BOARD OF ADJUSTMENTS
AND
PLANNING COMMISSION
MEETING AGENDA
Fairplay Community Center
880 Bogue St. Fairplay
Tuesday, November 8 at 9:00 A.M.

BOARD OF ADJUSTMENT

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM SEPTEMBER 13, 2016

.3. PUBLIC HEARINGS

.3.1. VARIANCE CASE #16SET-07:

Property is Indian Mountain Lot 103 Filing 25 Unit 2 addressed as 144 Red Cloud Drive, Como. Applicant is requesting a 15 foot variance from the side setback requirement in order to construct a garage.
APPLICANT: Arthur & Rose Lowitzer

Documents:

16SET_07_APP.pdf
16SET_07_Lowitzer_BOAStaffReport.pdf
Referral Responses.pdf

.3.2. VARIANCE CASE #16SET-06:

Property is Lot 970, Valley of the Sun Filing 21, addressed as 17 Johnston Court, Fairplay. Applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement, and a 36 foot variance from the wetland-to-structure setback requirement in order to construct a house.
APPLICANT: Ronald Messing

Documents:

16SET-06 BOA Staff Report and Atts..pdf
Refereral Responses.pdf
Application.pdf

.3.3. VARIANCE CASE #16SET-08 - POSTPONED:

Property consists of eight parcels in the NW1/4 of Section 26 Township 7 Range 73, adjacent to the Moore Dale Ranch Resort. Park County is requesting lot size variances for each parcel so that they may be legally rezoned.
APPLICANT: Park County Planning Department

PLANNING COMMISSION

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM OCTOBER 11, 2016

.3. PUBLIC HEARINGS

.3.1. RIGHT-OF-WAY VACATION CASE #16VAC-04

Property is a 0.10 acre portion of Olive Avenue between Lots 142 through 150 and Lots 203 through 211, Silver Springs. Applicant is requesting to transfer the portion of the right-of-way to private ownership.
APPLICANT: Taylor and Michele Mead.

Documents:

16VAC-04 PC Staff Report and Atts..pdf
Referral Responses.pdf
Application.pdf

.3.2. RIGHT-OF-WAY VACATION CASE #16VAC-05 - POSTPONED

Property is the east half of Water Street adjacent to Lots 1-5, Block 12, Guffey. Applicant is requesting to transfer that portion of the right-of-way to private ownership.
APPLICANT: David Wade

.3.3. CONDITIONAL USE PERMIT CASE #16CUP-05

Property is Bailey, Tract 45 addressed as 60117 Hwy 285, Bailey. Applicant is requesting a Conditional Use Permit to allow an Outdoor Recreational Facility for an Aerial Adventure Park.
APPLICANT: Bailey Treetop Ventures, LLC

Documents:

16CUP_05_App.pdf
16CUP_05_PC_StaffReport.pdf
Assessor_referral_response.pdf

.3.4. CHANGES TO LAND USE REGULATIONS - POSTPONED UNTIL FURTHER NOTICE

Discussion on changes to Land Use Regulations based on the newly adopted Strategic Master Plan.

Any further information can be obtained at:
Park County Planning Department, 1246 Co Rd 16
P.O. Box 1598 Fairplay, CO. 80440
(719) 836-4254
pcpd@parkco.us

Sch# 38238
16SET-07

PARK COUNTY APPLICATION FOR
VARIANCE
NON-REFUNDABLE APPLICATION FEE: $1060

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: ARTHUR C. & ROSE LOWITZER

Mailing Address: 915 CREST WAY, EMMAUS, PA 18049

City: EMMAUS State: PA Zip: 18049

Telephone

(work) 215.290.1700 (home) 215-290-1700 (fax) _____

Owner's Name: ARTHUR C. & ROSE LOWITZER

Mailing Address: 915 CREST WAY, EMMAUS, PA 18049

Telephone No.: 215-290-1700

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Variance (attach additional page, if necessary):

INDIAN MOUNTAIN, FILING 25, UNIT 2, LOT 103

Street Address of Property: 144 RED CLOUD DRIVE

Property's Total Acreage: 5.66

Current Zone District of Property: R

Proposed Zone District of Property: R

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Residential (R)
Jillian Falchi
Print Full Name

Requirements for a Variance
Article III, Division 1, Section 3-100

C. APPLICATION REQUIREMENTS

	For County Use Only: Initial Receipt of the Required Information
1. Application Fee. An application fee in the amount of $1060 must be paid at the time of submission of the application. Make the check or money order to the Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.	(1.) JF
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.	(2.) JF
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.	(3.) JF
4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor.	(4.) JF
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Variance, this information is at Park County Assessor's Office.	(5.) JF
6. A vicinity map of where the proposed property is located within Park County.	(6.) JF
7. A site plan drafted at a commonly used engineering scale with clear indication how the variance relates to the affected land with the following information:	(7.) JF
a. Name and address of the owner;	(7a.) JF
b. Date of preparation, map scale, and north arrow;	(7b.) JF
c. Lot dimensions, total acreage, and points of access to the property, internal roads and trails. The map must illustrate how access is obtained from the property subject to variance to the nearest county road or highway;	(7c.) JF
d. Natural features of the property subject to variance including, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);	(7d.) JF
e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;	(7e.) JF
f. The dimensions, height and setbacks of all existing and proposed structures.	(7f.) JF
g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.	(7g.) JF
8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).	(8.) JF

For County Use Only: Initial Receipt of the Required Information
(9.) JF
(10.) JF
(11.) JF
(12.) JF

9. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable

10. A written description identifying the specific provision of the Land Use regulations that the owner seeks to vary and the extent to which the provision is proposed to be varied or modified.

11. A written description of the reasons justifying the variance detailing how the standards for approval of the variance provided by Section 3-100(B) are met or satisfied.

12. Any other information that are judged necessary by the Planning staff to ensure compliance with the Standards for Approval.

Note: Refer to Park County Land Use Regulations Article III, Standards for Approval of Variance.

Variance Application - Lowitzer, 144 Red Cloud Drive, Jefferson, CO 80456

We are asking to forego the 30 foot distance to property line on lot 102 owned by Jim and Rose Linn , PO Box 1351, Fairplay, CO, ph # 719-836-0955.

We are hoping to have a garage built in the area shown on the diagram. This site is on the same side as the electricity, and away from the propane gas tank so the propane company or any emergence vehicle can easily get to house and propane tank. The pathway from the garage door to the front door of our house will be easier. There is a strong slope on the other side other of the property that would make it difficult to try and build a garage. We believe our request meets the County's criteria for a variance as follows:

Criterion 1: The proposed site for location of our garage is best because of the slope of our lot. The North side of the drive, where we propose to build, is much more level than that to the South. Additionally, the North side is closer to the electrical supply point (which is on the North) and further from the propane tank (on the South. To build on the South side may in fact impede access to the propane tank for both the propane company and for emergency purposes.

Criterion 2: As noted above, our propane tank is located on the South side of the drive, and putting a garage on that side may place an obstacle for the propane company and for emergency vehicles/personnel who may need access to the tank. The propane tank was placed by builder and original owners of the cabin in 1996. We purchased the property in March, 2004.

Criterion 3: We have spoken with Mr. Jim Linn, our neighbor, about our desired placement, and he has assured us that he has no objection. Further, it is our belief that our location presents the lease obstruction to viewing the beauty of the area and its surroundings. Placing it on the South side of the drive, would, in our opinion, present such an obstacle.

Criterion 4: We believe that the intent and purpose of the regulation is in fact better served by building in the proposed location. A structure there poses no barrier to our neighbors to the North, and it allows good viewing from the drive to the South.

Thank you for your consideration.

Park County Website | Treasurer Web Site

Colorado
PARK COUNTY
Treasurer: Michelle Miller

New Search | Return To Search Results | Print Bill

Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 38238 2015

PROPERTY ADDRESS: RED CLOUD DR 144 COMO
TAXABLE VALUE: $20,760.00 **ACTUAL VALUE:** $260,810.00 **TAX DISTRICT:** 010

Owners Name
LOWITZER ARTHUR CHARLES
LOWITZER ROSE
915 CREST WY
EMMAUS PA 18049

Legal Description
T09 R75 S25 SE4 INDIAN MOUNTAIN
FILING 25 UNIT 2 LOT 103

TAX:	$1,345.38
INTEREST:	$0.00
FEE:	$0.00
TOTAL TAX & ASMTS.:	$1,345.38
UNPAID BALANCE:	**$0.00**

Select a payment option below.

First Half: Feb 28th
Second Half: June 15th
OR
Full Payment: April 30th

Pay Full Amount

Paid

Last Payment: 02/17/2016 **Amount :** $1,345.38

Help Center | Site Instructions | Report a problem

VisualGov.com Copyright ©1999-2013 VisualGov Solutions, LLC. All rights reserved. | Privacy Policy | Terms of Use

599841 05/26/2004 01:05P
1 of 1 R 6.00 D 0.00 DEBRA A GREEN PARK CO

RE-RECORD TO CORRECT LEGAL DESCRIPTION

599817 05/18/2004 12:28P
1 of 1 R 6.00 D 22.50 DEBRA A GREEN PARK CO

WARRANTY DEED

THIS DEED, Made this 5th day of March , 2004.
between Peter F. Tedstrom and Nicole R. Tedstrom

STATE DOCUMENTARY FEE
DATE 5/18/04
$ 22.50

of the County of Park and State of Colorado
grantor, and Arthur Charles Lowitzer and Rose Lowitzer

whose legal address is 1681 West Canal Circle #1-1, Littleton, CO 80120

of the County of Park and State of Colorado , grantee:

WITNESS, That the grantor, for and in consideration of the sum of TWO HUNDRED TWENTY FIVE THOUSAND AND NO/100---------- ----------DOLLARS, ($225,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Park and State of Colorado, described as follows:

Lot 103, INDIAN MOUNTAIN FILING NO. 25, UNIT 2, County of Park, State of Colorado.

STATE DOC FEE $22.50

also known by street and number as 144 Red Cloud Drive, Fairplay, Colorado 80456

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, their heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8a [Title Review], of the contract dated _____, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Peter F. Tedstrom

Nicole R. Tedstrom

STATE OF COLORADO }
COUNTY OF JEFFERSON } ss.

JEAN L. ALEXANDER NOTARY PUBLIC STATE OF COLORADO

The foregoing instrument was acknowledged before me this 5th day of March , 2004, by Peter F. Tedstrom, Nicole R. Tedstrom

My Commission expires: My Commission Expires 7/20/2004

Witness my hand and official seal.

Notary Public

WARRANTY DEED (to Joint Tenants) 5/18/2004 Filed NO12/2003

STATE DOCUMENTARY FEE
DATE 5-26-04
$ 0

NO REAL PROPERTY TRANSFER DECLARATION ACCOMPANIED THIS DOCUMENT

I hereby certify this to be a full, true and correct copy of the original document.
TITLE AMERICA
BY:

Names & Mailing Addresses of property owners adjacent to Indian Mountain Filing 25, Unit 2, Lot 103:

Lot 102: James H. Linn & Rose E. Linn, P.O. Bos 1351, Fairplay, CO 80440

Lot 104: Gerald J. Maly & Carolyn A. Maly, 7750 County Line Rd., Meadowlands, MN55765

SURVEYOR'S CERTIFICATE

I, THOMAS L. BURNETT, HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WERE MADE BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE.

April 28, 1981 — DATE

Thomas L. Burnett — THOMAS L. BURNETT L.S. #11944

INDIAN MOUNTAIN

FILING 25 UNIT 2

PARK COUNTY

HOLDERS OF DEEDS OF TRUST

RICHARD H. BETZING & EVALYNN R. BETZING
WILLIAM F. VIGOR & GLORIA M. VIGOR
BILLY B. WYATT & VERA B. WYATT

BY: BILLY B. WYATT, ATTORNEY IN FACT

SAUL N. DAVIDSON

BY: MILFORD S. PEPPER

JAMES H. PETERSEN

BY: James H. Petersen

PARK DEVELOPMENT COMPANY

BY: JAMES P. CAMPBELL

CURVE DATA

NO.	DELTA	TANGENT	RADIUS	LENGTH
1.	39°33'49"	50.00'	139.02'	95.99'
2.	45°30'14"	60.00'	143.07'	113.63'
3.	82°41'08"	60.00'	68.19'	98.41'
4.	47°18'21"	50.00'	114.16'	94.25'
5.	64°04'47"	43.59'	69.65'	77.89'
6.	63°47'45"	43.59'	70.03'	77.98'
7.	90°08'13"	80.00'	79.81'	125.55'
8.	11°58'03"	40.00'	381.62'	79.71'
9.	13°29'40"	40.00'	338.10'	79.63'
10.	11°18'39"	40.00'	403.93'	79.74'
11.	27°25'13"	50.88'	208.56'	99.81'
12.	21°40'33"	50.88'	265.77'	100.54'
13.	13°31'31"	40.00'	337.32'	79.63'
14.	73°20'30"	60.00'	80.58'	103.15'
15.	76°42'13"	75.04'	94.84'	126.96'
16.	41°26'49"	50.00'	132.16'	95.60'
17.	31°20'11"	60.00'	213.91'	116.99'
18.	26°11'45"	40.00'	171.92'	78.60'
19.	46°15'20"	60.00'	140.48'	113.41'
20.	09°48'34"	50.00'	582.66'	99.76'
21.	15°47'11"	40.00'	288.52'	79.49'
22.	53°28'55"	52.30'	103.81'	96.90'
23.	42°14'07"	36.16'	93.64'	69.02'
24.	25°42'53"	40.00'	175.25'	78.65'
25.	34°02'54"	50.00'	163.30'	97.04'
26.	50°58'24"	60.00'	125.87'	111.98'
27.	32°18'44"	50.00'	172.59'	97.34'
28.	26°47'48"	100.00'	419.81'	196.34'
29.	38°23'46"	50.00'	143.60'	96.23'
30.	17°18'15"	50.00'	328.59'	99.24'
31.	34°13'14"	60.00'	194.91'	116.41'
32.	68°02'14"	100.00'	148.15'	175.93'
33.	20°25'40"	50.00'	277.50'	98.94'
34.	19°10'20"	50.00'	296.05'	99.07'
35.	21°38'52"	40.00'	209.21'	79.05'
36.	11°55'30"	40.00'	382.99'	79.71'
37.	20°02'58"	40.00'	226.28'	79.18'
38.	86°52'26"	60.00'	63.37'	96.08'
39.	41°50'46"	50.00'	130.78'	95.51'
40.	82°40'56"	60.00'	68.20'	98.41'
41.	97°19'12"	70.00'	61.58'	104.60'
42.	41°58'34"	50.00'	130.34'	95.49'
43.	25°57'32"	50.00'	216.93'	98.28'
44.	08°35'20"	40.00'	532.67'	79.85'
45.	22°06'43"	50.00'	255.89'	98.76'
46.	29°46'19"	58.21'	218.97'	113.78'
47.	25°29'30"	58.21'	257.32'	114.48'
48.	15°45'05"	50.00'	361.46'	99.37'
49.	39°55'22"	90.00'	247.79'	172.66'
50.	73°34'44"	70.00'	93.61'	120.21'
51.	42°48'04"	50.00'	127.58'	95.31'
52.	40°05'51"	50.00'	137.01'	95.88'

NOTES

1. 5/8" REBAR WITH SURV CAP HAVE BEEN SET AT ALL CORNERS.
2. A 7.5' EASEMENT FOR UTILITIES SHALL BE GRANTED ALONG EACH SIDE AND REAR LOT LINE. A 15' EASEMENT FOR UTILITIES SHALL BE GRANTED ALONG ALL PLAT EXTERIOR BOUNDARY LINES.
3. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING A BUILDING PERMIT FROM THE COUNTY.
4. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING THEIR OWN SEPTIC TANK SITE APPROVAL FROM THE COUNTY OR STATE HEALTH DEPARTMENT.
*5. SUFFICIENT SOIL DEPTH TO PROVIDE 4' THICK ABSORPTION BEDS MAY NOT EXIST ON ALL LOTS, IN SUCH CASES THE SEWAGE TREATMENT SYSTEM SHALL BE DESIGNED BY A COLORADO REGISTERED ENGINEER.
6. ALL PROPERTY LINES INTERSECTION AT STREET CORNERS SHALL HAVE A 15' RADIUS, DIMENSIONS ARE TO THE POINT OF INTERSECTION.
7. ALL BUILDING PROHIBITED IN FLOOD PLAIN EASEMENTS.
8. ALL FLOOD PLAIN EASEMENTS ARE TO BE EQUALLY CENTERED ALONG THE CENTERLINE OF THE EXISTING STREAM CHANNEL.
9. ALL UTILITIES (ELEC., WATER, SEWER, GAS AND TELEPHONE) SHALL BE PROVIDED AT THE INDIVIDUAL LOT OWNERS EXPENSE.
10. INDIVIDUAL LOT OWNERS SHALL BE RESPONSIBLE FOR OBTAINING A DRIVEWAY PERMIT FROM THE COUNTY.
11. THIS SUBDIVISION IS LOCATED IN THE JEFFERSON-COMO FIRE DISTRICT.
12. ALL MINERAL RIGHTS WILL BE RETAINED BY INDIAN MOUNTAIN CORPORATION, IF ANY.
13. DEED RECORDED AT BOOK 251 PAGE 17.
14. THIS SUBDIVISION CONTAINS 56 LOTS.
15. THIS PROPERTY HAS R-1 COUNTY ZONING.
16. THIS PLAT CONTAINS 14,811.00' FEET OF DEDICATED ROAD.
17. COVENANTS RECORDED AT BOOK 218 PAGE 878 THRU 882.
18. OUTLOT A WILL BE DEEDED TO THE INDIAN MOUNTAIN PARKS AND RECREATION DISTRICT.
19. A MINIMUM DISTANCE OF 200' BETWEEN ALL WELLS AND LEACH FIELDS WILL BE REQUIRED.
20. LOTS ___ AND ___ ARE DEEDED TO PARK COUNTY.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE INDIAN MOUNTAIN COLORADO CORPORATION, BEING THE OWNERS OF THAT PORTION OF R.75 W. OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO
BEGINNING AT THE SE CORNER OF SAID SECTION 25, THENCE N THE SOUTH LINE OF SAID SECTION 25 FOR A DISTANCE OF 2362.5 N13°00'00"W LEAVING SAID SOUTH LINE SECTION 25 FOR A DISTA THENCE N80°56'11"W FOR A DISTANCE OF 347.32' TO A POINT ON RIGHT OF WAY OF LONG BOW DRIVE, THENCE N09°03'49"E ALONG S FOR A DISTANCE OF 82.59', THENCE N80°56'11"W CROSSING SAID DISTANCE OF 60.00', TO A POINT ON THE WESTERLY RIGHT OF WA DRIVE, THENCE NORTHERLY ALONG SAID WESTERLY R.O.W. FOR THE COURSES, TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA WHOSE RADIUS IS 169.02' FOR A DISTANCE OF 116.71', THENCE DISTANCE OF 65.06', THENCE TO THE LEFT ALONG THE ARC OF A IS 45°30'14" AND WHOSE RADIUS IS 113.07' FOR A DISTANCE OF N03°07'23"E FOR A DISTANCE OF 127.94', THENCE N21°58'47"E 71.04', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE AND WHOSE RADIUS IS 351.62' FOR A DISTANCE OF 73.44', THEN A DISTANCE OF 58.82', THENCE TO THE LEFT ALONG THE ARC OF IS 13°29'40" AND WHOSE RADIUS IS 308.10' FOR A DISTANCE OF N03°28'56"E FOR A DISTANCE OF 191.04', THENCE TO THE RIGHT A CURVE WHOSE DELTA IS 11°18'39" AND WHOSE RADIUS IS 433.9 OF 85.66', THENCE N07°49'43"E FOR A DISTANCE OF 97.75', TH ALONG THE ARC OF A CURVE WHOSE DELTA IS 27°25'13" AND WHOS FOR A DISTANCE OF 85.45', THENCE TO THE RIGHT ALONG THE AR DELTA IS 21°40'33" AND WHOSE RADIUS IS 295.77' FOR A DISTA THENCE N02°05'03"E FOR A DISTANCE OF 163.93', THENCE S85°2 SAID R.O.W. FOR A DISTANCE OF 341.85', THENCE N04°30'00"E 533.99', THENCE N48°15'00"E FOR A DISTANCE OF 628.66', THE FOR A DISTANCE OF 825.02', THENCE NORTH FOR A DISTANCE OF N65°06'26"E FOR A DISTANCE OF 729.63' TO A POINT ON THE WE LONG BOW DRIVE, THENCE S45°32'56"E CROSSING SAID R.O.W. FO 60.00', TO A POINT ON THE EASTERLY R.O.W. OF SAID LONG BOW SOUTHERLY ALONG SAID EASTERLY R.O.W. FOR 4 COURSES, S44°27'04 ALONG THE ARC OF A CURVE WHOSE DELTA IS 34°13'14" AND WHOS FOR A DISTANCE OF 98.49', THENCE S10°13'50"W FOR A DISTANC THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA I WHOSE RADIUS IS 358.59' FOR A DISTANCE OF 108.30', THENCE SAID R.O.W. FOR A DISTANCE OF 456.34', THENCE N81°06'57"E 1294.00', TO A POINT ON THE EAST LINE OF SAID SECTION 25, ALONG SAID EAST LINE FOR A DISTANCE OF 4182.31' TO THE SE SECTION 25, THE POINT OF BEGINNING. CONTAINING 244.57 ACR ALL BEARINGS ARE REFERENCED TO INDIAN MOUNTAIN, FILING NO. SAID OWNERS HAVE BY THESE PRESENTS LAID OUT, PLATTED AND S INTO LOTS AND BLOCKS, AS SHOWN ON THE PLAT, UNDER THE NAME INDIAN MOUNTAIN, FILING NO. 25, UNIT 2 AND DOES HEREBY CON TO THE COUNTY OF PARK, STATE OF COLORADO FOR THE USE OF TH AVENUES, STREETS, DRIVES, COURTS, AND PLACES HEREON SHOWN, AS SHOWN HEREON ARE RESERVED AND/OR DEDICATED FOR THE PURP

EXECUTED THIS 28th DAY OF APRIL

INDIAN MOUNTAIN CORP
A COLORADO CORPORATI

BY James P. Campbell — JAMES P. CAMPBELL

NOTORIAL

STATE OF COLORADO
COUNTY OF PARK

THE FOREGOING STATEMENT AND DEDICATION WAS ACKNOWLEDGED BE THIS 28th DAY OF April A.D. 1981.

MY COMMISSION EXPIRES 4-1-84
WITNESS MY HAND AND SEAL

NOTARY PUBLIC

TITLE CERTIFICATE

FIRST AMERICAN TITLE INSURANCE COMPANY HEREBY CERTIFIES THAT TITLE TO THE ABOVE DESCRIBED PROPERTY IS VESTED IN THE DEDICATORS.

4-22-1981 — DATE

HARRY L. PAULSEN

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIO

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIONERS, THIS DAY OF May A.D. 1981, SUBJECT TO THE PROVIS THE COUNTY SHALL NOT UNDERTAKE THE MAINTENANCE OF SAID ROAD SATISFACTORY CONSTRUCTION THEREOF BY THE SUBDIVIDER. SAID WILL BE ACCEPTED BY RESOLUTION AT A REGULAR COUNTY COMMISSI MEETING AFTER COMPLETION AND INSPECTION.

BY: Jay C. Co

CLERK

APPROVAL OF PLANNING COMMISSION

APPROVED BY THE PARK COUNTY PLANNING COMMISSION, THIS ___ DAY OF APRIL A.D. 1981.

BY John C. G

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COU CLERK AND RECORDER OF PARK COUNTY, AT 8:30 ON THE 5 DAY OF May A.D. 1981, AND DULY FILED AT RECEPTI NO. 298564.

COUNTY CLERK AND RECORD

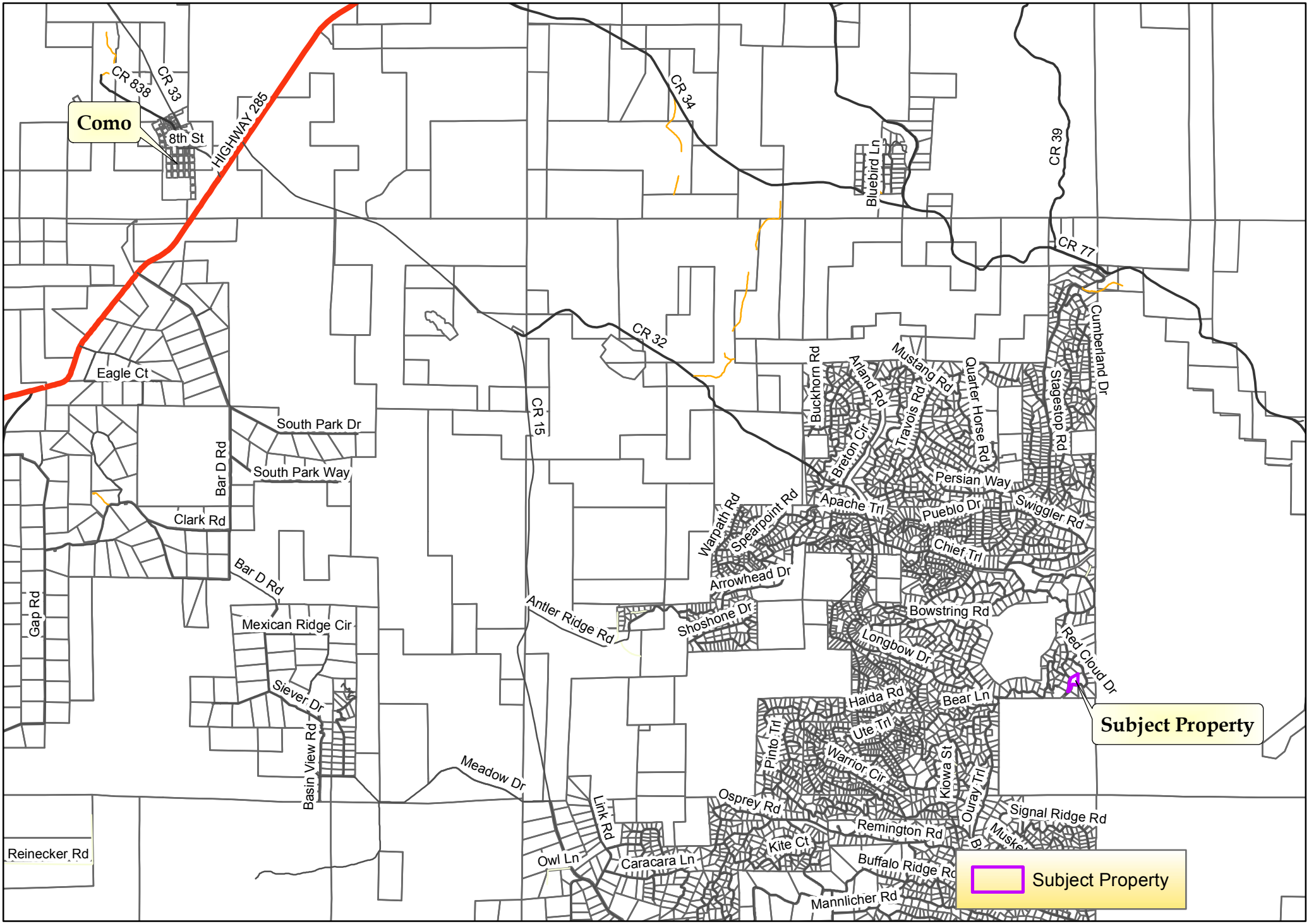
OWNERS CERTIFICATE

I, INDIAN MOUNTAIN CORP. OWNER OF THE ABOVE PLATTED LAND, DO HEREBY STATE THAT TITLE TO SAID LAND IS HELD IN THE NAME OF INDIAN MOUNTAIN CORP. AS SHOWN ON THE COMMITMENT TO INSURE SAID LAND, AND THAT THE LIENS AND ENCUMBRANCES SHOWN ON THE COMMITMENT TO INSURE FROM, FIRST AMERICAN TITLE INSURANCE CO. ARE THE ONLY LIENS AFFECTING SAID PROPERTY AT THE TIME OF THE FILING OF SAID PLAT.

4-28-81 — DATE

OWNER — Pres.

THIS SHEET CONTAINS 56 LOTS

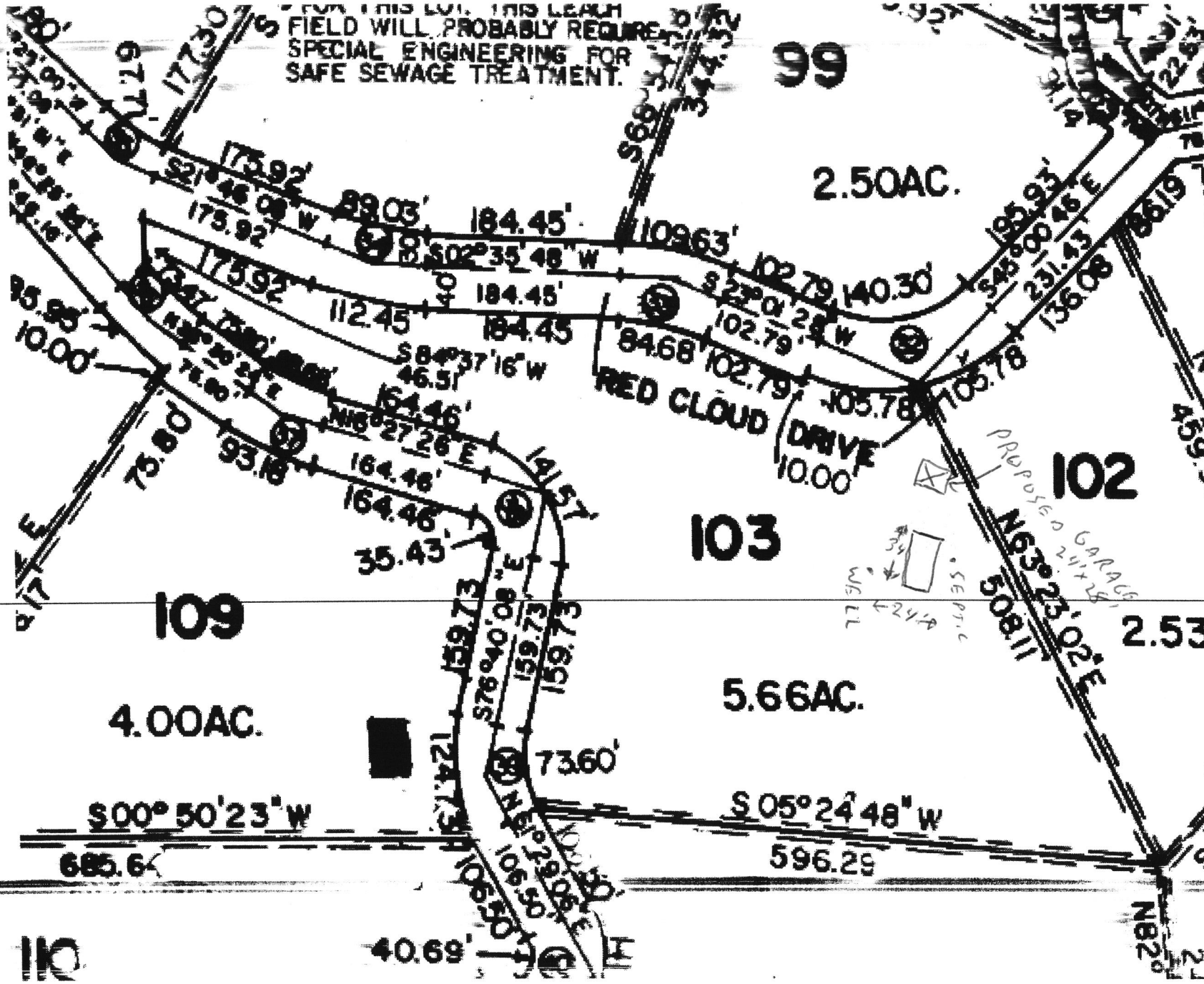


Date: 9/26/2016

VICINITY MAP

0 0.5 1 2 Miles

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014


FOR THIS LOT, THIS LEACH FIELD WILL PROBABLY REQUIRE SPECIAL ENGINEERING FOR SAFE SEWAGE TREATMENT.
99
2.50AC.
102
103
109
4.00AC.
5.66AC.
2.53
110
RED CLOUD DRIVE
PROPOSED GARAGE
S00°50'23"W
685.64
S05°24'48"W
596.29
S76°40'08"E
S84°37'16"W
S21°46'08"W
S02°35'48"W
S23°01'28"W
S45°00'46"E
N63°23'02"E
N16°27'26"E
N82°
508.11
73.60'
40.69'
35.43'
93.18'
75.80'
10.00'
184.45'
109.63'
102.79
140.30'
105.78
84.68
112.45
89.03'
175.92'
164.46'
141.57'
159.73
106.50'
124.73'
231.43'
136.08'
195.93'
177.30'
67.71'
459.9'

Date: 9/26/2016

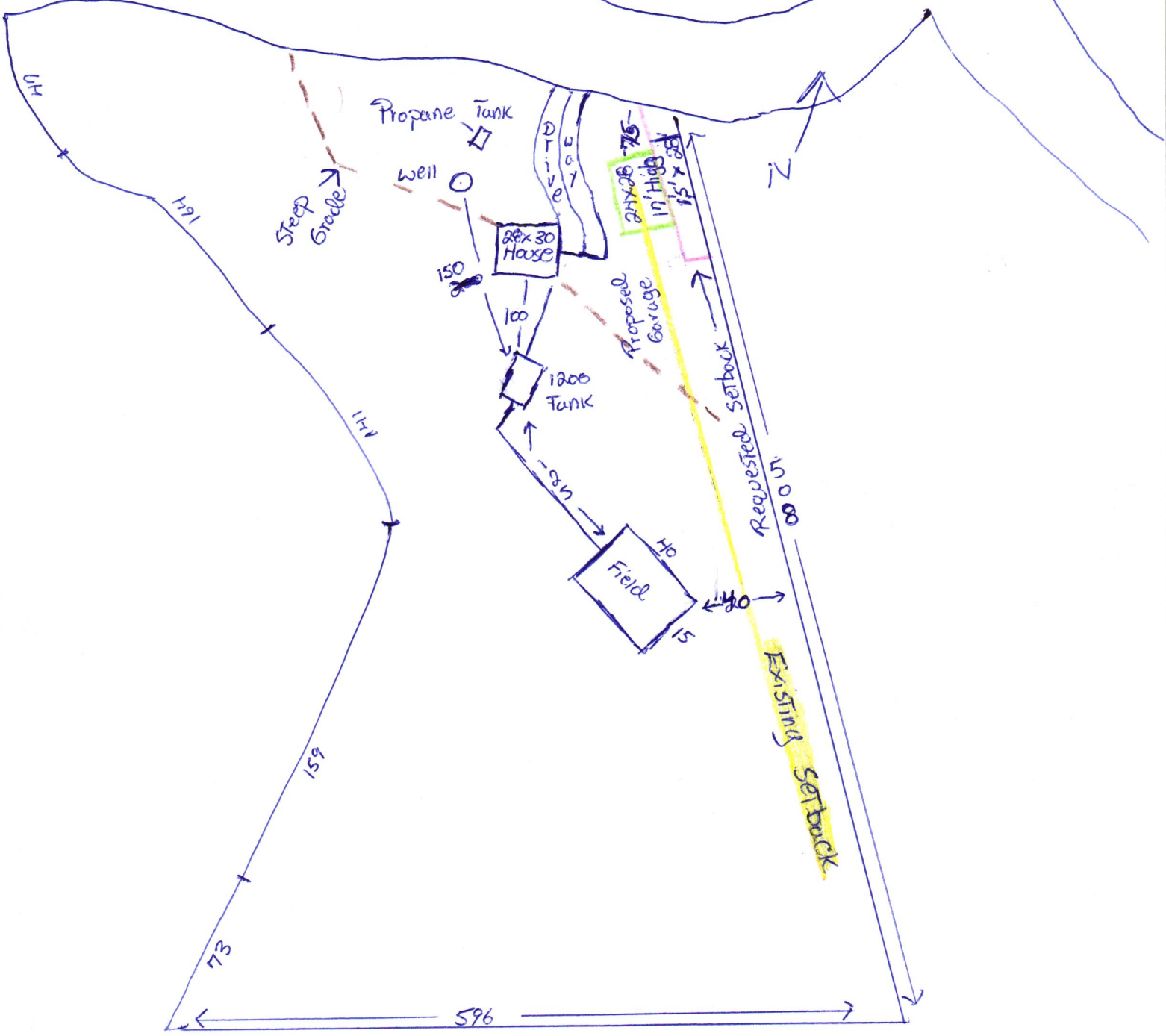
Aerial Map

1 in = 150 feet

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014

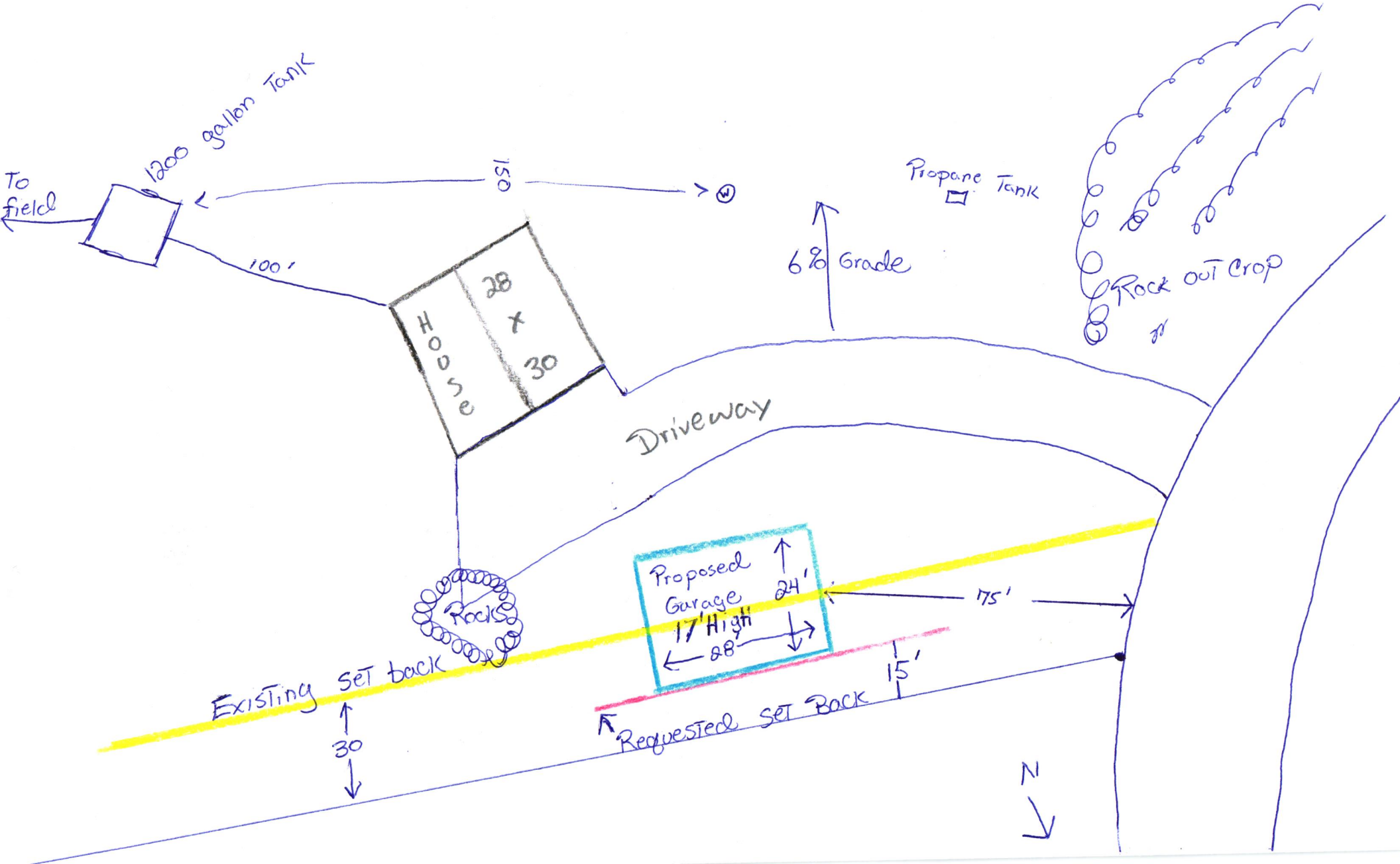
Site Plan 144 Red Cloud Lot 103 #1

Requesting Set Back variance at 15'x28'



Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting set back variance



power pole
144 Red Cloud Drive
proposed garage

PARK COUNTY BOARD OF ADJUSTMENTS
PLANNING DEPARTMENT STAFF REPORT

Board of Adjustments Hearing Date: October 11, 2016

To: Board of Adjustments Members

Date: September 26, 2016

Prepared by: Sheila Cross, Director of Development Services
Jill Falchi, Planning Technician

Case Number: 16SET-07

Subject: Lowitzer Variance

Request: The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage.

Application Summary:

Applicant/Owner:	Arthur & Rose Lowitzer
Location:	Indian Mountain, Filing 25, Unit 2, Lot 103 addressed as 144 Red Cloud Drive
Current Zone District:	Residential (R)
Surrounding Zoning:	Residential (R) and Conservation Recreation (C/R). See Attachment 1.
Lot Size:	5.66 Acres
Existing Use:	Single Family Residential

Background:

The subject property is located in the western-most portion of the Indian Mountain Subdivision, approximately 1,000 feet from public land. See Attachment 2, Vicinity Map. The applicant is requesting a 15-foot variance from the north side property line setback requirement to accommodate a proposed garage. See applicant's site plan, Attachment 3. Because of the lot's considerable slope, location of propane tank and well head, and desire to protect scenic vistas, the applicant is requesting this variance. See Aerial and Topo Maps, Attachments 4 and 5, respectively. The neighbors to the north have consented to this variance request.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a variance (Land Use Regulation (LUR) Article III, Division 1, Section 3-100, page 2) is addressed below.

1. **A strict application of the Resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land:**

   The parcel in question has limited building sites because of the slope of the lot. The only other location for the proposed garage, on the south side of the house, was discounted because of the location of a propane tank and well head. Building a garage in that location would block access to both. In addition, the southern location would require considerable expense to bring power to.

2. **The applicant provided reasonable and adequate evidence that the variance request is not a self-imposed hardship that can be rectified by means other than relief through a variance:**

   The hardship was caused by the previous owners who located the well and propane tank in the only other building site on the lot.

3. **There exists no substantial detriment to any neighbor or to the public by the granting of the variance:**

   Staff discerns no substantial detriment to any neighbor or the public that would be caused by granting the variance. According to the applicant, the property owners to the north support this variance.

4. **The intent and purpose of the regulation being varied is not substantially impaired or defeated by the granting of the variance.**

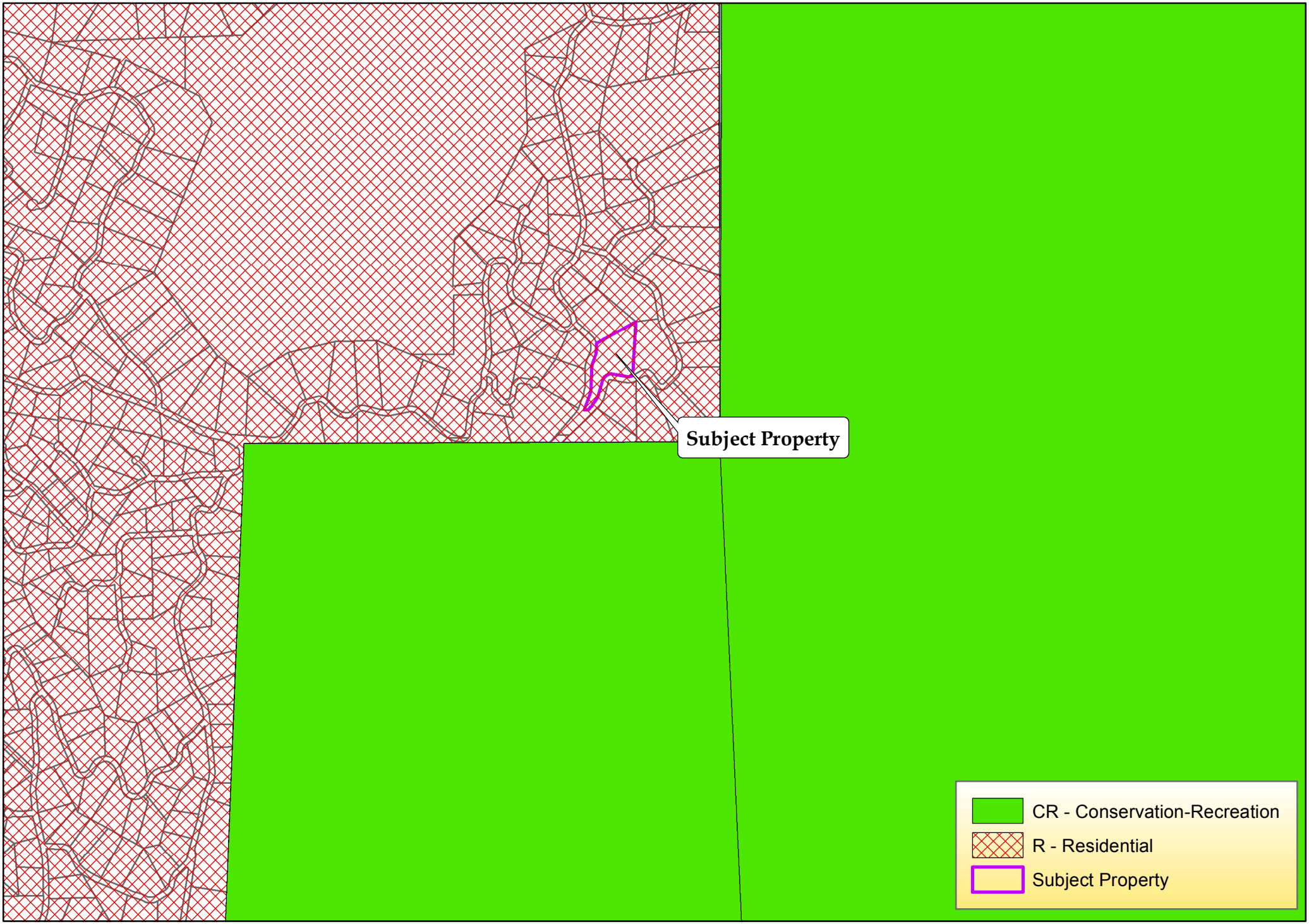
   Setback regulations exist to provide privacy, light access, and air movement between dwellings. Given that the house immediately to the north is approximately 300 feet away from the proposed building site, the purpose of the regulation would not be substantially impaired by granting the request.

Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:
No physical or aesthetic impacts are anticipated.

Public Comment:
No public comments on this variance request had been received at the time this report was prepared.

Recommendation:
Staff recommends approval of the application with no conditions.

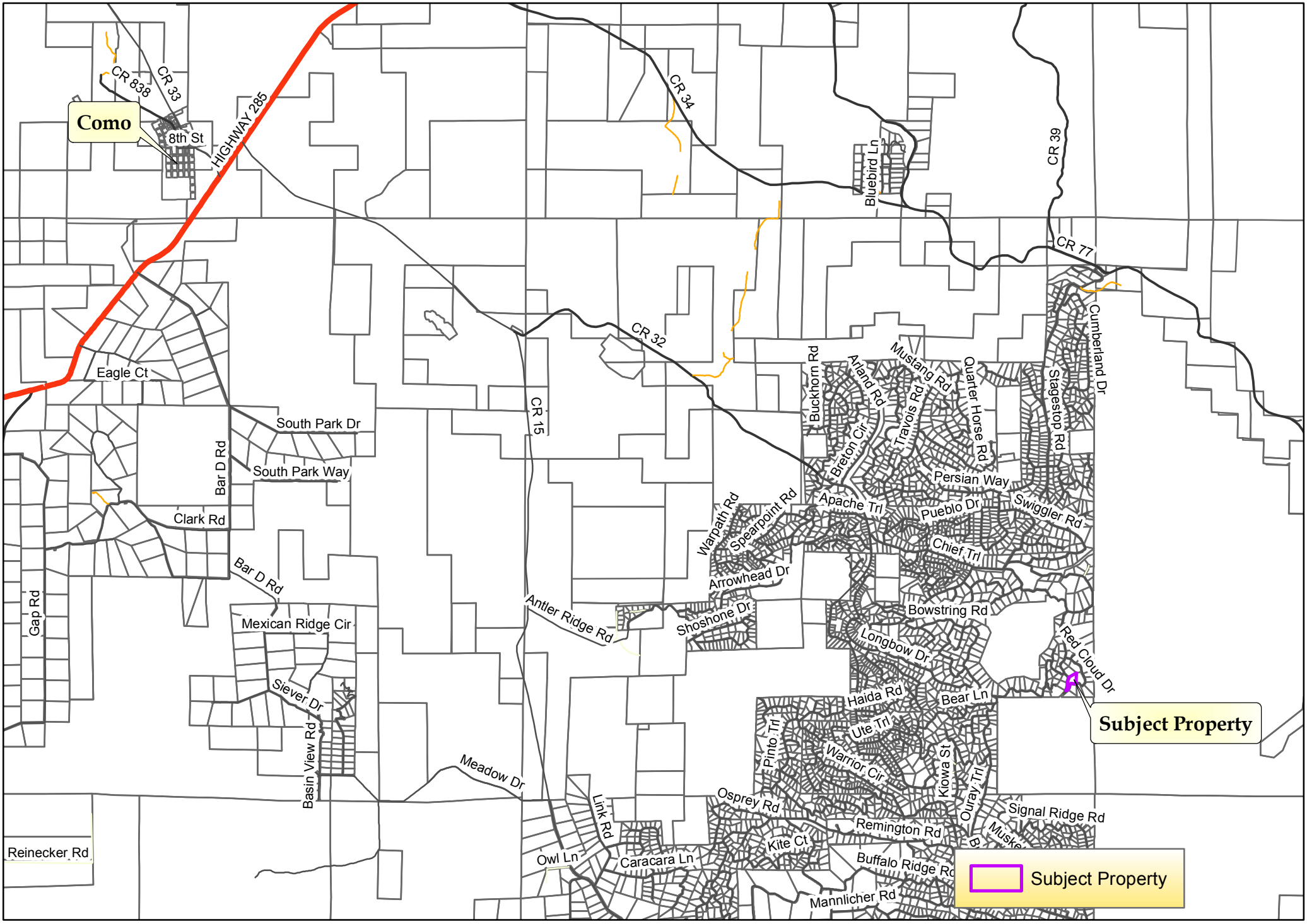


Date: 9/26/2016

Attachment 1: Zoning Map

0 0.125 0.25 0.5 Miles

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014

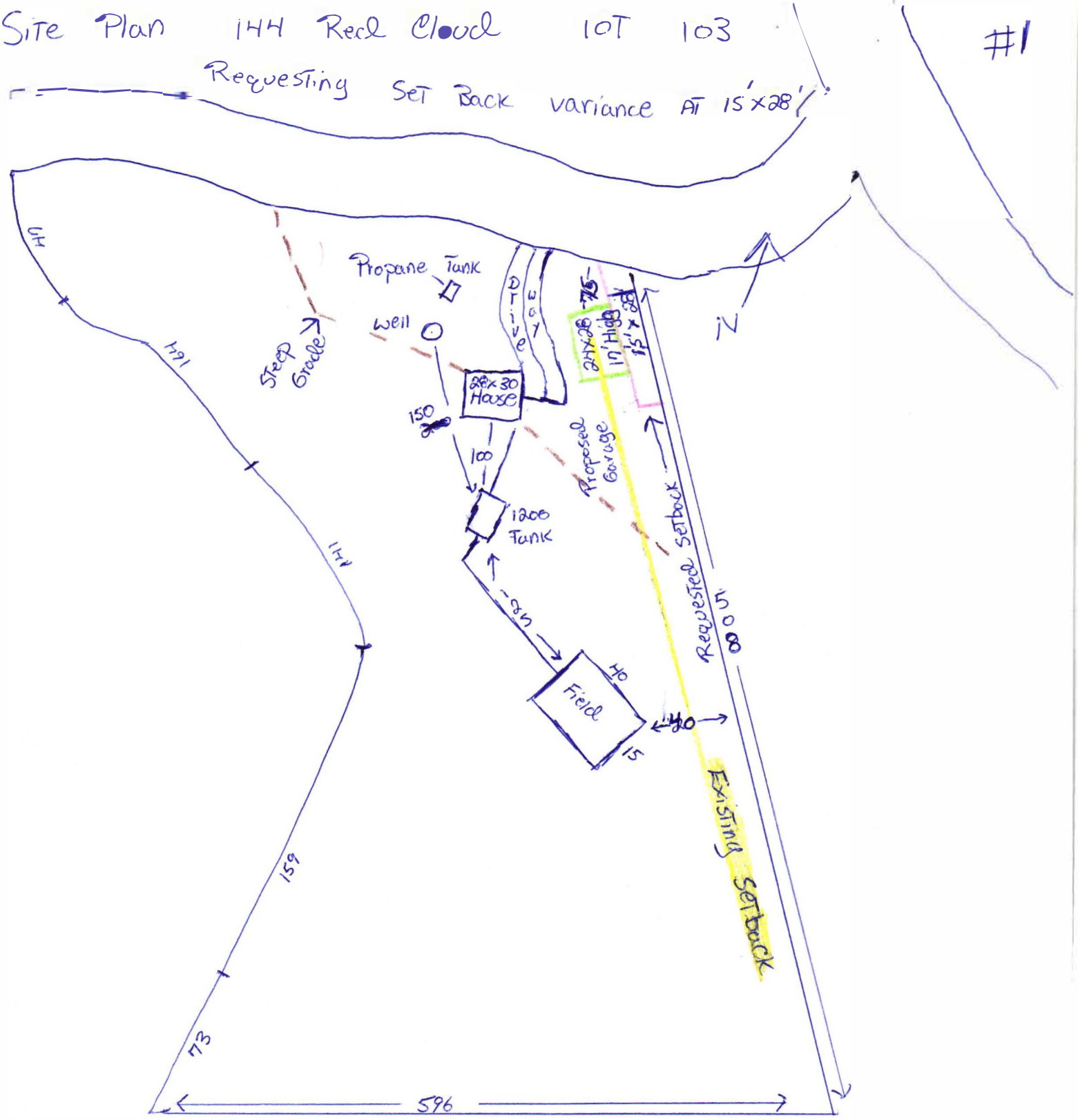


Date: 9/26/2016

0 0.5 1 2 Miles

Attachment 2: Vicinity Map

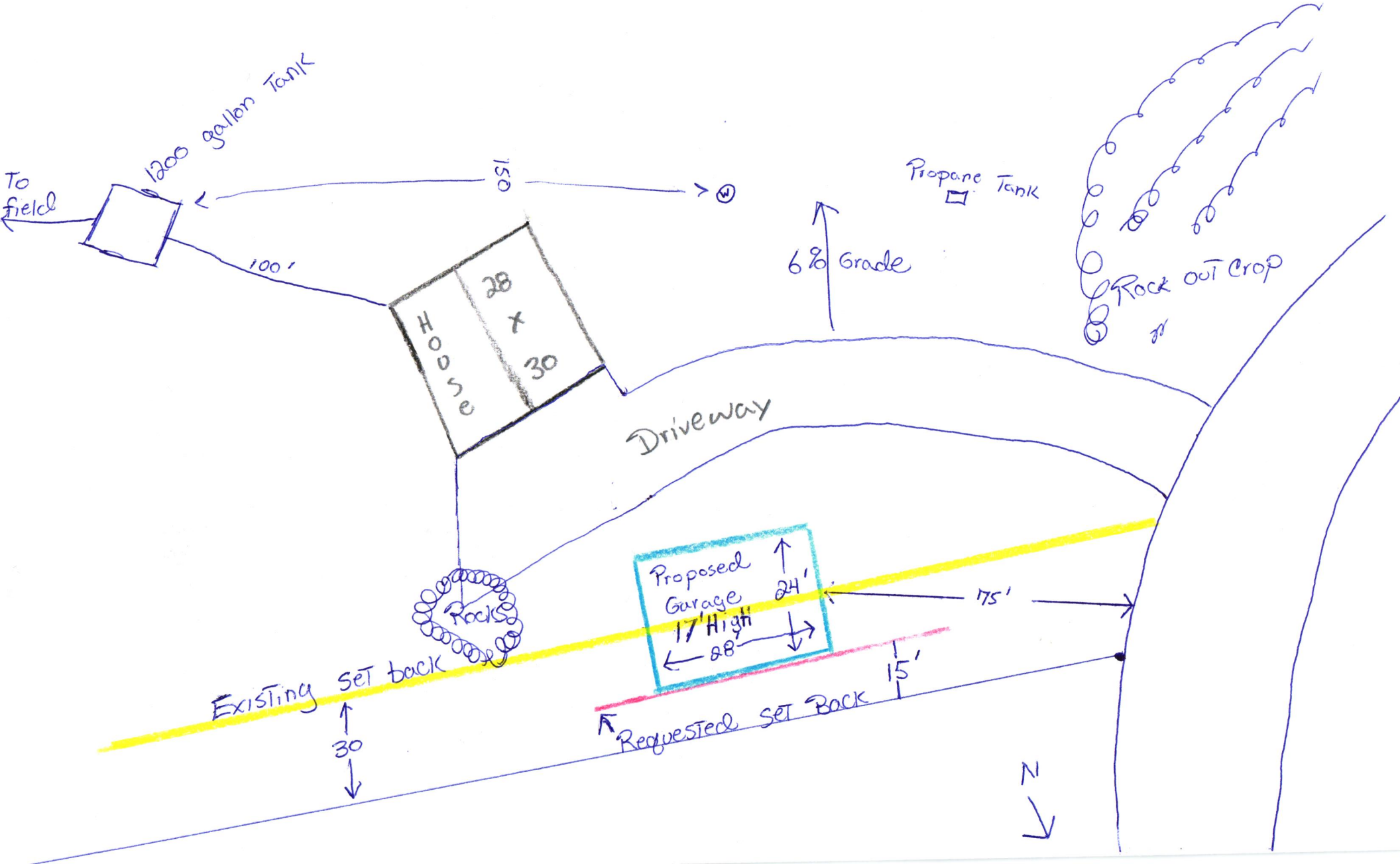
Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014



Attachment 3: Site Plan

Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting set back variance

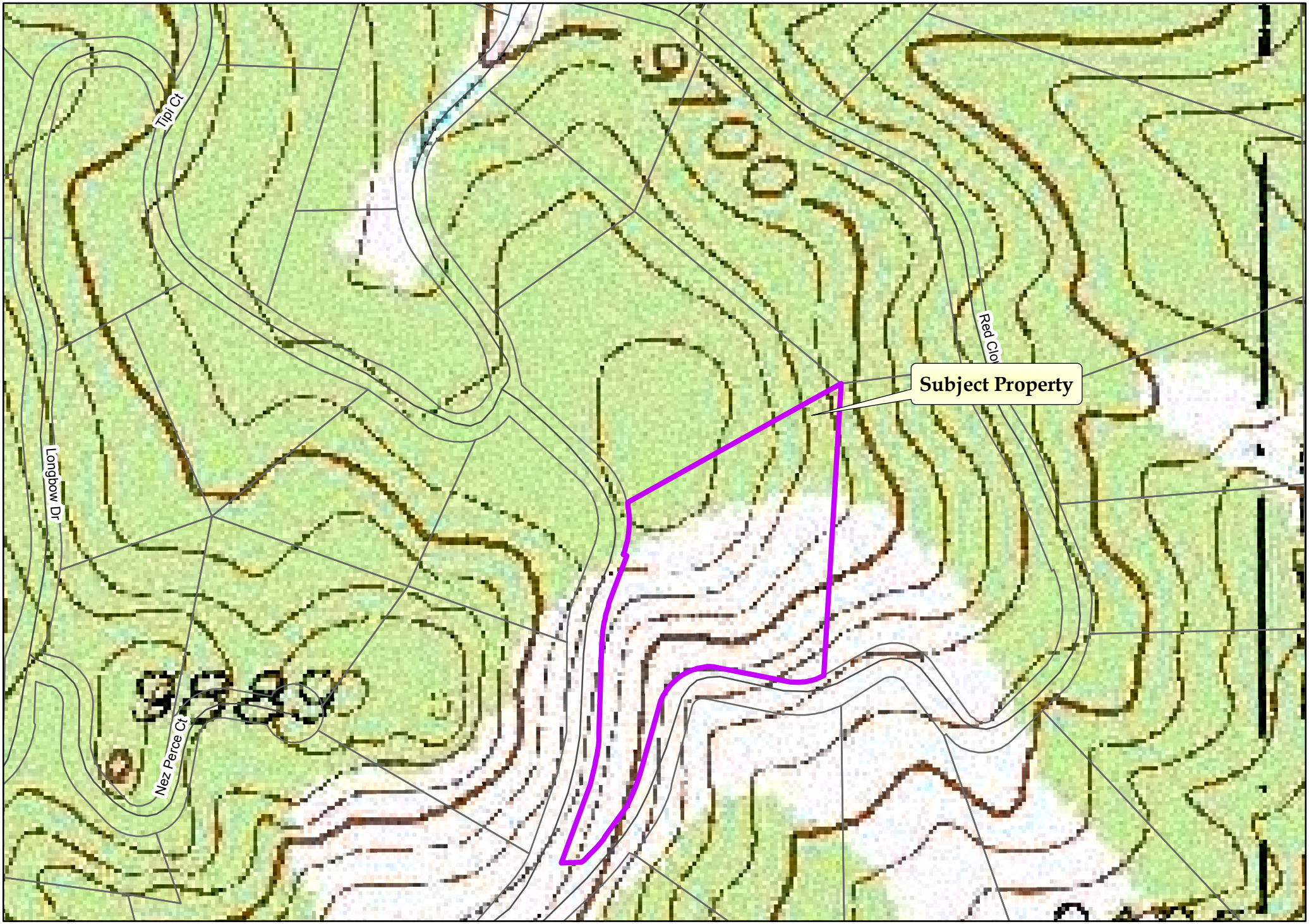


Date: 9/26/2016

Attachment 4: Aerial Map

1 in = 150 feet

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014



Date: 9/26/2016

Attachment 5: Topo Map

1 in = 250 feet

Parcel data should not be considered survey quality. Park County will not be held liable for misuse or misinterpretation of this data. © Park County GIS 2014

Assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4258 • *Fax*: 719-836-4351 • *E-mail address*: jgannon@parkco.us

Referral Response

Comment Deadline Date: October 6, 2016 Submitted Date: September 26, 2016

Case #: 16SET-07 Case Name: Lowitzer Variance

Request: Applicant is requesting a 15 ft. variance from the normally required 30 ft. setback from a proposed garage to a side lot line.

Location/Legal Description: Property is Indian Mountain Lot 103 Filing 25 Unit 2 addressed as 144 Red Cloud Drive, Como.

Date of BOA Hearing: October 11, 2016

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: Arlene Samuels Date: 9/26/16

Title: Admin. Supervisor

Public Works

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4258 • *Fax*: 719-836-4351 • *E-mail address*: jgannon@parkco.us

Referral Response

Comment Deadline Date: October 6, 2016 Submitted Date: September 26, 2016

Case #: 16SET-07 Case Name: Lowitzer Variance

Request: Applicant is requesting a 15 ft. variance from the normally required 30 ft. setback from a proposed garage to a side lot line.

Location/Legal Description: Property is Indian Mountain Lot 103 Filing 25 Unit 2 addressed as 144 Red Cloud Drive, Como.

Date of BOA Hearing: October 11, 2016

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

__X__ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: _____ Date: 9-27-16

Title: ROW Manager Park County Public Works

Brooks Kaufman
Lands and Rights of Way Director

October 3, 2016

Jennifer Gannon
Park County
Planning Department
P.O. Box 1598
Fairplay, Colorado 80440

Re: LOWITZER VARIANCE
Case No.: 16SET-07

Dear Ms Gannon:

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Association has existing overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies. The applicant didn't provide the location of the existing overhead electric facilities, therefore the Associations will require as condition for approval, provide a minimum fifteen (15') foot clearance to the proposed garage location and the existing overhead electrical facilities.

Sincerely,

Brooks Kaufman
Lands and Rights-of-Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION
5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop

PARK COUNTY BOARD OF ADJUSTMENTS
PLANNING DEPARTMENT STAFF REPORT

Board of Adjustments Hearing Date: November 8, 2016

To: Board of Adjustments Members

Date: October 17, 2016

Prepared by: John Deagan, AICP; Planner

Case Number: 16SET-06

Subject: Messing Variance

Request: The applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement, and a 36 foot variance from the wetland-to structure setback requirement in order to construct a house.

Application Summary:

Applicant:	Ronald Messing
Owner:	Richard Kusek
Location:	Lot 970, Valley of the Sun Filing 21, addressed as 17 Johnston Court, Fairplay.
Current Zone District:	Residential
Surrounding Zoning:	Residential in all directions.
Lot Size:	2.74 Acres
Existing Use:	Vacant
Proposed Use:	Single Family Residential

Background:

The subject lot is located at the west end of Valley of the Sun. A Vicinity Map is included as Attachment 1. The applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement, and a 36 foot variance from the wetland-to structure setback requirement in order to construct a house. See the applicant's site plan, Attachment 2.

Sacramento Creek runs through the subject lot. A wetlands delineation on the lot was done in June of this year. The delineation reveals that the lot consists entirely of

wetlands except for 0.2 of an acre at the southwest corner of the lot. Applying the current setback requirements results in a buildable area of 220 square feet.

Valley of the Sun Filing 21 was platted in 1981, a time in which the importance of wetlands ecosystems was apparently not understood in Park County. At that time there was not a required setback between structures and wetlands. Current subdivision review practice would not allow this lot to be created, as it is unbuildable with our current setback requirements without a variance

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a variance (Land Use Regulation (LUR) Article III, Division 1, Section 3-100, page 2) is addressed below.

1. **A strict application of the Resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land:**
   Exceptional practical difficulty in construction within the normally required setbacks is caused by the prevalence of wetlands within the lot. Only 220 square feet of the 2.74 acre lot would be buildable due to a strict application of the setback requirements.

2. **The applicant provided reasonable and adequate evidence that the variance request is not a self-imposed hardship that can be rectified by means other than relief through a variance:**
   The proposed structure is of modest size and has the portion closest to the wetlands elevated above existing grade by the use of cantilevers.

3. **There exists no substantial detriment to any neighbor or to the public by the granting of the variance:**
   Staff discerns no substantial detriment to any neighbor or the public that would be caused by granting the variance.

4. **The intent and purpose of the regulation being varied is not substantially impaired or defeated by the granting of the variance.**
   Setback regulations exist to provide privacy, light access, and air movement between structures. The house would be 190 feet from the nearest structure on the lot to the west. Setback regulations also exist to protect wetlands and watercourses. Given adequate erosion and sedimentation measures during construction, damage to the wetlands within the lot is not anticipated.

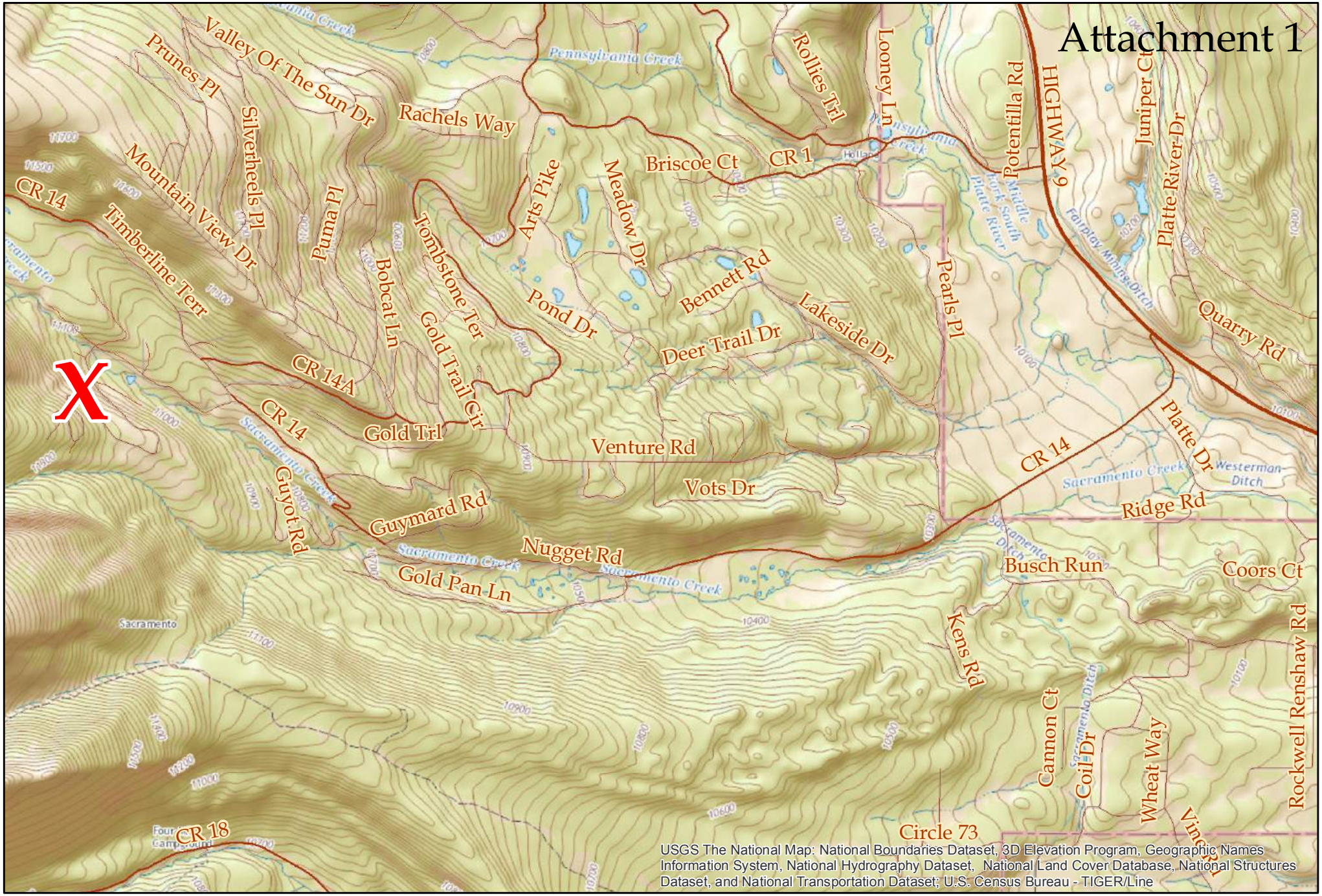
Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:
Given adequate erosion and sedimentation measures during construction, no physical or aesthetic impacts are anticipated.

Public Comment:
Written public comment was received from Michael Duncan. Mr. Duncan was concerned that construction on the lot subject to this application would encroach or already had encroached upon his lot. Since the subject lot is separated from Mr. Duncan's lot by a right-of-way and the proposed house location has been staked on the correct lot, this is not likely. Mr. Duncan's letter and the staff response can be seen as Attachment 3.

Recommendation:
Staff recommends approval of the application with the following condition:

1. Prior to issuance of a building permit for the residence, an erosion and sedimentation control plan to protect the wetlands within the lot shall be approved by Park County Development Services staff. Development Services staff shall monitor the implementation of the plan on a monthly basis until construction is complete. If staff detects sedimentation into the wetlands, construction shall cease until a revised plan is approved by staff and implemented by the applicant.



N

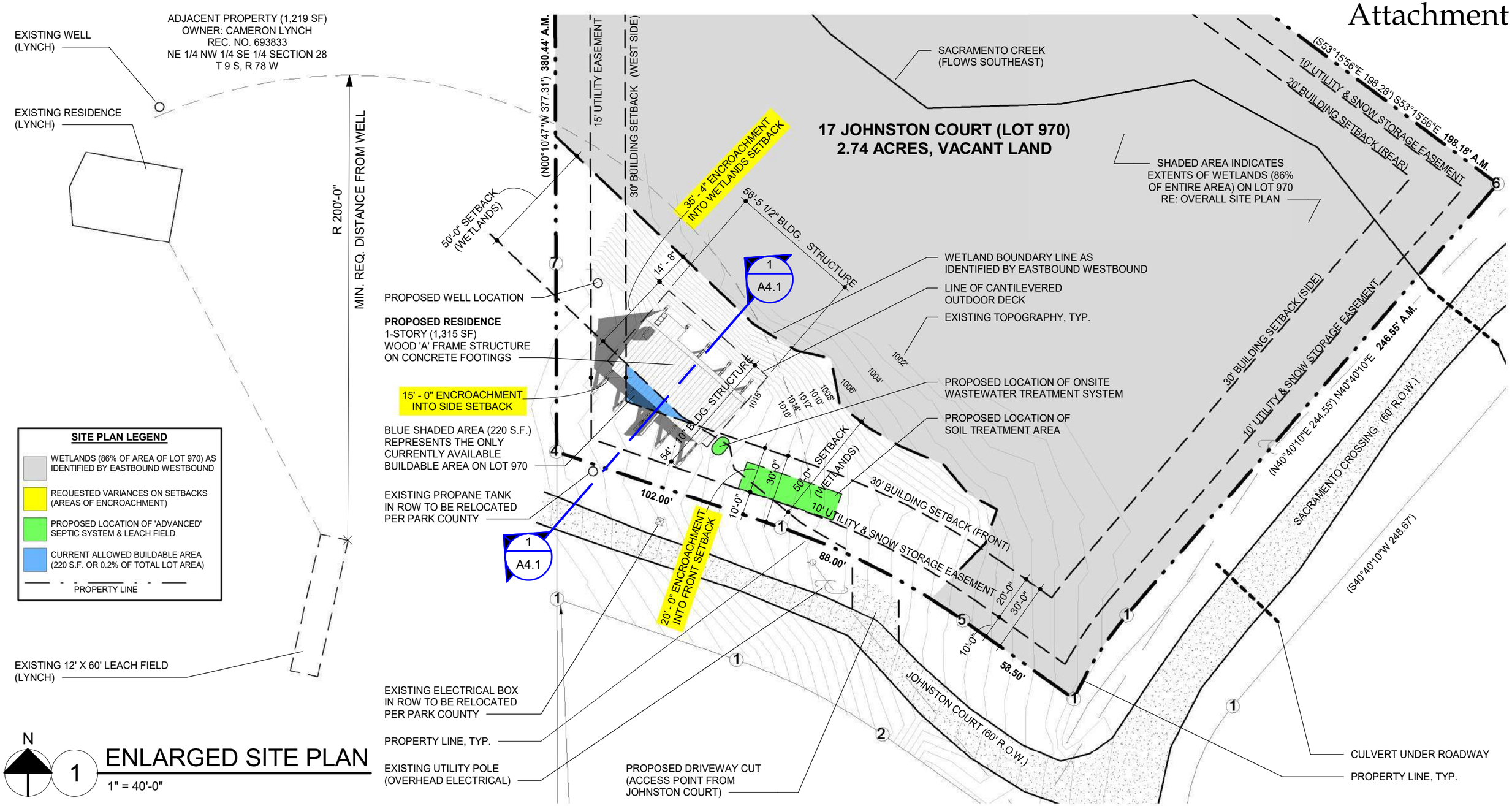
Vicinity Map

Contour Interval is Twenty Feet

0 0.5 1 2 Miles

Park County Planning Department

Attachment 2



*THIS SITE PLAN IS BASED ON ORIGINAL INFORMATION PROVIDED IN THE FORM OF AN ENGINEERING SURVEY FROM CROW HILL CONSULTING, LLC

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
A1.2

Attachment 3

Michael R. Duncan
200 Pinnacle Drive, Mansfield, Texas 76063 (308) 380-8893

Park County Board of Adjustment
501 Main Street
Fairplay, Colorado 80440

October 6, 2016

SUBJECT: Ronald Messing request for variance

To Whom It May Concern:

I am the owner of lot 971, Valley of the Sun Filing 21 and the property owner most affected by the variances. I am unable to attend the meeting as I will be in trial in Federal Court in Atlanta, Georgia from October 11 thru October 21, 2016. I would appreciate the comments and concerns I articulate in this letter would be treated with the same courtesy as if I was there in person.

I think some background is in order. I purchased my lot in November 1981. My wife and I bought it with the intention of building a cabin for our family upon our retirement. That date is close and the funds have been set aside for some time. My job has kept me moving around the country, but we always held on to what we call "the Land". One of my daughters was born in Colorado and as an adult she considers it the link to her home. This is not to play upon emotions, but our property is important to us which is why we have paid taxes on it for 35 years.

If you look at the county records, it appears we purchased the property in 2005, however that is in error. We had the same situation as what we now face, but the owner of Lot 972 had actually started construction of his house and had placed it upon the lot line and his well was 10 feet inside my property. Rather than commence litigation for unlawful taking, we made a deal where we adjusted the property lines. I only bring this up as it now appears this is a pattern or practice in the area for builders and or homeowners. The builder should have known he was on our property and no work should have commenced without a survey. Lot 972 had over half of its topography being the side of a hill so they knew they were approaching the lot line. They built knowing they were wrong and had approached the county for variances after the act was done. I don't know if there are any building inspectors that check for these items as you would in an urban setting so I have knowledge as to whether it was verified by the county before building.

I am now in the same situation. Someone wishes to encroach upon my property and diminish the value of same. I looked on google earth and it appears there is construction going on and probably completed by now. It would appear that once again you are being approached to ratify variances after the fact. I don't know if this construction encroaches past my property line, but a survey will be completed after I return. If there is encroachment, this time I don't think I will be as understanding as I was before and will look at other options. I tried to look at the documents on line, but was unable to locate them so I am making some assumptions based on the aerial views. I would request that you verify if construction has started or is complete and if so, reject the variances. Disregarding regulations and laws and then asking for forgiveness after the fact runs against everything the regulations are created for. I know rejecting the variances if a structure is complete would be difficult, but why should I pay for someone else's disregard for not only regulations and law, but common courtesy. I would expect the builder would have some liability owed for not verifying lot lines before commencing construction.

I can reached at the phone number above or at mduncan@cowtown.net or mduncan@fdic.gov.

Thank you in advance for your consideration and I would appreciate some type of confirmation as to what your decision was..

Very truly yours,

Michael R Duncan ss

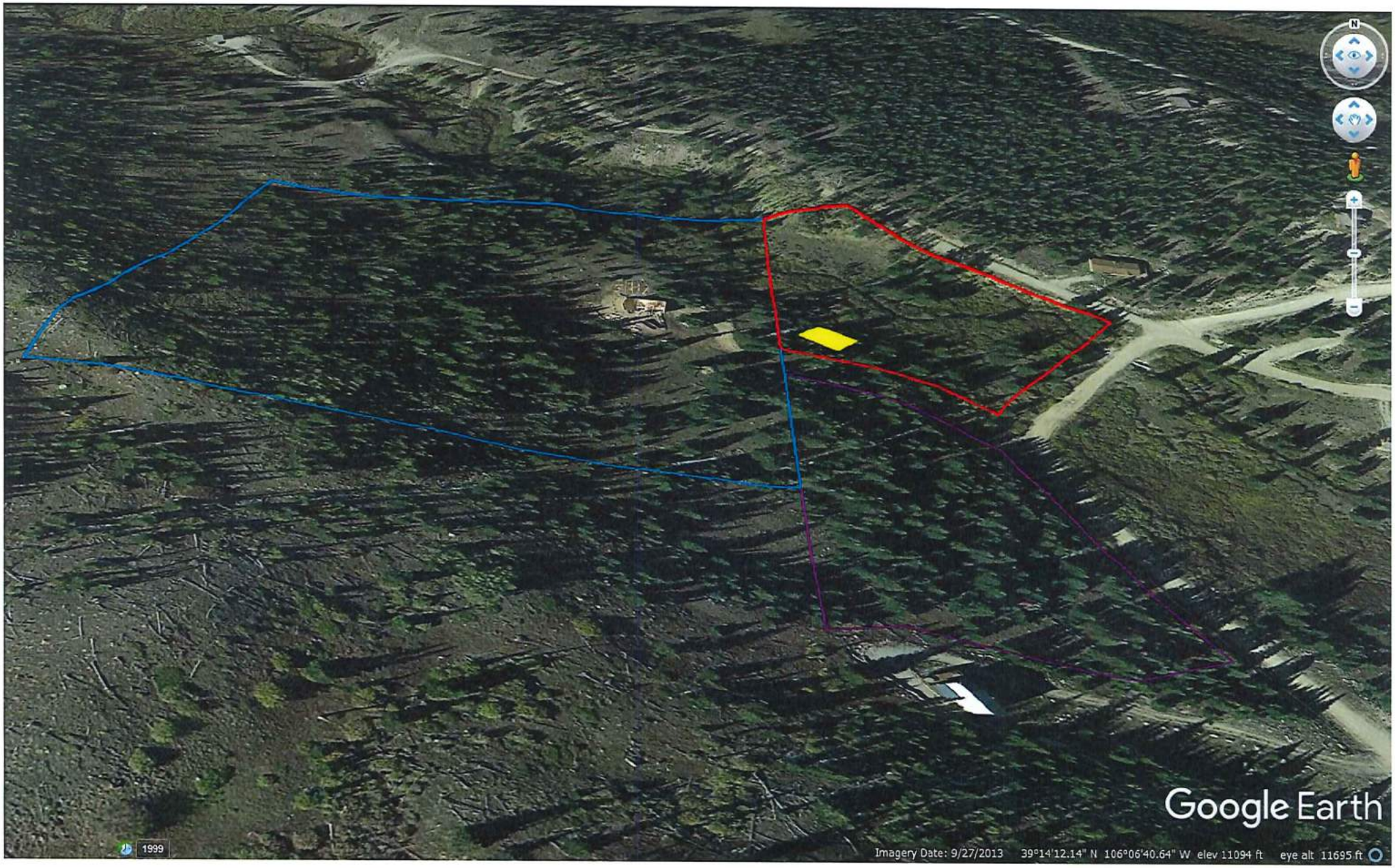
Michael R. Duncan

John Deagan

From:	John Deagan
Sent:	Monday, October 10, 2016 12:14 PM
To:	'Michael Duncan'
Cc:	'Ron Messing'
Subject:	Google Earth Files and Image
Attachments:	Duncan_LotLines_LayerToKML.kmz; Lynch_LotLines_LayerToKML.kmz; Messing_LotLines_LayerToKML.kmz; Messing_House_LayerToKML.kmz; Duncan Vicinity.jpg; VALLEY_OF_THE_SUN_FILING_21_2.tif

Dear Mr. Duncan,
The construction that you refer to was probably of a house on a lot owned by Cameron Lynch. I've attached .kmz files that can be opened in Google Earth to show the locations of your lot, the Lynch lot, and the Kusek/Messing lot and proposed house. I've also attached an image I made from Google Earth showing all of these. The final attachment is the Valley of the Sun plat (with north to the left). Since your lot is separated from the Kusek/Messing lot by a 60' right-of-way that has had a vehicular access built within in, I do not think it would be possible for him to accidentally build on your lot. In addition, I have visited his lot and the house site is staked on it.
I hope that this allays your concerns. Please write or call with any other questions.
Sincerely, John

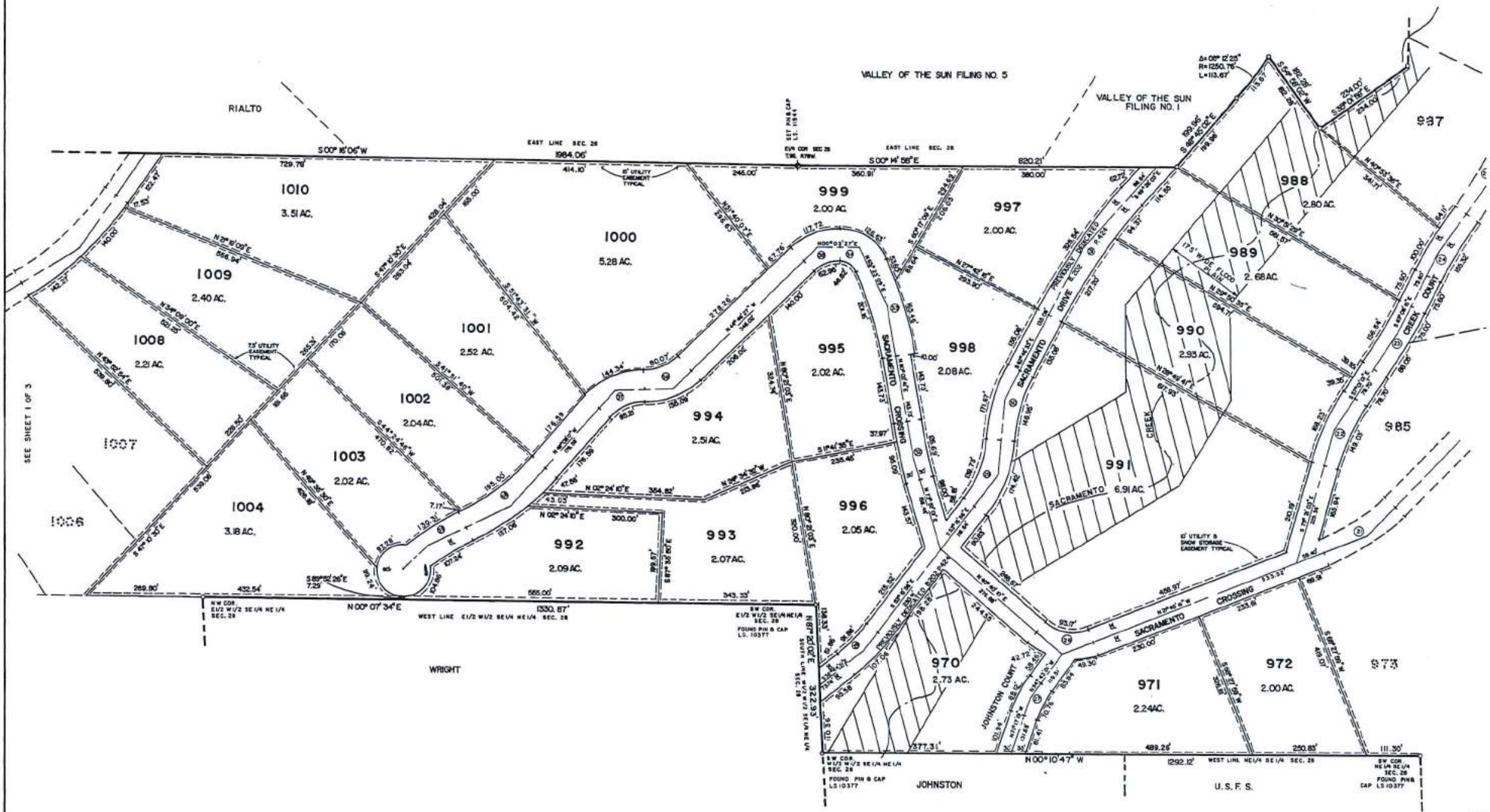
John Deagan, AICP
Park County Planner
719 836 4254


Google Earth
1999
Imagery Date: 9/27/2013 39°14'12.14" N 106°06'40.64" W elev 11094 ft eye alt 11695 ft

VALLEY OF THE SUN

FILING NO. 21

PARK COUNTY



RECEIVED 09/19/2016 10:32AM 7198364268 BUILDING

assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4254 • *Fax*: 719-836-4268 • *E-mail address*: jdeagan@parkco.us

Referral Response

Comment Deadline Date: October 10th, 2016 **Submitted Date:** September 15th, 2016

Case #: 16SET-06 Case Name: Messing Structural Setback Variances

Request: Applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement , and a 36 foot variance from the wetland-to-structure setback requirement between a in order to construct a house.

Location/Legal Description: Lot 970, Valley of the Sun Filing 21, addressed as 17 Johnston Court, Fairplay.

Date of Board of Adjustment Hearing: October 11th, 2016.

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: Arlene Samuels Date: 9/19/16

Title: Admin Supervisor

Hist. Pres.

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4254 • *Fax*: 719-836-4268 • *E-mail address*: jdeagan@parkco.us

Referral Response

Comment Deadline Date: October 10th, 2016 **Submitted Date:** September 15th, 2016

Case #: 16SET-06 Case Name: Messing Structural Setback Variances

Request: Applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement , and a 36 foot variance from the wetland-to-structure setback requirement between a in order to construct a house.

Location/Legal Description: Lot 970, Valley of the Sun Filing 21, addressed as 17 Johnston Court, Fairplay.

Date of Board of Adjustment Hearing: October 11th, 2016.

_____X__ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

_____ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

__X_____ We offer the following comments regarding this referral:

Thank you for forwarding 16set-06 report on the Messing Structural Setback Variances. Park County Dept. of Heritage, Tourism and Community Development has reviewed this application and finds no historic resources according to prior survey affected by this Setback Variances. Park Co. Dept. of Heritage, Tourism and Community Development has only the recommendation that if cultural significant artifacts or objects are discovered to please contact our office immediately, so that the resources maybe evaluated for National Register eligibility .

Signed: Jodie Koonlen Date: 10/10/2016

Title: Preservation Specialist II

16SET-06

PARK COUNTY APPLICATION FOR
VARIANCE
NON-REFUNDABLE APPLICATION FEE: $1060

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: RONALD MESSING

Mailing Address: 2767 S. UPHAM STREET

City: DENVER State: CO Zip: 80227

Telephone

(work)_____ (home) 303-922-9792 (fax)_____

Owner's Name: RICHARD J. KUSEK

Mailing Address:_____

Telephone No.: 720-429-7049

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Variance (attach additional page, if necessary):
T09 R78 S28 SE4, Valley Of The Sun, Filing 21 Lot 0970, B0332 P0368 UL96

Street Address of Property: 17 JOHNSTON COURT, FAIRPLAY, CO

Property's Total Acreage: 2.74

Current Zone District of Property: R-RESIDENTIAL

Proposed Zone District of Property: R-RESIDENTIAL

For County Use Only
Planning Department Confirmation of Current Zone District:

District: RESIDENTIAL

JOHN DEAGAN

Print Full Name

Requirements for a Variance
Article III, Division 1, Section 3-100

C. APPLICATION REQUIREMENTS

	For County Use Only: Initial Receipt of the Required Information
1. Application Fee. An application fee in the amount of $1060 must be paid at the time of submission of the application. Make the check or money order to the Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.	(1.) JCD
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.	(2.) JCD
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.	(3.) JCD
4. A legal description of the property proposed for the Variance prepared by a licensed Colorado land surveyor.	(4.) JCD
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Variance, this information is at Park County Assessor's Office.	(5.) JCD
6. A vicinity map of where the proposed property is located within Park County.	(6.) JCD
7. A site plan drafted at a commonly used engineering scale with clear indication how the variance relates to the affected land with the following information:	(7.) JCD
a. Name and address of the owner;	(7a.) JCD
b. Date of preparation, map scale, and north arrow;	(7b.) JCD
c. Lot dimensions, total acreage, and points of access to the property, internal roads and trails. The map must illustrate how access is obtained from the property subject to variance to the nearest county road or highway;	(7c.) JCD
d. Natural features of the property subject to variance including, wetlands, floodplain, riparian areas, water bodies, rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);	(7d.) JCD
e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas;	(7e.) JCD
f. The dimensions, height and setbacks of all existing and proposed structures.	(7f.) JCD
g. A clear illustration or description of the proposed variance, using shading, crosshatching, or highlighting, to accurately illustrate the proposal.	(7g.) JCD
8. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).	(8.) JCD

For County Use Only: Initial Receipt of the Required Information	
(9.)	N/A
(10.)	JCD
(11.)	JCD
(12.)	N/A

9. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable

10. A written description identifying the specific provision of the Land Use regulations that the owner seeks to vary and the extent to which the provision is proposed to be varied or modified.

11. A written description of the reasons justifying the variance detailing how the standards for approval of the variance provided by Section 3-100(B) are met or satisfied.

12. Any other information that are judged necessary by the Planning staff to ensure compliance with the Standards for Approval.

Note: Refer to Park County Land Use Regulations Article III, Standards for Approval of Variance.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: Ronald Messing
Print name: RONALD MESSING
If company, state Title/Position: _____

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

September 15, 2016
Month Day Year

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: SEPTEMBER 15th, 2016
Print Name: JOHN DEAGAN

Payment of the Applicant Fee was made by:

X	Personal Check # 1809	Amount $ 1060.00
_____	Cash	Amount $ _____
_____	Other _____	Amount $ _____

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL BOARD OF ADJUSTMENT HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Richard J. Kusek of Littleton, Colorado, have made, constituted and appointed, and by these presents do make, constitute and appoint Ronald Messing, of Denver Colorado, my true and lawful attorney, for me and in my name, place and stead. If Ronald Messing fails to survive me, or is unable to serve, I name Rosemary Donovan of Loveland, Colorado, or James Messing of Hayden, Colorado, if Rosemary Donovan fails to survive me, or is unable to serve as my attorney. My attorney is authorized to ask, demand, sue for, recover and receive, of and from all corporations, associations, and persons whatsoever, all and every sum or sums of money due and owing, or that may become due and owing to me on any and every account, whether due or to become due, and give receipts for the same, or, at my attorney's discretion, to compound or compromise for the same, and give discharges; to sign, execute, endorse, negotiate any note, bond, deed, obligation, contract, draft, check, certificate of deposit, assignment, bill of sale, motor vehicle title, or other paper; to endorse promissory notes, and the same to renew from time to time; to draw by check, withdrawal slips or to deposit funds in any other manner or means upon any bank or banks or any corporations, associations, or individuals, including savings and loan associations and stock brokers, for any sum or sums of money that may be to my credit, or which I may be entitled to receive or have an interest in, as I might or could do; to enter any safe deposit box or boxes that I may have rented at any bank or banks and remove the contents thereof, any rule or regulation by any bank to the contrary notwithstanding; to sell any part or parts of my real or personal estate, including but not limited to stocks, bonds, tangible personal property, accounts receivable, choses in action, intangible personal property, real estate, or any interest which I may have in any real or

personal estate, wheresoever situated, to make all necessary deeds, assignments and conveyances thereof, with all necessary covenants, warranties, and assurances, and to sign, seal, acknowledge and deliver the same; and no purchaser from my attorney shall be required to see to the application or distribution of the proceeds, and to do all such other acts, matters, and things in relation to all or any part of or interest in my property, estate, affairs, or business, of any kind or description, in the State of Colorado or elsewhere, as I myself might or could do if acting personally. I hereby ratify and confirm all lawful acts done by my said attorney by virtue hereof.

This Power of Attorney shall not terminate upon the physical and/or mental disability or legal incapacity of the donor, Richard J. Kusek, nor shall there be any liability on any person, firm or corporation relying on this Power of Attorney subsequent to my death, provided such person, firm or corporation had not received actual notice of my death. This Power of Attorney shall terminate only on his death or written revocation of said power duly executed and acknowledged by Richard J. Kusek.

WITNESS the following signature and seal this 1st day of October, 2013.

Richard J. Kusek (SEAL)
Richard J. Kusek

STATE OF COLORADO
CITY/COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this 1st day of October, 2013, by Richard J. Kusek.

STEPHEN C. HARKESS NOTARY PUBLIC STATE OF COLORADO

Notary Public

My Commission Expires: [illegible]

Park County Website | Treasurer Web Site

Colorado
PARK COUNTY
Treasurer: Michelle Miller

New Search | Return To Search Results | Print Bill

Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 38486 2015

PROPERTY ADDRESS:

TAXABLE VALUE: $11,110.00 **ACTUAL VALUE:** $38,325.00 **TAX DISTRICT:** 015

Owners Name

KUSEK R J REVOCABLE TRUST
7100 W 13TH AVE APT 101
LAKEWOOD CO 80214-4780

Legal Description

T09 R78 S28 SE4 VALLEY OF THE SUN
FILING 21 LOT 0970

TAX:	$614.10
INTEREST:	$6.14
FEE:	$0.00
TOTAL TAX & ASMTS.:	$614.10
UNPAID BALANCE:	**$0.00**

Select a payment option below.

First Half: Feb 28th
Second Half: June 15th
OR
Full Payment: April 30th

Pay Full Amount

Paid

Last Payment: 05/18/2016 **Amount :** $620.24

Help Center | Site Instructions | Report a problem

Visual Gov **VisualGov.com** Copyright ©1999-2013 VisualGov Solutions, LLC. All rights reserved. | Privacy Policy | Terms of Use

702704

702704 10/22/2013 2:50 PM Debra A Green
1 of 2 QCD R$16.00 D$0.00 Park County Clerk

STATE DOCUMENTARY FEE
DATE 10-22-13
$ -0-
NO REAL PROPERTY TRANSFER DECLARATION ACCOMPANIED THIS DOCUMENT

Recording requested by: Richard J. Kusek
When recorded, mail to:
Name: Richard J. Kusek
Address: 7100 W. 13th Avenue #101
City/ State/Zip: Lakewood, CO. 80214

Space above reserved for use by Recorder's Office
Document prepared by:
Name Ronald D. Messing
Address 2767 S. Upham St.
City/State/Zip Denver, CO. 80227

Property Tax Parcel/Account Number:

Quitclaim Deed

This Quitclaim Deed is made on 10/21/2013, between Richard J. Kusek, Grantor, of 7100 W. 13th Avenue #101, City of Lakewood, State of Colorado, and R.J.Kusek Revocable Trust, Grantee, of 7100 W. 13th Avenue #101, City of Lakewood, State of Colorado.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at Valley Of The Sun, Fairplay, CO. 80440, City of Fairplay, State of Colorado:

GENERAL INFORMATION:Schedule: 38486 R 001, Tax District: 015, Owner Name: Kusek, Richard J., Legal Description: T09 R78 S28 SE4, Valley Of The Sun, Filing 21 Lot 0970, B0332 P0368 UL96, 2.73 Total Acres

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any. Taxes for the tax year of 2013 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

702704

702704 10/22/2013 2:50 PM Debra A Green
2 of 2 QCD R$16.00 D$0.00 Park County Clerk

Dated: OCTOBER 21, 2013

Richard J Kusek
Signature of Grantor

RICHARD J. KUSEK
Name of Grantor

Ronald D Messing
Signature of Witness #1

RONALD D MESSING
Printed Name of Witness #1

Signature of Witness #2

Printed Name of Witness #2

State of Colorado County of Jefferson
On October 21, 2013, the Grantor, Richard J Kusek,
personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Barbara S Pickey
Notary Signature

BARBARA S PICKEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124008813
MY COMMISSION EXPIRES JUNE 05, 2016

Notary Public,
In and for the County of Jefferson State of Colorado
My commission expires: 06/05/2016 Seal

Send all tax statements to Grantee.

Recorded at 2:50 o'clock P. M, June 11, 1976 BOOK 253 PAGE 19

Reception No. 222282 Joy C. Carpenter Recorder. Park County

T-R DEVELOPMENT CORPORATION, a Colorado Corporation

whose address is 6841 South Yosemite

Englewood County of Arapahoe , State of

Colorado , for the consideration of Ten dollars and other good and valuable consideration dollars, in hand paid, hereby sell(s) and convey(s) to

STATE DOCUMENTARY FEE
DATE 6-11-76
$ 7.00

RICHARD J. KUSEK

whose address is 2557 South Dover #41 , Lakewood County of

Jefferson , and State of Colorado the following real property in the

County of Park , and State of Colorado, to wit:

SEE EXHIBIT "A" ATTACHED.

with all its appurtenances, and warrant(s) the title to the same, subject to

Easements, Protective Covenants, U.S. Patent Reservations of Record and Current Years Taxes.

Signed this 13th day of May , 19 76 .

ATTEST:

Lila P. Clinton
Ass't Secretary

T-R DEVELOPMENT CORPORATION, a Colorado Corporation

by: Kenneth L. Reese, President

STATE OF COLORADO, }
County of Arapahoe } ss.

The foregoing instrument was acknowledged before me this 13th day of May , 19 76 , by Kenneth L. Reese, President and Lila P. Clinton, Ass't Secretary, T-R Development Corporation, a Colorado Corporation.

My commission expires My Commission expires Mar. 25, 1980

Witness my hand and official seal.

Notary Public

No. 897. Warranty Deed—Short Form Bradford Publishing Co., 1824-36 Stout Street, Denver, Colorado. 8-75

EXHIBIT "A"

LEGAL DESCRIPTION

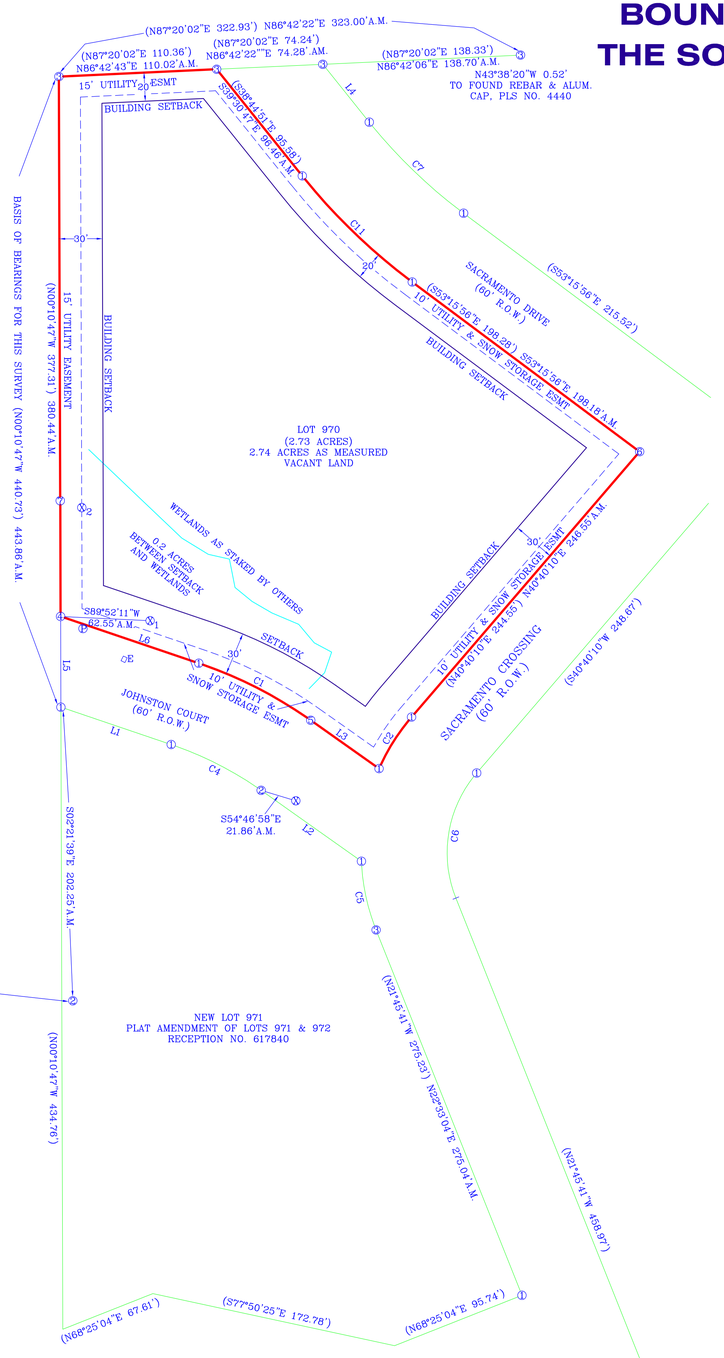
A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING LOT NO. 1014 OF FUTURE VALLEY OF THE SUN FILING NO. 21, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N87°20'02"E AND ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER A DISTANCE OF 110.36 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FUTURE SACRAMENTO DRIVE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SACRAMENTO DRIVE THE FOLLOWING 8 COURSES:

1) S38°44'50"E A DISTANCE OF 95.60 FEET TO A POINT OF CURVE.
2) ALONG THE ARC OF CURVE LEFT HAVING A DELTA OF 14°31'06" A RADIUS OF 422.53 FEET A DISTANCE OF 107.07 FEET TO A POINT OF TANGENT.
3) S53°15'56"E A DISTANCE OF 198.98 FEET.
4) S40°40'10"W A DISTANCE OF 244.54 FEET TO A POINT OF CURVE.
5) ALONG THE ARC OF CURVE LEFT HAVING A DELTA OF 23°17'24" A RADIUS OF 145.51 FEET A DISTANCE OF 59.15 FEET TO A POINT ON CURVE.
6) N54°30'11"W A DISTANCE OF 19.06 FEET TO A POINT OF CURVE.
7) ALONG THE ARC OF CURVE LEFT HAVING A DELTA OF 42°29'34" A RADIUS OF 132.88 FEET A DISTANCE OF 98.55 FEET TO A POINT OF TANGENT.
8) S83°00'15"W A DISTANCE OF 108.38 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 28.

THENCE N00°10'47"W AND ALONG SAID WEST LINE A DISTANCE OF 477.46 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.99 ACRES.

BOUNDARY SURVEY OF A TRACT OF LAND LOCATED IN THE SOUTHEAST ¼ OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 78 WEST OF THE 6TH P.M., COUNTY OF PARK, STATE OF COLORADO.



ADJACENT PROPERTY
OWNER: LYNCH
REC. NO. 693833
NE ¼ NW ¼ SE ¼ SECTION 28
T 9 S, R 78 W

LINE TABLE				
LINE	BEARING	DISTANCE	BEARING	DISTANCE
L1	(S71°17'19"E	81.41')	S74°49'47"E	85.62'A.M.
L2	(S54°43'01"E	85.84')	S58°29'00"E	88.94'A.M.
L3	(N54°43'01"W	58.46')	N55°24'55"W	59.89'A.M.
L4	(S38°44'51"E	51.86')	S39°41'42"E	52.59'A.M.
L5	(N00°10'47"W	63.42)	N00°10'47"W	63.42'A.M.
L6	(S71°17'19"E	101.94')	S74°12'23"W	105.21'A.M.

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD
C1	(16°34'18"	304.67'	88.12'	87.81')	87.94'A.M.
C2	(16°49'17"	145.51'	42.72'	42.57')	38.41'A.M.
C3	(14°31'03"	422.53'	107.06'	106.77')	106.89'A.M.
C4	(16°34'18"	244.67'	70.76'	70.52')	67.31'A.M.
C5	(19°24'42"	145.51'	49.30'	49.06')	50.31'A.M.
C6	(62°25'51"	85.51'	93.17'	88.63')	88.63'A.M.
C7	(14°31'03"	362.53'	91.86'	91.61')	90.38'A.M.

50 0 50 150
SCALE 1 INCH = 50 FEET

CROW HILL CONSULTING, L.L.C.
PROFESSIONAL LAND SURVEYING
169 SOUTH PINE DRIVE
BAILEY, COLORADO 80421
PHONE (303) 838-7966

AUGUST 13, 2016
JOB NO. 0611.16
VS21L970.DWG
CLIENT: JASON MESSING

PROPERTY DESCRIPTION:
LOT 970, VALLEY OF THE SUN FILING NO. 21,
COUNTY OF PARK, STATE OF COLORADO.

PROPERTY OWNER'S NAMES:
R.J. KUSEK REVOCABLE TRUST

NOTES:

(1) THE BASIS OF BEARINGS FOR THIS SURVEY WAS A PORTION OF THE WEST LINE OF VALLEY OF THE SUN FILING NO. 21 BETWEEN A REBAR WITH ALUMINUM CAP, PLS NO. 11944, FOUND AT THE NORTHWEST CORNER OF NEW LOT 971 AND A REBAR WITH ALUMINUM CAP, PLS NO. 10377, FOUND AT THE NORTHWEST CORNER OF LOT 970. THE RECORDED PLAT OF VALLEY OF THE SUN FILING NO. 21 SHOWS THIS LINE TO BEAR N00°10'47"W.

(2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED ON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT SHOWN HEREON.

(3) ANY PERSON WHO KNOWINGLY ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS 2 MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 C.R.S..

(4) THE RECORDED PLAT OF VALLEY OF THE SUN FILING NO. 21 GRANTS A 7.5' UTILITY EASEMENT ALONG ALL REAR AND SIDE LOT LINES, A 10' UTILITY AND SNOW STORAGE EASEMENT ALONG ALL LOT LINES ABUTTING A ROAD AND A 15' UTILITY EASEMENT ALONG ALL SUBDIVISION BOUNDARIES.

(5) DATE OF FIELD WORK: JUNE & JULY 2016.

(6) ALL LINEAR DIMENSIONS SHOWN ON THIS DRAWING ARE EXPRESSED IN UNITS OF THE U.S. SURVEY FOOT.

(7) THIS PROPERTY DESCRIPTION IS AS SHOWN ON A QUITCLAIM DEED RECORDED 10-21-2013 UNDER RECEPTION NO. 702704.

SURVEYOR'S STATEMENT

I, STEPHEN R. HARRIS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WERE MADE BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE, ACCURATE AND COMPLETE.

AUG. 13, 2016
DATE

STEPHEN R. HARRIS, PLS NO. 26960
CROW HILL CONSULTING, L.L.C.
169 SOUTH PINE DRIVE
BAILEY, CO 80421

LEGEND:

① INDICATES FOUND REBAR WITH ALUMINUM CAP, PLS NO. 11944
② INDICATES FOUND REBAR WITH PLASTIC CAP, PLS NO. 11944
③ INDICATES FOUND REBAR WITH ALUM. CAP, PLS NO. 10377
④ INDICATES SET 5/8" REBAR WITH ALUM. CAP, PLS NO. 26960
⑤ INDICATES FOUND 5/8" REBAR
⑥ INDICATES SET BRASS WASHER, PLS NO. 26960, ON BOULDER
⑦ INDICATES SET SPIKE & LATH ON WEST LINE OF LOT 970
Ⓧ INDICATES FOUND REBAR WITH ALUMINUM CAP, PLS NO. 11944, LOCATION WAS NOT ACCEPTED AS CORRECT BY THIS SURVEY CAP WAS STAMPED AS SW CORNER OF LOT 970
Ⓧ1 INDICATES FOUND REBAR WITH ALUMINUM CAP, PLS NO. 11944, LOCATION WAS NOT ACCEPTED AS CORRECT BY THIS SURVEY CAP WAS STAMPED AS SW CORNER OF LOT 970
Ⓧ2 INDICATES FOUND REBAR WITH ALUMINUM CAP, PLS NO. 11944, LOCATION WAS NOT ACCEPTED AS CORRECT BY THIS SURVEY CAP WAS STAMPED AS NW CORNER OF LOT 971
Ⓟ INDICATES PROPANE TANK
○E INDICATES ELECTRIC UTILITY BOX
INDICATES SUBJECT PROPERTY BOUNDARY
A.M. INDICATES AN AS MEASURED DISTANCE OR BEARING
(S55°12'45"E 333.33') INDICATES A RECORD DISTANCE OR BEARING

Owners of Lots Adjacent to Valley of the Sun Filing 21 Lot 970, August 23rd 2016

LYNCH CAMERON
1018 S SAULSBURY ST
LAKEWOOD, CO 80226

REALTEX LLC
751 KENTLAND DR
GREAT FALLS, VA 22066-1014

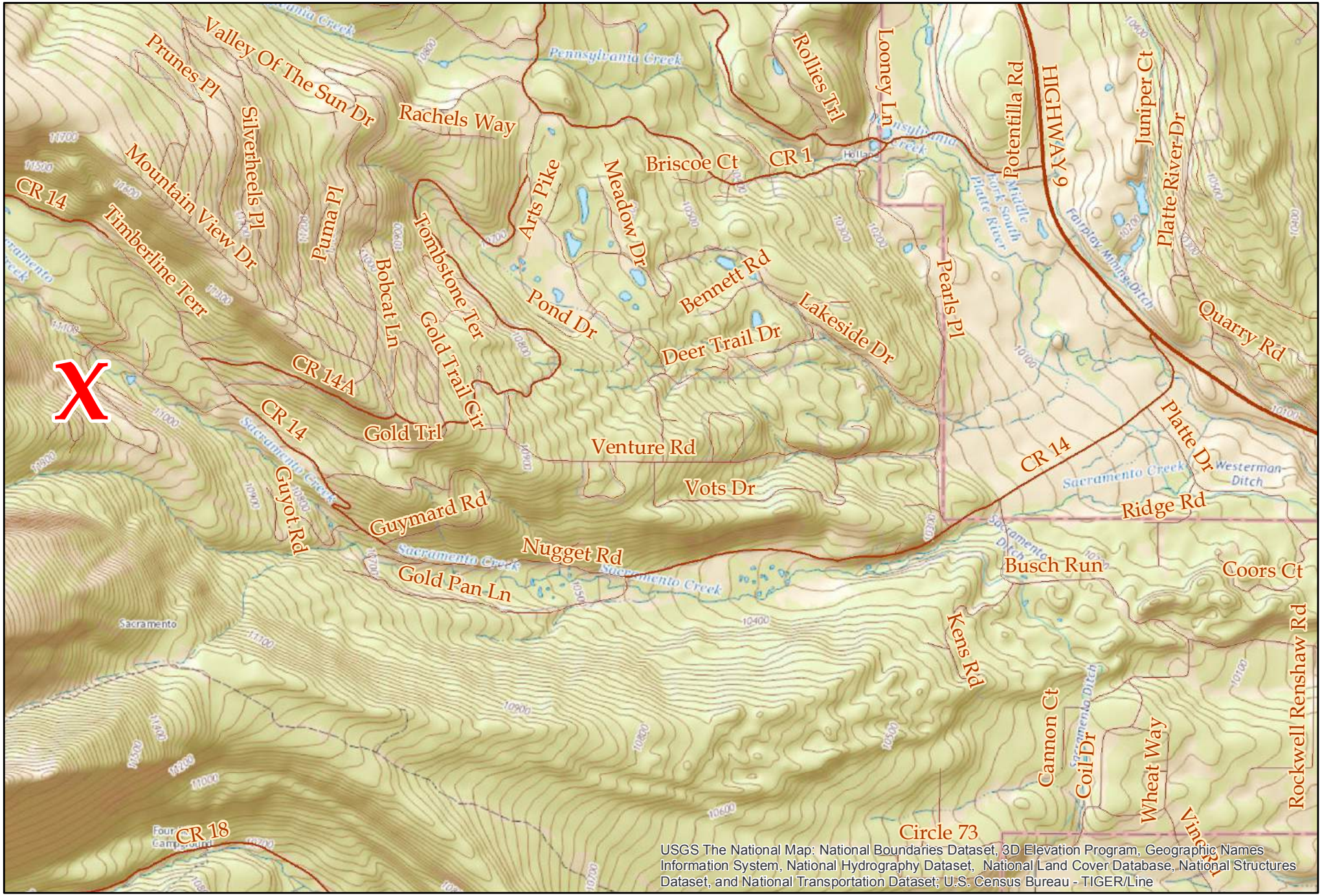
HOLLISTER ROBERT AND NANCY LIVING TRUST
245 LANING DR
WOODSIDE, CA 94062

JACOBSON GEORGE
1641 W CANAL CIR #712
LITTLETON, CO 80120

SANDBERG SCOTT C
1151 STEELE ST
DENVER, CO 80206

MICHAEL B ROARK
10376 S 76TH E AVE
TULSA, OK 74133

DUNCAN MICHAEL R
200 PINNACLE DR
MANSFIELD, TX 76063



USGS The National Map: National Boundaries Dataset, 3D Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line

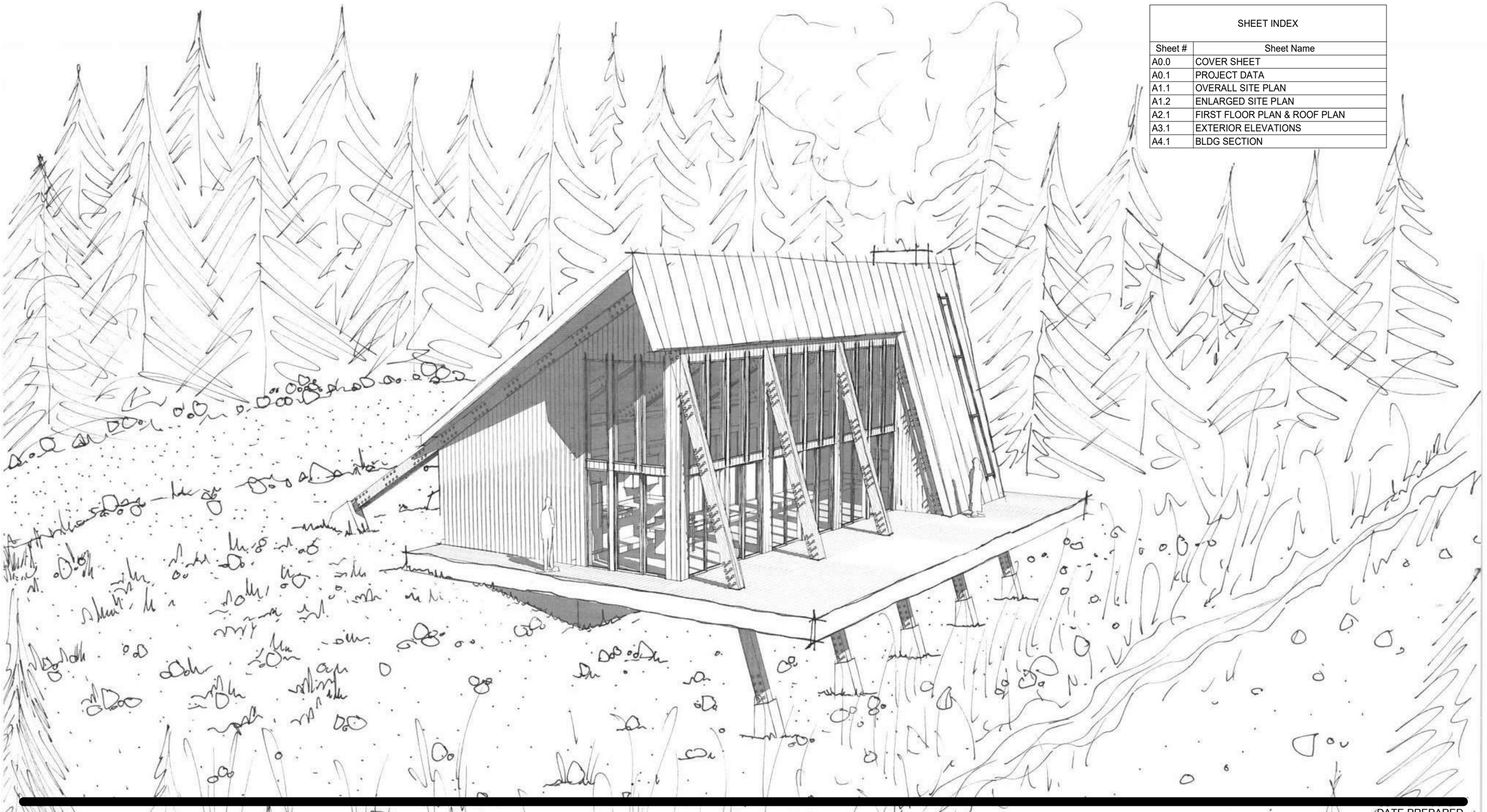
N

Vicinity Map

Contour Interval is Twenty Feet

0 0.5 1 2 Miles

Park County Planning Department



SHEET INDEX	
Sheet #	Sheet Name
A0.0	COVER SHEET
A0.1	PROJECT DATA
A1.1	OVERALL SITE PLAN
A1.2	ENLARGED SITE PLAN
A2.1	FIRST FLOOR PLAN & ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A4.1	BLDG SECTION

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
COVER SHEET

SHEET NUMBER
A0.0

PROJECT DESCRIPTION

THE PROPOSED PROJECT IS A SINGLE FAMILY DETACHED DWELLING UNIT

PROJECT DIRECTORY

LOCAL JURISDICTION
PARK COUNTY
1246 CR 16
P.O. BOX 517
FAIRPLAY, CO 80440
719-836-4255

OWNER
MR. RICHARD J. KUSEK

POWER OF ATTORNEY FOR MR. RICHARD J. KUSEK
MR. RONALD MESSING
2767 S. UPHAM STREET
DENVER, CO 80227

DESIGN PROFESSIONAL
MR. JASON MESSING
10326 W. IDAHO PLACE
LAKEWOOD, CO 80232
720-217-2005

FIRE DEPARTMENT
NORTH-WEST FIRE PROTECTION DISTRICT
21455 US-285
FAIRPLAY, CO 80440
719-836-3150

CODE ANALYSIS

APPLICABLE CODES
2012 INTERNATIONAL BUILDING CODE
2012 INTERNATIONAL RESIDENTIAL CODE
2012 INTERNATIONAL MECHANICAL CODE
2012 INTERNATIONAL FUEL GAS CODE

LEGAL DATA
ADDRESS: 17 JOHNSTON COURT, FAIRPLAY, CO 80440
B0332 P0368 UL96
T09 R78 S28 SE4
SCHEDULE: 38486
ZONING: R - RESIDENTIAL
SUBDIVISION: VALLEY OF THE SUN
FILING & LOT#: FILING 21, LOT 970
LOT AREA: 2.73 Acres (118,918.8 SF)

USE & OCCUPANCY CLASSIFICATION - IBC CHAPTER 3
R-3 PER IBC SECTION 310

GENERAL BUILDING HEIGHTS & AREAS - IBC CHAPTER 5
ALLOWABLE HEIGHTS PER IBC TABLE 503:
R-3: 40' (35' PER PARK COUNTY ZONING)
ACTUAL AVERAGE BUILDING HEIGHT: 28'

NUMBER OF STORIES ALLOWED PER IBC TABLE 503:
R-3: 3 STORIES
ACTUAL NUMBER OF STORIES:
R-3: 1 STORY

ALLOWABLE AREAS PER IBC TABLE 503:
R-3: UNLIMITED S.F.

ACTUAL AREA:
1ST STORY
R-3: 1,315 S.F.

TOTAL AREA: 1,315 S.F.

TYPE OF CONSTRUCTION - IBC CHAPTER 6

TYPE OF CONSTRUCTION: VB, NON SPRINKLERED

DESIGN CRITERIA

CLIMATE ZONE: 5
R & U VALUES PER IBC TABLE R402.1.1 BELOW

TABLE R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

CLIMATE ZONE	FENESTRATION *U*-FACTOR[b]	SKYLIGHT[b] *U*-FACTOR	GLAZED FENESTRATION SHGC[b, e]	CEILING *R*-VALUE	WOOD FRAME WALL *R*-VALUE	MASS WALL *R*-VALUE[i]	FLOOR *R*-VALUE	BASEMENT[c] WALL *R*-VALUE	SLAB[d] *R*-VALUE & DEPTH	CRAWL SPACE[c] WALL *R*-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5[h]	8/13	19	5/13[f]	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13+5[h]	8/13	19	10 /13	10, 2 ft	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5[h]	13/17	30[g]	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10[h]	15/20	30[g]	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10[h]	19/21	38[g]	15/19	10, 4 ft	15/19

For SI: 1 foot = 304.8 mm.

a. *R*-values are minimums. *U*-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall not be less than the *R*-value specified in the table.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.

c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. First value is cavity insulation, second is continuous insulation or insulated siding, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation or insulated siding. If structural sheathing covers 40 percent or less of the exterior, continuous insulation *R*-value shall be permitted to be reduced by no more than R-3 in the locations where structural sheathing is used – to maintain a consistent total sheathing thickness.

i. The second *R*-value applies when more than half the insulation is on the interior of the mass wall.

FROST DEPTH PER PARK COUNTY: MIN. B.O. FDN. TO BE 24" BELOW UNDISTURBED SOIL (18" FOR CAISSONS)
SNOW LOAD: 117 PSF
WIND LOAD: 110 MPH

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

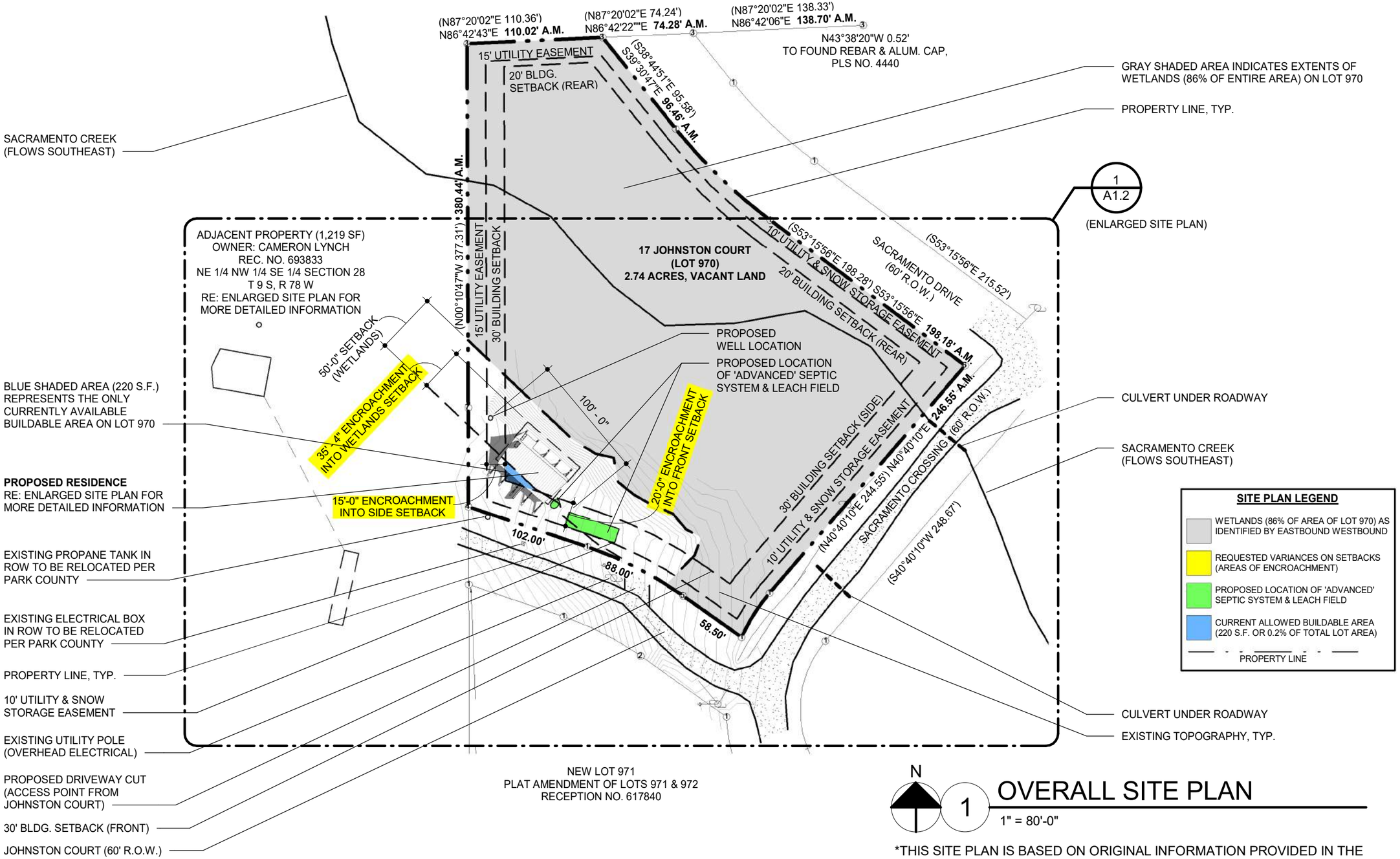
COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

FAIRPLAY CABIN
LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
PROJECT DATA

SHEET NUMBER
A0.1



1 OVERALL SITE PLAN

1" = 80'-0"

*THIS SITE PLAN IS BASED ON ORIGINAL INFORMATION PROVIDED IN THE FORM OF AN ENGINEERING SURVEY FROM CROW HILL CONSULTING, LLC

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

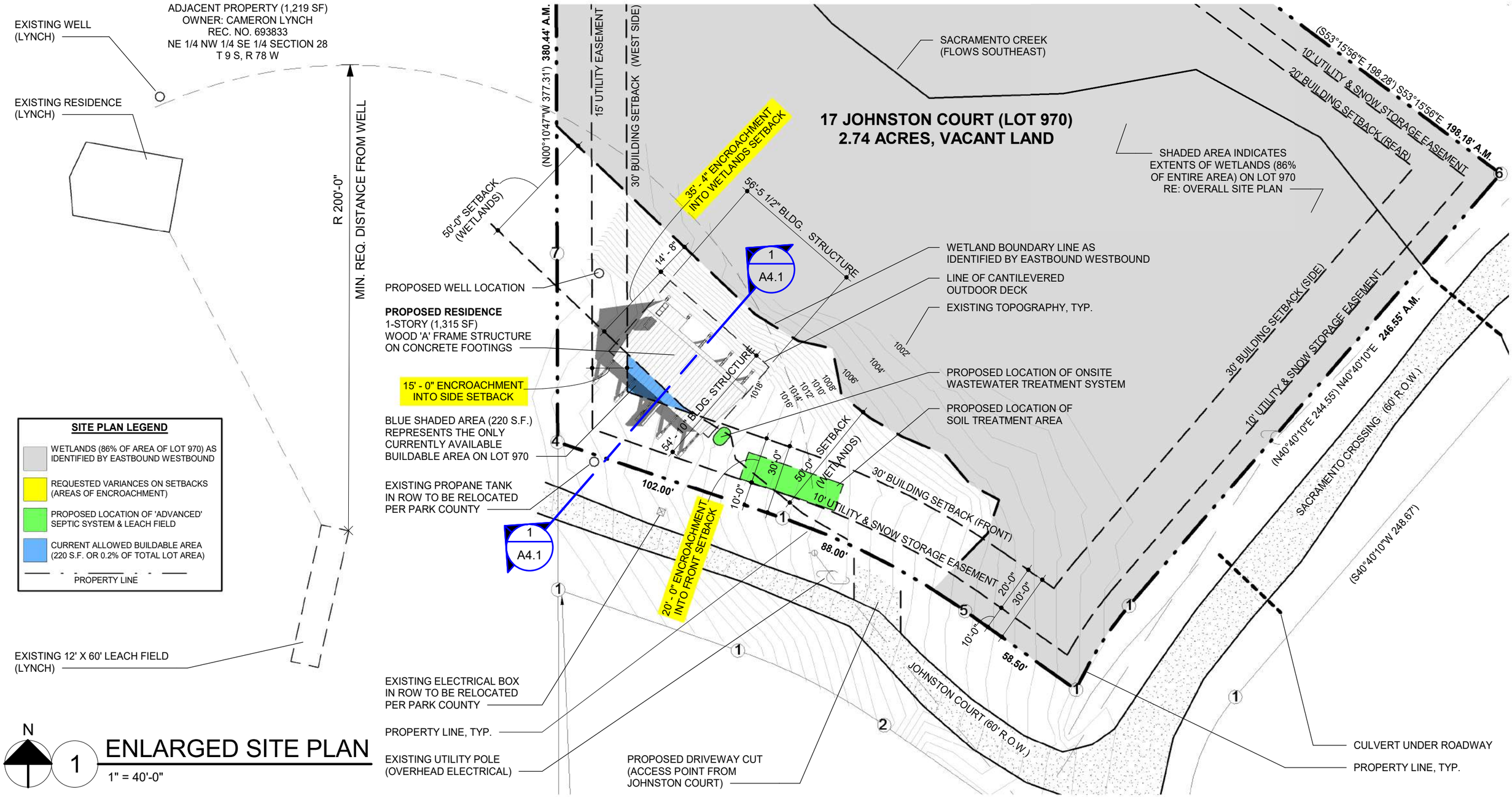
FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A1.1



N

1 ENLARGED SITE PLAN

1" = 40'-0"

*THIS SITE PLAN IS BASED ON ORIGINAL INFORMATION PROVIDED IN THE FORM OF AN ENGINEERING SURVEY FROM CROW HILL CONSULTING, LLC

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

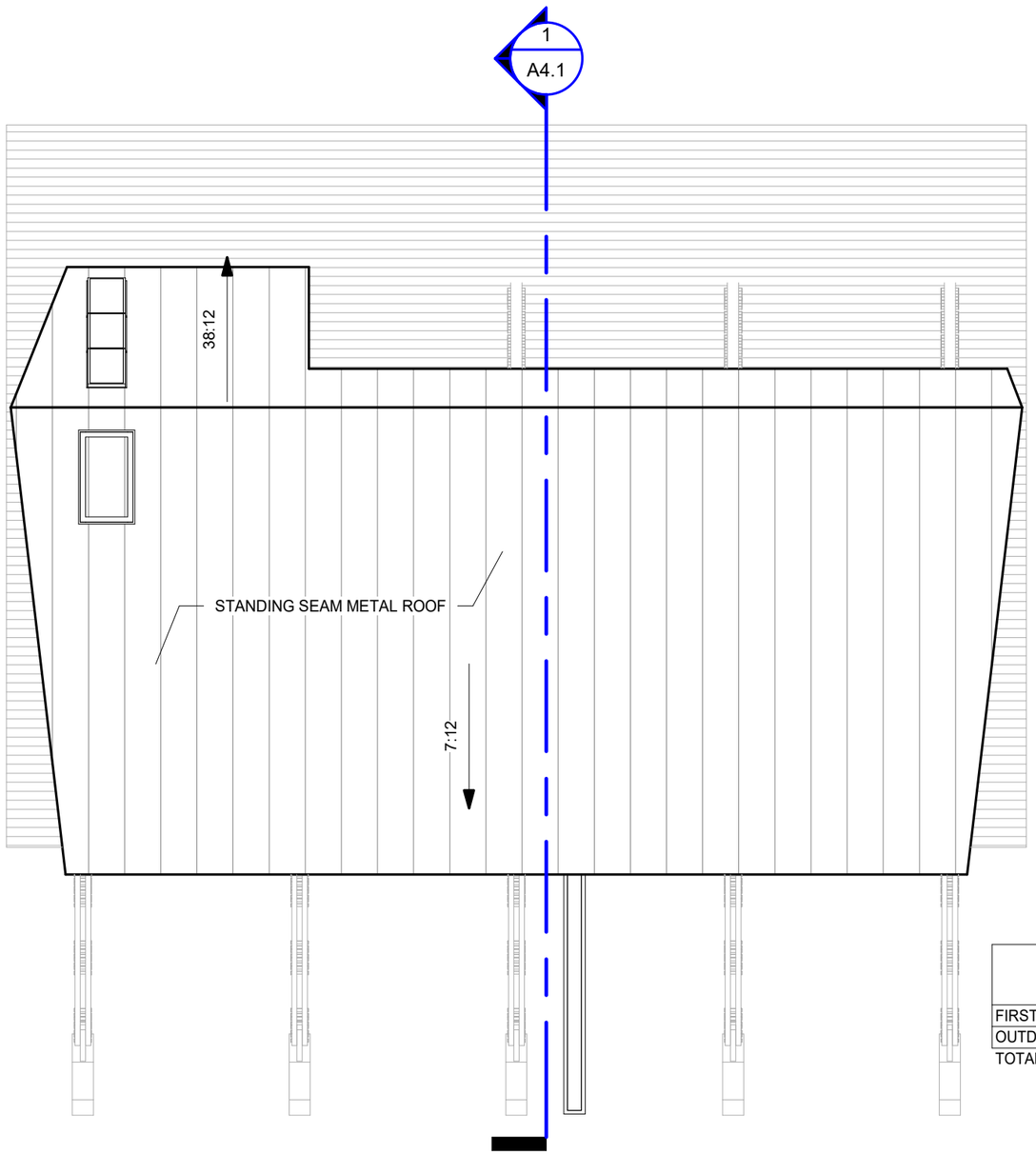
FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
ENLARGED SITE PLAN

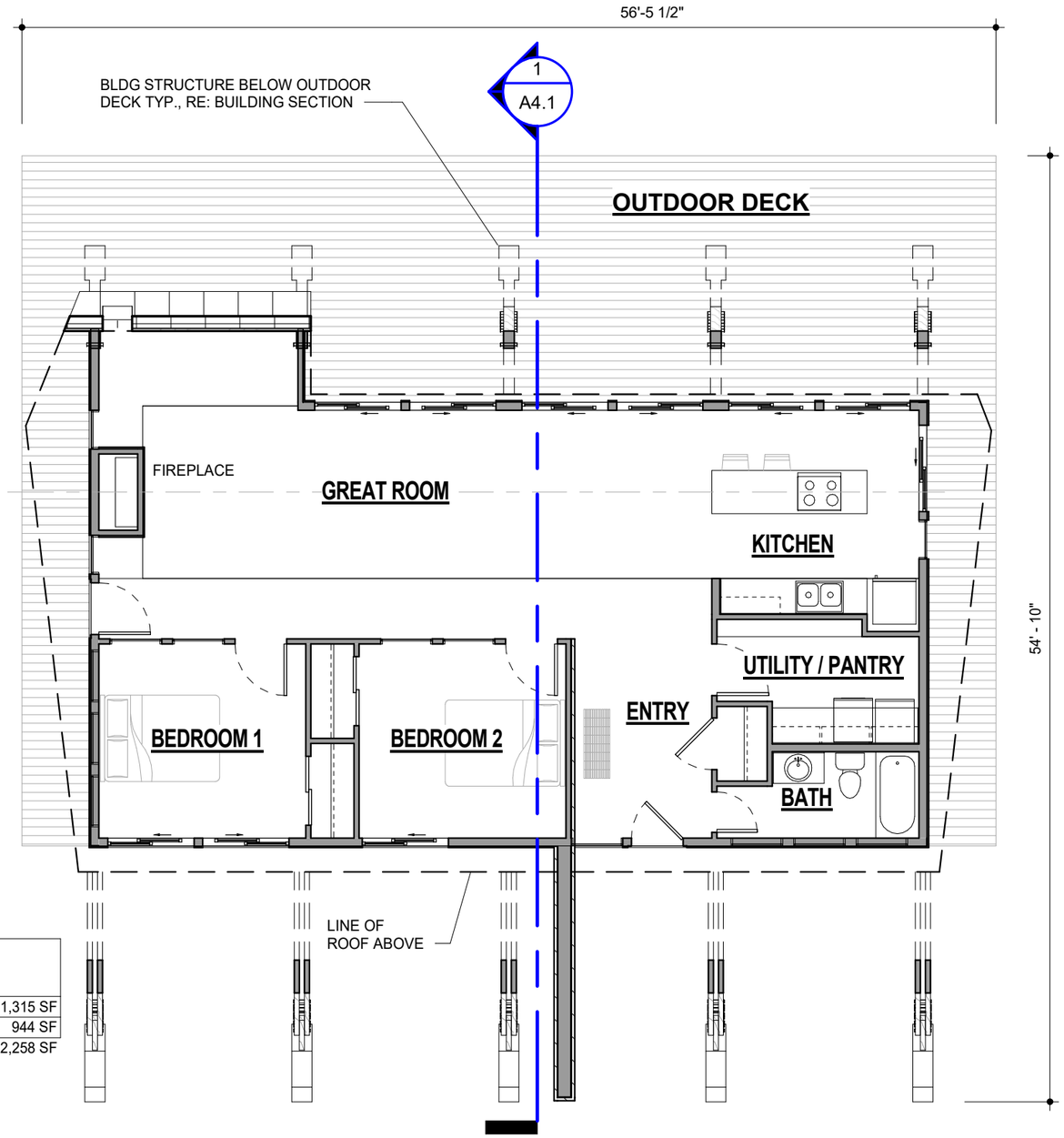
SHEET NUMBER
A1.2



BUILDING AREA	
FIRST FLOOR	1,315 SF
OUTDOOR DECK (UNCOVERED)	944 SF
TOTAL	2,258 SF

2 ROOF PLAN

1/8" = 1'-0"



1 FIRST FLOOR PLAN

1/8" = 1'-0"

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

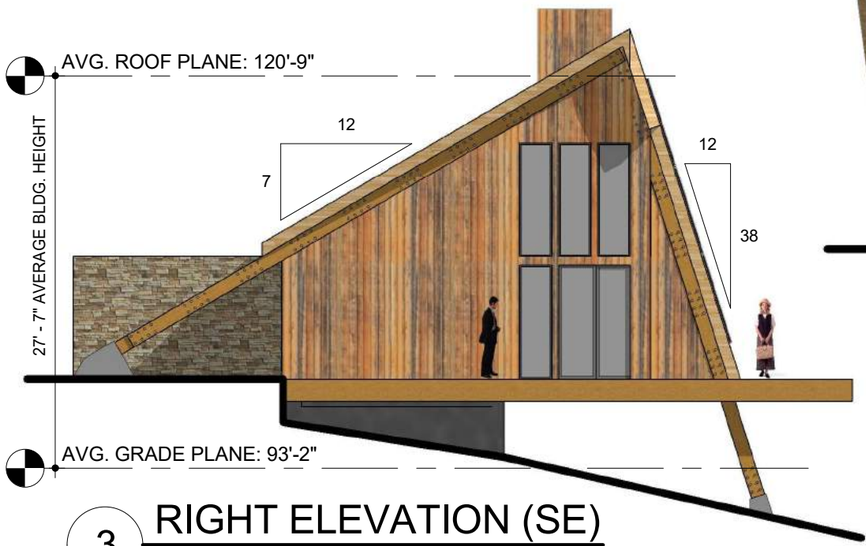
FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

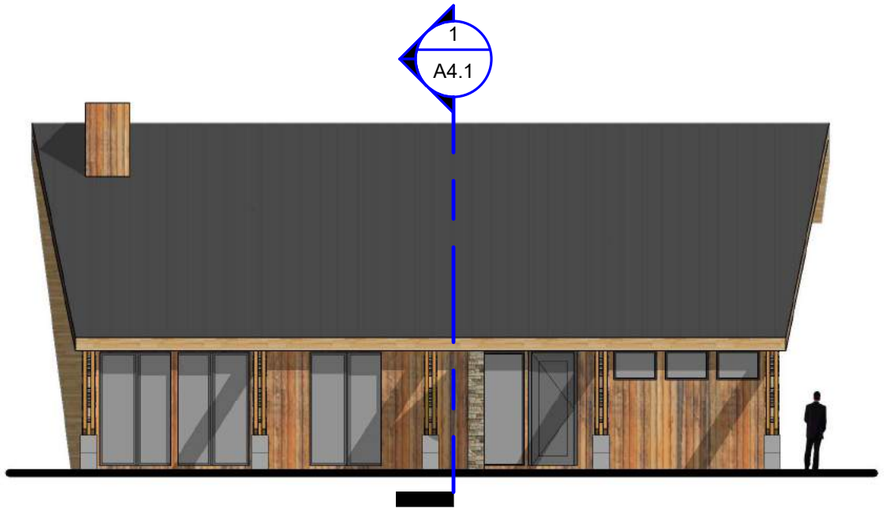
SHEET TITLE
FIRST FLOOR PLAN & ROOF PLAN

SHEET NUMBER
A2.1



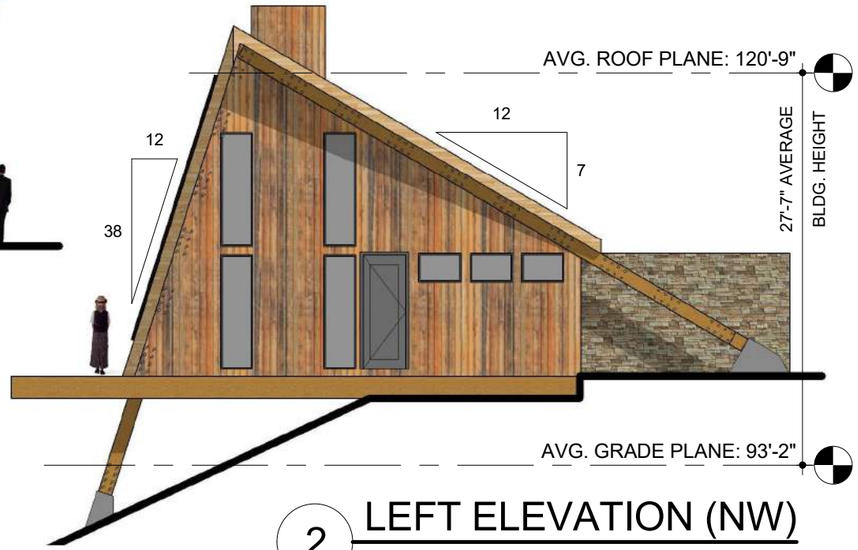
3 RIGHT ELEVATION (SE)

3/32" = 1'-0"



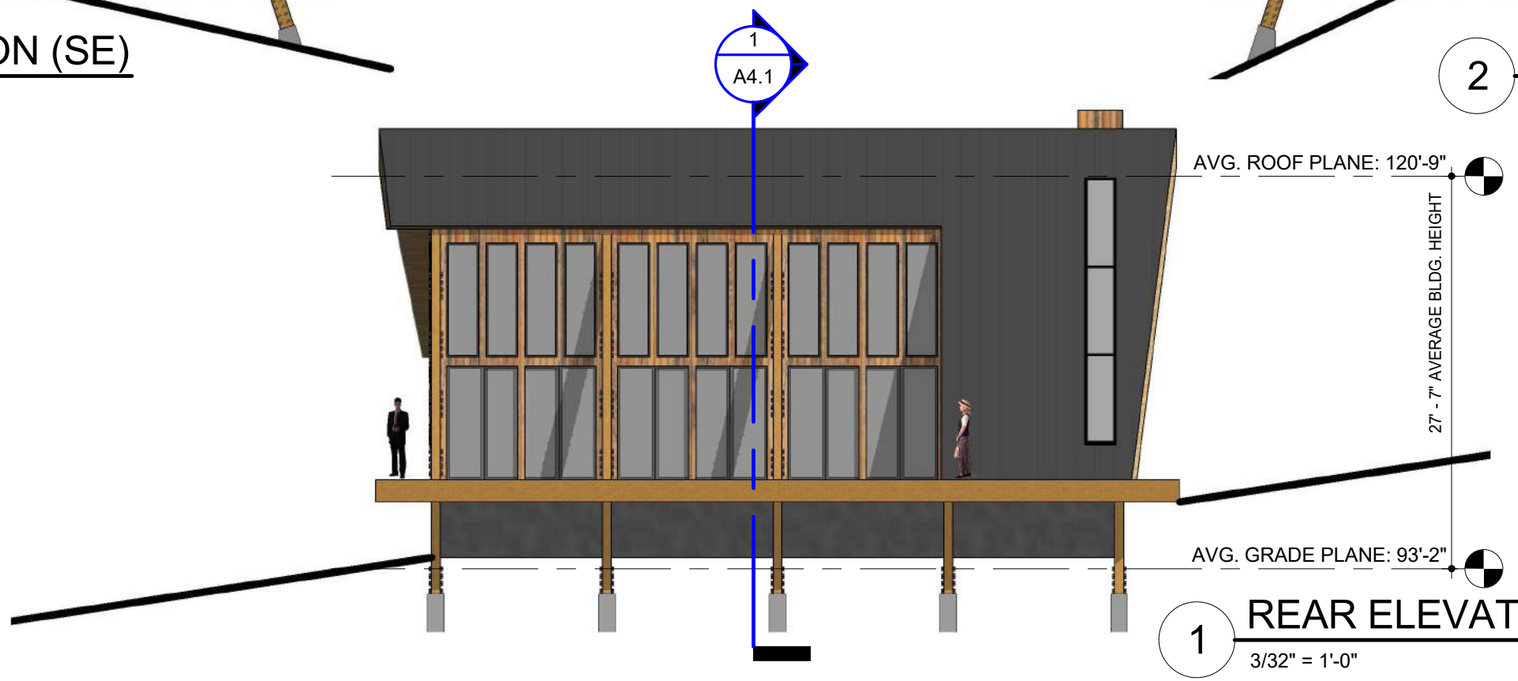
4 FRONT ELEVATION (SW)

3/32" = 1'-0"



2 LEFT ELEVATION (NW)

3/32" = 1'-0"



1 REAR ELEVATION (NE)

3/32" = 1'-0"

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

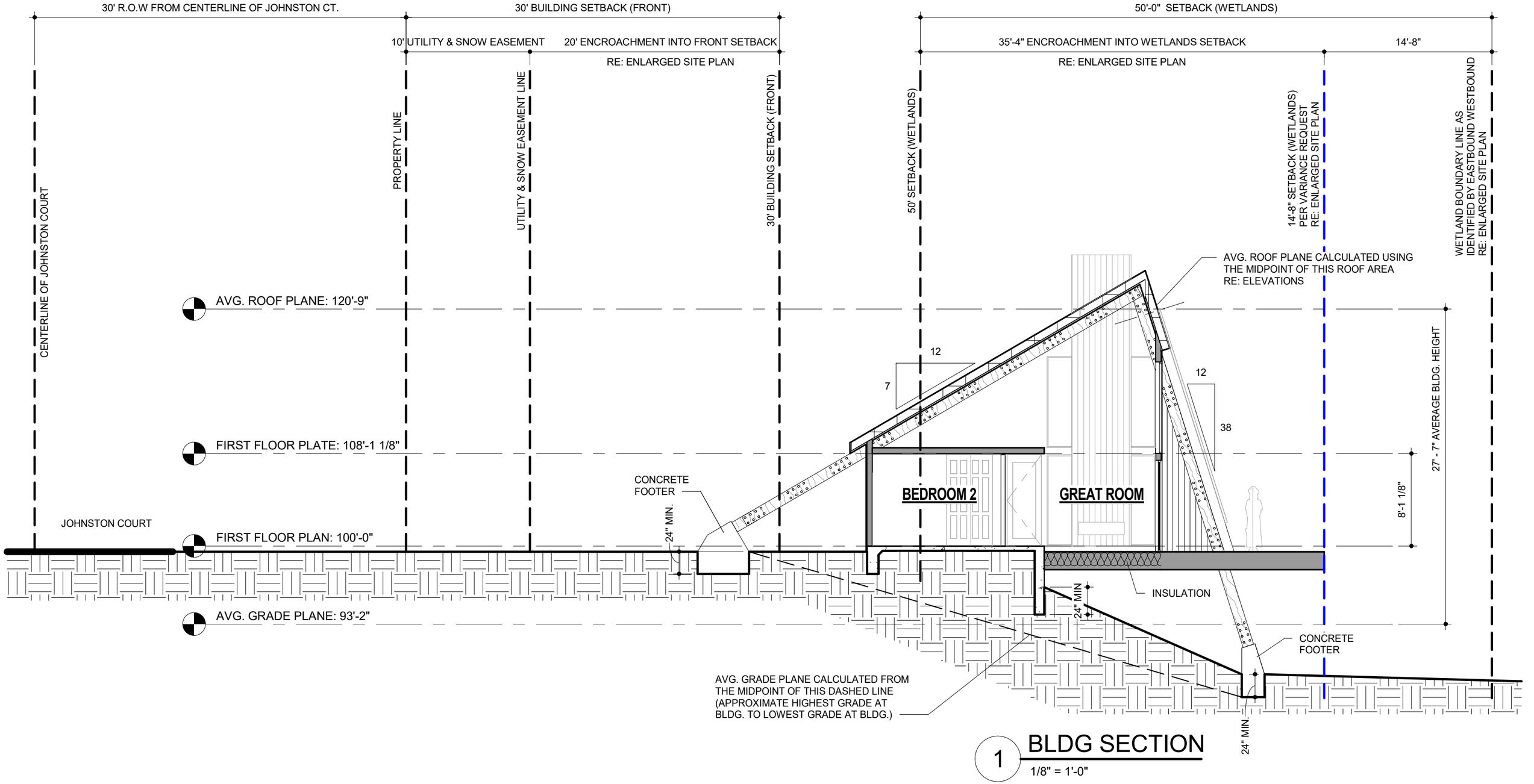
FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A3.1



1 BLDG SECTION

1/8" = 1'-0"

JM2 CONSTRUCTION

DESIGN | DRAFTING | CARPENTRY

720.217.2005
messingj@gmail.com
10326 W IDAHO PLACE | LAKEWOOD, CO 80232

COPYRIGHT © 2016 ALL RIGHTS RESERVED JM2 CONSTRUCTION, LLC.

FAIRPLAY CABIN

LOT 970, VALLEY OF THE SUN
17 JOHNSTON COURT
FAIRPLAY, CO 80440

DATE PREPARED
8.25.2016

SHEET TITLE
BLDG SECTION

SHEET NUMBER
A4.1

17

JM2 CONSTRUCTION
DESIGN | DRAFTING | CARPENTRY

www.jm2-construction.com
jmessing@jm2-construction.com | 720.217.2005

August 26, 2016

Park County Planning Department
1246 CR 16
P.O. Box 1598
Fairplay, CO 80440
pcpd@parkco.us

RE: Variance Request
Lot 970, Valley of the Sun
17 Johnston Court

The following Variance Request is for Lot 970, Valley of the Sun, owned by Mr. Richard J. Kusek. For the purposes of this Variance request, Mr. Richard J. Kusek has authorized his power of attorney, Mr. Ronald Messing to act on his behalf. In response to Park County Land Use Regulations, Article III Section 3-100B we submit the following:

1. PRACTICAL DIFFICULTIES & UNDUE HARDSHIPS

Practical difficulties & hardships for constructing a residence on Lot 970 are illustrated on a Site Plan (A1.1, & A1.2 prepared by JM2 Construction, LLC). The Site Plan shows that **86%** of the overall area of Lot 970 is classified as 'Wetlands'. In addition, the Site Plan illustrates how a strict application of the Park County design Standards upon the remaining 14% of non-Wetland area leaves only 220 square feet (or 0.2%) of available buildable area. Therefore, due to the high percentage of Wetlands present on Lot 970, we hereby request specific relief from three Park County design standards as follows:

FRONT SETBACK –20' of relief is requested from the Front Setback, such that the Front Setback will be 10' in lieu of the 30' Front Setback standard. This relief is sought in order to maximize the distance from the building structure to the Wetlands. If the 20' Front Setback relief is granted, the impact of construction near the Wetlands will be greatly reduced. Please refer to the Site Plan & Building Section (prepared by JM2 Construction LLC), and Engineering Survey (prepared by Crow Hill Consulting, LLC) for graphic representation.

(WEST) SIDE SETBACK – 15' of relief is requested from the Side Setback, such that the Side Setback will be 15' in lieu of the 30' Side Setback standard. This relief is sought in order to maximize the distance from the building structure to the Wetlands. If the 15' Side Setback relief is granted, the impact of construction near the Wetlands will be greatly reduced. Please refer to the Site Plan & Building Section (prepared by JM2 Construction LLC), and Engineering Survey (prepared by Crow Hill Consulting, LLC) for graphic representation.

WETLAND SETBACK – 36' of relief is requested from the Wetland Setback, such that the Wetland Setback will be 14' in lieu of the 50' Wetland Setback standard. This relief is sought in order to allow appropriate buildable area for the building structure. Please refer to the Site Plan & Building Section (prepared by JM2 Construction LLC), and Engineering Survey (prepared by Crow Hill Consulting, LLC) for graphic representation.

2. NON SELF-IMPOSED HARDSHIP

In addition to the practical difficulties & hardships mentioned above, high importance has been placed on designing a residence which is economically sized (1,315 square feet), yet still functional. Please refer to Architectural Design Concept Drawings prepared by JM2 Construction, LLC.

The overall building structure (including its cantilevers) measures 55' x 56'. The amount of building structure which engages the ground has been dramatically reduced thanks to the use of an 'A' frame design, which allows a large percentage of the floor area to 'float' above the ground plane below. This in turn, minimizes the need for additional concrete formwork.

3. NO SUBSTANTIAL DETRIMENT TO NEIGHBOR OR THE PUBLIC

Granting of the above requested variance(s) in no way causes substantial detriment to any of the adjacent neighboring properties, or the public.

4. NO SUBSTANTIAL IMPAIRMENT OR DEFEAT TO THE REGULATION BEING VARIED

Although variances are being requested to modify several Park County Design Standards, there is to be no substantial impairment or defeat to the regulation(s) being varied. Proper care and consideration have been given to preserve the existing Utility Easements.

> **FRONT UTILITY EASEMENT** - the 10' Utility & Snow Easement from the Front will be preserved. Please refer to the Site Plan & Building Section (prepared by JM2 Construction LLC), and Engineering Survey (prepared by Crow Hill Consulting, LLC) for graphic representation.
>
> **(WEST) SIDE UTILITY EASEMENT** - the 15' Utility Easement from the (West) Side will be preserved. Please refer to the Site Plan & Building Section (prepared by JM2 Construction LLC), and Engineering Survey (prepared by Crow Hill Consulting, LLC) for graphic representation.

Thanks in advance for your consideration!

Prepared by:

Jason M. Messing
Owner, JM2 Construction, LLC
Date: August 26, 2016

PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT

Planning Commission Hearing Date: November 8, 2016

To: Planning Commission Members

Date: October 20, 2016

Prepared by: John Deagan, AICP; Planner

Subject: Mead Right-of-Way Vacation

Request: The applicant is requesting to transfer the portion of Olive Avenue between lots 142 through 150 and 203 through 211, Silver Springs subdivision, to private ownership. The vacated right-of-way would also be consolidated with those lots.

Application Summary:

Applicant:	Taylor and Michele Mead
Owner:	Same
Location:	803 Mt. Evans Boulevard. A vicinity map is attached as Attachment 1.
Zone District:	Residential
Surrounding Zoning:	Residential in all directions
Lot Size:	0.10 ac. (right-of-way), 1.29 ac. (Lots 142-150 & 203-211)
Existing Use:	Single Family Residence
Proposed Use:	Same
Public Comment:	None received at this time.

Background:

The subject property is located near Pine Junction. The applicants are requesting the complete vacation of the Olive Avenue right-of-way between their deeded lots. The survey superimposed on an aerial photograph can be seen as Attachment 2. The house and other improvements on the property were built within the right-of-way. Although their deed mentions "vacated Olive Avenue," that vacation action was performed in 1955 by the Jefferson County Board of County Commissioners and did not have legal effect in Park County. There must have been confusion over the location of the county boundary at that time. The Jefferson County resolution can be seen as Attachment 3.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Right-of-Way Vacation (LUR Section 6-1003, page 50 of Article VI) is addressed below.

A. The vacation of the right-of-way is not contrary to the public interest.
There is no reason for the public to use the area subject to the proposed vacation. All adjacent lots have access from other built roads or driveways.

B. The proposed right-of-way vacation would not create or result in any adverse impact to neighboring properties or the public health, safety, or welfare.
This right-of way vacation will not create any adverse impacts to neighboring properties or the public health, safety, or welfare.

C. The proposed right-of-way vacation does not leave any land without access to another public road.
All adjacent lots have access from other built roads or driveways.

D. The proposed right-of-way vacation substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the BOCC to decide that the dedication meets or fails to meet such goal or policy.
Staff does not find the Right-of-Way Vacation to be contrary to any of the Guiding Principles of the Strategic Master Plan.

Impact Analysis:

No impact is anticipated to traffic, roadways, schools, parks, storm drainage facilities, or utilities.

Recommendation:

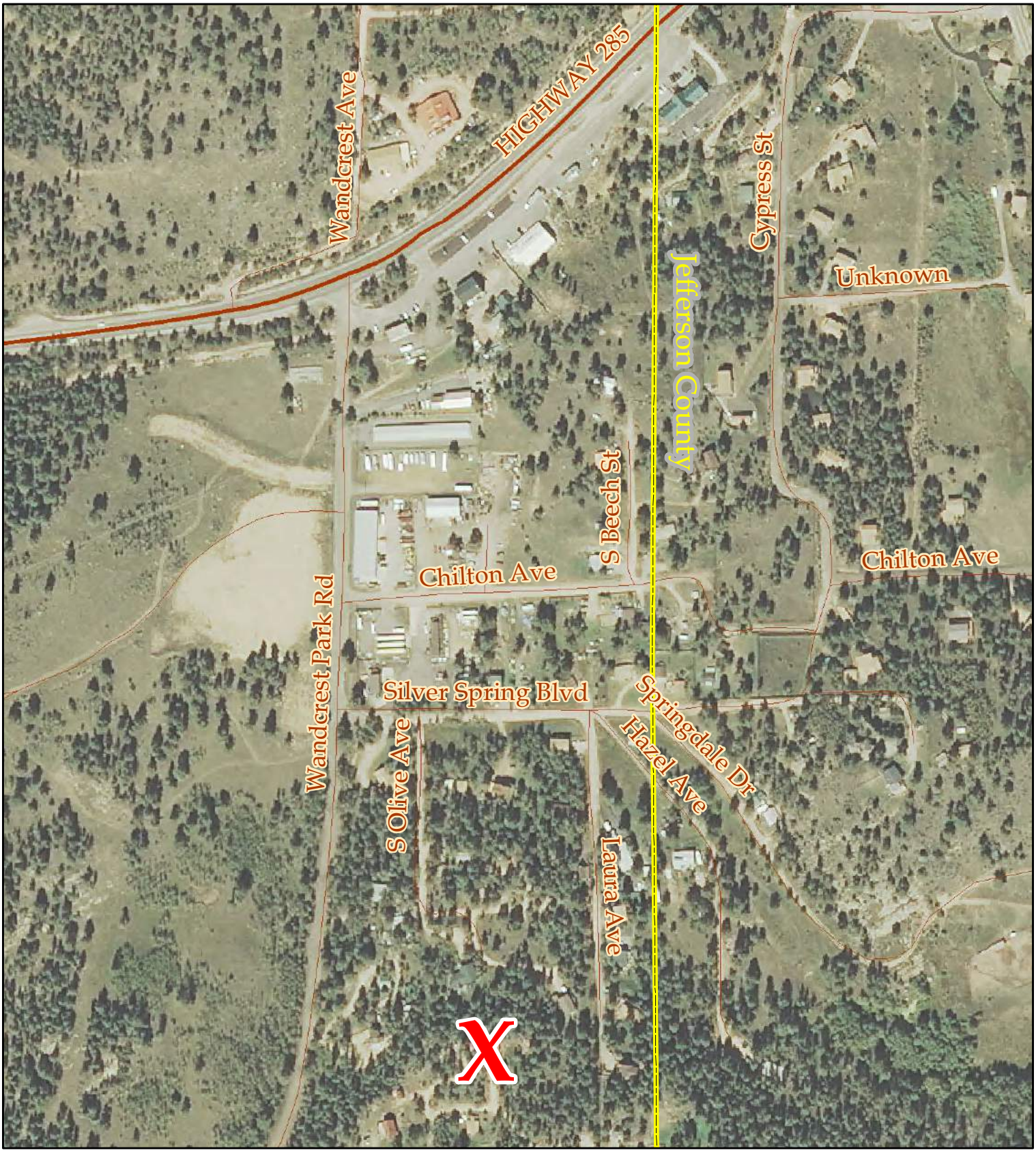
Based on the foregoing, staff recommends approval of the proposed right-of-way vacation with the following condition:

1. Prior to recordation, the plat is revised to include Right-Of-Way Vacation in the title and to include a signature block for Board of County Commissioners approval.

Attachment 1

Vicinity Map

Aerially Photographed in 2013



N

0 300 600 1,200 Feet

Park County Planning Department

N

Attachment 2

Aerially Photographed in 2015

0 50 100 200 Feet

Park County Planning Department

Attachment 3

Recorded at 1:35 o'clock P. M. JUN -7 1956

Reception No. 646673 ROBERT W. NEWTON, Recorder. 999 579

CERTIFIED COPY OF RESOLUTION

WHEREAS by a plat of Silver Springs Subdivision recorded in Plat Book 3 at Page 65 of the Jefferson County records, certain streets, avenues and alleys shown thereon were dedicated to the public; and

WHEREAS the following described street ~~are~~/is - no longer necessary for use by the public; and

WHEREAS said street ~~are~~/is - not within the limits of any city or town and do~~es~~ not form the boundary line of a city, town or county; and

WHEREAS no land would, by a vacation of said street be left without an established public road connecting it with another established public road; and

WHEREAS the Jefferson County Planning Commission has approved the said proposed vacation of street;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Colorado, pursuant to the provisions of Chapter 217, 1949 Session Laws of Colorado that the following described street situate in the County of Jefferson, and State of Colorado, be and ~~are~~ it/~~they~~ - is/~~are~~ hereby vacated subject to a reservation of easements for the continued use of existing sewer, gas, water or similar pipe lines and appurtenances, existing ditches and appurtenances, and existing electric, telephone and similar lines and appurtenances, if any:

"Olive Avenue"

19566646673

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

I, Robert W. Newton, County Clerk and Recorder and Clerk to the Board of County Commissioners certify that the above is a true copy of a resolution passed at the regular ~~special~~ meeting of the Board of County Commissioners held on April 4, 1955 as it appears on record in the Minute Book.

Robert W. Newton
County Clerk and Recorder

Assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4254 • *Fax*: 719-836-4268 • *E-mail address*: jdeagan@parkco.us

Referral Response

Comment Deadline Date: October 10th, 2016 **Submitted Date:** August 25th, 2016

Case #: 16VAC-04 Case Name: Mead Right-Of-Way Vacation

Request: Applicant is requesting to transfer a 0.10 acre portion of the Olive Avenue right-of-way to private ownership and consolidate it with their lots.

Location/Legal Description: A 0.10 acre portion of Olive Avenue between Lots 142 through 150 and Lots 203 through 211, Silver Springs.

Date of Planning Commission Hearing: Tuesday, October 11th, 2016

Date of BOCC Hearing: To be determined.

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: Arlene Samuels Date: 9/27/16

Title: Admin Supervisor

John Deagan

From: Steve Krawczyk <skrawczy@co.jefferson.co.us>
Sent: Monday, October 17, 2016 8:14 AM
To: John Deagan
Subject: 16 121384 OA Mead Right-Of-Way Vacation

Good Morning
Jill

We have reviewed this referral and find no conflicts with our interests.
There were no comments. Please let me know If you have any questions or concerns.

Let me know if you have any questions
Thanks

Steve Krawczyk,PE,MS,CFM
Civil Engineer
Planning and Zoning Division
100 Jefferson County Parkway, Suite 3550 Golden, CO 80419-3550
Phone: (303) 271-8736 (direct)
Fax: (303) 271-8744
Email: skrawczy@jeffco.us
http://planning.jeffco.us

Public Works

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4254 • *Fax*: 719-836-4268 • *E-mail address*: jdeagan@parkco.us

Referral Response

Comment Deadline Date: October 10th, 2016 **Submitted Date:** August 25th, 2016

Case #: 16VAC-04 Case Name: Mead Right-Of-Way Vacation

Request: Applicant is requesting to transfer a 0.10 acre portion of the Olive Avenue right-of-way to private ownership and consolidate it with their lots.

Location/Legal Description: A 0.10 acre portion of Olive Avenue between Lots 142 through 150 and Lots 203 through 211, Silver Springs.

Date of Planning Commission Hearing: Tuesday, October 11th, 2016

Date of BOCC Hearing: To be determined.

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

__X__ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: _____ Date: 9-27-16

Title: ROW Manager Park County Public Works

20593
45940
16VAC-04

PARK COUNTY APPLICATION FOR
RIGHT-OF-WAY VACATION
NON-REFUNDABLE APPLICATION FEE: $1680

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty (20) collated copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: Taylor & Michele Mead
Mailing Address: PO Box 608
City: P. Ne State: CO Zip: 80470
Telephone
(work) 303 816 0068 Taylor cell (home) 303 918 4341 (fax)
Owner's Name: Taylor & Michele Mead
Mailing Address: PO Box 608 P. Ne CO 80470
Telephone No.: 303 918 4341

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Right-of-Way Vacation (attach additional page, if necessary):
new lot 142 Silver Springs subdivision
Sec 12, T 7S, R 72W Pt 6 PM, Park, CO.
Street Address of Property: 14084 S Woodcrest Dr
Property's Total Acreage: 1.39
Current Zone District of Property: Residential

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Residential
Jill Falchi
Print Full Name

Requirements for a Right-of-Way Vacation
Article VI, Division 10, Section 6-1002

C. APPLICATION REQUIREMENTS

For County Use Only: Initial Receipt of the Required Information	
1. Application Fee. An application fee in the amount of $1680.00 must be paid at the time of submission of the application. Make the check or money order to: Park County Planning Department. The fee pays for a portion of the total cost to the County to process the application including the cost of publication of the necessary public notices. Any associated fees that may occur is the applicant's responsibility.	(1.) JF
2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Assessors office.	(2.) JF
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.	(3.) JF
4. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed plat amendment, this information is at the Park County Assessor's Office	(4.) JF
5. A Vicinity Map of where the proposed property is located within Park County.	(5.) JF
6. Certified Land Survey Plat for the property subject to Right-of-Way Vacation The Right-of-Way Vacation plat shall be drawn, signed and stamped by a currently registered Colorado land Surveyor at a commonly used engineering scale. The size of the map sheet shall be twenty-four by thirty-six inches (24" x 36"). Where the required data cannot be clearly shown on one plan sheet, additional plan sheets of the same size may be used with easily identifiable match lines. At a minimum, the Right-of-Way Vacation plat shall show or illustrate:	
a. The plat shall include a title with the phrase "Right-of-Way Vacation Plat"; and,	(6a.) JF
b. Date of preparation, map scale, and north arrow;	(6b.) JF
c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;	(6c.) JF
d. Total acreage and surveyed legal description of the property proposed for right-of-way vacation;	(6d.) JF
e. Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. All required boundary monuments shall be placed in the field before the right-of-way vacation is recorded;	(6e.) JF
f. Name and right-of-way width of each street or road proposed for vacation. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends, and at angle points;	(6f.) JF
g. A clear illustration or description of the proposed Right-of-Way vacation, using shading, crosshatching, highlighting, or other techniques to accurately show	

identification of right(s)-of-way to be vacated, subject to acceptance by the Board of County Commissioners;

h. Approval certification and plat language Forms A-1 through A-4, as identified in Appendix A (attached) of the Land Use Regulations. The Board of County Commissioners may modify the form of certification upon the advice of the County Attorney;

i. Location of existing utilities within or adjacent to the property proposed for right-of-way vacation, including water, sewer, electricity, gas and phone lines;

7. Proof that no land adjoining said road or alley to be vacated would be left without access.

8. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable.

9. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

10. Written description of the reason for the right-of-way vacation.

11. An $11.00 check made out to the Park County Clerk and Recorder to record the surveyors Mylar.

Note: Refer to Park County Land Use Regulations Article VI, Division 10; Section 6-1003, Standards for Approval

Note: A Mylar as described in #6 will be required after final approval for recording.

For County Use Only: Initial Receipt of the Required Information
(6f.) JF
(6h.) JF
(6i.) JF
(7.) JF
(8.) JF
(9.) JF
(10.) JF
(11.) JF

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: Tony Miller
Print name: Tony Miller
If company, state Title/Position: agent

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

August 25, 2016
Month Day Year

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: 8/25/16
Print Name: Jill Falchi

Payment of the Applicant Fee was made by:

X	Personal Check # 3050	Amount $ 1650
_____	Cash	Amount $ _____
_____	Other_____	Amount $ _____

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

3050

AMERICAN PROPERTY DEVELOPMENT, LLC
P.O BOX 178
PINE, CO 80470

CENTENNIAL BANK

82-595-1070

8-25-16

PAY TO THE ORDER OF P C Planning $ 1680 00

one thousand six hundred eighty 00 DOLLARS

Details on back. Security Features Included

EZShield™ PLUS Check Fraud Protection & ID Restoration

MEMO 14084 Wardcrest Dr

Tony [illegible]

⑈003050⑈ ⑆107005953⑆ 44 12761⑈

PARK COUNTY DEVELOPMENT SERVICES
DEVELOPMENT PERMIT APPLICATION

AUTHORIZATION FROM OWNER TO CONTRACTOR

I/we, the undersigned grant Terry Aumiller the authority to act as
REPRESENTATIVE/AGENT

My/our representative/agent to submit and pick up documents related to any Development Permits:
T07 R72S12 NE4 Silver Springs Subdivision
Lots 142-150 & 203-211 & Part of vacated olive Ave
Legal description

14084 S. Wandcrest Dr, Pine, CO 80470
Address

Taylor Mead
Signature of Owner/Contractor

Michele Mead
Signature of Owner/Contractor

STATE OF Colorado

COUNTY OF Park

Acknowledged before me this 16TH day of August

By Taylor & Michele Mead

Witness my hand and seal.

My Commission expires: 10-22-16

Rochelle M Fosler
Notary Public

ROCHELLE M FOSLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964018460
MY COMMISSION EXPIRES OCTOBER 22, 2016

NOTE: Building Contractors are required to be licensed in Park County (Resolution 2003-78)

Park County Website | Treasurer Web Site

Colorado
PARK COUNTY
Treasurer: Michelle Miller

New Search | Return To Search Results | Print Bill

Real Estate TAX/NOTICE RECEIPT FOR PARK COUNTY

SCHEDULE # R 20592 2014

PROPERTY ADDRESS: WANDCREST S 14084 PINE
TAXABLE VALUE: $12,150.00 **ACTUAL VALUE:** $152,560.00 **TAX DISTRICT:** 008

Owners Name	Legal Description
MEAD TAYLOR	*TEMP MILL LEVY RATE REDUCTION PER CRS 39-1-111.5
AUMILLER MICHELE	T07 R72 S12 NE4 SILVER SPRINGS SUBDIVIS
14084 S WANDCREST DR	LOT 142-150 AND 203-211 ANDPART
PINE CO 80470-9312	OF VACATED OLIVE AVE.

TAX:	$719.56
INTEREST:	$0.00
FEE:	$0.00
TOTAL TAX & ASMTS.:	$719.56
UNPAID BALANCE:	**$0.00**

Select a payment option below.

First Half: Feb 28th
Second Half: June 15th
OR
Full Payment: April 30th

Pay Full Amount

Paid

Last Payment: 06/10/2015 **Amount :** $719.56

Help Center | Site Instructions | Report a problem

Visual Gov **VisualGov.com** Copyright ©1999-2013 VisualGov Solutions, LLC. All rights reserved. | Privacy Policy | Terms of Use

707098 5/27/2014 5:10 PM Debra A Green
1 of 2 WD R$16.00 D$18.99 Park County Clerk

SPECIAL WARRANTY DEED

THIS DEED, Made this _____ day of April, 2014 between

Colonial Savings, FA

of the County of Denton and State of Texas, grantor(s), and

Taylor Mead and Michele Aumiller

whose legal address is 14084 S. Wanderest Drive, Pine, CO 80470-9312

of the County of Park, State of Colorado, grantee(s):

WITNESS, That the grantor(s), for and in consideration of the sum of One Hundred Eighty-Nine Thousand Nine Hundred Dollars and No/100's ($189,900.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of Park, State of COLORADO, described as follows:

See Exhibit A attached hereto and made a part hereof.

Doc Fee
$ 18.99

also known by street and number as 14084 South Wanderest Drive , Pine, CO 80470-9312

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

Colonial Savings, FA

By: James B. Stokes, Vice-President

STATE OF Texas
COUNTY OF Tarrant)ss:

The foregoing instrument was acknowledged before me this 11th day of ~~April~~, 2014 by James B. Stokes, Vice President for Colonial Savings, FA

Notary Public

Witness my hand and official seal.
My Commission expires:

RICHARD MATTHEW ERNEST
Notary Public
STATE OF TEXAS
My Comm. Exp. Sept. 18, 2017

Exhibit A

Lots 142 to 150, inclusive and Lots 203 to 211, inclusive,
SILVER SPRINGS SUBDIVISION,

TOGETHER WITH that portion of vacated Olive Avenue lying East of and adjacent to the East line of said Lots 142 to 150, and lying West of and adjacent to the West lines of Lots 203 to 211,

County of Park,
State of Colorado.

Property Owners Adjacent to 20592, September 26th 2016

SCARLATA ROBERT W JR
19 ELM ST
CLINTON, NY 13323

BROWN JAMES R
82 GATEWOOD LN
PINE, CO 80470

SANDS ALBERT III
14037 S LAURA AVE
PINE, CO 80470

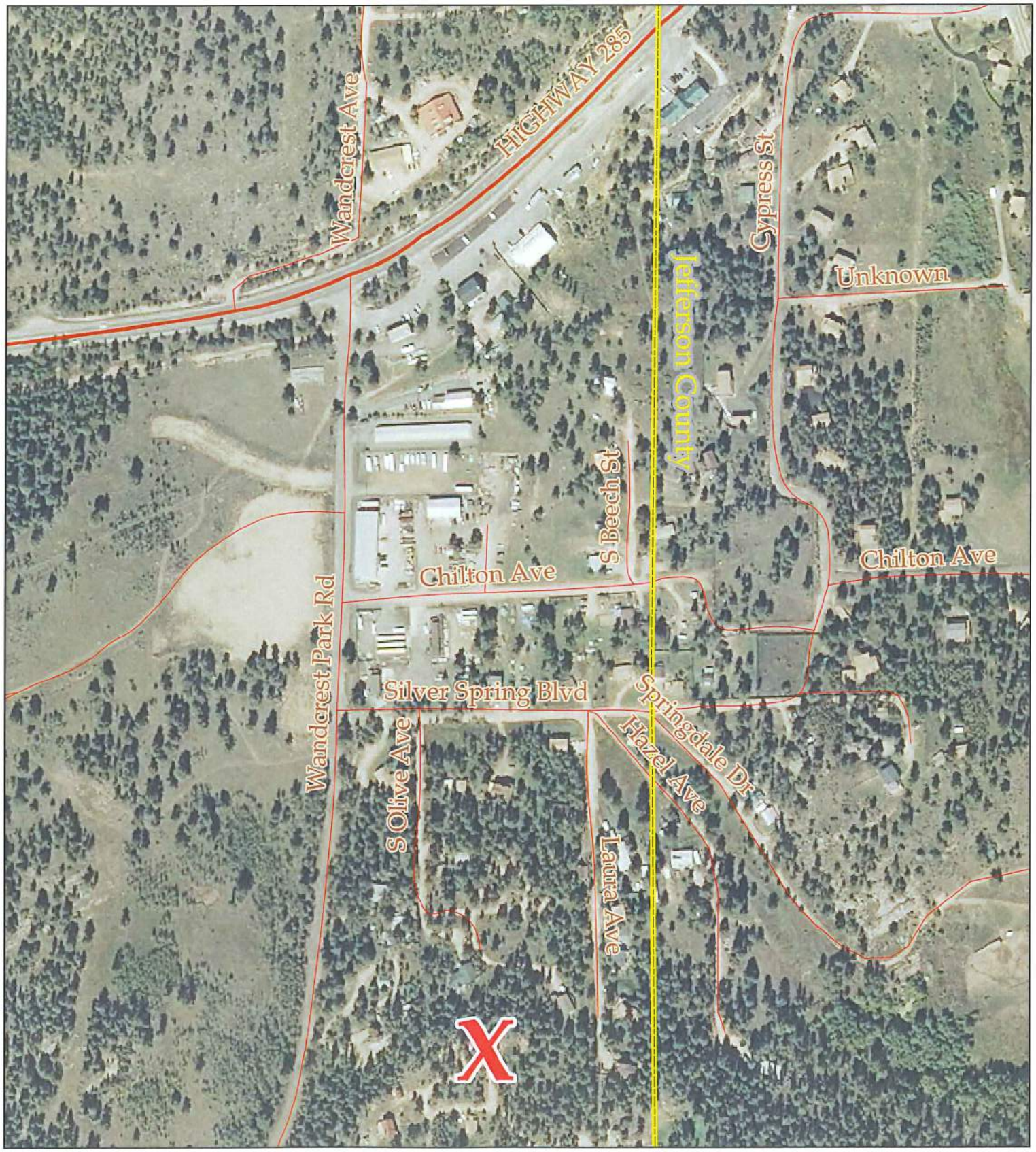
RUSCIO RICHARD A
14104 WANDCREST DR
PINE, CO 80470

RAMBO JOHNATHAN
14034 S WANDCREST DR
PINE, CO 80470

OEHMEN EDWARD J JR
14054 WANDCREST PARK RD
PINE, CO 80470

Vicinity Map

Aerially Photographed in 2013



0 300 600 1,200 Feet

N

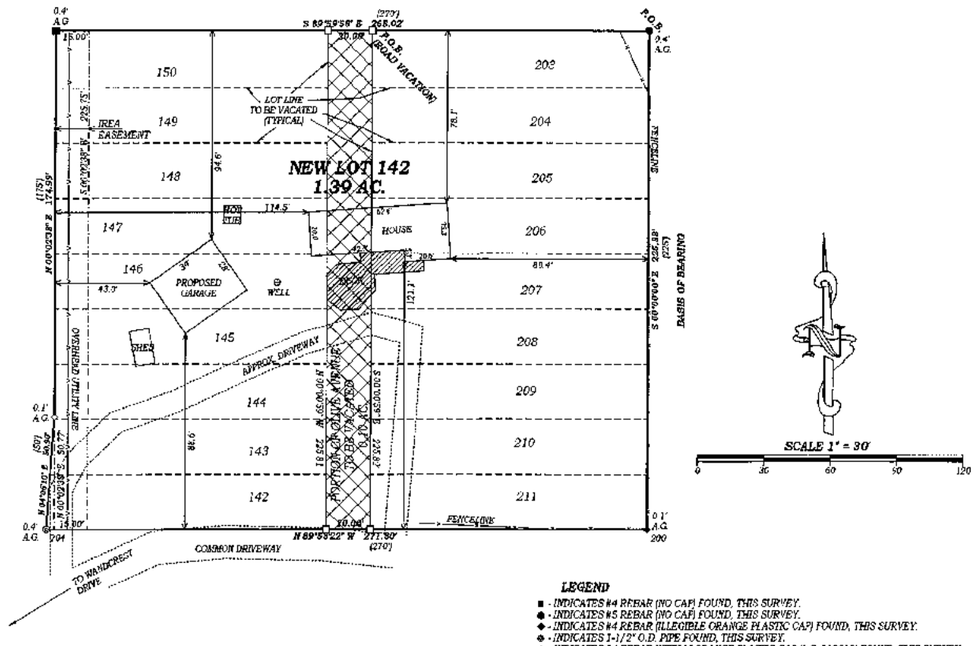
Park County Planning Department

LOT CONSOLIDATION PLAT AND RIGHT-OF-WAY VACATION PLAT

A RECONFIGURATION OF LOTS 142 TO 150, INCLUSIVE AND LOTS 203 TO 211, INCLUSIVE, AND A PORTION OF VACATED OLIVE AVENUE, SILVER SPRINGS SUBDIVISION, (RECEPTION NO. 131761), SEC. 12, T. 7 S., R. 72 W. OF THE 6TH. P.M., COUNTY OF PARK, STATE OF COLORADO.

VICINITY MAP

TO BE ATTACHED



LEGEND

- ■ - INDICATES #4 REBAR (NO CAP) FOUND, THIS SURVEY.
- ● - INDICATES #5 REBAR (NO CAP) FOUND, THIS SURVEY.
- ◆ - INDICATES #4 REBAR (ILLEGIBLE ORANGE PLASTIC CAP) FOUND, THIS SURVEY.
- ⊕ - INDICATES 1-1/2" O.D. PIPE FOUND, THIS SURVEY.
- ◇ - INDICATES #4 REBAR WITH 1" ORANGE PLASTIC CAP (L.S. #19618) FOUND, THIS SURVEY.
- □ - INDICATES 18" #4 REBAR WITH 1" RED PLASTIC CAP (L.S. #19618) SET, THIS SURVEY.

A.G. INDICATES DISTANCE MONUMENT IS ABOVE GROUND SURFACE.

SURVEYOR'S CERTIFICATE

I, BENJAMIN A. FITSKER, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LOT CONSOLIDATION PLAT AND RIGHT-OF-WAY VACATION PLAT WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE 22ND. DAY OF SEPTEMBER, 2015, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID LOT CONSOLIDATION AND RIGHT-OF-WAY VACATION AND THE SURVEY THEREOF.

BENJAMIN A. FITSKER P.L.S. #19618

NOTES:

1. DIMENSIONS IN PARENTHESIS ARE THOSE PER PLAT OF SILVER SPRINGS SUBDIVISION OR DEEDS WHEN DIFFERENT FROM THOSE MEASURED IN THE FIELD.
2. A TITLE SEARCH WAS NOT PERFORMED BY THIS OFFICE. LEGAL DESCRIPTION(S) ARE PER DEED AND / OR TITLE COMMITMENT UNLESS OTHERWISE NOTED.
3. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED, MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
4. BASIS OF BEARING IS THE EAST LINE OF LOTS 203 TO 211, SILVER SPRINGS SUBDIVISION, BETWEEN THE #5 REBAR (NO CAP) FOUND AT THE NORTHEAST CORNER OF SAID LOT 203 AND THE #4 REBAR (ILLEGIBLE PLASTIC CAP) FOUND AT THE SOUTHEAST CORNER OF SAID LOT 211, SAID BEARING ASSUMED TO BE SOUTH 00°00'00" EAST, AS SHOWN HEREON.
5. RIGHTS-OF-WAY AND EASEMENTS WERE NOT RESEARCHED BY THIS OFFICE. EASEMENTS SHOWN HEREON ARE PER RECORDED PLATS AND/OR TITLE COMMITMENT PROVIDED AT THE DATE OF THE SURVEY, UNLESS OTHERWISE NOTED HEREON.
6. CERTIFICATION NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE. THIS SURVEY AND ALL RELATED DOCUMENTS ARE FOR THE SOLE USE OF THE CLIENT AT THE DATE OF CERTIFICATION.
7. DISTANCES ON THIS SURVEY ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/ 3937 METERS. ALL BEARINGS SHOWN HEREON ARE IN DEGREES-MINUTES-SECONDS.
8. A CURRENT TITLE COMMITMENT WAS NOT RECEIVED AT THE TIME OF THIS SURVEY.
9. THIS SURVEY IS BASED UPON THE RECORDED PLAT OF SILVER SPRINGS SUBDIVISION AND THE MONUMENTATION FOUND IN THE FIELD.

LEGAL DESCRIPTIONS

NEW LOT 142

LOTS 142 TO 150, INCLUSIVE AND LOTS 203 TO 211, INCLUSIVE, SILVER SPRINGS SUBDIVISION, TOGETHER WITH THAT PORTION OF VACATED OLIVE AVENUE LYING EAST OF AND ADJACENT TO THE EAST LINE OF SAID LOTS 142 TO 150, AND LYING WEST OF AND ADJACENT TO THE WEST LINES OF LOTS 203 TO 211, COUNTY OF PARK, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 203, SILVER SPRINGS SUBDIVISION; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINES OF SAID LOTS 203 TO 211, A DISTANCE OF 225.82 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 211; THENCE NORTH 89°59'22" WEST, ALONG THE SOUTH LINES OF SAID LOTS 211 AND 142, A DISTANCE OF 271.80 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 142; THENCE NORTH 04°06'10" EAST, ALONG THE WEST LINES OF SAID LOTS 142 AND 143, A DISTANCE OF 58.90 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 143; THENCE NORTH 00°02'38" EAST, ALONG THE WEST LINES OF SAID LOTS 144 TO 150, A DISTANCE OF 174.99 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 150; THENCE SOUTH 89°59'58" EAST, ALONG THE NORTH LINES OF SAID LOTS 150 AND 203, A DISTANCE OF 268.02 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 1.39 ACRES, MORE OR LESS.

OLIVE AVENUE (TO BE VACATED)

THAT PORTION OF OLIVE AVENUE LYING EAST OF AND ADJACENT TO THE EAST LINE OF LOTS 142 TO 150, AND LYING WEST OF AND ADJACENT TO THE WEST LINES OF LOTS 203 TO 211, SILVER SPRINGS SUBDIVISION, COUNTY OF PARK, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 203, SILVER SPRINGS SUBDIVISION;
THENCE SOUTH 00°00'59" EAST, ALONG THE WEST LINES OF SAID LOTS 203 TO 211, A DISTANCE OF 225.82 FEET;
THENCE NORTH 89°58'22" WEST, A DISTANCE OF 20.00 FEET;
THENCE NORTH 00°00'59" WEST, ALONG THE EAST LINE OF SAID LOTS 142 TO 150, A DISTANCE OF 225.81 FEET;
THENCE SOUTH 89°59'58" EAST, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 0.10 ACRES, MORE OR LESS.

PARK COUNTY ADMINISTRATIVE APPROVAL:

APPROVED AS AN ADMINISTRATIVE LOT CONSOLIDATION PLAT BY THE PLANNING DIRECTOR OF PARK COUNTY, COLORADO, AND APPROVED FOR RECORDATION WITH THE PARK COUNTY CLERK AND RECORDER'S OFFICE PURSUANT TO THE PARK COUNTY LAND USE REGULATIONS

THIS _____ DAY OF _____, 20____.

_____
PLANNING DIRECTOR / COUNTY DESIGNEE

ATTEST: _____
CLERK AND RECORDER OR DEPUTY CLERK

APPROVAL BY BOARD OF COUNTY COMMISSIONERS:

APPROVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS, THIS _____ DAY OF _____, 20____ SUBJECT TO THE PROVISION THAT THE COUNTY SHALL NOT UNDERTAKE THE MAINTENANCE OF DEDICATED PUBLIC STREETS, ROADS, AND THOROUGHFARES UNTIL SATISFACTORY CONSTRUCTION THEREOF BY THE SUBDIVIDER. SAID PUBLIC STREETS, ROADS, AND THOROUGHFARES WILL BE ACCEPTED BY RESOLUTION AT A REGULAR COUNTY COMMISSIONERS' MEETING AFTER COMPLETION, INSPECTION, BY PARK COUNTY, AND CERTIFICATION OF CONSTRUCTION IN ACCORDANCE WITH COUNTY STANDARDS.

ATTEST:

_____ _____
PARK COUNTY CLERK AND RECORDER CHAIRPERSON

LEGAL DESCRIPTION AND CERTIFICATE OF OWNERSHIP

LEGAL DESCRIPTION:

TAYLOR AND MICHELE MEAD, BEING THE OWNERS OF THE REAL PROPERTY OF 1.39 ACRES LOCATED IN PARK COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

LOTS 142 TO 150, INCLUSIVE AND LOTS 203 TO 211, INCLUSIVE,
SILVER SPRINGS SUBDIVISION,
TOGETHER WITH THAT PORTION OF VACATED OLIVE AVENUE LYING EAST OF AND ADJACENT TO THE EAST LINE OF SAID LOTS 142 TO 150, AND LYING WEST OF AND ADJACENT TO THE WEST LINES OF LOTS 203 TO 211,
COUNTY OF PARK,
STATE OF COLORADO.

IN WITNESS WHEREOF, WE DO HEREUNTO SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 20____.

_____ _____
TAYLOR MEAD MICHELE MEAD

STATE OF COLORADO)
) SS
COUNTY OF _____)

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____,
BY TAYLOR MEAD AND MICHELE MEAD.
WITNESS MY HAND AND OFFICIAL SEAL
MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

TITLE CERTIFICATE:

_____ TITLE INSURANCE COMPANY HEREBY CERTIFIES THAT TITLE TO THE ABOVE-DESCRIBED PROPERTY IS VESTED IN THE OWNER(S).

DATE: _____ _____
AUTHORIZED AGENT

RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY,
ON THE _____ DAY OF _____, 20____, AND DULY FILED AT
RECEPTION NO. _____.

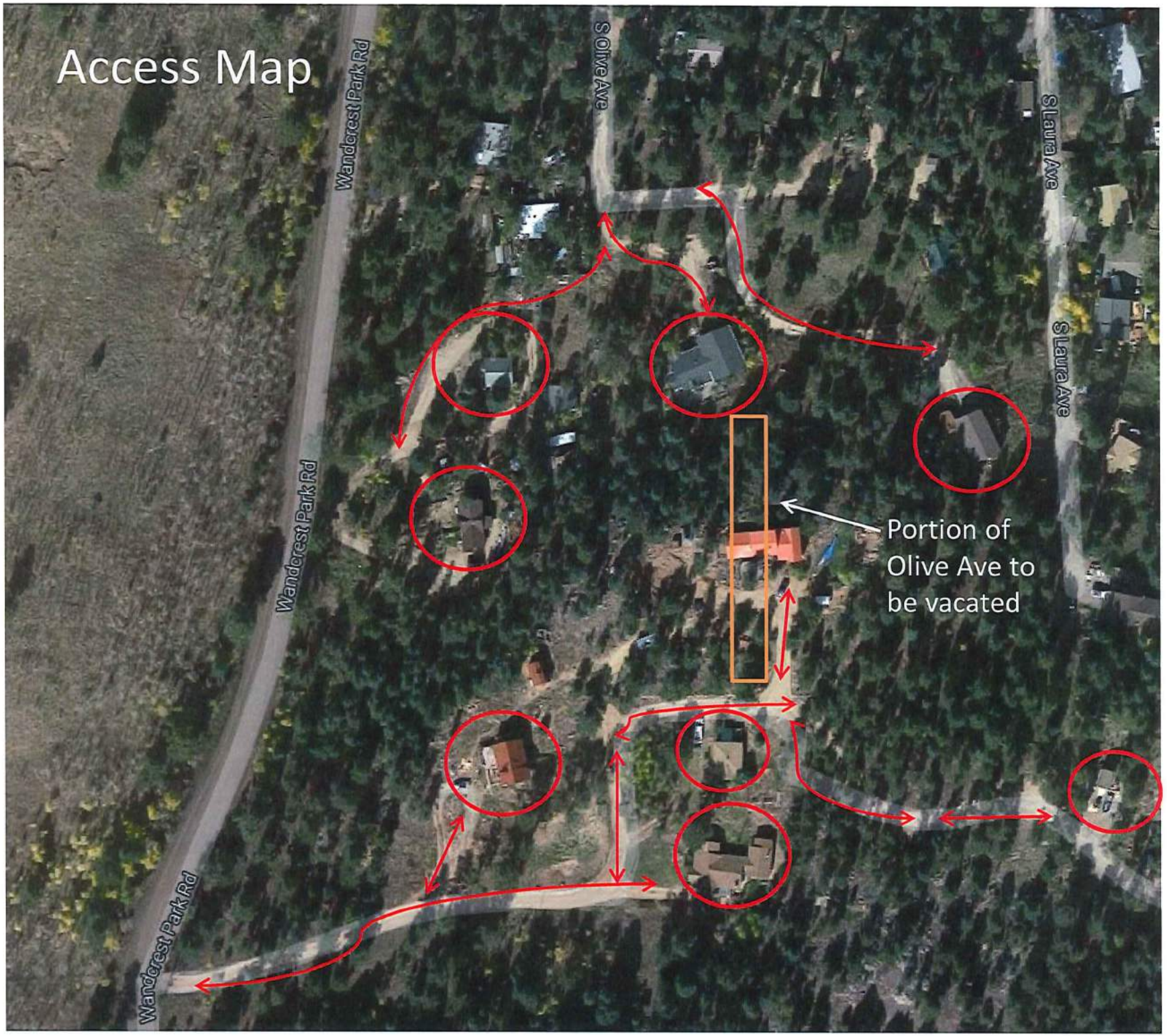
_____
PARK COUNTY CLERK AND RECORDER

APPLICANT / LAND OWNER
TAYLOR AND MICHELE MEAD
14084 SOUTH WANDCREST DRIVE
PINE, COLORADO 80470
PH. (303) 816 - 0068

MAP PREPARED: 17 SEPTEMBER, 2015

PREPARED BY:
FITSKER AND ASSOCIATES
29589 PLEASANT PARK ROAD
CONIFER, COLORADO 80433
PH. (303) 674-6018/ FAX (303) 838-7174

FILE NO. 15-434


Access Map
Wanderest Park Rd
Wanderest Park Rd
Wanderest Park Rd
S Olive Ave
S Laura Ave
S Laura Ave
Portion of
Olive Ave to
be vacated

Colorado Natural Gas

P.O. Box 270868 • Littleton, Colorado 80127 • Phone (303) 979-7680 • Fax (303) 979-7892 • www.coloradonaturalgas.com

August 16, 2016

Re: Letter of no objection, 18084 S. Wandcrest Drive, Pine, Jefferson County, Colorado
(Specifically identified as: Lots 142-150, Lots 203-211, and part of vacated Olive Ave.)

To Whom It May Concern:

This letter is being provided in response to an inquiry to Colorado Natural Gas, Inc. (CNG) regarding a letter of no objection on the property identified above in Pine, Colorado. Specifically, the owner (Michele Mead) has requested that CNG review the current public platted parcels as they relate to the location of any CNG pipelines in the area and for CNG to supply a letter of 'No Objection' for the land owner to combine lots 142-150, lots 203-211, and part of vacated Olive Ave in the Silver Springs Subdivision.

CNG has reviewed the location of its existing natural gas pipelines, easements, and service lines in relation to the proposed combining of Lots 142-150, Lots 203-211, and part of vacated Olive Ave. in the Silver Springs Subdivision in Pine, CO. CNG has no objection to the combining of these lots by the property owner Michele Mead.

Thank you for your time.

Regards,

Colorado Natural Gas

Bill Shaw
Director of Utility Operations, Colorado

CenturyLink™

October 13, 2015

Mr. Taylor Mead
14084 S. Wandcrest Dr.
Pine, CO 80470-9312

Re: Lot Consolidation
Lots 142-150 & 203-211 & Part of Vacated Olive Ave., Silver Springs Subdivision
a.k.a. 14084 S. Wandcrest Dr., Pine, Colorado

Dear Mr. Mead,

Qwest Corporation d/b/a CenturyLink QC has reviewed your request to agree to a lot consolidation at 14084 S. Wandcrest Dr., Pine, Colorado.

CenturyLink hereby offers no objection to the proposed consolidation of the lots referenced above.

If any additional consideration or action is required on the part of CenturyLink, please contact me at 720.578.5132

Sincerely,

Charles Place
Right of Way Manager
CenturyLink
7759 S. Wheeling Ct.
Englewood, CO 80112

charles.place@centurylink.com

Brooks Kaufman
Lands and Rights of Way Director

November 12, 2015

Taylor and Michele Mead
14084 S. Wandcrest Dr.
Pine, CO 80470

Re: Lot consolidation of Lots 142 through 150 and Lots 203 through 211 and part of the vacated Olive Avenue; Silver Springs Subdivision; County of Park, State of Colorado; T7S, R72W, Section 12 in the 6th P.M.

Dear Mr. and Mrs. Mead

Intermountain Rural Electric Association consents to the above request; however, does not relinquish any rights or easements pertaining to the existing overhead electric facilities located along the west boundary of the above mentioned lots.

Should there be any questions, please feel free to contact me.

Sincerely,

Brooks Kaufman
Lands and Rights of Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION
5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop

727268 8/4/2016 1:02 PM Debra A Green
1 of 3 ROW R$21.00 D$0.00 Park County Clerk

For IREA Use Only
Section 12 Township 7S
Range 72W
W/O #_____
Grid #_____
14084 S WANDCREST DR LOT 142
SILVER SPRINGS LOT 142-150 & 203-211

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION

5496 North U.S. Highway 85, P.O. Drawer A
Sedalia, Colorado 80135
303-688-3100

GENERAL RIGHT-OF-WAY EASEMENT

(Overhead & Underground Combination Access)

KNOW ALL MEN BY THESE PRESENTS, that TAYLOR MEAD AND MICHELE MEAD, Grantor, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, a Colorado Corporation (hereinafter called the "Association"), whose address is 5496 North U.S. Highway 85, Sedalia, Colorado 80135, and to its successors or assigns, a right-of-way and easement 15 feet in width for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of an electric transmission and/or distribution line or system attached to poles or other supports, together with guys and other attachments, underground cables, wires, conduits, manholes, splicing boxes, testing terminals located on the surface or underground, and other attachments and incidental equipment and appurtenances upon, over, under, and across the following premises belonging to the said Grantor situated in the County of PARK and State of Colorado, and more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION AND EXHIBIT

Together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including, for the installation and maintenance of said line, the right to cut, trim, and remove trees, brush, overhanging branches, shrubbery, and other obstruction that may interfere with or threaten to endanger the operation, maintenance, and repair of said line or system; to place location markers on the surface, on or beyond said right-of-way and easement for the said underground facilities, where appropriate; to license, permit, or otherwise agree to the joint use or occupancy of the line or system, whether overhead or underground, by any other person, association, or corporation for electrification or communication purposes; and to open and close any fences crossing said right-of-way and easement or, when agreed to by Grantor, to install gates and stiles in said fences; and together with the right to use that portion of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

The undersigned agrees that all poles, wires, and other facilities installed upon, over, under, or across the above described lands by the Association shall remain the property of and may be removed at the option of the Association.

Grantor for himself/herself, his/her heirs, executors, administrators, successors, and assigns, while reserving the right to use said strip of land for all purposes not inconsistent with the rights herein granted to said Association, hereby covenants that no structures shall be erected, or combustible material or property shall be permitted, on said strip, and that the said strip shall not be used in any manner which will interfere with or damage the facilities installed pursuant to this grant, or interfere with the maintenance, repair, and replacement of said facilities.

The undersigned covenants that he/she is the owner of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except the following:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 2nd day of August, 2016.

In the presence of

Terry Axmiller

TAYLOR MEAD
Printed Name of Owner

Signature

Michele Mead
Signature

STATE OF COLORADO)
) ss.
County of)

The foregoing instrument was acknowledged before me this 2nd day of August 2016, by Taylor Mead & Michele Mead

Witness my hand and official seal.

My Commission expires: 10-22-16

Notary Public

IREA Form ROW1A OH&UG(11-09)

ROCHELLE M FOSLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964018460
MY COMMISSION EXPIRES OCTOBER 22, 2016

727268 8/4/2016 1:02 PM Debra A Green
3 of 3 ROW R$21.00 D$0.00 Park County Clerk

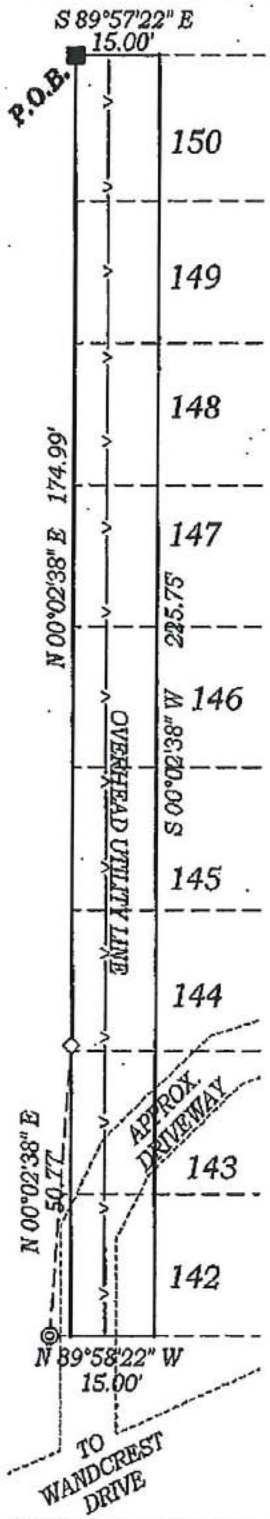


EXHIBIT A

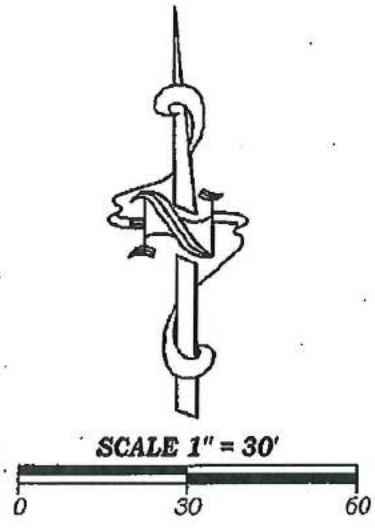
PITSKER AND ASSOCIATES

PROFESSIONAL LAND SURVEYORS
26689 Pleasant Park Road
Building A, Suite 200
Conifer, Colorado 80433
PH (303) 674-6018 / FAX (303) 838-7174

FILE NO. 15-434
30 OCTOBER, 2015

LEGAL DESCRIPTION

A PORTION OF LOTS 142 - 150, INCLUSIVE, SILVER SPRINGS SUBDIVISION, COUNTY OF PARK, STATE OF COLORADO, SAID PORTION OF LOTS 142 - 150, INCLUSIVE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 150, SILVER SPRINGS SUBDIVISION;
THENCE SOUTH 89°57'22" EAST, ALONG THE NORTH LINE OF SAID LOT 150, A DISTANCE OF 15.00 FEET;
THENCE SOUTH 00°02'38" WEST, A DISTANCE OF 225.75 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID LOT 142;
THENCE NORTH 89°58'22" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 15.00 FEET;
THENCE NORTH 00°02'38" EAST, A DISTANCE OF 50.77 FEET;
THENCE NORTH 00°02'38" EAST, ALONG THE WEST LINES OF SAID LOTS 144 - 150, A DISTANCE OF 174.99 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



FILE NO. 15-434
IREA EASEMENT

Jill Falchi

From:	Terry Aumiller <terryaumiller@gmail.com>
Sent:	Thursday, August 25, 2016 2:19 PM
To:	Jill Falchi; Taylor Mead; Michele Mead; office@american-restoration.com; terryaumiller@gmail.com
Subject:	14084 Wandcrest dr.
Follow Up Flag:	Follow up
Flag Status:	Flagged

Park County Planning Dept.

The application for the road vacation is for a permit for a detached garage.

The existing house is build on Olive St. as per the plat. The home is over 30 year old. An addition was added approximately 20yrs ago. And was permitted by the Park County Building Dept,

Jefferson County Planning Dept. has a existing road vacation.

The house and the road are in no way infringing on any other home owners

Terry Aumiller
Agent for Taylor and Michele Mead

16 CUP-05
Sch# 18625

PARK COUNTY APPLICATION FOR CONDITIONAL USE PERMIT NON-REFUNDABLE APPLICATION FEE: $1060

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated paper copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: Bailey Treetop Ventures, LLC

Mailing Address: 273 Jacob Dr.

City: Bailey State: CO Zip: 80421

Telephone

(work) 720-401-6505 (home) _____ (fax) _____

Owner's Name: Bailey Trails! Alliance

Mailing Address: PO Box 81, Bailey, CO 80421

Telephone No. and Email Address: 720-401-6505 baileytrailsboard@gmail.com

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Conditional Use Permit (attach additional page, if necessary):

Please refer to Exhibit A

Street Address of Property: 60117 Highway 285, Bailey, CO 80421

Property's Total Acreage: 12.7

Current Zone District of Property: Commercial

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Commercial
Jillian Falchi
~~Print~~ Full Name

Requirements for a Conditional Use Permit
Article V, Division 5, Section 5 -501

C. APPLICATION REQUIREMENTS

For County Use Only: Initial Receipt of the Required Information	
(1.)	JF
(2.)	NA
(3.)	JF
(4.)	JF
(5.)	JF
(6.)	JF
(7.)	NA
(8.)	JF
(8a.)	JF
(8b.)	JF

1. Application Fee. An application fee in the amount of $1060 must be paid at the time of submission of the application. Make the check or money order payable to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.

2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Treasurer's office.

3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.

4. A legal description of the subject property prepared by a licensed Colorado land surveyor.

5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to C.R.S. § 24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B (attached).

6. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Conditional Use Permit, this information is at the Park County Assessor's Office .

7. A copy of all recorded covenants that apply to the subject property.

8. Current Conditions Map including, in one or more mapped or graphic formats the following information:
   a. Topography of the property subject to the Conditional Use Permit shown in elevation contours of not more than twenty (20) or forty (40) foot increments. Applicants are encouraged to use USGS or other commercially available topographic maps.
   b. Points of access to the property, internal roads and trails including widths and approximate grades. The Current Conditions Map must illustrate how access is obtained from the subject property to the nearest road or highway.
   c. Where any access to the property subject to the Conditional Use Permit application is obtained from a road, trail easement, driveway, historic use, or other private right of access other than an adjacent County owned right-of-way, the applicant shall provide evidence of permanent legal right of access.

For County Use Only: Initial Receipt of the Required Information	
Such evidence may include deed, easement agreement, or attorney opinion of legal right of access.	(8c.) JF
d. Natural features of the property subject to the Conditional Use Permit application, including wetlands, riparian areas, water bodies, (e.g. lakes, ponds, streams, whether continuous or seasonal) and slopes greater than twenty percent (20%).	(8d.) JF
9. A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure.	(9.) JF
10. If the proposed Conditional Use pertains to property located in a geological hazard area according to the geological hazard map, then the application must contain a geo-technical report prepared by a qualified professional geologist addressing the presence and extent of any geological hazards, including but not limited to, underground excavations on/or adjacent to the subject property and radioactive or toxic materials and/or minerals.	(10.) N/A
11. A Vicinity Map of where the proposed property is located within Park County.	(11.) JF
12. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).	(12.) JF
13. Any other studies, reports, plans, or drawings that are judged necessary by the Planning director to ensure compliance with the Standards for Approval of a Conditional Use Permit (Section 5-503 of the Land Use Regulations).	(13.) JF
14. A written proposal describing the existing use and proposed conditional use.	(14.) JF

Note: All applications for a Conditional Use Permit for a Single Family Dwelling (not related to mining or oil or gas production) in a Mining Zone District shall meet all of the following requirements of Article V Section 5-311, Table Footnotes #2

For County Use Only: Initial Receipt of the Required Information	
(1.)	NA
(2.)	NA
(3a.)	NA
(3b.)	NA
(3c.)	NA
(3d.)	NA
(3e.)	NA

1. All applications, including the required geo-technical report, shall be forwarded to the Colorado Geological Survey for a review and evaluation of the proposed use and site constraints. The applicant shall pay all costs assessed of charged by the Colorado Geological Survey for the review and processing of the application. Within fifteen (15) days following the County's receipt of a report from the Colorado Geological Survey, the applicant shall submit a written response to the Planning Director/County Designee addressing in detail the applicant's proposed methods for mitigating any hazards or concerns identified by the Colorado Geological Survey. Applicants are strongly encouraged to adopt and employ all mitigation measures recommended by the Colorado Geological Survey. No application shall be deemed complete and no review of the application by the County shall be initiated until an evaluation and report from the Colorado Geological Survey is received by the County, the applicant has paid all fees associated with such review by the Colorado Geological Survey, and the applicant has submitted its response to the Planning director/County Designee as required by this paragraph.

2. Applicants shall submit a report addressing the absence or presence of commercially valuable mineral resources on the proposed site and adjacent sites as part of the application. The applicant bears the burden of establishing that the proposed residential use does not conflict or interfere with the mining of mineral resources located within the property described in the application or within adjacent properties.

3. Single Family Dwelling Unit (Not related to Mining or Oil or Gas Production) shall be deemed incompatible with the purpose and intent of the Mining Zone District and no Conditional Use Permit shall be granted by the County unless the applicant establishes by competent and sufficient evidence presented to the County that:
   a. The residential use meets all review standards for Conditional Uses contained in Section 5-503 of the Park County Land Use Regulations; and
   b. The proposed residential use on the site will not present a hazard to the occupants of the residential structure or that hazards identified for the site are or will be mitigated by the applicant; and
   c. The proposed residential use will not conflict or interfere with the mining of mineral resources located within the property described in the application for conditional use or on adjacent properties; and
   d. The proposed residential use will not interfere with or impair historical access to adjacent uses, properties, or mining claims; and
   e. The applicant has delivered to the County a signed an notarized certification that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been detached from the mineral estate for the property described in the application. A form of certification is provided in Appendix B of the Land Use Regulations and is attached.

For County Use Only: Initial Receipt of the Required Information
(4.) NA

4. If the application for Conditional Use is approved, then the applicant may be required to record documentation prepared by the County Attorney disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property, and indemnifying the County from all injury and damage claims resulting from said use of the property.

Note: Refer to Park County Land Use Regulations Article V Standards for Approval of Conditional Use Permit.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: _____

Print name: Tim A Gregg

If company, state Title/Position: Buffalo Trails / President

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

October (Month) 12 (Day), 20 16 (Year)

Payment of the Applicant Fee was made by:

____	Personal Check #____	Amount $ ____
____	Cash	Amount $ ____
X	Other Cashier's Check	Amount $ 1060

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: 10/12/16
Print Name: Jillian Falchi

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTA RIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

APPENDIX B

APPLICANT CERTIFICATION REGARDING NOTICE TO MINERAL ESTATE OWNER

I, _____, submitted an application for land use approval from Park County generally described as:

X Conditional Use Permit

___ Determination of Location and Extent of Public Facilities Use

___ Planned Unit Development with Rezoning

___ Special Use Permit; (Telecommunications, Wetlands)

___ Subdivision; (Major Preliminary Plan, Major Final Plat, Minor, Sketch, Combined)

I understand that state law, found at CRS 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by CRS 24-65.5-101 through 24-65.5-104.

_____

Signature of Applicant

Tim A Gregg

Print Name

For County Use Only

Application Name/Case Number: 16 CUP-05

Park County Assessor

Property Detail Information

Tax Area	Schedule Number	Account Type
0006	18825	Exempt

Primary Owner Name and Address

BAILEY TRAILS! ALLIANCE
PO BOX 81
BAILEY, CO 80421-0081

Additional Owner Detail

Legal Description

T07 R72 S30 SE4
BAILEY
TRACT IN N2SE4 30-7-72
AKA TRACT 45

Physical Address

60117 HWY 285 BAILEY

Tax Information

2016 Tax Year

	Actual Value	Assessed Value
Land:	161,299	46,780
Improvements:		
Total:	161,299	46,780

704668 1/28/2014 11:09 AM Debra A Green
1 of 2 WD R$16.00 D$2.75 Park County Clerk

WARRANTY DEED

THIS DEED, Made this 24th day of January, 2014 between

Ron Green

of the County of Park, State of Colorado, grantor and

Bailey Trails! Alliance, a Colorado nonprofit Corportion

whose legal address is: P.O. Box 81, Bailey, CO 80421
of the County of Park, State of Colorado, grantee:
WITNESSETH, That the grantor for and in consideration of the sum of Twenty-Seven Thousand Five Hundred and No/100 Dollars ($27,500.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Park, and State of COLORADO, described as follows:

An undivided ½ interest

See Exhibit A attached hereto and made a part hereof.

Doc Fee
$ 5.50

also known by street and number as 60117 Highway 285 , Bailey, CO 80421

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated November 18, 2013, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLERS:

Ron Green

STATE OF Virginia)
COUNTY OF Montgomery)ss:

The foregoing instrument was acknowledged before me this 23 day of January, 2014 by Ron Green.

Notary Public
Witness my hand and official seal.
My Commission expires: 4/30/17

CRYSTAL D. WALL
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7213142 4/30/17
My Commission Expires

WDPHOTO
Warranty Deed (For Photographic Record) updated 1/2006

File No. F0466567

Exhibit A

A part of the N½ SE¼ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE¼ whence the East one-quarter corner of said Section 30 bears North 88° East, 599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the Point of Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning,

County of Park, State of Colorado.

704667 1/28/2014 11:08 AM Debra A Green
1 of 2 TD R$16.00 D$2.75 Park County Clerk

TRUSTEE'S DEED

THIS DEED made this 22nd day of January, 2014, by and between Harvey Sender, Chapter 7 Trustee for the bankruptcy estate of Louis S. Gonzalez and Patrice M. Hufnagel, Case No. 09-16584 MER, United States Bankruptcy Court for the District of Colorado (hereinafter "Seller") and Bailey Trails! Alliance, A Colorado nonprofit Corporation (hereinafter "Buyer(s)").

WITNESSETH:

WHEREAS, the Seller and Buyer(s) entered into an agreement for the sale and purchase of certain real property, of which is subject to the control of the undersigned, pursuant to and in accordance with Section 541 of the United States Bankruptcy Code (11 U.S.C. Section 541); and

WHEREAS, on January 9, 2014 the Honorable Michael E. Romero, United States Bankruptcy Judge, entered his Order authorizing the undersigned to sell and convey the interest of the Estate in the property described below to Buyer(s); and

WHEREAS, Seller is unable and unwilling to make any warranties or representations with respect to the subject property or the title transferred hereby, and Seller is unable and unwilling to make any warranties or representations with respect to the condition of the subject property or the improvements transferred hereby, and Buyers know and understand that this transfer and conveyance is without warranty or representation of any kind whatsoever.

NOW, THEREFORE, in consideration of TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Seller shall sell and convey, and by these presents does sell and convey to Buyer(s), Bailey Trails! Alliance, a Colorado nonprofit Corporation and or assigns and unto Buyer(s)' successors in interest, assigns or nominees, all right, title and interest of Seller, as Chapter 7 Trustee of the Bankruptcy Estate above-named, in and to that certain property located in the County of Park, State of Colorado, described as follows:

an undivided ½ interest

See attached Exhibit A

Also known and numbered as: 60017 HWY 285, Bailey, Colorado 80421

IN WITNESS WHEREOF, the Seller has executed this Trustee's Deed on the date set forth above.

By: _____
Harvey Sender, Trustee

STATE OF COLORADO)
) SS
CITY & COUNTY OF DENVER)

This instrument was acknowledged before me this 22nd day of January, 2014 by Harvey Sender, Chapter 7 Trustee for the bankruptcy estate of Louis S. Gonzalez and Patrice M. Hufnagel, United States Bankruptcy Court for the District of Colorado.

WITNESS my hand and official seal.

_____
Notary Public

STEFANIE J. PIERCE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19924015739
MY COMMISSION EXPIRES NOVEMBER 21, 2016

My commission expires: 11/21/2016

704667 1/28/2014 11:08 AM Debra A Green
2 of 2 TD R$16.00 D$2.75 Park County Clerk

EXHIBIT "A"

A part of the N½ SE¼ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE¼ whence the East one-quarter corner of said Section 30 bears North 88° East, 599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the Point of Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning,

County of Park, State of Colorado.

Also known by street address as: **60117 Highway 285 Bailey, CO 80421**

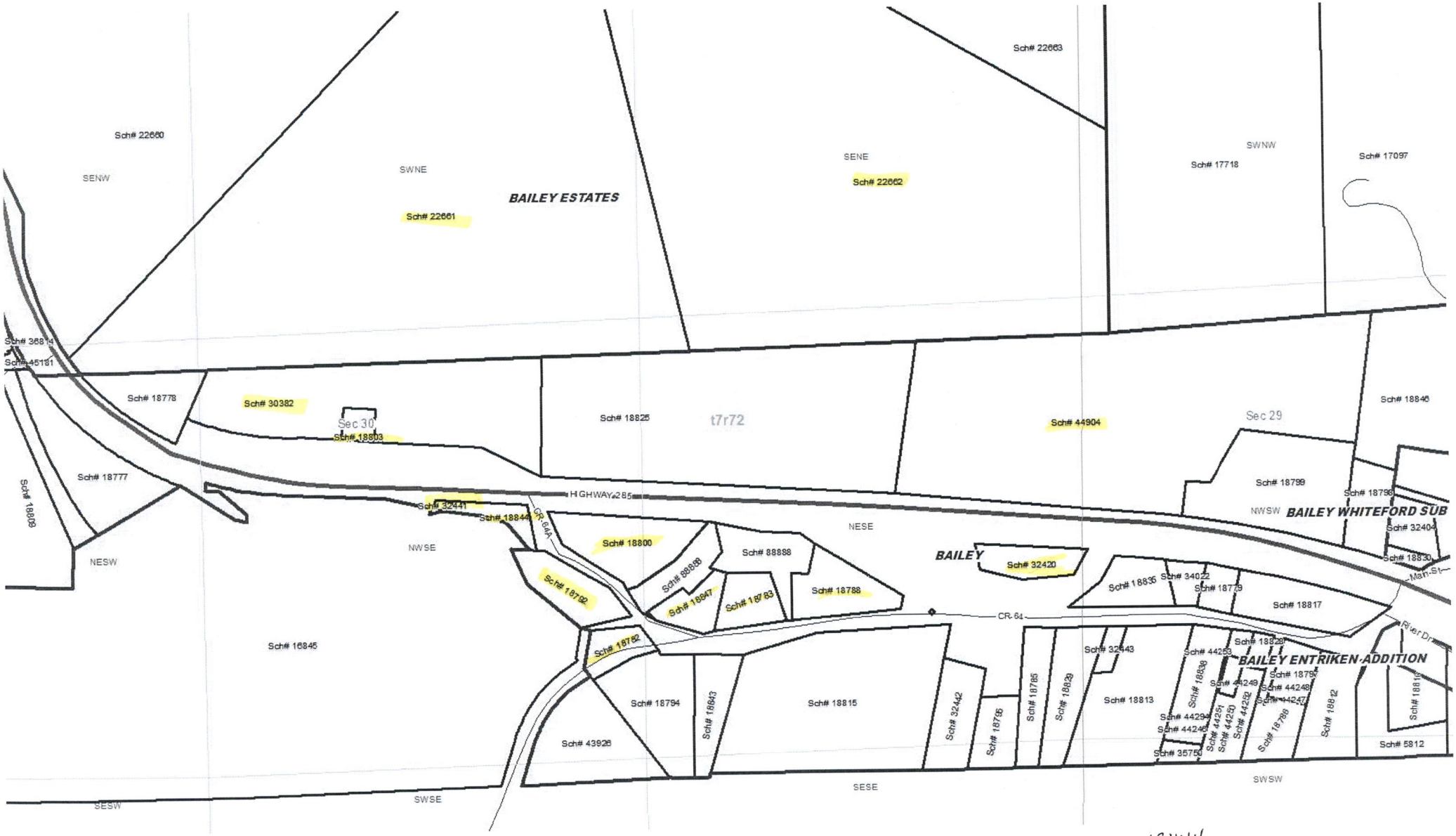
A.P.N. # 18825

44904 ✓	RAYBURN DAN PO BOX 1113 BAILEY, CO 80421-1113	http://www.parkco.org/prop2.asp?ScheduleNumber=44904						
22662 ✓	ROBL MATTHEW 866 BUDDY RD BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=22662						
22661 ✓	JOBIN CHRISTINE J 621 SAINT PAUL ST DENVER, CO 80206	http://www.parkco.org/prop2.asp?ScheduleNumber=22661						
30382 ✓	PARK COUNTY PO BOX 1373 FAIRPLAY, CO 80440-1373	http://www.parkco.org/prop2.asp?ScheduleNumber=30382						
~~32444~~ 32441 ✓	~~DENVER WATER BOARD~~ ~~1200 W SHOSHONE~~ ~~DENVER, CO 80254~~	~~http://www.parkco.org/prop2.asp?ScheduleNumber=32444~~	32441 - Bailey Water + Sanitation District PO Box 422 Bailey, CO 80421					
~~18844~~ ✓	~~BLANCHARD BARBARA C~~ ~~5036 CO RD 43~~ ~~BAILEY, CO 80421~~	~~http://www.parkco.org/prop2.asp?ScheduleNumber=18844~~	18844 - Abbondanza, Michael J PO Box 1013 Cmifer, CO 80433					
18792 ✓	FALKNER PATRICK 57 CO RD 64A BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=18792						
18782 ✓	~~ROHLOFF KRISTY L~~ ~~C/O LLOYD ROHLOFF~~ ~~PO BOX 1714~~ ~~BAILEY, CO 80421-1714~~	~~http://~~www.parkco.org/prop2.asp?ScheduleNumber=18782	18782	Rohloff, Marc D 105 Co Rd 64A Bailey, CO 80421				
18847 ✓	PATTERSON JOHN D 14203 E IDAHO DR AURORA, CO 80012	http://www.parkco.org/prop2.asp?ScheduleNumber=18847		PO Box 951 Bailey CO 80421				
18783 ✓	PARKER ALAN G 4817 CO RD 64 BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=18783						
18788 ✓	EVIG V JANE AKA EVIG JANE PO BOX 35 BAILEY, CO 80421-0035	http://www.parkco.org/prop2.asp?ScheduleNumber=18788						

32420	PLATTE CANYON FIRE PROTECTION PO BOX 222 BAILEY, CO 80421-0222	http://www.parkco.org/prop2.asp?ScheduleNumber=32420						

18800 Bailey Propane Co
PO Box 157
Bailey CO 80421

18803 Frank Stenger
466 Co Rd 72
Bailey CO 80421


Sch# 22660
SENW
SWNE
BAILEY ESTATES
Sch# 22661
Sch# 22663
SENE
Sch# 22662
SWNW
Sch# 17718
Sch# 17097
Sch# 36814
Sch# 45181
Sch# 18778
Sch# 30382
Sec 30
Sch# 18803
Sch# 18825
t7r72
Sch# 44904
Sec 29
Sch# 18846
Sch# 18777
Sch# 18808
HIGHWAY 285
Sch# 32441
Sch# 18844
CR-64
NWSE
NESE
Sch# 18799
Sch# 18798
NWSW
BAILEY WHITEFORD SUB
Sch# 32404
Sch# 18830
Main St
Sch# 18800
Sch# 88888
Sch# 88888
Sch# 18847
Sch# 18783
Sch# 18788
BAILEY
Sch# 32420
Sch# 18835
Sch# 34022
Sch# 18779
Sch# 18817
NESW
Sch# 18792
CR-64
River Dr
Sch# 16845
Sch# 18782
Sch# 32443
Sch# 44253
Sch# 18828
BAILEY ENTRIKEN ADDITION
Sch# 18794
Sch# 18843
Sch# 18815
Sch# 32442
Sch# 18795
Sch# 18785
Sch# 18829
Sch# 18813
Sch# 18836
Sch# 44249
Sch# 18758
Sch# 44248
Sch# 44247
Sch# 44294
Sch# 44240
Sch# 44251
Sch# 44250
Sch# 44239
Sch# 18788
Sch# 18842
Sch# 18819
Sch# 43926
Sch# 35750
Sch# 5812
SESW
SWSE
SESE
SWSW

18444

Parking lot to accommodate at least 30 cars 4 spaces dedicated to handicap (2-96"and 2-60"0 exceeding ADA requirements

Two portable bathroom facilities (handicapped accessible).

Meandering trail from parking lot to the single start platform area. Exact design will be dictated by terrain.

Eight aerial adventure courses, with 4 degrees of difficulty, starting from a common platform.

Approximately 24' yurt or other suitable building on decked base. Use - storage and guest check in.

Improved road, along the existing road grade, approximately 22-26 feet wide.

22661

22662

30382

16825

44904

441

18844

16845

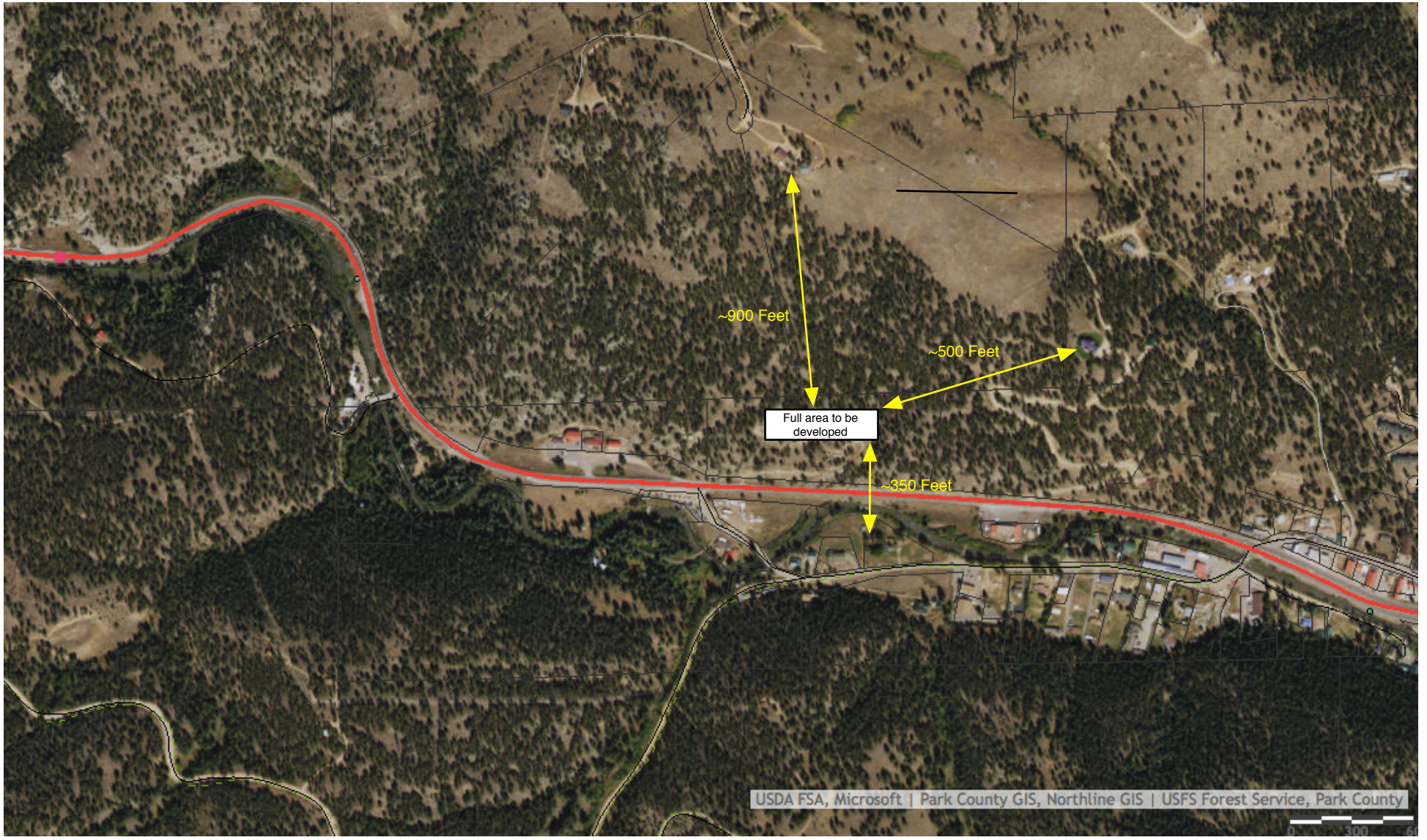
18800

88888

18792

18788

Microsoft | Park County GIS, Northline GIS | USFS Forest Service, Park County


~900 Feet
~500 Feet
Full area to be developed
~350 Feet
USDA FSA, Microsoft | Park County GIS, Northline GIS | USFS Forest Service, Park County

8000 ft

22662

18825

7800 ft

9910

60100

285

60190

285

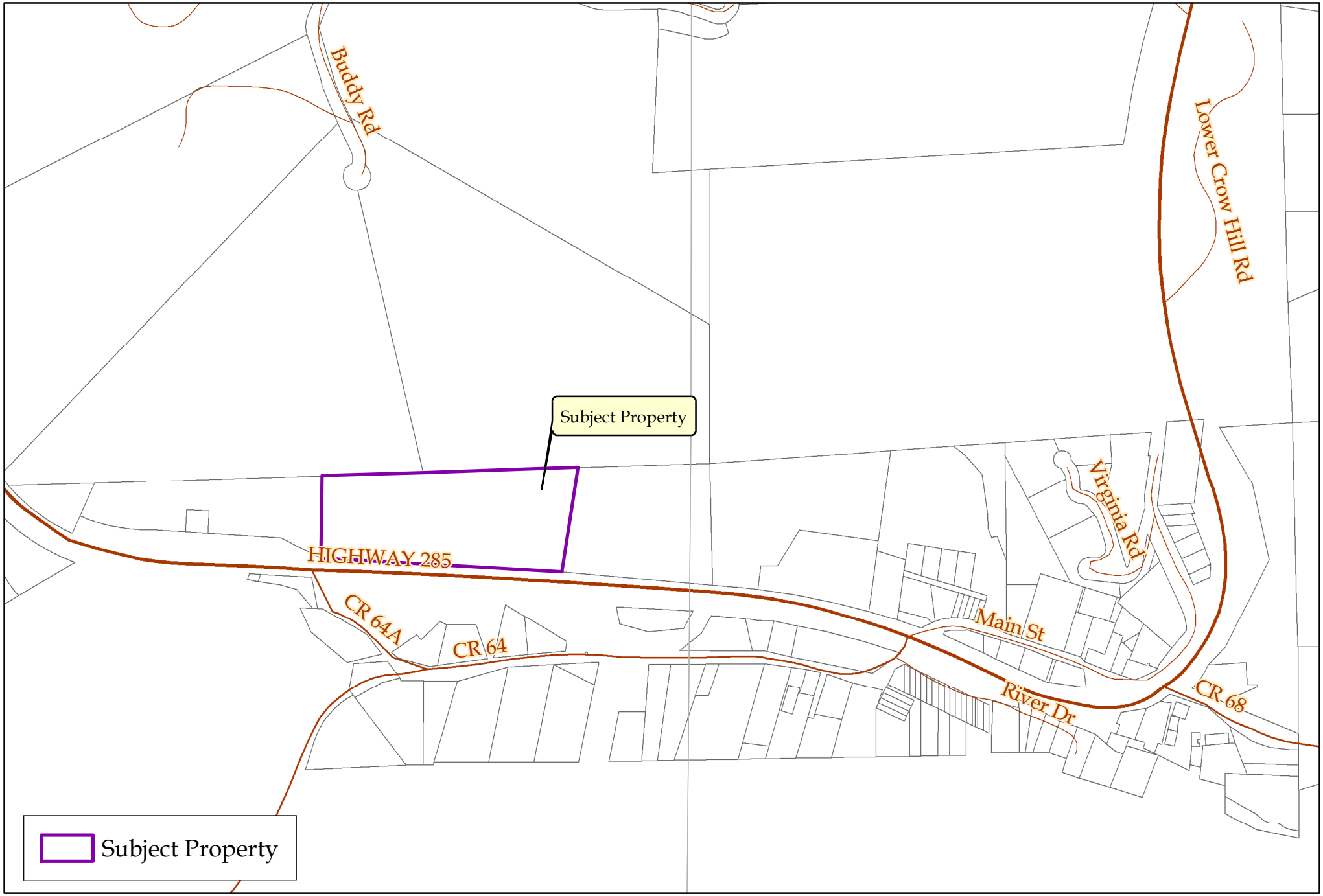
18844

CR-64A

18800

88888

88888



N

Vicinity Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

COLORADO
Department of Transportation

Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001
(719) 546-5407 Fax: (719) 562-5523

Permit No. **216048**

September 12, 2016

To: Tim Gregg
Bailey Treetop Ventures, LLC
621 Kendall Way
Lakewood, CO 80214

Dear Applicant:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE". Your signature confirms your agreement to all the listed Terms and Conditions.
5. Provide a check or money order made payable to "CDOT" for the total amount due of $100.00
6. **You must return the signed Access Permit, including all pages of terms and conditions and all attachments, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will return an executed copy of this permit. You may retain this cover letter for your records.**
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. **As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.**

If you have any questions please call Valerie Sword, Access Manager at (719) 546-5407,

Please return Access Permit and attachments to:

Valerie Sword
Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT

CDOT Permit No.	State Highway No / Mp / Side	Local Jurisdiction
216048	285D / 221.45 / Left	Park County

Permit Fee	Date of Transmittal	Region / Section / Patrol / Name
$100.00	09/12/2016	2 / 04 / 32 Mike Davis

The Permittee(s):

Tim Gregg
Bailey Trails! Alliance
PO Box 81
Bailey, Colorado 80421

The Applicant(s):

Tim Gregg
Bailey Treetop Ventures, LLC
621 Kendall Way
Lakewood, Colorado 80214
(720) 401-6505

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: 2200 ft. west of MP 222

Access to Provide Service to:

(Land Use Code)	(Size)	(Units)
985 - Seasonal Operations Aerial Park	**5**	**Acres**
094 - Parking Lot	**2**	**Acres**
997 - Agriculture	**12**	**Acres**

Additional Information:

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Todd Ausbun with the Colorado Department of Transportation, at (719) 696-1403 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature	Print Name	Date
Applicant Signature	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

Signature	Print Name	Title	Date (of issue)

Copy Distribution: Required: 1.Region 2.Applicant 3.Staff Access Section 4.Central Files
Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4]

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide

by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan..

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

STATE HIGHWAY ACCESS PERMIT # 216048
2200 ft. west of MP 222, 221.45 Left
For Permittee: Bailey Trails! Alliance

September 12, 2016

General

1. CDOT retains the right to perform any necessary maintenance work in this area.

2. WORKER SAFETY AND HEALTH All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
   a. Head protection that complies with the ANSI Z89.1-1997 standard;
   b. At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn;
   c. High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).
   d. Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

Insurance

3. A certificate of insurance naming the Colorado Department of Transportation (CDOT) as an additional insured is required to be submitted before work begins.

Traffic

4. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.06 of the Standard Specifications for Road and Bridge Construction.

5. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only.

Utilities

6. READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR. Call for an inspection of forms at least one working day prior to placing any concrete. The Colorado Department of Transportation inspection is not an approval of the grade or alignment of the work. The contractor and/or engineer are responsible for the proper grade and alignment. Minor changes or additions may be ordered by the field inspector to meet field conditions. Any survey markers or monuments disturbed during the execution of this permit shall be repaired immediately at the expense of the permittee. Minimum cover for buried utilities shall be 48 inches.

Access

7. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. All submittals, documents, plans, and other items that must be completed shall be submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued.

8. The access is located on the east side of State Highway 285, a distance of 2500 feet south from milepost 222 or approximately milepost 221.457.

9. This section of highway is a Category R-A highway. The information submitted with the application requires the following improvements be designed and installed:
   a. A grading plan is required to show that drainage along the driveway will be retained on private property or released at historic rates.
   b. A 36" x 36" R1-1 STOP sign shall be placed at the access for egressing vehicles.

60117 Hwy. 285 Traffic Considerations

Bailey Treetop Ventures has received conditional approval for business access from CDOT at the 60117 Hwy. 285 property. The conditions to be met are a drainage plan along the driveway. H&S Excavating who will be doing improvements along the existing driveway is currently developing the drainage plan. The improvements include the development of ditches, widening of the existing drive, a parking lot and the removal of a section at the beginning of the drive for safe turnout and retention of water, which may flow down the driveway.

The turnout will include the removal of material just beyond the vehicle in the above picture. This will allow for safe ingress and egress for vehicles of all sizes plus accommodate water retention to mitigate erosion in the CDOT easement.

Visibility along the highway at the existing driveway is some of the best in the Bailey business district. Unlike other access on curves and blocked by structures, in the Bailey business district, views down the highway are open for long distances, along this straightaway.

The speed limit is 40 mph in this area. Other side access in the area includes access to the County Substation, Riverbend restaurant and County Road 64A.

CDOT utilized traffic data collected from another survey and approval of last year. The data is below and can be viewed at http://dtdapps.coloradodot.info/otis/TrafficData#ui/2/0/0/station/105141/criteria/105141/ .

Station Id: 105141

Stations | AADT | Future Traffic | ESAL

Found 1 stations. Click the magnifying glass icon in front of a station to see count data below.

Export to Excel

	Station ID	Route	Start	End	County	City	Description
	105141	285D	221.889	222.167	Park		ON SH 285 E/O CR 64, BAILEY

ON SH 285 E/O CR 64, BAILEY (Station Id: 105141)

Daily | Monthly Summaries | Annual

09/10/2015

View Entire Month

Export to Excel

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	18	21	14	13	21	45	71	174	202	184	276	299	382	463	512	481	461	495	459	324	156	132	84	46
S	38	17	20	22	42	86	229	370	376	531	625	605	563	620	616	717	647	672	691	516	298	164	99	57
C	56	38	34	35	63	131	300	544	578	715	901	904	945	1,083	1,128	1,198	1,108	1,167	1,150	840	454	296	183	103

P = Primary direction S = Secondary direction C = Combined traffic counts

Aerial Park Proposal For 60117 Hwy. 285

60117 Highway 285 is currently a vacant 11.7 acre parcel, zoned commercial, in Bailey, Colorado. Bailey Treetop Ventures, LLC is proposing utilizing the property as an aerial adventure park.

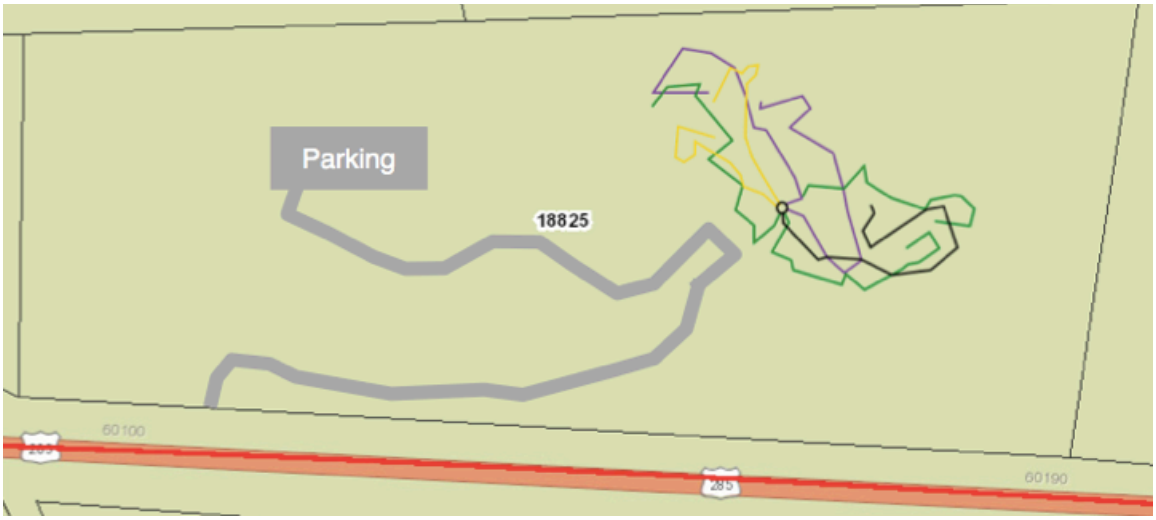
Bailey Treetop Ventures, LLC's ownership consists of a five member team; Tim Gregg, Berkeley Williams, Doug Wheeler, Nick Fullerton, and Cameron Fullerton. Tim Gregg is responsible for business development and the approval processes of the project. As a twenty-year local resident of the area, Tim brings to the project much knowledge of and a passion for the town of Bailey. Berkeley Williams and Doug Wheeler spent years constructing aerial adventure parks together under the employment of a large company called Outdoor Ventures. They have since formed their own team and begun designing and constructing parks of their own, and will oversee all design and construction of the proposed adventure park. Nick Fullerton and Cameron Fullerton grew up working for their family's business in Keystone, SD called Rushmore Tramway Adventures. In 2013, Cameron hired Outdoor Ventures to construct an aerial park as an addition to the Rushmore Tramway, and has recently completed his third full season of operation. Nick and Cameron will be responsible for the managerial and marketing functions of the proposed project.

An aerial adventure park is an outdoor recreational activity that consists of a series of platforms suspended upon treetops with various bridges and challenges connecting the platforms. The obstacles include zip lines, balance mechanisms, and other creative challenges that are designed with exercise and excitement in mind. Aerial adventure parks originated in Europe, and

have become very popular in Switzerland and Germany. They have slowly made their way to the United States, particularly in the wooded areas of New York, Maryland, and New England.

Adventure parks utilize a unique harness, carabiner, and cable system to provide for redundancy and safety as customers navigate from bridge to bridge. Series of bridges and zip lines make up courses, of which are rated in terms of their level of difficulty. The proposed park would include courses designed for children and beginners, as well as intermediary and expert level courses.

The proposed adventure park will consist of eight courses, each beginning on a common platform referred to as the "starting platform." Each course is identified by its color, which indicates its level of difficulty. The color designations by ascending level of difficulty are yellow, green, blue, and black. The park will include two yellow, three green, two blue, and one black course.



The subunit of a course is called an "element." Each course will consist of ten elements. An element is either a bridge, ladder, or zip line, each moving the guest from one platform to the next. A ladder moves the guest vertically from one platform to the next upon a single tree while a bridge or zip line moves the guest from the platform of one tree to that of another (horizontally).

Guests navigate the courses independently using a harness and a set of safety lanyards, which are equipped with a set of SSB (Smart Safety Belay) safety carabineers. The SSB safety system keeps one carabineer locked into the course (cannot be opened by guest) at all times while the participant is off the ground. The guest is also equipped with a zip line trolley with an integrated auto-locking carabineer. Staff members will monitor the park offering assistance where needed.

The guest will be required to successfully navigate through a yellow or green course before advancing to the more technical blue and black course designations. As each course originates from the starting platform, a designated staff member will monitor this progression and inspect each guest's harness and SSB safety lanyard prior to the guest beginning the next course. Please see attachments for more detail on aerial park operations and illustrations.

Aerial adventure parks have proven to be successful businesses. The proposed aerial adventure park fits in well with the community, topology, and meets the goals of the Park county master plan. Commercial property in the area is very limited. The property at 60117 Hwy. 285 has proved challenging to other types of businesses.

The proposed aerial adventure park embraces the challenging topology of the property. The business model and traffic flow have gained approval from CDOT, with no changes to the highway. The business model is based upon a reservation business, which allows for predictable traffic flow.

The property is bordered by residential properties and with the heavy foliage and distance of residences, it is unlikely that the owners will be aware of the business. The elements of the aerial adventure park will be hidden deep within the boundaries of the property and none of the adjacent residential property owners will be able to see them from their residences.

The proposed aerial adventure park will attract tourists directly to the Bailey business district. It will contribute to the local economy with low-impact tourism. Bailey's economy is primarily supported by local patrons. Bailey is a

pass through community for tourists. Approval of the aerial adventure park will contribute to making Bailey a destination and patrons of the park will also become patrons of our local businesses who struggle to survive. This small increase in tourists will have a very positive impact on the perception of Bailey and help bring additional economic opportunities to town.

PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT

Planning Commission Hearing Date: November 8, 2016

To: Planning Commission Members

Date: October 25, 2016

Prepared by: Jill Falchi, Planning Technician
Sheila Cross, Director of Development Services

Subject: Bailey Aerial Adventure Park Conditional Use Permit

Request: Requesting a Conditional Use Permit for an Outdoor Recreational Facility for an Outdoor Aerial Adventure Park.

Application Summary:

Applicant:	Bailey Treetop Ventures, LLC
Owner:	Bailey Trails! Alliance
Location:	Part of the N1/2SE1/4 of Section 30 Township 7 South, Range 72 West of the 6th P.M. also known as Bailey Tract 45. Addressed as 60117 Hwy 285.
Zone District:	Commercial (C)
Surrounding Zoning:	Residential (R), Residential Estate (R-20), and Commercial (C). A Zoning Map is included as Attachment 1.
Lot Size:	12.7 acres
Existing Use:	Vacant
Proposed Use:	Outdoor Recreational Facility
Public Comment:	None received at the time of report preparation.

Background:

Bailey Trails! Alliance, a Colorado nonprofit Corporation, purchased this vacant property in January of 2014 with the intention of opening an aerial adventure park. The property is located in Bailey, east of the County substation. The ownership structure of this nonprofit includes Tim Gregg, Berkeley Williams, Doug Wheeler, Nick Fullerton, and Cameron Fullerton.

The proposed development includes an improved driveway, parking lot, restrooms, office/storage building, and eight aerial adventure courses. See Attachment 2, Site Plan. Two ADA-accessible portalets are proposed for the first year after which permanent facilities will be required. The subject property is in the Bailey Water and Sanitation District. A Vicinity Map, Aerial Site Map and Topo Map are included as Attachments 3, 4 and 5, respectively.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a CUP (LUR Section 5-500, page 47) are listed below and summarized.

1. **The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located.**
   An outdoor recreational facility is allowed as a Conditional Use in the Commercial (C) zone district per Section 5-302, Article 5 of the Park County Land Use Regulations.
2. **The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed conditional use.**
   The average elevation of the property is 7,900 ft. with more than 20% slope in the topography. The North Fork of the South Platte is directly south of the subject property. In addition, there is an intermittent stream running north to south through the subject property toward the Platte. Development of any structures other than poles within the watercourse setback will require variances.
3. **The Conditional Use will conform to all applicable requirements of the zone district and these Land Use Regulations and does not create a substantial safety concern for anticipated visitors to the property.**
   The proposed use will conform to applicable requirements for the zone district, Park County Land Use Regulations, and State law. No safety concerns are anticipated. Please refer to the safety discussion under Impact Analysis.
4. **The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare.**
   The applicant has obtained a CDOT access permit and as a condition is required to provide a grading plan to show that drainage along the driveway will be retained on private property or released at historic rates.
5. **Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit.**

Park County Development Services has recommended a traffic analysis, and will require the access drive to be engineered and to meet the County's road standard.

6. **The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area.**
   With appropriate conditions, review of more detailed course information, and conformance to all applicable regulations, the proposed conditional use can be developed and operated in a way that provides compatibility with the surrounding area. There are three single family dwellings on adjacent properties, 350 feet, 500 feet, and 900 feet respectively from the proposed development site. Distance from existing dwellings will reduce noise disturbance. In addition, the proposed facility must be in compliance with Park County's sound ordinance. Staff does not anticipate significant environmental impact to the area as the applicants will need to conform to Park County's watercourse setback requirement. Traffic impact is unknown.
7. **In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record will be considered.**
   There are no applicable covenants, conditions, or restrictions to be considered.

Impact Analysis:

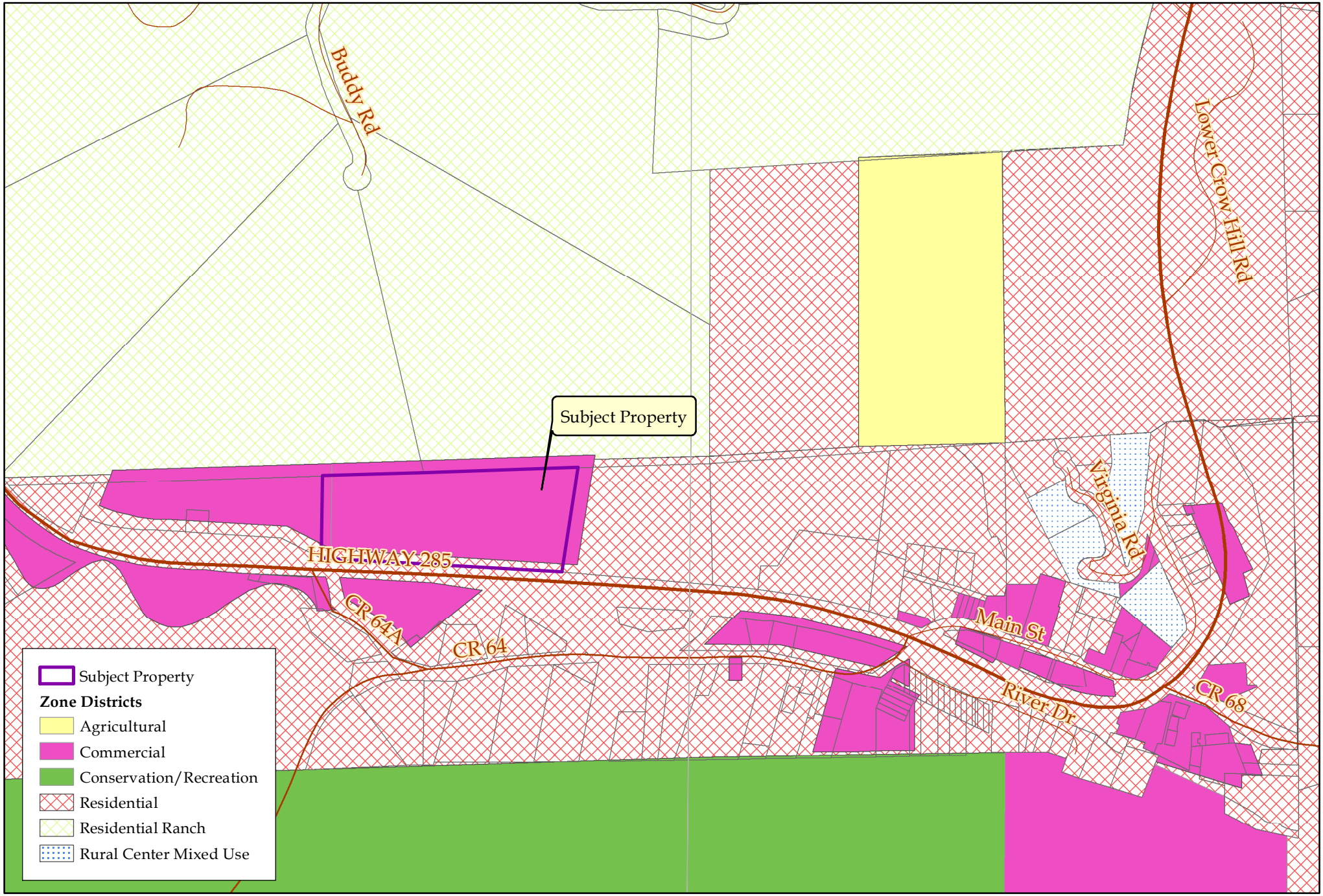
No significant impact is anticipated to, roadways, schools, parks, storm drainage or utilities. Impact to traffic is unknown. Although the applicant has provided some 2015 data regarding the number of vehicles that traveled through the corridor, Planning Staff is specifically concerned about the impact of increased northbound traffic turning left into and out of the subject property.

The Colorado Department of Labor & Employment, Division of Oil & Public Safety (OPS) Amusement Device Section is the regulating agency for zip lines and challenge courses within the state. All zip lines located in Colorado must register with the OPS office through an application process and must follow specific safety, liability, and inspection provisions to be registered and operational. Additionally, the construction of all aerial park installations must follow the construction standards of the OPS and third-party inspections must be hired by the operator annually to inspect the zip lines and associated platforms. All ride operators must be trained in accordance with appropriate state standards. Zip line Guidance is provided as Attachment 6.

Recommendation:

Based on the foregoing, staff recommends that this CUP be approved with the following condition.

1. Development of any structures other than poles within the water course setback will require a variance.
2. The applicant shall submit a state application to the State of Colorado's Division of Oil & Public Safety, Amusement Rides and Devices Program to register the aerial park. Evidence of completed registration will be required prior to opening the park to the public.
3. The applicant and his successors shall maintain and keep active all certifications and registrations with the Colorado Department of Labor and Employment, Division of Oil & Public Safety. Copies shall be available on site.
4. The applicant shall retain a third-party plans examiner to review and approve the construction plans for each platform, challenge, and zip line. Building plans will need to be engineered and stamped by a Colorado licensed engineer.
5. The applicant shall retain a third-party inspector to investigate the safety of the construction of each platform, obstacle, challenge, or zip line prior to the park opening to the public. The inspector shall be certified or licensed with the State of Colorado as capable of inspecting aerial parks or challenge courses.
6. Liability insurance must be submitted to both the state and the county of an amount not less than $1 million per occurrence for Class B amusement rides insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride or device. The insurance policy shall be maintained and, if the insurance policy lapses, the applicant's CUP may be revoked.
7. Quarterly safety reports will be submitted to the County for the first three years of operation. This report will be due within 1 month of the end of each quarter. An annual safety report will required for each year after (starting in the 4th year) due by February 1st of that year.
8. All platforms and towers that are over 35 feet in height are subject to obtaining a height variance from the Park County Board of Adjustment.
9. Temporary sanitation facilities may only be used for up to one year after approval after which, permanent facilities will be required.
10. Hours of operation for the aerial park may be limited to normal business hours (i.e. 8am-6pm) to mitigate the potential negative impacts from noise and traffic to the surrounding properties.
11. Signage for the aerial park will need to follow the County's standards for signage in the Residential zone district.



N

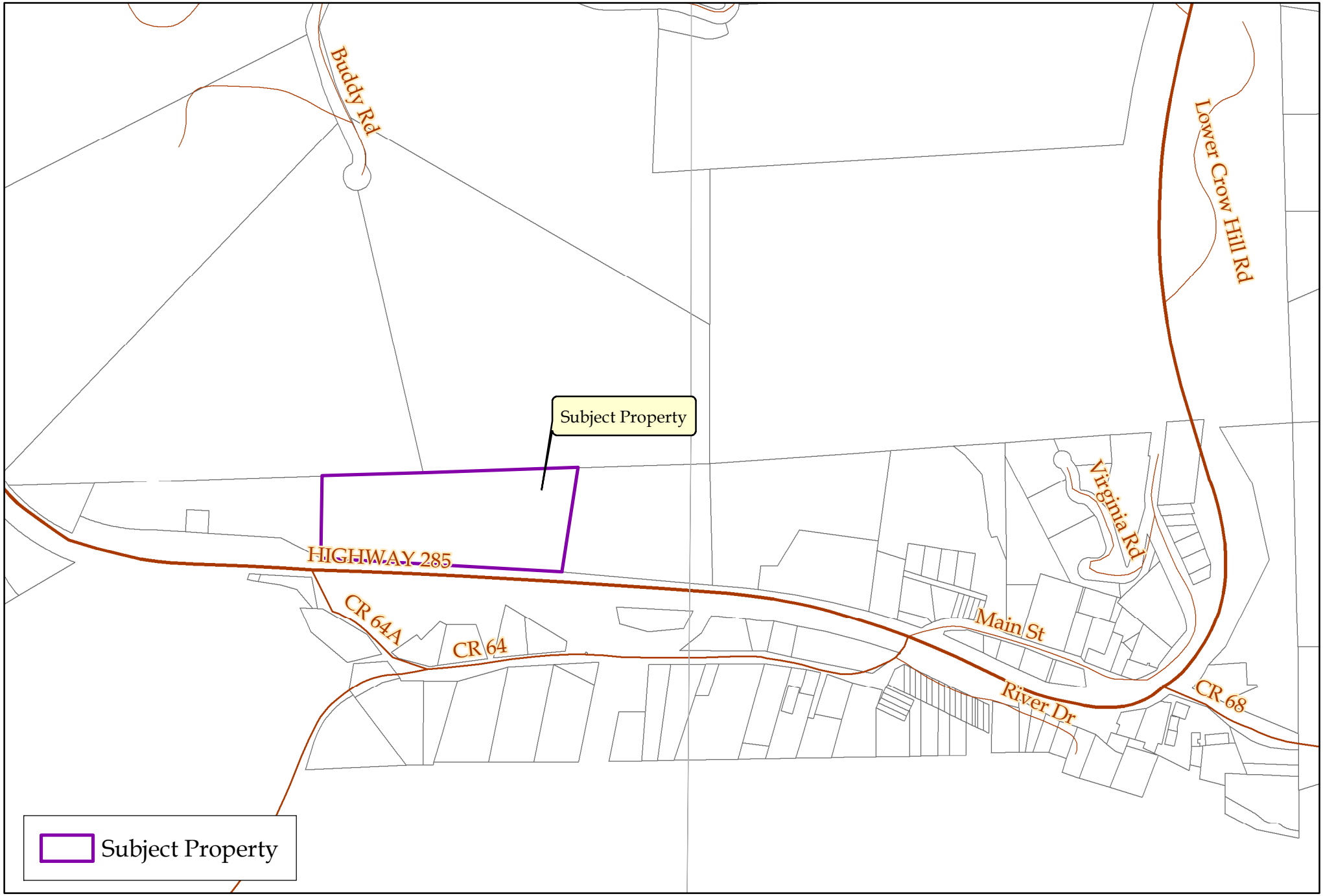
Attachment 1: Zoning Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

Attachment 2: Site Plan



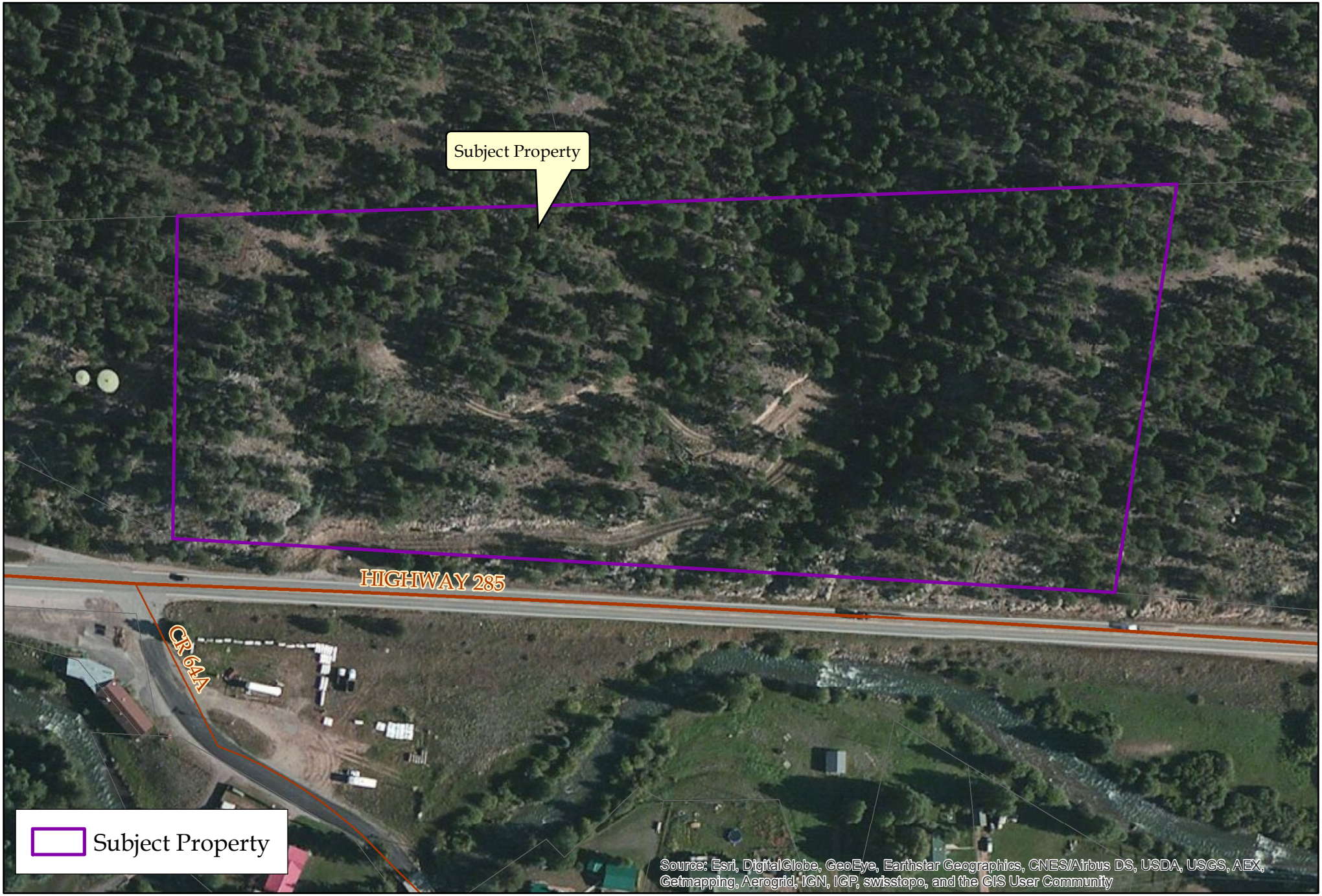
N

Attachment 3: Vicinity Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department



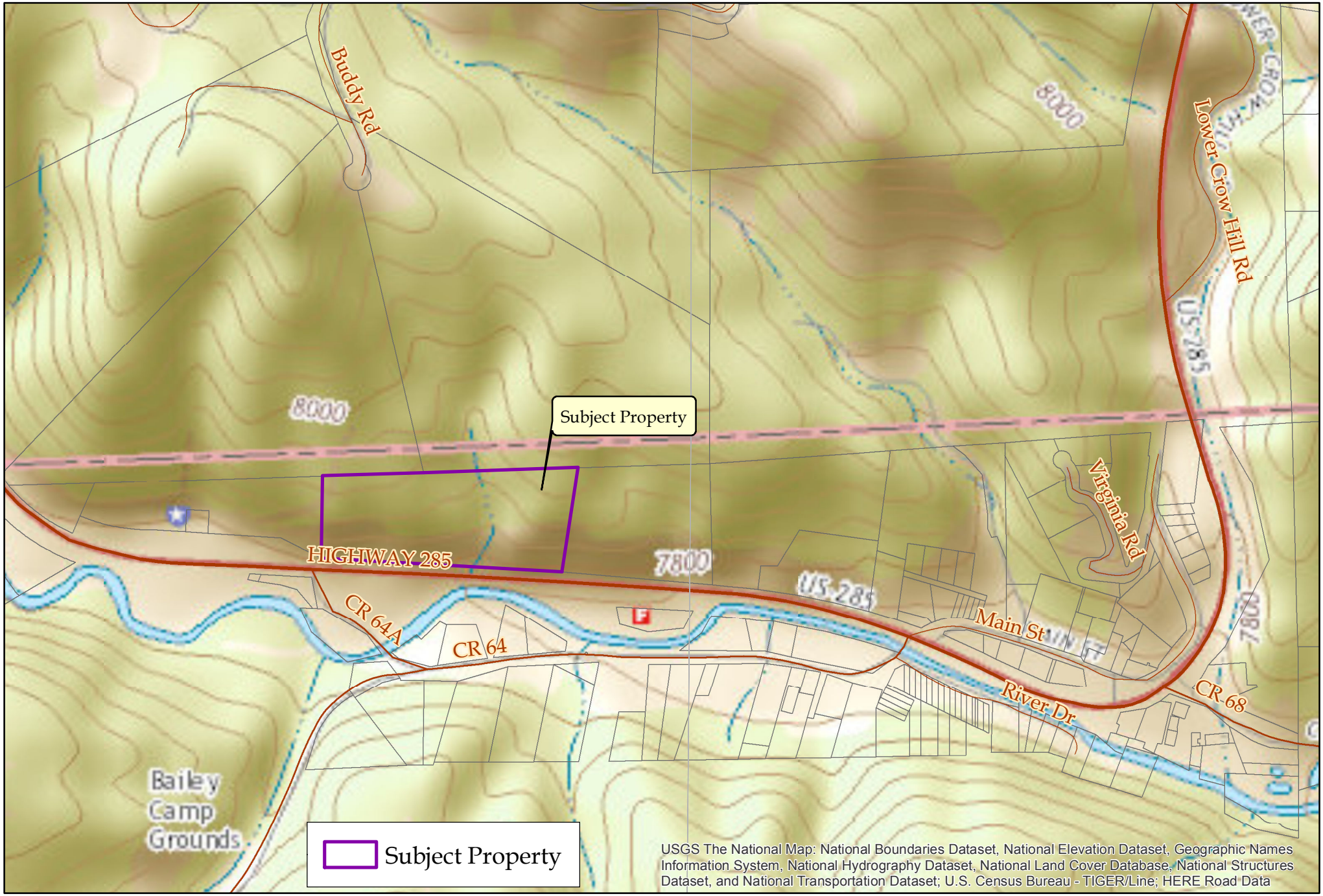
N

Attachment 4: Aerial Map

Aerially Photographed in 2013

0 145 290 580 Feet

Park County Planning Department



N

Attachment 5: Topo Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

Colorado Department of Labor & Employment – Division of Oil & Public Safety
Amusement Device Section
633 17th St., Suite 500, Denver CO 80202-3610
Phone 303-318-8495 – Fax 303-318-8488
E-mail: scott.narreau@state.co.us **Web:** www.colorado.gov/cdle/ops

Zipline Guidance

Effective August 24, 2012

The Division of Oil and Public Safety, Amusement Rides and Devices Program will now be regulating ziplines within the State of Colorado. All ziplines located in Colorado must be registered with the Division of Oil & Public Safety (OPS). This guidance document outlines the current requirements of zipline registration standards listed herein, Amusement Rides and Devices - 7 Colorado Code of Regulations (CCR) 1101-12, or Colorado Revised Statutes (CRS) Title 8 Article 20. As we are in the process of developing changes in our regulations, we have included in this document both current requirements and requirements that will be included in our regulation changes (in the blue font). The latter requirements are not mandatory at this time but are highly recommended. This guidance focuses on the registration requirements for all commercial zipline operations in the State of Colorado. Amusement rides and devices, including ziplines, may not operate within the State of Colorado unless the owner/operator has registered with the Division of Oil and Public Safety.

Section A. Definition

(1) *Amusement Ride or Device* means any mechanized device or combination of devices which carry or convey persons along, around or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, excitement or the opportunity to experience the natural environment.
(2) *Zipline* means a concession, commercial recreation or amusement device where participants attached to a pulley traverse by gravity from one point to another by use of a cable or rope line suspended between support structures.

Section B. Construction

(1) OPS will be adopting the ACCT standards, 7th edition. When the 8th edition is released, OPS may adopt those standards in place of the 7th edition.
(2) All zipline installations must be constructed, maintained and repaired by the following standards:
  (a) in accordance with the ASTM Standards, the ACCT Standards and/or the manufacturer's recommendations, as applicable;
  (b) in accordance with all otherwise applicable federal, state and local safety, fire, health or building codes or standards; and
  (c) as certified by a Professional Engineer. The certifications must be available for review by the Director of Oil & Public Safety or his designee. All existing operations will have 12 months from the release date of this document to comply with this requirement.

Section C. Exemptions

(1) Any amusement ride or device operated at a private event that is not open to the general public and not subject to a separate admission charge, or any amusement ride or device owned and operated by a non-profit organization who meets all the requirements in Sections 2.1, 2.2(a), 2.2(g), 2.2(h), and 2.2(i) of the regulations and operates their rides less than 8 days in any calendar year.
(2) Any amusement ride or device operator who notifies the Director of the Division of Oil and Public Safety in writing that his or her ride or device is inspected and licensed or issued a permit by one of the following agencies where said agency inspects and issues a license or permit for the ride or device is exempt.
  (a) any municipality or local government within the State of Colorado;
  (b) another state agency within the State of Colorado; or
  (c) any federal government agency.

Section D. Application

This application must be filled out to initially attain and annually renew the permit. The application can be found on our website (www.colorado.gov/cdle/amusementrides). Components of the current application are as follows:

(1) **Contact Information –** *Name of Operator, Physical Address, Mailing Address* (if different from physical), *Contact Name*, and a *Telephone Number* must be completed. Do not fill out *Registration Number* if you are a first time applicant. A number will be assigned to your operation by OPS.

(2) **Payment –** Based on the fee schedule below, payment may be submitted via cash, check, or money order (made payable to Division of Oil and Public Safety). Each zipline is considered one class B device.

This is the current fee schedule. Submit fee payment based on this schedule.

Fee Category	Registration fee for amusement ride or device operator	+	Registration fee for class A rides	Registration fee for class B rides
Fee Amount	$500	+	$100 per ride	$135 per ride

(a) A *Class A* ride or device means a ride or device that is designed primarily for use by children 12 years of age and younger commonly referred to as a "kiddie ride".
(b) A *Class B* ride or device means a ride or device that is not a class A ride or device.

This is what the fee schedule will be after our regulation changes take effect.

Fee Category	Registration fee for amusement ride or device operator	+	Registration fee per ride or device
Fee Amount	$500	+	$130

(3) **Type of Operator:**
(a) Check *Permanent Device Operator* if your zipline stays in one location.
(b) Check *Portable Device Operator* if your zipline is used in more than one location.

(4) **Liability Insurance Information –** *Insurance Carrier's Name*, *Policy Number*, *Effective Date*, and *Expiration Date* must be completed regarding your liability insurance. See section (C)(7) of this document for more information on insurance requirements.

(5) **Certificate of Inspection –** A certificate of inspection must be completed by a qualified third-party inspector for each zipline. The name of the zipline, serial number and manufacturer of the zipline must match the list of rides in the application (see section (C)(9) for information on the list requirements).
Note: See section D for more information on what needs to be inspected.

(6) **Injury Occurrence(s):**
(a) Mark "yes" if any injury occurring in any state caused by an amusement ride which results in death or requires medical treatment. An *injury* is caused by the ride if the injury occurs on the ride/device or is in any way associated with the ride/device.
(i) You must also attach a copy of the injury report. The report must include the kind of injury, date of injury, cause of injury, and name of ride/device.
(b) Mark "no" if you have not had any injuries on your zipline.

(7) **Certificate of Liability Insurance –** You must request that your liability insurance carrier submit a certificate of liability insurance directly to OPS to be placed with your application.
(a) The liability insurance must be in the amount of not less than $100,000 per occurrence with a $300,000 annual aggregate for Class A amusement rides and devices and an amount of not less than $1 million per occurrence for Class B amusement rides and device insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride or device.
(i) A *Class A* ride or device means a ride or device that is designed primarily for use by children 12 years of age and younger commonly referred to as a "kiddie ride".
(ii) A *Class B* ride or device means a ride or device that is not a class A ride or device.

(b) For governmental entities, insurance or self-insurance in accordance with section 24-10-115 of The Governmental Immunity Act, or participation in a public entity self-insurance pool pursuant to section 24-10-115.5 of The Governmental Immunity Act shall be deemed to meet the financial standards of this section.

(8) **Dates and Locations** (for portable amusement devices only) – Only locations within the State of Colorado are required to be listed.
(a) *Dates of Operation* shall mean the beginning and end dates of being set up at that location.
(b) *Location Name* shall mean the name of the building or fairgrounds you will be set up in or outside of (some examples are Douglas County Fairgrounds, Westminster High School, Winter Park Ski Resort, etc.).
(c) *Location Address* shall mean the street address of the above location.
(d) *Location City* shall mean the city of the above location.

(9) **List of All Amusement Rides or Devices –** List each device on a separate line with the name of the device, the trade name of the manufacturer of the device, and the serial number of the device. If there is no serial number issued by the manufacturer then we recommend that you develop a serial number of your own in order to differentiate your current device(s) from any new devices you may get or when/if you replace your current device(s).

(10) **Attestation Signature –** The person who fills out this section is certifying that the information provided in the application is true and correct to the best of their knowledge. All fields must be completed.

Section E. Third-Party Inspection

(1) A third-party inspector must be hired by the operator annually to inspect the zipline and approve it per the *Construction* requirements listed in Section B.
(a) The third-party inspector must be qualified by training, such as attainment of Level II certification from the National Association of Amusement Ride Safety Officials (NAARSO), attainment of Level II certification from Amusement Industry Manufacturers and Suppliers International (AIMS), attainment of a qualified inspector certification from the Association for Challenge Course Technology (ACCT), or other similar qualification from another nationally recognized organization; or education, such as a registered Professional Engineer in a related discipline; or experience evaluated and approved in advance, by OPS, to conduct safety inspections of amusement rides or devices in accordance with the ASTM standards, the ACCT Standards and/or the manufacturer's recommendations and criteria, as applicable. The inspector may also be a qualified State of Colorado employee whose inspection services are retained for an additional fee.
(b) The third-party inspector must determine whether the zipline is being constructed, assembled, maintained, tested, operated, and inspected in accordance with the ASTM standards, the ACCT Standards and/or the manufacturer's recommendations, as applicable, and must determine the current operational safety of the zipline.
(2) The inspection shall be conducted with the zipline in an operable state prior to opening to the public and shall include an evaluation of the zipline for a minimum of one complete operating cycle. The third-party inspection must include:
(a) a review of the method to test the stress and wear-related damage of critical parts that the manufacturer determines are reasonably subject to failure; and
(b) a review of the owner/operator's daily inspection records, inspection and maintenance program records, and training records.
(3) Upon approval, the third-party inspector must fill out a Certificate of Inspection to be included with the application. There is a blank Certificate of Inspection in the application.

Section F. Ride Operator Training

(1) The *Ride Operator* is defined as the person that has control of the amusement ride or device at all times that it is being operated for the public's use. This person must be trained in accordance with the standards listed below.
(a) ACCT Chapter 3: Operations Standards;
(b) ACCT Chapter 4: Practitioner Certification Standards; or
(c) An operator training program provided or approved by the zipline designer, engineer or manufacturer.
(2) All records of the ride operator training activities must be maintained. These records must be available to OPS auditors/inspectors, at reasonable times, including during an inspection upon the auditor's/inspector's request.

Section G. OPS Inspection / Audit

(1) OPS staff may inspect the premises and operation of the amusement ride or device to insure that the financial and safety standards required by OPS have been met.
(2) In addition to the annual inspection required, the owner/operator who operates a zipline must perform and record daily inspections of each zipline.
  (a) Every zipline operator shall maintain detailed records relating to the construction, repair and maintenance of its operation including safety, inspection, maintenance records, and ride operator training activities.
  (b) These records must be made available to the OPS auditors/inspectors, at reasonable times, including during an inspection upon the auditor's/inspector's request.
  (c) Records of the daily inspections must be available for inspection at the location where the zipline is operated, and the records must be maintained with the zipline for a period of three years.
(3) The daily inspection record must include an inspection of equipment identified for daily inspection in accordance with the applicable ASTM code, ACCT code, or the manufacturer's recommendations. Where applicable, the inspection shall include:
  (a) safety belts, bars, locks and other passenger restraints;
  (b) all automatic and manual safety devices;
  (c) signal systems, brakes and control devices;
  (d) safety pins and keys;
  (e) fencing, guards, barricades, stairways and ramps;
  (f) ride structure and moving parts;
  (g) tightness of bolts and nuts;
  (h) blocking, support braces and jackstands;
  (i) electrical equipment;
  (j) lubrication as per manufacturer's instructions;
  (k) hydraulic and/or pneumatic equipment;
  (l) check communication equipment necessary for operation;
  (m) prior to opening, operate ride through one complete cycle of proper functioning; and
  (n) any other component that is included in the manufacturer's specific ride maintenance and safety checks or ASTM standards, or that the operator or person performing the daily inspection deems necessary for inspection.

Section H. Injury Reporting

(1) A reportable injury shall be reported to OPS within 24 hours. Please call (303) 514-3281 to report an injury. A written report must be submitted to OPS within 72 hours.
  (a) A *Reportable Injury* is defined as any personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function or system, a compound fracture or other significant injury or illness caused by the operation, maintenance, malfunction or failure of an amusement ride or device. Reportable injuries do not include treatment with first aid even if performed by a physician unless follow-up treatment is required.
(2) If a death or serious injury results from the operation, maintenance, malfunction or failure of an amusement ride or device, the equipment or conditions that caused the accident need to be preserved for the purpose of an investigation by the Division of Oil and Public Safety.

Section I. Timeline for Completion

(1) All existing zipline operations will have the following deadlines for meeting the requirements:
  (a) Thirty (30) days from the release date of this document for all zipline operators to submit an application and certificate of liability insurance document to the Division of Oil and Public Safety;
  (b) Ninety (90) days from the release date of this document for all zipline operators to submit a third-party inspection certification for each zipline to the Division of Oil and Public Safety; and
  (c) Twelve (12) months from the release date of this document for all zipline operators to have ziplines constructed, maintained and/or repaired as certified by a Professional Engineer, and have those certifications available for review by the Division of Oil and Public Safety.
(2) Ziplines may not operate within the State of Colorado unless the owner/operator has registered with the Division of Oil and Public Safety. Failure to comply with this timeline may result in enforcement action via a Notice of Violation. The Notice of Violation may include a fine of up to $1000.00 per day for operating without a permit and/or an order to cease-and-desist operation of the zipline until all violations are satisfactorily corrected.

Section J. Contact Information

Scott Narreau	Program Manager	(303) 318-8495	scott.narreau@state.co.us
David Knight	Field Auditor	(303) 514-3281	david.knight@state.co.us
Nikki Lingle	Administrative Assistant	(303) 318-8519	nikole.lingle@state.co.us
Jacquee Wilson	Administrative Assistant	(303) 318-8552	jacquee.wilson@state.co.us
Public Safety Fax	(303) 318-8488		

RECEIVED 10/20/2016 09:16AM 7198364268

BUILDING

Assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4293 • *Fax*: 719-836-4268 • *E-mail address*: jfalchi@parkco.us

Referral Response

Comment Deadline Date: November 2, 2016 **Submitted Date:** October 19, 2016

Case #: 16CUP-05 Case Name: Bailey Aerial Adventure Park

Request: Applicant is requesting a conditional use permit to allow an outdoor recreational facility for an aerial adventure park.

Location/Legal Description: Property is Bailey, Tract 45 addressed as 60117 Hwy 285, Bailey.

Date of Planning Commission Hearing: Tuesday, November 8th, 2016

Date of BOCC Hearing: Thursday December 1st, 2016

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

_____

_____

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

_____

_____

_____

_____

Signed: Arlene Samuels Date: 10/20/16

Title: Admin Supervisor