

Understanding the deed of development rights

7922 Meadow Lake Road · Hillside Estates, Outlot I · Boulder County Reception No. 405854, Film 1127, recorded August 1, 1980

This property comes with **Outlot I of Hillside Estates** — open ground adjoining the home that conveys with it. In 1980, the then-owners **sold the development rights on that outlot to Boulder County** while keeping ownership of the land itself. What that means for you: you own the open space, and no one — not a neighbor, not a builder, not a future owner — can put a house on it. The protection is recorded against the land, not left to anyone's goodwill.

WHAT THE DEED ACTUALLY SAYS

TERM	WHAT IT MEANS
The parties	Dwight E. and E. Jean Wederquist conveyed the development rights to the County of Boulder for ten dollars and other consideration.
The land	Outlots E, F, G, H and I on the plat of Hillside Estates, a subdivision of part of the S½ of Section 31, T. 2 N., R. 69 W. of the 6th P.M. Outlot I adjoins this home.
The restriction	No structures may be built on the outlots unless the structure is <i>accessory</i> to the principal use of a contiguous subdivided lot.
What is allowed	Paragraph 4 expressly permits accessory buildings and structures serving the principal use of a contiguous subdivided lot, as accessory structures are defined by the County Land Use Regulations.
Easements	The deed does not disturb any easement that already encumbered the property in 1980. Existing access, utility and ditch rights continue as before.
Inspection	The County and its agents may enter the property to inspect for violations and to remove anything that violates the deed.
Duration	It runs with the land and remains a burden on the land until the County and the owners <i>mutually</i> agree to terminate it. Every future owner takes title subject to it.

Open space you own

THE TAKEAWAY

The openness of Outlot I is not luck, a current neighbor's preference, or an HOA rule a future board could vote to change. It is a property right held by Boulder County and recorded since 1980.

Not a vacant lot in waiting. Because Outlot I cannot be subdivided or built on as a homesite, there is no future development value in it. You are paying for permanence and open ground, not for land that might someday be entitled.

But it is not unusable, either. The deed contemplates accessory structures serving the home. What qualifies, and where it could sit, is a Boulder County determination.

THE ONLY WAYS THE RESTRICTION LIFTS

Four conditions named in the deed

- Boulder County **adopts a new Comprehensive Plan** that would permit non-accessory structures there.
- The **present Comprehensive Plan is amended** in a way that would permit them.
- The property is **annexed into a municipality** consistent with the Comprehensive Plan, as determined by the County.
- The County **otherwise changes zoning, land use regulations or policy** so as to permit further development or subdivision.

Separately, paragraph 5 provides that the burden remains until it is mutually terminated by the County and the owners, their heirs, representatives, successors or assigns.

How to read that in practice

Every one of those conditions is a **county-level policy action**, not something an owner can apply for. None is a permit, a variance, or a hardship exception. Plan around the restriction as written and treat any future change as speculative.

This sheet summarizes a three-page recorded instrument. It does not address subdivision covenants, plat notes, or any other restriction that may appear in your title commitment.

HOW TO VERIFY ANY OF THIS FOR YOURSELF

The full document is public record. Ask your title company for **Reception No. 405854, Film 1127, Boulder County Clerk & Recorder**, plus the recorded plat of Hillside Estates showing Outlot I. Boulder County's on-call planner answers land use questions at no cost, for anyone.

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- "What does the 1980 deed of development rights restrict on Outlot I of Hillside Estates today?"
- "What would qualify as an accessory structure to the home, and where could it be placed?"
- "Has the Comprehensive Plan or the zoning affecting Outlot I changed since 1980?"
- "Are there other recorded restrictions, plat notes, or covenants affecting this parcel?"

Your own attorney and title company should review the recorded document in full. Subdivision covenants come from title, not the county.

This sheet is provided for information only. It is a plain-language summary of a recorded public document and is not a representation, warranty, or assurance regarding what may or may not be built on any parcel. Nothing here is legal, title, zoning, or land use advice. Buyer is encouraged to read the recorded instrument in full and rely on their own attorney, title company, and Boulder County.

Source: *Deed of Development Rights*, Wederquist to the County of Boulder, dated July 31, 1980, recorded August 1, 1980, Reception No. 405854, Film 1127, Boulder County Clerk & Recorder. Prepared by Tara Littell, Compass. Information deemed reliable but not guaranteed.