

93167

STATE OF COLORADO  
ARCHULETA COUNTY

I hereby certify that this instrument was filed  
for Record in my office at 8:30 o'clock A.M.  
November 2, 19 78, and is duly  
recorded in Book 161 Page 480-487  
FELIXA GARDNER  
Recorder

A MODIFICATION TO  
THE APPROVED SERVICE PLAN  
OF  
PAGOSA AREA WATER AND SANITATION DISTRICT

October 31, 1978

BOOK 161 PAGE 480

1.

The Service Plan for Pagosa Area Water and Sanitation District (the "District"), as approved by the Board of County Commissioners of Archuleta County by Resolution, dated January 26, 1977, provides that the District will furnish both water and wastewater facilities and service to all territory within the District, including the subdivisions then known as Pagosa Paddocks I and II. Certain portions of said subdivisions, together with certain other property, have since that time been replatted and are now known as Martinez Mountain Estates (the "Affected Area"). A legal description of the Affected Area is attached hereto as Exhibit A. A detailed map showing the Affected Area as replatted is attached hereto as Exhibit B. A map of the District showing the location of the Affected Area therein is attached hereto as Exhibit C. The lots within the Affected Area as replatted range in size from three (3) to fifteen (15) acres, and are thus considerably larger than as previously platted.

In connection with the replatting of the Affected Area the District proposes to modify its Service Plan and to provide only water facilities and service to the Affected Area instead of both water and wastewater facilities and service as set forth in the Service Plan as originally approved. This modification contemplates that in the absence of wastewater facilities and service furnished by the District domestic sewage will be collected and disposed of by means of private septic systems. This method will be adequate to serve the needs and safeguard the health of those residing within the Affected Area and, in view of the reduced number of enlarged lots to be served, will be more economical as well.

Consequently, the projections relating to the construction of wastewater facilities during Phase VII (1983) and Phase VIII (1984) as set forth in the Service Plan as originally approved must be revised to reflect the circumstances that less than the anticipated sewer line footage and fewer than the anticipated number of manholes, lift stations, and force mains will be required and that the capacity required of the sewage treatment plant will be smaller. These revisions would, of course, result in corresponding reductions in the cost of constructing the proposed wastewater facilities, in the anticipated borrowing needs of the District regarding the same, and in the amount of revenues to be generated by rates, fees, tolls, and charges for furnishing and making wastewater facilities and services available to customers of the District.

93167

BOOK 16 / PAGE 482

Exhibit A

DESCRIPTION

That certain portion of Pagosa Paddocks recorded November 5, 1973 as Reception Number 78740 in the Office of the Recorder of Archuleta County, Colorado, together with that certain portion of Pagosa Paddocks Unit Two recorded November 5, 1973 as Reception Number 78741 in the Office of said Recorder, and also together with portions of Section 1, Township 35 North, Range 2-1/2 West, Section 31, Township 36 North, Range 2 West, and Section 36, Township 36 North, Range 2-1/2 West, New Mexico Principal Meridian, Archuleta County, more particularly described as follows:

Commencing at the Southwest corner of said Section 36:

Thence, North  $00^{\circ}36'29''$  East along the West line of said Section 36, a distance of 663.31 feet to the true point of beginning, being the Southwest corner of the North half of the Southwest quarter of the Southwest quarter of said Section 36;

Thence, continuing North  $00^{\circ}36'29''$  East along said West line, a distance of 1669.94 feet to a Southerly corner of Pagosa Highland Estates, said Southerly corner being shown as Boundary Point 19 on Sheet 6 of 7 of the plat of Pagosa Highland Estates recorded February 7, 1972 as Reception Number 75409 in the Office of said Recorder;

Thence, following along the Southerly line of said Pagosa Highlands Estates the following courses and distances:

North  $89^{\circ}30'23''$  East, 379.89 feet,  
South  $72^{\circ}00'40''$  East, 334.39 feet to the Southernmost corner of said Pagosa Highlands Estates, said last mentioned corner being shown as Boundary Point 17 on said Sheet 6 of 7;

Thence, North  $17^{\circ}59'20''$  East along the Easterly line of said Pagosa Highlands Estates, a distance of 566.57 feet;

Thence, leaving said Easterly line South  $72^{\circ}00'40''$  East, 493.97 feet;

Thence, South  $80^{\circ}43'04''$  East, 650.94 feet;

Thence, South  $51^{\circ}08'59''$  East, 114.44 feet;

Thence, South  $45^{\circ}46'36''$  East, 185.96 feet;

Thence, South  $30^{\circ}21'45''$  East, 380.00 feet;

Thence, North  $84^{\circ}29'54''$  East, 38.43 feet to the point of intersection of said last mentioned line with a curve concave to the North and having a radius of 50.00 feet, said last mentioned line being radial to said curve;

Thence, Easterly along said curve through a central angle of  $160^{\circ}36'32''$ , a distance of 140.16 feet to the point of compound curvature with a curve concave to the Southeast and having a radius of 50.00 feet;

ML

93167

BOOK /6/ PAGE

483

Description  
Pagosa Paddocks  
Page two

Thence, Northeasterly along said last mentioned curve through a central angle of  $46^{\circ}02'35''$ , a distance of 40.18 feet to the point of compound curvature with a curve concave to the Southeast and having a radius of 220.00 feet;

Thence, Northeasterly along said last mentioned curve through a central angle of  $08^{\circ}40'59''$ , a distance of 33.34 feet;

Thence, North  $68^{\circ}36'56''$  East, 220.00 feet to the beginning of a curve concave to the Northwest and having a radius of 280.00 feet;

Thence, Northeasterly along said last mentioned curve through a central angle of  $65^{\circ}23'34''$ , a distance of 319.57 feet;

Thence, North  $03^{\circ}13'22''$  East, 330.00 feet to the beginning of a curve concave to the Southeast and having a radius of 520.00 feet;

Thence, Northeasterly along said last mentioned curve through a central angle of  $17^{\circ}49'45''$ , a distance of 161.81 feet;

Thence, North  $21^{\circ}03'06''$  East, 22.40 feet to the beginning of a curve concave to the South and having a radius of 20.00 feet;

Thence, Easterly along said last mentioned curve through a central angle of  $93^{\circ}02'57''$ , a distance of 32.48 feet to the point of compound curvature with a curve concave to the Southwest and having a radius of 960.00 feet, said last mentioned point of compound curvature being in the Southerly line of Lake Hatcher Park as shown on Sheet 2 of 4 of said Lake Hatcher Park recorded November 5, 1973 as Reception Number 78738 in the Office of said Recorder;

Thence, following along said Southerly line of Lake Hatcher Park the following courses and distances:

Southeasterly along said last mentioned curve through a central angle of  $00^{\circ}31'57''$ , a distance of 8.92 feet to the point of compound curvature with a curve concave to the Southwest and having a radius of 460.00 feet;

Thence, Southeasterly along said last mentioned curve through a central angle of  $05^{\circ}44'00''$ , a distance of 46.03 feet;

Thence, North  $30^{\circ}22'00''$  East, 80.00 feet;

Thence, leaving said Southerly line of Lake Hatcher Park, South  $59^{\circ}38'00''$  East, 161.48 feet to the beginning of a curve concave to the Southwest and having a radius of 790.00 feet;

Thence, Southeasterly along said last mentioned curve through a central angle of  $21^{\circ}38'00''$ , a distance of 298.28 feet;



93167

BOOK 161 PAGE 484

Description  
Pagosa Paddocks  
Page three

Thence, South 38°00'00" East, 825.65 feet to the beginning of a curve concave to the Southwest and having a radius of 1340.00 feet;

Thence, Southeasterly along said last mentioned curve through a central angle of 20°24'42", a distance of 477.38 feet to the point of intersection of said last mentioned curve with a radial line bearing North 72°24'42" East;

Thence, North 72°24'42" East along said radial line, a distance of 250.21 feet;

Thence, South 49°10'19" East; 301.32 feet;

Thence, South 86°57'31" East, 527.74 feet;

Thence, South 11°15'02" East, 948.22 feet;

Thence, South 13°10'45" West, 590.82 feet to a point in the South line of said Section 31;

Thence, North 88°58'34" West along said South line, a distance of 43.35 feet to the Northeast corner of said Section 1;

Thence, South 00°45'46" West along the East line of said Section 1, a distance of 135.77 feet;

Thence, South 33°43'55" West, 342.41 feet;

Thence, South 06°48'33" West, 674.76 feet;

Thence, South 37°42'29" West, 752.08 feet;

Thence, South 15°56'43" East, 1164.82 feet;

Thence, South 23°04'28" West, 308.63 feet to a point in the Northerly right-of-way line of Pagosa Boulevard as shown on Sheet 3 of 3 of the plat of said Pagosa Paddocks;

Thence, following along said Northerly right-of-way line the following courses and distances:

North 53°15'00" West, 148.50 feet to the beginning of a curve concave to the South and having a radius of 485.00 feet;

Thence, Westerly along said last mentioned curve through a central angle of 82°50'00", a distance of 701.17 feet;

Thence, South 43°55'00" West, 150.00 feet to the beginning of a curve concave to the Northwest and having a radius of 455.00 feet;

Thence, Southwesterly along said last mentioned curve through a central angle of 25°00'00", a distance of 198.53 feet;

Thence, South 68°55'00" West, 112.50 feet to the beginning of a curve concave to the Southeast and having a radius of 600.00 feet;



Description  
Pagosa Paddocks  
Page four

Thence, Southwesterly along said last mentioned curve through a central angle of  $34^{\circ}25'00''$ , a distance of 360.41 feet;

Thence, South  $34^{\circ}30'00''$  West, 238.38 feet to a corner on the Northerly line of Twincreek Village as shown on Sheets 2, 13 and 14 of 18 of the plat of said Twincreek Village recorded November 5, 1973 as Reception Number 78739 in the Office of said Recorder, said last mentioned corner being at the Easterly terminus of the Northerly right-of-way line of said Pagosa Boulevard as shown on said Sheet 13 of 18;

Thence, following along said Northerly line of Twincreek Village the following courses and distances:

South  $34^{\circ}30'00''$  West, 58.62 feet to the beginning of a curve concave to the North and having a radius of 195.00 feet;

Thence, Westerly along said last mentioned curve through a central angle of  $82^{\circ}55'00''$ , a distance of 282.20 feet;

Thence, North  $62^{\circ}35'00''$  West, 119.50 feet to the beginning of a curve concave to the Northeast and having a radius of 755.00 feet;

Thence, Northwestery along said last mentioned curve through a central angle of  $10^{\circ}10'00''$ , a distance of 133.97 feet;

Thence, North  $52^{\circ}25'00''$  West, 443.00 feet to the beginning of a curve concave to the Northeast and having a radius of 985.00 feet;

Thence, Northwestery along said last mentioned curve through a central angle of  $10^{\circ}40'00''$ , a distance of 183.38 feet;

Thence, North  $41^{\circ}45'00''$  West, 154.07 feet to the beginning of a curve concave to the East and having a radius of 185.00 feet;

Thence, Northerly along said last mentioned curve through a central angle of  $50^{\circ}50'00''$ , a distance of 164.13 feet;

Thence, North  $09^{\circ}05'00''$  East, 427.13 feet;

Thence, North  $88^{\circ}49'32''$  West, 245.00 feet to the point of intersection of said last mentioned line with a curve concave to the West and having a radius of 325.00 feet, said last mentioned line being radial to said last mentioned curve;

Thence, Southerly along said last mentioned curve through a central angle of  $20^{\circ}14'32''$ , a distance of 114.82 feet;

Thence, South  $21^{\circ}25'00''$  West, 252.00 feet to the beginning of a curve concave to the East and having a radius of 395.00 feet;

Thence, Southerly along said last mentioned curve through a central angle of  $23^{\circ}21'54''$ , a distance of 161.08 feet to the point of intersection of said last mentioned curve with a non-radial line bearing North  $53^{\circ}52'51''$  West;

Thence, North  $53^{\circ}52'51''$  West along said non-radial line, 694.67 feet;



93167

BOOK 16/ PAGE 486

Description  
Pagosa Paddocks  
Page five

Thence, North  $88^{\circ}49'32''$  West, 560.00 feet to the Northwest corner of said Twincreek Village, said Northwest corner being the West line of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 1;

Thence, leaving said last mentioned Northerly line, North  $00^{\circ}54'32''$  East along said last mentioned West line, 109.17 feet to the Northwest corner of said Northeast quarter, said last mentioned Northwest corner being on the mid-section line of said Section 1;

Thence, North  $00^{\circ}53'56''$  East along the West line of the East half of the West half of the Northwest quarter of said Section 1, a distance of 2673.13 feet to the Southwest corner of the Southeast quarter of the Southwest quarter of the Southwest quarter of said Section 36;

Thence, North  $00^{\circ}32'25''$  East along the West line of said last mentioned Southeast quarter, a distance of 332.17 feet to the Southeast corner of the Northeast quarter of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 36;

Thence, North  $89^{\circ}04'31''$  West along the South line of said last mentioned Northeast quarter, a distance of 330.86 feet to the Southwest corner of said last mentioned Northeast quarter;

Thence, North  $00^{\circ}34'27''$  East along the West line of said last mentioned Northeast quarter, a distance of 328.96 feet to the Northwest corner of said last mentioned Northeast quarter;

Thence, North  $88^{\circ}36'32''$  West along the South line of the North half of the Southwest quarter of the Southwest quarter, a distance of 330.70 feet to the true point of beginning.

Containing 580.18 acres more or less.

93167

BOOK 16 / PAGE 487





