



CLARIFICATION OF IDENTIFICATION OF PRIVATE DRAINAGE WAYS

This CLARIFICATION OF IDENTIFICATION OF PRIVATE DRAINAGE WAYS is made effective as of January 27, 2006, by The Spires Drainage Homeowners Association, a Colorado nonprofit corporation (the "Association").

WHEREAS, the Association recorded that certain Identification of Private Drainage Ways on October 4, 2002 at Reception No. 202170881 of the real property records of El Paso County, Colorado, and Master Planned Land Venture, a Massachusetts limited partnership, d/b/a The Spires Broadmoor, recorded that Clarification of Declaration of Conditions, Covenants, Restrictions and Easements Affecting the Real Property known as The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A on October 25, 2004 at Reception No. 204177477 of the real property records of El Paso County, Colorado and that certain Amended Declaration on March 8, 2005 at Reception No. 205033008 of the real property records of El Paso County, Colorado (collectively, the "Identification of Private Drainage Ways").

WHEREAS, the Association desires to clarify the Identification of Private Drainage Ways as set forth herein.

NOW, THEREFORE, the Association hereby states as follows:

1. The Drainage Ways and maps (as defined and contained in the Identification of Private Drainage Ways) include certain private drainage ways identified on the Plats as drainage ways to be maintained by adjacent property owners. The Association shall continue to maintain these private drainage ways. Nothing contained in this Clarification shall prohibit other private drainage ways from being maintained by the Association as long as the drainage ways to be maintained by the Association are identified on the recorded plat of the applicable area or in a writing recorded in the real property records of El Paso County, Colorado.

IN WITNESS WHEREOF, this CLARIFICATION OF IDENTIFICATION OF PRIVATE DRAINAGE WAYS is executed effective as of the date first written above.

The Spires Drainage Homeowners Association,
a Colorado non-profit corporation

By:

Title:

Michelle F. Gene Reiland
President

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This document was acknowledged before me on January 27, 2006 by
Michelle E. Gove-Reiland as President of The Spires Drainage
Homeowners Association, a Colorado non-profit corporation.

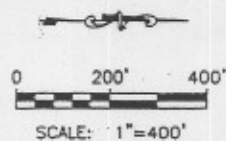
Witness my hand and official seal.

My commission expires: 7/16/07
(SEAL)



Sherril Scherb
Notary Public

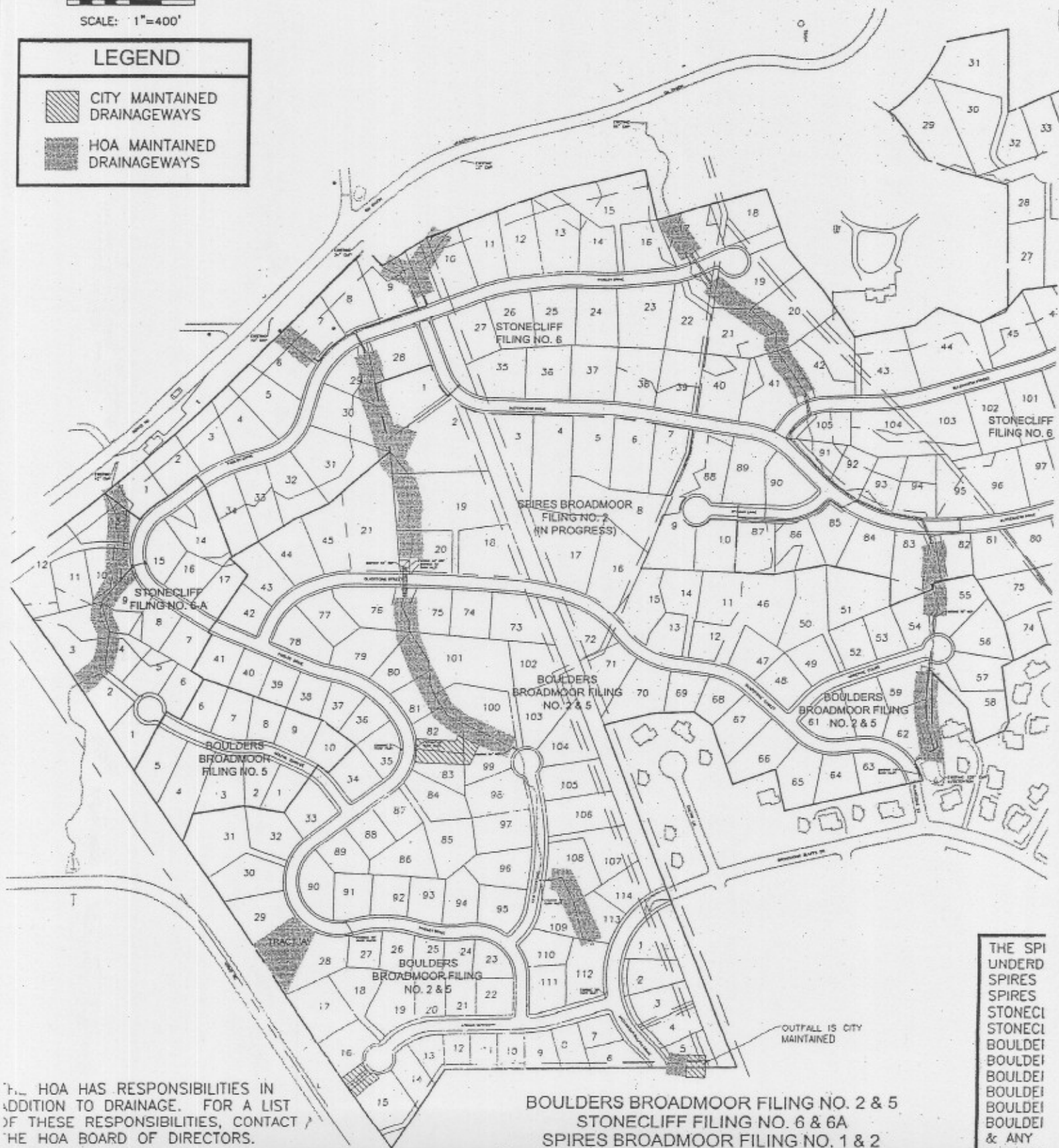


THE SPIRES BROADMOOR DRAINAGE HOMEOWNER REVISED DRAINAGEWAY RESPONSIBILITY



LEGEND

-  CITY MAINTAINED DRAINAGEWAYS
-  HOA MAINTAINED DRAINAGEWAYS



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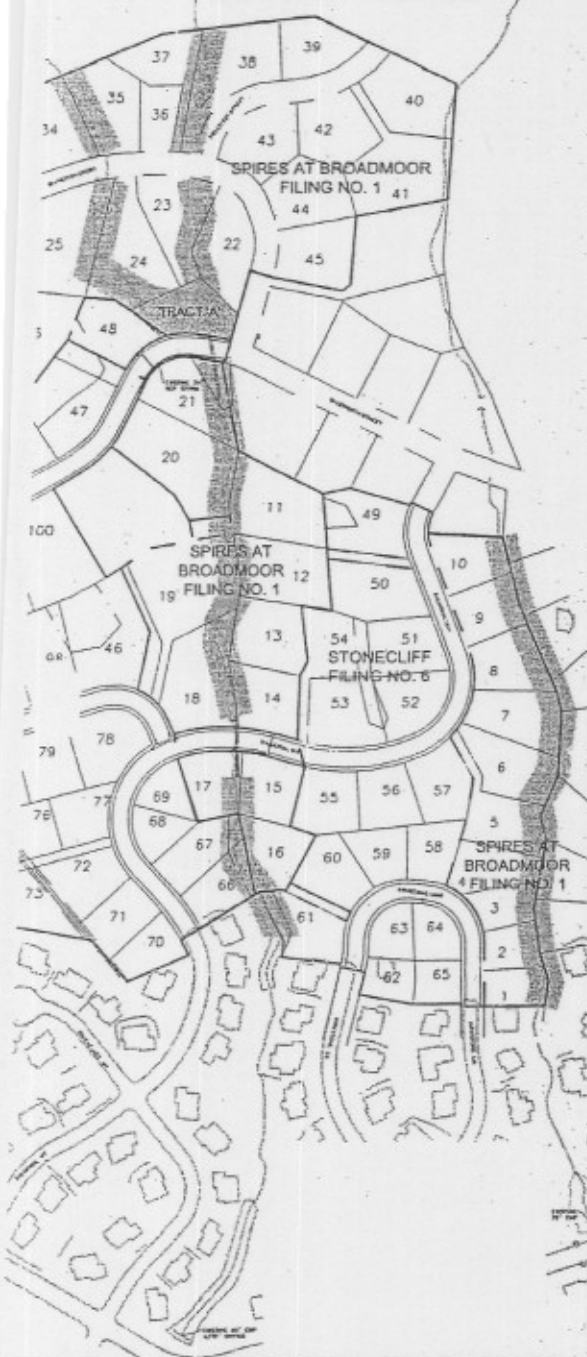
BOULDERS BROADMOOR FILING NO. 2 & 5
STONECLIFF FILING NO. 6 & 6A
SPIRES BROADMOOR FILING NO. 1 & 2

THE HOA HAS RESPONSIBILITIES IN
ADDITION TO DRAINAGE. FOR A LIST
OF THESE RESPONSIBILITIES, CONTACT
THE HOA BOARD OF DIRECTORS.

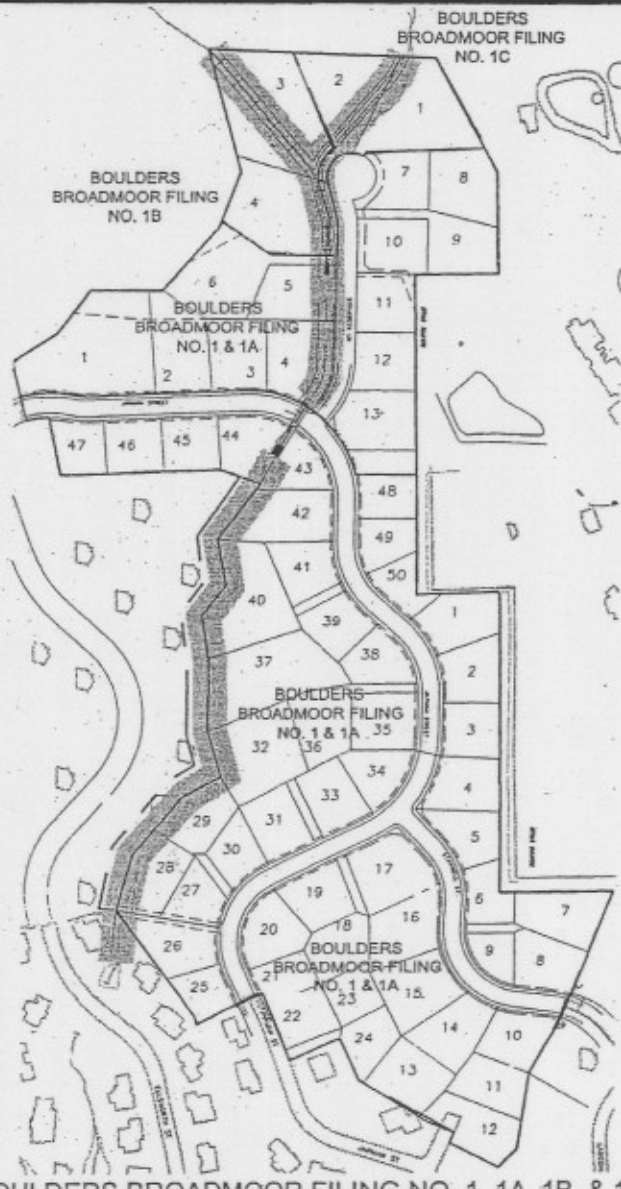
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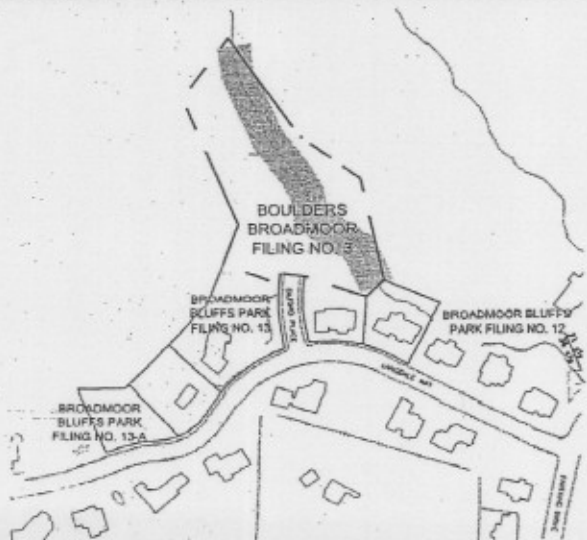
OFFSITE DEBRIS FLOW BASINS
ARE LOCATED WEST OF SPIRES
BROADMOOR FILING NO. 1



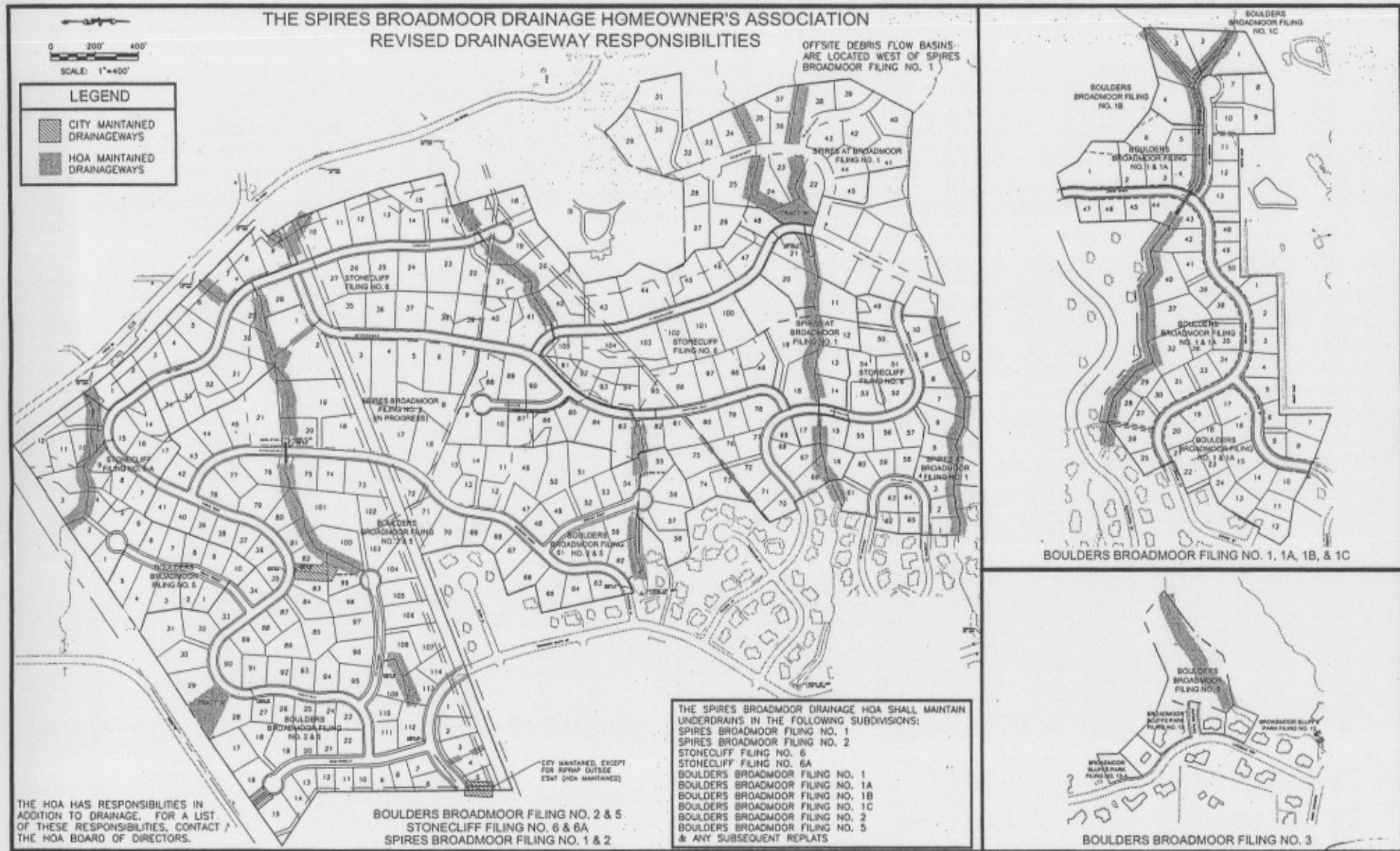
PIRES BROADMOOR DRAINAGE HOA SHALL MAINTAIN
DRAINS IN THE FOLLOWING SUBDIVISIONS:
BROADMOOR FILING NO. 1
BROADMOOR FILING NO. 2
FILING NO. 6
FILING NO. 6A
BROADMOOR FILING NO. 1
BROADMOOR FILING NO. 1A
BOULDERS BROADMOOR FILING NO. 1B
BOULDERS BROADMOOR FILING NO. 1C
BROADMOOR FILING NO. 2
BROADMOOR FILING NO. 5
SUBSEQUENT REPLATS



BOULDERS BROADMOOR FILING NO. 1, 1A, 1B, & 1C



BOULDERS BROADMOOR FILING NO. 3



ROBERT C. "BOB" BALINK
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Rec \$11.00 1 of 2

El Paso County, CO



205019803

**CLARIFICATION OF DECLARATION
of Conditions, Covenants, Restrictions and Easements
Affecting the Real Property known as
The Boulders Broadmoor Filing No. 1
and The Boulders Broadmoor Filing No. 1-A**

THIS CLARIFICATION OF DECLARATION is made effective as of Jan 26, 2005, by Master Planned Land Venture, a Massachusetts limited partnership, d/b/a The Spires Broadmoor, hereinafter called "Declarant."

WHEREAS, a Declaration of Conditions, Covenants, Restrictions and Easements Affecting the Real Property known as The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A was recorded on July 8, 1997 at Reception No. 097077686 of the real property records of El Paso County, Colorado, as amended by documents recorded as follows: November 3, 1997 at Reception No. 097128592; August 13, 1998 at Reception No. 098115342; December 10, 1998 at Reception No. 098182681; January 26, 1999 at Reception No. 099012809; January 26, 1999 at Reception No. 099012810; May 14, 1999 at Reception No. 099077067; November 2, 1999 at Reception No. 099168618; July 19, 2000 at Reception No. 200084030; August 21, 2000 at Reception No. 200099151; March 27, 2001 at Reception No. 201036336; April 2, 2001 at Reception No. 201039350; May 7, 2001 at Reception No. 201058819; January 8, 2002 at Reception No. 202004097; February 11, 2002 at Reception No. 202023216; October 4, 2002 at Reception No. 202170881; February 4, 2003 at Reception No. 203024540; August 1, 2003 at Reception No. 203177696 (collectively, the "Declaration").

WHEREAS, the Declarant recorded that certain "Clarification to Declaration" on October 25, 2004 at Reception No. 204177477, and desires to further clarify the meaning of the term "Debris Flow Channels" as it is used within the Declaration with respect to underdrains;

NOW, THEREFORE, Declarant hereby clarifies the Declaration as follows:

1. **Section 501.** Section 501 is hereby clarified to explicitly include "underdrains and underdrain structures and facilities" within the definition of "Debris Flow Channels."

DECLARANT:

Masterplanned Land Venture, a Massachusetts limited partnership

By: GP L'Auberge Communities, L.P., its General Partner

By: L'Auberge Communities, Inc., its General Partner

By:

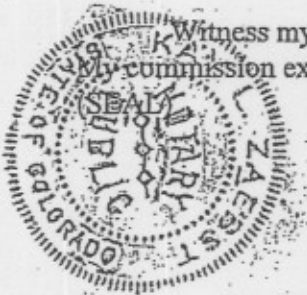
Title:

W. J. Schiller, Jr.
Exec. V.P. *Seiland*



STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This document was acknowledged before me on Jan. 26, 2005 by Michelle Spore-Reiland as Executive V.P. of L'Auberge Communities, Inc., as General Partner of GP L'Auberge Communities, L.P., as General Partner of Masterplanned Land Venture, a Massachusetts limited partnership d/b/a The Spires Broadmoor.



Witness my hand and official seal.

My commission expires: July 16, 2005

Kay L. Zachet
Notary Public

ACKNOWLEDGMENT

The Spires Drainage Homeowners Association hereby acknowledges this Clarification of Declaration and sets forth its signature hereto as of the date first written above.

The Spires Drainage Homeowners Association,
a Colorado non-profit corporation

By: Michelle Spore-Reiland

Title: President

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This document was acknowledged before me on Jan. 26, 2005 by Michelle Spore-Reiland as Executive V.P. of The Spires Drainage Homeowners Association, a Colorado non-profit corporation.



Witness my hand and official seal.

My commission expires: July 16, 2005

Kay L. Zachet
Notary Public

CLARIFICATION OF DECLARATION
of
Conditions, Covenants, Restrictions and Easements
Affecting the Real Property known as
The Boulders Broadmoor Filing No. 1
and
The Boulders Broadmoor Filing No. 1-A

THIS CLARIFICATION OF DECLARATION is made effective as of Oct 25, 2004, by Master Planned Land Venture, a Massachusetts limited partnership, d/b/a The Spires Broadmoor, hereinafter called "Declarant."

WITNESSETH:

WHEREAS, a Declaration of Conditions, Covenants, Restrictions and Easements Affecting the Real Property known as The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A was recorded on July 8, 1997 at Reception No. 097077686 of the real property records of El Paso County, Colorado, as amended by the following amendments (collectively, the "Declaration"):

November 3, 1997	Reception No. 097128592
August 13, 1998	Reception No. 098115342
December 10, 1998	Reception No. 098182681
January 26, 1999	Reception No. 099012809
January 26, 1999	Reception No. 099012810
May 14, 1999	Reception No. 099077067
November 2, 1999	Reception No. 099168618
July 19, 2000	Reception No. 200084030
August 21, 2000	Reception No. 200099151
March 27, 2001	Reception No. 201036336
April 2, 2001	Reception No. 201039350
May 7, 2001	Reception No. 201058819
January 8, 2002	Reception No. 202004097
February 11, 2002	Reception No. 202023216
October 4, 2002	Reception No. 202170881
February 4, 2003	Reception No. 203024540
August 1, 2003	Reception No. 203177696.

WHEREAS, the Declarant desires to clarify the Declaration to explicitly set forth the maintenance obligations of The Spires Drainage Homeowners Association (the "Association") and to clarify the meaning of the term "Debris Flow Channels" as it is used within the Declaration;

ROBERT C. "BOB" BALINK El Paso County, CO

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NOW, THEREFORE, Declarant hereby clarifies the Declaration as follows:

1. **Section 303.** The following sentence is hereby added to the end of Section 303 of the Declaration:

The Debris Flow Channels that the Association is obligated to maintain and repair include, but are not limited to, (i) those Debris Flow Channels indicated and identified on that certain Identification of Private Drainage Ways, recorded October 4, 2002 at Reception No. 202170881, as may hereafter be supplemented or amended; and (ii) those Debris Flow Channels indicated and identified within a plat or the plat notes for the plat of any real property now or hereafter made subject to the Declaration.

2. **Section 501.** Section 501 is hereby clarified to explicitly define "Debris Flow Channels" and to clarify the meaning and scope of the term "Maintenance Area":

Debris Flow Channels: shall mean all on- and off-site debris flow channels, berms and structures, debris flow basins and ponds, debris flow mitigation areas, debris flow mitigation improvements, drainage structures and facilities, any and all of the above that are part of or required for the preservation of the long term debris flow system, and landscaping within debris flow areas and access roads and trails to the above-listed debris flow channels, structures, facilities, berms, and systems, basins, and improvements.

Maintenance Area: shall mean, refer to, and include those Debris Flow Channels indicated and identified pursuant to Section 303 as being required to be maintained by the Association, and which are included within The Boulders Broadmoor/The Spires Broadmoor master planned area which may in the future be required to be maintained by an association and such other and different improvements which the Association shall elect, pursuant to the approval of a majority of the Owners of the Lots, to maintain as a Maintenance Area, regardless of whether the Association shall obtain title thereto.

Executed by the Declarant as of the date first written above.

DECLARANT:

Masterplanned Land Venture,
a Massachusetts limited partnership d/b/a The Spires
Broadmoor

By:

Title:

William F. Grove Reiland
Exec. VP.

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This document was acknowledged before me on Oct. 25, 2004 by
Michelle E. Stone as Executive VP of Masterplanned Land Venture,
Feeland a Massachusetts limited partnership d/b/a The Spires Broadmoor.

Witness my hand and official seal.

My commission expires: 7-16-2005

(SEAL)

Kay L. Zaehst
Notary Public

ACKNOWLEDGMENT

The Association hereby acknowledges this Clarification of Declaration and sets forth its signature hereto as of the date first written above.

ASSOCIATION:

The Spires Broadmoor Drainage Homeowners Association, a Colorado non-profit corporation

By: Shari Scher

Its: Vice President

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

This document was acknowledged before me on Oct. 25, 2004 by
Shari Scher as Vice President of The Spires Broadmoor
Drainage Homeowners Association, a Colorado non-profit corporation.

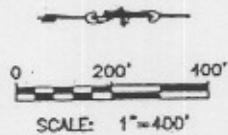
Witness my hand and official seal.

My commission expires: 7-16-2005

(SEAL)

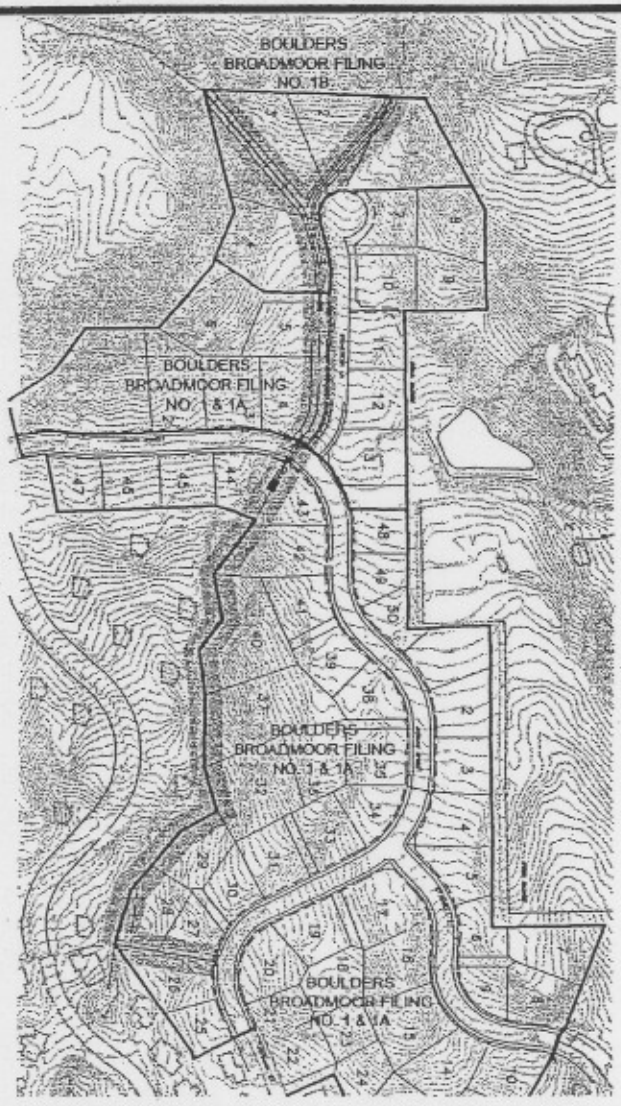
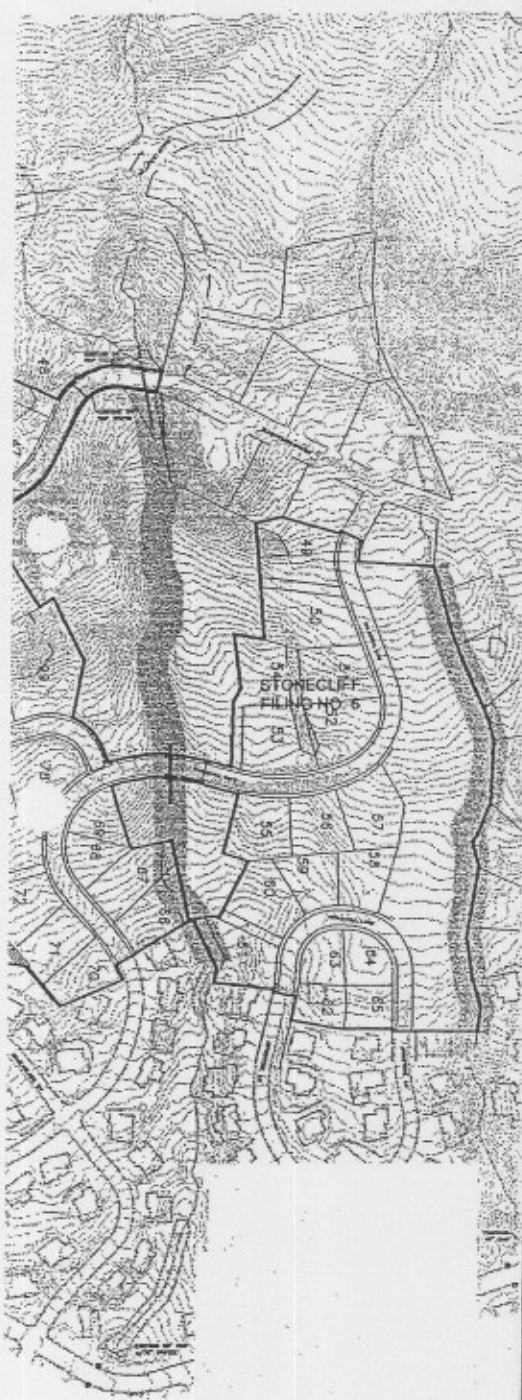
Kay L. Zaehst
Notary Public

EXHIBIT A

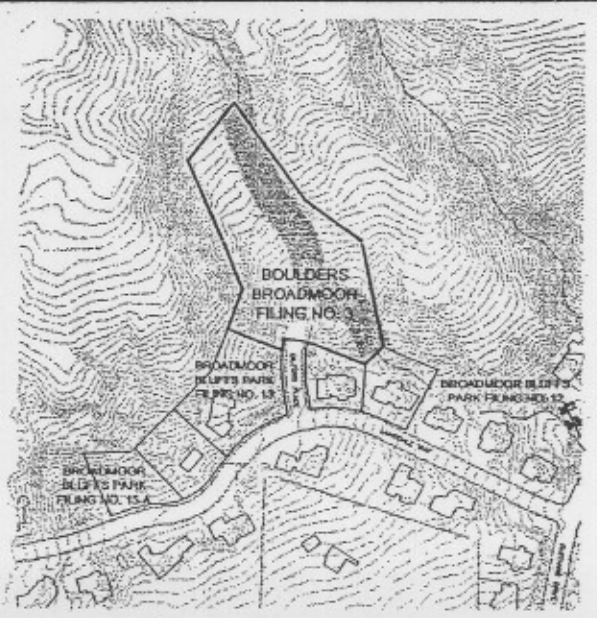


BOULDERS BROADMOOR FILING NO. 2 & 5
STONECLIFF FILING NO. 6 & 6A

Shaded areas represent drainageways



BOULDERS BROADMOOR FILING NO. 1, 1A & 1B



BOULDERS BROADMOOR FILING NO. 3

RECORDED ON OCTOBER 4, 2002
RECEPTION NUMBER: 202170881

IDENTIFICATION OF PRIVATE DRAINAGE WAYS

This IDENTIFICATION OF PRIVATE DRAINAGE WAYS, dated effective as of August 30, 2002 (this "Agreement"), is executed by The Spires Drainage Homeowners Association, a Colorado nonprofit corporation, formerly known as The Boulders Drainage Homeowners Association, a Colorado nonprofit corporation (the "Association").

Recitals

A. The Association has been assigned, through the recordation of various plats, with responsibility for maintaining various private drainage ways within, or which serve, the applicable platted areas.

B. The recorded plats did not specifically identify the location of the private drainage ways which the Association is required to maintain.

C. In an effort to memorialize the specific location of the private drainage ways that the Association is required to maintain the Association, hereby records this Agreement.

NOW THEREFORE, the Association hereby identifies the following private drainage ways as the drainage ways it is obligated to maintain:

1. Private Drainage Ways. The Association hereby acknowledges that the private drainage ways which it is responsible to maintain pursuant to the Plats (as defined in Section 2 below) are only (a) those private drainage ways which are located within the properties reflected on the Plats and which are generally identified by cross-hatching on the map attached hereto as Exhibit A and incorporated herein by this reference, and (b) such other private drainage ways which are set forth on future plats within The Spires development of Colorado Springs, Colorado or in writing recorded in the real property records of El Paso County, Colorado (the "Drainage Ways"). As of the date of this Agreement, the Association's entire private drainage way maintenance obligation shall consist of the Drainage Ways and the Association shall not have any obligation to maintain any other private drainage ways (whether within the property reflected on the Plat or otherwise), except as provided in Section 2 below.

2. Plats. For purposes of this Agreement, the "Plats" are described as the following recorded plats:

Boulders Broadmoor No. 1 recorded Reception No. 97058075 of the real property records of El Paso County, Colorado

Boulders Broadmoor No. 1 A recorded Reception No. 97058076 of the real property records of El Paso County, Colorado

Boulders Broadmoor No. 2 recorded Reception No. 99043623 of the real property records of El Paso County, Colorado

Boulders Broadmoor No. 3 recorded Reception No. 988106168 of the real property records of El Paso County, Colorado

Boulders Broadmoor No. 5 recorded Reception No. 99090856 of the real property records of El Paso County, Colorado

Stonecliff Filing No. 6 recorded Reception No. 201065191 of the real property records of El Paso County, Colorado

Stonecliff Filing No. 6A recorded Reception No. 201069634 of the real property records of El Paso County, Colorado

and all replats of any property contained therein (collectively, the "Plats" and individually, the "Plat"). Nothing contained in this Agreement shall prohibit other private drainage ways from being maintained by the Association as long as the drainage ways to be maintained by the Association are identified on the recorded plat of the applicable area or in a writing recorded in the real property records of El Paso County, Colorado.

Executed as of the date first above written.

ATTEST:

The Spires Drainage Homeowners Association, a Colorado nonprofit corporation, formerly known as The Boulders Drainage Homeowners Association, a Colorado nonprofit corporation

By:
Its:

Carlisle H. Churney
Vice-President

By:

Michelle E. Grove-Reiland
Michelle E. Grove-Reiland, as President

STATE OF COLORADO)

) ss.

COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 11 day of Sept., 2002, by Michelle E. Grove-Reiland, as President and _____ as _____ of The Spires Drainage Homeowners Association, a Colorado nonprofit corporation, formerly known as The Boulders Drainage Homeowners Association, a Colorado nonprofit corporation.

Witness my hand and official seal.

My Commission Expires: 7-16-2005

(SEAL)



Kay L. Zachat
Notary Public

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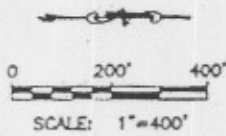
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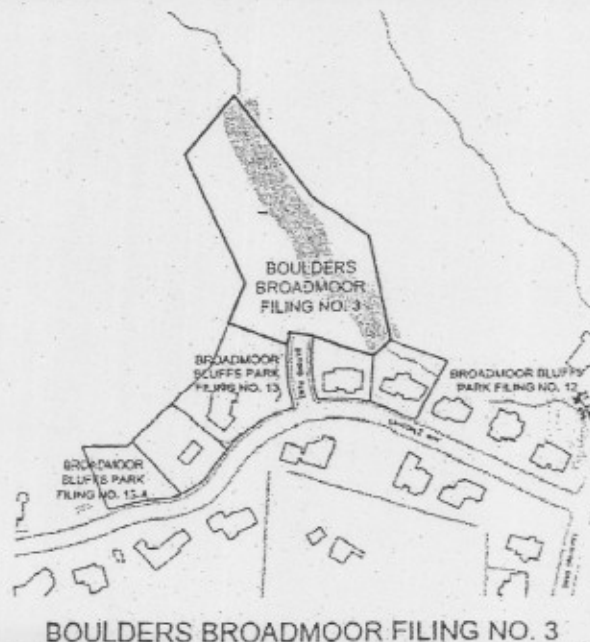
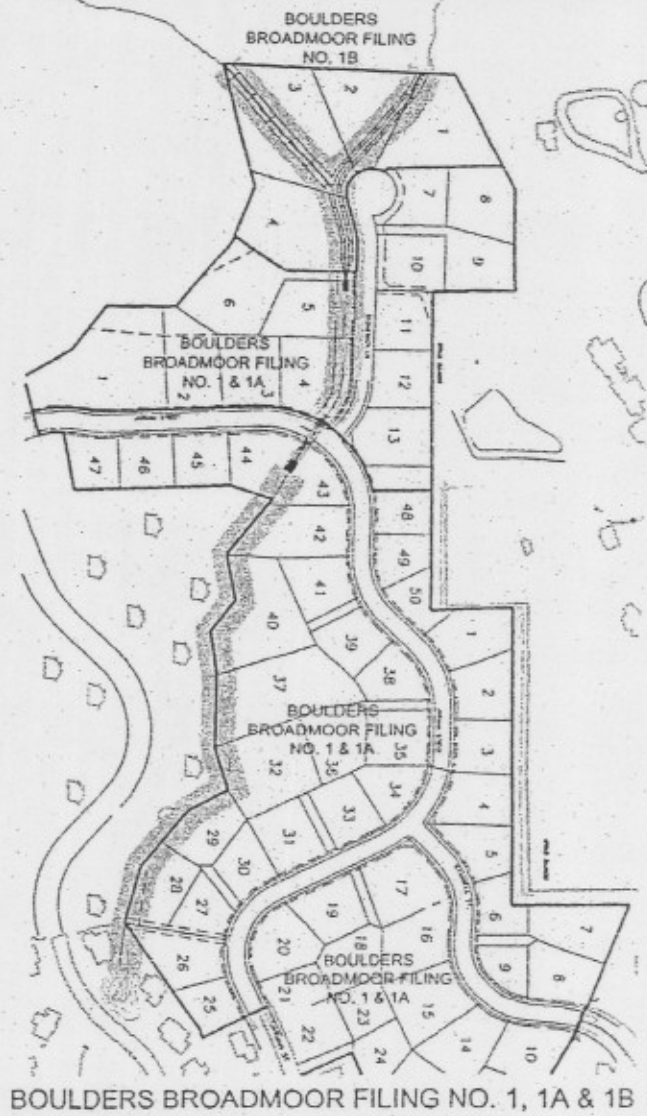
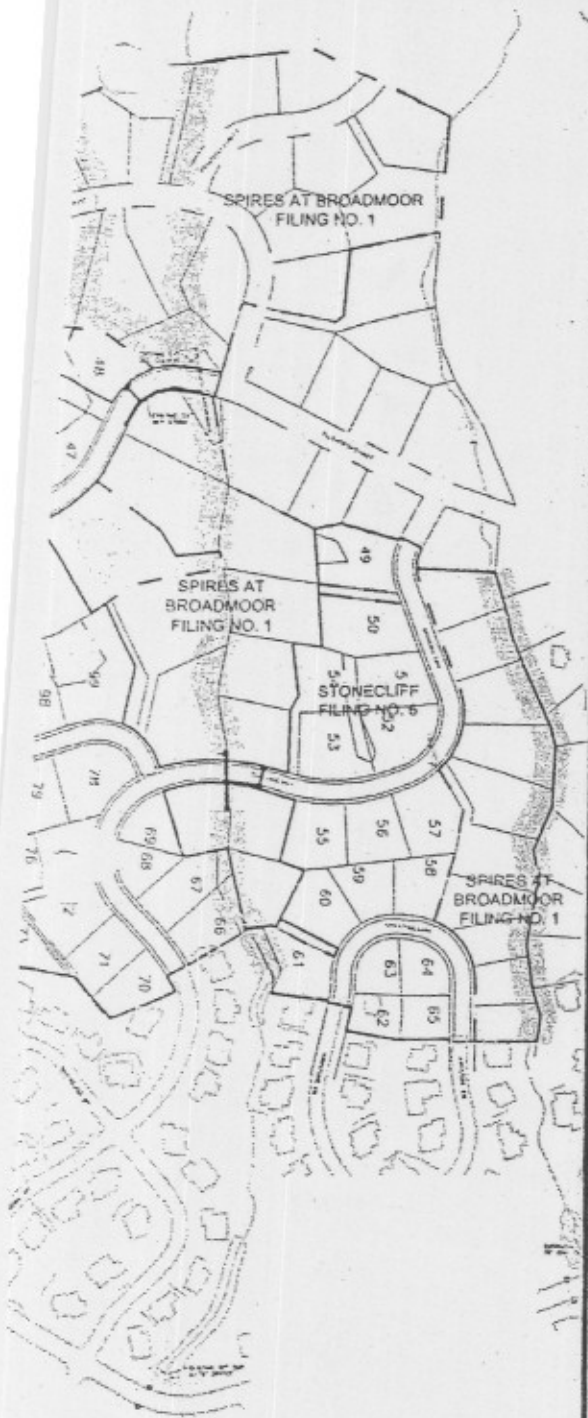
EXHIBIT A



BOULDERS BROADMOOR FILING NO. 2 & 5

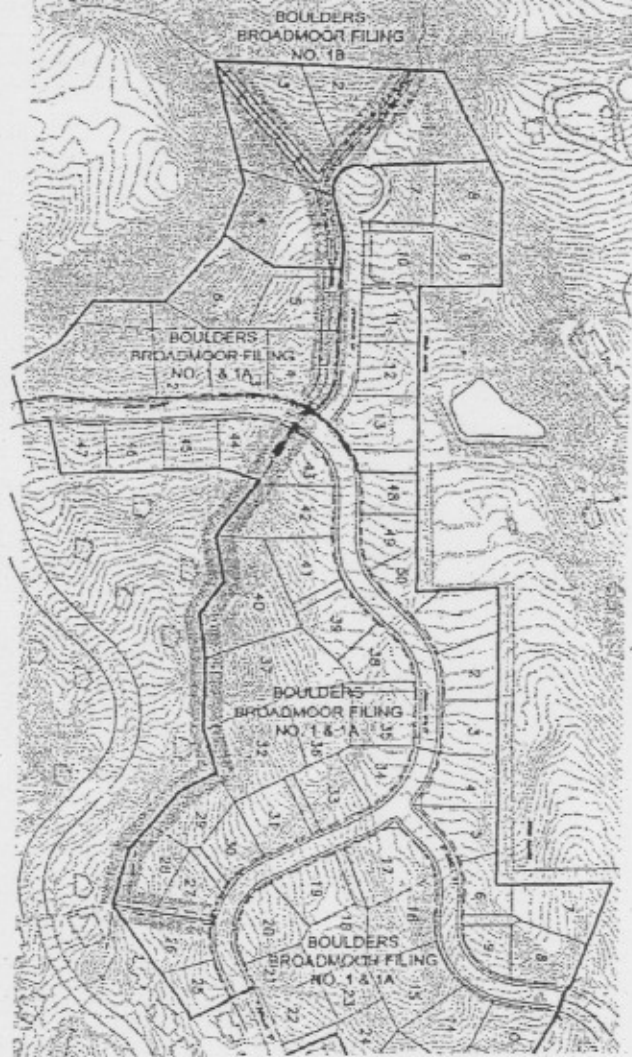
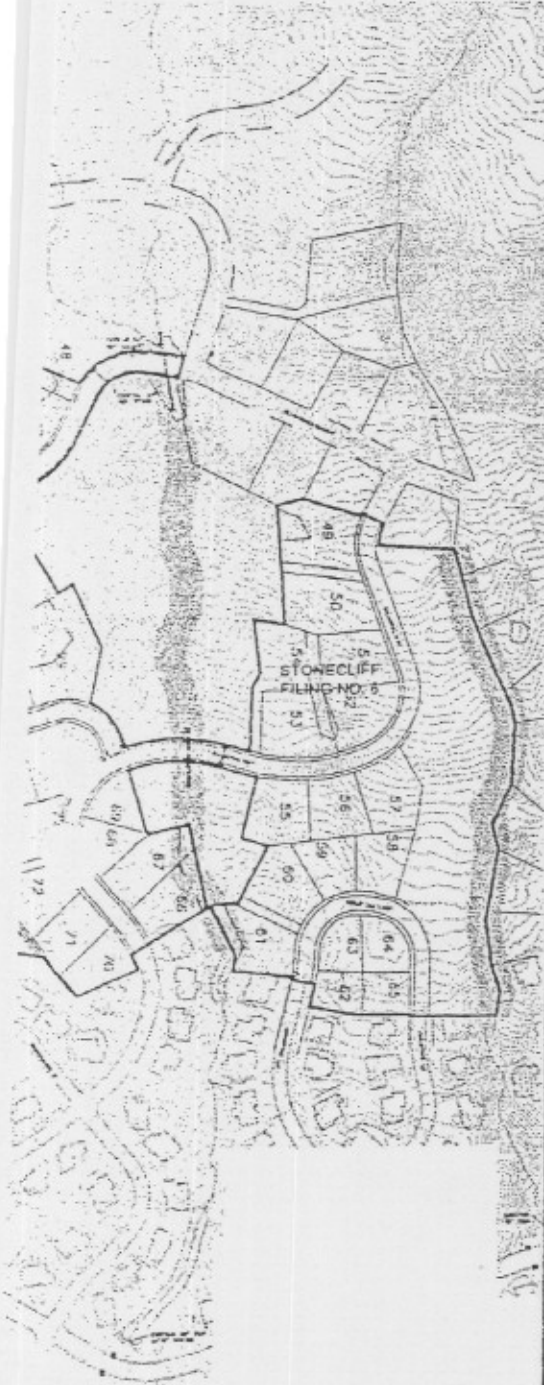
STONECLIFF FILING NO. 6 & 6A

Shaded areas represent drainageways



*OFF-SITE DEBRIS FLOW PONDS

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BOULDERS BROADMOOR FILING NO. 1, 1A & 1B



BOULDERS BROADMOOR FILING NO. 3