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
Application.pdf
Referral Responses.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. REZONING CASE #16ZON-13

Property is 16 acres in Section 5 Township 11 Range 76 addressed as16 Redhill Road, Fairplay. Applicant is requesting to rezone the lot from the Agricultural, Residential and Commercial zone districts to the Commercial and Residential zone districts and to move the Commercially zoned portion of the lot.
APPLICANT: Park County Planning

Documents:

16ZON-13 PC Staff Report and Atts..pdf
Referral Response.pdf
Application.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

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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 03/18/2004 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 3-18-04
$ 22.50

of the County of Park and State of Colorado, grantor, and Arthur Charles Lowitzer and Robe 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 grantees, 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 grantees, 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
Peter F. Tedstrom

Nicole R. Tedstrom
Nicole R. Tedstrom

STATE OF COLORADO
COUNTY OF JEFFERSON } ss.

JEAN L. ALEXANDER NOTARY STATE OF COLORADO

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

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

Witness my hand and official seal.

Jean L. Alexander
Notary Public

WARRANTY DEED to Joint Tenants (04/07/03) File NO13462

STATE DOCUMENTARY FEE
DATE 5-26-04
$ 0

NO RECORDABLE DOCUMENT ACCOMPANIED THIS DOCUMENT

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

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

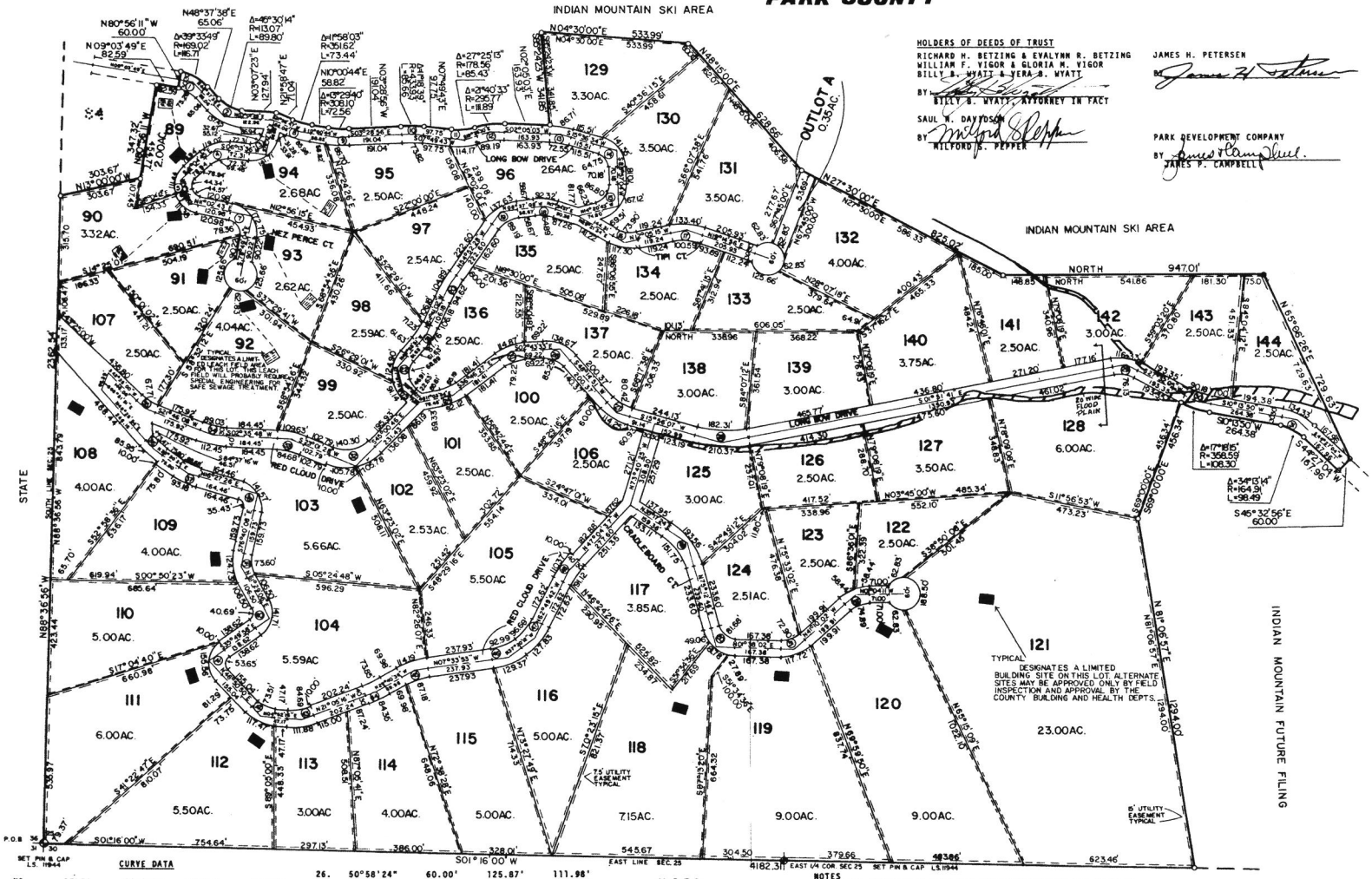
Lot 104: Gerald J. Maly & Carolyn A. Maly, 7750 County Line Rd., Meadowlands, MN55765

INDIAN MOUNTAIN
FILING 25 UNIT 2
PARK COUNTY

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



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 W. DAVIDSON
BY WILFORD 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°41'06"	60.00'	68.19'	98.41'
4.	47°18'21"	50.00'	114.16'	94.25'
5.	64°04'47"	43.59'	77.89'	87.12'
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'	79.69'
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'	226.26'	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 REAT 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°58'42"E 71.04', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE AND WHOSE RADIUS IS 381.62' 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 191.94', 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', THE ALONG THE ARC OF A CURVE WHOSE DELTA IS 27°25'13" AND WHOSE FOR A DISTANCE OF 86.45', THENCE TO THE RIGHT ALONG THE ARC 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 S85°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 WHOSE FOR A DISTANCE OF 98.49', THENCE S10°13'50"W FOR A DISTANCE 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 ACRE ALL BEARINGS ARE REFERENCED TO INDIAN MOUNTAIN, FILING NO. SAID OWNERS HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SU 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 THI AVENUES, STREETS, DRIVES, COURTS, AND PLACES HEREON SHOWN, AS SHOWN HEREON ARE RESERVED AND/OR DEDICATED FOR THE PURP

EXECUTED THIS 23rd DAY OF APRIL

INDIAN MOUNTAIN CORPO
A COLORADO CORPORATI
BY JAMES P. CAMPBELL

NOTORIAL

STATE OF COLORADO
COUNTY OF PARK

THE FOREGOING STATEMENT AND DEDICATION WAS ACKNOWLEDGED BE THIS 28 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 — HARRY L. PAULSEN
DATE

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 PROVI 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 COMMISS MEETING AFTER COMPLETION AND INSPECTION.

BY: Jay C. Cos
CLERK

APPROVAL OF PLANNING COMMISSION

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

BY: John C. S

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUN CLERK AND RECORDER OF PARK COUNTY, AT 8:30 ON THE 5 DAY OF May A.D. 1981, AND DULY FILED AT RECEPTI NO. 258564.

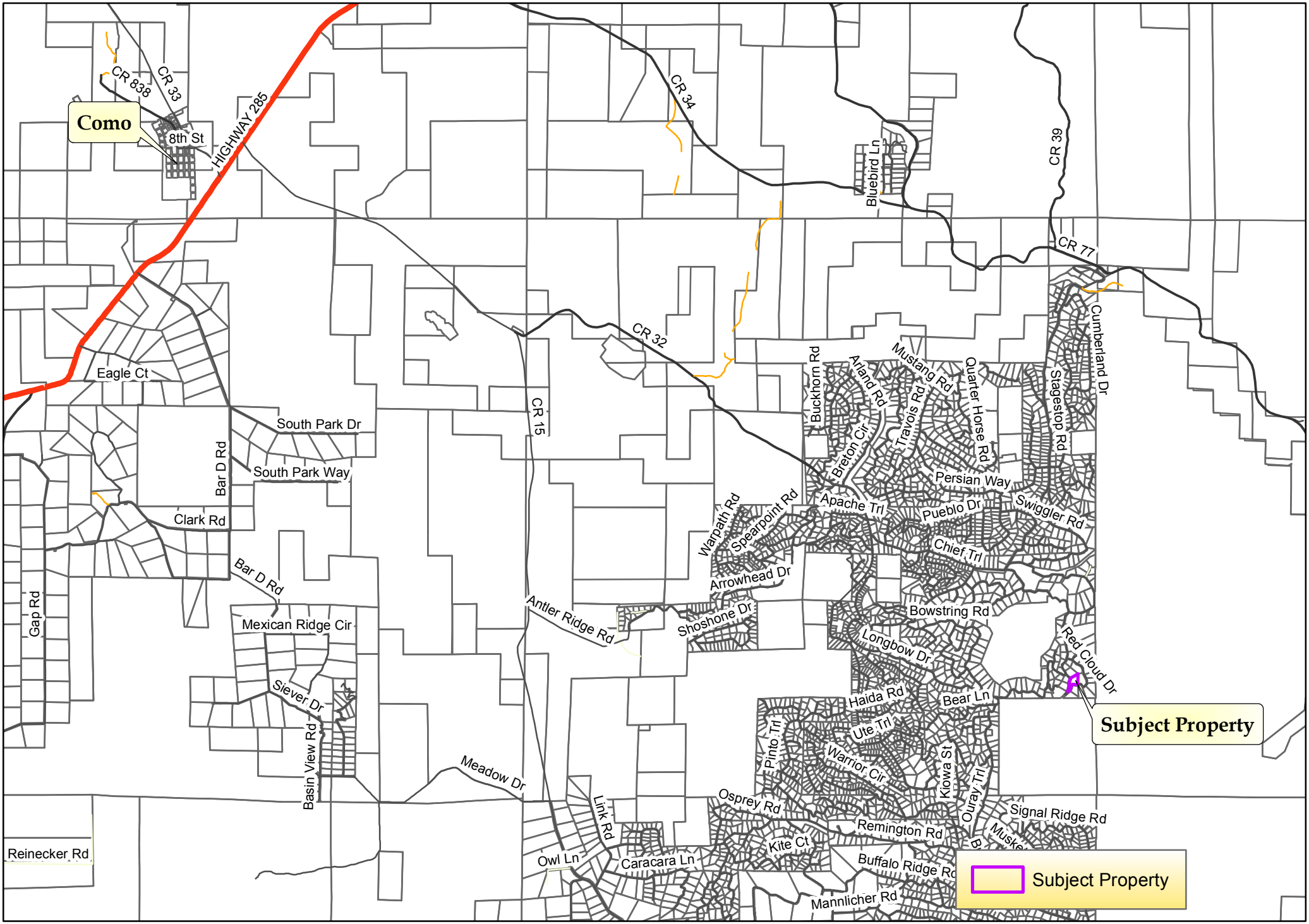
COUNTY CLERK AND RECORD

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 — OWNER James P. Campbell. Pres.
DATE

THIS SHEET CONTAINS 56 LOTS

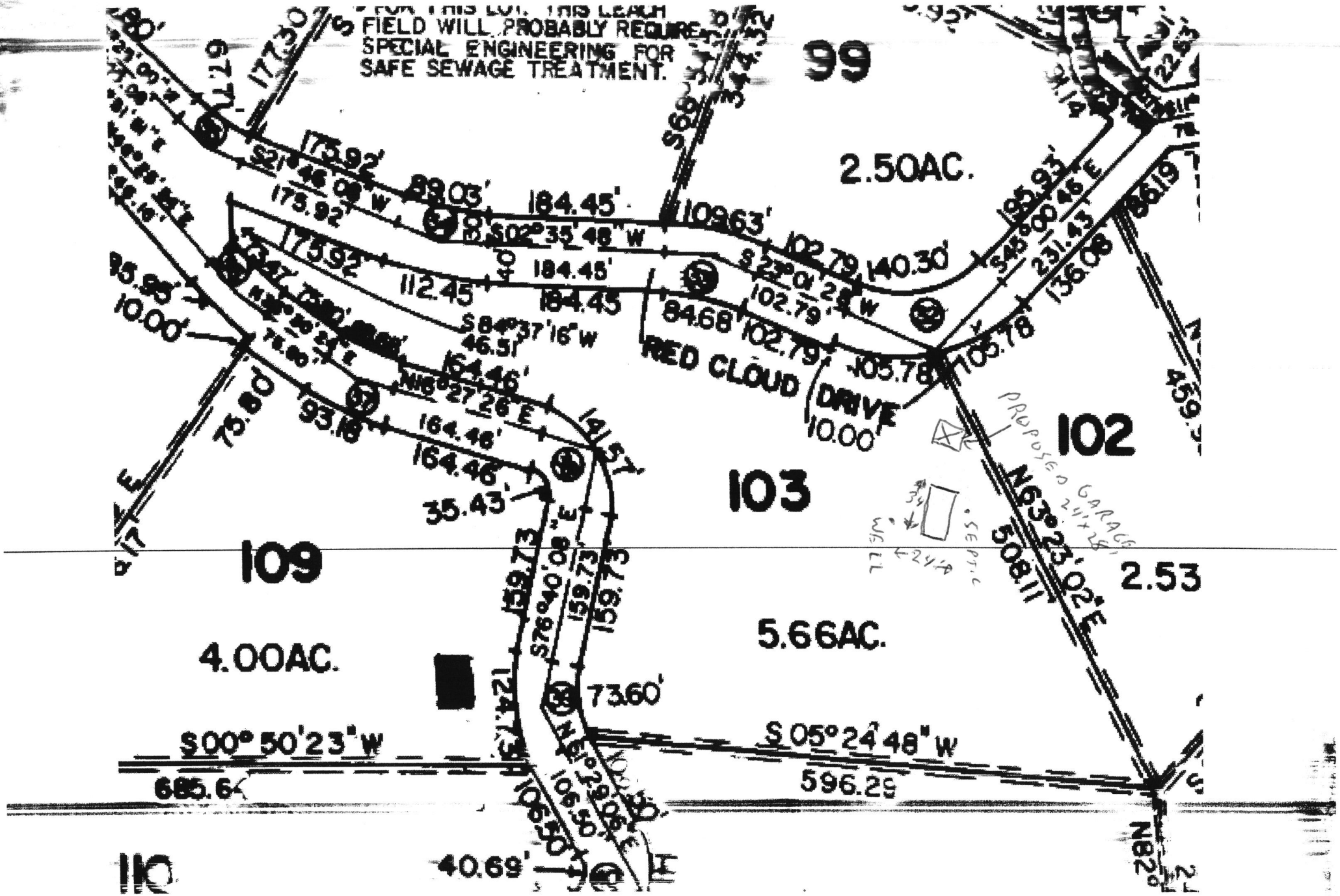


Date: 9/26/2016

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
10.00
PROPOSED GARAGE
24'x28'
SEPTIC
WELL
N63°23'02"E
508.11
S05°24'48"W
596.29
S00°50'23"W
685.6
S02°35'48"W
S84°37'16"W
N16°27'26"E
S76°40'08"E
N16°29'06"E
S69
N82°
40.69'
73.60'
35.43'
184.45'
112.45'
109.63'
102.79
140.30'
231.43'
136.08
105.78
84.68
46.51
164.46'
159.73
106.50'
124.21'
93.18
75.80'
95.95'
175.92'
89.03'
195.93'
459.9

Date: 9/26/2016

Aerial Map

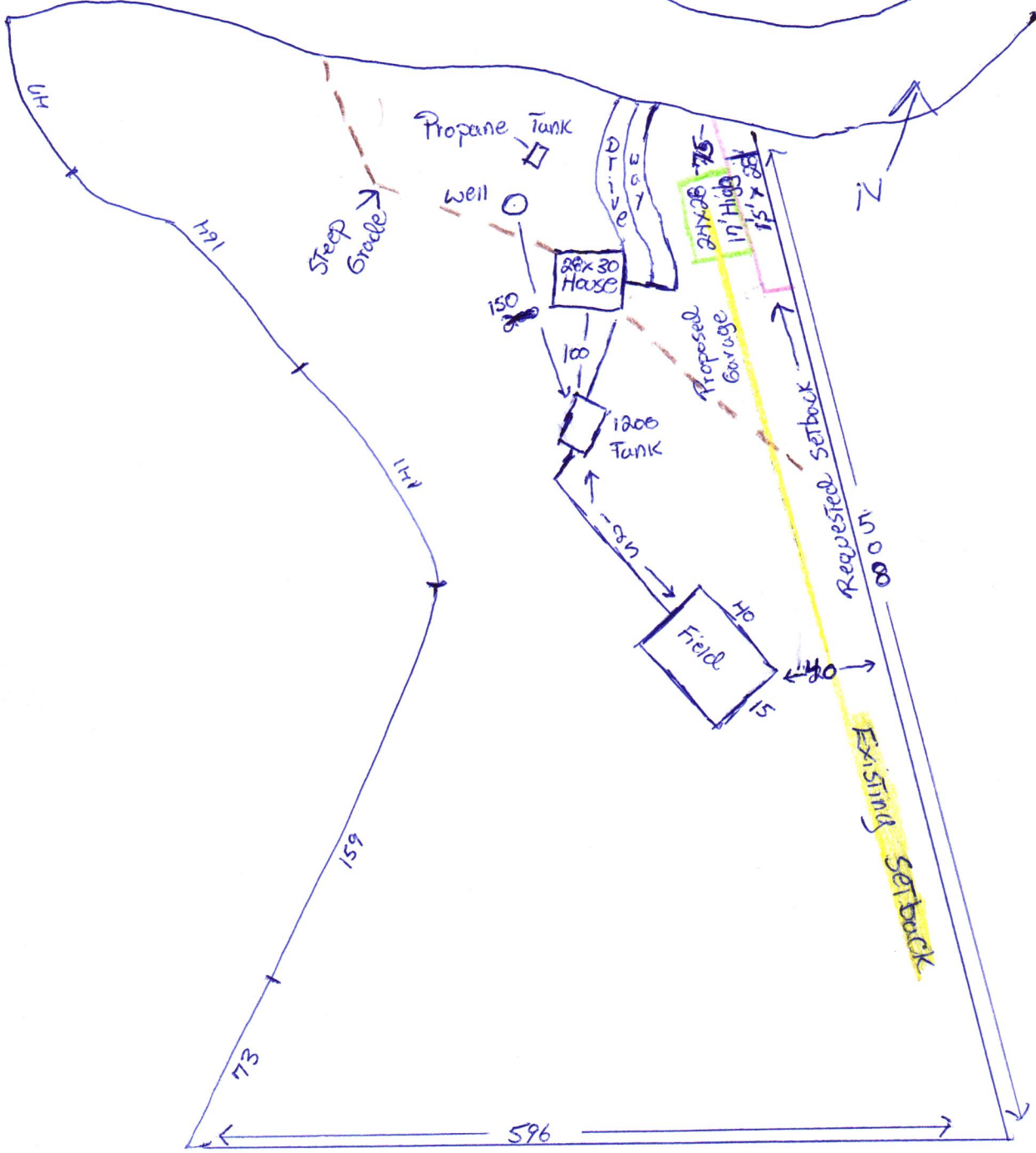
1 in = 150 feet

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

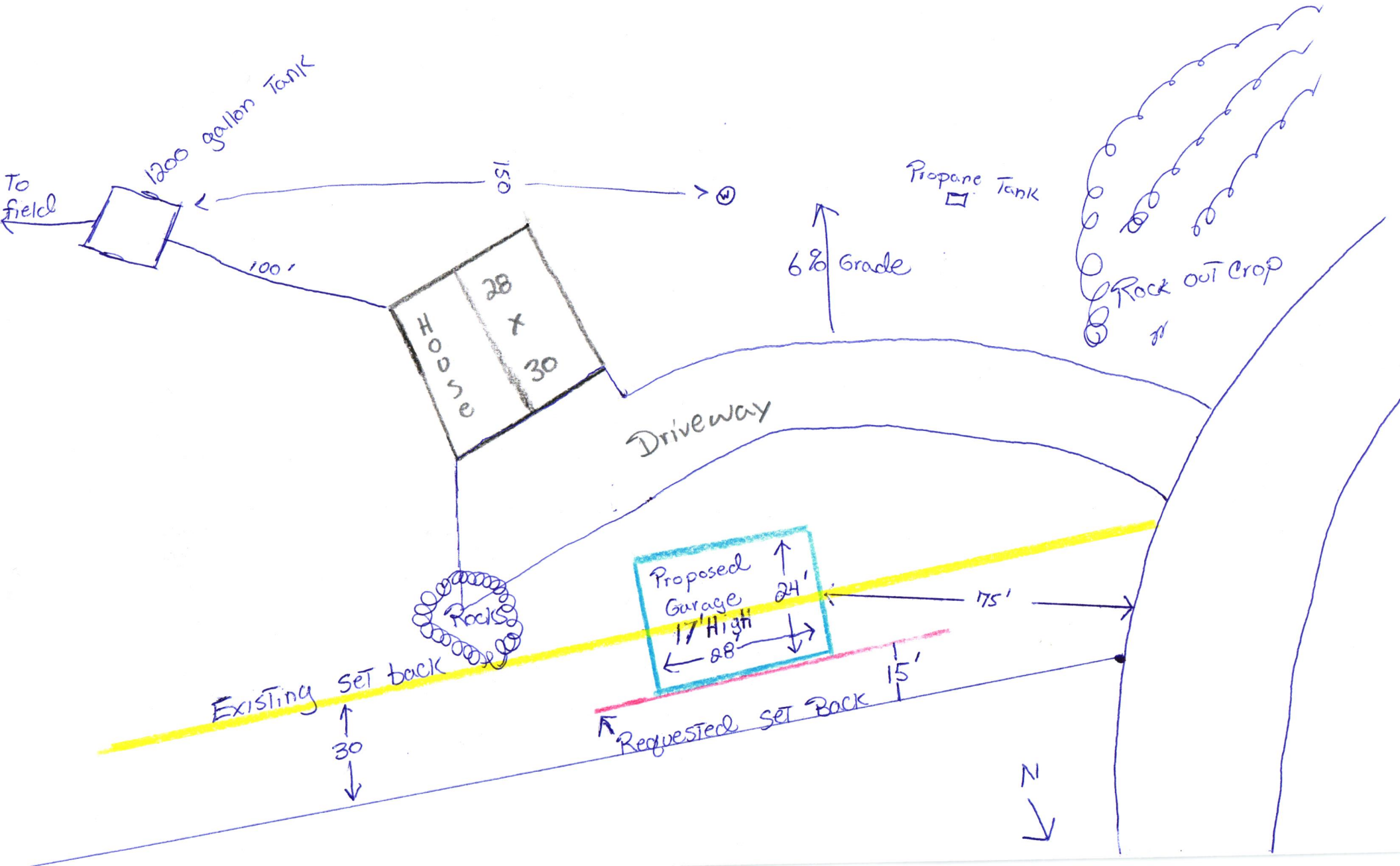
#1

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.**

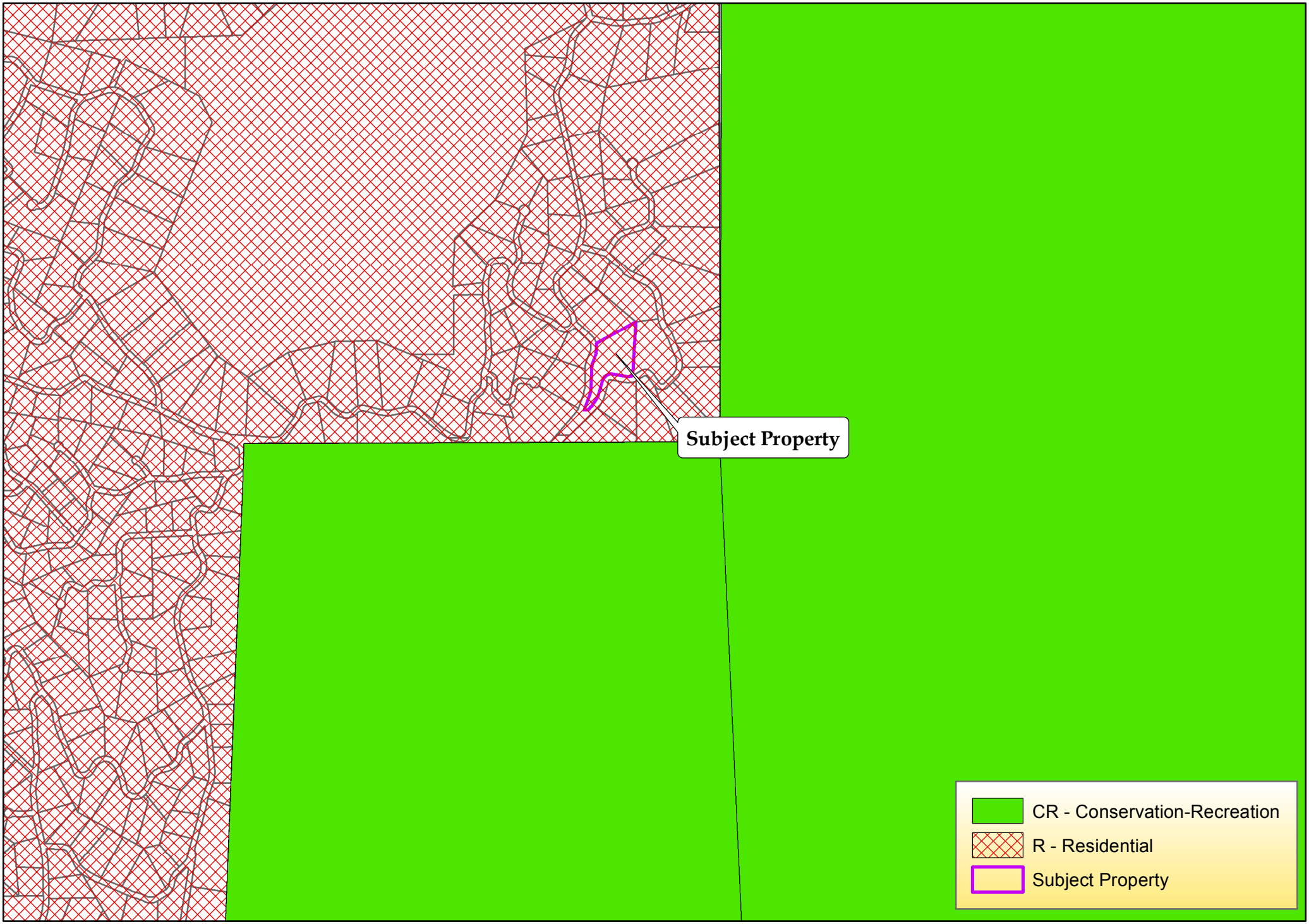
   Setback regulations exist to provide privacy, light access, and air movement between dwellings. Given that the house immediately to the north is approximately 300 feet away from the proposed building site, the purpose of the regulation would not be substantially impaired by granting the request.

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.

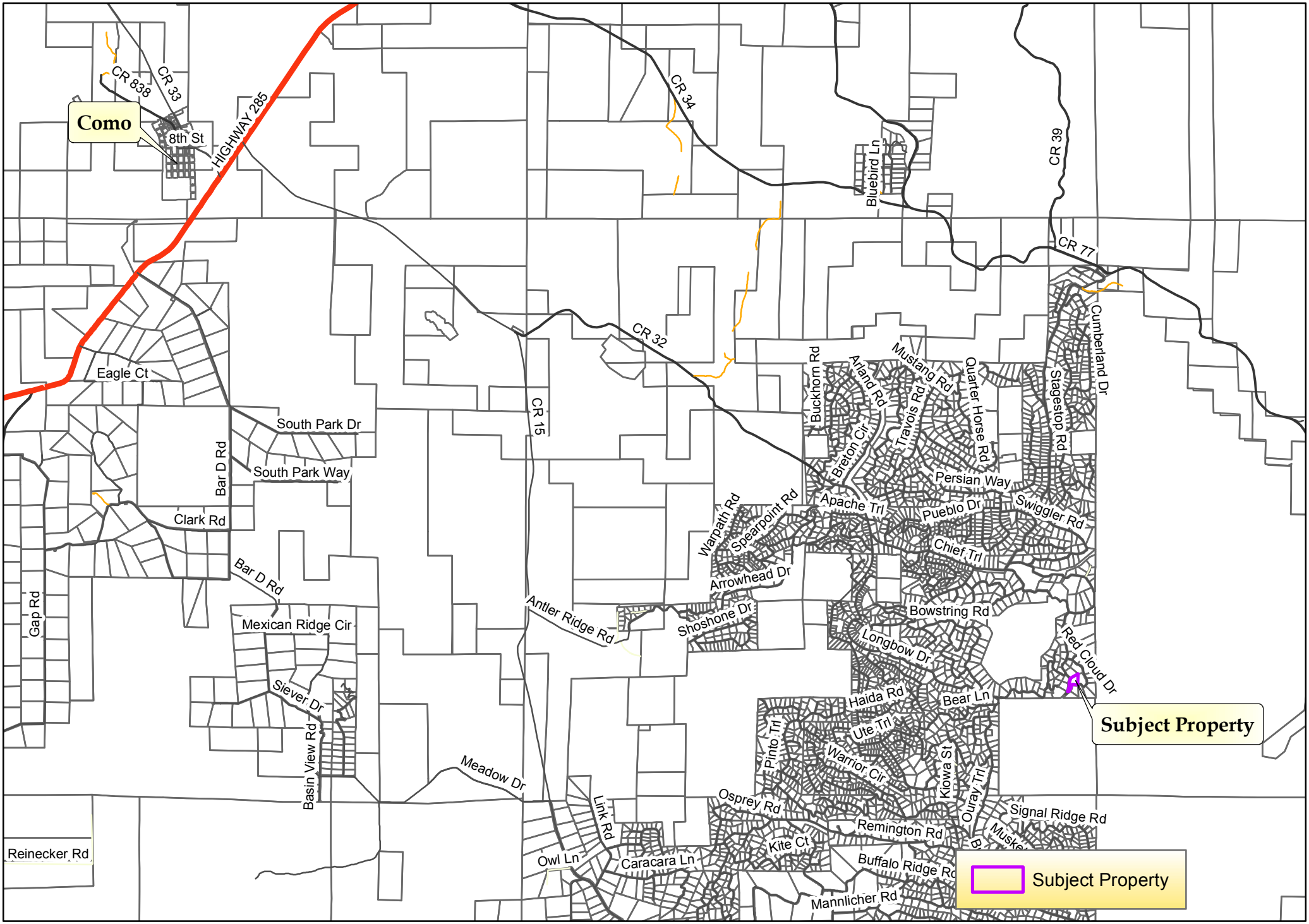


Date: 9/26/2016

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

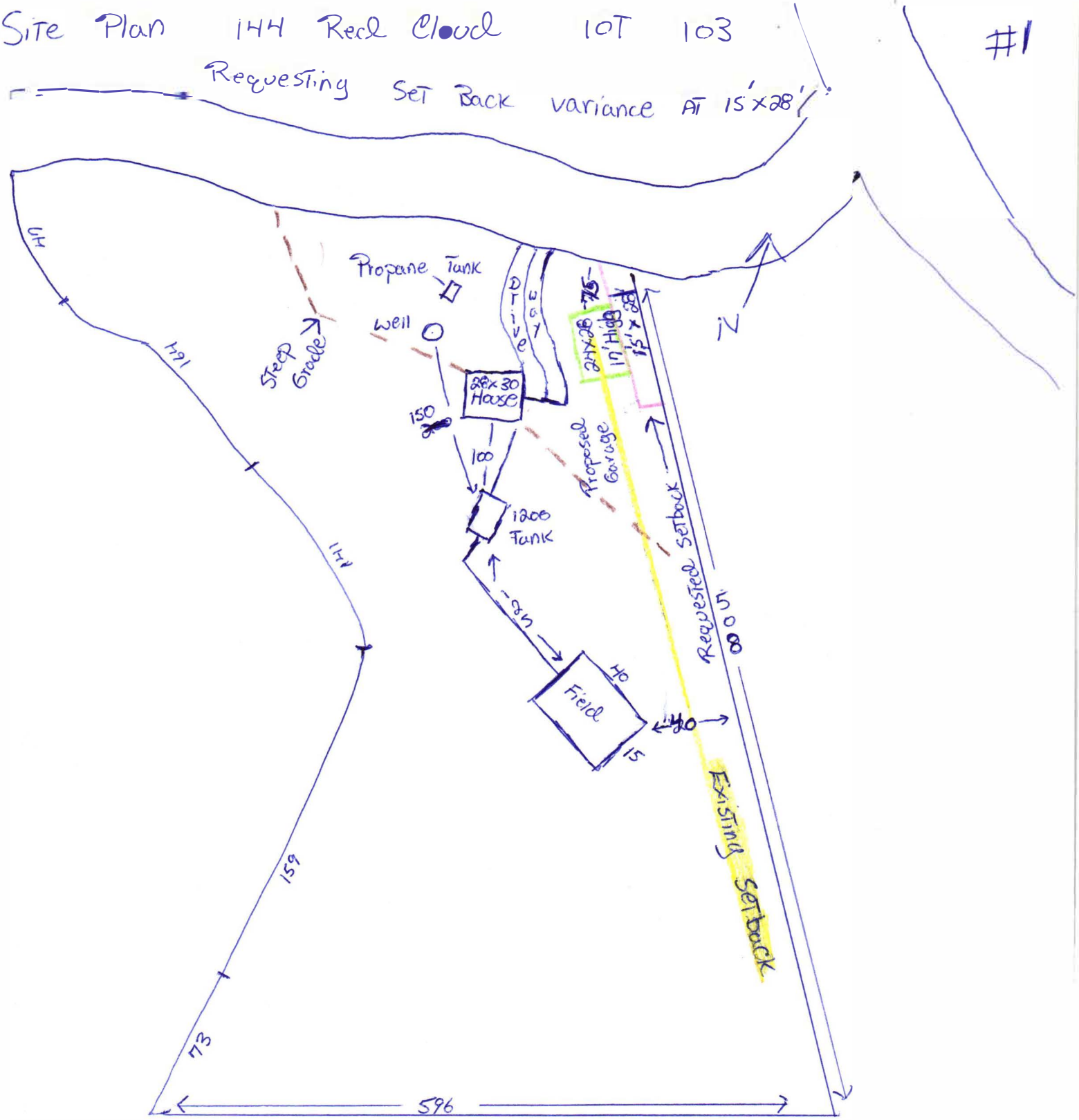


Date: 9/26/2016

0 0.5 1 2 Miles

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

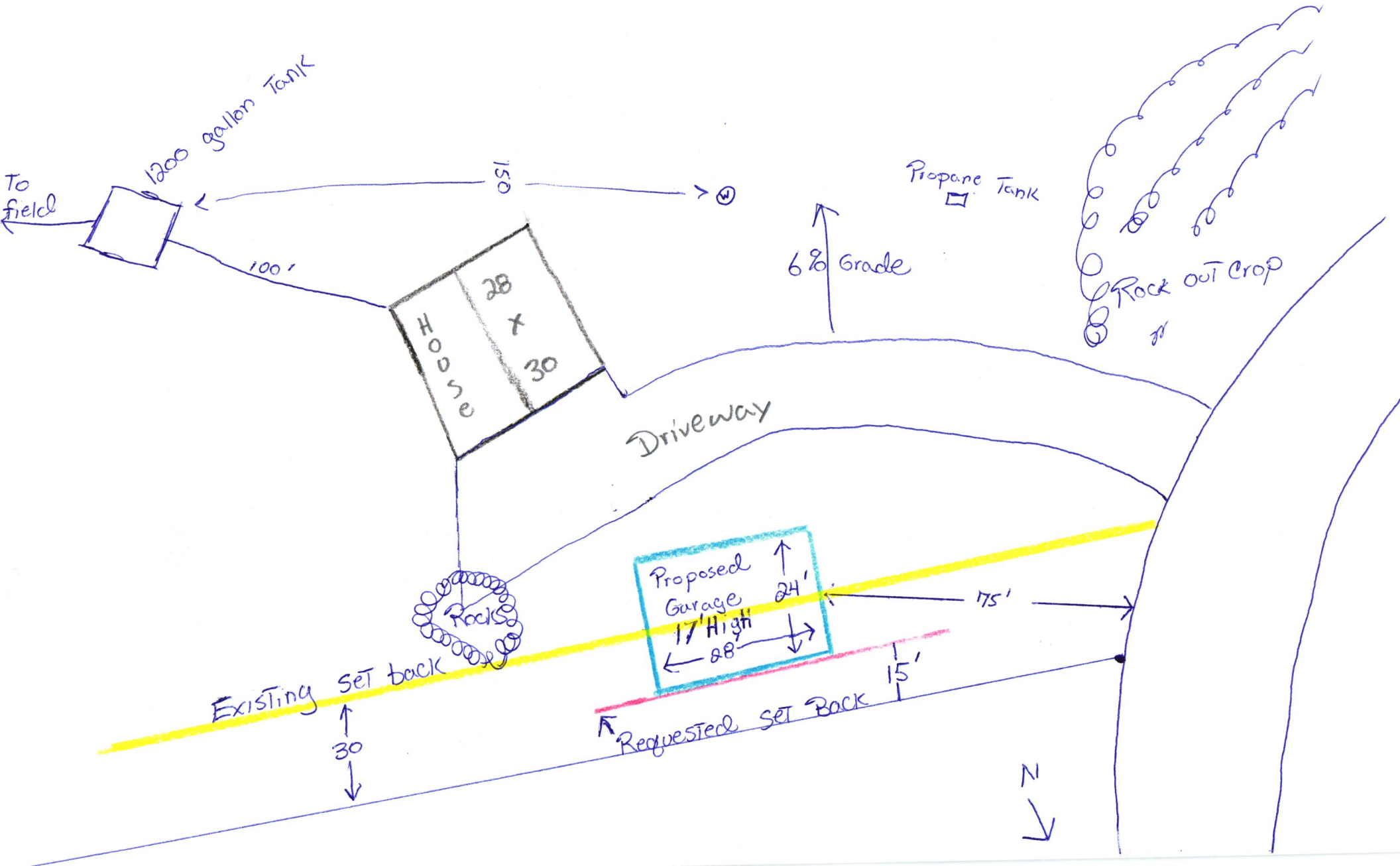
Attachment 2: Vicinity Map



Attachment 3: Site Plan

Enlarged Example: 144 Red Cloud Lot 103 #2

Site plan: Requesting set back variance

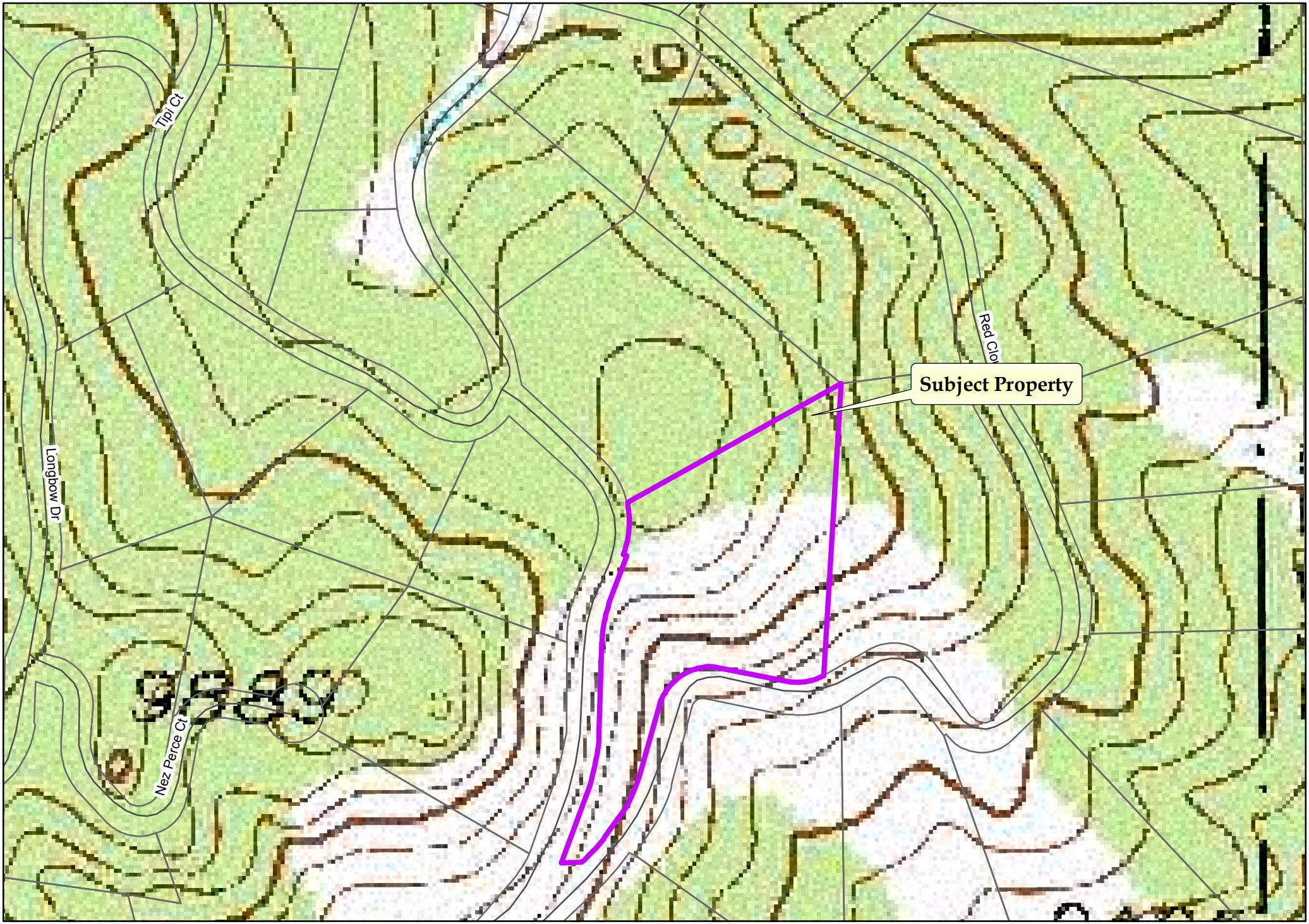


Date: 9/26/2016

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

RECEIVED 09/26/2016 01:04PM 7198364268 BUILDING

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.

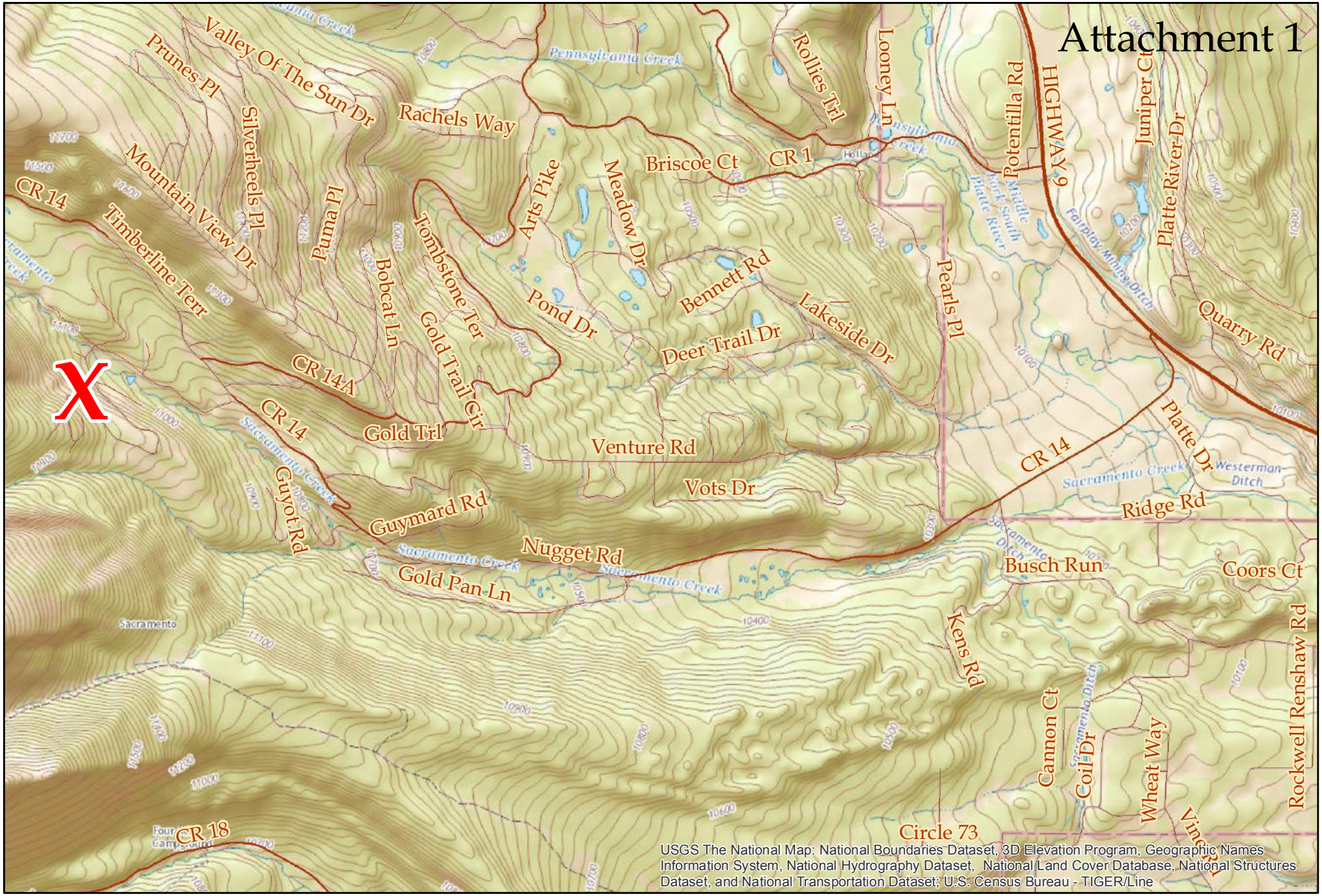
Staff does not find this variance request to be contrary to any of the Guiding Principles of the Strategic Master Plan.

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.



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

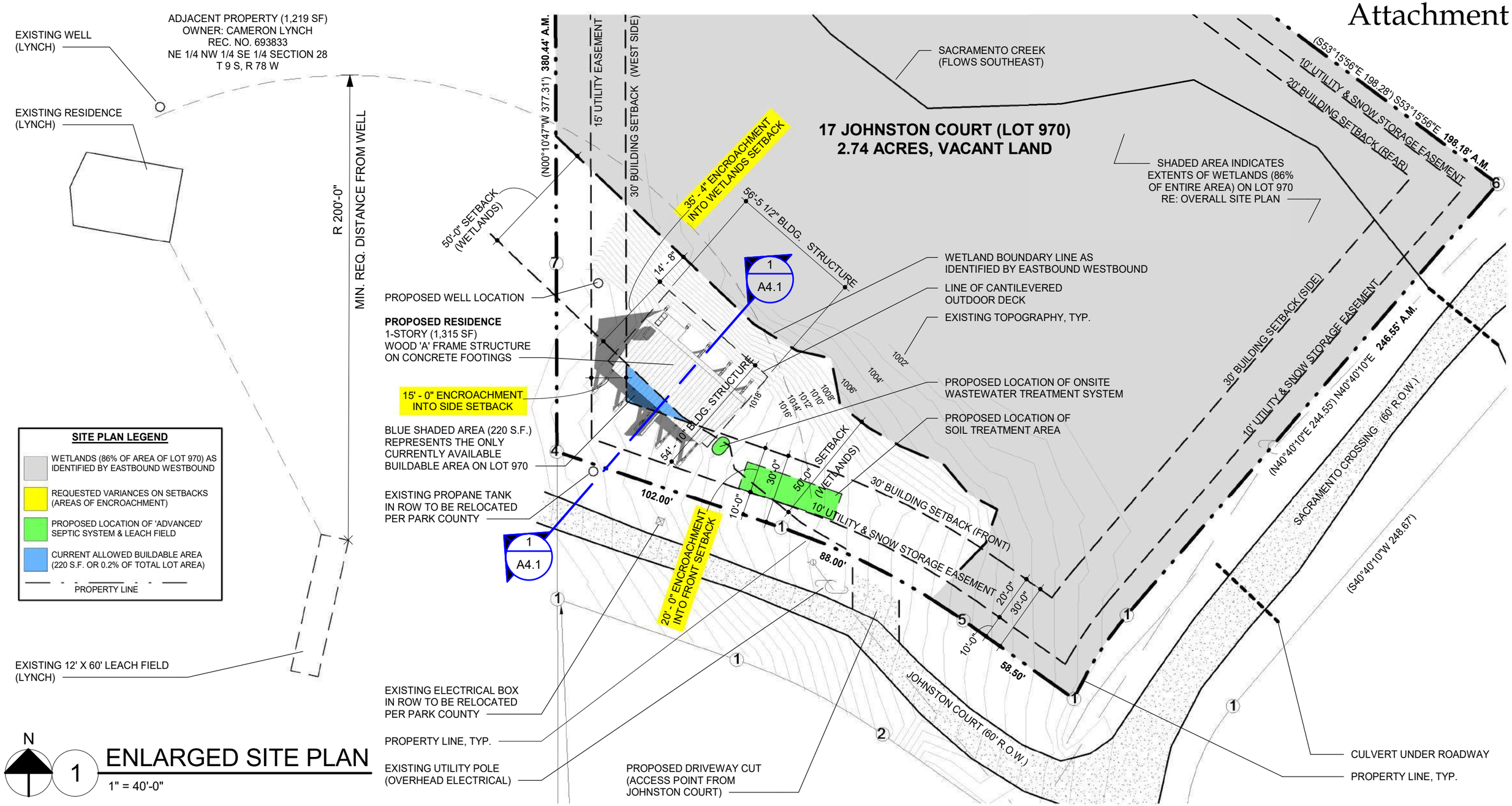
Vicinity Map

Contour Interval is Twenty Feet

0 0.5 1 2 Miles

Park County Planning Department

Attachment 2



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

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

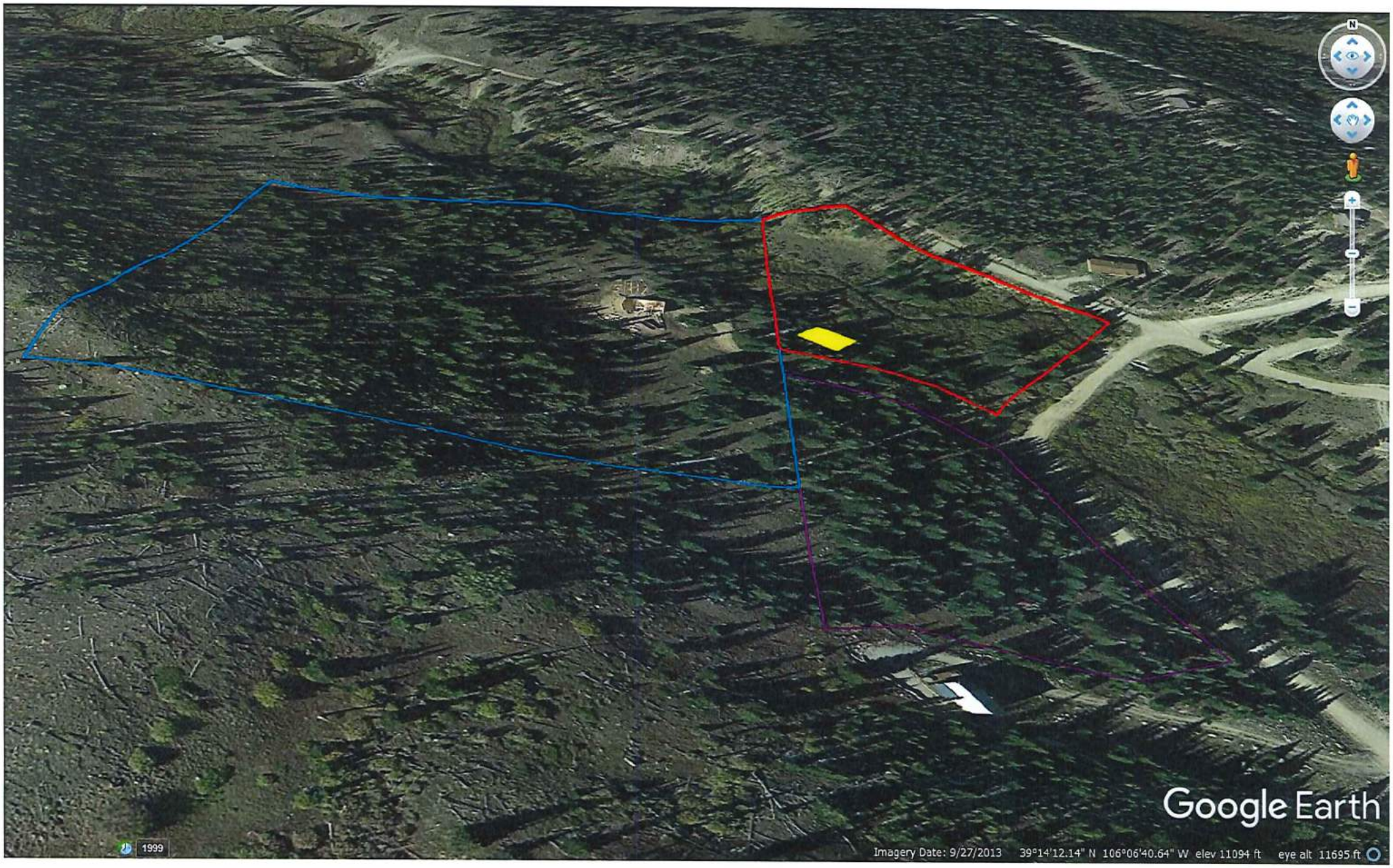
Michael R. Duncan

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

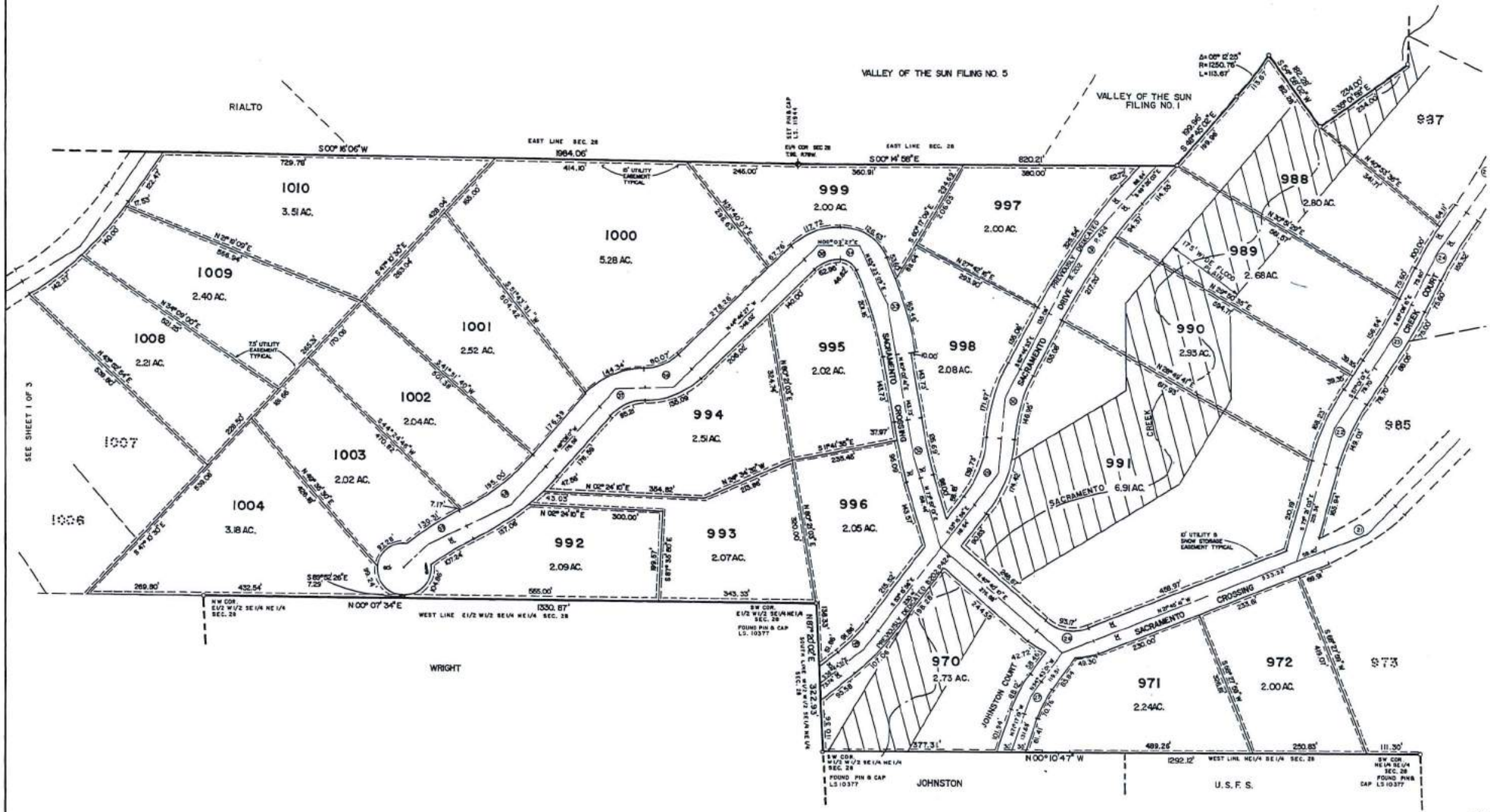
John Deagan, AICP
Park County Planner
719 836 4254


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



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

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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.

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 20124008613
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

Doc 704

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
$ 7.07

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 , 1976.

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 , 1976, 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.

Babette W. Sulzinger
Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

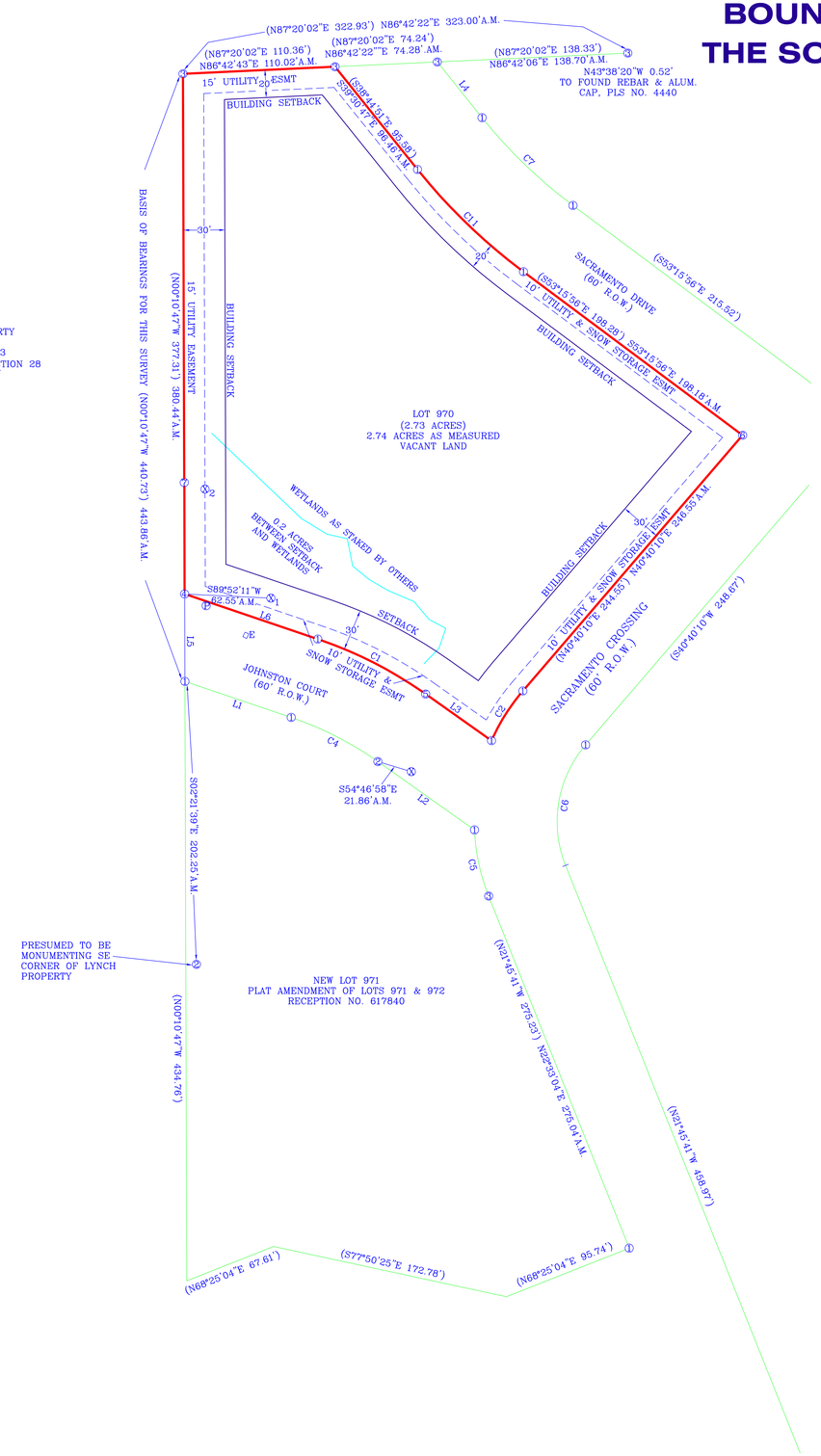
A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF PARK, STATE OF COLORADO BEING LOT NO. 1014 OF FUTURE VALLEY OF THE SUN FILING NO. 21, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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.

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	58.89'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.

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
OE 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

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

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

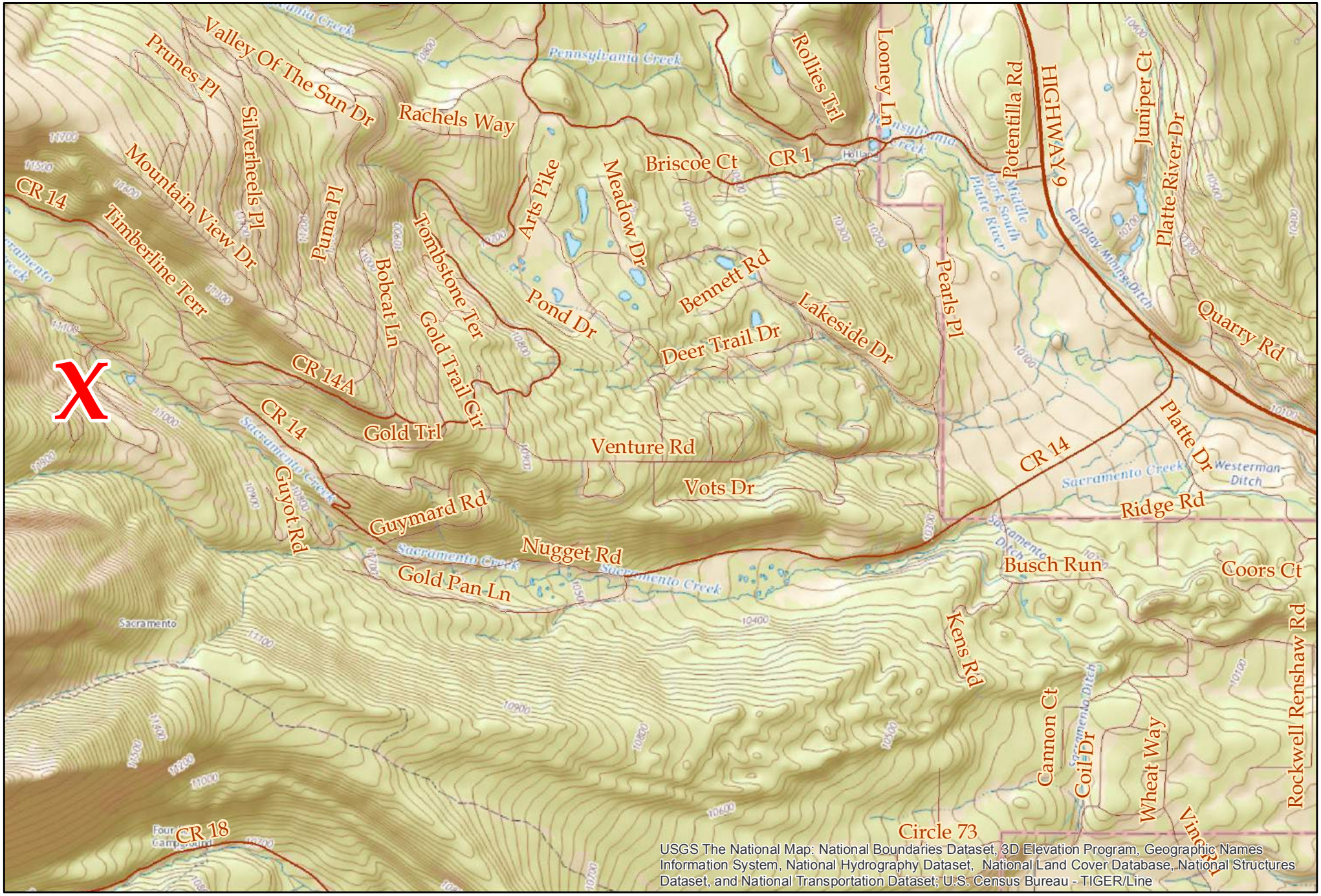
HOLLISTER ROBERT AND NANCY LIVING TRUST
245 LANING DR
WOODSIDE, CA 94062

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



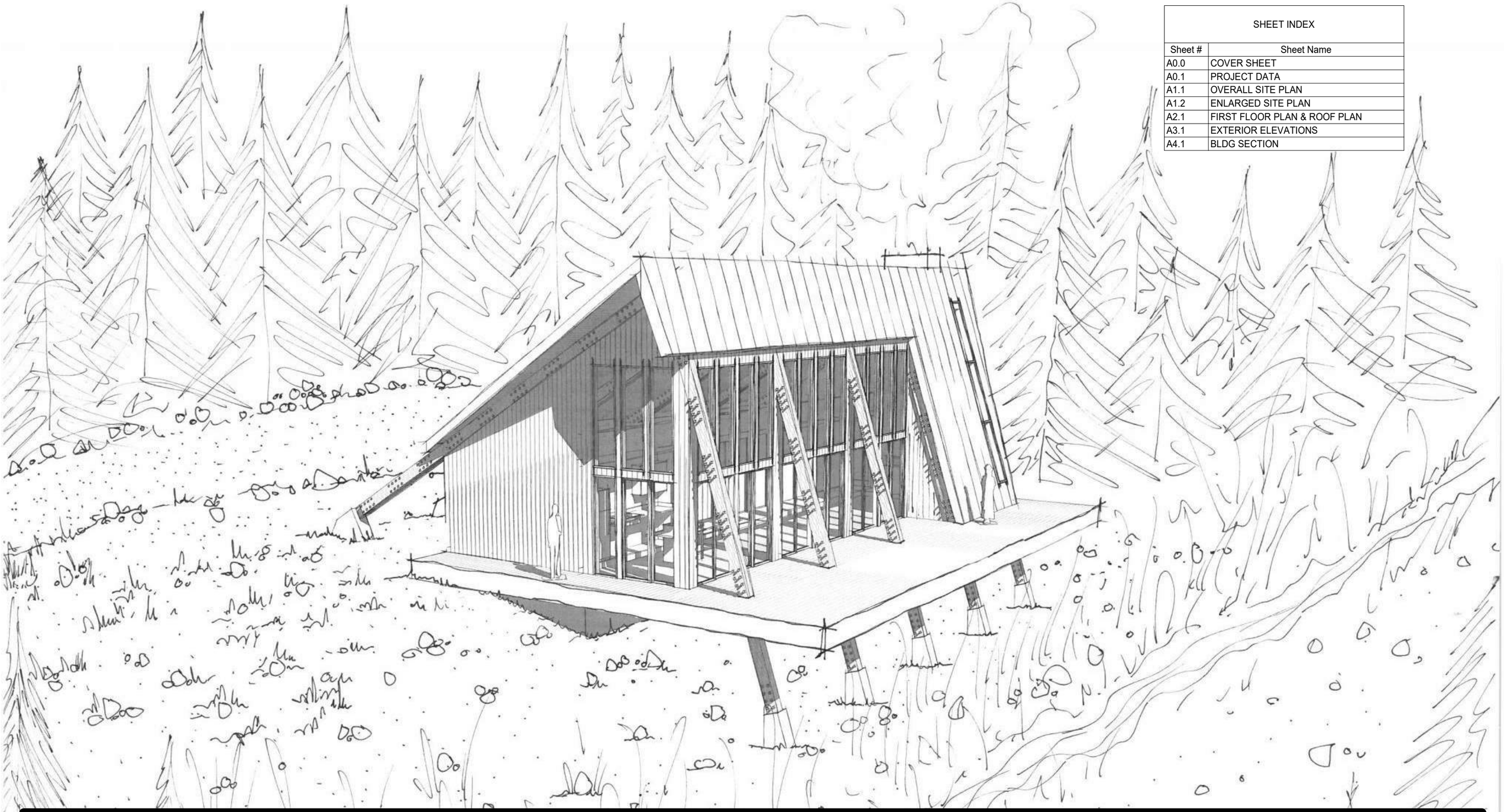
N

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

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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

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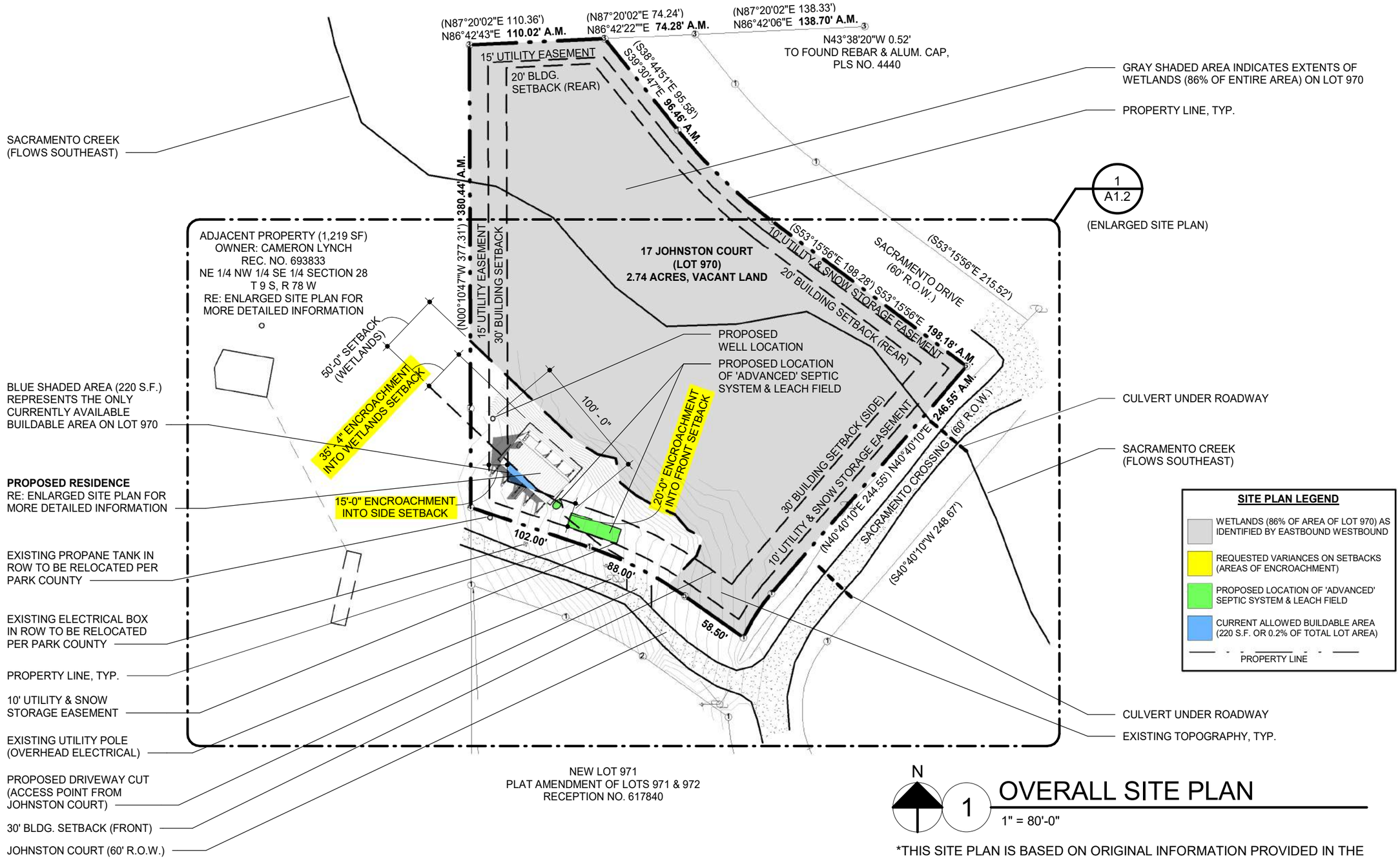
FAIRPLAY CABIN

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

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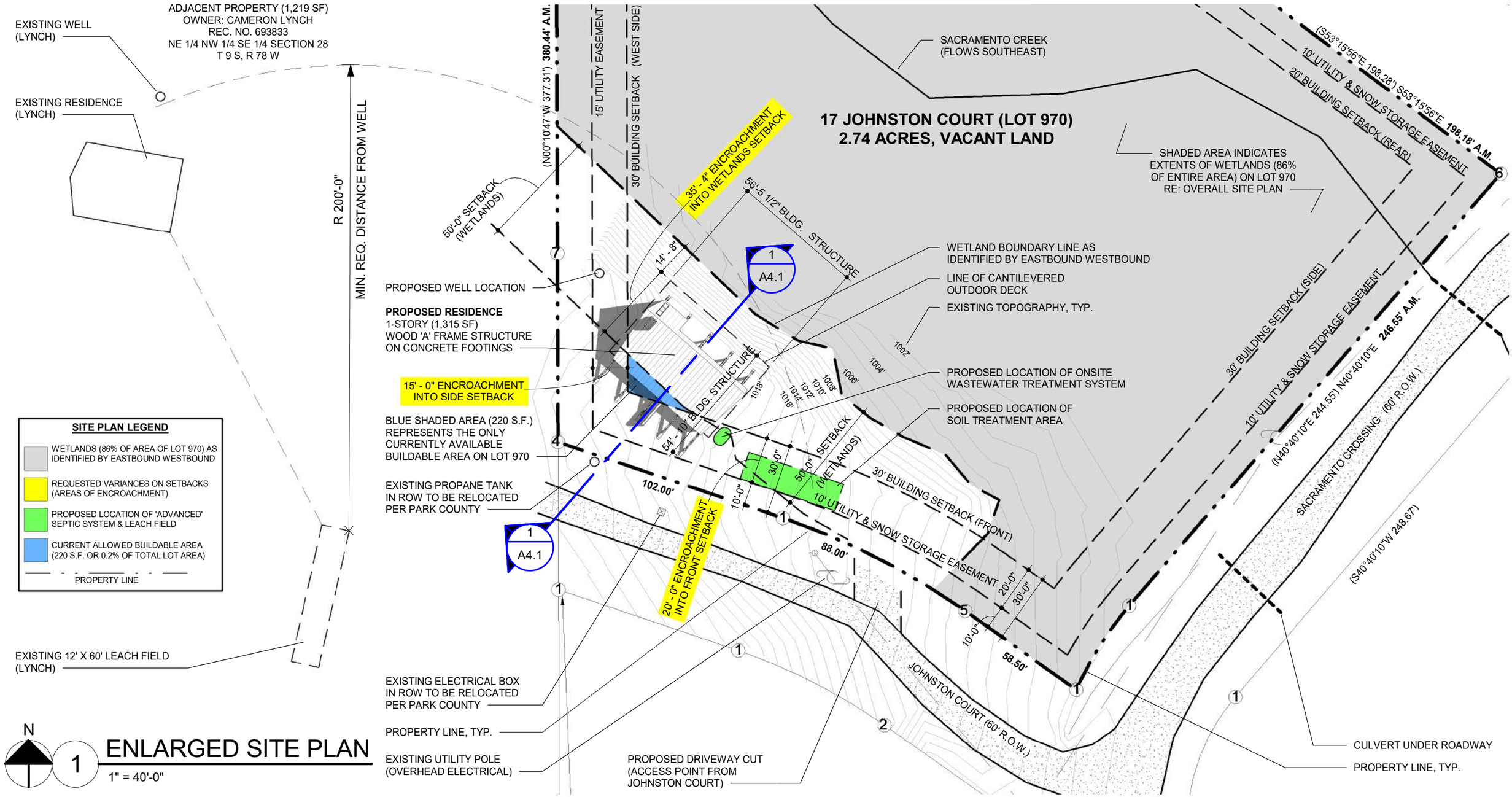
FAIRPLAY CABIN

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



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

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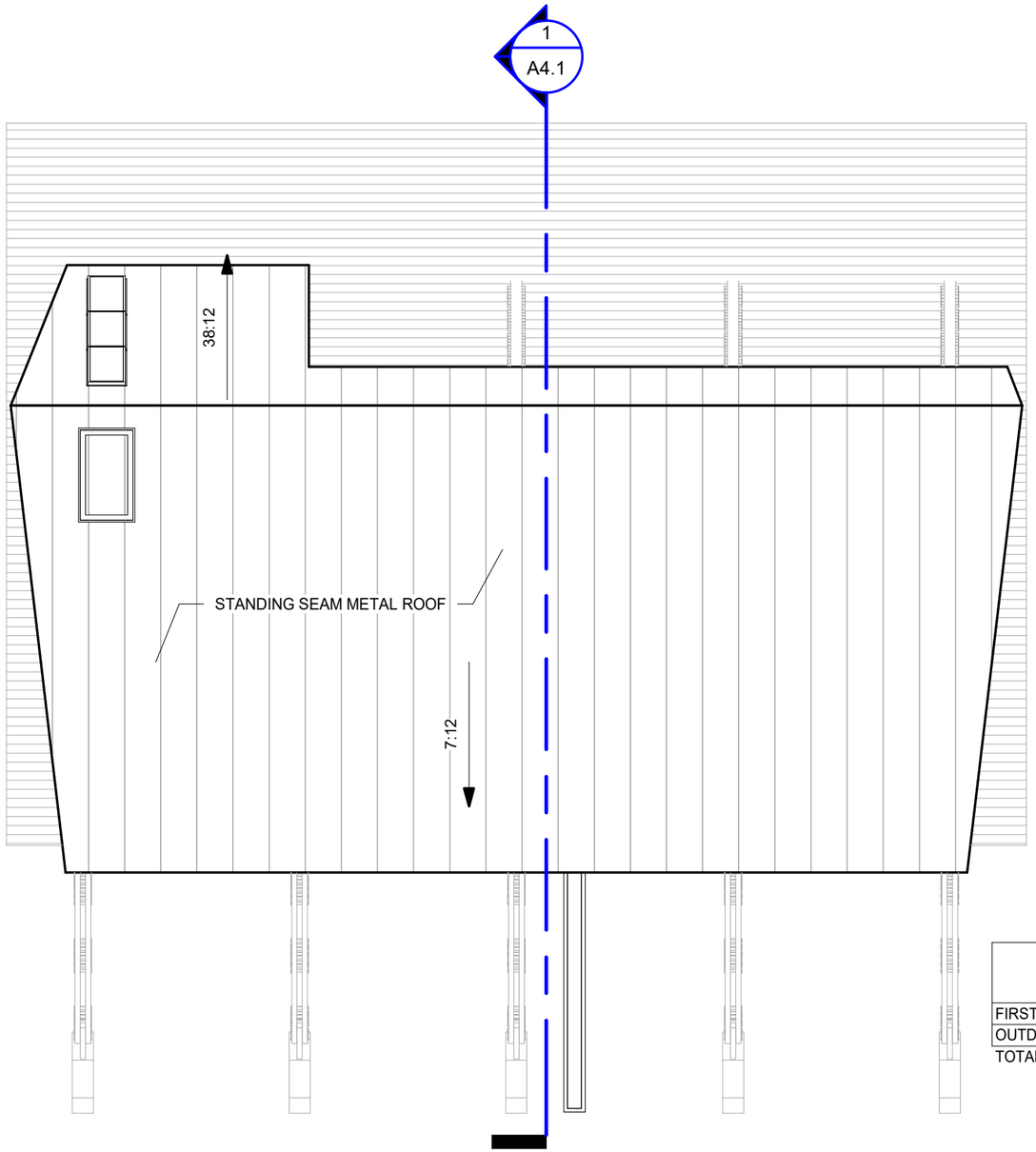
FAIRPLAY CABIN

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

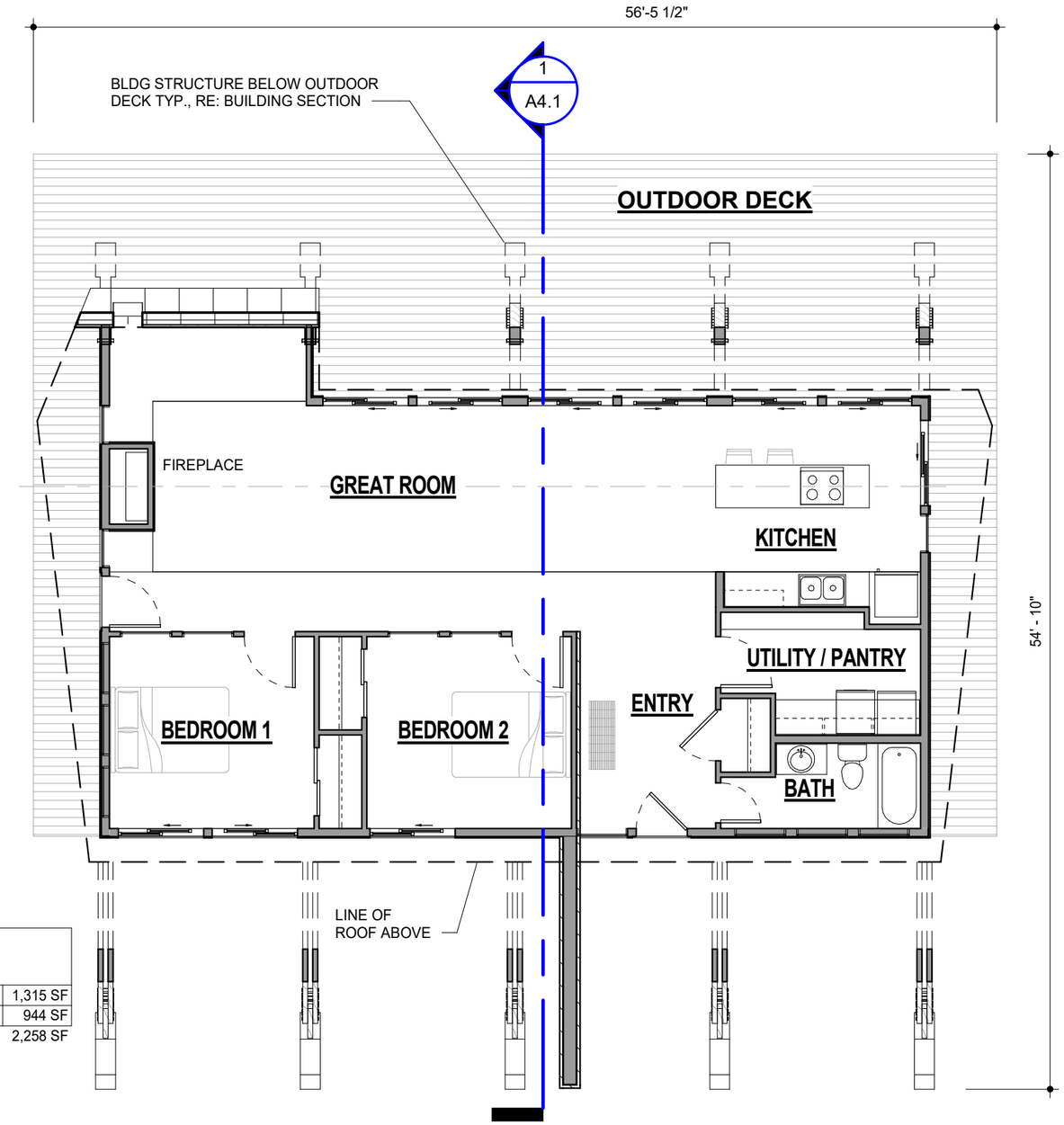
DATE PREPARED
8.25.2016

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

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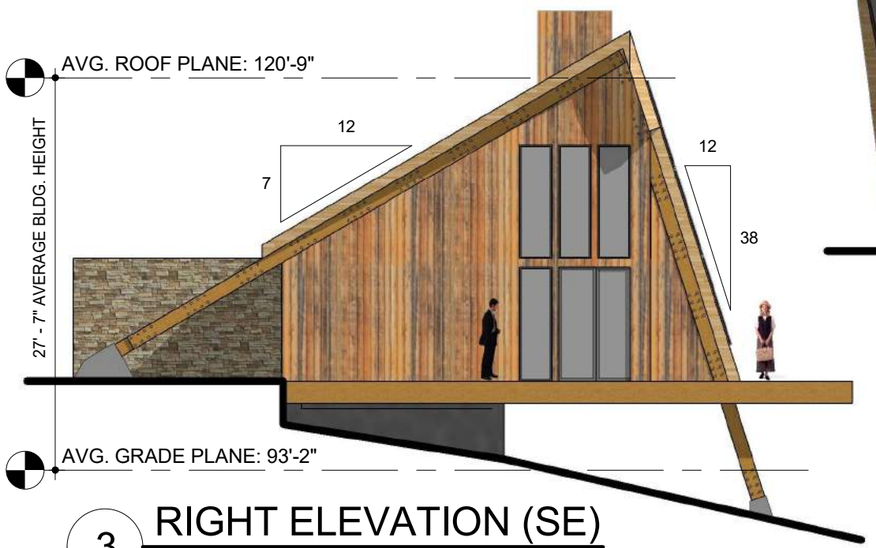
FAIRPLAY CABIN

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

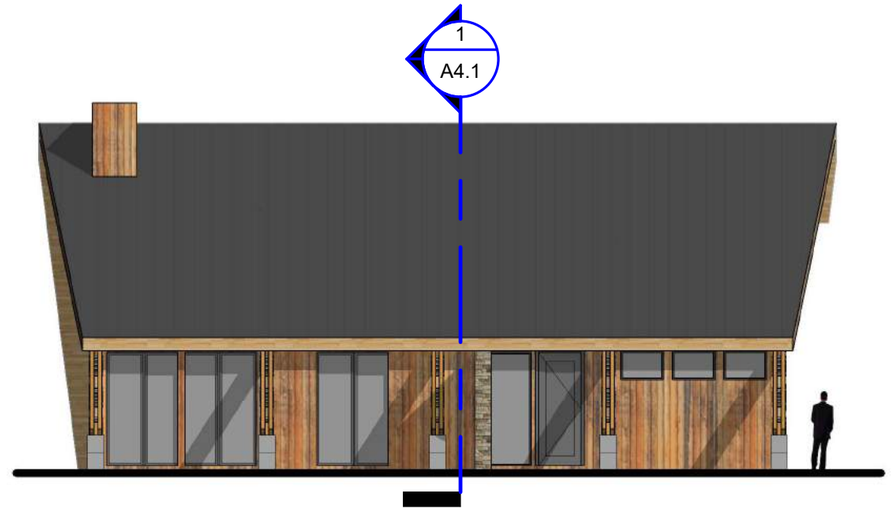
DATE PREPARED
8.25.2016

SHEET TITLE
FIRST FLOOR PLAN & ROOF PLAN

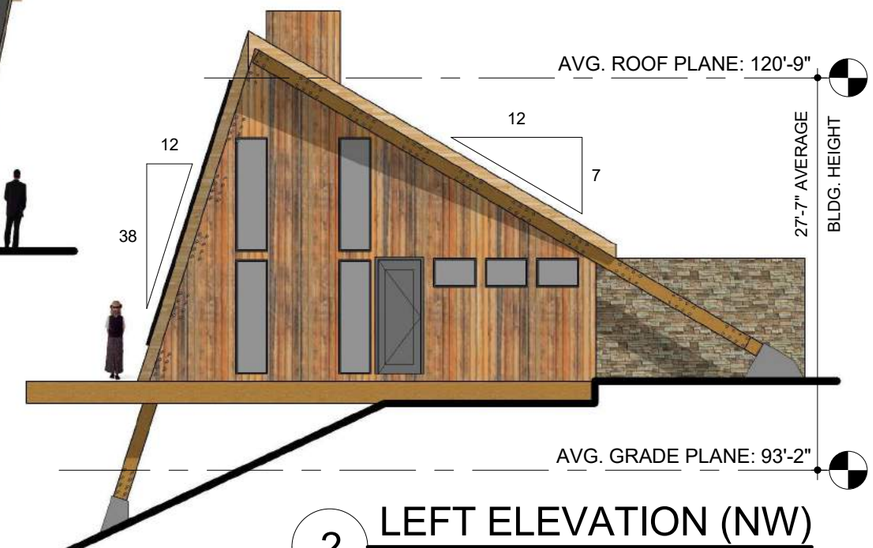
SHEET NUMBER
A2.1



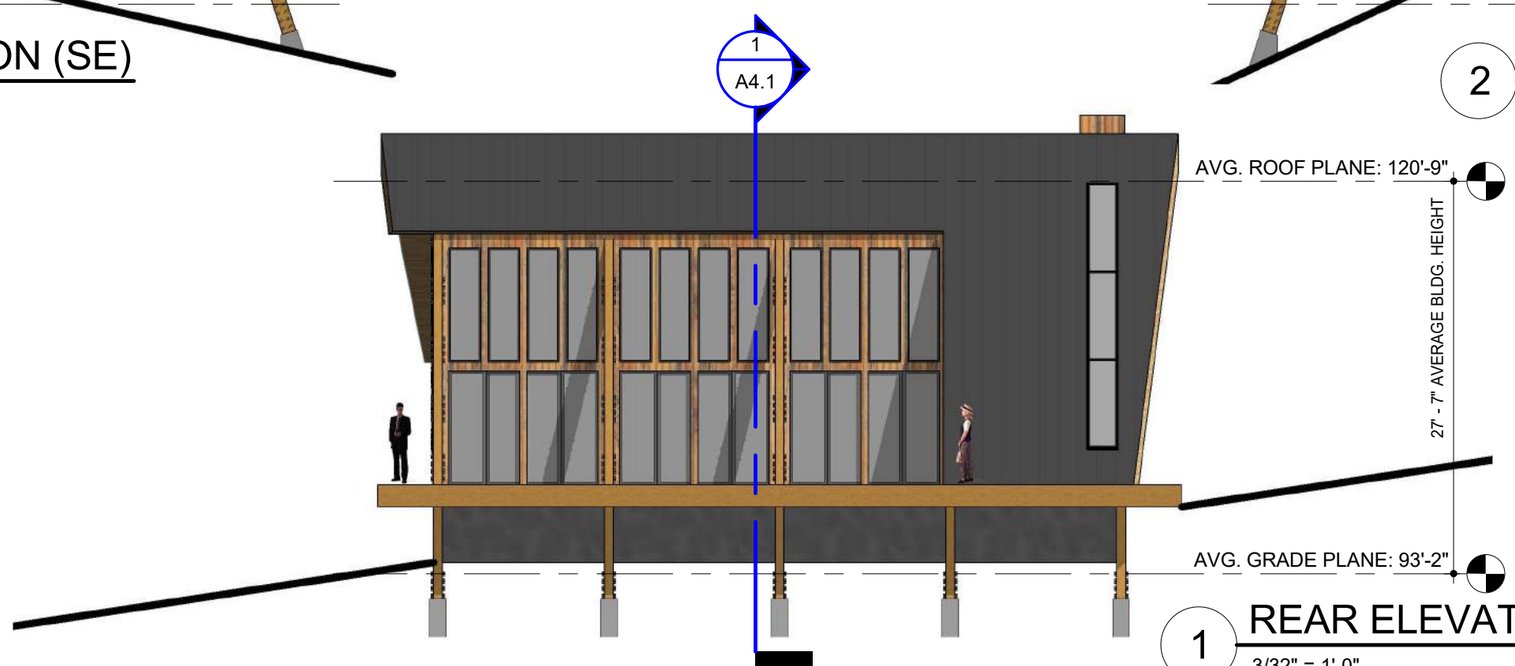
3 RIGHT ELEVATION (SE)
3/32" = 1'-0"



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

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

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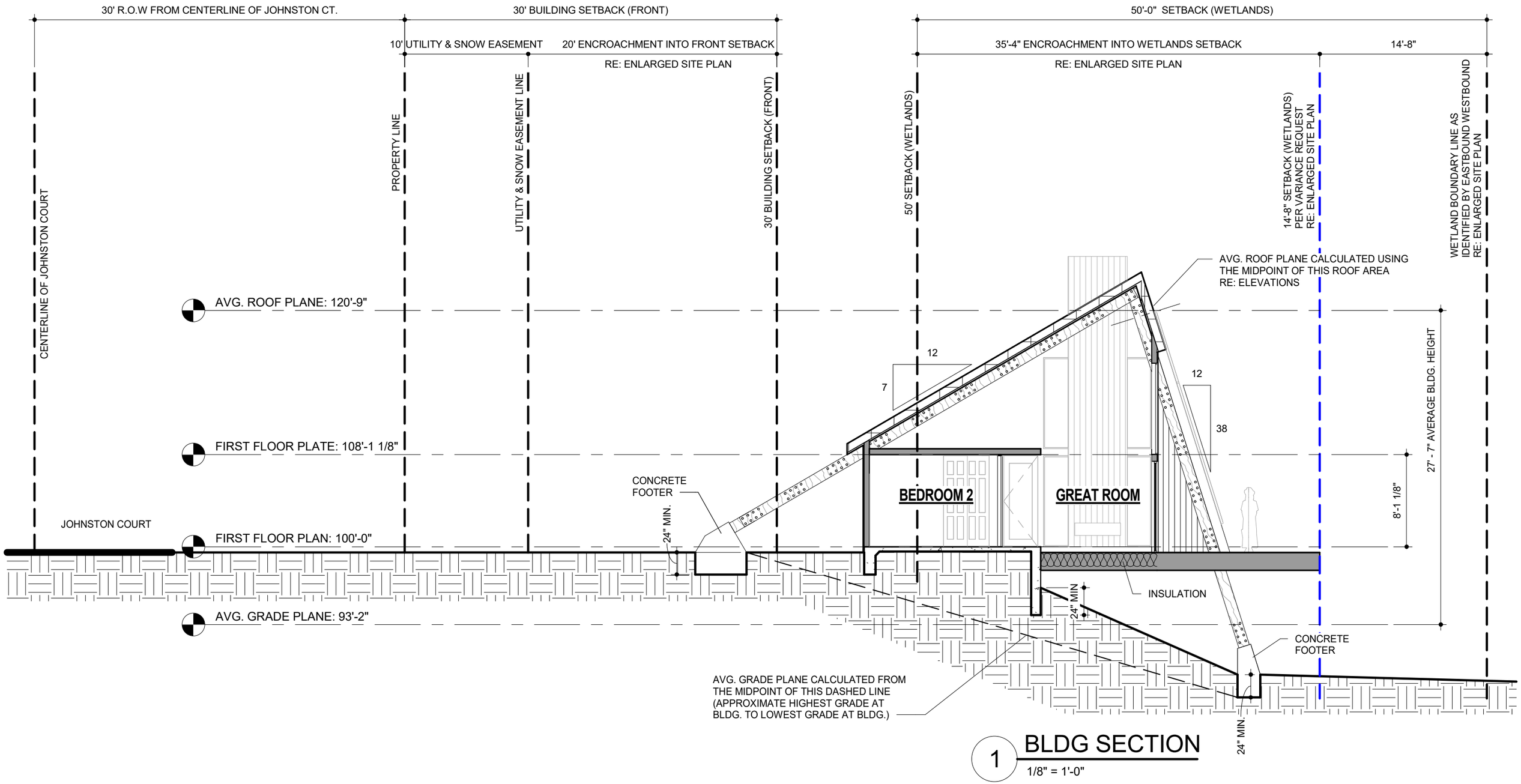
FAIRPLAY CABIN

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

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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

A.B.E.

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.

___X____ We offer the following comments regarding this referral:

Submitted documentation indicates minimal site area available for placement of structure without encroachment into wetland. The recently completed Park County Wetland Inventory assessment indicates wetland associated with the subject property is characterized as either negligibly or mildly impaired, highly functioning, and of high environmental quality. It appears unlikely that placement of the structure contemplated in the submitted documentation could be effected without detrimental impact on the subject wetland.

Signed: Terrance O'Neill Date: November 3, 2016
Title: Chairman, Advisory Board on Environment

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.

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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.

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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: Jackie Koomler Date: 10/10/2016

Title: Preservation Specialist II

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:

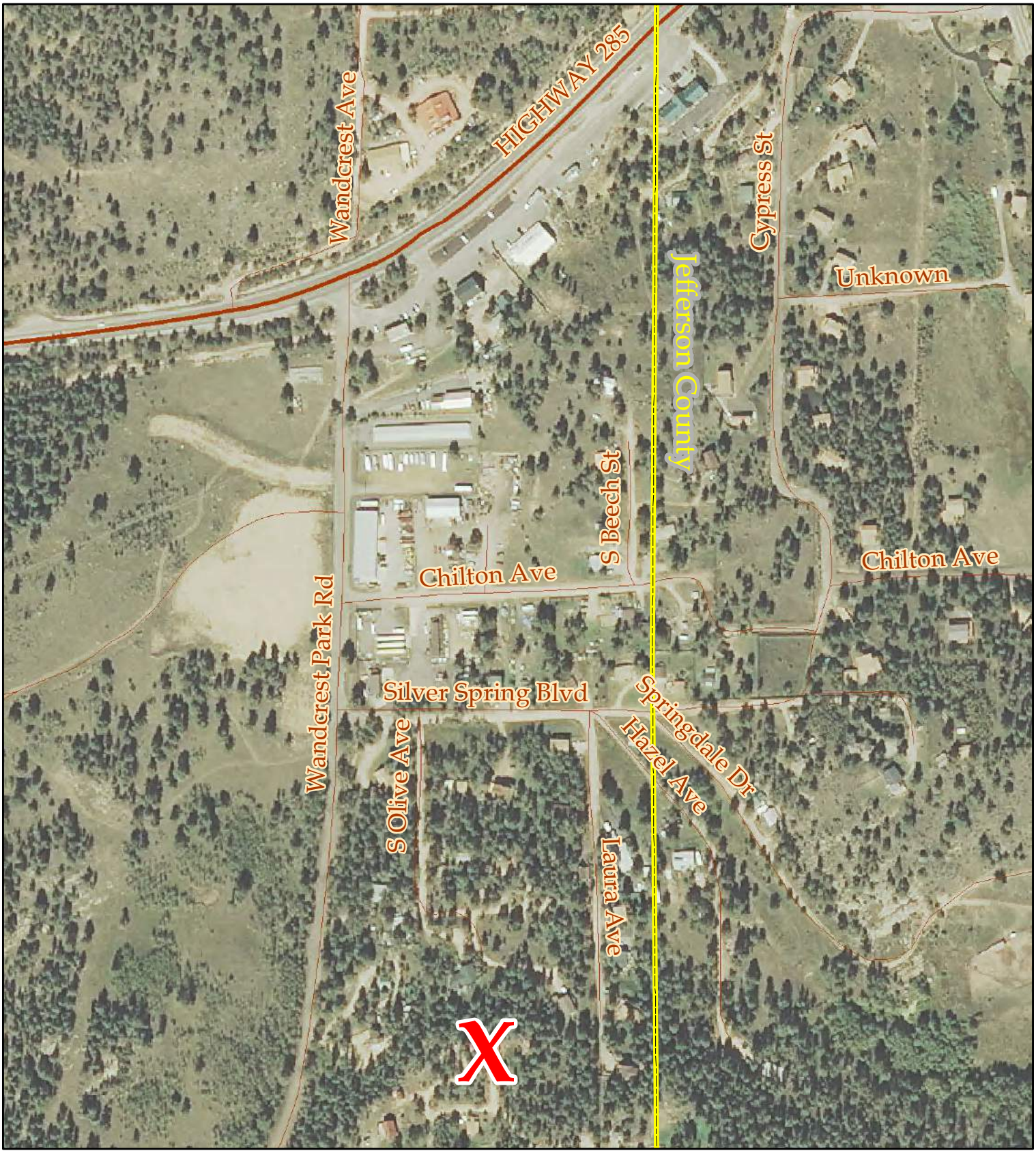
Based on the foregoing, staff recommends approval of the proposed right-of-way vacation with the following condition:

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



0 300 600 1,200 Feet

N

Park County Planning Department

Attachment 2

Aerially Photographed in 2015

N

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 - 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"

1956646673

STATE OF COLORADO }
COUNTY OF JEFFERSON } ss.

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

RECEIVED 09/27/2016 07:36AM 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:** 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.

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Date of BOCC Hearing: To be determined.

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_____ 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

205 93
45 940
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: Pine State: CO Zip: 80470
Telephone
(work) 303 816 0068 (home) 303 918 4341 (fax)
Taylor cell
Owner's Name: Taylor & Michele Mead
Mailing Address: PO Box 608 Pine 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 PF 6 PM, Park, CO.
Street Address of Property: 14084 S Wandcrest 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

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.

2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Assessors 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 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

5. A Vicinity Map of where the proposed property is located within Park County.

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,
   b. Date of preparation, map scale, and north arrow;
   c. Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;
   d. Total acreage and surveyed legal description of the property proposed for right-of-way vacation;
   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;
   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;
   g. A clear illustration or description of the proposed Right-of-Way vacation, using shading, crosshatching, highlighting, or other techniques to accurately show

For County Use Only:
Initial Receipt of the Required Information

(1.) JF
(2.) JF
(3.) JF
(4.) JF
(5.) JF
(6a.) JF
(6b.) JF
(6c.) JF
(6d.) JF
(6e.) JF
(6f.) JF

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

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.

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: Telly Hamiller
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, 20 16
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 $ 1680
	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

Security Features Included Details on back.

EZShield™ PLUS Check Fraud Protection & ID Restoration

MEMO 14084 Wardcrest Dr

Terry

MP

⑈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 R72 S12 NE4 Silver Springs Subdivision
Lots 142-150 & 203-211 & Part of vacated Olive Ave
Legal description

14084 S. Wandervest 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

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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

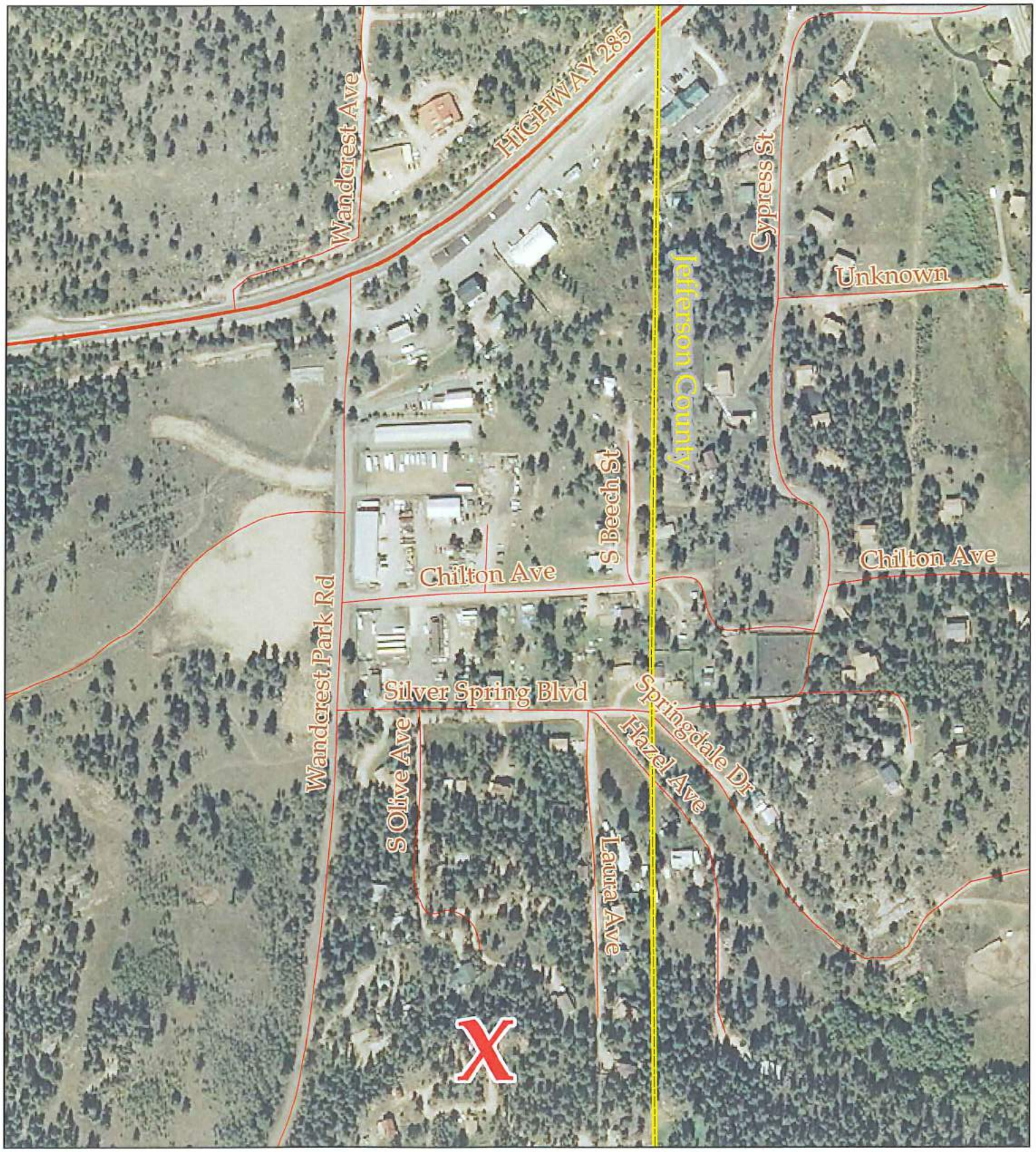
RUSCIO RICHARD A
14104 WANDCREST DR
PINE, CO 80470

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

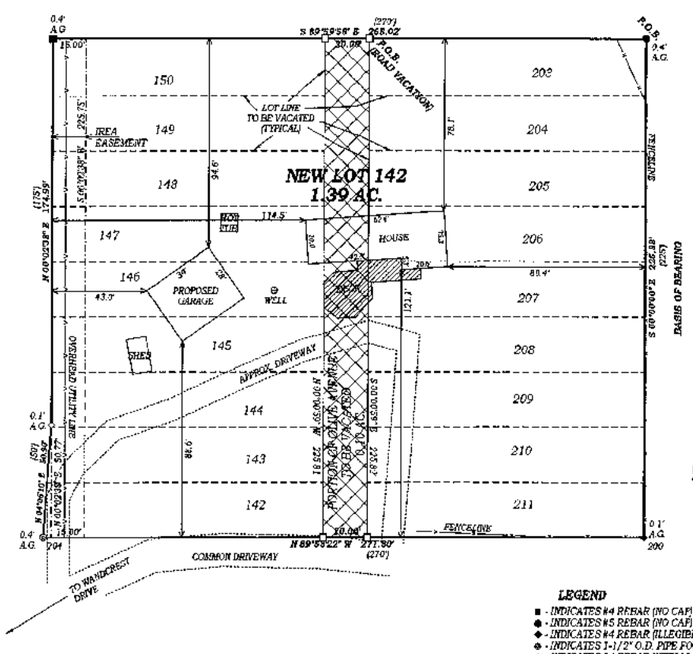
Park County Planning Department

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 225.88 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 211;
THENCE NORTH 89°58'22" 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 50.90 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 202 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 HERSUNTO SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 20____.

TAYLOR MEAD MICHELE MEAD

STATE OF COLORADO }
COUNTY OF _____ } SS

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. _____.

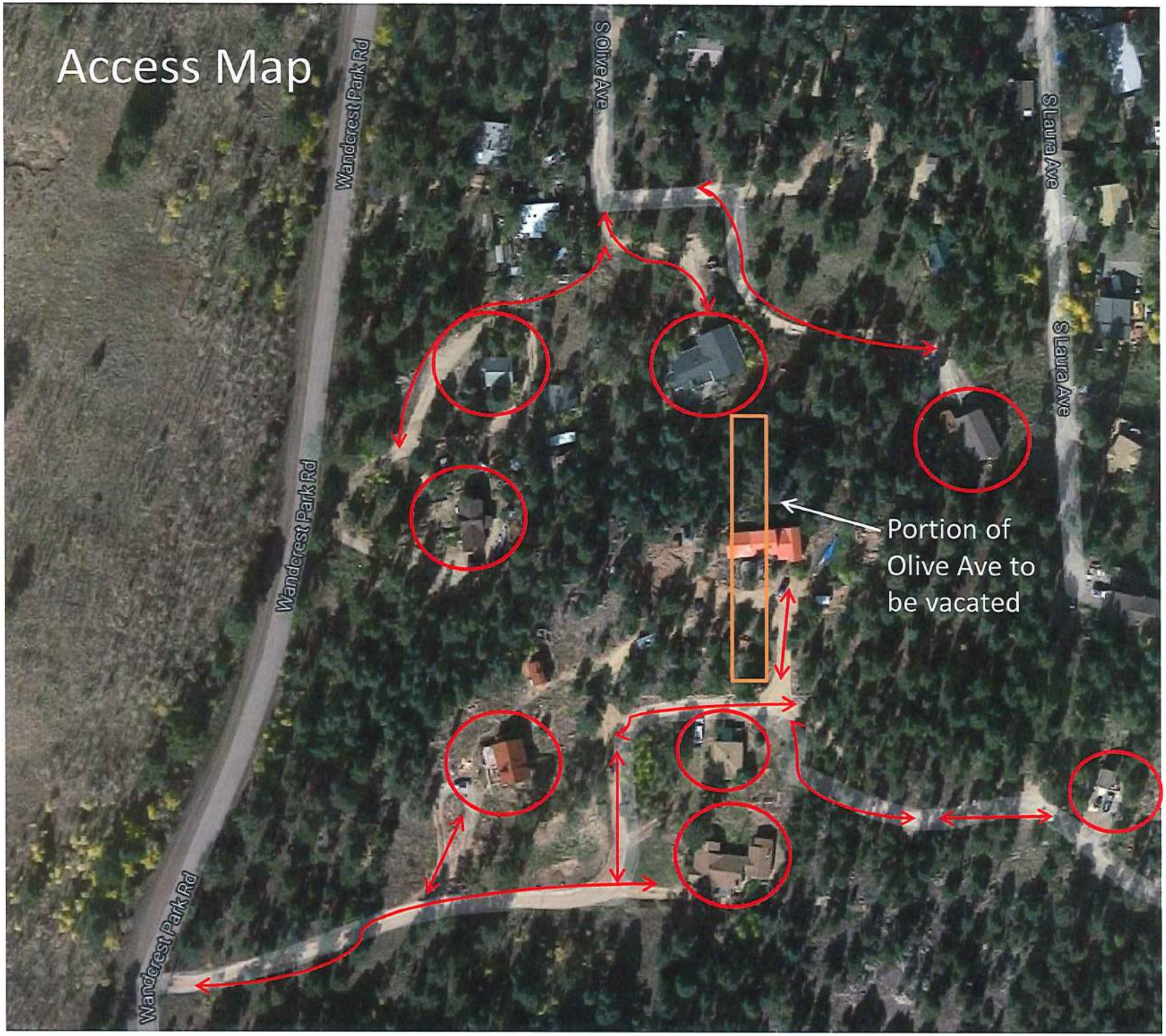
PARK COUNTY CLERK AND RECORDER

MAP PREPARED: 17 SEPTEMBER, 2015

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

PREPARED BY:
FITSKER AND ASSOCIATES
26689 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

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

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 Acmiller

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

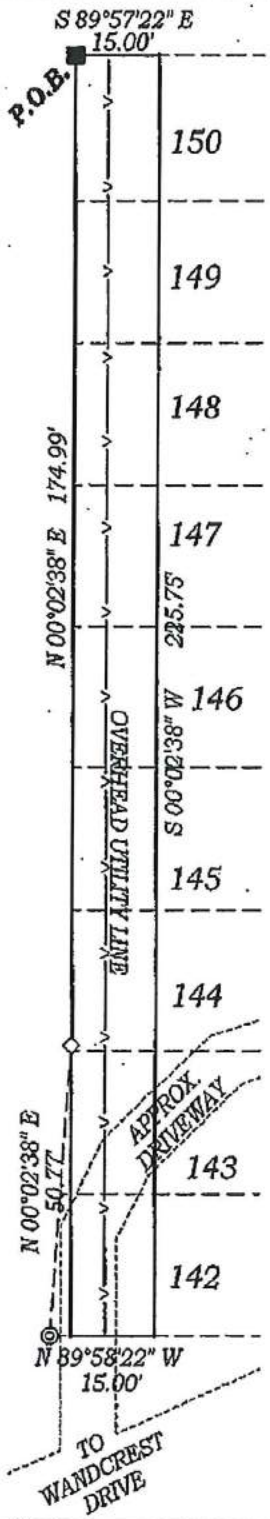


EXHIBIT A

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.

SCALE 1" = 30'

0 30 60

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

PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT

Planning Commission Hearing Date: November 8, 2016

To: Planning Commissioners

Date: October 31, 2016

Prepared by: John Deagan, AICP, Planner

Case Number: 16ZON-13

Subject: Partial rezoning of metes-and-bounds parcel at south end of the Red Hill Forest subdivision.

Request: Applicant is requesting to rezone the lot from the Agricultural, Residential and Commercial zone districts to the Commercial and Residential zone districts and to move the Commercial boundaries.

Application Summary:

Applicant:	Park County Planning
Owner:	Red Hill Forest Property Owners Mutual Water and Cattle Association (RHFPOMWACA)
Location:	Part of Section 5 Township 11 Range 76, addressed as 16 Redhill Road.
Current Zone District:	Commercial, Residential, and Agricultural
Surrounding Zoning:	Agricultural, Residential, and Commercial - a zoning map is included as Attachment 1.
Lot Size:	16 acres
Proposed Zoning:	Residential and Commercial – the Commercial portion to be moved east of the Red Hill ridgeline

Background:

The subject property is located at the southern end of the Red Hill Forest subdivision, southeast of Fairplay. A Vicinity Map is included as Attachment 2. It consists of one metes-and-bounds parcel zoned Commercial, Residential, and Agricultural. Since the lot is over 10 acres it can contain more than one zone district. According to the Red Hill Forest preliminary plan and Filing 3 plat, this lot was intended to be placed entirely within the commercial zone district. Due to the limitations of the zoning map system in use between 1975 and 1998, the lot is only partially zoned Commercial.

As a result of the new camping regulations, RHFPOMWACA would like to use the lot for a Vehicle Storage Area (a permitted use in that zone district). They would like this use to occur on the east side of Red Hill, in a part of the lot currently within the Agricultural zone district. Rezoning the entire lot to Commercial is a desirable course of action so the proposal is to move the Commercially zoned portion to the east side of the Red Hill ridgeline and to rezone the portions of the lot in the Agricultural zone district to the Residential zone district. The proposed new zone districts in the lot can be seen as Attachment 3.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Zoning Map Amendment (LUR Section 5-202, page 9) is addressed, as summarized below.

A. In considering any petition for amendment of the Official Zoning Map, the following standard shall govern. The applicant for the proposed amendment shall bear the burden of proof and the resolution approving the zoning map amendment shall be approved and adopted only if it is demonstrated by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:

1. **The property possesses the geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district; and**
   The property's geological, physical, and other environmental conditions are compatible with the potential permitted uses in the Commercial Zone District.

2. **The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare; and**
   The property has extensive frontage along Redhill Road.

3. **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; and**
   Access will have to meet relevant requirements prior to issuance of a building permit.

4. **The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and**
   Moving the Commercially zoned portion of the lot to the east side of the ridge will prevent it from being viewed by highway travelers, lots on the west side of the highway, and most of the traffic entering the Red

Hill Forest subdivision. It will, however, be visible from the valley between Red Hill and Reinecker Ridge. The lot density in that valley is very low and much of the land is owned by the Bureau of Land Management. See Attachment 4. Staff views this as an improvement over the current situation, and compatible with surrounding land uses.

5. **At least one of the following:**
   a. **The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or**
      The subject property's rezoning is not inconsistent with the advisory provisions of the 2016 Park County Strategic Master Plan.

   b. **The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or**
      Not Applicable.

   c. **The rezoning, as proposed, is to a Planned Unit Development**
      Not Applicable.

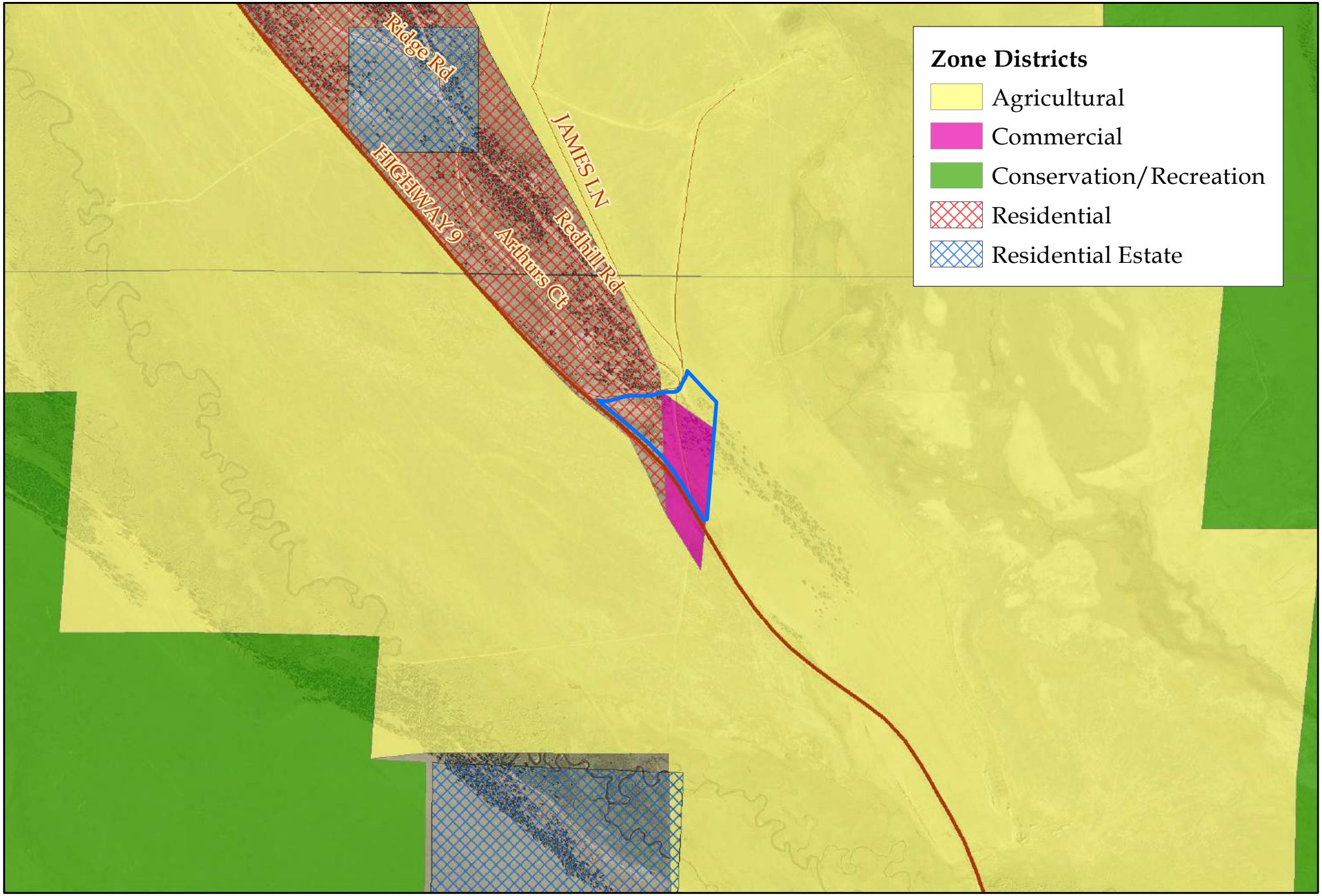
Impact Analysis:
Anticipated impacts are visual to the valley between Red Hill and Reinecker Ridge. Additionally, the proposed development is very close to the north lot line and will involve over an acre of earth disturbance.

Recommendation:

Based on the foregoing, staff recommends that the Rezoning be approved with the following conditions:

1. Prior to application for any development permits, a drainage, erosion, and sedimentation plan meeting the requirements of Land Use Regulations Section 7-602 is approved by the Environmental Health Department; and

2. Prior to submission of a drainage, erosion, and sedimentation control plan, the north lot line is surveyed to ensure that the lot to the north is not encroached upon.



Att. 1 - Surrounding Zone Districts

Aerially Photographed in 2013

N

0 0.25 0.5 1 Mile

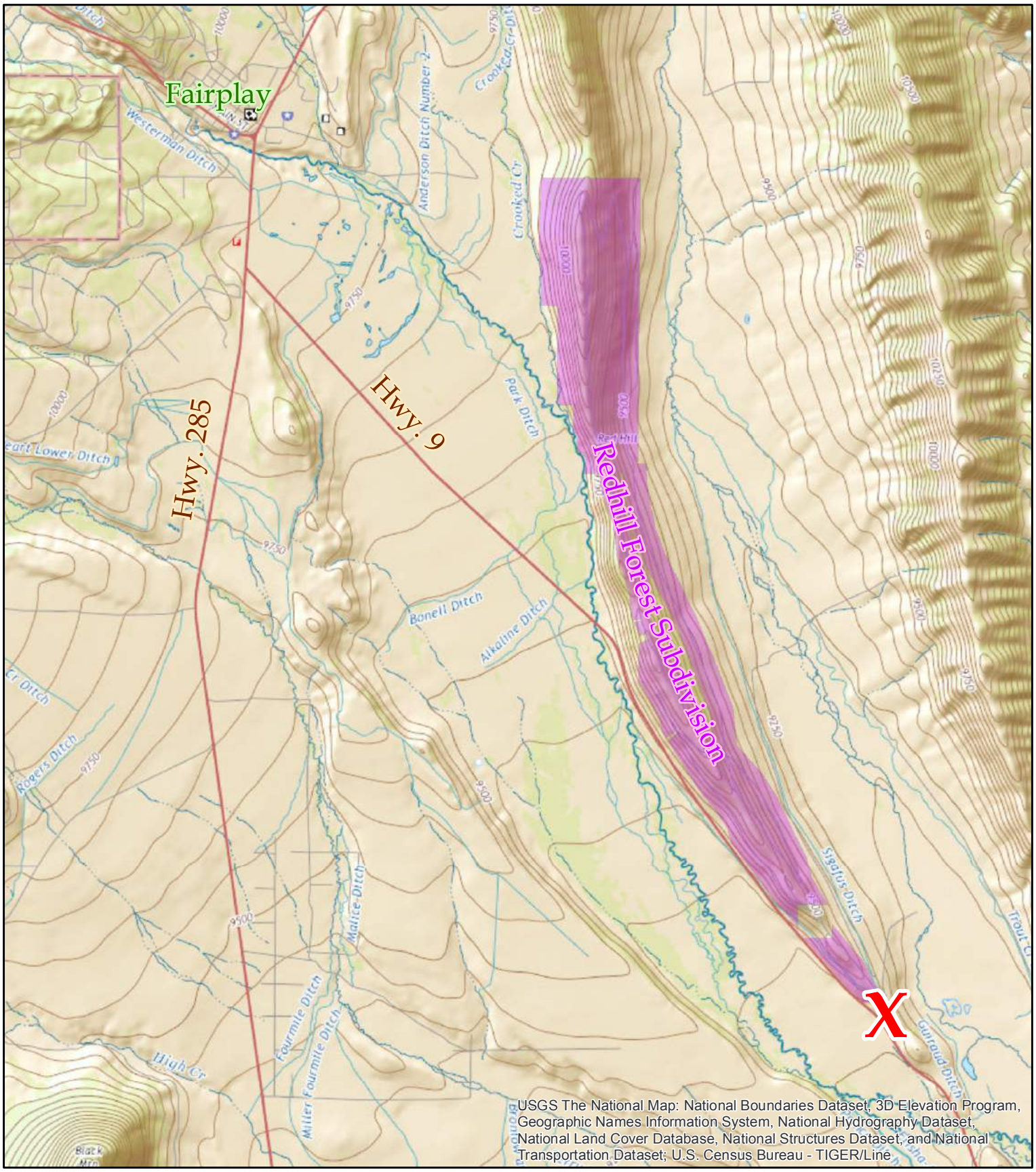
Park County Planning Department

This map is not a survey.

Vicinity Map

Att. 2

Contour Interval is Fifty Feet



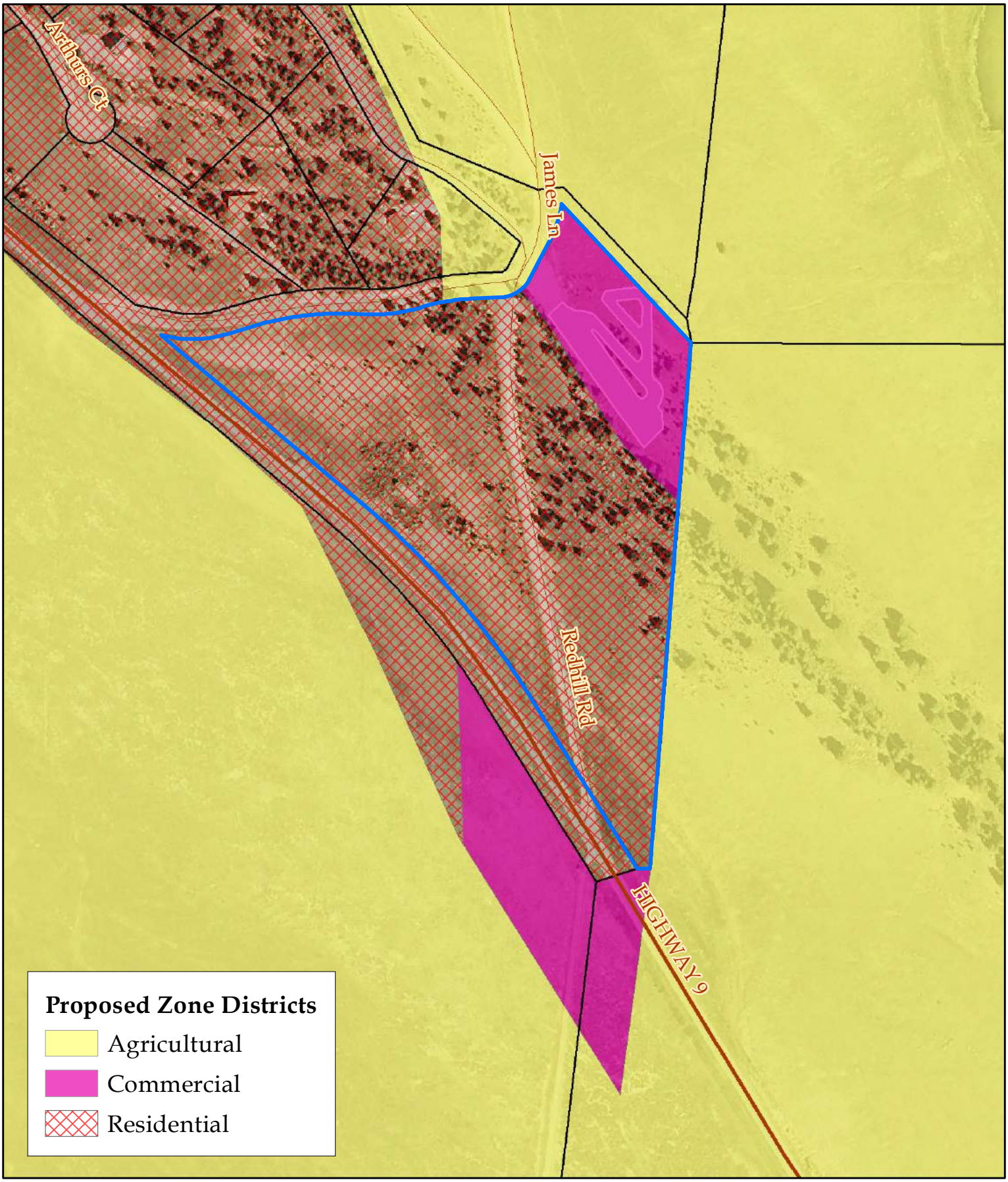
N

0 1 2 4 Miles

Park County Planning Department

Aerially Photographed in 2013

Attachment 3



Park County Planning Department

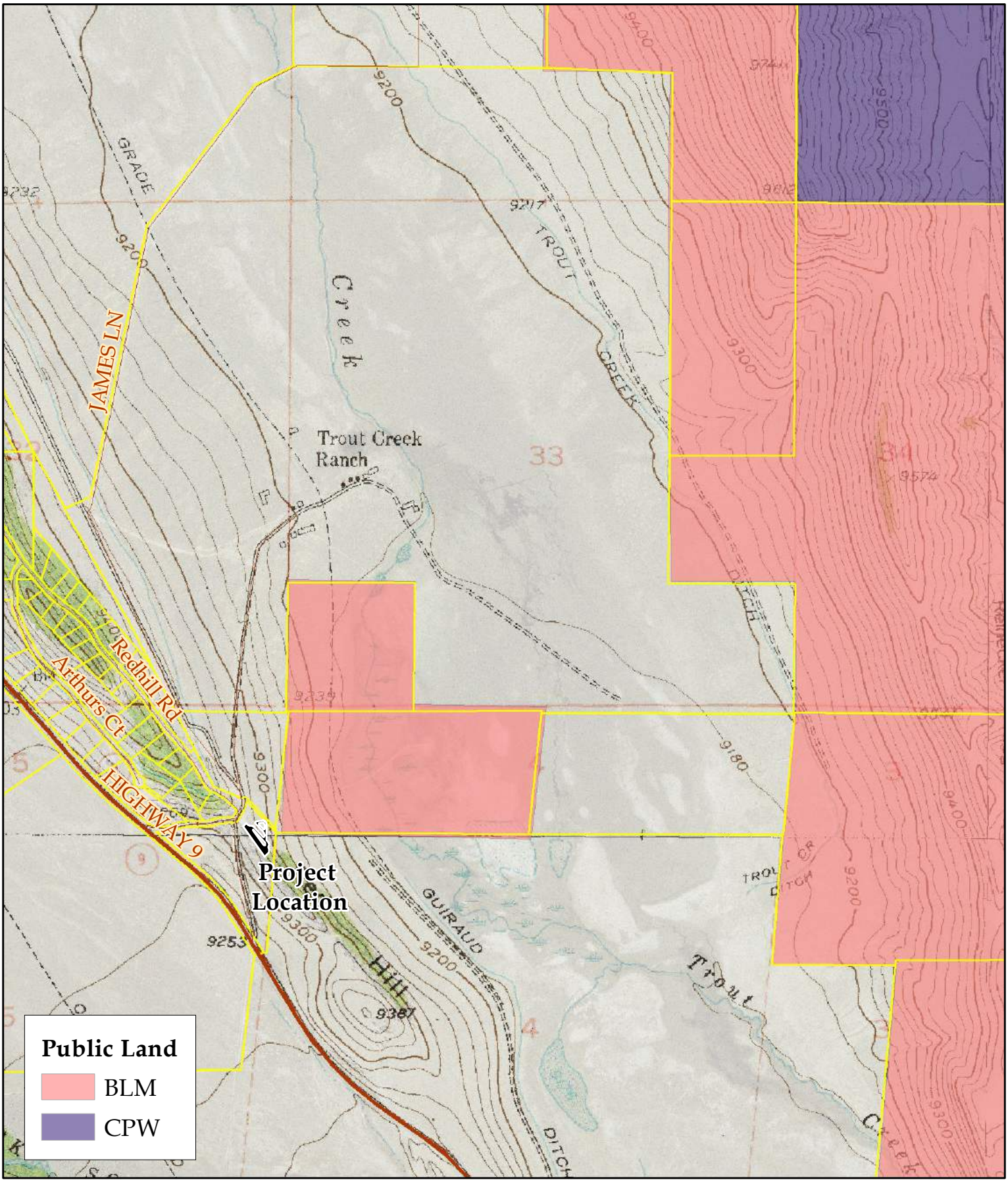
This map is not a survey.

N

0 300 600 1,200 Feet

Contour Interval is Twenty Feet

Attachment 4



Park County Planning Department

This map is not a survey.

N

0 0.25 0.5 1 Mile

RECEIVED 09/19/2016 04:35PM 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 #: 16ZON-13 Case Name: Red Hill Forest Rezoning

Request: Applicant is requesting to rezone a 16 acre lot from the Agricultural, Residential and Commercial zone districts to the Commercial zone district.

Location/Legal Description: Part of Section 5 Township 11 Range 76 addressed as 16 Redhill Road, Fairplay.

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: 9/19/16

Title: Admin Supervisor

PARK COUNTY APPLICATION FOR
REZONING
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: PARK COUNTY PLANNING DEPARTMENT

Mailing Address: P.O. BOX 1598

City: FAIRPLAY State: CO Zip: 80440

Telephone

(work) 719 836 4254 (home)_____ (fax)_____

Owner's Name: RED HILL FOREST POMWACA

Mailing Address: P.O. BOX 270487

Telephone No.: 303 933 6279

B. PROPERTY INFORMATION

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

ON DEED

Street Address of Property: _____

Property's Total Acreage: 16

Current Zone District of Property: C, A, R

Proposed Zone District of Property: COMMERCIAL

For County Use Only
Planning Department Confirmation of Current Zone District:
District: C, A, R
JOHN DEAGAN
Print Full Name

Requirements for a Rezoning
Article V, Division 2, Section 5-201

C. APPLICATION REQUIREMENTS

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 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 property proposed for the Rezoning prepared by a licensed Colorado land surveyor. (on DEED)

5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed amendment to the Official Zoning Map, this information is at Park County Assessor's Office.

6. A Vicinity Map of where the proposed property is located within Park County.

7. A map or other description of the property proposed to be subject of the Rezoning including the following information:
   a. The current zone district(s) of the property proposed to be subject of the Rezoning and of the adjacent properties;
   b. A map showing the boundaries of the property proposed to be subject of the Rezoning;
   c. Description of the existing uses on the property and on adjacent properties.

8. A map or other description of the Current Conditions of the property proposed to be subject of the Rezoning including the following information;
   a. Topography of the property subject to rezoning, shown in elevation contours of not greater than twenty (20) or forty (40) foot increments. Applicants are encouraged to use the USGS topographic mapping or other form of commercially produced topographic map;
   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

For County Use Only: Initial Receipt of the Required Information

(1.) N/A
(2.) JCD
(3.) JCD
(4.) JCD
(5.) JCD
(6.) JCD
(7a.) JCD
(7b.) JCD
(7c.) JCD
(8a.) JCD

For County Use Only: Initial Receipt of the Required Information

obtained from the property subject to rezoning to the nearest county road or highway;

c. Where any access to the property subject to rezoning is obtained from a road, trail, easement, driveway, or other private access other than an adjacent County-owned highway, street or road, the applicant shall provide evidence of permanent legal right of access. Such evidence may include, but not be limited to, deed, easement agreement, or attorney opinion that a permanent legal right of access exists to the property;

d. Natural features of the property subject to rezoning including, wetlands, floodplain, riparian areas, water bodies (e.g., lakes, ponds, streams, whether continuous or seasonal), rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);

e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas.

9. Applicant must provide a Proposed Development Plan describing in mapped form and/or text the existing and proposed physical improvements of the property and the approximate locations of improvements.

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

For properties currently within a Mining Zone District, the following additional materials must be included in a complete application:

1. The building envelope must be at an elevation of not more than 11,500 feet.

2. The application must include a geo-technical report prepared by a qualified Geo-technical professional utilizing the information and guidelines contained in *"Guidelines and Criteria for Identification of Land Use Controls of Geological Hazards and Mineral Resource Areas"* Colorado Geological Survey Publication 6, or the updated version of this publication. The geo-technical report must be accompanied by a statement of the engineer's qualifications relative to geology, mine economics and geological hazards. At a minimum, this report must address the following information specific to the property in question, all of which shall be considered in evaluating the Rezoning application.

   a. The presence and extent of any geological hazards, including but not limited to underground excavations on or adjacent to the subject property and the presence of radioactive or toxic materials and minerals.

   b. The presence of surface and subsurface minerals, including but not limited to the types and amounts of minerals present and the viability of mineral extraction now and in the future.

(8b.) JCD

(8c.) JCD

(8d.) JCD

(8e.) N/A

(9.) JCD

(10.) JCD

(1.) N/A

(2a.) N/A

(2b.) N/A

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: JOHN DEAGAN, AICP
Print name: JOHN DEAGAN
If company, state Title/Position: PLANNER

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 15th, 2016
Month Day Year

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

Payment of the Applicant Fee was made by: N/A

_____	Personal Check #_____	Amount $ _____
_____	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.

The is to confirm that John Deagan is authorized to represent the undersigned with regard to all aspects of the rezoning of the 16 acre metes-and-bounds parcel owned by the Red Hill Forest Property Owners Mutual Water and Cattle Association immediately south of Red Hill Forest Filing Three.

Stephen F Winkel — PUMWACA Board HOA member Road Chairman.

(Name and Position)

STATE OF COLORADO)
) ss.
COUNTY OF ~~PARK~~ El Paso)

On this 18th day of August, 2016, before me, the undersigned a notary public in and for said State, personally appeared Stephen Winkel, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed it.

Witness my hand and official seal.
My commission expires 2/25/2019

Tresa A. Cory
NOTARY PUBLIC

TRESA A. CORY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154008084
MY COMMISSION EXPIRES FEBRUARY 25, 2019

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 43673 2015

PROPERTY ADDRESS: REDHILL RD 196 FRPLY
TAXABLE VALUE: $7,100.00 **ACTUAL VALUE:** $24,480.00 **TAX DISTRICT:** 014

Owners Name
REDHILL FOREST PROP OWNERS MUT
WATER AND CATTLE ASSOCIATION
PO BOX 1233
BUENA VISTA CO 81211-1233

Legal Description
T11 R76 S05 NE4 A TRACT OF LAND IN THE
5-11-76 LYING ELY OF HWY 9 AND
OF CR 7 AS DESC AT R530579

TAX:	$392.32
INTEREST:	$15.69
FEE:	$0.00
TOTAL TAX & ASMTS.:	$392.32
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: 08/04/2016 **Amount :** $408.01

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530579 08/30/2000 09:37A
1 of 4 R 20.00 D 1.20 BARBARA J PASCO PARK CO

STATE DOCUMENTARY FEE
DATE 08.30.2000
$ 1.20

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

The Redhill Forest Group, a Colorado General Partnership,

whose address is: c/o Mr. Douglas E. Kingsbery, P.O. Box 1151, Raleigh, North Carolina 27602

Grantor, for and in consideration of the sum of Twelve Thousand and no/100----------Dollars, in hand paid, hereby grants, sells and conveys to: The Redhill Forest Property Owners Mutual Water and Cattle Association, a Colorado Non-Profit Corporation,

whose address is: P.O. Box 1523, Fairplay, Colorado 80440,

Grantee, the following real property situate in the County of Park and State of Colorado, to wit:

See, Exhibit A which is incorporated by reference herein and made a part hereof

also known by street and number as: vacant land

with all appurtenances.

The property conveyed hereunder is sold and conveyed as a bargain and sale conveyance, "as is" without warranty or representation except that the undersigned has authority to execute this deed on behalf of the Grantor and that the Grantor has not previously conveyed or transferred title to the property herein conveyed to any other person or entity.

Signed and delivered this_____day of August, 2000.

THE REDHILL FOREST GROUP,
A COLORADO GENERAL PARTNERSHIP

BY: Douglas E. Kingsbery, Trustee
KINGSBERY FAMILY TRUST, GENERAL PARTNER
DOUGLAS E. KINGSBERY, TRUSTEE

BY: Marie D. Kingsbery
KINGSBERY FAMILY TRUST, GENERAL PARTNER
MARIE D. KINGSBERY, TRUSTEE

BY: J.B. Bell
KINGSBERY FAMILY TRUST, GENERAL PARTNER
J.B. BELL, TRUSTEE

COUNTY OF Johnston)
) SS.
STATE OF North Carolina)

The foregoing instrument was acknowledged before me this 4th day of August, 2000 by Douglas E. Kingsbery as Trustee of the Kingsbery Family Trust, General Partner of The Redhill Forest Group, a Colorado General Partnership.

Witness my hand and official seal.
My commission expires: 05/17/05

Lisa H. Lambert
Notary Public

COUNTY OF Travis)
) SS.
STATE OF Texas)

The foregoing instrument was acknowledged before me this 23 day of August, 2000 by Marie D. Kingsbery as Trustee of the Kingsbery Family Trust, General Partner of The Redhill Forest Group, a Colorado General Partnership.

Witness my hand and official seal.
My commission expires: 3-4-2001

Pamela [illegible]
Notary Public

COUNTY OF Travis)
) SS.
STATE OF Texas)

The foregoing instrument was acknowledged before me this 23 day of August, 2000 by J.B. Bell as Trustee of the Kingsbery Family Trust, General Partner of The Redhill Forest Group, a Colorado General Partnership.

Witness my hand and official seal.
My commission expires: 3-4-2001

Pamela Pray
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 76 WEST OF THE 6TH. P.M., COUNTY OF PARK, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 5;

THENCE SOUTH 04°26'21" WEST, ALONG THE EAST LINE OF SAID SECTION 5, 1252.69 FEET, TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 5;

THENCE SOUTH 89°04'45" WEST, ALONG THE EAST - WEST CENTER OF SECTION LINE OF SAID SECTION 5, 30.29 FEET, TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9;

THENCE NORTHWESTERLY, ALONG SAID RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES:

1) NORTH 31°51'37" WEST, 473.68 FEET

2) 624.30 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1960.00 FEET AND A CENTRAL ANGLE OF 18°15'00"

3) NORTH 50°06'37" WEST, 617.16 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 7

THENCE EASTERLY, ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWELVE (12) COURSES:

1) SOUTH 79°13'50" EAST, 24.57 FEET

2) 131.90 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 280.24 FEET AND A CENTRAL ANGLE OF 26°57'58"

3) NORTH 75°26'12" EAST, 72.29 FEET

4) 228.00 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 694.67 FEET AND A CENTRAL ANGLE OF 18°48'18"

5) SOUTH 87°43'30" EAST, 36.38 FEET

6) 135.47 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 403.89 FEET AND A CENTRAL ANGLE OF 19°13'06"

7) 118.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 474.20 FEET AND A CENTRAL ANGLE OF 14°18'42"

8) NORTH 87°22'06" EAST, 71.81 FEET

9) 86.12 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 81.07 FEET AND A CENTRAL ANGLE OF 60°51'46"

10) NORTH 26°30'20" EAST, 48.91 FEET

11) 133.62 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 239.15 FEET AND A CENTRAL ANGLE OF 32°00'52"

12) 42.89 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 399.97 FEET AND A CENTRAL ANGLE OF 06°08'39"

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 42°53'37" EAST, 503.67 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 18.661 ACRES, MORE OR LESS.

Owners of Lots Adjacent to 43673, August 22nd, 2016

LANDON JOHN TRUST
PO BOX 5544
BRECKENRIDGE, CO 80424-5544

BISHOP GEORGE N
C/O DALE J IRWIN
81 FAIRWAY LN
LITTLETON, CO 80123

GARDNER JAMI K
PO BOX 1680
FAIRPLAY, CO 80440

MENISH BRIAN
31 REDHILL RD
FAIRPLAY, CO 80440

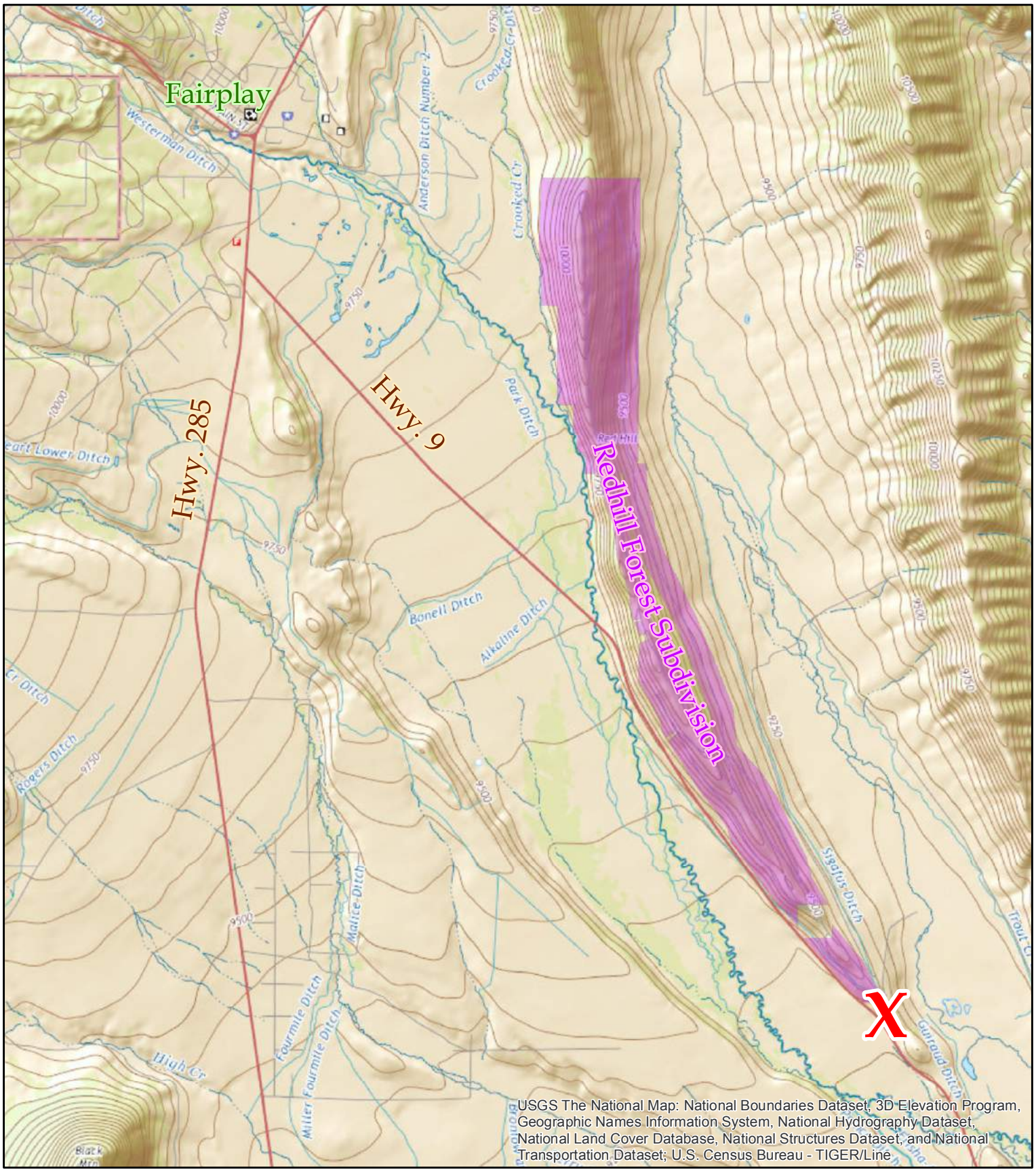
SHEENKUD ELK RANCH LLC
267 INDIAN SPRINGS DR
FLORENCE, AL 35634

BUREAU OF LAND MANAGEMENT
3028 EAST MAIN STREET
CANON CITY, CO 81212

CITY OF AURORA
REAL PROPERTY SERVICES
15151 E ALAMEDA PKWY STE 3200
AURORA, CO 80012

Vicinity Map

Contour Interval is Fifty Feet

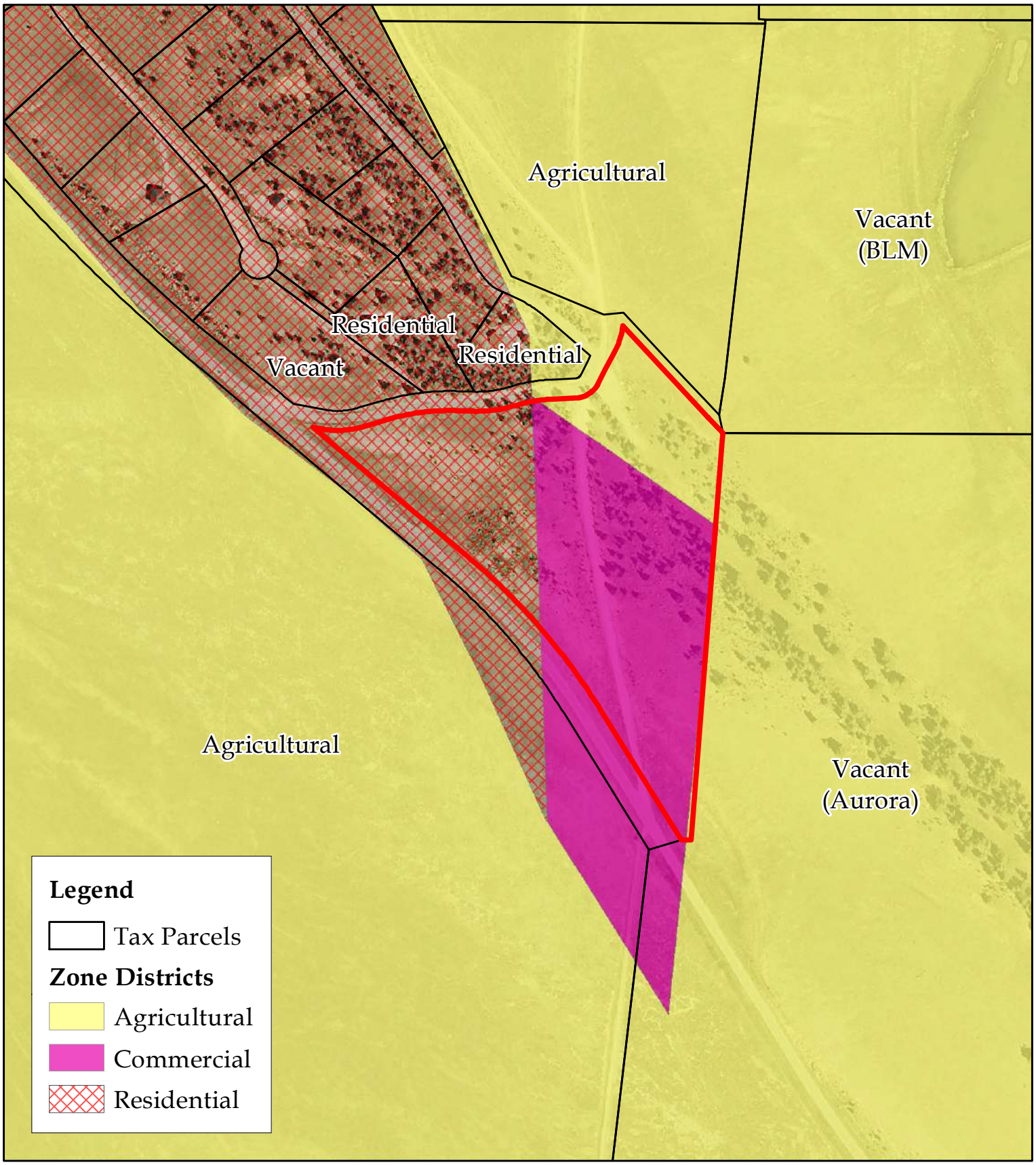


N

0 1 2 4 Miles

Park County Planning Department

Zoning and Land Use Map



0 400 800 1,600 Feet

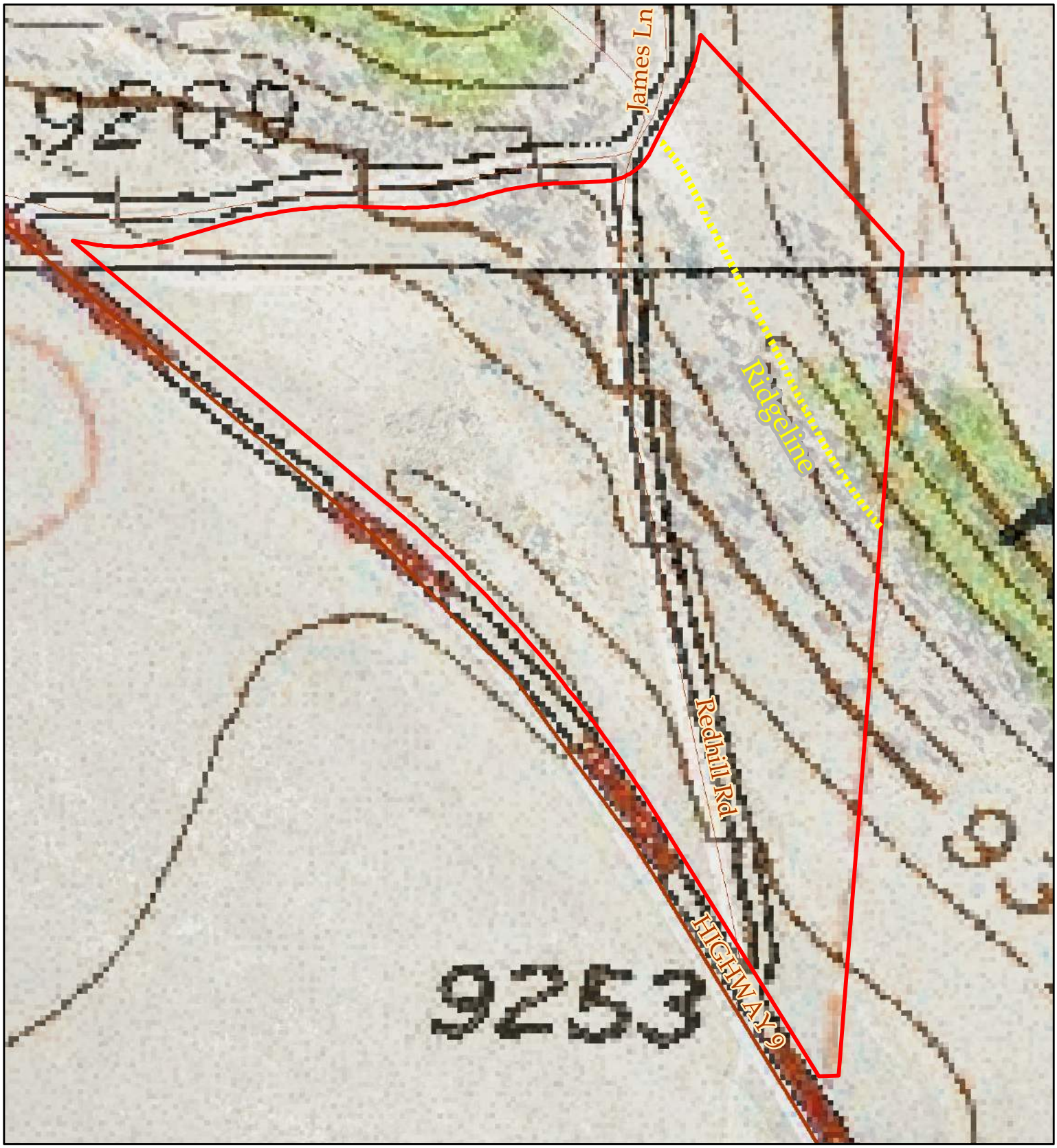
N

Park County Planning Department

This map is not a survey.

Topography

Contour Interval is Twenty Feet



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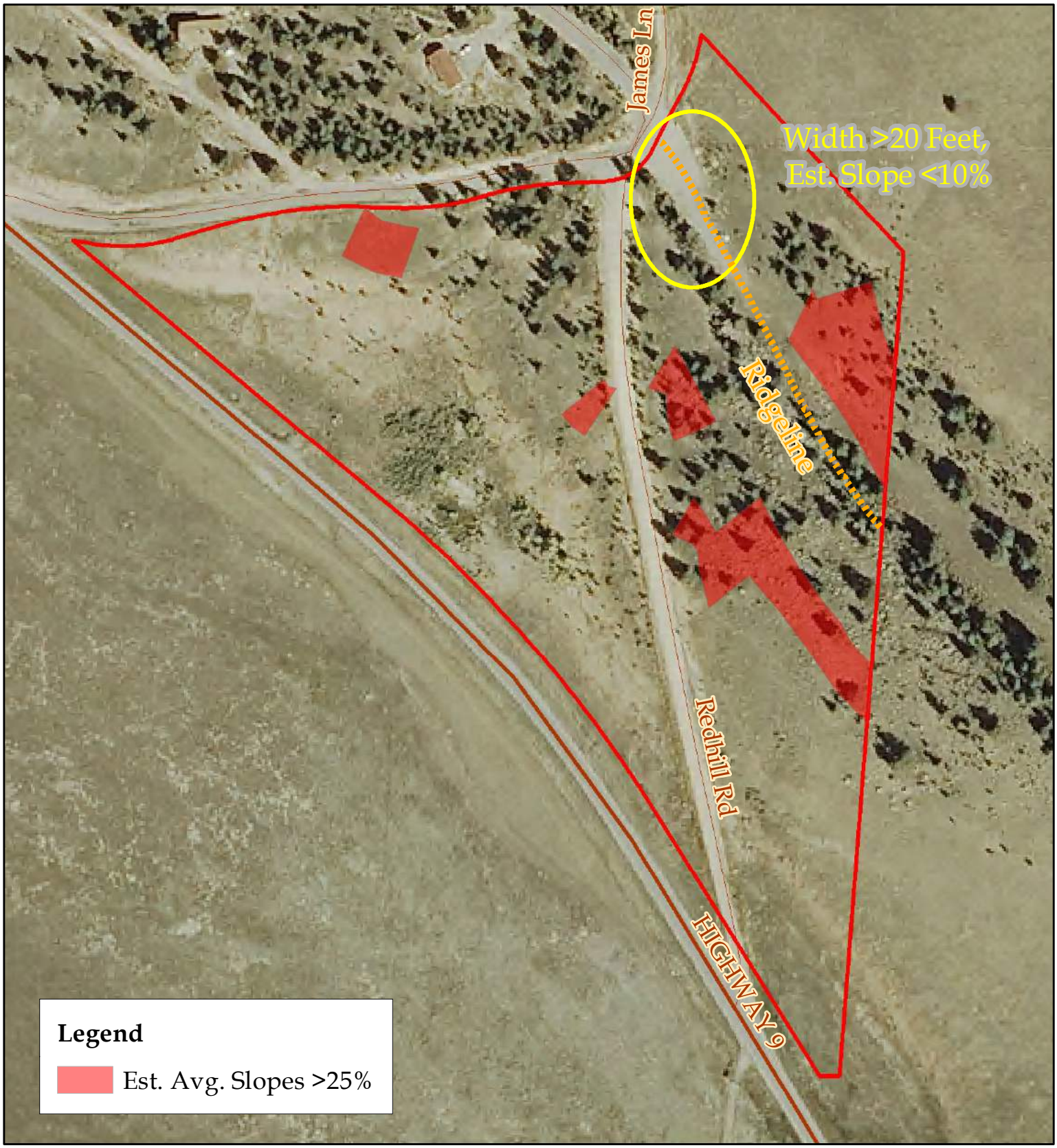
Park County Planning Department

This map is not a survey.

Slopes and Access

Aerially Photographed in 2015



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Park County Planning Department

This map is not a survey.

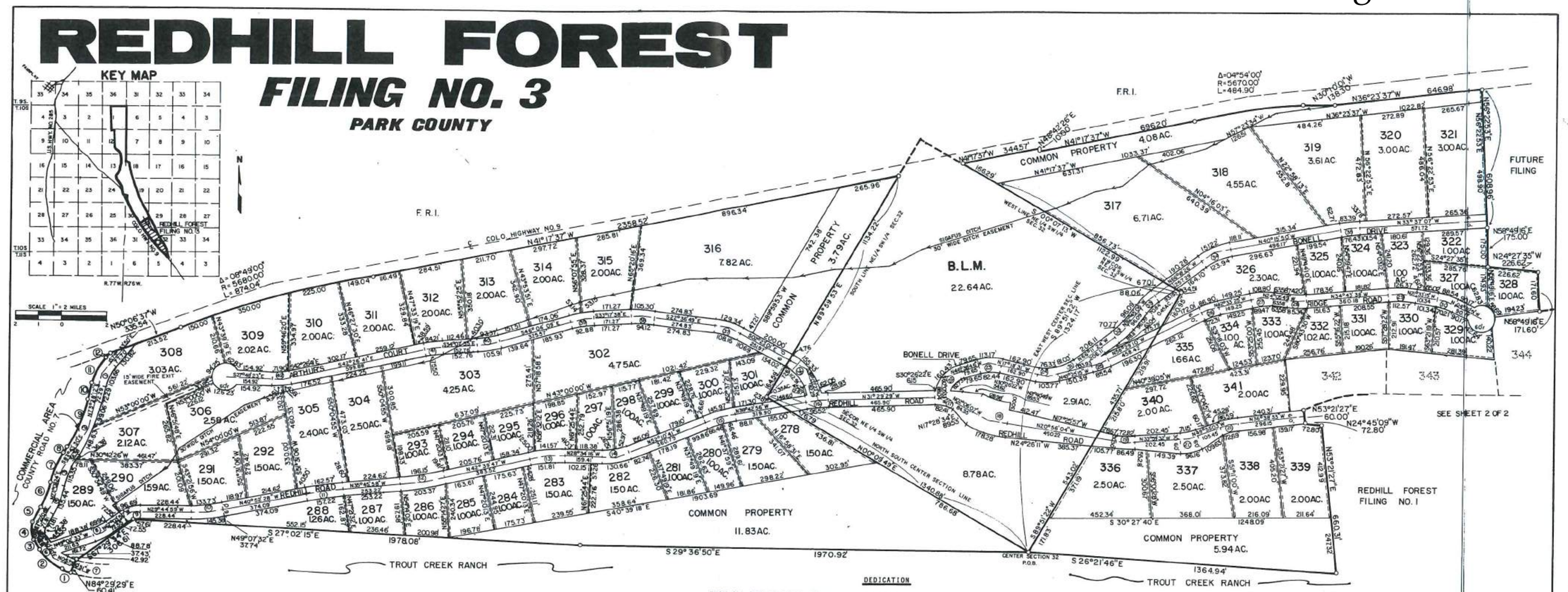
Permanent Right of Access

REDHILL FOREST
Filing 3
Sheet 1 of 2

REDHILL FOREST

FILING NO. 3

PARK COUNTY



① Δ=06°08'39" R=399.97' L=42.89'
② Δ=32°00'52" R=239.15' L=133.62'
③ S26°30'20"W 48.91'
④ Δ=60°51'46" R=81.07' L=86.12'
⑤ S87°22'06"W 71.81'
⑥ Δ=14°18'42" R=474.20' L=118.45'
⑦ Δ=19°13'06" R=403.89' L=135.47'
⑧ N87°43'30"W 36.38'
⑨ Δ=18°48'18" R=694.67' L=228.00'
⑩ S73°28'12"W 72.29'
⑪ Δ=26°57'58" R=280.24' L=131.90'
⑫ N79°33'50"W 24.57'

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIONERS

APPROVED BY THE PARK COUNTY BOARD OF COMMISSIONERS THIS 8th DAY OF April A.D. 1980.

BY Ken W. Dare
CLERK Constance Saul

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, AT 4:00 P.M. ON THE 8th DAY OF April A.D. 1980, AND DULY FILED AT RECEPTION NO. 285935.

Constance Saul
COUNTY CLERK AND RECORDER

SURVEYOR'S CERTIFICATE

I, THOMAS L. BURNETT, A REGISTERED LAND SURVEYOR, LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN AND DESCRIBED HEREON WAS PREPARED UNDER MY SUPERVISION AND THAT THE PLAT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

March 25, 1980 — Thomas L. Burnett
DATE — THOMAS L. BURNETT L.S. NO. 11944

TITLE CERTIFICATE

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

MARCH 25, 1980 — PARK COUNTY ABSTRACT & TITLE COMPANY BY Susan George
DATE — AGENT

APPROVAL OF PLANNING COMMISSION

APPROVED BY THE PARK COUNTY PLANNING COMMISSION, THIS 25TH DAY OF MARCH A.D. 1980.

BY John W. Gillett
CHAIRMAN

OWNERS CERTIFICATE

I, MORRIS BURK, PARTNER OWNER OF THE ABOVE PLATTED LAND, DO HEREBY STATE THAT TITLE TO SAID LAND IS HELD IN THE NAME OF THE REDHILL FOREST GROUP AS SHOWN ON THE COMMITMENT TO INSURE SAID LAND, AND THAT THE LIENS AND ENCUMBRANCES SHOWN ON THE COMMITMENT TO INSURE FROM, TRANSAMERICA TITLE INS. CO. ARE THE ONLY LIENS AFFECTING SAID PROPERTY AT THE TIME OF THE FILING OF SAID PLAT.

April 7, 1980 — Morris Burk
DATE — OWNER

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MORRIS BURK AND PARK COUNTY ASSOCIATES, INC. A COLORADO CORPORATION BEING THE OWNERS OF THAT PORTION OF SECTIONS 29, 30, 31 AND 32, T.10 S., R.76 W., AND SECTION 5, T.11 S., R.76 W., ALL OF THE 6th P.M., COUNTY OF PARK, STATE OF COLORADO, TO WIT:

BEGINNING AT THE CENTER OF SAID SECTION 32, THENCE S29°36'50"E FOR A DISTANCE OF 1970.92', THENCE S27°02'15"E FOR A DISTANCE OF 1978.08', THENCE S67°29'34"E FOR A DISTANCE OF 306.61' TO A POINT ON THE WESTERLY RIGHT OF WAY OF PARK COUNTY ROAD NO. 7, THENCE N84°29'29"E CROSSING SAID R.O.W. FOR A DISTNACE OF 60.41', TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID COUNTY ROAD NO. 7, THENCE SOUTHERLY AND WESTERLY ALONG SAID R.O.W. FOR THE FOLLOWING 12 COURSES, TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 06°08'39" AND WHOSE RADIUS IS 399.97' FOR A DISTANCE OF 42.89', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 32°00'52" AND WHOSE RADIUS IS 239.15' FOR A DISTANCE OF 133.62', THENCE S26°30'20"W FOR A DISTANCE OF 48.91', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 60°51'46" AND WHOSE RADIUS IS 81.07' FOR A DISTANCE OF 86.12', THENCE S87°22'06"W FOR A DISTANCE OF 71.81', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE DELTA IS 14°18'42" AND WHOSE RADIUS IS 474.20' FOR A DISTANCE OF 118.45', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 19°13'06" AND WHOSE RADIUS IS 403.89' FOR A DISTANCE OF 135.47', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE DELTA IS 18°48'18" AND WHOSE RADIUS IS 694.67' FOR A DISTANCE OF 228.00', THENCE S73°28'12"W FOR A DISTANCE OF 72.29', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 26°57'58" AND WHOSE RADIUS IS 280.24' FOR A DISTANCE OF 131.90', THENCE N79°33'50"W FOR A DISTANCE OF 24.57' TO A POINT ON THE EASTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9, THENCE NORTHERLY ALONG SAID R.O.W. FOR THE FOLLOWING 3 COURSES, N50°06'37"W FOR A DISTANCE OF 335.54', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 08°49'00" AND WHOSE RADIUS IS 5680.00' FOR A DISTANCE OF 874.04', THENCE N41°17'37"W FOR A DISTANCE OF 2358.52' TO A POINT ON THE SOUTH LINE OF THE NE1/4 SW1/4 OF SAID SECTION 32, THENCE N89°59'53"E ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 1134.22' TO THE SE CORNER OF THE SAID NE1/4 SW1/4, THENCE N00°09'49"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SAID SECTION 32 FOR A DISTANCE OF 1340.88' TO THE CENTER OF SAID SECTION 32, THE POINT OF BEGINNING. CONTAINING 97.53 ACRES, MORE OR LESS. ALL BEARINGS ARE REFERENCED TO A SOLAR OBSERVATION.

AND

BEGINNING AT THE CENTER OF SAID SECTION 32, THENCE S89°51'22"W ALONG THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 32 FOR A DISTANCE OF 1324.17' TO THE NW CORNER OF THE NE1/4 SW1/4 OF SAID SECTION 32, THENCE S00°07'13"W ALONG THE WEST LINE OF THE SAID NE1/4 SW1/4 SECTION 32 FOR A DISTANCE OF 1122.99' TO A POINT ON THE EASTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9, THENCE NORTHERLY ALONG SAID R.O.W. FOR THE FOLLOWING SIX COURSES, N41°17'37"W FOR A DISTANCE OF 344.57', THENCE N48°42'26"E FOR A DISTANCE OF 10.00', THENCE N41°17'37"W FOR A DISTANCE OF 696.20', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 04°54'00" AND WHOSE RADIUS IS 5670.00' FOR A DISTANCE OF 484.90', THENCE N30°10'01"W FOR A DISTANCE OF 138.30', THENCE N36°23'37"W FOR A DISTANCE OF 646.98', THENCE N56°22'53"E LEAVING SAID R.O.W. FOR A DISTANCE OF 608.96' TO A POINT ON THE EASTERLY RIGHT OF WAY OF BONELL DRIVE, THENCE N58°49'16"E LEAVING SAID R.O.W. FOR A DISTANCE OF 175.00', THENCE N24°27'35"W FOR A DISTANCE OF 226.62', THENCE N58°49'16"E FOR A DISTANCE OF 171.60', THENCE N38°00'16"W FOR A DISTANCE OF 1534.05', THENCE N27°12'13"W FOR A DISTANCE OF 989.78', THENCE N37°30'45"W FOR A DISTANCE OF 915.01', THENCE N54°06'43"E FOR A DISTANCE OF 280.71', TO A POINT ON THE WESTERLY RIGHT OF WAY OF TROUT CREEK LANE, THENCE N55°05'17"E CROSSING SAID R.O.W. FOR A DISTANCE OF 60.00' TO A POINT ON THE EASTERLY R.O.W. OF SAID TROUT CREEK LANE, THENCE NORTHERLY ALONG SAID R.O.W. FOR THE FOLLOWING 3 COURSES, TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 10°50'24" AND WHOSE RADIUS IS 813.17' FOR A DISTANCE OF 153.85', THENCE N24°04'19"W FOR A DISTANCE OF 226.19', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 06°27'54" AND WHOSE RADIUS IS 1386.49' FOR A DISTANCE OF 156.45', THENCE N75°56'49"E LEAVING SAID R.O.W. FOR A DISTANCE OF 327.21', THENCE S34°10'10"E FOR A DISTANCE OF 1926.55', THENCE S26°50'50"E FOR A DISTANCE OF 1115.75', THENCE N63°06'14"E FOR A DISTANCE OF 171.17' TO A POINT ON THE WESTERLY RIGHT OF WAY OF REDHILL ROAD, THENCE SOUTHERLY ALONG SAID R.O.W. FOR THE FOLLOWING 5 COURSES, S24°13'07"E FOR A DISTANCE OF 108.99', THENCE TO THE LEFT ALONG THE ARC OF A CURVE WHOSE DELTA IS 04°26'38" AND WHOSE RADIUS IS 1844.14' FOR A DISTANCE OF 143.03', THENCE S28°39'45"E FOR A DISTANCE OF 655.64', THENCE TO THE RIGHT ALONG THE ARC OF A CURVE WHOSE DELTA IS 18°40'14" AND WHOSE RADIUS IS 446.65' FOR A DISTANCE OF 145.55', THENCE S09°59'31"E FOR A DISTANCE OF 333.53', THENCE S60°17'56"W LEAVING SAID R.O.W. FOR A DISTANCE OF [illegible] A POINT ON THE WESTERLY RIGHT OF WAY OF TROUT CREEK LANE, THENCE SOUTHERLY [illegible] R.O.W. FOR THE FOLLOWING 3 COURSES, S29°42'04"E FOR A DISTANCE OF [illegible] LEFT ALONG THE ARC OF A CURVE WHOSE DELTA IS 23°24'42" AND WHOSE [illegible] DISTANCE OF 229.19', THENCE S53°06'46"E FOR A DISTANCE OF 68.30' [illegible] WESTERLY RIGHT OF WAY OF REDHILL ROAD, THENCE N53°21'27"E CROSSING SAID R.O.W. FOR A DISTANCE OF 60.00' TO A POINT ON THE EASTERLY R.O.W. OF SAID REDHILL ROAD, [illegible] N24°45'09"W ALONG SAID R.O.W. FOR A DISTANCE OF 72.80', THENCE N53°21'27"E LEAVING SAID R.O.W. FOR A DISTANCE OF 660.31', THENCE S26°21'46"E FOR A DISTANCE OF 1364.94' TO THE CENTER OF SAID SECTION 32, THE POINT OF BEGINNING. CONTAINING 133.82 ACRES, MORE OR LESS. ALL BEARINGS ARE REFERENCED TO A SOLAR OBSERVATION. THAT SAID OWNER HAS BY THESE PRESENTS LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS, AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF REDHILL FOREST FILING NO. 3, AND DOES HEREBY CONVEY IN FEE TO THE REDHILL FOREST PROPERTY OWNERS, MUTUAL WATER AND CATTLE ASSOCIATION, FOR THE USE OF THE PROPERTY OWNERS AND APPROPRIATE GOVERNMENTAL AGENCIES, THE AVENUES, STREETS, ROADS, COURTS, AND PLACES HEREIN SHOWN, ALSO THE EASTMENTS AS SHOWN HEREON ARE RESERVED AND/OR DEDICATED FOR THE PURPOSES SHOWN.

EXECUTED THIS 7TH DAY OF April A.D. 1980

PARK COUNTY ASSOCIATES, INC.
A COLORADO CORPORATION

BY Morris Burk Pres. — BY Morris Burk
MORRIS BURK

ATTEST: Harley Hamilton
Sec'y

NOTORIAL

STATE OF COLORADO
COUNTY OF PARK

THE FOREGOING STATEMENT AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF April A.D. 1980

MY COMMISSION EXPIRES
WITNESS MY HAND AND SEAL

Constance Saul, County Clerk
NOTARY PUBLIC

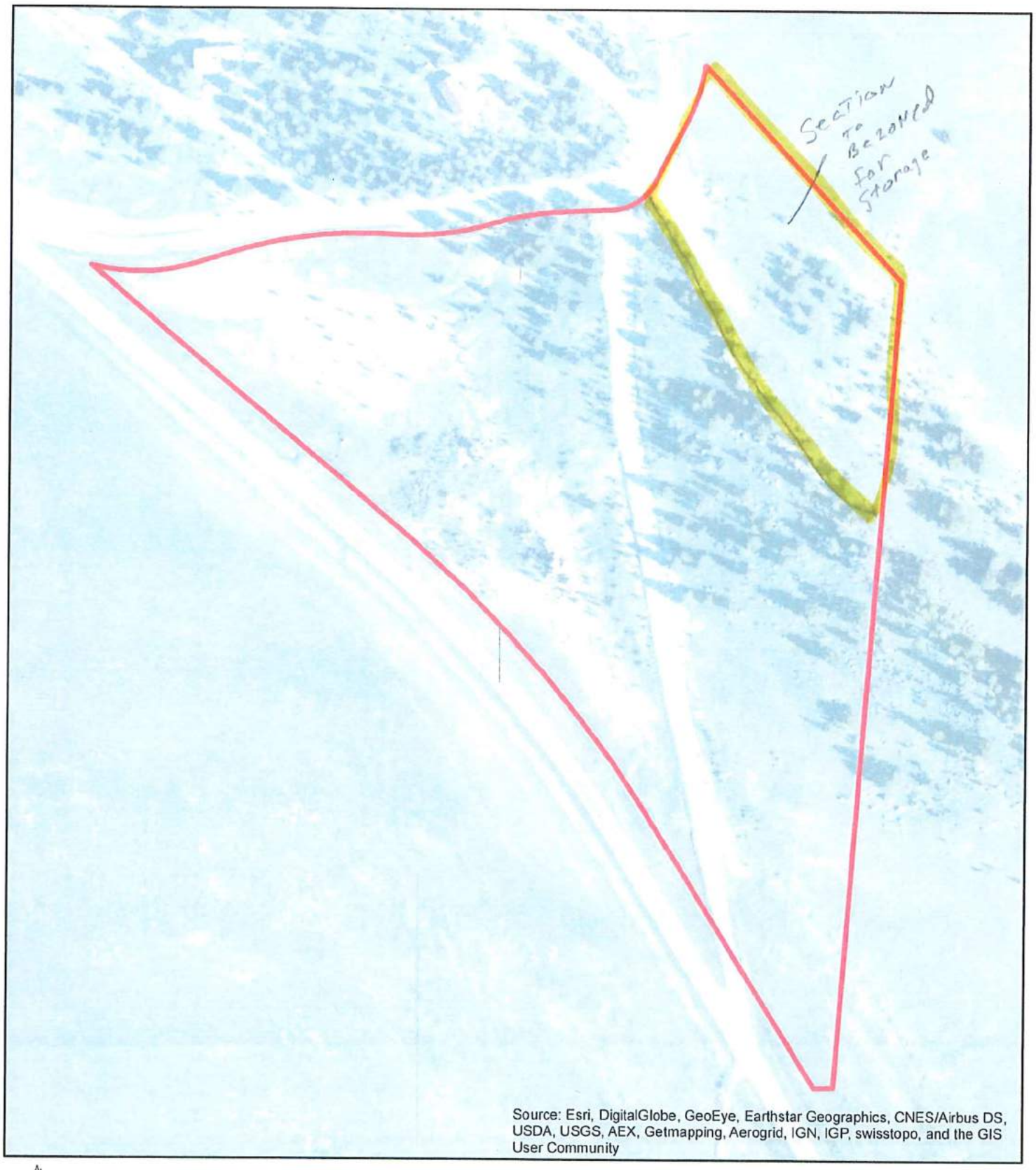
SCALE 1" = 200'
200 100 0 200

Mountain Planning & Dev.
Surveying, Planning & Geology
P. O. Box 126 Fairplay, Colo. 80440
Phone 836-2480

THIS SHEET CONTAINS 64 LOTS

SHEET 1 OF 2

Site Plan



0 200 400 800 Feet

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Park County Planning Department

This map is not a survey.

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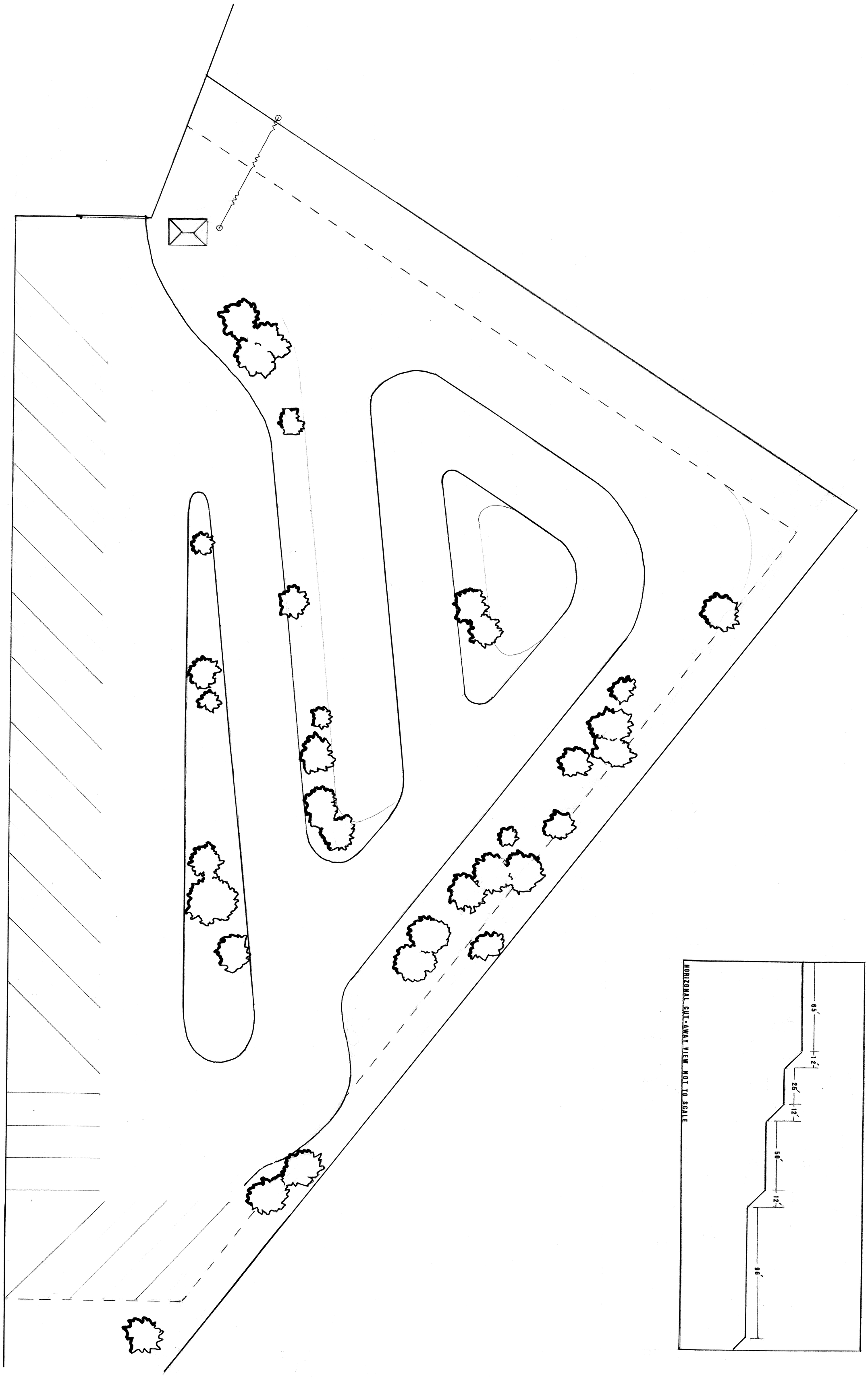
6



SCALE: 1" = 16'

RED HILL STORAGE AREA

RED HILL FOREST
16 RED HILL RD.
FAIRPLAY, CO 80440

CONTACT:
STEPHEN WINKEL

DESIGN BY:
AGRISCAPES

10/2016