

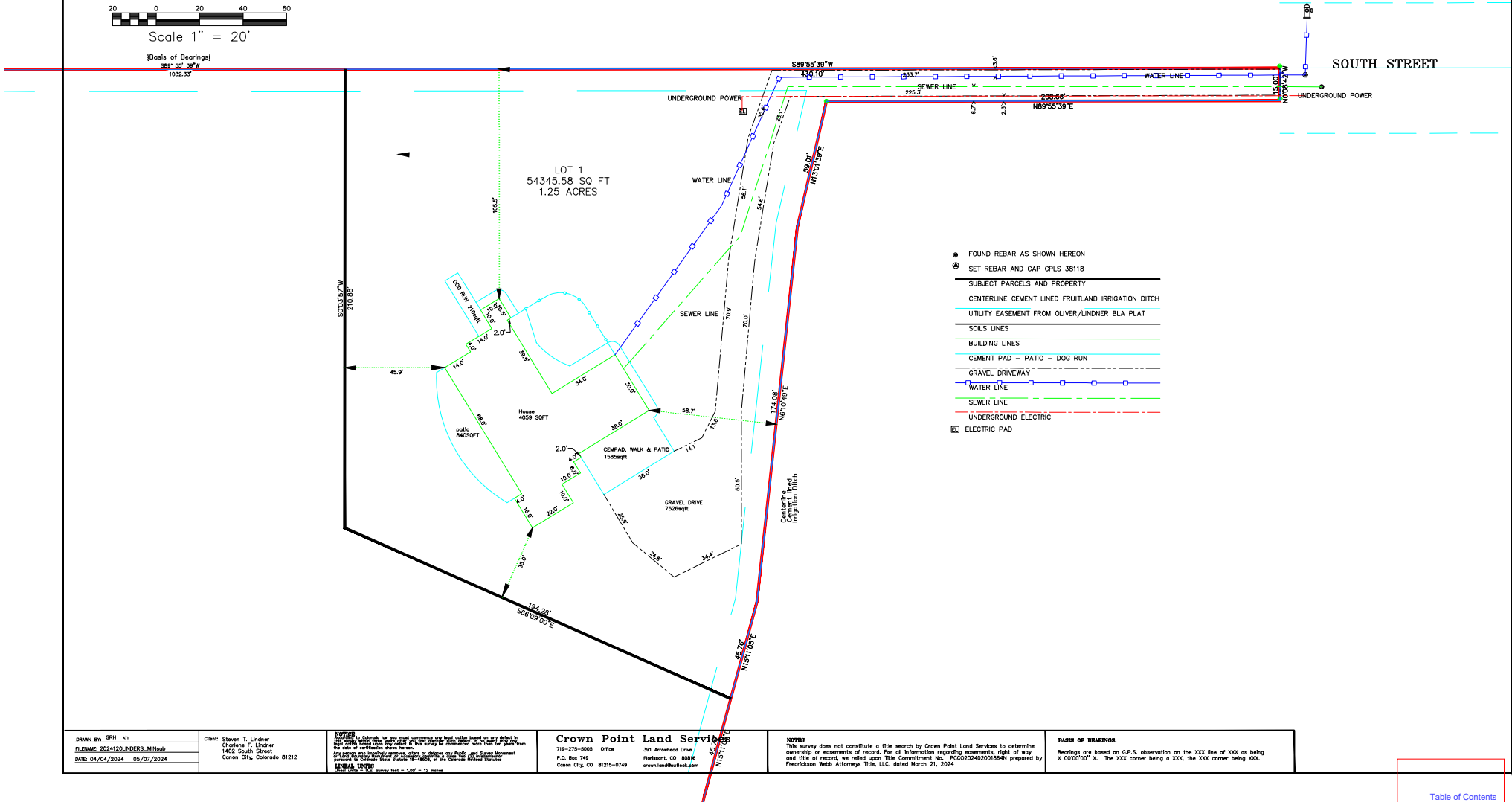


# FOSSIL TRAIL MINOR SUBDIVISION IMPROVEMENTS

OF LOT 1, OLIVER/LINDER BOUNDARY LINE ADJUSTMENT  
IN PORTIONS OF THE SW1/4 SEC. 21 and NW1/4 SEC. 28,  
TOWNSHIP 18 SOUTH, RANGE 70 WEST OF THE 6th P.M.,  
FREMONT COUNTY, COLORADO



[Basis of Bearings]  
S89°55'39"W  
1032.33'



- FOUND REBAR AS SHOWN HEREON
- ⊕ SET REBAR AND CAP C/PLS 38118
- SUBJECT PARCELS AND PROPERTY
- CENTERLINE CEMENT LINED FRUITLAND IRRIGATION DITCH
- UTILITY EASEMENT FROM OLIVER/LINDNER BLA PLAT
- SOILS LINES
- BUILDING LINES
- CEMENT PAD - PATIO - DOG RUN
- GRAVEL DRIVEWAY
- WATER LINE
- SEWER LINE
- UNDERGROUND ELECTRIC
- ⊞ ELECTRIC PAD

DRAWN BY: GRH kh  
 CLIENT: Steven T. Linder  
 Charlene F. Linder  
 1402 South Street  
 Canon City, Colorado 81212  
 FILENAME: 2024120LINDERS\_MINsub  
 DATE: 04/04/2024 05/07/2024

**NOTES:**  
 1. This plan is drawn based on the information provided by the client. The client is responsible for the accuracy of the information provided.  
 2. This plan is drawn based on the information provided by the client. The client is responsible for the accuracy of the information provided.  
 3. This plan is drawn based on the information provided by the client. The client is responsible for the accuracy of the information provided.  
 4. This plan is drawn based on the information provided by the client. The client is responsible for the accuracy of the information provided.  
 5. This plan is drawn based on the information provided by the client. The client is responsible for the accuracy of the information provided.

**Crown Point Land Services**  
 719-275-5005 Office 391 Arrowhead Drive  
 P.O. Box 749 Fortkanon, CO 80836  
 Canon City, CO 81215-0749 crownpointland.com

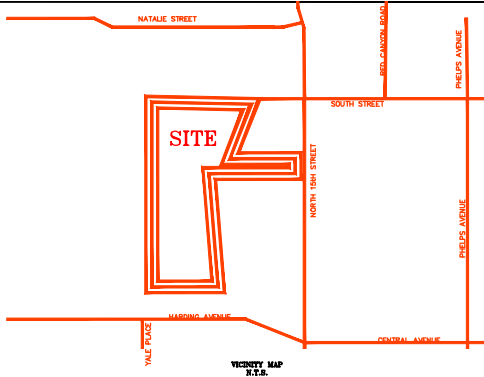
**NOTES:**  
 This survey does not constitute a title search by Crown Point Land Services to determine ownership or easements of record. For all information regarding easements, right of way and title of record, we relied upon Title Commitment No. FCO202242001864N prepared by Fredrikson & Baldo Attorneys Title, LLC, dated March 21, 2024.

**BASIS OF BEARINGS:**  
 Bearings are based on G.P.S. observation on the XXX line of XXX as being X 00°00'00" X. The XXX corner being a XXX, the XXX corner being XXX.

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Scale 1" = 100'



# FOSSIL TRAIL MINOR SUBDIVISION

A VACATION AND REPLAT  
OF LOT 1, OLIVER/LINDER BOUNDARY LINE ADJUSTMENT  
A PORTION OF THE SW1/4 SEC. 21 and NW1/4 SEC. 28,  
TOWNSHIP 18 SOUTH, RANGE 70 WEST OF THE 6th P.M.,  
FREMONT COUNTY, COLORADO

**KNOW ALL MEN BY THESE PRESENTS that**

Steven T. Lindner and Charlene F. Lindner  
are the owners of the following described land:

**TO WIT**

Lot 1, Oliver/Linder Boundary/Lot Line Adjustment as filed  
for record in the office of the County Clerk and Recorder of  
Fremont County, Colorado, on March 30, 1995, in Book 1213,  
at Page 173, under Reception Number 630804.

Containing 1214334.42 sqft or 27.88 acres more or less

**DEDICATION We**

Steven T. Lindner and Charlene F. Lindner

being the owners of the above described land being platted and/or  
subdivided in Fremont County, Colorado, under the name of

**FOSSIL TRAIL MINOR SUBDIVISION**

have laid out, platted and/or subdivided the same as shown on this plat  
and do hereby dedicate to the public at large the streets, alleys, roads and  
other public areas as shown hereon and hereby dedicate those portions of  
the land labeled as easements for the installation and maintenance of  
public utilities as show hereon. The sole right to assign use or vacate is  
vested with the Board of County Commissioners.

**In witness whereof**

Steven T. Lindner and Charlene F. Lindner

have subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_

By

Steven T. Lindner

Charlene F. Lindner

**NOTARY STATEMENT**

The foregoing instrument was acknowledged before me this  
\_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_ by

Steven T. Lindner and Charlene F. Lindner

My commission expires \_\_\_\_\_

My address is \_\_\_\_\_

Witness my hand and official seal \_\_\_\_\_ Notary Public

**COUNTY CLERK AND RECORDS STATEMENT**

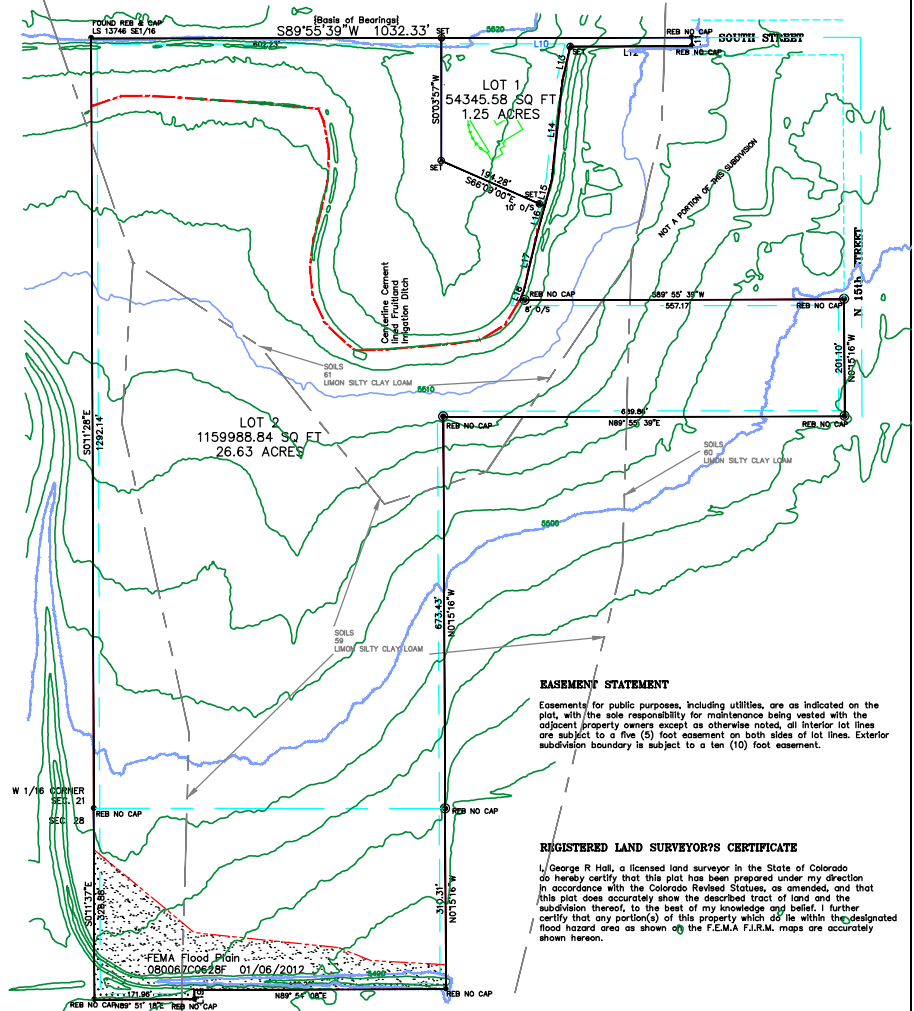
STATE OF COLORADO  
COUNTY OF FREMONT

This plat was filed for record in the office the County Clerk and Recorder  
of Fremont County, at \_\_\_\_\_ M., on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_ A.D., under reception number \_\_\_\_\_

Fremont County Clerk & Recorder

Line #	Length	Direction
L10	430.10	S89°55'39"W
L11	15.00	N0°08'42"E
L12	208.68	N89°55'39"E
L13	59.01	N13°01'39"E
L14	174.08	N8°10'49"E
L15	45.76	N10°11'09"E
L16	45.76	N10°11'09"E
L17	103.84	N13°13'28"E
L18	17.00	N23°30'46"E
L19	18.58	N0°08'42"E

- FOUND REBAR AS SHOWN HEREON
- SET REBAR AND CAP C/PLS 38118
- SUBJECT PARCELS AND PROPERTY
- CENTERLINE LINED PAVED/IRRIGATION TYPIC
- UTILITY EASEMENT FROM OLIVER/LINDER IRLA PLAT
- SOLS LINES
- BUILDING LINES
- MAJOR CONTOUR
- MINOR CONTOUR



**EASEMENT STATEMENT**

Easements for public purposes, including utilities, are as indicated on the  
plot, with the 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. Interior  
subdivision boundary is subject to a ten (10) foot easement.

**REGISTERED LAND SURVEYOR'S CERTIFICATE**

I, George R Hall, a licensed land surveyor in the State of Colorado  
do hereby certify that this plat has been prepared under my direction  
in accordance with the Colorado Revised Statutes, as amended, and that  
this plat does accurately show the described tract of land and the  
subdivision thereof, to the best of my knowledge and belief. I further  
certify that any portion(s) of this property which are within the designated  
flood hazard area as shown on the F.E.M.A. F.I.R.M. maps are accurately  
shown hereon.

**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 roads, 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 road or streets shall be only upon a separate resolution of the  
Board of the County Commissioners.

Chairman, Fremont County Board of Commissioners Date

# CROWN POINT LAND SERVICES

P. O. BOX 749  
CANON CITY, CO 81215-0749  
[crown.land@outlook.com](mailto:crown.land@outlook.com)  
(719) 275 – 5005  
(719) 429 – 0256



Exhibit 29.1 \_ 40.1

FREMONT COUNTY PLANNING AND ZONING  
615 MACON AVENUE, ROOM 210  
CANON CITY, CO 81212  
719-276-7360

To whom it may concern:

I am working with Steven T. Lindner and Charlene F. Lindner developer of  
**FOSSIL TRAIL MINOR SUBDIVISION.**  
Here is the items we are asking for to be waived:  
APPLICATION ITEM #16

1. WIDTH OF FLAG LOT TO BE 15' IN WIDTH DUE TO EXISTING CIRCUMSTANCES AS TO THE WIDTH AS SHOWN ON THE OLIVER/LINDNER BLA PLAT

APPLICATION ITEM NO. 29

1. The drainage plan is being requested to be waived or deferred due to the size of the parcels. If not waived then can we make it to be site specific at the time that a building plan for the vacant lot is submitted for building.

Please accept these items for your consideration.

*George R. Hall*

George R. Hall, CPLS 38118  
Owner Crown Point Land Services



## FREMONT COUNTY

Project Engineer  
615 Macon Avenue, Room 203b  
Canon City, Colorado 81212  
Office (719) 276-7367 Cell (719) 792-9372  
Email: j.bunderson@fremontco.com

June 3, 2024

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

Subject: Fossil Trail MS 24-003 Drainage Plan Waiver Request

After speaking with Mr. George Hall and visiting the property, I can give my recommendation for approval of the requested drainage plan waiver.

Drainage on the proposed 1.25 acre parcel with existing home appears stable and will adequately disperse stormwater flows without damage or concerns to any future development in the proposed 26.63 acre neighboring lot. The percentage of imperviousness is higher than the rule-of-thumb 5%, but the location and orientation of the imperviousness and the existing drainage features and current drainage performance control. The presence of the concrete lined irrigation ditch also will also mitigate large stormwater flows.

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





# 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 24-003, Fossil Trail

**DATE:** 16 April 2024

This department has received an application MS 24-003, Fossil Trail Minor Subdivision located at 1402 South Street in the Canon City area of Fremont County. This department has no violations against this property. Sanitation will be provided by the Fremont Sanitation District.



# Fremont County Department of Transportation

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

4.16.2024

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

RE: MS 24-003 Fossil Trail

Dear Mr. Victoria,

The FC DOT has reviewed the application and have the following comments:

- The applicant will be required to submit a driveway access permit if applying for an address permit.

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

Sincerely,

*Michael Whitt*

Michael Whitt  
FC DOT Director



## 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](mailto:planning@fremontco.com)

### Inspection Checklist

Date **4/18/2024** Project Name: **MS 24-003 Fossil Trail**  
Any Current Permits?  Yes or  No  
Any Past Permits?  Yes or  No  
Current Violation?  Yes or  No  
Past Violations  Yes or  No

### VISUAL OBSERVATIONS CHECK LIST

# of buildings: **1**  
Types: Dwelling  
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 this inspection there were no land use issues.

Kyle Yarberry 4/18/24  
Allen Zadroga 4/18/24





04/18/2024





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04/18/2024



**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
June 4, 2024, AT 3:00 P.M.**

**MEMBERS PRESENT**

John Hamrick  
Gardner Fey  
Rudi Mergelman  
Larry Brown  
John Carper  
Dale McCullough

**STAFF PRESENT**

Dan Victoria, Planning Director  
Joanne Kohl, Office Manager  
Danielle Adamic, Senior Coordinator  
Mike Fowler, Planning Coordinator

**1. CALL TO ORDER**

Chairman Hamrick Called the meeting to order at 3:00 pm.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF THE June 4, 2024, PLANNING COMMISSION AGENDA**

Chairman Hamrick asked if there were any changes, additions or corrections to the June 4, 2024, Fremont County Planning Commission Agenda.

**MOTION**

Mr. Carper motioned to accept the June 4, 2024, Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Mergelman second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (6 of 6)

**4. APPROVAL OF THE May 7, 2024, PLANNING COMMISSION MEETING MINUTES**

Chairman Hamrick asked if there were any changes, additions or corrections to the May 7, 2024, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Fey motioned for approval of the May 7, 2024, minutes.

**SECOND**

Mr. McCullough second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (6 of 6)

**5. UNFINISHED BUSINESS**

None

**6. NEW BUSINESS:**  
**MS 24-003 Fossil Trail Minor Subdivision**

Chairman Hamrick asks Mr. Hall to present the application to the board.

Mr. Hall states that they are requesting approval for a minor subdivision on Fossil Trail that will create a total of 2 lots. Steve and Char Linder are present as well. He would like to point out that in 1995, there was a boundary line adjustment that was done and the topic they will be discussing is back in 1995, they actually left the 15 ft. flag lot strip that may have been overlooked in 1995. To him, it was very obvious that they left that strip for access to this property, with the way the hay fields are constructed and the way the irrigation ditch is to be able to get to the boxes for the irrigation. Currently the regulation is a 25 ft. They are requesting a waiver to the width of that flag lot because they believe that was created back in that point of time to allow access for this property. He would like to get rid of one of the contingencies, the tax certificate has been completed.

Chairman Hamrick asks Director Victoria for a staff report.

Director Victoria states that the applicant is requesting approval for a minor subdivision on Fossil Trail that will create a total of 2 lots. Lot 1: 1.25 Acres 54345.58 square feet. Lot 2: 26.63 Acres 1159988.84 square feet The subject property is located in the Agricultural Suburban Zone District, at 1402 South St Canon City.

Utility Companies that will service this minor subdivision:

Lot 1  
Water – City of Canon City  
Sanitation – Fremont Sanitation District  
Electric – Black Hills  
Natural Gas – Atmos  
Telephone – Century Link  
Cable – Bresnan  
Irrigation Water – Fruitland Ditch Company

Lot 2  
Irrigation Water -Fruitland Ditch Company

Improvements:

Lot 1 - Dwelling

Lot 2 – Vacant

Waivers:

1. The applicant has submitted a waiver for the Drainage Plan
2. The applicant has also requested a waiver for width of the flag lot 1.

Comments Received:

County Engineer:

After speaking with Mr. George Hall and visiting the property, I can give my recommendation for approval of the requested drainage plan waiver.

Fremont County Department of Transportation:

The applicant will be required to submit a driveway access permit when applying for an address permit for lot 2.

Planning & Zoning Department Recommends Denial due to the following:

1. *Per Appendix 1 Design Standards Sec B. #12 Flag Lot sub sec. b.*
  - Minimum width for a flag lot stem shall be twenty-five (25) feet.
1. *Per subdivision Regulation of Fremont County, Colorado XIII. MINOR SUBDIVISION REQUIREMENTS Sec D. General Information: #2*
  - A Tax Certificate issued by the Fremont County Treasurer 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 and made current.

The Planning and Zoning department recommends reconfiguring lot 1 to meet design standards per appendix 1.

If approved by the Commission and/or Board, Planning and Zoning recommends:

Contingency items:

1. A Tax Certificate issued by the Fremont County Treasurer indicating that all taxes are current.

Conditions:

1. Drainage Plan & Report done at time of development noted on the plat for Lot 1 & 2.

Director Victoria states that the reg's do not give him the ability to bypass what the standards are so the department recommends denial due to the appendix 1 design standard section B #12 of flag lots where it says the minimum length of a flag lot stem shall be 25 ft. The Planning & Zoning department recommends the reconfiguring of lot #1 to meet design standards, however if this commission chooses to recommend approval, staff would request that a condition would be for a drainage plan at the time of development for lot #1 and Lot #2.

Mr. Fey asks if there is a way to check if that was a legal lot in 1995.

Director Victoria states that he could go through all the regulations changes and see if that was ever a proposed change, to his knowledge, it wasn't.

Mr. Carper asks if there would be a problem for public safety to use the 15ft. access.

Director Victoria states that it looks very useable.

Chairman Hamrick asks if there are any questions from the commissioners and if not, states he is open to a motion.

**MOTION:**

Mr. Carper motioned to approve MS 24-003 Fossil Trail Minor Subdivision with the stated conditions of Drainage Plan & Report and that Driveway Access permit is due at time of development for Lot 2.

**SECOND:**

Mr. McCullough second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed. (6 of 6)

**7. ADJOURNMENT**

Chairman Hamrick adjourned the meeting at 3:34 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION      DATE