat
Uncommon	Usually observed daily in appropriate season and habitat; 1-10/day OR species may be gregarious so that a large group may be observed at one time, but usually only 1-2 groups per day is observed OR usually collected daily in appropriate season and habitat
Rare	Usually not observed daily in appropriate season and habitat; 1-5/day and 1-10/season OR species may be gregarious so that a large group may be observed at one time, but usually only 1 group is observed OR usually not collected daily in appropriate season
Very Rare	10-40 records (includes all historical records) for the state as a whole
Casual/Accidental	1-9 records (includes all historical records) for the state as a whole
Extirpated	Known to have historically occurred, but known to no longer be present
Unknown	Known or Likely to occur, but can't be placed in any of the abundance categories above.

REPTILES

CATEGORY	DEFINITION
Common	10 or more individual adults can usually be observed, and the species can usually be found in 75-100% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Fairly Common	5 to 10 individual adults can usually be observed, and the species can usually be found in 50-75% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Locally Common	10 or more individual adults can usually be observed, and the species can usually be found in 0-33% of sites surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Sparsely Common	1 individual adult can usually be observed in 67-100% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Uncommon	Fewer than 5 individual adults can usually be observed, and the species can usually be found in less than 50% of areas surveyed in a single day by standard techniques and in appropriate seasons and habitats.
Rare	Fewer than 5 individual adults can usually be observed, and the species can usually be found in less than 50% of areas surveyed in a single season by standard techniques and in appropriate seasons and habitats.
Very Rare	Fewer than 10 records (including all historic records) for the state.
Extirpated	Known to have historically occurred, but known to no longer be present in a natural and free roaming condition.
Unknown	Can not be placed in any of the abundance categories above due to lack of information.

2-Dimensional Depiction of Amphibian and Reptile Abundance Classes

	0-33% of Sites	34-66% of Sites	67-100% of Sites
10 Individual/Sites	Locally Common	Fairly Common	Common
2-10 Individuals/Sites	Uncommon	Fairly Common	Fairly Common
1 Individual/Site	Rare	Uncommon	Sparsely Common

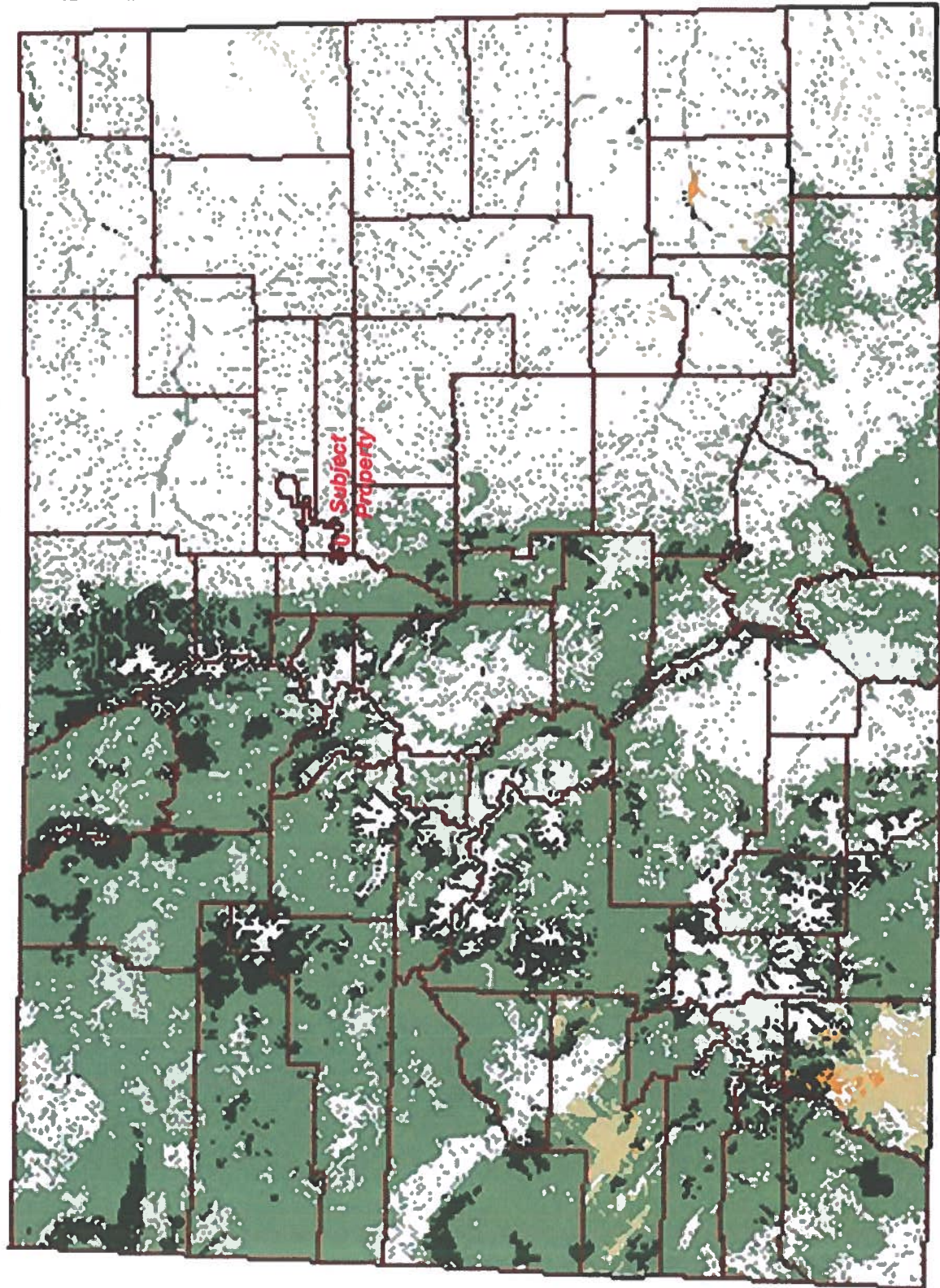
Note: Above table created by Hammerson to more easily depict Abundance Criteria.

APPENDIX 9B

SPECIES OF CONCERN

INFORMATION

Colorado Gap Analysis Project Northern Leopard Frog (*Rana pipiens*)



CoGap Code: 5020191
Bement Code: 444801170

20 0 20 40 60 80 kilometers

APPENDIX 10A

**NATIONAL REGISTER OF
HISTORIC PLACES
CERTIFICATE**



COLORADO HISTORICAL SOCIETY

This is to certify that the

Hopkins Farm

has been listed in the

National Register of Historic Places

by the

United States Department of the Interior

on

April 24, 2007

Mark Wolfe

Deputy State Historic Preservation Officer



OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

May 6, 2007

Mrs Keith Anderson
4400 E Quincy Ave
Englewood CO 80113

Re: National Register of Historic Places listing of the Hopkins Farm

Dear Mrs. Anderson:

It is my pleasure to announce the listing of the Hopkins Farm, 4400 E. Quincy Ave. in Englewood, on the National Register of Historic Places and the Colorado State Register of Historic Properties. The listing took place on April 24, 2007, in recognition of this property's contribution to the heritage of the State of Colorado. A copy of the official notification of designation is enclosed.

On behalf of Governor Ritter, the Colorado Historic Preservation Review Board, and the Colorado Historical Society, I extend to you our congratulations and our sincere appreciation for your continuing interest in historic preservation. If you have questions about listing or other aspects of the National Register program, please contact our office at 303-866-3392 or oa hp@chs.state.co.us for further information.

Sincerely,

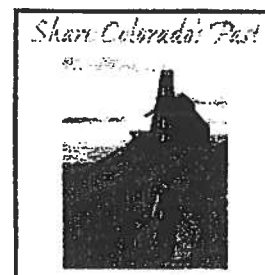
Mark Wolfe
Deputy State Historic Preservation Officer

Enclosures

Designation
Certificate
Plaque sources
Customer survey

Share Colorado's Past

**Colorado Archaeology and Historic Preservation Month
May 2007**



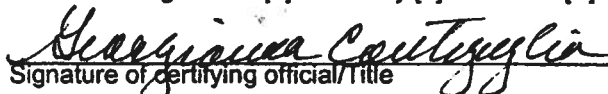
A program of the
COLORADO HISTORICAL SOCIETY

United States Department of the Interior
National Park Service
**National Register of Historic Places
Registration Form**

This form is for use in nominating or requesting determination for individual properties and districts. See instruction in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Propertyhistoric name Hopkins Farmother names/site number Blackmer Estate; Quincy Farm; 5AH.2932**2. Location**street & number 4400 E. Quincy Avenue [N/A] not for publicationcity or town Englewood [N/A] vicinitystate Colorado code CO county Arapahoe code 005 zip code 80113**3. State/Federal Agency Certification**

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this
[X] nomination [] request for determination of eligibility meets the documentation standards for registering properties in the
National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In
my opinion, the property [X] meets [] does not meet the National Register criteria. I recommend that this property be
considered significant [] nationally [] statewide [X] locally. ([] See continuation sheet for additional comments.)



State Historic Preservation Officer

2/22/07
DateOffice of Archaeology and Historic Preservation, Colorado Historical Society
State or Federal agency and bureau

In my opinion, the property [] meets [] does not meet the National Register criteria.
([] See continuation sheet for additional comments.)

Signature of certifying official/Title

Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

Signature of the Keeper

Date of Action

- [] entered in the National Register
[] See continuation sheet.
[] determined eligible for the
National Register
[] See continuation sheet.
[] determined not eligible for the
National Register.
[] removed from the
National Register
[] other, explain
[] See continuation sheet.

APPENDIX 10B

**NATIONAL REGISTER OF
HISTORIC PLACES
NOMINATION FORM**

NATIONAL REGISTER NOMINATION CHECK-OFF LIST

(Revised 3-2005)

The check-off list is provided to insure that all necessary materials are turned in with the nomination form. Check off each item as you prepare the nomination for mailing and include the check-off list in the mailing. The Colorado Historical Society will use the list to verify the receipt of all materials.

Property Name _____

Required Nomination Materials

Sent Received

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Computer disk containing Registration Form and all Continuation Sheets
(hard copy of Registration Form with Continuation Sheets is not required if disk is submitted) |
| <input type="checkbox"/> | <input type="checkbox"/> | Completed 4 page Registration Form |
| | | Continuation Sheets for: |
| <input type="checkbox"/> | <input type="checkbox"/> | • Multiple Property Owners (if applicable) |
| <input type="checkbox"/> | <input type="checkbox"/> | • Description |
| <input type="checkbox"/> | <input type="checkbox"/> | • Significance Statement |
| <input type="checkbox"/> | <input type="checkbox"/> | • Bibliography |
| <input type="checkbox"/> | <input type="checkbox"/> | • Verbal Boundary Description |
| <input type="checkbox"/> | <input type="checkbox"/> | • Boundary Justification |
| <input type="checkbox"/> | <input type="checkbox"/> | Sketch map(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | USGS topographic map |
| <input type="checkbox"/> | <input type="checkbox"/> | Black & white photographs - 2 sets |
| | | SEE NEW NATIONAL REGISTER PHOTO
POLICY BEFORE SUBMITTING
http://www.cr.nps.gov/nr/policyexpansion.htm |
| <input type="checkbox"/> | <input type="checkbox"/> | Color prints or digital images |
| <input type="checkbox"/> | <input type="checkbox"/> | Proof of ownership |

Office Use Only

Date Received _____

Materials checked in by:

Name

Date

Please Note: Official nomination submissions must contain all required materials, including the nomination form, maps and photographs. Exceptions may occur only with the advance approval of the OAHP nomination staff. Only complete and adequately documented nominations will be scheduled for Review Board consideration. Draft nominations may be submitted at any time for staff review.

Use of Nomination Materials

Upon submission to the Office of Archaeology and Historic Preservation, all nomination forms and supporting materials become public records pursuant to CRS Title 24, and may be accessed, copied, and used for personal or commercial purposes in accordance with state law unless otherwise specifically exempted. The Colorado Historical Society may reproduce, publish, display, perform, prepare derivative works or otherwise use the nomination materials for Society and/or National Register purposes.

Mail or deliver all nomination materials to:

Colorado Historical Society
Attn: National Register
225 E. 16th Avenue, Suite 950
Denver, CO 80203-1606

United States Department of the Interior
National Park Service
**National Register of Historic Places
Registration Form**

This form is for use in nominating or requesting determination for individual properties and districts. See instruction in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of PropertyHistoric name Hopkins Farmother names/site number Blackmer Estate, Quincy Farm 5AH2932**2. Location**street & number 4400 East Quincy Avenue [N/A] not for publicationcity or town Englewood [N/A] vicinitystate Colorado code CO county Arapahoe code AH zip code 80113**3.**

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this ☐ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant ☐ nationally ☐ statewide ☐ locally. (☐ See continuation sheet for additional comments.)

State Historic Preservation Officer

Signature of certifying official/Title

Date

Office of Archaeology and Historic Preservation, Colorado Historical Society
State or Federal agency and bureau

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria.
(☐ See continuation sheet for additional comments.)

Signature of certifying official/Title

Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

Signature of the Keeper

Date of Action

- ☐ entered in the National Register
☐ See continuation sheet.
- ☐ determined eligible for the
National Register
☐ See continuation sheet.
- ☐ determined not eligible for the
National Register.
- ☐ removed from the National Register
☐ See continuation sheet.
- ☐ other, explain
☐ See continuation sheet.

Hopkins Farm/Quincy Farm
Name of Property

Arapahoe County, Colorado
County/State

5. Classification

Ownership of Property

(Check as many boxes as apply)

☒ private
☐ public-local
☐ public-State
☐ public-Federal

Category of Property

(Check only one box)

☐ building(s)
☒ district
☐ site
☐ structure
☐ object

Number of Resources within Property

(Do not count previously listed resources.)

Contributing	Noncontributing	
<u>7</u>	<u>0</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>3</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>10</u>	<u>0</u>	Total

Name of related multiple property listing.

(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register.

0

6. Function or Use

Historic Function

(Enter categories from instructions)

Agriculture/Subsistence
Domestic

Current Functions

(Enter categories from instructions)

Agriculture/Subsistence
Domestic

7. Description

Architectural Classification

(Enter categories from instructions)

Late 19th and Early 20th Century American
Movements/Classic Cottage; Colonial Revival

Materials

(Enter categories from instructions)

foundation	<u>Stone; Concrete</u>
walls	<u>Brick; Wood/Weatherboard</u>
roof	<u>Slate; Synthetics</u>
other	

Narrative Description

Hopkins Farm/Quincy Farm
Name of Property

Arapahoe County, Colorado
County/State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ **B** Property is associated with the lives of persons significant in our past.
- ☒ **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ **D** Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- ☐ **A** owned by a religious institution or used for religious purposes.
- ☐ **B** removed from its original location.
- ☐ **C** a birthplace or grave.
- ☐ **D** a cemetery.
- ☐ **E** a reconstructed building, object, or structure.
- ☐ **F** a commemorative property.
- ☐ **G** less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Agriculture
Architecture

Periods of Significance

1898
1934-1951

Significant Dates

1898
1934

Significant Person(s)

(Complete if Criterion B is marked above).

None

Cultural Affiliation

Euro-American

Architect/Builder

Hopkins House not known
Blackmer-Honnen-Anderson House &
Blackmer farm buildings
Roland L. Linder/Architect

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey

- ☐ recorded by Historic American Engineering Record

Primary location of additional data:

- ☒ State Historic Preservation Office
- ☐ Other State Agency
- ☐ Federal Agency
- ☐ Local Government
- ☐ University
- ☐ Other

Name of repository:

Colorado Historical Society

Hopkins Farm/Quincy Farm
Name of Property

Arapahoe County, Colorado
County/State

10. Geographical Data

Acreage of Property 17.556

UTM References

(Place additional UTM references on a continuation sheet.)

1. (NAD27)
- | Zone | Easting | Northing |
|------|---------|----------|
| | | |
- 2.
- | Zone | Easting | Northing |
|------|---------|----------|
| | | |
- 3.
- | Zone | Easting | Northing |
|------|---------|----------|
| | | |
- 4.
- | Zone | Easting | Northing |
|------|---------|----------|
| | | |
- [] See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Jeri Neff and Barbara Norgren
organization None date November 14, 2006
street & number 4400 East Quincy Ave. telephone 303-771-5064
city or town Englewood state CO zip code 80113

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional Items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of SHPO or FPO.)

Name Mrs. Keith Anderson
street & number 4400 East Quincy Ave. telephone 303-771-4113
city or town Englewood state CO zip code 80113

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*)

Estimated Burden Statement: Public reporting burden for this form is estimated to range from approximately 18 hours to 36 hours depending on several factors including, but not limited to, how much documentation may already exist on the type of property being nominated and whether the property is being nominated as part of a Multiple Property Documentation Form. In most cases, it is estimated to average 36 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form to meet minimum National Register documentation requirements. Direct comments regarding this burden

(Describe the historic and current condition of the property on one or more continuation sheets.)

estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, 1849 C St., NW, Washington, DC 20240.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number 7 Page 1

DESCRIPTION[BJN1]

Quincy Farm is located at 4400 East Quincy Avenue in Cherry Hills Village, Arapahoe County, Colorado in the NW of Section 7, Township 5S, Range 67 W (See attached boundary map). The current owner of the farm since 1964 is Mrs. Keith (Catherine H.) Anderson. In the early part of the 20th century, this rural property originally consisted of 275 acres accumulated by Myron Kerr Blackmer and now is 17.556 acres that contains the buildings associated with the farm. Mrs. Anderson also owns the portion of the Highline Canal which runs through the property from south to north and leaves the property under a bridge at East Quincy Avenue. The Denver Water Board has an easement for the ditch from Mrs. Anderson. The ditch road along the east side of the canal was opened to the public as a bike and pedestrian trail in 1970. The entrance into the farm is on the south side of East Quincy Avenue and immediately west of the Highline Canal. A narrow blacktop driveway leads into the farm along the west side of the canal. It passes the east side of the Hopkins House where there is a small semicircular gravel driveway at the south rear of the house. The blacktop driveway continues south to the Blackmer-Honnen-Anderson house where it circles around a small grassy island containing the garage and returns to the north.

On the east side of the canal and south of Quincy Avenue is the farm's barnyard containing a residential building and a small barn on the north, a large barn and small chicken coop on the south and a horse stall structure to the east. The barnyard is reached by the farm's occupants from the west across a wooden bridge over the canal added during Myron Blackmer's ownership. There is also a driveway into the barnyard from East Quincy Avenue that runs between the house and the baby (small) barn.

One of the significant features of Quincy Farm is the rural setting consisting of open pastures bordered by rail fences, mature trees, shrubs, lawns and flower gardens around the houses. Among the significant old trees and shrubs are American elms, oak and hawthorn trees in addition to the multitude of lilac bushes around the houses and along the canal. At the southern boundary of the property is a pond and pump house used for irrigation on the property which is reached by the ditch road along the canal. (Refer to sketch map). The large old cottonwood trees along the canal through Quincy Farm have been protected by the owner from clearing by the Denver Water Board such as has happened on other parts of the canal.

When Myron K. Blackmer owned the property there was a 2 story garage building southeast of the Blackmer-Honnen-Anderson house that originally was a multi-bay garage with a second-floor apartment for the help. When Ed Honnen purchased the property in the 1950s, he converted the garage into a rental house. On August 23, 1965 Mrs. Anderson sold this house and part of the land and this parcel is no longer part of Quincy Farm.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number 7 Page 2

QUINCY FARM BUILDINGS AND STRUCTURES

1. James C. Hopkins House	1898	Building	Contributing
2. Blackmer-Honnen-Anderson House	1934	Building	Contributing
3. Small Garage	1934	Building	Contributing
4. Horse Stable/Farm House	1934, 1950s	Building	Contributing
5. Big Barn	ca 1936	Building	Contributing
6. Cow Barn/Baby Barn	1934	Building	Contributing
7. Machine Shop/Horse Stalls	1936, 1950s	Building	Contributing
8. Highline Canal	1883	Structure	Contributing
9. Irrigation Pond	Late 19 th century	Structure	Contributing
10. Pond Pump House	1920s	Structure	Contributing

Upon entering the farm, the first building on the right side of the driveway is the James C. Hopkins House, built circa 1898 by James C. and Grace M. Hopkins. The house is significant in that it is the oldest, intact farm house remaining in Cherry Hills Village. This north facing house is very visible from East Quincy Avenue and has become a visual landmark in the area. It sits behind a row of low juniper shrubs along the road and a green expanse of lawn with mature trees that partially block the view of the house. On the east side near the rear of the house is a semicircular gravel drive. There is a small east-side porch near the rear of the house.

The architectural style of the Hopkins House is a High Style Classic Cottage which is a subtype of the Classic Cottage and displays many of the common elements featured in New Architecture Styles/Types Added to Lexicon by Holly Wilson. This turn-of-the-century rectangular plan house is typical of the late nineteenth and early twentieth century High Style Classic Cottage in that it has multiple dormers creating a one-and-half story house, a Palladian style dormer window, two bay windows, red brick walls with a belt course and foundations, window sills and lintels of rock faced stone.

The original red brick exterior and stone foundation, sills and lintels were painted white at some unknown date. (See copy of undated historic photo). The roof has deep overhanging eaves with gable-end returns and dark colored slate shingles that replaced the heavy wood shingles damaged by a hail storm after 1963. The undersides of the eaves are faced in bead board with wood fascia. The front of the roof is partially hipped and has a very large gabled-

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 3

roof dormer with a large Palladian window that is one of the distinctive features of this house. The larger center arched window has narrow windows on either side separated by pilasters which are also on the outside edges of the windows. There is a decorative keystone in the center of the arch. At the gable peak is a diamond shaped attic vent with louvers. There are square wood shingles on the front gable and sides of the dormer. The bottom row of the gable shingles are finished in a saw-tooth pattern. On the east and west sides of the roof, there are smaller dormers faced with square shingles that have truncated hipped roofs and rectangular double hung wood sash windows.

There is a full width one-story front porch on the north side (front) of the house. It has a hipped roof supported by Tuscan wood columns, a wooden balustrade with square balusters in groups of six between these columns and a painted wood porch floor. The porch ceiling is bead board. The historic photo shows the porch steps on the west side of the north facade which led directly to the front door. At some unknown date the steps were switched to the east end of the porch. The front door is paneled wood with glass in the top. East of the front door is a double hung wood sash front window. On the east and west sides of the house there are three sided bay windows with low hipped roofs and three double hung wood sash windows. The center window in the west bay has pilasters on each side and molded lintel. The other first floor windows, as well as all of the basement windows, have segmented arches outlined in brick.

The historic photo shows the small east entry porch with a door that leads into the dining room. This porch had a wooden a balustrade and wooden steps. Today there is a non-original side porch without the balustrade that was rebuilt ca. 1965. There is a full width wooden back porch with a stone foundation and concrete floor across the south (rear). It has a flat roof and a central entry door with a transom. There are multi-pane windows in the upper sections on all three sides of the porch and wood bead board panels on the lower sections and ceiling. The basement steps and a door into the kitchen are inside the porch. The wooden steps on the rear and side porches were rebuilt in 2001.

The rear gable of the house roof has deep eaves, gable-end returns and square shingles. In the center are a wood double-hung wood sash window and a door onto the flat porch roof. In the peak of the gable is a diamond shaped louver. Around the roof of the south (rear) porch directly below is a non-original railing made up of wooden boards forming large X's.

The interior of the Hopkins House retains its original layout of rooms with the exception of two large sliding doors which would have divided the parlor and the dining room. These were removed at an unknown date to open up the space into one large room. These doors are stored in the basement. Throughout the house the excellent examples of period finishes include the original hardwood floors throughout, trim work, paneled doors, fireplace, push button light switches with mother-of-pearl push buttons and brass plates, a built in hutch with drawers and glass front and elaborate wall registers for the original gravity coal furnace.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 4

The first floor still has its original 9-1/2' ceilings with a picture rail around the perimeter of every room. The stairway retains its original unpainted treads and newel posts. The balustrades and risers are painted. The large kitchen features a walk in pantry fitted with the original zinc counter tops, drawers, open shelves, cupboards and two flour bins all with original hardware. The interior possesses more extravagant finishes than are usually found in farmhouses of this period.

A steam boiler dated 1936 replaced the original gravity furnace and radiators were installed throughout the house. This boiler was the source of heat for the house until 2006 when it was replaced with a more efficient model. The radiators are still in use with the new boiler. Much of the home's electricity is still carried by the original knob and tube wiring visible all throughout the basement. The far north basement room had a dirt floor and was called the "Delco Plant" because of the batteries used to generate electricity.

Myron K. Blackmer purchased the Arapahoe County property in 1922, but continued to live in his house at 1212 Grant Street in Denver until 1927 when he moved into his father's former home at 975 E. 7th Avenue also in Denver. In April 1934 he hired Denver architect Roland L. Linder to design a main house some distance south of the Hopkins house. Linder also designed the farm buildings east of the canal later that same year. The Blackmer-Honnen-Anderson house was built in 1934 near the end of the driveway on the west side of a circular drive. It is a two-story Colonial Revival style house with an irregular plan and a hipped main roof section with cross gables and gabled dormers. The roof is covered in non-original slate shingles installed some time after 1963 and has no overhanging eaves. The exterior is clad in wood horizontal (lap or clapboard) siding. The house has an east-facing façade with a front entrance set below the grade of the drive entered by sandstone steps and walk to the front door sheltered by a small shed roof. To the right of the front door is a bay window added in 1968 and designed by Denver architect Charles Sink. To the right of the front entry are a large brick terrace and a grape arbor. There is a large wall chimney to the left of the front door for the living room fireplace which is covered in thick stalks of very old euonymus. The windows on the front are wood sash with six panes in the upper sash and one in the lower. On the south of the house is a large one-story sun room with a shed roof and multi-pane windows that covers the south elevation. It was originally an open terrace that was enclosed at some unknown date. The rear west side has a one story addition with a shed roof and large windows with vertical panes which were added in February of 1965 and designed by Charles Sink. The addition has a bedroom and an enlargement of an existing study. On the north end of the house is a one-story addition for Myron's mother known as Mother Blackmer's room. This replaced an original sleeping porch. It has a hipped roof with cross gables and an exterior door onto the brick patio. Myron Blackmer had an elaborate phone system installed that connected to all the farm buildings.

There is a wood frame garage with a side gabled roof which sits in the center of the circular driveway east of the house. This structure is surrounded by grass, shrubs and trees. On the

United States Department of the Interior
National Park Service

National Register of Historic Places
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south end is a small multipane window. The west elevation has two overhead garage doors facing the front of the house.

The Blackmer-Honnen-Anderson house has very expansive landscaping on the south and west. From the driveway there is an opening between large flower beds that leads onto the large south and west rear lawns edged by a split rail fence between the lawn and the pastures to the west. The south end of the lawn has a screen of trees and bushes. Along with the 1934 house plans was a very elaborate landscaping plan (undated) designed by Iris Ashwell of Upton Gardens. This extensive design covered a very large area of land around the Blackmer-Honnen-Anderson house, but was never constructed as planned.

The barnyard on the east side of the canal is reached by a path from the main drive and a wooden bridge across the canal. The entrance to the barnyard is through a gate where there is a chicken coop and yard with a large barn on the south side, a horse stall and the baby (small) barn on the east and a house with an equipment shed across the north side. All the buildings have wood shingled roofs stained green and horizontal drop siding painted white. The buildings were designed by architect Roland L. Linder (plans dated September 21, 1934). The present day house was originally a horse stable with four stalls and wood plank floors over concrete. There were grain rooms with shed roofs on the north and south sides at the east end of the stable. Today these appear as additions, but were in the original plans. Also on the plans was a two car garage with a pair of bifold doors and gravel floor connected to the west end of the horse stable. Connected to the west end of this garage was an open machine shed with gravel floor and connected to this was an enclosed tool room with a concrete floor. After Ed Honnen purchased the farm in the 1951, he converted the horse stable into a one-and-half story house. The hay loft doors on the east side of the second floor and the two entrance doors were closed up. Dormers were added to both the south and north elevations. The attached garage became a one story study for the house. The entrance door to the house is on the south façade with a small shed roof to shelter the door. There are double hung sash windows on each side of the entrance. The former shed roof grain room on the south side of the house was converted into another entry into the house. The former garage doors were replaced by a large five-lite window with vertical panes. At the west end of the house the machine shed is now a tractor barn and the attached former tool room is now a welding shop. The north (rear) of the house has a gabled roof dormer with two sliding windows. The former north grain room now houses the furnace, water heater and a bathroom. Between the north (rear) and East Quincy Avenue is a yard with wild grasses, mature trees and shrubs. The south (front) of the house has a lawn, flower beds, mature trees, lilac bushes and shrubs. A two rail fence encloses the yard on the east, south and west sides.

East of the house the one-and-half story unaltered baby barn was originally a four stall cow barn with a loft and feed bin. There was a milk house located on the northwest corner of this barn. It has a very steep front gabled roof and entrance doors on the south (front) façade.

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On the north (rear) of the barn is a round louvered vent at the peak of the gable and doors to the hay loft which have two small windows. The first story windows are square with six panes. South of the baby barn is a linear building that was originally built as a machine shed when designed by Linder, June 14, 1936. This has been converted into four horse stalls. The building has a shallow side gabled roof flanked by small front gabled enclosed rooms on each end and were originally tool rooms with concrete floors. The west facing north end room has a door with a four pane window in the top and a slider on the north side. The south end has a similar door and a four pane window on the west front and two sliding windows on the side. Across the west front of the horse stable is a projecting shed roof supported by poles covering the four horse stalls. There are Dutch doors to each of the stalls which are faced with battens (vertical wood boards). On the east (back-side) at the north end of the stalls is a mid-1960s open gabled shed roof addition used as a horse shelter.

The large Craftsman style 1930s barn on the south side of the barnyard is one-and-a-half stories high with a front gabled roof with wide overhanging eaves and exposed rafters with large knee braces under the front gable. In the center of the gable is a rectangular wood double hung six-over-six wood sash. Centered on the roof ridge is a small gabled cupola with louvered openings. The north (front) and south (rear) facades of the barn have pairs of centered bi-fold barn doors with six pane windows in the upper portions. Above the north (front) door opening is a sign with "Quincy Farm" and right of the doors is a double six-over-six window. There is a single window to the left of the doorway. On the west side is an entry door and several rectangular windows. This door leads to what is now the tack room, but was originally an apartment for some of the farm help. All of the windows have architrave surrounds.

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SIGNIFICANCE

Quincy Farm, located within Cherry Hills Village city limits, is nominated as a rural historic district. The farm has an 1898 period of significance for architecture and meets Criterion C for its High Style Classic Cottage design of the Hopkins House. It has a Palladian window in the large front dormer, a full front porch and two bay windows. The farm has a second period of significance for agriculture beginning in 1934 when Myron K. Blackmer hired Roland L. Linder to design the agricultural buildings in addition to his own house. The period ends in 1951 when the farm was sold by Blackmer. Quincy Farm became agricultural land in the late 19th century when the United States Government granted land to the railroads to sell for farm land. The nominated property, a 17.556 acre parcel of what was once the 275 acre Blackmer "Estate", is one of the last rural farms in this area that has retained its agricultural integrity. The farm has an intact collection of 1930s agricultural buildings that have all but disappeared from urban Arapahoe County. In addition, there are fenced pastures, an irrigation pond and a portion of the Highline Canal that runs through the property which all support the agricultural significance.

HISTORY

RAILROAD LAND-GRANT ACT OF 1850

In the late 1800s, much of the undeveloped rural area south of Denver where the Quincy Farm is located was owned by the United States government. In 1850 President Millard Fillmore signed the first Railroad Land-Grant Act that allowed the government to grant odd numbered sections of land to the states to sell to settlers and raise money for the construction of railroads. On May 10, 1883, the Transcontinental Railroad Act gave the Union Pacific Railroad the contract to build the railroad line west from Omaha. These sections of land were eventually sold to settlers who lived there and farmed the land.

The chain of title for Quincy Farm began on May 10, 1883 when the United States Land Patent for the northwest of section 7 was transferred to the Union Pacific Railway Company. Sometime in 1883 or 1884 this land was transfer from the Union Pacific Railway Company to the Platte Land Company. On January 6, 1884, the Platte Land Company sold the northwest quarter of section 7 (160 acres) to Richard Beeson for \$829. Richard and his wife Leannah owned the land from 1884 to December 26, 1888, when they sold it to Marks Amter & Julius Gottberg. In April of 1897 ownership in Section 7 was transferred to the National Bank of Commerce for \$6,000.

In March 1898 the land in Section 7 was sold to John Guthrie Hopkins and his brother, James C. Hopkins. They also owned land in other sections. John Guthrie lived in Graham County, Territory of Arizona and later Albermarle County, Virginia, and brother James C. lived in Arapahoe County, Colorado. James C. and his wife Grace built the brick farm house, the oldest building at Quincy Farm, in 1898. A notarized statement dated December 1898 indicates that a domestic artesian well was put into service December 1, 1898, which was

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for the new house that year. If there were earlier buildings on the farm they are no longer present.

The 1880 United States Census for Cook County, Illinois, showed James C. (b. 1851, age 28) and John Guthrie (age 25) Hopkins living with their mother, Agnes, and working as machinists. Their father was deceased and it also noted that the family had immigrated from Scotland. The Illinois Statewide Marriage Index, 1763-1900 noted that James C. Hopkins married Grace M. Todd in Kane County on June 30, 1886. The same 1880 census showed Grace Todd's family living in Kane County, Illinois. Their family had also immigrated to the United States from Scotland. The 1900 United States Census has James C. (age 48) and Grace M. Hopkins (age 48) living in Arapahoe County, Colorado, with their son, Robert H. (b. 1887 in Illinois) age 12, as well as 2 boarders. James' occupation was listed as a farmer.

The 1910 United States Census has James C. (age 58) and Grace M. Hopkins (age 58) still living in Arapahoe County, Colorado, with their son, Robert (age 22). James was still farming and Robert's occupation was listed as "farm laborer". The 1920 United States Census also shows the Hopkins residing in Arapahoe County, Colorado and working as farmers without their son, Robert. The same census shows Robert H. Hopkins, his wife and son living in Kane County, Illinois. The 1930 United States Census did not have James and Grace Hopkins living in Arapahoe County, Colorado.

James C. Hopkins sold his property to Joseph Anton Kadlecek and his wife Vilma in 1920. Due to a farm accidents to Joseph and his father, Joseph, he sold the property in 1922 to Myron K. Blackmer to raise money for medical care. Myron let the family stay on the farm to continue farming the property until 1933. By then, the family had grown to seven children and they moved from the Hopkins House to a dairy farm further west on East Quincy Avenue. The children went to the school that was on the site of the present day Cherry Hills Village Elementary School.

Quincy Farm is a 17.556 acre parcel which was part of a larger 275 acre parcel of farm land once known as the Blackmer Estate, owned by Myron K. Blackmer from the 1922 to 1951. Myron was the son of wealthy Denver oilman, Henry Myron Blackmer. Ownership of the estate was often mistakenly attributed to Henry in the newspapers of the time, however the Clerk and Recorder's Office in Arapahoe County recorded the land was transferred to Myron K. Blackmer in September of 1922.

Myron Kerr Blackmer, one of two children, was born on February 8, 1893 in Colorado Springs, Colorado to Henry Myron and Helen Kerr Blackmer. He attended Yale University and upon graduation in 1914, served as a Captain in France and Germany in the Army Corps of Engineers. After the war, Myron married Eleanor Anderson in Colorado Springs in 1920 and they had three children, two sons, Boswell A. and Henry M. II and a daughter, Sallie Webster. They then moved to Denver and Myron worked in an executive capacity with his

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father's company, the Midwest Refining Company from 1920 until he retired in 1928. Myron's sister, Margaret, married Erle O. Kistler.

Myron K. Blackmer purchased the property with the 1898 Hopkins house in 1922, but continued to live at 1212 Grant Street in Denver until 1927 when he moved into his father's former house at 975 East 7th Avenue. After Myron moved to his father's house, his sister, Margaret Kistler and her husband moved into Myron's former home at 1212 Grant Street. Blackmer rented the Hopkins house to the former owner, Joseph Anton Kadlecsek and along with his wife and seven children continued to farm the property until 1933. Myron K. Blackmer hired Roland L. Linder to design a large house his family at the farm. The plans for the house are dated April 1934 and the family moved in the same year. The buildings in the barnyard were constructed the same year from plans by Linder dated September 21, 1934.

Roland L. Linder, a well known Denver architect, was born in Nebraska in 1893, went to high school in Sterling, Colorado and on to college at the University of Colorado. He also attended the University of Michigan and spent five years working in the Denver Atelier. He received his architectural license in 1921 upon returning to Denver after serving in World War I. He was the architectural supervisor for the construction of the new City and County Building. Linder worked for architect Eugene G. Groves for a while and later established his own firm. Among his works are the Ft. Collins Library, 1938; Museum of Natural History wings, 1948; Marr Wholesale Grocery building in the Denargo Market area, 1939; the consulting architect for the Denver Coliseum at the Stock Yards, 1950 and reconstruction of the Denver Athletic Club after a fire, 1953. He served as president of the Colorado AIA from 1938 to 1940.

Between ca. 1922 and 1951 Myron K. Blackmer purchased many more parcels of land in this area of Cherry Hills Village that eventually totaled 275 acres. On August 27, 1951, Myron K. Blackmer sold all the land to an investment syndicate of eleven well known Denver business men. They included Ed H. Honnen, Arthur G. Rydstrom, Nicholas Petry, Arthur E. Johnson, Will F. Nicholson, Charles Boettcher II, J. Churchill Owen, Mrs. Henry Blackmer, Aksel Nielson and through Nielson, Dwight D. Eisenhower. When Eisenhower was elected president he transferred his portion of the ownership to his son Major John Eisenhower. (*Cervi's Journal*, March 30, 1960. p. 1.) After the sale of his land, Blackmer and his wife moved into the Brown Palace Hotel in Denver. He died on July 15, 1955 at St. Luke's Hospital in Denver at age 62 after a long illness.

When Blackmer sold the property in 1951, Ed H. Honnen, who owned a prominent construction business, bought a 28 acre portion of the property that contained the Hopkins House and all the Blackmer buildings and named it Quincy Farm. Honnen made a few changes that included converting the horse stable into a small house and converted the large Blackmer garage, south-east of the main house, into a rental house. The Highline

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Canal (former Platte Canal) runs through the property. The water rights to the canal included in the sale were 22 acres water from the canal and 28 acre storage water in the Antero Reservoir that provided for the delivery to the property of 14.66 feet of water each year at the head of the Highline Canal.

Meanwhile the rest of the Blackmer property remained in the hands of the investment syndicate until 1960. In the 1950s and early 1960s, there was speculation that the Denver Country Club was looking for land to construct another 18-hole golf course and there was interest in acquiring a large rural tract such as the Blackmer property or the Grant Farm west of Denver to build another golf course surrounded by large homes. Many of the syndicate members were also members of the Denver Country Club.

By 1960 when the Denver County Club did not buy the Blackmer property, the syndicate sold all of the former Blackmer Estate, except Honnen's 28 acres, to the Gordon Investment Company headed by Mrs. A. J. Gordon, mother-in-law of Harold J. Bleakley, president of the People's Bank of Aurora and vice president of the North Denver Bank. There was speculation that the property would be developed into a luxury resort surrounded by large residential parcels, but those plans never came to fruition. Instead the land became the property of Kent School for Girls in 1963 who later sold some of the land to Denver Country Day School. In 1974 the two schools merged to become Kent-Denver Country Day School.

Ed Honnen and his wife Margaret lived at Quincy Farm from 1951 to 1964. In December of 1964, Catherine H. Anderson and her husband Keith Anderson purchased Quincy Farm from the Honnens. Mr. Anderson died in 2005 and Mrs. Anderson continues to live on Quincy Farm and is donating a conservation easement for the farm to preserve the rural character of her parcel of land and prevent development.

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The Denver Post, "Blackmer Estate Sold for Homes Project." May 17, 1951.

The Denver Post, "Denver Country Day Buys Part of Blackmer Estate from Kent School for Girls" January 30, 1964, p. 32.

Rocky Mountain News, "Myron Blackmer Resigns From Midwest Refining Company" March 1, 1928, np.

Rocky Mountain News, "Henry Blackmer Dies in Switzerland," May 25, 1962, p. 10.

Rocky Mountain News, "Harry Blackmer Leaves Estate of \$5 Million," June 12 1962, p. 54.

Cervi's Journal, "Dwight D. Eisenhower's Investment in Blackmer Property Pays Off." March 30, 1960, p. 1.

Cervi's Journal, "Kent School for Girls to Buy Estate." December, 12, 1962, p. 1.

Owner's Documents

Deed of Sale - 1964

Property Title – 1964

Property Appraisal – 1964

Blue Prints for Mr. and Mrs. Myron K. Blackmer main house at 4400 Quincy Ave. by Roland L Linder, 1934,

Blue Prints for farm buildings at 4400 E. Quincy Ave. by Roland L Linder, Sept. 1934 and 1936,

Blue Prints for Mr. and Mrs. Keith Anderson for additions to main house by Charles Sink, 1968.

Landscape plan for 4400 E. Quincy by Iris Ashwell of Upton Gardens (undated and not constructed)

Landscape plan for Myron K. Blackmer house 975 E. 7th Ave. by Saco Rienk DeBoer, March

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1928

Quincy Farm Boundary (Survey) Map, Drexel, Barrel & Co., Engineers – Surveyors, August 12, 1988

Interviews

Mrs. Keith Anderson interviewed several times during the summer 2006.at Quincy Farm, 4400 East Quincy Ave. Interviewed by Jeri Neff.

Mrs. Atwill Gilman, interviewed several times during the summer 2006 at Quincy Farm, 4400 East Quincy Ave. Interviewed by Jeri Neff.

Kadlecek Family – Three children of former owner and tenant Joseph Anton and Vilma Kadlecek: (Jack Kadlecek; Ruth Kadlecek Parks and daughter, Janet Parks Taylor; Suzy Ellis who is daughter of deceased sister Maryanne Kadlecek and Joan Kadlecek Lippitt. Interviewed during visit to Quincy Farm on November 11, 2006, Interviewed by Jeri Neff, Barbara Norgren, Mrs. Atwell Gilman and Mrs. Keith Anderson.

Other Sources

Holly Wilson. New Architecture Styles/Types Added to Lexicon. (High Style Classic Cottage)

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GEOGRAPHICAL DATA

VERBAL BOUNDARY DESCRIPTION

Please see the Quincy Farm Boundary (Survey) Map, by Drexel, Barrel & Co., Engineers – Surveyors, August 12, 1988

BOUNDARY JUSTIFICATION

The boundary of Quincy Farm is the property containing the 17.556 acres currently owned by Catherine H. Anderson. The large garage that was built by Myron K. Blackmer and converted into a rental house by Ed Honnen was sold by Mrs. Anderson to a new owner on August 23, 1965 along with approximately 9.5 acres of land. This property is no longer within the boundaries of Quincy Farm. See Boundary Map.

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PHOTOGRAPH LOG

The following information pertains to all photograph numbers except as noted:

Photographer: Barbara Norgren
Date of Photographs: 6/8/2006
Negatives: Roll 1

Photo No.	Photographic Information	
00A & 0A	#1 Hopkins House	south rear, view north
1A & 2A	same	west side, view southeast
3A & 4A	same	north front, view southeast
5A & 6A	same	north front gable, view southeast
7A	same	front porch steps, view west
8A	same	north front, east side (same view as historic photo, view southwest)
9A	same	front porch & east side porch, view southwest
10A	Entrance road	view south
11A	#1 Hopkins House	east porch and gravel drive, view west
12A	same	south rear porch and gravel drive, view north
13A	Road to pasture	view west
14A	#2 Blackmer-Honnen-Anderson House	northeast corner, east facade, view southwest
15A	same	west rear and south side, view northeast
16A	same	south side on left and garage on right, view north
17A	#3 - #6 Quincy Farm	Barn yard buildings, view east
18A & 19A	#4 Big Barn	north facade, west side, views southeast and south
20A	#3 Farm House	south facade, view north
21A	#6 Horse Stalls	west front, view east
22A	#3 Farm House	north rear, view south
23A	#5 Baby Barn	north rear, west side, view southeast
24A	#4 Big Barn,	east side, north front, view southwest
25A	#7 Highline Canal	wooden bridge, head gate, dry canal, view south

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