

**SUBDIVISION IMPROVEMENTS AGREEMENT
(SOUTH RIDGE TOWNHOUSES)**

DC9338944

DATE: July 23, 1993

PARTIES: TOWN OF CASTLE ROCK, a Colorado home rule municipal corporation ("Town"), 680 N. Wilcox Street, Castle Rock, Colorado 80104

KENNETH E. ASH ("Subdivider"), 410 Jerry Street, Castle Rock, Colorado, 80104

RECITALS:

A. Subdivider desires to resubdivide certain property within the Town, more particularly described as follows (the "Property"):

Young/American P.U.D. - South Ridge Townhouse Subdivision
Filing No. 5B, 1st Amendment, County of Douglas, State of Colorado

B. Town is willing to permit the resubdivision of the Property in accordance with the terms of this agreement.

C. The Castle Rock Municipal Code, Title 16, Subdivisions Regulations of the Town of Castle Rock, Colorado, Section 16.48.010 requires that Subdivider provide written assurance of construction of public improvements necessary to develop the Property at the time of recording of the final plat.

COVENANTS:

NOW, THEREFORE, in consideration of these mutual promises, the parties agree and covenant as follows:

1. Public Improvements. For the purposes of this agreement, public improvements are defined as those elements of the transportation, utility, drainage or other systems or infrastructure constructed by Subdivider which are upon their completion, to be dedicated to the Town for operation and maintenance by the Town and are necessary to development of the Property in accordance with Town standards, whether located on the Property or off-site. Subdivider shall construct those public improvements detailed in the plans prepared by JR Engineering, which are finally approved by the Town Engineer.

2. Guarantee of Performance. In lieu of furnishing financial sureties to secure Subdivider's obligation to construct the public improvements, Subdivider shall execute the declaration in the form attached as Exhibit 1, restricting the conveyance of any of the

S P E C I M E N

EXHIBIT 1

DECLARATION OF RESTRICTION ON TRANSFER

WHEREAS, Kenneth E. Ash ("Declarant") is the record owner of the residential lots ("Lots") platted as Young/American P.U.D. - South Ridge Townhouse Subdivision Filing No. 5B, 1st Amendment, County of Douglas, State of Colorado, recorded at reception no. _____, Douglas County, Colorado (the "Plat") located in the Town of Castle Rock ("Town"):

WHEREAS, the Town has agreed to accept the covenant of Declarant that none of the Lots will be conveyed by Declarant to any party (until this Declaration is released as provided below), in lieu of Declarant providing Town with performance bonds or surety to secure construction of certain public improvements in accordance with Town regulations.

THEREFORE, Kenneth E. Ash declares and covenants as follows:

1. Restrictions. None of the Lots shall be conveyed by Declarant until this Declaration is released. The Town of Castle Rock is an intended beneficiary of the covenant and shall have the legal right to enforce compliance with these covenants.

2. Release. This Declaration shall be released and thereafter shall be of no force or effect upon the recordation of the "Release of Declaration" in the form attached duly executed by the undersigned officer of the Town, evidencing compliance by Declarant with construction of the public improvements prescribed by Town to service the Lots, as more particularly described in the attached "Scope of Public Improvements", and submission of a warranty bond in compliance with Town regulation.

DATED this ____ day of _____, 1993.

By:

Kenneth E. Ash

