



Building a Better World  
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## TRANSMITTAL

<b>Project: <u>US 550/CR 252 TRIMBLE LANE MP 30.331</u></b> 3000 FT and 3700 FT East of US HWY 550/Trimble Lane (CR 252)	<b>Date: 06/23/2023</b>
<b>To: Randee Reider, CDOT Region 5 Access Manager</b>	Firm: CDOT
3803 N. Main Ave, Suite 100	Telephone: (970) 247-9608
Durango, CO 81301	
From: Steve Winters	Copies to: N/A
Telephone: (970)-259-9015	Email: <a href="mailto:swinters@sehinc.com">swinters@sehinc.com</a>
Attachments: Access Permit Application	

Attached is the Access Permit Application for Parcel 559715100076 and Parcel 559715100077, both owned by Durango River View RV Resort LLC, located on the **West side of Trimble Lane (CR 252) ~ 3000 feet and ~3700 East of US HWY 550 Mile Marker 30.331.** The **Parcel Ownership Map, labeled Figure 1,** shows the properties to be developed and those surrounding the lot which is adjacent to the Animas River to the South and Dalton Ranch Golf Course to the Northwest. The application is signed by Scott Roberts a representative of Durango River Resorts LLC that owns the two parcels totally 36.28 acres. Durango River Resorts LLC plans to develop an RV Resort Park with 140 Park Model RV's and 137 RV stalls.

### **Proposed Land Use**

The subject site's proposed use is a tourist oriented, outdoor recreation use. This use allowed per the existing zoning within the Animas Valley district's general commercial zone. Specifically, the use being proposed is for a Recreational Vehicle (RV) resort. This use would include 277 spaces to be used for RV stalls and/or park model homes, a clubhouse, office and small store geared solely for the use and benefit of the visitors to the RV park. An existing public river put-in, will be maintained on the 2.2 acre parcel (55971510077), which will potentially developed by the San Juan Citizens Alliance, a non-profit agency.

**Figure 2** shows the proposed access locations ~3000 feet and ~3700 feet East of the intersection at U.S. HWY 550 MP 30.331 and County Road 252.

### **Traffic and Access Geometry**

US 550 Highway is classified as Principal Arterial Category in the *CDOT State Highway Access Code (Access Code)*, with an *Expressway (E-X) Access Control Classification from MP 29 to MP 32.348*. The US 550 and CR 252 intersection is signalized with 1 lane in each direction (NB/SB) with full auxiliary lanes on the US 550 mainline and a speed limit of 55 mph. CR 252 has a left turn that is roughly 180' to the DSNRR tracks, which bisect the East leg of CR 252.

### **Traffic Trip Generation and Lane Warrant Analysis**

SEH developed anticipated trips generated using the *11<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, 2021*. The ITE Trip Generation Manual represents the best information available, and is the National standard used in the transportation industry. For this analysis 416-Campground/Recreational Vehicle Park and 151- Mini

Storage was used to determine the trip generation for this proposed land use. See **Figure 3** for additional Trip Generation details regarding the proposed land use.

The Trip Generation was used to determine the impacts of the development on both CR 252 (Trimble Lane) as well as the CR 252 and US 550 intersection, which the majority of the projects' traffic will utilize. Based on the Roberts RV TIS, the following Conclusions were reached with respect to the traffic impacts:

**Roberts RV – TIS, Conclusions and Recommendations, Page 10**

- The anticipated traffic volume generated by the Roberts RV Resort is not expected to significantly impact the surrounding roadway network.
- Existing auxiliary lanes appear to be sufficient length for the intersection of US 550/CR 252.
- A southbound right turn deceleration lane is recommended at the north and south site accesses to the Roberts RV Resort from CR 252. Additionally, a northbound left turn deceleration lane is recommended for the north access.
- Sight distance is adequate for the north site access for the Roberts RV Resort. Sight distance for left-turning heavy vehicles from the south site access may not be adequate. Signage directing heavy vehicles to use the north access to turn left onto CR 252 is recommended.
- No additional mitigation measures for the site are proposed at this time.
- Projected ADT by the development is not expected to change the roadway LOS along CR 252. The roadway is projected to perform at LOS C in the short-term and long-term scenarios.

*Note – it is our understanding that the Trimble Signal Fair Share Reimbursement has now expired and is no longer in effect.*

**Conclusion:**

Durango River View RV Resort LLC and SEH are requesting access from CDOT at US 550/CR 252 Trimble Lane for the proposed Recreational Vehicle Park. The current geometry at the intersection of US 550 and CR 252 accommodates the trip generated traffic and no changes are necessary or recommended.

**The Application package includes:**

1. **This Transmittal Letter**
2. **CDOT Form 137: State Highway Access Permit Application** – Complete with Owner Signature
3. **Figure 1: Property Location and Ownership**
4. **Figure 2: Proposed Access Location**
5. **Figure 3: ITE Trip Generation and Trip Assignment**
6. **Figure 4: US 550 Route information per CDOT OTIS**
7. **Warranty Deed**
8. **Roberts RV – Traffic Impact Study**

Please let me know if you need any additional information to process this request for application.

**END**

# COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application  
acceptance date:

- Instructions:**
- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
  - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
  - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
  - Submit an application for each access affected.
  - If you have any questions contact the issuing authority.
  - For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>
- Please print or type**

1) Property owner (Permittee) <b>DURANGO RIVER VIEW RV RESORT LLC</b>		2) Applicant or Agent for permittee (if different from property owner) <b>Scott Roberts</b>	
Street address <b>8350 E RAIN TREE DRIVE SUITE 220</b>		Mailing address <b>8350 E RAIN TREE DRIVE SUITE 220</b>	
City, state & zip <b>SCOTTSDALE</b>	Phone #	City, state & zip <b>AZ 85260</b>	Phone # (required) <b>480-425-3524</b>
E-mail address <b>sroberts@robertscoummunities.com</b>		E-mail address if available	
3) Address of property to be served by permit (required) <b>876 COUNTY ROAD 252, DURANGO CO 81301</b>			
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? county <b>LA PLATA</b> subdivision <b>BRNTT-TRIMBLE LN</b> block lot <b>1A-B</b> section <b>15</b> township <b>36N</b> range <b>9W</b>			
5) What State Highway are you requesting access from? <b>US 550</b>		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W	
7) How many feet is the proposed access from the nearest mile post? <b>1747</b> feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: <b>MP 30</b>		How many feet is the proposed access from the nearest cross street? <b>3000</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W from: <b>US 550</b>	
8) What is the approximate date you intend to begin construction? <b>5/30/2024</b>			
9) Check here if you are requesting a: <input type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: ) <input type="checkbox"/> improvement to existing access <input checked="" type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)			
10) Provide existing property use <b>GRAVEL PIT</b>			
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: and/or, permit date:			
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:			
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.			
14) If you are requesting agricultural field access - how many acres will the access serve? <b>NO</b>			
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.			
business/land use	square footage	business	square footage
<b>NO</b>			
16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?			
type	number of units	type	number of units
<b>PARK MODEL RV'S</b>	<b>140</b>	<b>RV PARKING STALLS</b>	<b>137</b>
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.			
Indicate if your counts are <input checked="" type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.	37 *PM Peak Hour (50% Passenger Cars)	# of multi unit trucks at peak hour volumes <b>0</b>	
38 *PM Peak Hour (50% RVs and Trailers)	# of farm vehicles (field equipment) <b>0</b>	75 - Total of All Vehicles	



18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- |  |   |
|--|---|
| a) Property map indicating other access, bordering roads and streets.                                      | e) Subdivision, zoning, or development plan.      |
| b) Highway and driveway plan profile.  | f) Proposed access design.                        |
| c) Drainage plan showing impact to the highway right-of-way.   | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | h) Traffic studies.                               |
|  | i) Proof of ownership.                            |

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.


3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:

<https://www.codot.gov/business/civilrights/ada/resources-engineers>

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

**The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

**I understand receipt of an access permit does not constitute permission to start access construction work.**

Applicant or Agent for Permittee signature 	Print name Steve Winters	Date 06/22/2023
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature	Print name Scott Roberts	Date



**INSTRUCTIONS FOR COMPLETING APPLICATION FOR ACCESS PERMIT  
(CDOT FORM NO. 137)  
December 2018**

To construct, relocate, close, or modify access(es) to a State Highway or when there are changes in use of such access point(s), an application for access permit must be submitted to the Colorado Department of Transportation (CDOT) or the local jurisdiction serving as the issuing authority for State Highway Access Permits. Contact the CDOT Regional Access Unit in which the subject property is located to determine where the application must be submitted. The following link will help you determine which CDOT Region office to contact:

<https://www.codot.gov/business/permits/accesspermits/regional-offices.html>

All applications are processed and access permits are issued in accordance to the requirements and procedures found in the most current version of the State Highway Access Code (Access Code). Code and the application form are also available from CDOT's web site at:

<https://www.codot.gov/business/permits/accesspermits>

Please complete all information requested accurately. Access permits granted based on applications found to contain false information may be revoked. An incomplete application will not be accepted. If additional information, plans and documents are required, attach them to the application. Keep a copy of your submittal for your records. Please note that only the original signed copy of the application will be accepted. Do not send or enclose any permit fee at this time. A permit fee will be collected if an access permit is issued. The following is a brief description of the information to be provided on each enumerated space on the application form (CDOT Form 137, 2010).

**1. Property Owner (Permittee):** Please provide the full name, mailing address and telephone number and the E-mail address (if available) of the legal property owner (owner of the surface rights). Please provide a telephone number where the Permittee can be reached during business hours (8:00 a.m. to 5:00 p.m.). Having a contract on the property is not a sufficient legal right to that property for purposes of this application. If the access is to be on or across an access easement, then a copy of the easement **MUST** accompany this application. If federal land is involved, provide the name of the relevant federal agency **AND** attach copy of federal authorization for property use.

**2. Agent for permittee:** If the applicant (person completing this application) is different than the property owner (Permittee), provide entity name (if applicable), the full name of the person serving as the Agent, mailing address, telephone number, and the E-mail address (if available). Please provide a telephone number where the Agent can be reached during business hours (8:00 a.m. to 5:00 p.m.). Joint applications such as owner/lessee may be submitted. Corporations must be licensed to do business in Colorado: All corporations serving as, or providing, an Agent as the applicant must be licensed to do business in Colorado.

3. **Address of Property to be Served:** Provide if property to be served has an official street address. If the access is a public road, note the name (or future name) of the road.
4. **Legal Description of Property:** Fill in this item to the extent it applies. This information is available at your local County Courthouse, or on your ownership deed(s). A copy of the deed may be required as part of this application in some situations. To determine applicability, check with the CDOT's Regional Access Manager or issuing authority staff.
5. **State Highway:** Provide the State Highway number from which the access is requested.
6. **Highway Side:** Mark the appropriate box to indicate what side of the highway the requested access is located.
7. **Access Mile Point:** Without complete information, we may not be able to locate the proposed access. To obtain the distance in feet, drive the length between the mile point and the proposed access, rounding the distance on the odometer to the nearest tenth of a mile; multiply the distance by 5,280 feet to obtain the number of feet from the mile point. Then enter the direction (i.e. north, south, east, west) from the mile point to the proposed access. Finally, enter the mile point number. It is helpful in rural or undeveloped areas if some flagging is tied to the right-of-way fence at the desired location of the access. Also, if there is a cross street or road close to the proposed access, note the distance in feet (using the same procedures noted above) from that cross street or road.
8. **Access Construction Date:** Fill in the date on which construction of the access is planned to begin.
9. **Access Request:** Mark items that apply. More than one item may be checked.
10. **Existing property use:** Describe how the property is currently being used. For example, common uses are Single Family Residential, Commercial or Agricultural.
11. **Existing Access:** Does the property have *any other legal alternatives to reach a public road* other than the access requested in this application? Note the access permit number(s) for any existing state highway access point(s) along with their issue date(s). If there are no existing access point(s), mark the "no" box.
12. **Adjacent Property:** Please mark the appropriate box. If the "yes" box is marked, provide a brief description of the property (location of the property in relation to the property for which this access application is being made).
13. **Abutting Streets:** If there are any other existing or proposed public roads or easements abutting the property, they should be shown on a map or plan attached to this application.
14. **Agricultural Acres:** Provide number of acres **to be served**.



**15. Access Use:** List the land uses and square footage of the site as it will be when it is fully developed. The planned land uses as they will be when the site is fully developed are used to project the amount of traffic that the site will generate, peak hour traffic levels and the type of vehicles that can be expected as a result of the planned land uses. There may be exceptional circumstances that would allow phased installation of access requirements. This is at the discretion of the CDOT Regional Access Unit or issuing authority staff.

**16. Estimated Traffic Count:** Provide a reasonable estimate of the traffic volume expected to use the access. Note the type of vehicles that will use the access along with the volume (number of vehicles in and out at either the peak hour or average daily rates) for each type of vehicle. A vehicle leaving the property and then returning counts as two trips. If 40 customers are expected to visit the business daily, there would be 80 trips in addition to the trips made by all employees and other visitors (such as delivery and trash removal vehicles). If the PDF on-line version of this application is being used, the fields for each type of vehicle will automatically be added together to populate the last field on the page.

**17. Documents and Plans:** The CDOT Regional Access Manager or issuing authority staff will determine which of these items must be provided to make the application complete. Incomplete applications will not be accepted. If an incomplete application is received via U.S. mail or through means other than in the hand of the Access Manager or issuing authority staff, it will not be processed. *It is the responsibility of the applicant to verify with the CDOT Regional Access Manager or issuing authority staff whether the application is complete at the time of submission.*

**Signature:** Generally, if the applicant is not the property owner, then the property owner or a legally authorized representative must sign the application. With narrow exceptions, proof of the property owner's consent is required to be submitted with the application (proof may be a power of attorney or a similar consent instrument). The CDOT Regional Access Manager or issuing authority staff will determine if the exception provided in the Access Code (2.3 (3) (b)) is applicable.

If CDOT is the issuing authority for this application, direct your questions to the CDOT Regional Access Manager or the issuing authority staff serving the subject property.

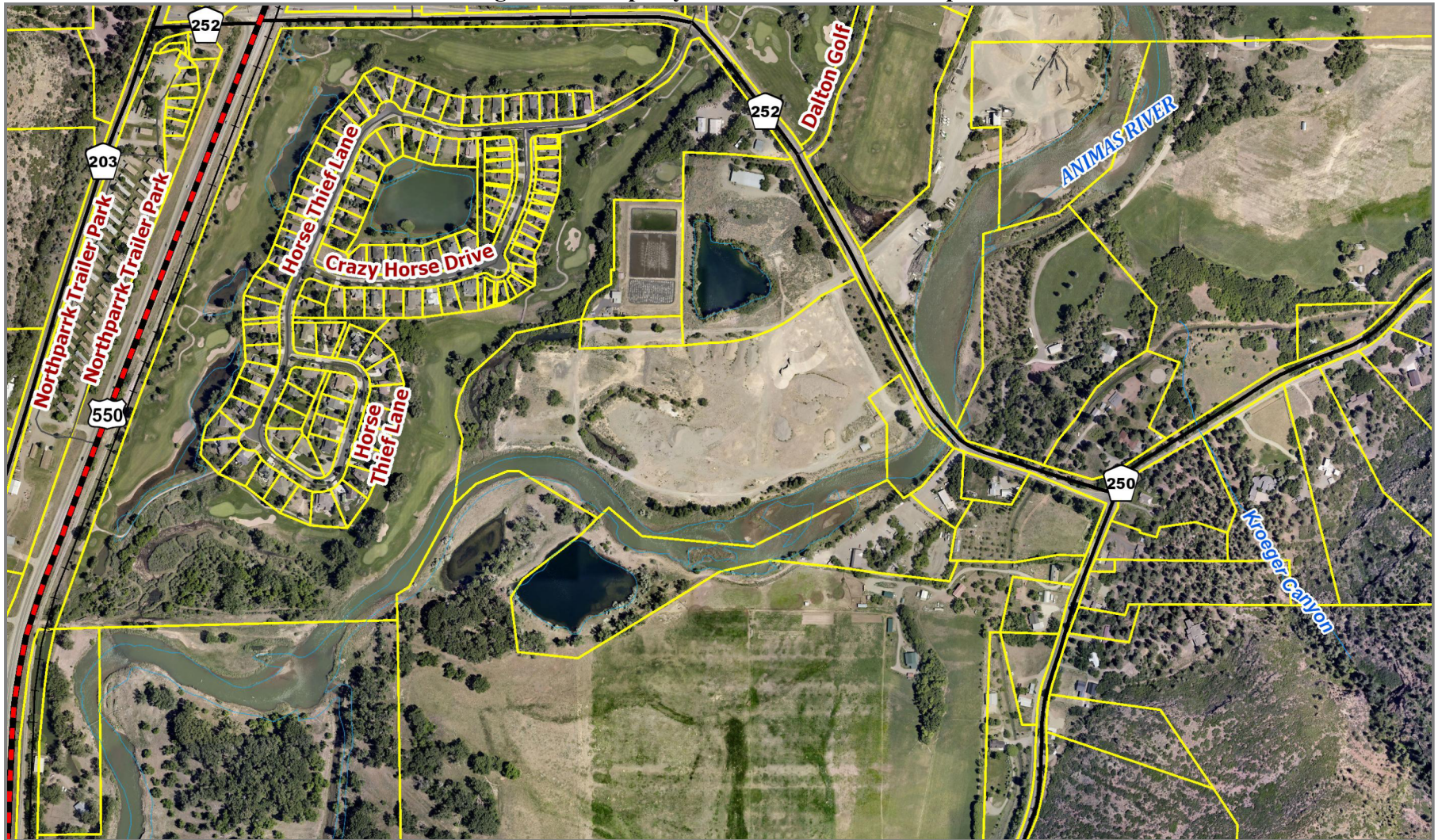
<https://www.codot.gov/business/permits/accesspermits/regional-offices.html>

If the application is accepted, it will be reviewed by the CDOT Regional Access Manager or the issuing authority staff. If an Access Permit is issued, be sure to read all of the attached Terms and Conditions before signing and returning the Access Permit. The Terms and Conditions may require that additional information be provided prior to issuance of the Notice to Proceed.

The CDOT Regional Access Manager (or issuing authority staff) **MUST** be contacted prior to commencing work on any Access Permit project. *A Notice to Proceed that authorizes the Permittee to begin access related construction MUST be issued prior to working on the access in the State Highway right-of-way.* The Notice to Proceed may also have Terms and Conditions that must be fulfilled before work may begin on the permitted access.



**Figure 1. - Property Location and Ownership**



*Disclaimer: The information is provided as is without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall La Plata County be liable for any damages whatsoever including direct, indirect, incidental, consequential, loss of business profits or special damages.*

Map Scale  
**1 inch = 667 feet**  
6/12/2023



Figure 2 – Proposed Access Locations



Figure 3 – Trip Generation Calculations

To determine the traffic impacts associated with the Roberts RV Resort development, the amount of traffic generated by the proposed development was estimated using trip generation rates contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual<sup>1</sup>. ITE Code 416-Campground/Recreational Vehicle Park was used to determine trip generation rates for the peak hour. It is assumed that all proposed RV sites will be fully occupied (277 occupied sites). The proposed development is projected to generate 58 trips at full build out in the morning peak hour with 21 entering and 37 exiting. Likewise, an estimated 75 trips are projected to be generated for the evening peak hour at full build out with 47 entering and 28 exiting. The estimated weekday, AM, and PM peak hour trip generation for the proposed development is contained in Table 1.

Table 1\_Weekday Trip Generation Estimate -  
Roberts RV Resort

Land Use	ITE Code	Size	Unit	Average Weekday Trips				AM Peak Hour Trips				PM Peak Hour Trips			
				Rate	Total	In	Out	Rate	Total	In	Out	Rate	Total	In	Out
Recreational Vehicle Park <sup>1,2</sup>	416	277	Occupied Campsites	1.51	418	209	209	0.21	58	21	37	0.27	75	47	28
Mini Storage <sup>1</sup>	151	228	/100 Units	17.96	40	20	20	2.31	5	3	2	2.40	5	2	3
<b>Total Trips</b>					<b>458</b>	<b>229</b>	<b>229</b>		<b>63</b>	<b>24</b>	<b>39</b>		<b>80</b>	<b>49</b>	<b>31</b>
Recreational Vehicle Park <sup>1,2</sup>	416	277	Occupied Campsites		1,254	627	627		174	63	111		225	141	84
Mini Storage <sup>1</sup>	151	228	/100 Units		120	60	60		15	9	6		15	6	9
<b>Total Trips (3:1 Passenger Car Equivalency Factor)</b>					<b>1,374</b>	<b>687</b>	<b>687</b>		<b>189</b>	<b>72</b>	<b>117</b>		<b>240</b>	<b>147</b>	<b>93</b>

<sup>1</sup> Trip Generation estimates are based on average rates for 416-Campground/Recreational Vehicle Park, and 151-Mini Storage contained in *Trip Generation, 11th Edition* (Institute of Transportation Engineers, 2021).

<sup>2</sup> Average weekday trip rate for 416-Campground/Recreational Vehicle Park adapted from *KOA Campground in Silt, CO. Study*.



Figure 4. – US 550 CDOT OTIS Data

Highway 550B between 30 and 31

Create Straight Line Diagram

– Description

Export to Excel

Route	Begin Ref	End Ref	Length	Description
550B	29.778	30	0.202	RD W (CO RD 203B)
550B	30	30.331	0.353	MILEPOST 30
550B	30.331	31	0.629	RD E AND W (CO RD 252) (TRIMBLE LN)
550B	31	31.084	0.182	MILEPOST 31

✦ Pavement Primary Direction

✦ Pavement Secondary Direction

– Speed Limit

Export to Excel

Route	Begin Ref	End Ref	Length	Pri Speed Limit	Sec Speed Limit
550B	29.985	30.05	0.067	55	60
550B	30.05	32.5	2.559	55	55

✦ Toll / Managed Access

– System Classification

Export to Excel

Route	Begin Ref	End Ref	Length	Access Control	Admin Class	Functional Class	NHS Designation	Special System
550B	29	32.348	3.463	E-X: Expressway, Major Bypass	CDOT Highway	3 Principal Arterial - Other	1 Mainline NHS	NON-STRAHNET

– Route Classification

Export to Excel

Route	Begin Ref	End Ref	Length	Highway Designation	Forest Route	Scenic Byway	Truck Restriction
550B	29	32.348	3.463	U.S.	0	San Juan Skyway	1 National Truck Route

State Document Fee

Date: 02/06/2023

**SPECIAL WARRANTY DEED**

\$ 463.65

**THIS DEED**, made this 13th day of Januray, 2023, between **DIAGA, LLC**, a Colorado limited liability company, ("**Grantor**"), and **Durango River View RV Resort, LLC**, a Texas limited liability company ("**Grantee**"), whose address is 8350 E. Raintree, Suite 220, Scottsdale, Arizona 85260.

WITNESSETH, That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee, its heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being located in the City of Durango, County of La Plata, State of Colorado, described as follows:

**Lot 1AB and Lot 1AC, Diaga Subdivision, Project Number PL 2022-0131, according to the plat thereof filed for record December 1, 2022 as Reception No. 1217658**

**TOGETHER WITH but without warranty, any and all water, water rights, ditch and ditch rights ponds and reservoir rights, wells and underground water rights and springs and spring rights and related easements and infrastructure appurtenant to or historically used upon the lands conveyed which may include: 2.2 c.f.s. Mesa Concrete Diversion Pump No. 1, Priority No. 1868-78 (Animas River); 1.0 c.f.s. Mesa Concrete Diversion Pump No. 2, Case No. 1793-78 (Animas River); 1.0 c.f.s. Cotton Sprinkler System, Case No. 1751-B (Cotton Springs), .25 c.f.s. Morris Pump and Pipeline, and the Morris and Burnett Wells.**

also known by street and number as: **876 CR 252 DURANGO, Colorado 81301**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, their heirs and assigns forever. The Grantor, its heirs and personal representatives or successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

This Property is conveyed subject to a restrictive covenant not to use or permit use of the Property for the (i) mining, excavation or extraction of sand, gravel, overburden, dolomite, limestone, sandstone, boulders, stones or rocks suitable for use in building, construction and road making (including concrete, asphalt, roadbeds, railroad ballast or other use), (ii) operation of an asphalt plant or asphalt-related business, (iii) the operation of a concrete, concrete block, glass, or other building products plant, (iv) operation of concrete batch plant (including both ready-mix plants and central-mix plants) or (v) operation of a concrete pave, edger or pre-built modular hardscapes plant.

Such covenants shall run with the land and shall be binding upon Grantee's successors and assigns and all subsequent owners of the property until its natural expiration or earlier termination by Oldcastle SW Group, Inc.

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



LP22202732E



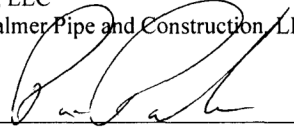
LP22202732E



GRANTOR:

Diaga, LLC

By: Palmer Pipe and Construction LLC, Member

By:   
By: John Patrick Palmer, Member

STATE OF COLORADO

ss.

COUNTY OF LA PLATA

GENNY L. SMITH  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19894009434  
MY COMMISSION EXPIRES 07/24/2025

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of Jan. 2023 by John Patrick Palmer, as Member of Palmer Pipe and Construction LLC, as Member of Diaga,, LLC.

WITNESS my hand and official seal.

  
Notary Public

My commission expires: July 24, 2025