

TOWN OF MT. CRESTED BUTTE  
ORDINANCE NO. 5  
SERIES 2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, APPROVING A PLANNED UNIT DEVELOPMENT MAJOR ALTERATION FOR THE VILLAGE AT MT. CRESTED BUTTE, WITH CONDITIONS, AND IN CONNECTION THEREWITH, APPROVING AN EXTENDED VESTING PERIOD FOR THE SAME, AN EXCHANGE OF REAL PROPERTY, AND AMENDING REFERENCES IN ORDINANCE NO 5, SERIES 2002.**

WHEREAS, the Town Council (“Council”) has considered the application for a Planned Unit Development Major Alteration Application (“Major Alteration”) Submitted by North Village Associates to Amend the Existing Planned Unit Development for the Village at Mt. Crested Butte the legal description for which is attached hereto as **Exhibit A**; and

WHEREAS, during a public hearing held on March 20, 2024, the Major Alteration was recommended for approval, with conditions, by the Mt. Crested Butte Planning Commission; and WHEREAS, the Council held a public hearing on the Major Alteration application on April 2, 2024 and on April 16, 2024; and

WHEREAS, the Council desires to approve the application with the conditions as set forth below; and

WHEREAS, in connection therewith, the Council wishes to approve an exchange of real property and amending references in a 2002 ordinance to now-incorrect density; and

WHEREAS, the Council recognizes the complexities of the Major Alteration and desires to extend the vesting period for the approved Major Alteration from the traditional three year time period, as permitted by Code Section 21-603.1.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AS FOLLOWS:**

**Section 1. Conditions of Approval**

The Major Alteration Application Submitted by North Village Associates to Amend the Existing Planned Unit Development for the Village at Mt. Crested Butte, is approved based on the design submitted at the April 2, 2024 Council meeting, and conditioned upon the following:

1. The Town will not issue any construction, excavation, land disturbance or building permits for the project until the Developer obtains the Mt. Crested Butte Water and Sanitation District’s written approval of the Developer’s final engineer stamped and construction ready water and wastewater utility plans, as well as execution of the District’s required development improvement agreement for the same.

2. Review and acceptance by the Crested Butte Fire Protection District, prior to issuance of building permit, of all construction documents and plans ensuring all applicable standards of that District are being met by the plans.
3. Development Improvement Agreement (DIA) with monetary security to ensure the development of Phase 1 infrastructure, not including water and sewer, as indicated in Applicant drawings for Wildflower Lane and Gothic Road improvements be executed with the Town prior to issuance of building permits for the aforementioned improvements. Subsequent DIAs with monetary securities be required for Phase 2 and each tract developed in Phase 3.
4. Individual tract development will be subject to Design Review, as described in the Design Guidelines, by the Planning Commission prior to development or disturbance.
5. The construction, sequencing, location, design, access points and connectivity of interior trails with adjacent neighborhoods shall be as shown on Exhibit L. sheet L.1.04, Potential Trails Buildout, of the approved Final Plan submittal. Prior to recording, the final plat shall be adjusted to provide a legal easement for Trail B, on or before July 15, 2024.
6. Individual tract developers will submit a Community Housing Plan, as described in the PUD Guide, subject to the then-current Town Code requirements.
7. Stormwater discharge permits will be required by the Colorado Department of Public Health and Environment for site disturbance for one acre or greater. A copy of the permit will be provided to the Town prior to any ground disturbance.
8. The Applicant will provide the issued US Army Corps of Engineers (USACE) 404 Permit associated with the wetland impacts prior to commencing road construction, utility installation, and/or any disturbance for these improvements. The permit will include the USACE acceptance of the wetland mitigation plan.
9. At the time Blue Flax Lane is developed, the future Developer or Applicant shall consult with Crested Butte Fire Protection District to determine if Blue Flax Lane requires individual road names due to not being continuous.
10. The Applicant shall submit the final PUD development documents to the town clerk for recordation under Code Section 21-512(f) within 12 months after the date of Town Council approval of the Final Plan.

### **Section 2. Vested Rights**

In light of all relevant circumstances, including without limitation the size of the development, until commencement of the Phase 1 infrastructure (as set forth in the DIA), the vested property rights pursuant to C.R.S. § 24-68-102(5) for the project are valid for five (5) years from recordation of the Final Plat, with an option for a five (5) year extension upon request, which may be approved or denied, in whole or in part by the Council in its sole discretion pursuant to code Section 21-458. Upon commencement of the Phase 1 infrastructure, the project in its

entirety is considered fully vested such that the vested property rights are no longer subject to any possibility of expiration from passage of time. The vested property rights approved and granted pursuant to this ordinance include without limitation the approved densities and uses for the project, subject to all the terms and conditions of the site-specific development plan.

**Section 3. Real Property Exchange**

The Council hereby approves the exchange of real property shown on the plat of the Village at Mt. Crested Butte, as amended hereby, and specifically, exchanging the Town-owned parcel identified as Land Swap Parcel A for the Applicant-owned parcel identified as Land Swap Parcel B on the plat at the time of recordation; the parties to take such additional actions as necessary to memorialize said exchange following recordation of the plat.

**Section 4. Ordinance No 5, Series of 2002 Amended**

All references in Ordinance No. 5, Series 2002 to a maximum density within the PUD of “1800 residential units” are hereby deleted. The maximum density for the project, residential and otherwise, is as set forth in the PUD for the project as recorded pursuant to Section 1 above.

**Section 5. Recording.** This ordinance shall be filed for record with the office of the Gunnison County Clerk and Recorder.

**Section 6. Ordinance Effective**

Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance be given full force and effect if it is possible to do so.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 16th day of April, 2024.


PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 7<sup>th</sup> day of May, 2024.

TOWN OF MT. CRESTED BUTTE, COLORADO



By: Nicholas Kempin, Mayor

ATTEST:



By: Tiffany O'Connell, Town Clerk

**Exhibit A**  
**Legal description of Project real property**  
**[attached]**



LOCATED IN SECTIONS 13, 14, 23, AND 24, TOWNSHIP 13 SOUTH, RANGE 86; CONSIDERING THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN TO BEAR N 89°50'07" E, A DISTANCE OF 1338.75 FEET BETWEEN THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, BEING A FOUND #6 REBAR WITH 3 1/4" ALUMINUM CAP, STAMPED "DEPARTMENT OF AGRICULTURE UNLAWFUL TO DISTURB T13S R86W S14 SE X 1/16 LS20133 2001 U.S. FOREST SERVICE CADASTRAL SURVEY" (AS PER MON REC DATED 8/29/2009) AND THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14, BEING A FOUND 2" IRON PIPE WITH 3 1/4" ALUMINUM CAP, STAMPED "1/16 2472" (AS PER MON REC DATED 7/31/2009) AS SHOWN HEREON, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;  
 COMMENCING AT SAID NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, THENCE SOUTH 01°18'17" WEST, A DISTANCE OF 1410.52 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, AN ANGLE POINT ON THE WESTERLY LINE OF NORTH VILLAGE, A PLANNED UNIT GROUP RECORDED IN BOOK 623 AT PAGE 403, AND THE POINT OF BEGINNING;  
 THENCE ALONG THE BOUNDARY OF SAID NORTH VILLAGE THE FOLLOWING TWENTY-EIGHT (28) COURSES:

1. SOUTH 89°27'09" WEST, A DISTANCE OF 663.23 FEET;
2. THENCE NORTH 01°03'05" EAST, A DISTANCE OF 1414.81 FEET;
3. THENCE NORTH 01°03'05" EAST, A DISTANCE OF 450.75 FEET;
4. THENCE NORTH 89°59'10" EAST, A DISTANCE OF 412.53 FEET;
5. THENCE NORTH 26°30'54" EAST, A DISTANCE OF 66.05 FEET; THENCE 283.83 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 422.17 FEET, AN INCLUDED ANGLE OF 050°28'40" AND SUBTENDED BY A CHORD BEARING NORTH 63°14'01" EAST, A DISTANCE OF 274.74 FEET;
6. THENCE SOUTH 63°19'25" EAST, A DISTANCE OF 1399.44 FEET;
7. THENCE NORTH 89°50'07" EAST, A DISTANCE OF 162.03 FEET;
8. THENCE NORTH 88°17'14" EAST, A DISTANCE OF 269.80 FEET;
9. THENCE SOUTH 30°48'50" EAST, A DISTANCE OF 79.94 FEET;
10. THENCE 143.34 FEET ALONG THE ARC OF A CURVE THE LEFT, HAVING A RADIUS OF 221.03 FEET, AN INCLUDED ANGLE OF 47°09'26" AND SUBTENDED BY A CHORD SOUTH 49°29'38" EAST, A DISTANCE OF 87.52 FEET;
11. THENCE 87.52 FEET ALONG THE ARC OF A CURVE THE RIGHT, HAVING A RADIUS OF 460.00 FEET, AN INCLUDED ANGLE OF 13°55'43" AND SUBTENDED BY A CHORD SOUTH 61°06'29" EAST, A DISTANCE OF 87.30 FEET;
12. THENCE SOUTH 54°08'38" EAST, A DISTANCE OF 56.42 FEET;
13. THENCE 128.94 FEET ALONG THE ARC OF A CURVE THE RIGHT, HAVING A RADIUS OF 595.00 FEET, AN INCLUDED ANGLE OF 12°24'59" AND SUBTENDED BY A CHORD SOUTH 47°56'08" EAST, A DISTANCE OF 128.69 FEET;
14. THENCE SOUTH 41°43'39" EAST, A DISTANCE OF 82.09 FEET;
15. THENCE 290.92 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 943.00 FEET, AN INCLUDED ANGLE OF 17°40'34" AND SUBTENDED BY A CHORD BEARING SOUTH 32°53'21" EAST, A DISTANCE OF 289.77 FEET;

16. THENCE SOUTH 24°03'04" EAST, A DISTANCE OF 415.31 FEET;
17. THENCE 127.64 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 226.55 FEET, AN INCLUDED ANGLE OF 42°16'51" AND SUBTENDED BY A CHORD BEARING SOUTH 07°55'51" EAST, A DISTANCE OF 125.96 FEET;
18. THENCE SOUTH 08°11'51" WEST, A DISTANCE OF 135.87 FEET;
19. THENCE 39.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 108.68 FEET, AN INCLUDED ANGLE OF 21°00'57" AND SUBTENDED BY A CHORD BEARING SOUTH 18°42'24" WEST, A DISTANCE OF 49.64 FEET TO A POINT OF REVERSE CURVATURE;
20. THENCE 80.83 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 510.45 FEET, AN INCLUDED ANGLE OF 09°04'22" AND SUBTENDED BY A CHORD BEARING SOUTH 24°40'46" WEST, A DISTANCE OF 80.74 FEET;
21. THENCE SOUTH 20°08'35" WEST, A DISTANCE OF 22.94 FEET;
22. THENCE 105.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1523.37 FEET, AN INCLUDED ANGLE OF 03°58'05" AND SUBTENDED BY A CHORD BEARING SOUTH 18°09'33" WEST, A DISTANCE OF 105.48 FEET;
23. THENCE SOUTH 16°10'30" WEST, A DISTANCE OF 43.88 FEET;
24. THENCE 65.13 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1074.31 FEET, AN INCLUDED ANGLE OF 03°28'25" AND SUBTENDED BY A CHORD BEARING SOUTH 17°54'43" WEST, A DISTANCE OF 65.12 FEET;
25. THENCE SOUTH 19°38'55" WEST, A DISTANCE OF 40.43 FEET;
26. THENCE 110.77 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 811.68 FEET, AN INCLUDED ANGLE OF 07°49'08" AND SUBTENDED BY A CHORD BEARING SOUTH 15°44'21" WEST, A DISTANCE OF 110.68 FEET;
27. THENCE SOUTH 11°49'48" WEST, A DISTANCE OF 56.24 FEET;
28. THENCE 15.71 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 519.00 FEET, AN INCLUDED ANGLE OF 01°44'04" AND SUBTENDED BY A CHORD BEARING SOUTH 12°41'49" WEST, A DISTANCE OF 15.71 FEET;
1. THENCE NORTH 72°31'10" WEST, A DISTANCE OF 74.92 FEET; THENCE 145.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 108.00 FEET, AN INCLUDED ANGLE OF 76°57'18" AND SUBTENDED BY A CHORD BEARING NORTH 34°02'31" WEST, A DISTANCE OF 134.40 FEET; THENCE NORTH 04°26'09" EAST, A DISTANCE OF 358.72 FEET; THENCE 180.55 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 492.00 FEET, AN INCLUDED ANGLE OF 26°23'21" AND SUBTENDED BY A CHORD BEARING NORTH 08°45'32" WEST, A DISTANCE OF 178.95 FEET; THENCE NORTH 21°57'12" WEST, A DISTANCE OF 158.89 FEET; THENCE 721.06 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 416.73 FEET, AN INCLUDED ANGLE OF 99°08'16" AND SUBTENDED BY A CHORD BEARING NORTH 71°28'41" WEST, A DISTANCE OF 634.41 FEET; THENCE SOUTH 58°59'50" WEST, A DISTANCE OF 153.63 FEET; THENCE 324.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 442.00 FEET, AN INCLUDED ANGLE OF 54°25'23" AND SUBTENDED BY A CHORD BEARING SOUTH 31°47'09" WEST, A DISTANCE OF 412.78 FEET; THENCE SOUTH 04°34'27" WEST, A DISTANCE OF 91.50 FEET; THENCE 92.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 258.06 FEET, AN INCLUDED ANGLE OF 20°26'21" AND SUBTENDED BY A CHORD BEARING SOUTH 14°34'01" WEST, A DISTANCE OF 91.57 FEET; THENCE SOUTH 24°47'15" WEST, A DISTANCE OF 131.17 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 451.21 FEET; THENCE 106.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 68.00 FEET, AN INCLUDED ANGLE OF 90°00'00" AND SUBTENDED BY A CHORD BEARING SOUTH 45°00'00" WEST, A DISTANCE OF 96.17 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 288.66 FEET; THENCE

164.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 105.00 FEET, AN INCLUDED ANGLE OF 90°00'00" AND SUBTENDED BY A CHORD BEARING SOUTH 45°00'00" EAST, A DISTANCE OF 148.49 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 243.89 FEET; THENCE 119.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 105.00 FEET, AN INCLUDED ANGLE OF 65°19'23" AND SUBTENDED BY A CHORD BEARING NORTH 57°20'18" EAST, A DISTANCE OF 113.33 FEET; THENCE NORTH 24°40'37" EAST, A DISTANCE OF 276.95 FEET; THENCE 85.90 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 105.00 FEET, AN INCLUDED ANGLE OF 46°52'21" AND SUBTENDED BY A CHORD BEARING NORTH 01°14'26" EAST, A DISTANCE OF 83.52 FEET; THENCE NORTH 24°47'15" EAST, A DISTANCE OF 172.66 FEET; THENCE 113.17 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 424.06 FEET, AN INCLUDED ANGLE OF 20°00'36" AND SUBTENDED BY A CHORD BEARING NORTH 14°46'54" EAST, A DISTANCE OF 112.60 FEET; THENCE NORTH 04°34'27" EAST, A DISTANCE OF 93.66 FEET; THENCE 262.16 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 276.00 FEET, AN INCLUDED ANGLE OF 54°25'23" AND SUBTENDED BY A CHORD BEARING NORTH 31°47'09" EAST, A DISTANCE OF 252.42 FEET; THENCE NORTH 58°59'50" EAST, A DISTANCE OF 153.63 FEET; THENCE 606.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 451.00 FEET, AN INCLUDED ANGLE OF 99°02'57" AND SUBTENDED BY A CHORD BEARING SOUTH 71°28'41" EAST, A DISTANCE OF 534.00 FEET; THENCE SOUTH 21°57'12" EAST, A DISTANCE OF 158.89 FEET; THENCE 150.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 426.00 FEET, AN INCLUDED ANGLE OF 26°23'21" AND SUBTENDED BY A CHORD BEARING SOUTH 08°45'32" EAST, A DISTANCE OF 148.82 FEET; THENCE SOUTH 04°26'09" WEST, A DISTANCE OF 358.72 FEET; THENCE 109.07 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 174.00 FEET, AN INCLUDED ANGLE OF 35°55'00" AND SUBTENDED BY A CHORD BEARING SOUTH 13°31'22" EAST, A DISTANCE OF 107.30 FEET TO A POINT OF REVERSE CURVATURE, THENCE 20.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, AN INCLUDED ANGLE OF 07°57'03" AND SUBTENDED BY A CHORD BEARING SOUTH 27°30'20" EAST, A DISTANCE OF 20.80 FEET TO A POINT OF REVERSE CURVATURE; THENCE 72.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 112.00 FEET, AN INCLUDED ANGLE OF 37°16'26" AND SUBTENDED BY A CHORD BEARING SOUTH 42°10'02" EAST, A DISTANCE OF 71.58 FEET TO A POINT OF COMPOUND CURVATURE; THENCE 38.03 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 186.00 FEET, AN INCLUDED ANGLE OF 11°42'55" AND SUBTENDED BY A CHORD BEARING SOUTH 66°39'42" EAST, A DISTANCE OF 37.97 FEET; THENCE SOUTH 72°31'10" EAST, A DISTANCE OF 76.51 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GOTHIC ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF GOTHIC ROAD THE FOLLOWING FOURTEEN (14) COURSES:

1. SOUTH 20°55'41" WEST, A DISTANCE OF 76.91 FEET;
2. THENCE 129.81 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 181.01 FEET, AN INCLUDED ANGLE OF 41°05'25" AND SUBTENDED BY A CHORD BEARING SOUTH 41°27'41" WEST, A DISTANCE OF 127.05 FEET;
3. THENCE SOUTH 62°00'48" WEST, A DISTANCE OF 83.15 FEET;
4. THENCE 193.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 840.00 FEET, AN INCLUDED ANGLE OF 13°10'05" AND SUBTENDED BY A CHORD BEARING SOUTH 55°22'39" WEST, A DISTANCE OF 192.63 FEET;
5. THENCE SOUTH 62°00'48" WEST, A DISTANCE OF 443.70 FEET;

6. THENCE 226.64 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 440.00 FEET, AN INCLUDED ANGLE OF 48°11'31" AND SUBTENDED BY A CHORD BEARING SOUTH 29°42'29" WEST, A DISTANCE OF 222.46 FEET;
7. THENCE SOUTH 10°36'43" WEST, A DISTANCE OF 288.04 FEET;
8. THENCE 67.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 452.99 FEET, AN INCLUDED ANGLE OF 08°32'49" AND SUBTENDED BY A CORD BEARING SOUTH 14°53'08" WEST, A DISTANCE OF 67.51 FEET;
9. SOUTH 20°50'19" WEST, A DISTANCE OF 80.02 FEET;
10. THENCE SOUTH 20°27'02" WEST, A DISTANCE OF 16.31 FEET;
11. THENCE 74.19 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 126.92 FEET, AND INCLUDED ANGLE OF 43°29'33" AND SUBTENDED BY A CHORD BEARING SOUTH 37°10'05" WEST, A DISTANCE OF 73.14 FEET;
12. THENCE SOUTH 53°50'58" WEST, A DISTANCE OF 18.33 FEET;
13. THENCE SOUTH 53°58'48" WEST, A DISTANCE OF 406.99 FEET TO THE SOUTHERLY MOST CORNER OF SAID NORTH VILLAGE, A PLANNED UNIT DEVELOPMENT; THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID NORTH VILLAGE THE FOLLOWING FOUR (4) COURSES:
  1. NORTH 58°18'32" WEST, A DISTANCE OF 217.60 FEET;
  2. THENCE NORTH 78°05'37" WEST, A DISTANCE OF 662.08 FEET;
  3. THENCE NORTH 57°50'26" WEST, A DISTANCE OF 240.13 FEET;
  4. THENCE NORTH 00°36'05" EAST, A DISTANCE OF 1412.22 FEET;
  5. ALONG WITH TRACT 8 DESCRIBED AS FOLLOWS:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14; THENCE NORTH 87°50'36" EAST, A DISTANCE OF 529.76 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 87°50'36" EAST, A DISTANCE OF 529.76 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 396.51 FEET; THENCE 90.07 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00 FEET, AN INCLUDED ANGLE OF 114°40'37" AND SUBTENDED BY A CHORD BEARING SOUTH 32°39'42" EAST, A DISTANCE OF 75.77 FEET; THENCE SOUTH 24°40'37" WEST, A DISTANCE OF 278.95 FEET; THENCE 51.30 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00 FEET, AN INCLUDED ANGLE OF 65°19'23" AND SUBTENDED BY A CHORD BEARING SOUTH 57°20'18" WEST, A DISTANCE OF 46.57 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 243.89 FEET; THENCE 70.69 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00 FEET, AN INCLUDED ANGLE OF 90°00'00" AND SUBTENDED BY A CHORD BEARING NORTH 45°00'00", A DISTANCE OF 63.64 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 288.66 FEET; THENCE 12.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 8.00 FEET, AN INCLUDED ANGLE OF 90°00'00" AND SUBTENDED BY A CHORD BEARING NORTH 45°00'00" EAST, A DISTANCE OF 11.31 FEET TO THE POINT OF BEGINNING;

CONTAINING 7,234,188 SQUARE FEET OR 166.07 ACRES, MORE OR LESS.