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STAFF REPORT

Sinclair Subdivision
25-001 Sinclair
Date: October 28th, 2025

Applicant(s):

Janis Keeling, Personal Representative of the Estate of Edward Arthur Herber, Deceased

Consultant(s):

Attorney Gwendolyn Allen

Purpose:

Requesting approval for a minor subdivision that will create a total of two (2) lots. Located at 350 Sangre De Cristo Drive in Coaldale.

Improvements:

Lot 1 – Vacant – Agricultural irrigated hay field.

Lot 2 – Dwelling & Outbuildings

Zoning District Development Requirements:

<u>R2</u> <u>(Residential Two)</u>	<u>LOT 1</u>	<u>LOT 2</u>	<u>Development</u> <u>Requirements</u>
Lot Area:	<i>1,528,956 Sq. ft.</i> <i>35.10 Acres</i>	<i>845,935 Sq. ft.</i> <i>19.42 Acres</i>	<i>4.5 Acres</i>
Maximum lot coverage:	<i>0%</i>	<i>.19%</i>	<i>15%</i>
Maximum building height:	<i>Vacant</i>	<i>Does not exceed MBH.</i>	<i>35'</i>
Minimum lot width:	<i>300'</i>	<i>694.43'</i>	<i>300'</i>
<u>Setback Requirements</u>	<u>Lot 1</u>	<u>Lot 2</u>	<u>Minimum</u> <u>Requirement</u>
Front yard:	<i>Vacant</i>	<i>136.3'</i>	<i>50'</i>
Corner Side yards:	<i>Vacant</i>	<i>N/A</i>	<i>50'</i>
Int. Side yard:	<i>Vacant</i>	<i>71'</i>	<i>25'</i>
Rear yard:	<i>Vacant</i>	<i>100'+</i>	<i>50'</i>



Subdivision Regulations Appendix 1:

<u>Lot Standards</u>	<u>Lot 1</u>	<u>Lot 2</u>
Front on public street	Easement	Easement
Wedge Shaped Lot	Setback line drawn	N/A
Side lines at right angles	Does not meet	Meets
<u>Access Standards</u>	<u>Lot 1</u>	<u>Lot 2</u>
Public Right-Of-Way Dedication	Proposing to record Declaration of Easement	Deeded Easement

Mineral Interest Owners:

Coy W. Gregory & Opal L. Gregory

Utilities:

Lot 1

Proposed Water: Well

Proposed Sanitation: On-Site Water Treatment System

Proposed Electric: Sangre DeCristo Electric

Proposed Gas: Propane

Proposed Telephone: Century Link

Proposed Television: Direct TV

Lot 2

Water: Well

Sanitation: On-Site Water Treatment System

Electric: Sangre DeCristo Electric

Gas: Propane

Telephone: Century Link

Television: Direct TV



WAIVERS:

1. Fremont County Subdivision Regs. I.B.4 – Front on Public Street
2. Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
3. Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
4. Fremont County Subdivision Regs. I.C – Access Standards
5. Topographic & Soils Information
6. Drainage Plan & Report

COMMENTS RECEIVED:

County Engineer:

Deferment of drainage plan and report is acceptable due to no increase in impervious area.

Fremont County Department of Transportation:

The applicant will be required to submit a driveway access permit if a new access point in the future is needed.

Fremont Building Dept.:

Deferment of soil testing is acceptable.

Western Fremont Fire Protection District:

Recommends additional road base to cover culvert located in easement.

- *The applicant has replaced the culvert and added road base.*

Planning & Zoning Department Recommends Denial due to the following:

1. Fremont County Subdivision Regs. I.B.4 – Front on Public Street
2. Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
3. Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
4. Fremont County Subdivision Regs. I.C – Access Standards



If Planning Commission recommends Approval, staff recommends the following contingencies, conditions, and approved waivers:

1. Contingencies:

- a. Division of Water Resource letter dated March 5, 2025.
 - Submit a written statement that the use of the well on lot 2 will comply with SB20-155
 - Clarify that the well will be re-permitted with a non-exempt permit and be covered by a Court approved augmentation plan; or Clarify that the well will be plugged and abandoned.
 - Provide a complete Water Supply Information Summary GWS-76 describing water use for both lots.

2. Conditions:

- a. Plat note that a Drainage plan and report will be required at the time of development of lot 1.
- b. Record a Declaration of Easement for a 60' accessway located on lot 2.
- c. A driveway access permit will be required at time of development.
- d. Topographic & Soils Information required at time of OWTS.

3. Approved Waivers

- 1) Fremont County Subdivision Regs. I.B.4 – Front on Public Street
- 2) Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
- 3) Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
- 4) Fremont County Subdivision Regs. I.C – Access Standards



FREMONT COUNTY MINOR SUBDIVISION APPLICATION

1. Project Name: Sinclair Minor Subdivision
2. Name: Janis Keeling as owner representative
Mailing Address: 3850 Clover Lane, Chino Valley, AZ 86323
Telephone Number: 928-713-1294 Facsimile Number: _____
Email Address: janisk1223@gmail.com; herbkeeling2@gmail.com
3. Name: Gwendolyn Allen, Esq., as attorney for owners
Mailing Address: 8925 Antlers Trail, Salida, CO 81201
Telephone Number: 719-239-1277 Facsimile Number: _____
Email Address: gwen@alleneakins.com
4. Name: _____
Mailing Address: _____
Telephone Number: _____ Facsimile Number: _____
Email Address: _____

Please read prior to completion of this application

The Minor Subdivision Application is a one (1) time exemption from the Sketch Plan, Preliminary Plan and Major Subdivision (*Final Plat*) procedures. The Minor Subdivision Application allows for the creation of two (2) or three (3) lots from a parent parcel. One (1) Minor Subdivision may be allowed for a lot, tract or parcel that has not been previously platted as a Minor or a Major Subdivision or any portion thereof. If the parent parcel has been previously platted or subdivided in whole or in part as a Minor Subdivision or a Major Subdivision, then all appropriate Sketch Plan, Preliminary Plan and Major Subdivision requirements shall be met rather than Minor Subdivision. In processing a Minor Subdivision all lot size and width requirements as per the Fremont County Zoning Resolution (FCZR), Zoning Maps and Appendix 1 and 2 of the Fremont County Subdivision Regulations (FCSR) regarding lot and street design shall be met.

Any application which is not complete or does not include all minimum submittal requirements will not be accepted by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequately prepared, or is incomplete, may be subject to postponement (*until an adequate submittal is provided*) of placement on an agenda of the Fremont County Planning Commission (Commission).

The applicant shall provide **one (1) original document, four (4) copies, and an electronic copy (either CD or flash/thumb drive)** of the application and all of its attachments. After submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter). The letter will state the submittal

deficiencies, Department comments and or questions about the application, which must be addressed by the applicant. In addition the letter will note the number of revised application packets that must be supplied to the Department in order to place the application on an agenda of the Commission.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 22 would be marked - Exhibit 22.1, the fifth attached document supporting the narrative provided for application item 22 would be marked - Exhibit 22.5*).

An application fee set by the Board of County Commissioners (Board) shall accompany this application.

An additional full application fee will be charged to the applicant, as per resolution approved by the Board, if all deficiencies, as per the initial D & C Letter, are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

If the application is approved by the Board with contingencies and the contingencies cannot be met within the specified time frame (*normally 6 months*), an additional fee will be charged, as per resolution approved by the Board, to the applicant for each request for extension of the contingency deadline. All such fees shall be paid along with a written request, explaining the need for extension, prior to being placed on a Board meeting agenda for consideration of the request. Extensions must be requested prior to the expiration of the specified time frame.

The Department, The Commission and/or The Board may require additional information at any time during the application process as may be deemed necessary in order to review the application adequately, to determine if the application is in compliance with all applicable regulations and make an informed decision with regard to recommendations, approval or disapproval of the application.

For specific regulatory requirements the applicant should refer to the appropriate sections of the Fremont County Subdivision Regulations (FCSR) and the Fremont County Zoning Resolution (FCZR). In addition, consideration shall be given to the Fremont County Master Plan (FCMP), as the Department will consider it in the review of Minor Subdivision applications which could result in the need for additional information from the applicant.

For further reference the Fremont County Zoning Resolution may be viewed on the Internet at

<http://www.fremontco.com/planningandzoning/zoningresolution.pdf>

and the Fremont County Subdivision Regulations may be viewed on the Internet at

<http://www.fremontco.com/planningandzoning/forms/subdivisionregulations.pdf>

5. Has the subject property been previously platted? ☒ Yes --- ☐ No If yes, please explain the circumstances. Recorded BLA in 1987, Herber Parcel - REC 539889

6. The total number of properties involved in the subject property prior to this application for minor subdivision are ONE

7. The total number of lots as a result of this minor subdivision are TWO

8. What is the existing size of the subject property prior to this application? **See Addendum
Acreage 54.52 Square Footage 2,374,891

9. What is the proposed size of each lot after platting?

a. Acreage 19.42 Square Footage 845,935

b. Acreage 35.10 Square Footage 1,528,956

c. Acreage _____ Square Footage _____

10. What is the current Zone District for the subject property?

The subject property is currently located in the R2 Zone District.

11. Is there a proposal to change the current zoning classification for any portion of the subject property? Yes ☐ --- No ☒ If yes, please state what change is proposed. _____

12. What is the current land use of the subject property?

This current land use of the subject property is ☒ conforming ☐ non-conforming with the current zone district requirements. Please explain: There is a mobile home on the property and the lot on which it sits is used for residential use, the other requested lot is used for hay and the intended use will remain the same

If the current use is a non-conforming use and proposed to remain on the subject property, an application for "non-conforming use status" shall be filed with the Department and copy shall be attached to this application as Exhibit 12.1. ☐ An exhibit has been attached. *It should be noted that if this use is determined not to be a non-conforming use, said use shall be removed from the subject property.*

13. What is the proposed land use of the subject property? R2; dwelling and AG (haying), same as current

This proposed land use of the subject property will be ☒ conforming ☐ non-conforming with the current or proposed zone district requirements. Please explain: _____

The proposed lots conform with size requirements. However, the shape of the lots are surveyed to capture the highest use of existing AG ground.

14. Does the subject property contain any existing structures that will remain on the property after subdivision? ☒ Yes --- ☐ No. If yes, the proposed lot(s) housing the existing structures must comply with the development requirements of the proposed zone district

regarding the structures; please provide all setback dimensions for each structure from the proposed lot lines and the percentage of the lot coverage for each lot which will continue to house an existing structure: The "Improvement Details" on the attached Plat include the dimensions, which comply with development requirements

Lot Coverage is 0.19%

15. Does each proposed lot have an adequate building site, taking into consideration setback and lot coverage requirements for the proposed zone district, building restriction lines, flood plains and other natural features, and existing and proposed easements? ☒ Yes --- ☐ No If no, how is the lot to be used? _____

16. Have all General, Lot, Access, Street Design, Engineering, Sewage Disposal, Easement and Open Space Standards and or Specifications of the FCSR Appendix 1 been met by this proposal? ☒ Yes --- ☐ No If no, please list each standard or specification and provide a regulation citing which will not be met and provide an explanation as to why it will not be met. See attached Addendum for detail

****See Addendum 2 Attached for Explanation and, if required, waiver request**

17. What is the name and or number of the public right-of-way(s) that will provide access to each proposed lot? Sangre De Cristo Drive

18. Is the public right-of-way(s) proposed to provide access to the subject property ☒ County, ☐ State or ☐ Federal right-of-way? Documentation evidencing a "right of access" shall be attached to this application for each proposed lot or for the subdivision as a whole, as may be appropriate, marked as Exhibit 18. ☒ An exhibit has been attached. *See item 16 in addendum* **

19. Will each proposed lot have adequate frontage on the public right-of-way? ☐ Yes --- ☒ No If no, please provide a copy of an executed deed for ingress and egress, which shall be attached to this application and shall be marked as Exhibit 19.1. ☒ An exhibit has been attached. *See attached Addendum for explanation of easement shown on Plat*

20. A copy of the most current deed of record of the subject property must be attached to this application, marked as Exhibit 20.1 ☒ (An exhibit has been attached.) and can be found recorded in the Fremont County Clerk and Recorder's Office as follows:

In Book _____ at Page _____ and under Reception Number 913611

21. A title insurance commitment or policy with an effective date within thirty (30) days of the application submittal date, for each property involved in this application shall be attached to this application, marked as Exhibit 21.1. ☒ An exhibit has been attached. (an updated title insurance commitment or policy shall be provided prior to recording of the subdivision plat for any application that was granted an extension of approval or as applicable by regulation, this could result in further requirement of the applicant, by the Department, prior to recording of the plat): **Update included**

Document Number 24-22984 INV 3814 Effective Date of Document _____

22. As per the FCSR Section XIII., D., 1b., an executed Ratification, Consent and Release Form (*forms are provided by the Department for execution with the initial D & C Letter*) shall be provided for each outstanding mortgage, deed of trust, lien, judgment or the like for each property involved in a minor subdivision application prior to recording of the plat. Will any property involved in this application require a form to be executed and submitted? ☐ Yes --- ☒ No If answered yes please list and identify the documents that will require RCR forms.

23. All easements of record on involved properties must be vacated prior to application submittal or shown on the proposed plat and labeled or noted as to use, recording information, location and size through appropriate survey information. Please answer the following questions and provide a brief description of each easement noted.

a. Do the properties involved in this application have easements of record as per the submitted title commitment? ☒ Yes --- ☐ No If answered yes, please identify each easement along with recording information and describe which properties it affects and how they are affected. REC 431185 - 60' Road Right of Way Easement for Ingress and Egress - affects Tract 1 and 2 without inconvenience. Easement will remain in place.

b. Do the properties involved in this application have easements not of record? ☐ Yes--- ☒ No If answered yes, please identify each easement along with identification of which properties are affected and how they are affected. _____

c. Are any easements proposed to be vacated by this application? ☐ Yes --- ☒ No If answered yes, please identify the easement and provide a statement as to why a vacation of the easement is necessary. Also provide a statement as to whether or not the easement currently contains improvements. _____

d. Are any easements proposed to be relocated by this application? ☐ Yes --- ☒ No If answered yes, please identify the easement and provide an explanation as to why relocation is necessary. _____

e. Are any new easements proposed by this application? ☐ Yes --- ☒ No If answered yes, please identify the easement and provide a description of the easement. But See Item 16 and 36 in the Addendum as to proposed Declaration of Easement on the Owners' Property to clarify easement on existing roadbed and as shown on existing plat

f. Do any existing easements contain improvements? ☐ Yes --- ☒ No If answered yes, please identify the easement and describe the improvements. _____

24. As per the FCSR Section XIII., D., 2., a tax certificate issued by the Fremont County Treasurer shall be provided indicating that all ad valorem taxes for the subject property for all years prior to the year in which the plat is to be recorded have been paid. Said Certificate shall be attached and marked as Exhibit 24.1. ☒ An exhibit has been attached.

Date of Tax Certificate 1/17/2025 (together with evidence of payment)

25. Does the subject property lie within an area that has been under mined as depicted by the Colorado Department of Natural Resources, Colorado Geological Survey "Mining and Surface Features Maps" or any known active or inactive under ground mine? ☐ Yes --- ☒ No Please explain: _____

26. Does the subject property contain any of the following natural features and how may they be affected (*explain*) by this proposal?

a. Bodies of water <u>Baker Potter Ditch</u>	Effect <u>None</u>
b. Natural water courses _____	Effect _____
c. Dry gulches or drainage ways _____	Effect _____
d. Bluffs or cliffs _____	Effect _____
e. Fault lines or other geologic hazards _____	Effect _____
f. FEMA flood hazard area _____	Effect _____

27. In accordance with the FCSR Section XIII., D., 3., a copy of the proposed plat shall be provided that locates, by providing dimensions from property lines and size by dimension, all improvements (*i.e. roads, driveways, sewer and water lines, other utility lines, septic systems, wells, structures, buildings, irrigation ditches, drainage structures etc.*), natural physical features (*i.e. soil type boundaries, bluffs, cliffs, debris fans, water courses, live streams, dry gulches, drainages etc.*), and easements and rights-of-way described in the title commitment or policy or any of the same known to exist without being of record, which effect or traverse the property. More than one drawing may be used, if more understandable. ☒ A copy of the plat as required has been attached and marked as Exhibit 27.1.

If no such items exist then a written statement to that effect regarding each category shall be provided by the project surveyor. _____

Project Surveyor Signature _____ Date _____

28. Topographic and soils information, sufficient to show the usability of the proposed lots for the purpose intended, with the source of information identified, shall be attached to this application, marked as Exhibit 28.1. ☒ An exhibit has been attached. Identify the source of information and provide a general synopsis of the information: ID.LAND.MAPS

29. As per the FCSR Section XIII., D., 8. a Drainage Plan Map and Report for the subject property after subdivision, prepared, signed and sealed by a Colorado Registered Professional Engineer shall be attached to this application, marked as Exhibit 29.1. ☐ An exhibit has been attached.
30. What is the potable water source for each proposed lot? ☐ --- Public Water Supply;
Name of supplier _____
If the potable water source is a water company or district, then documentation evidencing that the supplier has committed to supply water for the appropriate number of lots and uses shall be attached to this application, marked as Exhibit 30.1. ☒ --- Private Well or Spring? If the potable water source is a private well or spring then documentation from the Colorado Division of Water Resources evidencing that the proposed subdivision will comply with the rules and regulations of the Division shall be attached to this application, marked as Exhibit 30.1. ☒ An exhibit has been attached. Fremont County's Division of Water Resources Information Form for Subdivision Exemption has been completed and attached to this application. ☐ An exhibit has been attached. *See Addendum for detail*
31. What is the sewage disposal source for each proposed lot? ☐ --- Public Sanitary Sewer System; Name of provider _____
If the proposed source is a public sanitary sewer system, then documentation evidencing that the provider has committed to provide service for the appropriate number of lots and uses shall be attached to this application, marked as Exhibit 31.1. ☒ --- Onsite Wastewater Treatment Systems; If the proposed sources are onsite wastewater treatment systems for each lot then an Individual Wastewater Treatment System Report, as required by The FCSR Section XIII., D., 5b., shall be attached to this application, marked as Exhibit 31.1. ☒ An exhibit has been attached.
32. Does the subject property currently have irrigation rights? ☒ Yes --- ☐ No If yes, Name of Irrigation Company Baker Potter Ditch
Is the subject property encumbered by right of easement or right of use by any irrigation company? ☒ Yes --- ☐ No If yes, Name of Irrigation Company Baker Potter Ditch Co
As per the FCSR Section XIII., D., 10. If any property involved in a minor subdivision has irrigation rights, and is subject to easement or is physically traversed by an irrigation ditch, the irrigation company shall be sent notice of the proposed subdivision, by certified mail (*return receipt requested*) and a copy of said notice and mailing receipts shall be attached to this application, marked as Exhibit 32.1. ☒ An exhibit has been attached.
33. Does the subject property lie within a Fire Protection District? ☒ Yes --- ☐ No If yes, Name of District Western Fremont Fire District
As per the FCSR Section XIII., D., 9., attach an executed copy of the Fremont County Fire Protection Plan Form from the appropriate Fire Protection District marked as Exhibit 33.1. ☒ An exhibit has been attached.
34. Does the subject property lie within a recreation district? ☐ Yes --- ☒ No If yes, Name of District _____
Does the subject property lie within one (1) mile of a recreation district? ☐ Yes --- ☒ No
If yes, Name of District _____

As per the FCSR Section XIII., D., 11., a copy of the Fremont County Recreation District Comment Form shall be sent (*certified mail, return receipt requested*) to the appropriate recreation district, when the subject property is located within a recreation district or is located within one (1) mile of a recreation district. Evidence of said notice and mailing receipt shall be attached to this application, marked as Exhibit 34.1. ☐ An exhibit has been attached.

35. Based on the real estate records of the county, which include the records of the County assessor, and "requests for notification" filed by a mineral estate owner in the records of the County Clerk and Recorder, have the mineral interests of the subject property been severed?

☒ Yes -- ☐ No If yes, name of mineral interest owner See Addendum A

As per the FCSR Section XIII., D., 13., a notice of the proposed subdivision shall be sent (*certified mail return receipt requested*) to the severed mineral interest owner(s) not less than thirty (30) days before the date of the Commission meeting at which the application is anticipated to be heard. See Subdivision – Mineral Interest Owner Notification Form. Evidence of said notice and mail receipt shall be attached to this application, marked as Exhibit 35.1. ☒ An exhibit has been attached.

36. Do any persons or entities have any right of easement on or across the subject property? ☒ Yes

--- ☐ No If yes, Name of Person(s) or Entity See Addendum A

As per the FCSR Section XIII., D., 14., a notice of the proposed subdivision shall be sent (*certified mail return receipt requested*) to the easement beneficiary. Evidence of said notice and receipt shall be attached to this application, marked as Exhibit 36.1. ☒ An exhibit has been attached.

37. In accordance with the FCSR Section XIII., D., 14., proof (*certified mail with return receipt*) that all applicable utility companies (*companies that service the property currently or that will be required to service the property after subdivision*) were notified of this application. The notification shall include a copy of the Department form letter and a copy of the proposed plat provided by the applicant. Evidence of said notice and mailing receipts to all of the following, as applicable, shall be attached to this application and shall be marked as Exhibit 37.1. ☒ An exhibit has been attached.

Water source _____ Mail date _____ Received date _____

Sanitation source _____ Mail date _____ Received date _____

Electrical source Sangre De Cristo Electric Mail date 2/20/25 Received date 2/25/25

Natural Gas source _____ Mail date _____ Received date _____

Telephone source Century Link Mail date 5/15/25 Received date Illegible

Cable Television source DirectTV Mail date 5/15/25 Received date Illegible

Other required notice _____ Mail date _____ Received date _____

38. Have at a minimum, six (6) copies of a plat drawing (24 x 36 inches) and six (6) reduced copies, (8½ x 11 inches or 11 x 17 inches) , professionally drawn, as stipulated by the Fremont County Subdivision Regulations, Section XIII., A. and B., been submitted with this application? ☒ Yes --- ☐ No If all such requirements are not proposed to be met then, a

list of requested waivers, specifically citing the regulations for which waivers are being requested and justification for each requested waiver shall be attached hereto and marked as Exhibit 38.1. ☐ An exhibit has been attached. At a minimum, the following (*the Department, Commission or Board can require additional information*) shall be provided:

- a. Drawing scale, unless a different scale is approved by the Department prior to submittal, shall not be less than one (1) inch to one hundred (100) feet.
- b. Multiple sheets shall contain a key map showing the relationship of the individual sheets to each other. (*More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification*).
- c. Appropriate title-proposed subdivision name. *No subdivision, street or road in the County shall bear the same name or substantially similar name as another subdivision, street or road unless adjoining and using consecutive filing numbers or if the street or road is a continuation of an existing street or road or cul-de-sac street accessed from the primary roadway, (i.e. Court, Place, etc.). The Department shall have the authority to require applicant to change the proposed name if such name is substantially similar to the name of an existing subdivision, street or road in the County.*
- d. The sub-title of the Plat shall read: A portion of the (*aliquot description*) Section, Township, Range, Fremont County, Colorado or A Vacation and Re-plat of (*Lot(s), Block(s) of [Name of Subdivision]*), Fremont County, Colorado, as appropriate, dependent on whether or not the property being subdivided is un-platted or platted property.
- e. A note table with each note being individually labeled.
- f. A legend table with each symbol and line pattern being identified.
- g. The total acreage and the total number of lots contained within the subdivision being platted.
- h. The acreage and/or square footage for each proposed lot.
- i. The proposed lot and block layout, including lot and block numbers which shall be consecutively numbered.
- j. Name and address of the person, firm or organization preparing the drawing.
- k. The date of preparation of the plat and all revision dates to the submitted plat.
- l. A north arrow.
- m. A written and graphic scale.
- n. A vicinity map locating the proposed subdivision in relation to the surrounding area, streets and major natural features (*such as rivers, mountain peaks, and cliffs, etcetera*).
- o. All appropriate survey information on the plat shall show lengths to hundredths of a foot, and angles and bearings shall be shown to seconds of a degree.
- p. A survey tie from the proposed subdivision boundary to an aliquot survey monument.

- q. A statement identifying the basis of bearing for the proposed subdivision survey.
- r. The length and bearings for the exterior boundary lines of the proposed subdivision. For bearings and lengths for interior lot lines where the bearings and lengths are the same as the exterior lot lines, labeling is not required.
- s. All bearings and dimensions for irregularly shaped lots shall be provided for each lot.
- t. For proposed curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall be shown in a table and shall include the following:
 - 1. Radius of curve.
 - 2. Central angle.
 - 3. Tangent.
 - 4. Arc length.
 - 5. Notation of non-tangent curves.
- u. Any non-radial lot lines or boundary lines shall be labeled.
- v. All survey monuments set and found, in preparation of the plat, shall be indicated on the plat as to location and type of monument, in a legend table.
- w. Any "Reference Monument" and or "Witness Corner" shall be appropriately labeled on the plat.
- x. At a minimum, the name, centerline bearing, distance and curve information along with width information shall be provided for all proposed and existing roadway rights-of-way that traverse or adjoin the subject property.
- y. The acreage and lineal footage proposed to be devoted to roadways.
- z. The location, width, length and identification label for all other public ways, easements and rights-of-way that traverse or adjoin the subject property.
- aa. All proposed easements shall be designated as to use, bearings and dimensions, or indicated by appropriate statements.
- bb. All legally described easements in the title insurance commitment or policy shall be located or if not applicable, a written statement to that effect.
- cc. Excepted parcels shown on the plat shall be shall be marked "Not included in this subdivision" or "Not included in this plat" as appropriate.
- dd. All existing easements shall be shown on the plat, labeled or noted as to use, size and location. In addition, all survey information and any recording information shall be provided. Any existing easement or right-of-way to be vacated, which is within the County's authority or ownership may be vacated by a note on the plat. Any existing easement not within the county's authority or ownership, shall be vacated or released by the appropriate authority or owner(s), and documentation shall be provided noting such.
- ee. The 100 year floodplain line shall be shown as per the FEMA FIRM map.

ff. The Plat shall show building setback lines for all stem or flag lots or irregularly shaped lots that do not have the minimum lot width, as required by the Zone District of the property at the property frontage. Said building setback line shall be shown by a thin dashed line and shall be labeled as such. In addition, dimensions shall be provided along the side lot lines, which are adequate to locate the building setback lines.

gg. Sites to be reserved or dedicated for open space, parks, playgrounds, schools or other public uses, other than easements shall be shown as outlots and shall be labeled with a statement as to the designated use.

hh. Has all required Subdivision Plat Language (FCSR Section XIII., B., 34.) been provided?
☒ Yes --- ☐ No

39. Is this application for a condominium or townhouse plat? ☐ Yes --- ☒ No If yes, then the condominium or townhouse application addendum, in accordance with the FCSR Section XIII., C., shall be attached hereto and marked as Exhibit 39.1. ☐ An exhibit has been attached.

40. Any waiver(s) that is requested from the FCSR regarding this application shall be stated in written form, with the citing of the regulation for which the waiver is being requested along with an explanation as to why the waiver is necessary and attached to this application, marked as Exhibit 40.1. ☒ An exhibit has been attached.

41. Are there any existing deed restrictions on the property which might affect the subdivision of the subject property? ☐ Yes --- ☒ No If yes, provide copies of such documents marked as Exhibit 41.1. ☐ An exhibit has been attached.

42. Are there any proposed deed restrictions on the subject property that would be implemented as a portion of the County approval of the Minor Subdivision Application? ☐ Yes --- ☒ No If yes, provide copies of such documents marked as Exhibit 42.1. ☐ An exhibit has been attached.

43. Are there any proposed improvements regarding such items as streets, public water and sewer systems, stormwater drainage facilities and the like? ☐ Yes --- ☒ No Please explain. _____

If yes, then the FCSR Sections X. (Utilities & Improvements – General Requirements) and XI. (Guarantee of Public Improvements) would apply to this application.

44. **PLEASE NOTE:** The following items (*but not limited to these items*), if not provided at the time of application, may be required to be provided to the Department after approval by the Board as contingency of approval items, if so required the items shall be provided prior to recording of the plat:

- a. Information adequate to enable the Department to compute addresses for the lots being platted. ☐ Provided (marked as Exhibit 44.a.1) --- ☒ Requested contingency item
- b. Closure sheets for each lot and the subdivision boundary. ☐ Provided (marked as Exhibit 44.b.1) --- ☒ Requested contingency item

- c. An approved County or Colorado Department of Transportation Access Permit(s) as may be appropriate. ☐ Provided (marked as Exhibit 44.c.1) --- ☒ Requested contingency item
- d. A detailed utility plan showing the proposed location of all utility and irrigation improvement locations, horizontal and vertical, as proposed by the developer, for all subdivisions where a new road, street or rights-of-way is proposed. The plan shall include the signatures of all utility providers, indicating their approval of such plan. ☐ Provided (marked as Exhibit 44.d.1) --- ☒ Requested contingency item
- e. An executed quit-claim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way etc., may be required, if applicable. Such deed is to be recorded at the time of recording of the plat, with all recording fees being at the expense of the applicant. ☐ Provided (marked as Exhibit 44.e.1) --- ☒ Requested contingency item
- f. Properly executed Ratification, Consent and Release Forms will be required for any outstanding mortgages, deeds of trust, liens, judgments or the like. ☐ Provided (marked as Exhibit 44.f.1) --- ☒ Requested contingency item
45. A submittal fee of \$_____ is attached to this application (Check #_____ ☐ cash). *Was submitted with original application*

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Gwendolyn Allen, as attorney for Owners

Applicant Printed Name

Signature

Date

Owner Printed Name

Signature

Date

ADDENDUM TO SINCLAIR MINOR SUBDIVISION REVISED APPLICATION

This Addendum is attached to and made a part of the Minor Subdivision Application for Sinclair Minor Subdivision, which is being submitted as a revised version of the application initially signed 1/15/2025, such revisions being made in response to the Deficiency Letter dated March 13, 2025 for “MS 25-001 Sinclair.”

RESPONSES TO NON-NUMBERED COMMENTS:

The surveyor has updated the proposed plat to respond to the County’s redlines and the site plan comments. No improvements are planned. The intent is for the current owner to retain Lot 2 with its current improvements and use, and the buyer for Lot 1 (once approved) intends to use it for haying. The anticipated buyer of Lot 1 understands that he will need a well permit for Lot 1, and assuming the Application is approved the owners of Lot 2 will augment the existing well, but neither party wishes to incur additional costs unless and until it is clear that the Application will be approved such that they can proceed with their transaction.

The junk, trash and debris have been removed.

The parties understand that if new improvements or access points are desired in the future, there will be additional requirements, including for a driveway access permit and additional road base to cover the steel culvert.

RESPONSES TO NUMBERED COMMENTS *(in addition to the corrections shown in italics on the application itself):*

#8: The licensed surveyor who has provided the plat and will certify the survey work has confirmed the acreage of 54.52 acres as indicated on the plat. The existing recorded Boundary Line Adjustment Plat showing 54.87 acres must have had a minor error in measurement.

#16: The Requirements of Appendix 1 have been met, except that the owners are asking for approval for the use of a private road from Sangre De Cristo Drive to the Property boundary. There is an existing recorded easement for that access (Rec. # 431185) as shown on the previously recorded plat (Rec #539889). If desired by the planning department, the Owners are willing to record a Declaration of access easement over the 60’ accessway shown on the Plat as it crosses the owners’ Property. A copy of the proposed draft Declaration of Easement is included in the Exhibit Marked Ex. 19 and 36. Since the use is not changing and no additional improvements are planned, the owners request a waiver of any requirements for additional street improvements.

#19: There is an existing easement for access from Sangre de Cristo Drive to the property and the Property is subject to the easements shown on the Plat. A copy of those documents have been resubmitted, along with an updated title commitment.

#30. Information regarding the existing well was submitted with the original application. The anticipated buyer of Lot 1 understands that he will need a well permit for Lot 1, and assuming the Application is approved the owners of Lot 2 will augment the existing well, but neither party wishes to incur additional costs unless and until it is clear that the Application will be approved such that they can proceed with their transaction. We would ask that the application be approved subject to the owners' obligation to comply with these requirements.

#32. The notification to the ditch company was included as an Exhibit to the original Application and the application question has now been answered accurately to conform to that Exhibit.

#33. The notification to the fire district was included as an Exhibit to the original Application and the application question has now been answered accurately to conform to that Exhibit.

#35: The mineral interest owners are Coy W. Gregory and Opal L. Gregory. The Mineral Interest Owner Notification form was sent and was included with the original Application and the answer in the application itself has now been revised to conform to that Exhibit.

#36: Per the title commitment provided with the original Application, there is a right of way easement (REC #431185, included as an Exhibit with this revised Application for ease of reference). The Boundary Line Adjustment Plat recorded as RECF No. 539889 also created easements/rights of way as shown thereon. The owner is proposing to record the attached Declaration of Easement immediately following recordation of the Minor Subdivision Plat to clarify the right of the "Tract 1" owner to use the easement area shown on the Plat. See #19 above and also Exhibit 19 and the proposed Plat.

ADDENDUM 2 TO SINCLAIR MINOR SUBDIVISION REVISED APPLICATION

This Addendum 2 is attached to and made a part of the Minor Subdivision Application for Sinclair Minor Subdivision, which is being submitted as a revised version of the application initially signed 1/15/2025, and previously revised, with an Addendum, on July 9, 2025. These revisions are being made in response to the Deficiency Letter dated July 24, 2025 for “MS 25-001 Sinclair.”

This Addendum 2 provides explanation related to the deficiencies noted with respect to Application item #16, which deal with public road requirements and road improvements. In addition to the responses previously provided as part of the Application and the previously submitted Addendum and Exhibits, further explanation of the existing access is provided below, and a Waiver Request is being submitted with this letter with respect to certain road requirements of Appendix 1. We believe the Code should be read such that if the private road conditions set out in C.2 of Appendix 1 are met, the requirements of 1.B.4, 8 and 9 should not apply. We believe that is the case here, as there is an existing easement from a public right of way, and the distance from that public right of way “creates a situation which makes the dedication of a public right-of-way impractical and non-feasible.” A full explanation as to why those criteria are met in this instance is set forth below. However, to the extent the Planning Department disagrees with our analysis, we are asking for a waiver of those requirements for the reasons set forth below. We are also seeking a waiver of any street improvements that the County might otherwise impose under 1.C.3 of Appendix 1.

Access to the current parcel (the “Property”) is from Sangre de Cristo Drive, then over an existing easement on which a gravel road exists, to the Property. A copy of the GIS Map from the Assessor website with the roads showing to the parcel is attached, and it shows that the Property, as well as parcels to the south and to the west of the Property, all use the existing road, and have addresses (according to the County Assessor) on “Sangre de Cristo Drive.” Unfortunately, it does not appear that the current roadway, from the culdesac north of the Property to the Property itself and its neighbors, was ever publicly dedicated. There was, however, an easement created pursuant to a 1954 Deed recorded at Reception No. 308282, and an easement was platted on the Boundary Line Adjustment recorded in 1987 as Reception No. 539889 (the “Existing Plat”). That existing private road, over the previously created easement areas, has historically provided access to the Property and its neighbors to the South and West. Since the owner of the Property does not own the land between the nearest publicly dedicated road and the Property (nor the land south of the Property over which the road continues), it is infeasible to require the applicant to cause a dedication of a public roadway.

Unfortunately, though the Existing Plat created an easement for the private roadway, it did not include certain bearings, which led the licensed surveyor who prepared the plat for the Sinclair Minor Subdivision (the “Proposed Plat”) to include a surveyor’s note explaining that a portion of the easement shown on the Existing Plat cannot be located/plotted. The Proposed Plat shows the existing road, as it passes through the property, as it actually exists per the survey completed by the licensed surveyor, as well as the boundaries of the previously created easement where those are locatable, resulting in a meaningful, locatable easement that is consistent with both the existing recorded documents and the existing roadway as it actually exists. The Proposed Plat confirms that easement, and even without it there would be an easement by prescription. We have also proposed that a Declaration of Easement be recorded to confirm and clarify those easement rights, and to make it clear that Lot 1 (to be created upon approval of the Minor Subdivision) is also a beneficiary of those easement rights. A revised version of that Declaration of Easement is attached for ease of reference. If approved, we would record that document immediately following recordation of the Proposed Plat.

SUBDIVISION - MINERAL INTEREST OWNER NOTIFICATION FORM

To: CODY W. + DPAL L. GREGORY c/o DORETTA GREGORY
Mineral Interest Owner
 From: GAIL H. SINCLAIR, RITA B. GOODSON, & JANIS KEELING
Subject Property Owner
 Date: AUGUST 21, 2024
 Reference: SINCLAIR MINOR SUBDIVISION
Proposed Subdivision Name

It has been determined by research of the Fremont County Assessor's Records that you own a severed mineral interest of a property proposed for subdivision. As required by the Fremont County Subdivision Regulations (FCSR) you are entitled to notice of the proposed subdivision.

- Type of application: ☒ **Minor Subdivision** – Said notice to be post marked a minimum of thirty (30) days prior to the Fremont County Planning Commission (Commission) meeting at which the application is anticipated to be heard, not to include the day of the meeting.
- ☐ **Sketch Plan** – Said notice to be post marked a minimum of thirty (30) days prior to the Commission meeting at which the application is anticipated to be heard, not to include the day of the meeting.
- ☐ **Preliminary Plan** – Said notice to be post marked a minimum of thirty (30) days prior to the Commission meeting at which the application is anticipated to be heard, not to include the day of the meeting.
- ☐ **Final Plat** – Said notice to be post marked a minimum of thirty (30) days prior to the Fremont County Board of County Commissioners (Board) meeting at which the application is anticipated to be heard, not to include the day of the meeting.

The subject property, as referenced above is located at 350 SANGRE DE CRISTO DR., COALDALE, CO 81222
General Location or Address (see Vicinity Map Exhibit A)

The subject property is legally described as: _____
 _____ ☒ Check here if legal description is attached as Exhibit B.

The proposed subdivision will result in the creation of 2 lots with a density of 1 units per TRACT acre.

The proposed land use for the proposed lots is AG RESIDENTIAL.

This application is anticipated to be heard by the ☐ Commission on _____
 The public meeting starts at 3:00 PM.

This application is anticipated to be heard by the ☐ Board on _____
 The public meeting starts at 9:30 AM.

These meetings are held in Room LL3 (lower level Board Meeting Room) of the Fremont County Administration Building, 615 Macon Avenue, Cañon City, Colorado. You and or your representative (representative documentation may be required) may attend the meeting to present your comments or written comments will be accepted at the meeting or prior to the meeting at the Department of Planning and Zoning (Department) in Room 210 of the Administration Building. Oral comments cannot be accepted except at the meeting at which the application is to be heard.

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If you would like further information regarding the application you can contact the Department by telephone at (719) 276-7360 or by email at planning@fremontco.com to schedule an appointment to review the application. For further reference regarding the governing regulations:

the Fremont County Zoning Resolution may be viewed on the Internet at
<http://www.fremontco.com/planningandzoning/zoningresolution.shtml>
and the Fremont County Subdivision Regulations may be viewed on the Internet at
<http://www.fremontco.com/planningandzoning/subdivisionregulations.shtml>

The Department, Commission and Board would welcome your comments regarding this application and will include written comment, on or accompanied by this form, in the hearing body's review packet if received by the Department with enough time to include prior to finalization of the review packets. Please complete the following information with any written comments.

Mineral Interest Owner's Name(s): _____

Mailing Address: _____
Street Address City State Zip Code

Telephone # _____ Email: _____

Property Address: _____
Street Address City State Zip Code

Are you the current owner of the mineral interests of the reference property? ☐ Yes --- ☐ No

Are you currently leasing these mineral interests to another party? ☐ Yes --- ☐ No If yes, please pass this notification in a timely fashion to the lessee. Lessee: _____

Are there current or proposed mineral extraction plans for the subject property? ☐ Yes --- ☐ No
Please explain. _____

As a severed mineral interest owner(s) of the subject property; I or We are ☐ --- FOR this subdivision; I or We are ☐ --- AGAINST this subdivision; for the following reasons: (or I or We are ☐ --- Neutral but have the following comments) [☐ other comments] _____

Failure to provide written comment prior to the meeting, written comment at the meeting or oral comment at the meeting at which the application is to be heard will result in the Department, Commission and Board assuming that you, as a mineral interest owner of the subject property, have no comments with regard to the proposed subdivision.

Mineral Interest Owner Printed Name _____

Signature _____

Date _____

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FREMONT COUNTY BUILDING DEPARTMENT

**615 MACON AVENUE, ROOM 212
CAÑON CITY, COLORADO 81212
OFFICE (719) 276-7460
FAX (719) 276-7461**



TO: Planning and Zoning

ATTN: Dan Victoria, Director
Danielle Adamic, Planning Coordinator

FROM: Wyatt Sanders, Fremont County Building Official
Fremont County Environmental Health

SUBJECT: MS 25-001, Sinclair Minor Subdivision

DATE: March 6, 2025

This department has received application MS 25-001, Sinclair Minor Subdivision located at 350 Sangre de Cristo Drive in the Coaldale area of Fremont County. There are no violations against this property by this department.

Question #31 on page 7 of the application. What is the sewage disposal source for each proposed lot?

An On-site Wastewater Treatment System (OWTS) box was checked. The applicant submitted an inspection report for the existing residence On-site Wastewater Treatment System. According to the inspection results everything seemed to be functioning normal. I don't see the need for further testing because they are not adding any new dwellings and not changing the existing use of the property as stated on the Owners request for waiver of soil testing and drainage report.

Joanne Kohl

From: Austin Breuninger <abreuninger@canonfire.org>
Sent: Friday, February 21, 2025 9:32 AM
To: Joanne Kohl
Subject: Re: MS 25-001 Sinclair

CAUTION: This sender is located outside of your organization.

Thanks Joanne,
Looks like this is for Western Fremont Fire District so we'll recuse ourselves from comments :)

Austin Breuninger
Life Safety Officer - Cañon City Fire District

On Thu, Feb 20, 2025 at 4:48 PM Joanne Kohl <joanne.kohl@fremontco.com> wrote:

Good afternoon,

Attached is the application for MS 25-001 Sinclair for your review. Please provide any comments by March 10, 2025. Please contact our office if you have any questions or if we can be of further assistance.

Thank You,

Joanne



Joanne Kohl
Planning and Zoning Department
216 Macon Avenue Room 20
Canon City, CO 81202
Telephone (719) 276-7360

Email joanne.kohl@fremontco.com

Joanne Kohl

From: Lancaster - CDOT, Adam <adam.lancaster@state.co.us>
Sent: Thursday, February 20, 2025 7:47 PM
To: Joanne Kohl
Subject: Re: MS 25-001 Sinclair

CAUTION: This sender is located outside of your organization.

Joanne

We are in receipt of the above-referenced development submittal. After review of the provided documents, CDOT Staff currently has NO COMMENT pertaining to this submittal.

Thank you

On Thu, Feb 20, 2025 at 4:48 PM Joanne Kohl <joanne.kohl@fremontco.com> wrote:

Good afternoon,

Attached is the application for MS 25-001 Sinclair for your review. Please provide any comments by March 10, 2025. Please contact our office if you have any questions or if we can be of further assistance.

Thank You,

Joanne



Joanne Kohl
Planning and Zoning Department
26 Mason Avenue Room 20
Canon City, CO 81202
Telephone (719) 276-7560

Email joanne.kohl@fremontco.com

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FREMONT COUNTY
Project Engineer
615 Macon Avenue, Room 204
Canon City, Colorado 81212
Office (719) 276-7367 Cell (719) 792-9372
Email: j.bunderson@fremontco.com

March 4, 2025

Daniel Victoria, Director
Fremont County Department of Planning and Zoning
615 Macon Avenue, Room 210
Canon City, CO 81212

Subject: Sinclair MS 25-001 Drainage Report Waiver Request

The applicant for the subject minor subdivision has requested a waiver from the requirement for a drainage report. Since there are no planned buildings or other increases in imperviousness on either lot, I recommend approval of the waiver. If you have questions or need further assistance, please don't hesitate to contact me.

Thank you.

J Bunderson

J K Bunderson
Fremont County Engineer

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Fremont County

Department of Transportation

1170 Red Canyon Road • Cañon City, Colorado 81212
Phone: 719-276-7430 • Fax: 719-275-2120

2.27.2025

Fremont County Planning & Zoning
615 Macon Ave., Room 210
Cañon City, CO 81212

RE: MS 25-001 Sinclair Minor Subdivision

Dear Mr. Victoria,

The FCDOT has reviewed the application and have the following comments:

- The applicant will be required to submit a driveway access permit if wanting a new access in the future.

Should you have any questions or need further assistance, feel free to contact us.

Sincerely,

Michael Whitt

Michael Whitt
FCDOT Director



Fremont Conservation District

Serving Fremont County, Colorado since 1946!

248 Dozier Ave
Canon City, CO 81212

719-315-3417
info@fremontcd.org

Board of Supervisors:

John Daniels, President
Bart Adams, Vice President
Tim Morse, Secretary/Treasurer
Kathleen Drenckhahn, Member
Trevor Aronson, Member

March 6th, 2025,

To whom it may concern,

The Fremont Conservation District Board of Supervisors has reviewed the application "MS 25-001 Sinclair," and has no comments at this time.

On behalf of the Fremont Conservation District Board of Supervisors,

Thank you,

Daniel Morse

District Manager
Fremont Conservation District

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Fremont Sanitation District

*107 Berry Parkway Cañon City, CO 81212-3900
(719) 269-9050 Fax - (719)276-7001*

MEMORANDUM

To: Dan Victoria, Director, Fremont County Planning & Zoning
Danielle Adamic, Senior Planning Coordinator, Fremont County Planning & Zoning

From: Jennifer E. Irvine P.E., MPA, District Engineer

Date: 27 February 2025

RE: Sinclair Minor Subdivision (MS 25-001)

Fremont Sanitation District (FSD) has the following comments regarding review of documents received on 20 February 2025 for Sinclair Minor Subdivision (MS 25-001):

The subject property is located outside the boundaries of FSD. Public sanitary sewer is not available for this location at this time. FSD has no additional comments or concerns regarding the proposed action.

Please do not hesitate to contact me should you require additional information.

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March 5, 2025

Joanne Kohl
Fremont County Planning and Zoning Department
Transmitted via email: joanne.kohl@fremontco.com

Re: Sinclair Minor Subdivision
Part of the SE ¼ of Sec. 4 and NE ¼ of Sec. 9, Twp. 47 North, Rng. 11 East, N.M. P.M.
Water Division 2, Water District 12
CDWR Assigned Subdivision No. 32735

Dear Joanne Kohl:

We have received the February 20, 2022 referral for the Sinclair Minor Subdivision preliminary plan to subdivide 54.5 acres into 2 lots. The proposed supply of water is presumed to be on-lot wells with septic systems for wastewater disposal.

Water Supply Demand

Water will be supplied to an existing residence from an existing well with permit no. 122041, it is unclear if any additional water use is anticipated for the lot with the existing residence. The second proposed lot does not have a water supply and no information regarding the anticipated water demand was provided.

Source of Water Supply

Records from our office indicate well no. 122041 is located on the subject property. Permit no. 122041 was issued on September 9, 1981 pursuant to section 37-92-602(3)(b)(II), C.R.S. as the only well on a tract of land of 52.15 acres in a portion of the SE ¼ Sec. 4, Twp. 47 North, Rng. 11 East, N.M. P.M. Upon subdivision approval, the land on which this well is located will no longer include the full 52.15 acres considered at the time this permit was issued, rendering the well out of compliance with its permit. Section 37-92-602(3)(b)(III), C.R.S. requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. **Therefore, in order to prevent material injury, the Applicant must:**

1. Submit a written statement that use of the well will comply with [SB20-155](#) prior to subdivision approval;
2. Clarify that the well will be re-permitted with a non-exempt permit and be covered by a court approved augmentation plan upon subdivision approval; or
3. Clarify that the well will be plugged and abandoned upon subdivision approval.

State Engineer's Office Opinion

Based on the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., this office has not received enough information to render an opinion regarding whether the proposed water supply will cause material injury to decreed water rights. **In order to obtain a favorable opinion, the Applicant must submit information**

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that well permit no. 122041 will be along with additional information regarding the water needs of both lots:

1. Used in compliance with [SB20-155](#);
2. Re-permitted with a non-exempt permit and covered by a court approved augmentation plan upon subdivision approval; or
3. Plugged and abandoned upon subdivision approval.
4. Provide a complete Water Supply Information Summary GWS-76 describing water use for both lots.

Please contact me at Ivan.Franco@state.co.us or at (303) 866-3581 x8243 with any questions.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

Ec: Referral No.32735
Permit File 122041



Planning and Zoning Department

615 Macon Avenue Room 210, Canon City, Colorado 81212

Telephone (719) 276-7360 / Facsimile (719) 276-7374

Email planning@fremontco.com

Inspection Checklist

Date 7/24/2025

Project Name: MS 25-001 Sinclair

Any Current Permits? ☐ Yes or ☒ No

Any Past Permits? ☐ Yes or ☒ No

Current Violation? ☐ Yes or ☒ No

Past Violations ☐ Yes or ☒ No

VISUAL OBSERVATIONS CHECKLIST

of buildings: 3

Types: Dwelling, sheds

SMM on site? No

Does the site plan match site conditions? Yes

Structures Code/Zoning Compliant : Yes

Land Use Compliant: Yes

Notes/Concerns

At the time of our inspection, we saw no violations on this property

Kyle Yarberry

July 24, 2025

George Meffley

July 24, 2025

Mathew Tafoya

July 24, 2025

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This Deed, Made this 30th day of July in the year of our Lord

one thousand nine hundred and Seventy-Seven between Glenn F. Leverett and
Virginia M. Leverett, husband and wife
whose street address is Box 396 , City or Town of Coaldale , and

of the County of Fremont and State of Colorado, of the first part, and
Edward A. Herber and Faye S. Herber
whose street address is 10550 W. 73rd Place , City or Town of Arvada , and
of the County of Jefferson and State of Colorado, of the second part;

Witnesseth, That the said part of the first part, for and in consideration of the sum of
EIGHTY FIVE THOUSAND and No/100- - - - - DOLLARS,
to the said parties of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby con-
fessed and acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell,
convey and confirm, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of
them, their assigns and the heirs and assigns of such survivor forever, all the following described lots or parcels of land
situate, lying and being in the County of Fremont and State of Colorado, to-wit: The N $\frac{1}{2}$ NE $\frac{1}{4}$ of
Section 9, Township 47 North, Range 11 East, N.M.P.M.; and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of
Section 4, less all that part of Lots 19, 20, 21, and 22 of Fox Creek Canyon
Subdivision, Fremont County, Colorado which lies within the South 1/2 of the South-
east 1/4 of Section 4, Township 47 North, Range 11 East of the New Mexico Principal
Meridian described as follows: Beginning at the point of intersection of the South
Boundary of said Lot No. 22 with the East Line of Section 4 from whence the Southeast
Corner (marked stone with brass capped pipe alongside) bears South 5°13'52" 1395.0
feet; Thence South 88°11'45" West along the Southerly Boundary of Fox Creek Canyon
Subdivision according to on-the-ground Lot Corner Monuments, 1310.86 Feet to the
Southwest Corner of Lot No. 19 (plastic-capped 1/2 inch rebar stamped with No. 2372);
Thence North 2°12'18" East along the West Boundary of said Lot No. 19 a distance of
19.02 Feet to the North Boundary of said South 1/2 of the Southeast 1/4; Thence
North 87°48'27" East along the above said North Boundary 1313.0 feet to the Northeast
Corner of the said South 1/2 of the Southeast 1/4; Thence South 5°13'52" West along
the East line of Section 4 a Distance of 28.10 feet to the Point of Beginning,
containing 0.705 acres. Together with one-half of all mineral and mineral rights;
all timber and timber rights; all water and water rights and all ditches and ditch
rights that the Grantors have Right and Title to, if any. Specifically including,
but not limited to an undivided 1/3 interest in the Baker-Potter Ditch No. 381-1,
together with two (2) cubic feet of water per second of time under Priority No. 282-A,

(continued on back of page)

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 said parties of the first part, either in law or equity, of, in and to the above
bargained premises, with the hereditaments and appurtenances.

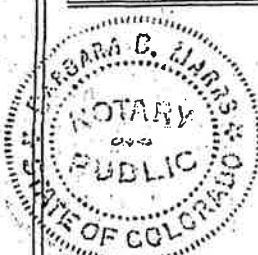
To Have and to Hold the said premises above bargained and described, with the appurtenances, unto the said parties of
the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said parties
of the first part, for themselves their heirs, executors, and administrators, do covenant, grant,
bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns
of such survivor, that at the time of the enrolling and delivery of these presents, they are well seized of the premises
above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have
good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that
the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of
whatever kind or nature soever, except Real Property taxes for 1977, due, and payable in 1978,
which the Grantees assume and agree to pay,

and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of
them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or
to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER
DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands and
seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Glenn F. Leverett (SEAL)
X Glenn F. Leverett husband
X Virginia M. Leverett (SEAL)
X Virginia M. Leverett wife (SEAL)



STATE OF COLORADO,
County of Chaffee } ss. The foregoing instrument was acknowledged
before me this 30th day of July, 1977,
by Glenn F. Leverett and Virginia M. Leverett,
husband and wife
Witness my hand and official seal.
My commission expires April 6, 1981

Barbara C. Harris
Notary Public.

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No. _____

Warranty Deed
TO JOINT TENANTS

TO

STATE OF COLORADO,
County of _____ } ss.

I hereby certify that this instrument was filed
for record in my office this _____
day of _____, A. D. 19____
at _____ o'clock _____ M., and duly recorded
in Book _____, Page _____

Recorder.

By _____ Deputy.

Fees, \$ _____

WHEN RECORDED RETURN TO
Edward and H. Hays
1055 10th St. N. W.
Ananda, Colo. 80005

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FXH131720.1

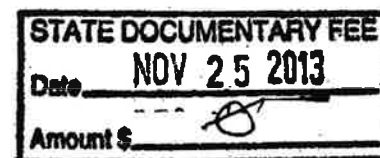
Personal Representative's
Deed of Distribution

THIS DEED is dated November 13, 2013, and is made between Janis L. Keeling the "Grantor," as Personal Representative of the estate of EDWARD ARTHUR HERBER, deceased, and Gail H. Sinclair, "Grantee," whose legal address is 5000 N Avenida de la Colina, Tucson, County of Pima and State of AZ 85947, and Rita B. Goodson, "Grantee," whose legal address is 274 Cosgrove Lane, Dillon, County of Beaverhead and State of MT 59725, and Janis L. Keeling, "Grantee," whose legal address is 3850 Clover Lane, Chino Valley, County of Yavapai and State of AZ 86323.

WHEREAS, the decedent died on the date of December 23, 2012 and Grantor was duly appointed Personal Representative of said estate by the District Court in and for the County of Jefferson, State of Colorado, Probate No. 12PR1514, on the date of January 2, 2013, and is now qualified and acting in said capacity;

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby convey, assign, transfer and release unto Grantees as Tenants in Common and as the persons entitled to distribution, the following described real property situate, lying and being in Fremont County of the State of Colorado:

M & B OR UNKNOWN (T-2) 4/9-47-11
BEG AT THE SE COR 4-47-11; TH N05-13-52E ALG
THE ELY LN OF THE SE4 OF SD SEC 4, APPROX 1377.87 FT
TO THE NE COR OF THE S2SE4 OF SD SEC 4; TH S89-15-17W,
1296.95 FT; TH N03-53-38E, 12.16 FT; TH S87-48-27W,
268.14 FT; TH S02-47-38W, 1504.79 FT; TH N88-02-29E
351.46 FT; TH S66-10-08E, 345.57 FT; TH N83-00-19E,
APPROX 842.68 FT TO A PT ON THE ELY LN OF THE NE4 OF
SEC 9-47-11; TH N02-33-51E, ALG SD ELY LN, APPROX
171.00 FT TO THE NE COR OF SD SEC 9, SD PT BEING THE
POB. (BOUNDARY LN ADJ B825 P115)
MOBILE #93000-02-317



Also known by street address as 350 Sangre De Cristo Drive, Coaldale, CO 81222
And assessor's parcel number: 0000982050005

Together with: one-half of all mineral and mineral rights; all timber and timber rights; all water and water rights and all ditches and ditch rights and reservoir and reservoir rights that the Grantor has Right and Title to, if any. Specifically including but not limited to an undivided 1/3 interest in the Baker-Potter Ditch No. 381-1, together with two (2) cubic feet of water per second of time under Priority No. 282-A, dated March 15, 1883. And together with a Road Right-Of-Way Easement 60 Feet in width from the existing cul-de-sac at the end of Sangre de Cristo Drive along the Westerly Boundary of Lot 20, Fox

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Creek Canyon Subdivision, to the North Boundary of the above described property located in the S1/4SE1/4 of Section 4. Said easement is for the purposes of ingress and egress for the Grantees, their successors, heirs, and assignees. Subject to the exceptions and reservations contained in the Patents for the United States of America, and subject to existing rights-of-way for roads, highways, ditches, utilities, reservoirs, canals, pipelines and railroads.

With all appurtenances.

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

Janis L. Keeling

Janis L. Keeling
Personal Representative of the Estate of
Edward Arthur Herber, Deceased

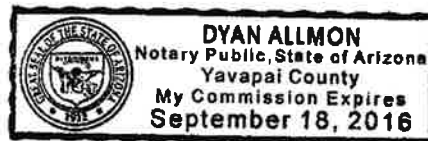
STATE OF ARIZONA

COUNTY OF YAVAPAI

The foregoing instrument was acknowledged before me this 13th day of November, 2013,

By Janis L. Keeling as Personal Representative of the Estate of Edward Arthur Herber, Deceased.

Witness my hand and official seal.



My commission expires: 9/18/2016

Dyan Allmon
Notary Public

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EXHIBIT 20.1

Exhibit 2.1.1

Central Colorado Title and Escrow
129 East Rainbow Boulevard
Salida, CO 81201

Telephone: (719) 539-1001
Fax: (719) 539-1661

TITLE INVOICE

Invoice #: 3814
Invoice Date: October 22, 2024
Due Date: February 22, 2024
Closing Date: _____, 20__

File No: 24-22984

Purchaser(s): George Thomas Purvis
Seller(s): Gail H. Sinclair, Rita B. Goodson, and Janis L. Keeling
Premises: 350 Sangre De Cristo Drive, Coaldale, CO 81222
County: Fremont

Owner's Policy Amount: \$336,090.00
Loan Policy Amount: \$0.00

ITEM	BORROWER	SELLER	LENDER
ALTA Owner's Policy (7-1-21) Premium		1,135.00	
Title - Tax Certificate		10.00	
TOTALS	\$0.00	\$1,145.00	\$0.00

Please remit payment to:
Central Colorado Title and Escrow
129 East Rainbow Boulevard
Salida, CO 81201



ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT – READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I – Requirements; Schedule B, Part II – Exceptions; and the Commitment Conditions, First American Title Insurance Company, a(n) Nebraska corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I – Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

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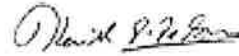
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I – Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I – Requirements;
 - f. Schedule B, Part II – Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
4. **COMPANY'S RIGHT TO AMEND**
The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I – Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II – Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
 - b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
 - c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
 - d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
 - e. The Company is not liable for the content of the Transaction Identification Data, if any.
 - f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I – Requirements have been met to the satisfaction of the Company.
 - g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**
- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

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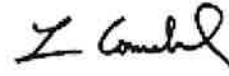
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
 - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - d. The deletion or modification of any Schedule B, Part II – Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
7. **IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
8. **PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
9. **CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
10. **CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
11. **ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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FIRST AMERICAN TITLE INSURANCE COMPANY
1 First American Way, Santa Ana, CA 92707



By: _____
Kenneth D. DeGiorgio, President



By: _____
Lisa W. Cornehl, Secretary

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Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Central Colorado Title and Escrow
Issuing Office: 129 East Rainbow Boulevard
Salida, CO 81201
Issuing Office's ALTA® Registry ID: 1076574
Loan ID Number:
Commitment Number: 24-22984
Issuing Office File Number: 24-22984
Property Address: 350 Sangre De Cristo Drive, Coal Dale, CO 81222
Revision Number:

SCHEDULE A

1. Commitment Date: October 21, 2024 7:00 AM
2. Policy to be issued:
 - (a) 2021 ALTA Owner's Policy

Proposed Insured:	George Thomas Purvis
Proposed Amount of Insurance:	\$336,090.00
The estate or interest to be insured:	fee simple
3. The estate or interest in the Land at the Commitment Date is:
fee simple
4. The Title is, at the Commitment Date, vested in:
Gail H. Sinclair, Rita B. Goodson, and Janis L. Keeling
5. The land is described as follows:
The land is described as set forth in Exhibit A attached hereto and made a part hereof.

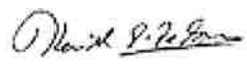
CENTRAL COLORADO TITLE AND ESCROW
129 East Rainbow Boulevard, Salida, CO 81201
Telephone: (719) 539-1001

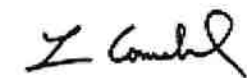
Countersigned by:



Andrew "Andy" Pi, License #649888
Central Colorado Title and Escrow, License
#742227

FIRST AMERICAN TITLE INSURANCE COMPANY
1 First American Way, Santa Ana, CA 92707


By: _____
Kenneth D. DeGiorgio, President


By: _____
Lisa W. Cornehl, Secretary

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SCHEDULE B, PART I – Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

Duly authorized and executed Deed from Gail H. Sinclair, Rita B. Goodson, and Janis L. Keeling, to George Thomas Purvis, to be executed and recorded at closing.

5. Payment of all taxes and assessments now due and payable as shown on a certificate of taxes due from the County Treasurer or the County Treasurer's Authorized Agent.
6. Evidence that all assessments for common expenses, if any, have been paid.
7. Final Affidavit and Agreement executed by Owners and/or Purchasers must be provided to the Company.
8. Evidence satisfactory to the Company that subject property has subdivided in compliance with State of Colorado and Fremont County subdivision laws and regulations.
9. New legal description of subject property based on a survey in form, content and certification acceptable to the Company.
10. A survey, in form, content and certification acceptable to the Company recorded at closing.
11. Please be advised that our search did not disclose any open Deeds of Trust of Record. If you have knowledge of an outstanding obligation, please contact us immediately for further review prior to closing.

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SCHEDULE B, PART II – Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an accurate survey of the Land or by making inquiry of persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records at Date of Policy
3. Any encroachment, encumbrance, violation, variation, easement, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records at Date of Policy.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown in the Public Records.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

Note: Exception number 5 will be removed from the policy provided the Company conducts the closing and settlement service for the transaction identified in the commitment.

6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any water rights, claims or title to water, in, on or under the Land, whether or not the matters excepted are shown by the Public Records.
8. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
9. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts; The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States Patent recorded April 17, 1899 as Reception No. 50223 . (Section 9)
10. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts; The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States Patent recorded February 18, 1902 as Reception No. 61385 . (Section 4)

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11. Reservation of one-half of all oil and mineral rights in instrument recorded July 20, 1956 as Reception No. 308282.
12. 60-foot road right of way easement for ingress and egress along Sangre de Cristo Drive granted in instrument recorded August 3, 1977 as Reception No. 431185 .
13. Notes, easements, rights of way and all other matters set forth on Boundary Line Adjustment, recorded June 12, 1987 as Reception No. 539889 .
14. Right of way for and rights of others to use Sangre de Cristo Drive.
15. The final Title Insurance Policy (Policies) shall not and does not insure the title to those fixtures, structures and like appurtenances which are not assessed and taxed as real property by the county. No examination of the title to the referenced fixtures, structures and like appurtenances has been made.

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EXHIBIT "A"

The Land referred to herein below is situated in the County of Fremont, State of Colorado and is described as follows:

A portion of the following:

Beginning at the Southeast corner of Section 4, Township 47 North, Range 11 East, NMPM;
thence N 5°13'52" E, along the easterly line of the SE 1/4 of said Section 4,
approximately 1377.87 feet to the Northeast corner of the S 1/2 of the SE 1/4 of said Section 4;
thence S 89°15'17" W, 1296.95 feet;
thence N 3°53'38" E, 12.16 feet;
thence S 87°48'27" W, 268.14 feet;
thence S 2°47'38" W, 1504.79 feet;
thence N 88°02'29" E, 351.46 feet;
thence S 66°10'08" E, 345.57 feet;
thence N 83°00'19" E, approximately 842.68 feet to a point on the easterly line
of the NE 1/4 of Section 9, Township 47 North, Range 11 East, NMPM;
thence N 2°33'51" E, along said easterly line, approximately 171.00 feet to the Northeast
corner of said Section 9, said point being the Point of Beginning.

Fremont County, Colorado

As modified by Boundary Line Adjustment,
recorded June 12, 1987 as Reception No. 539889

NOTE: Exact and final legal description to be provided by a licensed surveyor

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DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT is made this _____, 2025, by **Gail H. Sinclair, Rita B. Goodson, and Janis L. Keeling** (together, the “Declarant”).

WHEREAS, Declarant is the Owner of the following described real estate:

Lots 1 and 2 of the Sinclair Minor Subdivision according to the Plat recorded on _____, 2025 as Reception No. _____, Fremont County, Colorado

(herein, the “**Property**”); and

WHEREAS, Declarant desires to create an easement over the portion of Lot 2 labeled as “60.0’ Access Road and Utility Easement” on the recorded Plat of the Sinclair Minor Subdivision referenced above (the “**Easement Area**”), for the benefit of the properties to the south and west of the Property for which the existing road within the Easement Area has historically provided access and for the benefit of Lot 1;

NOW THEREFORE, Declarant hereby publishes, decrees, and declares as follows:

The Easement Area and the Property on which it is located is hereby made subject to a perpetual nonexclusive easement and permanent right of way for utility purposes and for access, ingress, egress, and roadway purposes for the benefit the properties situated to the south and west of the Property for which the existing road within the Easement Area has historically provided access and for the benefit of Lot 1.

This Declaration of Easement is intended to and shall be binding on and run with the land and shall both burden and benefit the Owners of the Property or any portion thereof (without giving effect to the doctrine of merger) and each such Owner’s respective successors and assigns. Use of the term “**Owner**” herein shall mean the owners of record at any given time of all or any portion of the Property.

Accordingly, Declarant hereby grants to the Owner of the Lot 1 a perpetual nonexclusive easement and right of way over and across the Easement Area for roadway, access, ingress and egress, and utility purposes, and Declarant hereby confirms, and to the extent necessary also grants, such easement rights to the owners of properties to the south and west of the Property for which the existing road within the Easement Area has historically provided access.

In the event utilities are installed in the Easement Area, the Owner(s) benefitting from such utilities shall bear the cost of repairing the roadbed to at least its condition prior to the installation or repair of such utilities or any damage resulting from such utilities. The Owners of Lots 1 and 2 shall have the right, but not the obligation, to cause snow removal from the Easement Area or any portion thereof. Nothing herein shall obligate an Owner to improve the road condition beyond the current condition of the existing roadway.

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IN WITNESS WHEREOF, Declarant has executed this Declaration of Easement to be effective as of the date set forth above.

Gail H. Sinclair

Rita B. Goodson

Janis L. Keeling

STATE OF _____

COUNTY OF _____

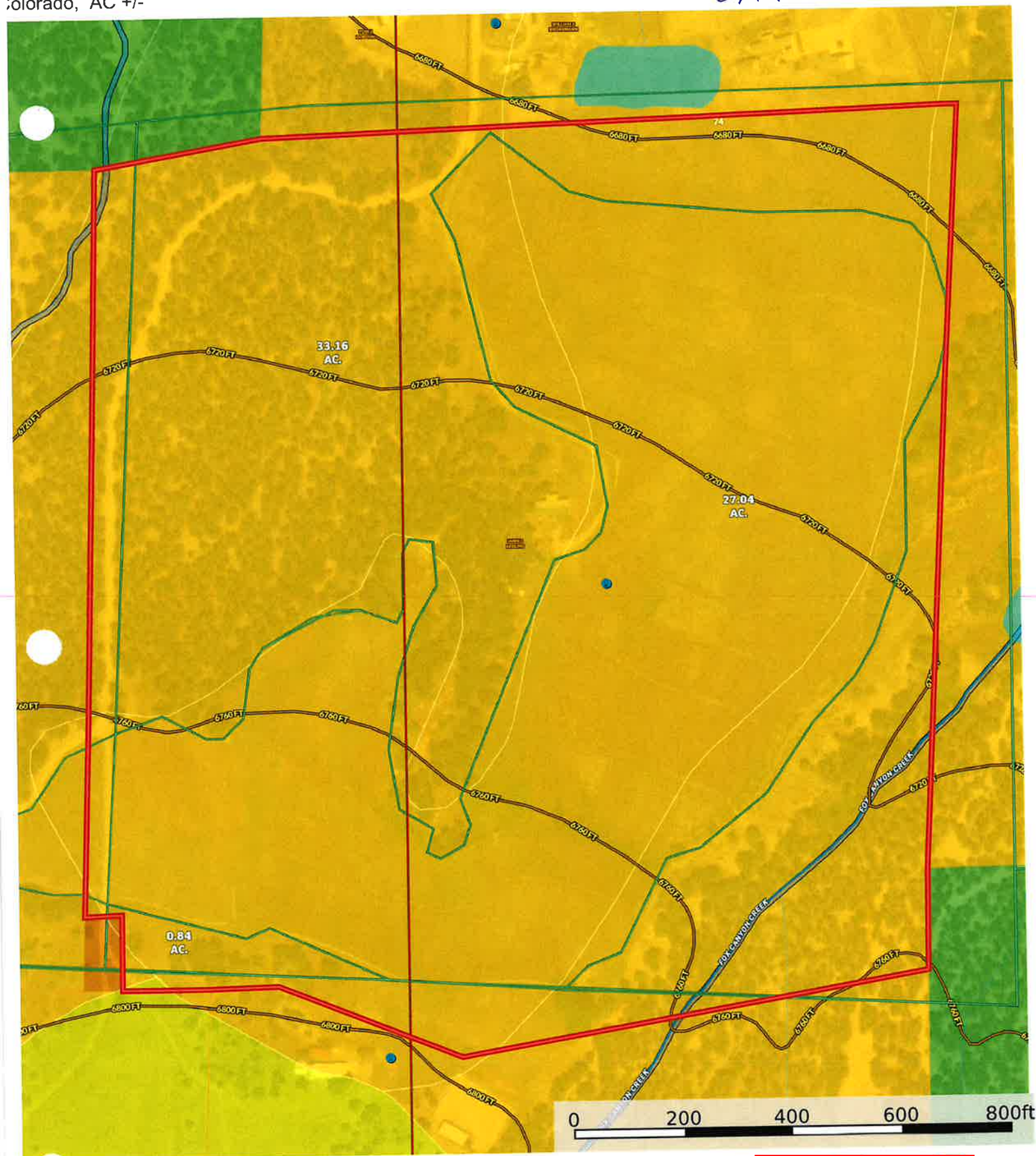
The foregoing instrument was acknowledged before me this _____ 2024, by Gail H. Sinclair, Rita B. Goodson, and Janis L. Keeling .

Notary's Official Signature

My Commission Expires: _____

Table of Contents

Colorado, AC +/-



Boundary	Residential	Commercial	Industrial	Agricultural	Vacant	Miscellaneous	Wind Farms	100 Year Floodplain	500 Year Floodplain
Floodway	Special	Unmapped/ Not Included	Wetlands	Riparian	Stream, Intermittent	River/Creek	Water Body	Water Wells	Voltage Unavailable
Voltage 0 - 99 KV	Voltage 100 - 161 KV	Voltage 220 - 287 KV	Voltage 345 KV	Voltage 500 KV	Voltage 735 KV+	Substations	Wind Turbine (permitted)	Table of Contents	

The information contained herein was obtained from sources deemed to be reliable. I and my firm, S&B Associates, make no warranties or guarantees, as to the accuracy or completeness of the information.

Boundary 27.05 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CPI	NCCPI	CAP
74	Mussel-Bronell complex, 2 to 15 percent slopes	23.07	85.32	0	13	6e
10	Bronell gravelly sandy loam, 2 to 15 percent slopes	3.98	14.72	0	10	6e
TOTALS		27.05(*)	100%	-	12.56	6.0

(*) Total acres may differ in the second decimal compared to the sum of each acreage soil. This is due to a round error because we only show the acres of each soil with two decimal.

Capability Legend

Increased Limitations and Hazards

Decreased Adaptability and Freedom of Choice Users

Land, Capability

								
	1	2	3	4	5	6	7	8
'Wild Life'	•	•	•	•	•	•	•	•
Forestry	•	•	•	•	•	•	•	
Limited	•	•	•	•	•	•	•	
Moderate	•	•	•	•	•	•		
Intense	•	•	•	•	•			
Limited	•	•	•	•				
Moderate	•	•	•					
Intense	•	•						
Very Intense	•							

Grazing Cultivation

(c) climatic limitations (e) susceptibility to erosion

(s) soil limitations within the rooting zone (w) excess of water



FREMONT COUNTY FIRE PROTECTION PLAN AND DISTRICT COMMENT FORM

EXHIBIT 3.1

The Fremont County Subdivision Regulations and Fremont County Zoning Resolution require a fire protection plan be submitted with many different types of applications, at the time of application submittal. In order to provide consistency in the information received, it shall be required that these plans be submitted on this form.

The Fremont County Department of Planning and Zoning (Department), Fremont County Planning Commission (Commission) and Fremont County Board of County Commissioners (Board) take into consideration the responses of the Applicant and the District during their respective review process.

Attachments can be made to this form to provide expanded narrative for any application item including supportive documentation or evidence for provided form item answers. Please indicate at the form item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 4 would be marked - Exhibit 4.1, the fifth attached document supporting the narrative provided for application item 4 would be marked - Exhibit 4.5*). Exhibit numbers should be placed in either the lower right hand area or the upper right hand area of the exhibit.

If the subject property is not in a fire protection district, only applicants' information and map are required. A copy of the Colorado State Forest Service Wildfire Hazard Area Map with the subject property clearly and accurately located, shall be attached and marked as Exhibit A.

APPLICANT INFORMATION

1. Project Name Sinclair Miner Subdivision
2. Project Description _____

3. Type of application:

☐ Zone Change #1	☐ Special Review Use Permit
☐ Zone Change #2 – Use Designation Plan	☐ Conditional Use Permit
☐ Zone Change #2 – Final Development Plan	☐ Temporary Use Permit
☐ Commercial Development Plan	☐ Change of Use of Property
☐ Commercial Development Modification	☐ Subdivision Preliminary Plan
☐ Expansion of an existing Business or Industrial Use	☒ Minor Subdivision
3. The subject property is located at:
350 Sangre De Cristo Drive, Coalvale, CO 81222
Address and or General Location (*If general location only is used, it will be required that a legal description of the subject property be attached Marked as Exhibit 3.1*) ☐ An exhibit is attached.
4. Fire protection will be provided in what manner and with what resources? Proposed Continuance of agricultural irrigation will greatly aid in reducing fire danger and preventing replacement of hay crop by fire-prone noxious weeds. Keeping tract 2 driveway outside of woodland fuels rated at high intensity will maintain safer evacuation route for residence

5. The source of water for fire protection is:
☐ --- Water District - Name of District: N/A
☐ --- Well - Colorado Division of Water Resources Well Permit Number: _____
 Is the well approved for fire protection? ☐ Yes --- ☐ No Please explain: _____
☐ --- Cistern - What is the cistern capacity? _____ Gallons - What is the water source for filling the cistern? _____
6. What is the distance from the subject property to the nearest fire hydrant? N/A
7. What public roadways provide access to the subject property? Sangre De Cristo Drive
8. How many accesses to public roadways will the subject property have? One
9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? ☒ Yes --- ☐ No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs. _____
10. What are the existing and or proposed interior roadway names? N/A
11. Is the subject property located within a fire protection district? ☒ Yes --- ☐ No
 If yes, please provide the district name: Western Fremont Fire Protection District
If the subject property is not located within a fire protection district please answer the following questions and the form will be considered completed for submittal. If the subject property is located within a fire protection district then answers to the following will not be required, however the remainder of the form shall be addressed by a representative of the fire protection district in which the subject property is located.
- a. What is the name of the fire protection district closest to the subject property? _____
- b. What is the distance from the subject property to the nearest fire protection district boundary? _____
- c. Is it logical and feasible to annex the subject property to a fire protection district?
☐ Yes ----- ☐ No Please explain: _____

EXHIBIT 22

d. What types of fire protection improvements are proposed for the subject property and or structures to be housed on the property? Please explain: _____

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Applicant Printed Name

Janis Keeling

Owner Printed Name

Signature

JANIS KEELING

Signature

Date

11-8-2024

Date

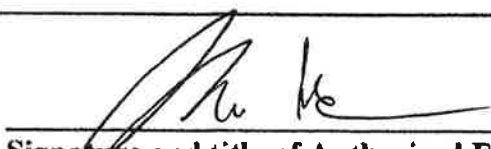
EXHIBIT 65.1

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is Western Fremont Fire Protection District
2. Name of contact person: John Walker
Title: Fire Chief Telephone: 719-942-3687
3. The name and address of the responding fire station is: Western Fremont Fire Protection District
287 County Road 6; P. O. Box 121 Coaldale, CO 81222-0121
4. The distance from the subject property, by public roadway, to the responding fire station is: 2.2 miles
5. The estimated response time to the subject property is: 16 minutes
6. The location of the closest fire hydrant to the subject property is: None
7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? ☐ Yes --- ☐ No Please explain: NA
8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? ☒ Yes --- ☐ No Please explain: _____
9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? ☐ Yes --- ☒ No Please explain: Where the private road enters the Sinclair Minor Subdivision property, erosion of the road surface has exposed a corrugated steel culvert which could damage low clearance vehicles. Recommend additional road base to correct.
10. Are the proposed fire protection measures adequate for any existing or proposed structures to be housed on the subject property? ☐ Yes --- ☐ No Please explain: None proposed.
11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? Tract 1 35.5 Acres Low Intensity / Tract 2 19.3 Acres High Intensity

12. Recommendations concerning fire protection in general, fire protection improvements, suggested road names, for this project are as follows: **NOTE:** Be sure to list type, size and location of improvements recommended (i.e.; *hydrants, water lines, cisterns, dry hydrants, roadway improvements, etc.*). Please indicate whether recommendations or requirements are the result of codes or regulations, and provide supporting information which will assist the Planning Commission and the Board of County Commissioners to determine whether to adopt any or all of the recommendations as requirements of the permit.

Proposed continuance of agricultural irrigation will greatly aid in reducing fire danger and preventing replacement of hay crop by fire-prone noxious weeds. Keeping tract 2 driveway outside of woodland fuels rated at high intensity will maintain safer evacuation route for residence. Only recommendation would be correcting roadway problem cited in # 9.



Signature and title of Authorized Fire Protection Representative

10-5-24

Date



TRACT 1

MINOR SUB

C:\Users\Mike\Documents\Surveys\J-24-086.TRV

[[Closure View4]]

Friday, February 07, 2025 16:22:34

Feet Factor=1.00000000

Grid Dist (grid or local Cartesian coordinates)

Grid Bearing (grid or local Cartesian coordinates)

[Traverse Summary]

Closed Loop 19 Points From 17 To 17

Horizontal Distance: 6358.92 Feet Slope Distance: 6368.30 Feet

Area: 1528970.74 SqFt 35.100 Acres

[Error Summary]

Relative: 1:0 (Closed Loop) Linear:0.00 Feet Direction:N0°00'00"E

Northing:0.00 Feet Easting:0.00 Feet Elevation:0.00 Feet

Angular: None

[Warnings]

Missing raw data for one or more control points!

This breaks the chain of computed foresights and may alter the reported closing error.

[Rectangular Limits (PLSS)]

Latitude 1:0 Departure 1:0

[Closing Points]

	Point	Northing	Easting	Elevation
From	17	4988.829	4140.556	6615.48
To	17	4988.829	4140.556	6615.48

[Adjustments]

[Adjustment Details]

Not Adjusted

Traverse View - TRACT 1 (Grid Bearing, Grid Dist, Feet)

1528970.74SqFt 35.100Acres Grid Dist (grid or local Cartesian coordinates)

Grid Bearing (grid or local Cartesian coordinates)

Survey: MINOR SUB File: J-24-086 Date:2-7-2025

Point	Type	Northing	Easting	Grid Bearing	Grid Dist	Description
17		4988.829	4140.556			NE TR 2
1		5000.000	5000.000	N89°15'19"E	859.52	5/8RB2"AC"RLS19883
11		3627.537	4898.551	S4°13'39"W	1376.21	1.5PIPE2.5BC"3408"FENCE N/S/E
10		3456.702	4890.425	S2°43'24"W	171.03	1/2"RB NO CAP FENCE N/S/W
9		3354.270	4053.908	S83°01'08"W	842.77	1/2RB NO CAP FENCE NW/E
8		3494.199	3737.888	N66°07'01"W	345.61	1/2RB NO CAP FENCE W/SE
7		3482.066	3386.633	S88°01'18"W	351.46	#4RB1"PC"12052"FENCE N/E/W
19		3862.525	3405.237	N2°47'58"E	380.91	SW TR 2
18		3862.525	4108.005	N90°00'00"E	702.77	SE TR 2
228		4044.811	4174.105	N19°55'53"E	193.90	APPROX PROP.AP NEW TR.
307	PC	4210.527	4275.169	N31°22'39"E	194.10	PT
306	PT	4429.439	4280.910	N1°30'08"E	218.99	PC
305	PC	4451.334	4227.089	N67°51'45"W	58.10	PT
304	PT	4542.294	4149.026	N40°38'12"W	119.86	PC
303		4702.146	4110.912	N13°24'39"W	164.33	AP CL 12FT.DR.
302	PC	4784.950	4083.330	N18°25'22"W	87.28	PT
301	PT	4869.555	4089.302	N4°02'16"E	84.81	PC
205		4960.885	4146.196	N31°55'14"E	107.60	FENCE N/SW
17		4988.829	4140.556	N11°24'40"W	28.51	NE TR 2

TRACT 2

MINOR SUB

C:\Users\Mike\Documents\Surveys\J-24-086.TRV

[[Closure View8]]

Friday, February 07, 2025 16:25:19

Feet Factor=1.00000000

Grid Dist (grid or local Cartesian coordinates)

Grid Bearing (grid or local Cartesian coordinates)

[Traverse Summary]

Closed Loop 16 Points From 6 To 6

Horizontal Distance: 3849.917 Feet Slope Distance: 3855.735 Feet

Area: 846014.122 SqFt 19.422 Acres

[Error Summary]

Relative: 1:0 (Closed Loop) Linear:0.000 Feet Direction:N0°00'00"E

Northing:0.000 Feet Easting:0.000 Feet Elevation:0.000 Feet

Angular: None

[Warnings]

Missing raw data for one or more control points!

This breaks the chain of computed foresights and may alter the reported closing error.

[Rectangular Limits (PLSS)]

Latitude 1:0 Departure 1:0

[Closing Points]

	Point	Northing	Easting	Elevation
From	6	4985.407	3460.138	6616.41
To	6	4985.407	3460.138	6616.41

[Adjustments]

Traverse View - TRACT 2 (Grid Bearing, Grid Dist, Feet)

846014.12SqFt 19.422Acres Grid Dist (grid or local Cartesian coordinates)

Grid Bearing (grid or local Cartesian coordinates)

Survey: MINOR SUB File: J-24-086 Date:2-7-2025

Point	Type	Northing	Easting	Grid Bearing	Grid Dist	Description
6		4985.407	3460.138			#4RB NO CAP FENCE N/S
5		4995.942	3728.461	N87°45'06"E	268.529	#4RB1"PC"12052
4		4983.459	3727.366	S5°00'41"W	12.531	#4RB REM.1"PC"ILLEG
17		4988.829	4140.556	N89°15'19"E	413.225	
205		4960.885	4146.196	S11°24'40"E	28.507	FENCE N/SW
301	PC	4869.555	4089.302	S31°55'14"W	107.602	PC
302	PT	4784.950	4083.330	S4°02'16"W	84.815	PT
303		4702.146	4110.912	S18°25'22"E	87.277	AP CL 12FT.DR.
304	PC	4542.294	4149.026	S13°24'39"E	164.333	PC
305	PT	4451.334	4227.089	S40°38'12"E	119.865	PT
306	PC	4429.439	4280.910	S67°51'45"E	58.105	PC
307	PT	4210.527	4275.169	S1°30'08"W	218.987	PT
228		4044.811	4174.105	S31°22'39"W	194.102	APPROX PROP.AP NEW TR.
18		3862.525	4108.005	S19°55'53"W	193.900	SE NEW TRACT
19		3862.525	3405.237	S90°00'00"W	702.769	SW NEW TRACT
6		4985.407	3460.138	N2°47'57"E	1124.223	#4RB NO CAP FENCE N/S



07/24/2025

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07/24/2025

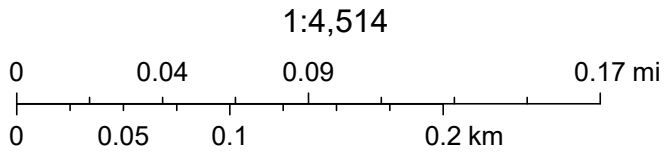
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7/31/2025, 3:20:35 PM

FC Roads

-  local
-  private road
-  FC Parcels

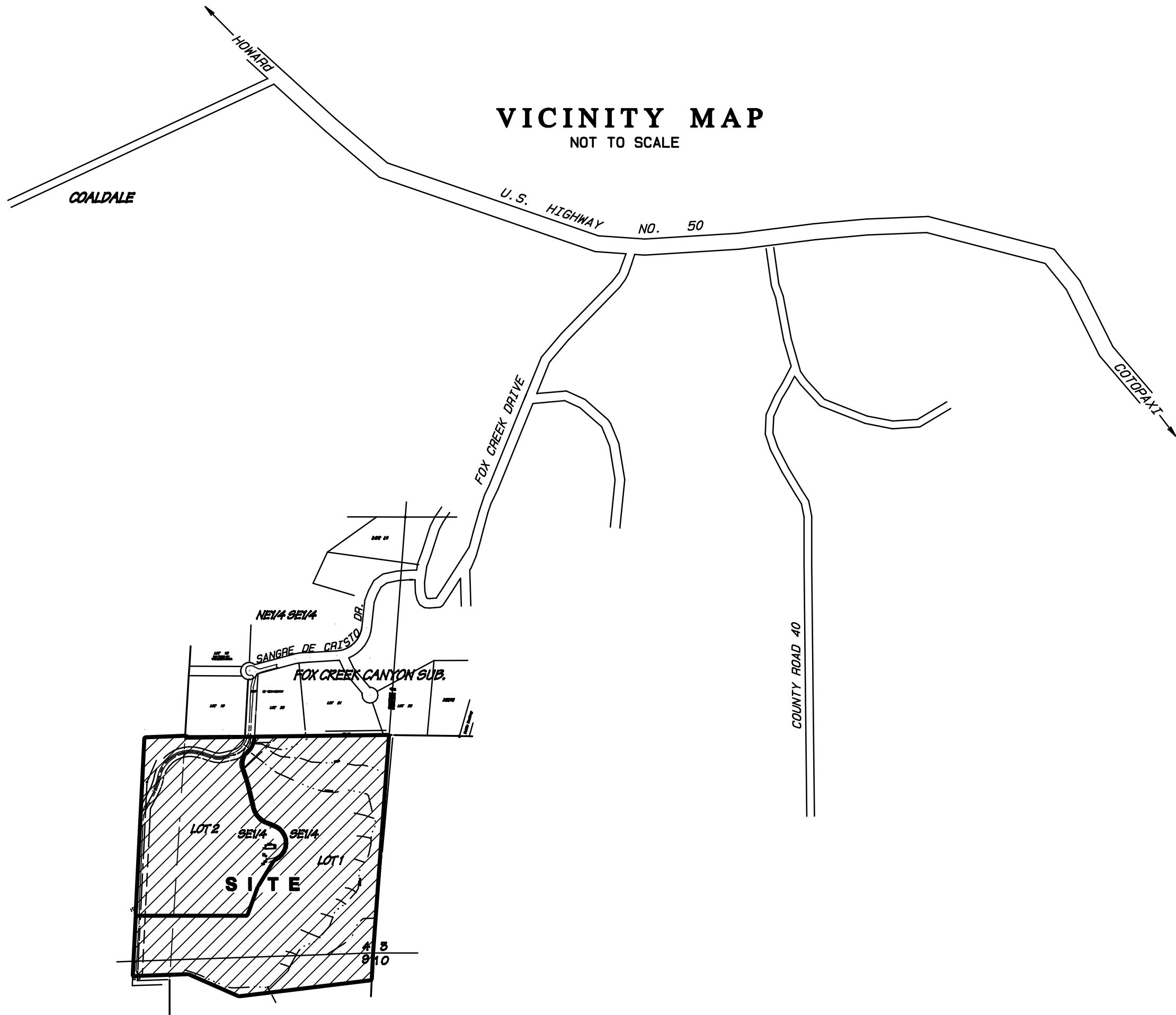


Google Maps

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SINCLAIR MINOR SUBDIVISION

A PORTION OF THE
SE1/4 OF SEC. 4 & NE1/4 OF SEC. 9, T 47 N, R 11 E, N.M.P.M.
FREMONT COUNTY, COLORADO
SHEET 1 OF 2



CERTIFICATE OF OWNERSHIP AND DEDICATION::

KNOW ALL MEN BY THESE PRESENTS that Gall H. Sinclair, Rita B. Goodson and Janis L. Keeling are the owners of the following described land, TO WIT:

Beginning at the Southeast corner of Section 4, Township 47 North, Range 11 East, NMPM;
thence N 5°13'52" E, along the easterly line of the SE 1/4 of said Section 4, approximately
1377.67 feet to the Northeast corner of the S 1/2 of the SE 1/4 of Section 4;
thence S 84°15'17" W, 1216.95 feet;
thence N 3°53'38" E, 12.16 feet;
thence S 87°48'27" W, 268.14 feet;
thence S 2°47'38" W, 1504.79 feet;
thence N 88°02'24" E, 351.46 feet;
thence S 66°10'08" E, 345.57 feet;
thence N 83°00'14" E, approximately 842.68 feet to a point on the easterly line of th NE 1/4
of Section 4, Township 47 North, Range 11 East, NMPM;
thence N 2°33'51" E, along said easterly line, approximately 171.00 feet to the Northeast corner
of Section 4, said point being the point of beginning. (Boundary Line Adjustment B 825 Pg 115)
Fremont County, Colorado.

We, Gall J. Sinclair, Rita B. Goodson and Janis L. Keeling, being the owners of the above described land being platted and/or subdivided in Fremont County, Colorado, under the name of SINCLAIR MINOR SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate those portions of the land labeled as easements for the installation and maintenance of public utilities as shown hereon. The sole right to assign use or vacate is vested with the Board of County Commissioners.

ACKNOWLEDGEMENT:

In witness whereof Gall H. Sinclair has subscribed her name this _____ day of _____, A.D., 2025.

By _____ Owner

NOTARY STATEMENT:

County of _____ }
State of _____ } SS

The foregoing Insuturment was acknowledged before me this _____ day of _____, A.D., 2025 by Gall H. Sinclair.

My commission expires _____
My Address is _____

Witness my hand and official seal. _____

ACKNOWLEDGEMENT:

In witness whereof Rita B. Goodson has subscribed her name this _____ day of _____, A.D., 2025.

By _____ Owner

NOTARY STATEMENT:

County of _____ }
State of _____ } SS

The foregoing Insuturment was acknowledged before me this _____ day of _____, A.D., 2025 by Rita B. Goodson

My commission expires _____
My Address is _____

Witness my hand and official seal. _____

ACKNOWLEDGEMENT:

In witness whereof Janis L. Keeling has subscribed her name this _____ day of _____, A.D., 2025.

By _____ Owner

NOTARY STATEMENT:

County of _____ }
State of _____ } SS

The foregoing Insuturment was acknowledged before me this _____ day of _____, A.D., 2025 by Janis L. Keeling.

My commission expires _____
My Address is _____

Witness my hand and official seal. _____

REGISTERED LAND SURVEYOR'S CERTIFICATE::

I, Michael K. Henderson, a registered land surveyor licensed to practice in the State of Colorado, do hereby certify that this plat has been prepared under my direction in accordance with colorado revised statutes, as amended, and that this plat does accurately show the described tract of land and the subdivision hereof, to the best of my knowledge and belief. I further certify that any portion of this property which do lie within the designated Flood hazard areas as shown on F.E.M.A. F.I.R.M. maps are accurately shown hereon.

Dated this _____ day of _____, 2025.

Michael K. Henderson
Reg. L.S. No. 16117
State of Colorado

General Land Surveyor's Notes:

- 1) PROPERTY DESCRIPTION BASED ON PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION RECORDED AT RECEPTION NO. 913611 OF THE FREMONT COUNTY RECORDS.
- 2) THE PROPERTY IS ALSO KNOWN AS THE "HERBER PARCEL" AS SHOWN ON THE BOUNDARY LINE ADJUSTMENT PLAT FILED FOR RECORD ON JUNE 12, 1987 AT RECEPTION NO. 534884 (BOOK 825 PAGE 115) OF THE FREMONT COUNTY RECORDS.
- 3) RECORD EASEMENT RESEARCH IS BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 24-22484 ISSUED BY CENTRAL COLORADO TITLE & ESCROW, EFFECTIVE JANUARY 18, 2024.
- 4) DEED LINES ARE BASED ON AFOREMENTIONED PROPERTY DESCRIPTION, ON THE BOUNDARY LINE ADJUSTMENT PLAT FILED AT RECEPTION NO. 534884 AND ON THE LOCATIONS OF THE RECOVERED REBAR SURVEY MONUMENTS SHOWN AND DESCRIBED ON SHEET 2 CONTAINED HEREIN.
- 5) THE PROPERTY CARRIES WITH IT A ROAD RIGHT-OF-WAY EASEMENT 60 FEET IN WIDTH FROM THE EXISTING CUL-DE-SAC AT THE END OF SANGRE DE CRISTO DRIVE ALONG THE WESTERLY BOUNDARY OF LOT 20, FOX CREEK CANYON SUBDIVISION TO THE NORTH BOUNDARY OF THE SUBJECT PROPERTY AS GRANTED AND DESCRIBED IN DEED DOCUMENT RECORDED AT RECEPTION NO. 913611.
- 6) A PORTION OF THE "60' ACCESSWAY" SHOWN ON THE AFOREMENTIONED BOUNDARY LINE ADJUSTMENT PLAT IS UN-PLOTTABLE AND UN-LOCATABLE AS IT HAS DISTANCES, BUT NO BEARINGS. THE LOCATION OF THE EXISTING ROADWAY WHICH PROVIDES ACCESS TO ADJOINING PROPERTIES IS SHOWN ON SHEET 2 AND AN EASEMENT PROVIDED FOR SUCH ACCESS TO NEIGHBORING PROPERTIES. THERE IS EVIDENCE OF EXISTING UNDERGROUND UTILITY LINES LOCATED WITHIN SAID PROVIDED EASEMENT AND LOT 2 IS SUBJECT TO SAID EASEMENT.
- 5) PER F.E.M.A. F.I.R.M FLOOD MAP NO. 08043C0715E, NO PORTION OF THE PROPERTY LIES WITHIN A FLOOD PLAN OR FLOOD HAZARD AREA.

ACKNOWLEDGEMENT AND ACCEPTANCE OF PLAT:

The undersigned Chairman of the Board of County Commissioners of Fremont County, Colorado, hereby certifies that the plat was approved and all road, streets and easements are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from said roads or streets shall be only upon a separate resolution of the Board of County Commissioners.

Chairman, Fremont County Board of County Commissioners Date

EASEMENT STATEMENT:

Easements for public purposes, including utilities, are as indicated on the plat, with sole responsibility for maintenance being vested with the adjacent property owners except as otherwise noted, all interior lot lines are subject to a five (5) foot easement on both sides of lot lines. Exterior subdivision boundary is subject to a ten (10) foot easement.

COUNTY CLERK AND RECORDERS STATEMENT:

STATE OF COLORADO
COUNTY OF FREMONT

This plat was filed for record in the office of the County Clerk and Recorder of Fremont County, Colorado, at _____M. on the _____ day of _____, 2025, A.D. under Reception No. _____.

Fremont County Clerk & Recorder

SHEET 1 OF 2

Added Survey Notes: 7/8/25 M.K.H.
Revisions and Additions: 8/14/25 M.K.H.

SINCLAIR MINOR SUBDIVISION

IN THE SE1/4 OF SEC. 4 & NE1/4 OF SEC. 9, T 47 N, R 11 E, N.M.P.M.

FREMONT COUNTY COLORADO

Job Number: J-24-086
DESIGNED: HENDERSON LAND SURVEYING CO., INC.
DRAWN BY: M. K. H. 203 G STREET SALIDA, COLORADO
CHECKED: TMOO CADDO
Fid. book: S338, Pgs. 66 - 68

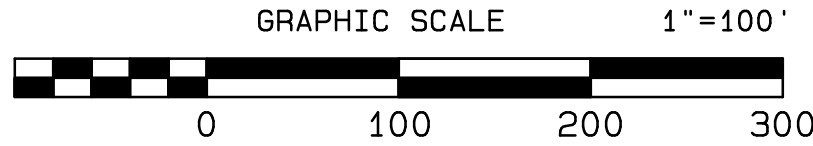
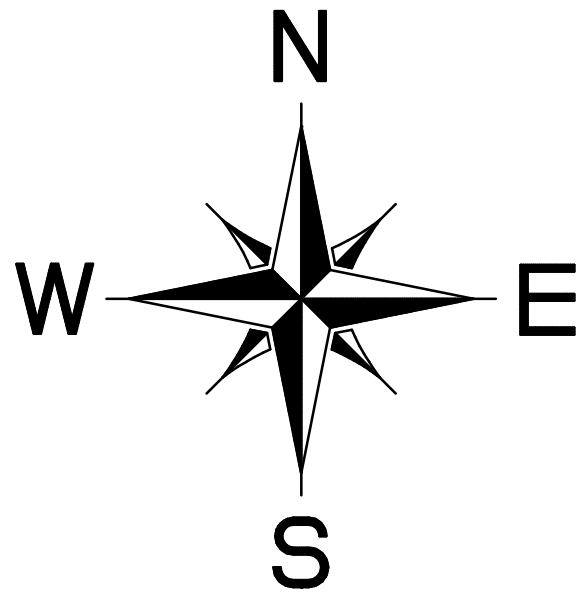
DATE:

2/8/25

DRAWING NO.

L-25-05

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 THE SURVEYOR'S STATEMENT CONTAINED HEREON.



DIRECTIONS ARE BASED ON THE BEARING N05°13'52"E BETWEEN RECOVERED MONUMENTS ON THE EAST BOUNDARY OF THE HERBER TRACT AS SHOWN ON BOUNDARY LINE ADJUSTMENT PLAT, RECORDED AT REC. NO. 539889, AS SHOWN AND DESCRIBED HEREON.

ALL LINEAR DIMENSIONS ARE U.S. SURVEY FEET.

LEGEND:

- Denotes a Recovered 1 1/2" Pipe with a 2 1/2" Brass Cap Stamped: "FOR NW PASSARELLA BY WG SANDILL + COLO 3408", and as indicated this Plat.
 - Denotes a Recovered 5/8" Rebar with a 2" Aluminum Cap Stamped: "RLS 19883".
 - Denotes a Recovered 1/2" Rebar with a 1" Plastic Cap Stamped: "RLS 12052".
 - Denotes a Recovered 1/2" Rebar with a 1 1/4" Plastic Cap Stamped: "RLS 2372".
 - Denotes a Recovered 5/8" Rebar with a 1 3/4" Steel Disc Stamped: "6753".
 - Denotes a Recovered 1/2" Rebar without a Cap.
 - Denotes a 5/8"x24" Rebar with a 1 1/2" Aluminum Cap Stamped: "LS 16117", set for this Survey.
 - Denotes a "Buried Underground Electric Line Nearby" Warning Sign.
 - Denotes an Electric Transformer.
 - Denotes a Telephone Riser.
 - Denotes a Fence.
 - Denotes Bearings & Distances found on the plat of Fox Creek Canyon.
 - Denotes Bearings & Distances found on the Herber-Wilson Boundary Line Adjustment Plat (Reception No. 539889).
 - Indicates an angle point.
- FCC PLAT
PLAT OR
BLA PLAT
AP

SINCLAIR MINOR SUBDIVISION

A PORTION OF
SE1/4 OF SEC. 4 & NE1/4 OF SEC. 9, T 47 N, R 11 E, N.M.P.M.
FREMONT COUNTY, COLORADO
SHEET 2 OF 2

LOT 12
NOT PART OF
THIS SUBDIVISION

Fox Creek Canyon Subdivision

NE 1/4 SE 1/4
NOT PART OF
THIS SUBDIVISION

LOT 18
NOT PART OF
THIS SUBDIVISION

Sangre de Cristo Drive

LOT 19
NOT PART OF
THIS SUBDIVISION

LOT 20
NOT PART OF
THIS SUBDIVISION

LOT 21
NOT PART OF
THIS SUBDIVISION

LOT 22
NOT PART OF
THIS SUBDIVISION

LOT 26
NOT PART OF
THIS SUBDIVISION

ZONING:
THE PROPERTY IS ZONED RESIDENTIAL 2 (R2)
SET BACK REQUIREMENTS:
FRONT 50'
REAR 50'
SIDE INT 25'
SIDE COR 50'

OVERLAP AREA
0.38 AC.

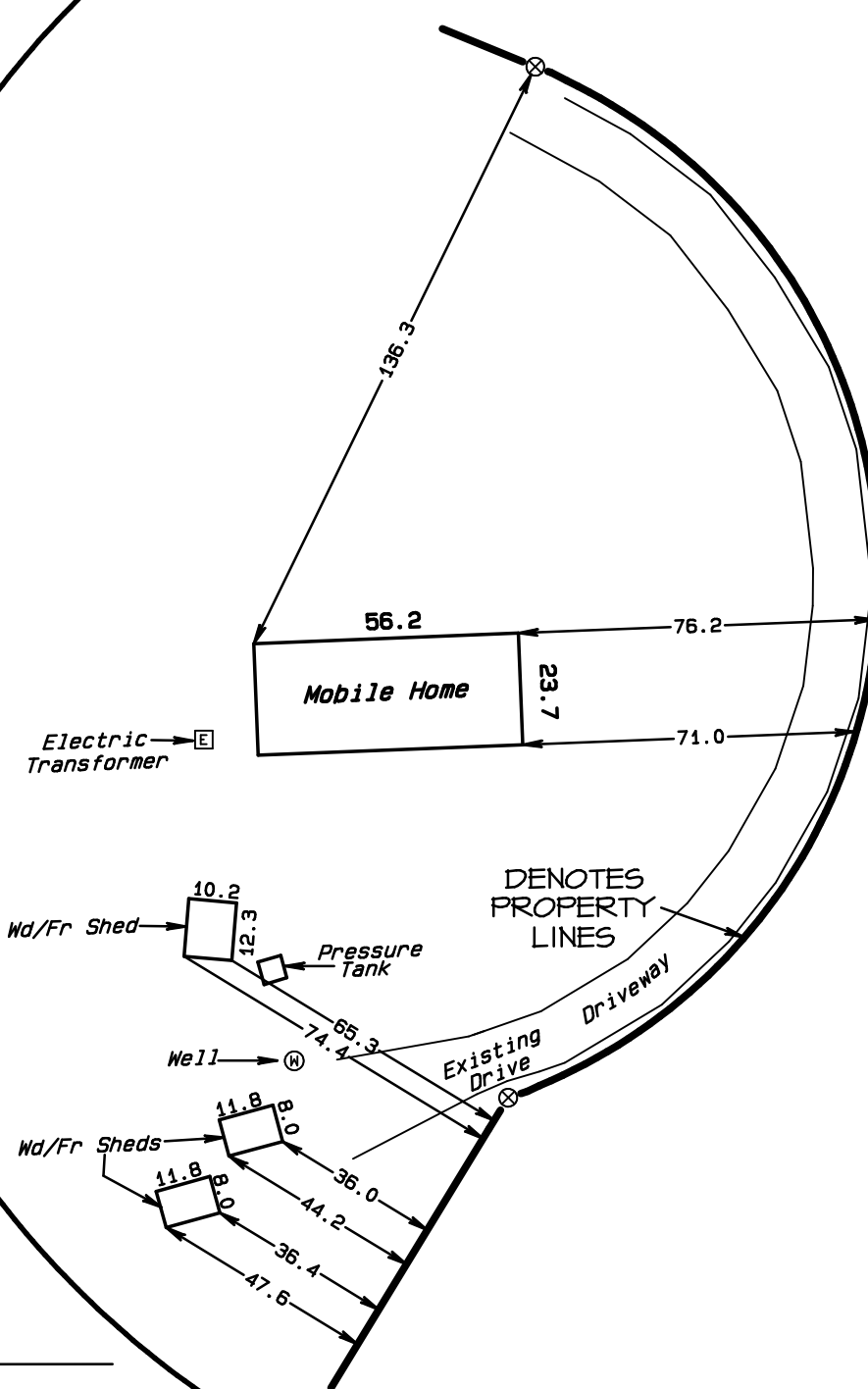
CURVE TABLE

NO.	Δ	RADIUS	ARC	CHORD
C1	73°30'50"	132.40	169.87	S39°56'17"W 158.46
C2	31°20'45"	125.0	68.39	N87°37'56"W 67.54
C3	90°55'48"	200.0	317.41	S58°05'54"W 285.13
C4	45°57'01"	162.40	130.24	S28°09'19"W 126.78
C5	44°55'16"	111.0	87.03	S04°02'16"W 84.81

SW 1/4 SW 1/4
NOT PART OF
THIS SUBDIVISION

IMPROVEMENTS DETAIL

SCALE: 1 INCH = 40 FEET



SW 1/4 SE 1/4
NOT PART OF THIS SUBDIVISION

LOT 2
±19.44 ACRES

SEE
IMPROVEMENTS
DETAIL

SE 1/4

SE 1/4

LOT 1
±35.08 ACRES

SECTION 4
SECTION 9

SECTION 3
SECTION 10

NW 1/4 NW 1/4
NOT PART OF
THIS SUBDIVISION

NW 1/4 NE 1/4
NOT PART OF
THIS SUBDIVISION

WILSON PARCEL
BOUNDARY LINE ADJUSTMENT
Rec. No. 539889
NOT PART OF THIS SUBDIVISION

NE 1/4 NE 1/4

NOTES:
THERE ARE 2 LOTS IN THIS SUBDIVISION, THE TOTAL AREA OF WHICH IS 54.52 ACRES.
THE TOTAL AREA OF THE PROPERTY IS CALCULATED TO THE MONUMENTED PERIMETER OF THE PROPERTY AS SHOWN HEREON.
THE TRACT IS INDICATED AS THE HERBER PARCEL ON THE BOUNDARY LINE ADJUSTMENT PLAT FILED UNDER RECEPTION NO. 539889.

SHEET 2 OF 2

Revisions & Additions: 5/14/25 M.K.H.

SINCLAIR MINOR SUBDIVISION
IN THE SE1/4 OF SEC. 4 & THE NE1/4 OF SEC. 9, T 47 N, R 11 E, N.M.P.M.
FREMONT COUNTY, COLORADO

Job Number: J-24-086
DESIGNED: B.S.H.
DRAWN BY: TMO CAD
M.K.H.
CHECKED: 6/11/24
Field Book: 5398 Pages 66-68 & 80

HENDERSON LAND SURVEYING CO., INC.
203 G STREET
SALIDA, COLORADO

DRAWING NO.

L-25-05

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 THE SURVEYOR'S STATEMENT CONTAINED HEREON.



Planning and Zoning Department

615 Macon Avenue Room 210, Canon City, Colorado

Telephone (719) 276-7360 / Facsimile (719) 276-7374

Email planning@fremontcountyco.gov

October 14, 2025

Gwendolyn Allen
8925 Antlers Trail
Salida, CO 81201

SUBJECT: PLANNING COMMISSION COMMENTS: MS 25-001 SINCLAIR MINOR SUBDIVISION

At the regular meeting on October 7, 2025, the Fremont County Planning Commission **recommended Approval** of Dept. file MS 25-001 Sinclair Minor Subdivision, a request for a Minor Subdivision, with the following recommended contingencies, waivers, and conditions:

Contingency items:

1. Division of Water Resource letter dated March 5, 2025.
 - *Submit a written statement that the use of the well on lot 2 will comply with SB20-155.
 - *Clarify that the well will be re-permitted with a non-exempt permit and be covered by a court approved augmentation plan; or clarify that the well will be plugged and abandoned.
 - *Provide a complete Water Supply Information Summary GWS-76 describing water use for both lots.

Waiver Approvals:

1. Front on public street
2. Access to a public designated street
3. Side lines of lots "at right angles to the street"
4. Access standards
5. Topographic & Soils information
6. Drainage plan & Report due at time of development

Conditions:

1. Plat note that a drainage plan & report will be required at the time of development of lot 1.
2. Record a declaration of easement for a 60' accessway located on lot 2.
3. A driveway access permit will be required at time of development.
4. Topographic & Soils information required at time of OWTS.

This item will be scheduled for the Board of County Commissioners meeting to be held on **Tuesday, October 28, 2025 at 9:00 A.M.** The Meeting will be in the County Commissioner's Meeting Room (LL3, lower level) at the Fremont County Administration Building. **THE APPLICANT AND/OR A REPRESENTATIVE ARE REQUIRED** to attend the aforementioned Meeting.

October 31, 2025

Fremont County Commissioners
c/o Planning and Zoning Department
via email: dan.victoria@fremontcountyco.gov

Re: Sinclair Minor Subdivision MS 25-001

Dear County Commissioners,

We are the owners of 250 Sangre de Cristo (Lot 20) which is directly to the north of the property which is the subject of the Sinclair Minor Subdivision Application MS 25-001 (the "Application"). We understand that the owners of that property are seeking to split their current parcel into two parcels, creating one additional legal lot. We have spoken to the hopeful buyer of the new lot that would be created through this minor subdivision and fully support the Application.

We are aware of the existing easement and the roadway within that easement which provides access to the Sinclair Minor Subdivision property, and others to the south of us, to and from the Sangre de Cristo Drive cul-de-sac to the north of our property. We have no objection to the creation of an additional lot with another owner who would have that access as well.

We understand that the Planning Commission has approved the Application, subject to some contingencies and conditions, but that the County Commissioners would need to approve waivers of certain public road requirements before the minor subdivision could proceed. We support the owners and the hopeful buyer of the new lot in their request for approval of those waivers.

Sincerely,

Laurel & Will Biedermann

719-651-1207

November 1, 2025

Fremont County Commissioners
c/o Planning and Zoning Department
via email: dan.victoria@fremontcountyco.gov

Re: Sinclair Minor Subdivision MS 25-001
Dear County Commissioners,

I am the owner of Lot 19, 266 Sangre de Cristo Drive directly to the northeast of the property which is the subject of the Sinclair Minor Subdivision Application MS 25-001.

I understand that the owners of that property are seeking to split their current parcel into two parcels, creating one additional legal lot. I have spoken to the hopeful buyer of the new lot that would be created through this minor subdivision and fully support the Application.

I am aware of the existing easement and the roadway within that easement which provides access to the Sinclair Minor Subdivision property, and others to the south of us, to and from the Sangre de Cristo Drive cul-de-sac to the east of my property. I have no objection to the creation of an additional lot with another owner who would have that access as well.

I understand that the Planning Commission has approved the Application, subject to some contingencies and conditions, but that the County Commissioners would need to approve waivers of certain public road requirements before the minor subdivision could proceed. I support the owners and the hopeful buyer of the new lot in their request for approval of those waivers.

Sincerely,

Toni Gordon
266 Sangre de Cristo