

**CONVEYANCE OF GROUNDWATER RIGHTS**

THIS CONVEYANCE is made and entered into this 19 day of JUNE, 2020 between Second Creek Holdings LLC, a Colorado limited liability company, whose address is 9033 East Easter Place #112, Centennial, Colorado 80112 and the City of Commerce City, a Colorado municipal corporation ("Petitioners"), and the South Adams County Water and Sanitation District ("District"), in its capacity as a special district and political subdivision created and existing under the laws of the State of Colorado, whose address is 6595 East 70<sup>th</sup> Avenue, Commerce City, Colorado 80037.

**WITNESSETH**

Petitioners, for and in consideration of being included within the District, has granted, bargained, sold and conveyed, and by these presents does grant, sell and convey to the District, its successors and assigns, free and clear of all liens and encumbrances, all Petitioners' rights, title and interest to all groundwater whether tributary, nontributary or not nontributary (including all decrees, permits, wells and any other evidence of any right, title or interest thereto), underlying, appurtenant to, or in any manner associated with, the real property ("Property") described as:

[Legal Description of Property attached hereto as **Exhibit A**]

It is expressly understood and agreed by the District, by its acceptance of this conveyance, that no other water or water rights and no other real or personal property are hereby conveyed unless done so by separate and express agreement. Petitioners shall retain the responsibility, including costs therefor, of abandoning any wells located on their respective portions of the Property that the District determines in its discretion are no longer needed. Petitioners consent to the use of said groundwater in the calculations of the amount of water available to the District and consent to the diversion, appropriation, and use of all such groundwater by the District in its municipal water supply. Petitioners are the owners of record of the Property and the groundwater rights conveyed hereby and has full power and authority to convey the groundwater and groundwater rights described herein; provided, the City of Commerce City's conveyance extends only to such rights obtained by the City through the dedication of property through the subdivision plats associated with the Property. The District, by accepting this conveyance, accepts the groundwater conveyed herein for the benefit of the District's customers. This conveyance of groundwater and groundwater rights neither contributes to nor satisfies the water resources acquisition and dedication requirements of the District's Rules and Regulations. Petitioners also agrees to provide easements, if necessary, at no cost and at mutually agreeable existing or future locations for the District's use of such groundwater rights and wells.

Petitioners note that a portion of the Property was previously included within the District pursuant to Order of District Court, Adams County, Colorado dated October 9, 2018 and recorded with the Adams County Clerk and Recorder at Reception No. 2018000083671; and that a portion of the Property was previously subject to a Conveyance of Groundwater Rights dated May 23, 2018 and recorded with the Adams County Clerk and Recorder at Reception No. 2018000083672 (the "Prior Conveyance"). The intent of this instrument is to supplement, but not amend or supersede, the Prior Conveyance and include property within the scope of the conveyance which is part of the Petitioner Second Creek Holdings LLC's project but might have not been included in the Prior Conveyance.

By: \_\_\_\_\_  
[Signature of Petitioner]

If Petitioner is a Corporation or LLC:

**SECOND CREEK HOLDINGS, LLC**, a  
Colorado limited liability company

By: \_\_\_\_\_

Name: Joel H. Farkas

Its: Manager

By: \_\_\_\_\_

Name: Thomas R. Kowalski

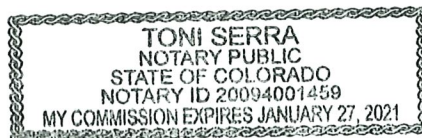
Its: Manager

STATE OF COLORADO )  
COUNTY OF Arapahoe ) ss.

The foregoing instrument was acknowledged before me this 22<sup>ND</sup> day of June, 2020, by Joel H. Farkas as Manager of Second Creek Holdings, LLC

Witness my hand and official seal.

Toni Serra  
Notary Public



My commission expires: 01-27-2021

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Thomas R. Kowalski as Manager of Second Creek Holdings, LLC

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

By: \_\_\_\_\_  
[Signature of Petitioner]

If Petitioner is a Corporation or LLC:

**SECOND CREEK HOLDINGS, LLC**, a  
Colorado limited liability company

By: \_\_\_\_\_

Name: Joel H. Farkas

Its: Manager

By: \_\_\_\_\_

Name: Thomas R. Kowalski

Its: Manager

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Joel H. Farkas as Manager of Second Creek Holdings, LLC

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

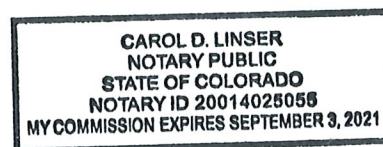
My commission expires: \_\_\_\_\_

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF Adams )

The foregoing instrument was acknowledged before me this 19TH day of June, 2020, by Thomas R. Kowalski as Manager of Second Creek Holdings, LLC

Witness my hand and official seal.

Carol D. Linser  
Notary Public



My commission expires: 9/3/2021

*PK*



By: \_\_\_\_\_  
[Signature of Petitioner]

7887 E. 60<sup>th</sup> Avenue  
[Street Address]

Commerce City, Colorado 80022  
[City, State, Zip Code]

If Petitioner is a Corporation or LLC:

City of Commerce City \_\_\_\_\_  
[Name of Entity]

By Brian McBroom  
[Name of Signer]

Its: City Manager  
[Title]

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Brian McBroom as City Manager of the City of Commerce City.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

*Bh*

EXHIBIT A

**PARCEL A:**

SECOND CREEK FARM FILING NO. 1, AMENDMENT NO. 1, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, AND THE EAST HALF OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 30, 2019 AT RECEPTION NO. 2019000071790, COUNTY OF ADAMS, STATE OF COLORADO, EXCEPT,

LOTS 1 THROUGH 30, INCLUSIVE, BLOCK 1,  
LOTS 1 THROUGH 30, INCLUSIVE, BLOCK 2,  
LOTS 1 THROUGH 30, INCLUSIVE, BLOCK 3,  
LOTS 1 THROUGH 30, INCLUSIVE, BLOCK 4,  
LOTS 1 THROUGH 30, INCLUSIVE, BLOCK 5,  
LOTS 1 THROUGH 22, INCLUSIVE, BLOCK 6  
TRACTS AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL & M.

**PARCEL B:**

SECOND CREEK FARM FILING NO. 2, LOCATED IN THE EAST HALF OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 2006 AT RECEPTION NO. 20060428000434700, COUNTY OF ADAMS, STATE OF COLORADO

**EXCEPT,**

SECOND CREEK FARM FILING NO. 2 - AMENDMENT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 2020 AT RECEPTION NO. 2020000052269, COUNTY OF ADAMS, STATE OF COLORADO.

**PARCEL C:**

SECOND CREEK FARM FILING NO. 2 - AMENDMENT NO. 1, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 2020 AT RECEPTION NO. 2020000052269, COUNTY OF ADAMS, STATE OF COLORADO.

I, BRIAN J. PFOHL, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

BRIAN J. PFOHL, P.L.S. 38445  
FOR AND ON BEHALF OF MANHARD CONSULTING

