

CFT# 675208 09/09/94 0430PM APG
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STATE DOCUMENTARY FEE
DATE 9-9-94
25.00

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DEED

THIS DEED is made by RUBY N. ZINK, Individually and RUBY N. ZINK, as Personal Representative of the Estate of JOHN W. ZINK, deceased, GRANTORS, whose address is 4181 County Road 203, Durango, Colorado 81301, to EDWIN A. ZINK, GRANTEE, whose address is 4166 County Road 203, Durango, CO 81301.

WHEREAS, RUBY N. ZINK is the qualified Personal Representative of said Estate, filed on April 14, 1992, with the district Court in and for the County of La Plata, State of Colorado, under Probate No. 92 PR 39;

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THEREFORE, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, GRANTORS hereby sell and convey to GRANTEE, the following real property in the County of La Plata and State of Colorado, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

with all its appurtenances.

SIGNED this 9th day of September, 1994.

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Ruby N. Zink
RUBY N. ZINK, Individually
THE ESTATE OF JOHN W. ZINK, deceased

Ruby N. Zink
RUBY N. ZINK, Personal Representative

STATE OF COLORADO)
COUNTY OF LA PLATA) ss.

The foregoing instrument was acknowledged before me this 9th day of September, 1994, by RUBY N. ZINK, Individually, and RUBY N. ZINK, as Personal Representative of the ESTATE OF JOHN W. ZINK, deceased.

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WITNESS my hand and official seal.

My commission expires:
6/1/97

Bickel (Name)
Notary Public
700 Main Durango CO
81301



111295

Return to: Edwin A. Zink 4166 CR 203 Dgo, CO 81301

The following described real estate located in the County of La Plata, State of Colorado to-wit:

TRACT I:

A tract of land lying and being in the SW1/4NE1/4 of Section 28, Township 36 North, Range 9 West, N.M.P.M., being more particularly described as follows, to-wit:

BEGINNING at a point on the Southwest Corner of tract described in Deed from John W. Zink and Ruby N. Zink to Don Kolb and Ida Kolb recorded January 9, 1968 in Book 520 at Page 379 whence the N1/4 Corner of said Section 28, a brass cap, bears North 1440.60 feet:

- Thence
- East 906.69 feet, more or less, along the South boundary line of tract described in said Book 520 at Page 389 to the West boundary line of tract described in Deed from John W. Zink and Ruby N. Zink to Everett L. Hanson, Musa A. Hanson, Kenneth W. Erickson and Ann L. Erickson recorded April 5, 1955 in Book 343 at Page 308;
 - South 09° 0' East, 521.26 feet to the Southwest corner of tract described in said Book 343 at Page 308;
 - South 1° 09' East, 117.33 feet along the West boundary line of tract described in Deed from John W. Zink and Ruby N. Zink to Thomas King, Jr. and Doris F. King recorded October 25, 1966 in Book 507 at Page 431;
 - South 61° 12' East, 180.00 feet along the Southwesterly boundary line of tract described in said Book 507 at Page 431;
 - East 37.20 feet, more or less, along the South boundary line of tract described in said Book 507 at Page 431 to the West right of way line of La Plata County Road No. 203;
 - South 05° 13' 50" West, 178.61 feet, more or less, along said West right of way line to the Northeast Corner of tract described in Deed from John W. Zink and Ruby N. Zink to Charles R. Van Den Berg and Vivian S. Van Den Berg recorded April 22, 1974 as Reception No. 384258;
 - West 1095.99 feet, more or less, along the North boundary of tract described in said Reception No. 384258 to the West boundary line of said SW1/4NE1/4;
 - North 433.50 feet, more or less, along the West boundary line of said SW1/4NE1/4 to the point of beginning.

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TRACT II:

A tract of land in the S1/2NE1/4 of Section 28, Township 36 North, Range 9 West, N.M.P.M., which is more particularly described as follows:

BEGINNING at a point whence the W.C. (66.0 feet South) of the Southeast Corner of said Section 28 bears South 16° 34' East, a distance of 3586.81 feet,

- Thence
- South 88° 40' East, a distance of 292.94 feet to the West right of way of U.S. Highway 550;
 - along said right of way, North 1° 52' East, a distance of 336.25 feet to the Southerly boundary of Zink Boundary Adjustment plat filed for record January 18, 1991 as Reception No. 605593,
 - North 88° 58' West, a distance of 471.46 feet along said Southerly boundary of Zink Boundary Adjustment,
 - South 60° 35' 03" West, a distance of 165.27 feet along said Southerly boundary of Zink Boundary Adjustment,
 - North 61° 19' 15" West, a distance of 71.76 feet along said Southerly boundary of Zink Boundary Adjustment to the East right of way of County Road No. 203;
 - South 9° 46' West, a distance of 789.43 feet along said right of way;
 - South 88° 08' East, a distance of 169.50 feet;
 - South 89° 52' East, a distance of 254.88 feet to the point of beginning.

TRACT III:

A tract of land in the NW1/4 of Section 27 and the NW1/4 of Section 28, Township 36 North, Range 9 West, N.M.P.M., and more particularly described as follows:

- BEGINNING at a point on the East right of way line of the Durango and Silverton Narrow Gauge Railroad whence the witness corner for the section corner common to Sections 27, 28, 33 and 34 (South 0° 30' 00" West, a distance of 66.0 feet from said section corner) bears South 89° 52' East, a distance of 4014.70 feet, said point of beginning also being the Southwesterly Corner of that tract of land as described under Reception No. 418145 of the La Plata County Records;
- Thence
- South 1° 49' 15" West, a distance of 555.26 feet along said right of way to the North line of that tract of land described under Reception No. 476598 of the La Plata County records;
 - along said North line the following courses:
 - South 88° 12' 00" East, a distance of 614.20 feet;
 - South 01° 53' 42" West, a distance of 265.89 feet;
 - South 88° 06' 18" East, a distance of 1320.01 feet more or less to the centerline of the Animas River;
 - North 15° 30' 17" East, along said centerline a distance of 905.36 feet to the Southeasterly Corner of said Reception No. 418145;
 - North 89° 42' 00" West, along the South line of said Reception No. 418145 a distance of 2148.8 feet to the point of beginning.

ALSO LESS AND EXCEPT a tract of land conveyed to Michael T. O'Neill by John W. Zink and Ruby N. Zink in instrument recorded February 18, 1983 as Reception No. 479858.

TRACT IV:

A tract of land in the NE1/4 of Section 28, Township 36 North, Range 9 West, N.M.P.M., La Plata County, Colorado, and more particularly described as follows:

BEGINNING at a point on the East right of way line of the Durango and Silverton Narrow Gauge Railroad whence the witness corner for the section corner common to Sections 27, 28, 33 and 34 (South 0° 30' 00" West, a distance of 66.0 feet from said section corner) bears South 6° 34' 52" East, a distance of 4014.70 feet, said point of beginning also being the Southwesterly Corner of that tract of land as described under Reception No. 418145 of the La Plata County Records;

Thence South 1° 49' 15" West, a distance of 555.26 feet along said right of way to the North line of that tract of land described under Reception No. 476598 of the La Plata County records;

" West 100 feet, more or less, to the East right of way line of U.S. Highway No. 550;

" North along said East right of way line 555.26 feet;

" East 100 feet, more or less, to the point of beginning.

TOGETHER WITH: All water, water rights and ditch rights appurtenant to the above described property, including but not limited to, the following described certain rights: 2.0 c.f.s. of water, Priority #7, 10/10/1875, in the WATERFALL DITCH, Case No. 1751 (deced) and Case No. W-1049-73 (Change of point of diversion for 0.50 c.f.s.) and Thirteen (13) shares of The Animas Consolidated Ditch Co.

SUBJECT TO:

Ditches and ditch rights, but not limited to the Animas Consolidated Ditch and the Waterfall Ditch.

Restrictions, but omitting restrictions, if any, based on race, color, creed or national origin, as contained in Protective Covenants, recorded May 6, 1969 as Reception No. 354978.

Easement and right of way for a roadway, 20 feet in width, to be used jointly with others for access to U.S. Highway No. 550, as set forth in Deed from John W. Zink and Ruby N. Zink to John M. Tannhill, recorded December 8, 1969 as Reception No. 357874, lying adjacent to the Southerly boundary of subject property. (Tract II)

Each and every right or rights of access to and from any part of the right of way of U.S. Highway 550, from and to any part of the subject property abutting upon said highway, along or across the Easterly boundary line of subject property, as granted to The Department of Highways, State of Colorado, by the District Court in and for the County of La Plata and State of Colorado, in Civil Action No. 7516, as set forth in Rule and Order recorded August 12, 1965 in Book 492 at Page 239. (Tracts I and II)

Easement and right of way, for pole line purposes, as granted to The Mountain States Telephone and Telegraph Co., by W.W. Perkins, in instrument recorded June 24, 1930 in Book 206 at Page 287, across part of the S1/2NE1/4 of Section 28, Township 36 North, Range 9 West, N.M.P.M., in which the exact location of said easement is not defined.

Terms, agreements, provisions, conditions and obligations, if applicable, as contained in Declaration of Areas of State Interest, regarding Designation of Mineral Resource Areas and Geologic Hazard Areas by Board of County Commissioners, La Plata County, recorded July 7, 1976 as Reception No. 401417.

Terms, agreements, provisions, conditions and obligations as contained in Conservation Easement Deed, between John W. Zink and Ruby N. Zink and La Plata County, Colorado, A subdivision of Local Government of the State of Colorado, dated December 18, 1984, recorded December 21, 1984 as Reception No. 509713. (Tract I)

Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded August 7, 1883 in Book 23 at Page 219 and recorded July 6, 1917 in Book 116 at Page 511. (S1/2NE1/4, Section 28, Township 36 North, Range 9 West and SW1/4NW1/4, Section 27, Township 36 North, Range 9 West)

Any right, interest or easements in favor of the State of Colorado, the United States of America, or the general public, which exist, have existed, or are claimed to exist in and over the waters and present and past bed and banks of the Animas River. (Tract III)

Any question, dispute or adverse claims as to any loss or gain of land as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the Animas River lying within subject land; and any question as to the location of such center, thread, bed, bank or channel as a legal description monument or marker for purposes of describing or locating subject lands. (Tracts III)

Deed of Access Rights to and from U.S. Highway No. 550, over and across the line described in Quit Claim Deed from D&RGW R.R. to Department of Highways, State of Colorado, Dated September 20, 1963, recorded October 9, 1963 in Book 4967 at Page 200> (Tract III)

Lack of a right of access from the land to any open public road, street or highway. (Tract III)

Terms, agreements, provisions, conditions and obligations as contained in Conservation Easement Deed, between John W. Zink and Ruby N. Zink and La Plata County, Colorado, dated December 24, 1990, recorded December 27, 1990 as Reception No. 604729. (Tract III)

Easement, 25 feet in width, as granted to Michael T. O'Neill by John W. Zink and Ruby N. Zink, in instrument recorded November 24, 1982 as Reception No. 476598. (Tract III)

Terms, agreements, provisions, conditions and obligations as contained in Right of First Refusal and Option Agreement, between John W. Zink and Ruby N. Zink and Michael T. O'Neill, dated November 24, 1982, recorded November 24, 1982 as Reception No. 476599. (Tract III)

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