

The Conservation Easement

- Granted in 1995 by Colorado Open Lands and transferred to Colorado Cattlemen's Agricultural Land Trust in 1995. The Land Trust held it until 1997 when it was recorded by them per IRS statutes.
- No requirement to rebuild due to fire, act of God or other event over which Grantor has no control.
- Property must be used as required by law.

Allowed Uses:

- Continue to be agriculturally productive – farming, ranching, preserve the open space character and scenic qualities.
- Can be used by other activities not prohibited by the deed.

Construction of buildings and other structures:

- Advance permission required for some structures or buildings
- Fences: existing fences may be repaired or replaced without permission as long as they are for the management of livestock and wild life. No fence can be built along 550 that obstructs the view of the property. (If this is needed for a reason, permission must be granted)

Ag Structures and Improvements:

- New buildings and improvements used exclusively for ag purposes (including the processing and sale of farm products) may be built within the Agricultural Building Envelope w/out advance permission.
- Loafing sheds, corrals, and other minor ag buildings and improvements may be built without further permission.
- Construction of any new ag building other than those mentioned above need permission.

Single Family Residential Dwelling:

- All existing residential dwellings may be repaired, reasonably enlarged (not to exceed 25% of their current size) and replaced at their current location without permission.
- An additional residence may be built within the residential building envelope. Can be 15,000 sq. ft. of gross floor area excluding basements.
- If Ouray County will not grant a permit within the existing envelope, envelope may be moved with permission.
- The new structure is not allowed a separate caretaker's apartment

Farm Labor/ Tenant Housing:

- All existing structures may be repaired, reasonably enlarged (not to exceed 25% of their current size) and replaced at their current location without permission.

- Three new single or multifamily dwellings or structures may be built within the employee housing or agricultural building envelopes w/out permission.
- 3,000sq.ft. gross floor area maximum allowed excluding basements.

Ranch Office Building:

- Can be built in the agricultural building envelope
- Maximum 1,500 sq. ft. with no permission required

Repair/Replacement:

- All permitted buildings can be repaired, reasonable enlarged (not to exceed 25% of their current permitted size) and replaced at their current permitted location without further permission.

Subdivision:

- Title to the property shall not be divided or subdivided, but shall remain as a single parcel.
- If the county codes or zoning require a subdivision or zoning change in order to build or rebuild the single family residential unit or other buildings permitted by the Conservation Easement, such may be done as long as all parcels created thereby are owned by the same owner as the rest of the property and kept in the same ownership at all times.

Development Rights:

Cattlemen's Land Trust owns all development rights except as provided by the agreement.

Conservation Practices:

Good stewardship and resource management required

Timber Harvesting:

Trees can be cut to control disease, insects, prevent personal injury and property damage, for firewood or other domestic uses including construction of permitted buildings or fences, clearing land for cultivation or use of livestock. Any commercial harvesting shall be on a sustainable basis.

Mining:

None allowed without advance written permission. Soil, sand or gravel may be extracted without permission for use on the property but no more than one surface acre of the property may be disturbed.

Paving Roads:

Requires advance written permission

Trash:

None allowed except what is farm related or produced on the property. Can store agricultural products and by products in accordance with government laws and regulations

Recreational Use:

- No golf courses, air strips or helicopter pads.
- Any other public or private recreational use needs advance written permission.
- Cannot impair the open space character, ag productivity, wildlife habitat or scenic quality

Feed Lot:

No commercial feed lot allowed

Water Rights:

Cannot be severed

Rights of Grantor:

- Right to exclude the public from the property
- Right to sell

Owner Responsible For:

- Taxes, assessments, upkeep, maintenance.
- Grantor to indemnify the Land Trust for any damages resulting from personal injury or property damage. If a lawsuit happens, Grantor shall reimburse the Trust for reasonable attorney's fees and other expenses to defending itself.
- Land Trust to be a named insured

Enforcement:

- Land Trust has the right to prevent and correct violations of the Deed
- Has the right to enter the property and inspect violations
- Grantor will be given written notice of violation and 60 days to correct it.
- Should legal action be necessary, the Land Trust will be reimbursed for fees.

Transfer of Easement:

- Prior written consent needed to transfer easement to a public agency or non-profit.
- This pertains to a transfer to another entity.

Transfer of Property:

- Must notify the Land Trust 20 days prior to close
- Easement Deed must be included in closing documents

Amending the Easement:

- Only by written consent of both parties.
- Any amendment must be recorded

Termination:

If conditions on or surrounding the property change so much that the easement cannot be fulfilled, a court may terminate the easement.

Perpetual Duration:

The easement runs with the land

Liens:

Any lien or mortgage must be subordinate to the easement