

AFFIDAVIT AND COVENANT

This Declaration and Covenant is dated October 3, 2018 and is made by HEITLER LAND COMPANY, a Colorado limited partnership (“**Owner**”), whose address is 1410 Grant Street, Suite A201, Denver, Colorado 80203.

RECITALS:

A. Owner is the owner of the real property described on **Exhibit A** and depicted on **Exhibit A-1** attached hereto (the “**Subject Property**” or “**Parcels A and B**”); and

B. The Subject Property has been rezoned to R-2 zoning by the City of Lakewood, Colorado (“**City of Lakewood**”); and

C. Owner desires to covenant and agree that all structures to be constructed on the Subject Property from and after the date of recordation of this Declaration and Covenant will be subject to the restrictions set forth herein.

NOW THEREFORE, the Owner hereby covenants and agrees that the Subject Property will be subject to the following restrictions and requirements:

1. The Subject Property may be used for residential purposes as permitted under the applicable ordinances of the City of Lakewood.

2. All residential structures to be constructed or reconstructed on Parcels A and B as depicted on **Exhibit A-1** shall be limited in height to one-story. The maximum base height of a residential structure will not exceed twenty-eight (28) feet as measured from the finished floor to the highest point of the roof of the structure. When walkout garages and/or walkout basements exist, the average overall height of the residential structure shall not exceed 35 feet in height above the finished grade, as measured per the standards in the City of Lakewood Zoning Ordinance.

3. All residential structures to be constructed on Parcels A and B shall consist of one (1) detached single-family residential dwelling unit per platted lot with a maximum of 28 lots on Parcel A and 4 lots on Parcel B for a total of 28 lots as depicted on **Exhibit A-1**.

4. The Barn Lot on Exhibit A-1 will have a minimum width of 75’ to create a buffer from the proposed lots in Parcel B and the existing residences directly to the east with Lot 13, Block 1, West 6200 Jewell Avenue Subdivision, Lot 14, Block 1, West 6200 Jewell Avenue Subdivision and Lot 17, Block 1, West 6200 Jewell Avenue Subdivision as depicted on **Exhibit A-1** (collectively, “**Adjacent Lots**”). The current owners have no intention of removing the barn.

5. Concurrent with new construction of residential structures on Parcels A and B, the Owner will construct a buffer of either (i) landscape (trees and shrubs), (ii) up to an eight (8) foot solid decorative precast concrete panel wall, or (iii) a combination thereof, on the Barn Lot immediately adjacent to the Adjacent Lots. The design and location of the wall and/or landscape shall be determined by the Adjacent Lots and Owner and identified on the Major Site Plan that will

accompany a final plat submitted to the City of Lakewood. If, within fifteen (15) days of the date of a notice from Owner that Owner intends to commence construction of residential structures on Parcels A and B, the owner of one or any of the Adjacent Lots evidences, in writing provided to the Owner, a desire not to have a wall built, that owner, and his/her heirs and assigns, shall have forever waived his/her right to have Owner construct the wall adjacent to said owner's lot pursuant to this Declaration.

This Declaration and Covenant shall burden the Subject Property and shall run with the land and be a burden on the current and all subsequent owners of the Subject Property.

IN WITNESS WHEREOF, Owner has executed this Declaration and Covenant as of the date set forth above.

OWNER:

HEITLER LAND COMPANY,
a Colorado limited partnership

By: *Bruce F. Heitler*
Bruce F. Heitler, General Partner

STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

Acknowledged before me Oct 3, 2018, by Bruce F. Heitler as general partner of Heitler Land Company, a Colorado limited partnership.

My commission expires: 3-3-20
TAMM L. OLSTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19924002939
MY COMMISSION EXPIRES MARCH 03, 2020

Tamm L. Olster
Notary Public

EXHIBIT A

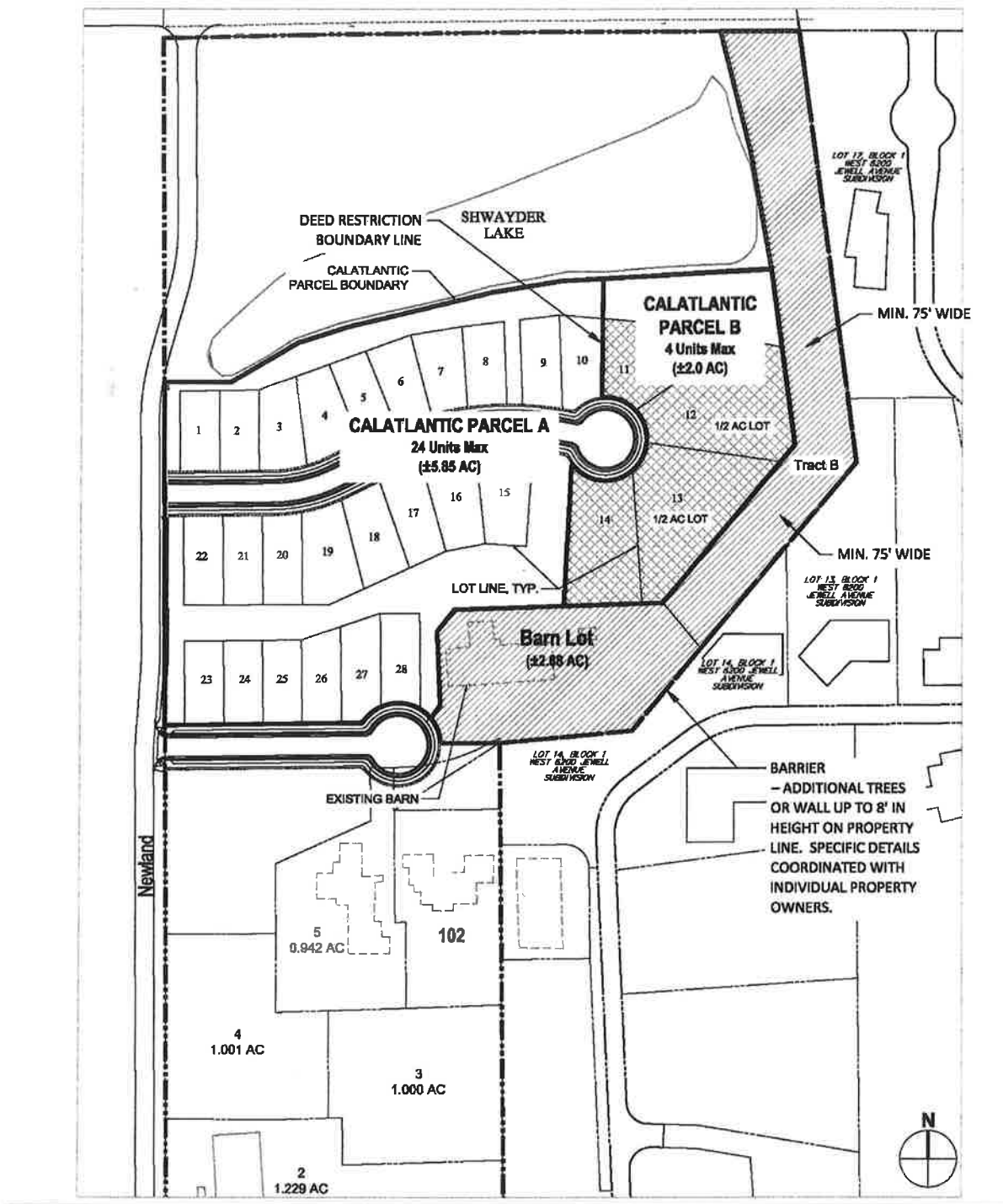
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 4, Lakeridge Subdivision Filing No. 3,
According to the Plat Thereof Recorded on _____ at Reception No.

_____,
County of Jefferson,
State of Colorado.

This will be added after the plat is recorded.

EXHIBIT A-1



Heitler Property
 28 Units - Land Use Exhibit
 9/17/18

Prepared For:
LENNAR
 9199 S. JAMAICA STREET, 4TH FLOOR,
 ENGLEWOOD, CO 80112

Prepared By:
 pcc group inc. www.pccgroupco.com
 PO BOX 18287
 DENVER, CO, 80218
 T: 303.531.4906