



RECORDER NOTE: Legibility of writing, typing or printing UNSATISFACTORY in portions of this document when received

**EIGHTH AMENDMENT**

**TO**

**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS**

**AND EASEMENTS FOR**

**NORTHGATE RESIDENTIAL PROPERTIES**

THIS EIGHTH AMENDMENT is made this 4<sup>TH</sup> day of December, 2000 by PICOLAN, INC., a Colorado corporation ("Declarant"), and amends that certain Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties (the "Declaration"), dated July 8, 1997 and recorded July 10, 1997 under Reception No. 097079216 of the records of El Paso County, Colorado. The Declaration was previously amended by a First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated May 15, 1998 and recorded May 19, 1998 under Reception No. 098066621, by a Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated October 8, 1999 and recorded October 15, 1999 under Reception No. 099160922, by a Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated November 22, 1999 and recorded November 29, 1999 under Reception No. 099180174, by a Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated January 18, 2000 and recorded January 31, 2000 under Reception No. 200010109, by a Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated April 25, 2000 and recorded April 27, 2000 under Reception No. 200046047, by a Sixth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate Residential Properties dated October 3, 2000 and recorded October 6, 2000 under Reception No. 200121698, and by a Seventh Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Northgate

162750

Residential Properties dated October 17, 2000 and recorded October 19, 2000 under Reception No. 200127007, records of El Paso County, Colorado. The Declaration and the Amendments are collectively referred to herein as the "Declaration."

Declarant is the owner of the real property in the City of Colorado Springs, County of El Paso and State of Colorado, as more particularly described on Exhibit A attached hereto (the "Eighth Additional Property"), which is part of the Expansion Property defined in the Declaration.

The purpose of this Eighth Amendment is to extend the Declaration to the Eighth Additional Property. Declarant has the right, power and authority to amend the Declaration as provided herein. Accordingly, pursuant to Section 7.2 and Section 10.3 of the Declaration, the Declaration is hereby amended to add the Eighth Additional Property to the area made subject to the Declaration. All of the terms, conditions and provisions of the Declaration shall apply to and be binding upon the Eighth Additional Property, and the Eighth Additional Property shall be subject to all of the terms, conditions and provisions of the Declaration.

Any capitalized phrase, term or word used in this Eighth Amendment that is not otherwise expressly defined in this Eighth Amendment shall have the meaning set forth in Article 1 of the Declaration, unless the context requires otherwise.

IN WITNESS WHEREOF, the undersigned has signed this Eighth Amendment this 9<sup>th</sup> day of December, 2000.

**DECLARANT:**

PICOLAN, INC., a Colorado corporation

By *Stephen L. Sharkey*  
Stephen L. Sharkey, Vice President



J. Patrick Kelly El Paso Cty, CO 200146143  
12/05/2000 03:50  
Doc \$0.00 Page  
Rec \$20.00 2 of 4



Exhibit A

A TRACT OF LAND BEING PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 16 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN AND PORTIONS OF TRACT A AND B AS SHOWN ON THE SUBDIVISION WAIVER MAP RECORDED IN BOOK 2276 AT PAGES 87-90, RECORDS OF EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST QUARTER CORNER BY A NO. 6 REBAR WITH 2 1/2" ALUMINUM SURVEYOR'S CAP STAMPED "D.B. & CO. PLS 22573" AND AT THE SOUTHWEST SECTION CORNER BY A 3 1/4" BUREAU OF LAND MANAGEMENT BRASS CAP APPROPRIATELY STAMPED, BEARING N 00° 55' 22" W, A DISTANCE OF 2640.58 FEET, GRID BEARING OF THE COLORADO COORDINATE SYSTEM OF 1983, CENTRAL ZONE, PER GLOBAL POSITIONING SYSTEM SURVEY.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 16, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO. THENCE N 89° 07' 56" E, A DISTANCE OF 368.90 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, RAMTRON FILING NO. 1 RECORDED IN PLAT BOOK E-4 AT PAGE 53, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;  
THENCE N 89° 04' 41" E, ON THE NORTHERLY LINE OF TRACT A AND B DESCRIBED IN SUBDIVISION WAIVER MAP RECORDED IN BOOK 2276 AT PAGES 87-90, A DISTANCE OF 1383.06 FEET TO A RECOVERED NO. 4 REBAR WITH 1" YELLOW PLASTIC SURVEYOR'S CAP STAMPED "LS 13225";  
THENCE S 01° 10' 42" E, ON THE EASTERLY LINE OF SAID TRACT B, A DISTANCE OF 1319.42 FEET TO A RECOVERED NO. 5 REBAR WITH 1 1/2" RED PLASTIC SURVEYOR'S CAP STAMPED "LS 1593";  
THENCE S 88° 58' 51" W, ON THE SOUTHERLY LINE OF SAID TRACT A AND B, A DISTANCE OF 1015.66 FEET TO A RECOVERED NO. 4 REBAR WITH 1" WHITE PLASTIC SURVEYOR'S CAP "UNLEDGEABLE";  
THENCE CONTINUING S 88° 58' 51" W, A DISTANCE OF 791.21 FEET;  
THENCE N 04° 32' 44" E, A DISTANCE OF 157.24 FEET TO A POINT ON CURVE;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N 04° 32' 44" E, HAVING A DELTA OF 14° 06' 04", A RADIUS OF 370.00 FEET, A DISTANCE OF 91.06 FEET TO A POINT OF TANGENT;  
THENCE N 80° 26' 40" E, A DISTANCE OF 32.12 FEET;  
THENCE N 80° 28' 45" E, A DISTANCE OF 179.62 FEET;  
THENCE N 09° 20' 32" W, A DISTANCE OF 100.97 FEET;  
THENCE N 00° 03' 13" W, A DISTANCE OF 323.95 FEET;  
THENCE N 12° 15' 01" W, A DISTANCE OF 54.05 FEET;  
THENCE N 00° 56' 04" W, A DISTANCE OF 140.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 1, RAMTRON FILING NO. 1;  
THENCE ON THE SOUTHERLY AND EASTERLY LINE OF SAID LOT 1, RAMTRON FILING NO. 1 THE FOLLOWING TWO (2) COURSES:  
  
1. N 89° 05' 07" E, A DISTANCE OF 125.63 FEET;  
2. N 01° 10' 58" W, A DISTANCE OF 515.00 FEET TO THE POINT OF BEGINNING.

J. Patrick Kelly El Paso Cty, CO 200146143  
12/05/2000 03:50  
Doc \$0.00 Page  
Rec \$20.00 4 of 4