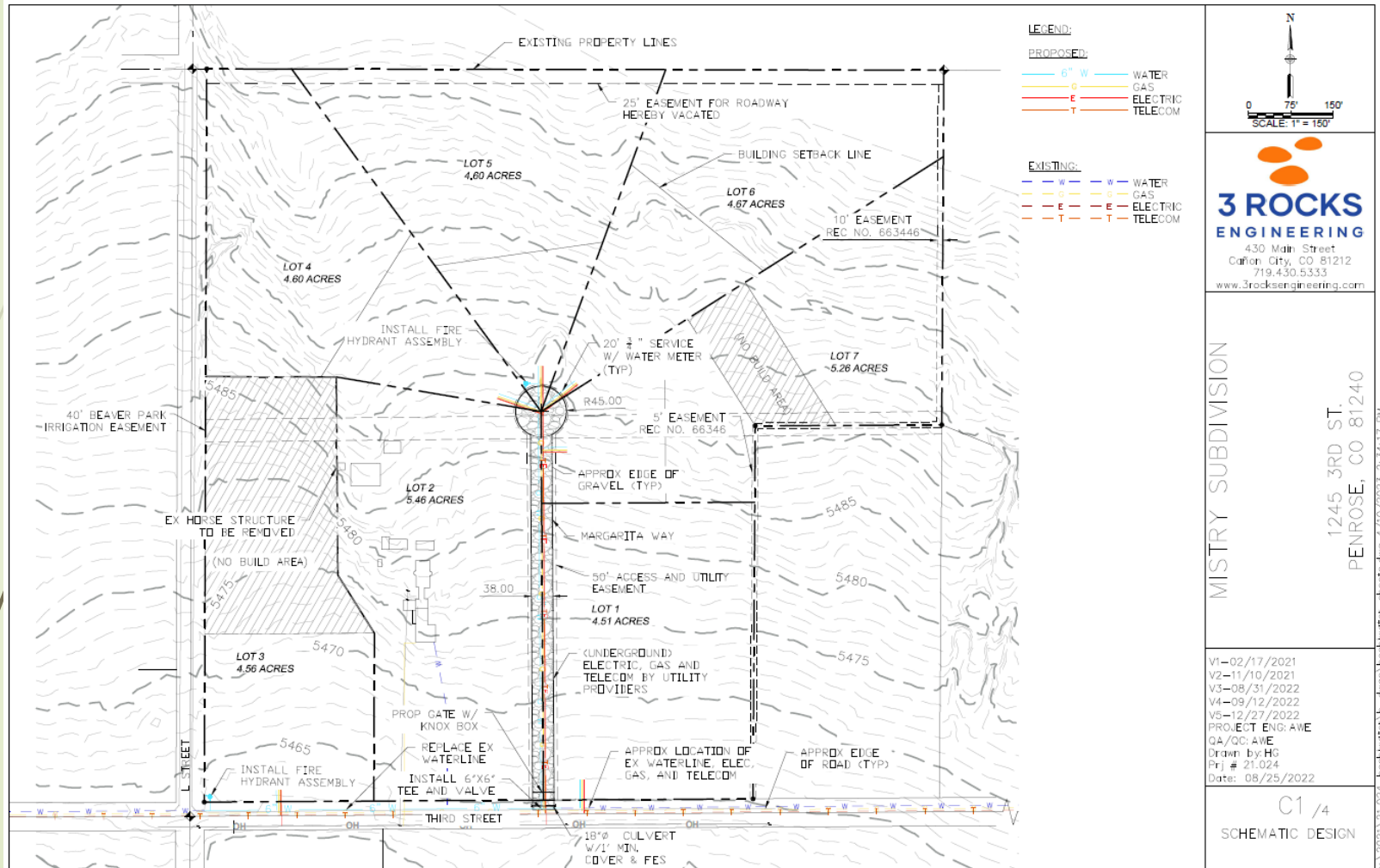


Mistry Subdivision Filing No. 2

Fremont County Board of County Commissioners Meeting
Public Hearing
September 26, 2023

Utility Plan





Penrose Water District Easement



EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that Hoshedar H. Mistry of the County of Fremont and State of Colorado, in consideration of the sum of One Dollar and other good and valuable consideration, in hand paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto PENROSE WATER DISTRICT, a special district, of the County of Fremont and State of Colorado, and its successors and assigns, a non-exclusive 50-foot wide easement and right of way for the purposes of laying, constructing, maintaining, operating, repairing, replacing and removing pipe lines, and all appliances appurtenant thereto, for the transportation of water under, over and across the following described real estate situate in Fremont County, State of Colorado, to-wit:

A PARCEL OF LAND BEING PART OF LOT 1, MISTRY SUBDIVISION, RECORDED MAY 30, 1997 AT RECEPTION NO. 663446, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF FREMONT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1, AND CONSIDERING THE SOUTH LINE OF SAID LOT TO BEAR N89°39'46"E;

THENCE N89° 39'46"E, ALONG SAID SOUTH LINE, A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING;

THENCE N00° 20' 14"W A DISTANCE OF 646.65 FEET TO A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE 249.00 FEET ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 297°13'25", A RADIUS OF 48.00 FEET AND A CHORD BEARING N89°39'46"E A DISTANCE OF 50.00 FEET;

THENCE S00° 20' 14"E A DISTANCE OF 646.65 FEET TO SAID SOUTH LINE OF LOT 1;

THENCE S89° 39' 46"W, ALONG SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

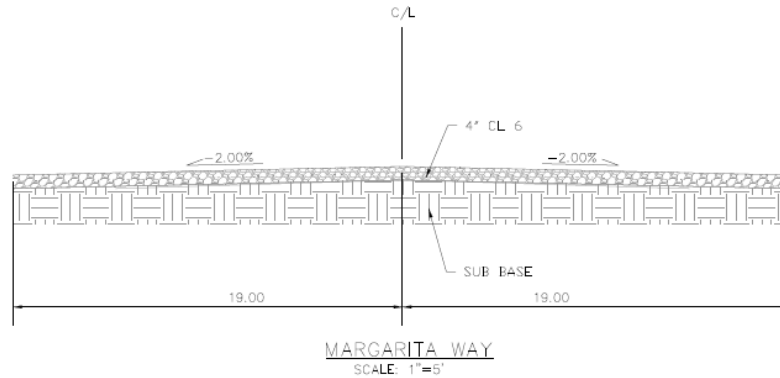
Commonly Margarita Way ("Easement Area").

To have and to hold the same unto the said Penrose Water District, a special district, and its successors and assigns forever.

The undersigned owners, their successors, heirs or assigns, shall otherwise fully use and enjoy said lands, provided, however, that owners shall not place or build structures, gates, fences, mailboxes, landscaping or other obstructions upon the Easement Area that would interfere with needed access, ingress, and egress for purposes granted herein, except as noted below, and that the said Penrose Water District shall have the right hereafter to cut and keep clear all trees, brush and other obstructions, natural or constructed, that may injure, endanger or interfere with the construction and use of said pipe lines and appliances appurtenant thereto. Notwithstanding anything to the contrary herein, Grantor expressly reserves the right to construct or install a private road on the Easement Area that is gated, so long as Penrose Water District's authorized personnel have access to the Easement Area through the gate by code or key. In the event that the Penrose Water District does not have access to the Easement Area through the gate for any reason, such as, for example, a change of code or key, then the

Margarita Way Construction

- NOTES:**
1. APPLICANT SHALL USE THE FOLLOWING EMBEDMENT MATERIALS:
 - 1.1. GRANULAR MATERIAL – WELL GRADED CRUSHED STONE OR GRAVEL MEETING THE REQUIREMENT OF THE AMERICAN SOCIETY OF TESTING MATERIALS (ASTM) C33, GRADATION 67 (3/4" TO NO. 4).
 - 1.2. FINE GRANULAR MATERIAL – NATURAL OR MANUFACTURED AND MEETING THE REQUIREMENTS OF ASTM C33, GRADATION FOR FINE AGGREGATE (3/8" TO NO. 100).
 2. APPLICANT SHALL USE THE FOLLOWING BACKFILL MATERIALS:
 - 2.1. SUITABLE MATERIAL – SOIL OBTAINED FROM THE EXCAVATION THAT IS FREE OF ROCKS, FROZEN MATERIALS, STUMPS, ROOTS, BRUSH, OTHER ORGANIC MATTER, DEBRIS AND OTHER ITEMS. IN ADDITION, SUITABLE MATERIAL SHALL MEET THE FOLLOWING REQUIREMENTS:
 - 2.2. UPPER PORTION OF TRENCH – MATERIAL PLACED WITHIN ONE (1) FOOT OF PAVEMENT SUBGRADE OF FINISHED SURFACE IN UNIMPROVED AREAS SHALL BE SOIL FREE FROM ROCKS, GREATER THAN SIX (6) INCHES IN NOMINAL DIAMETER.
 - 2.3. OTHER PORTIONS OF TRENCH – MATERIAL WITHIN SIX (6) INCHES BELOW AND 18 INCHES ABOVE THE PIPE SHALL CONTAIN PARTICLES OF A SIZE TO CONFORM TO THE EMBEDMENT CLASS REQUIRED BUT IN NO CASE SHALL IT CONTAIN ROCKS GREATER THAN ONE AND ONE-HALF INCHES IN ANY DIMENSION FROM 4' POINT 18 INCHES ABOVE THE PIPELINE TO WITHIN ONE (1) FOOT OF THE PAVEMENT SUBGRADE OR FINISHED SURFACE IN UNIMPROVED AREAS. MAXIMUM SIZE OF ANY ROCK IN THE TRENCH BACKFILL SHALL BE 12 INCHES NOMINAL DIAMETER.
 3. MINIMUM COVER OVER WATERLINE SHALL BE 4'.
 4. CONTRACTOR TO COORDINATE KNOX BOX WITH FLORENCE FIRE DEPARTMENT CHIEF.




3 ROCKS
ENGINEERING
 430 Main Street
 Cañon City, CO 81212
 719.430.5333
www.3rockengineering.com

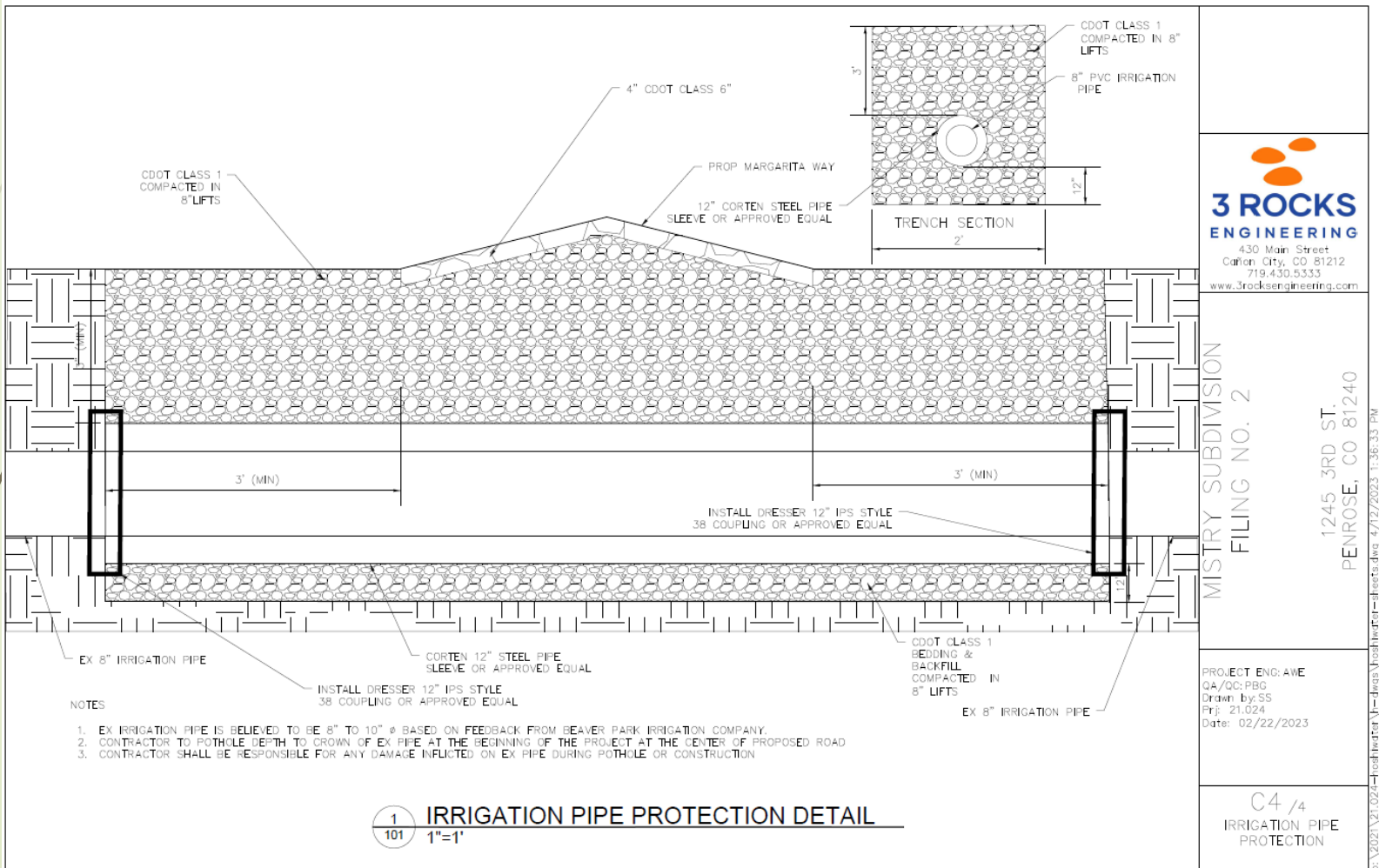
MISTRY SUBDIVISION

1245 3RD ST.
 PENROSE, CO 81240

V1.0-02/17/2021
 V2.0-11/10/2021
 V3.0-08/31/2022
 V4.0-09/12/2022
 V5.0-12/27/2022
 PROJECT ENG: AWE
 QA/QC: AWE
 Drawn by: HG
 Prj # 21-024
 Date: 08/25/2022

C2 /4
 NOTES

Beaver Park Water District Apple Valley Line Improvements



MISTRY SUBDIVISION
FILING NO. 2

1245 3RD ST.
PENROSE, CO 81240

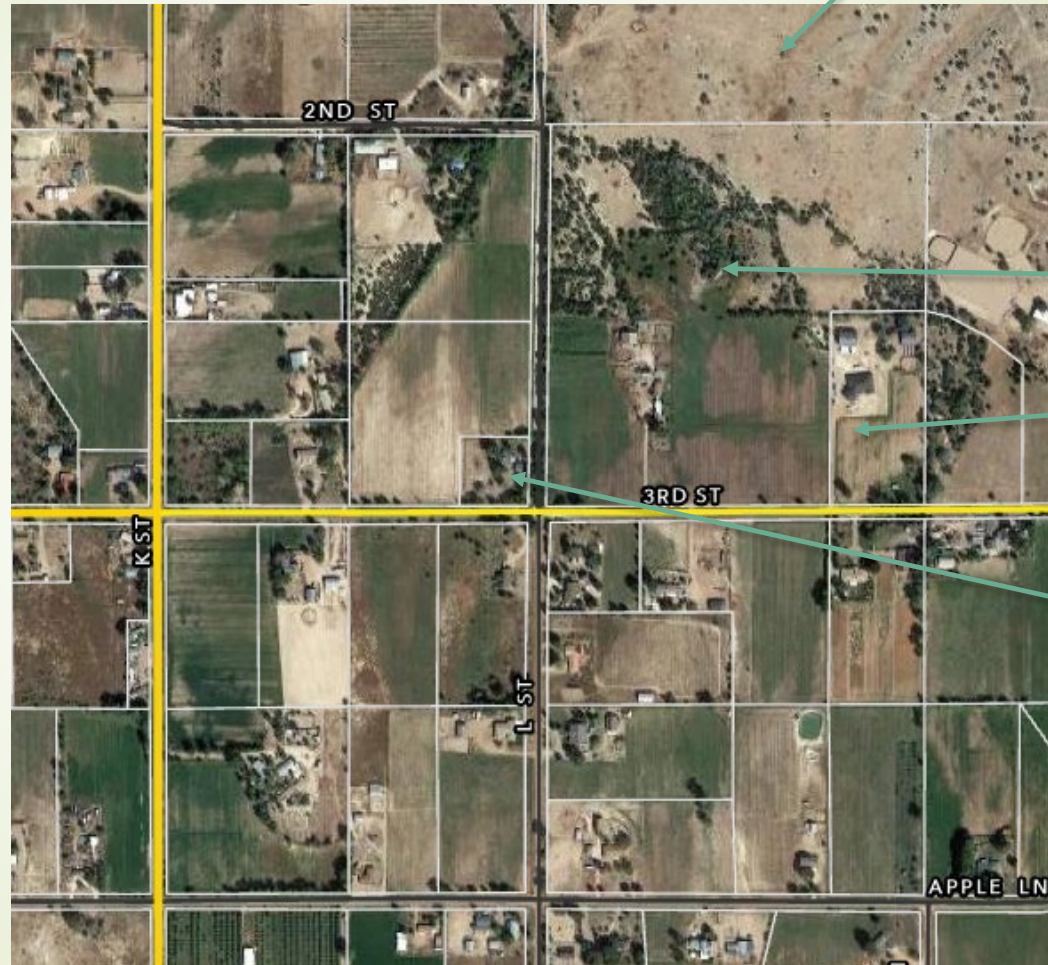
PROJECT ENG: AWE
QA/QC: PBG
Drawn by: SS
FR: Z1.024
Date: 02/22/2023

1
101 IRRIGATION PIPE PROTECTION DETAIL
1"=1'

C4 /4
IRRIGATION PIPE
PROTECTION

Neighborhood

Black Hills
80 acres



Subject
Parcel

5.0 acres

1.3 acres



Pre-Application Meeting Summary

PRE-APPLICATION MEETING DATE: September 16, 2021 **SUMMARY ISSUED:** September 21, 2021

Project Name: Mistry Subdivision Filing No. 2
Property Address: 1245 3rd Street, Penrose, CO
 Lot 1, Mistry Subdivision as r
Prepared by: Carrie McCool, McCool Deve

Street Improvements

Per County Staff follow up with Department of Transportation regarding street improvements, the Director provided the input below:

- L Street is a local road that is not maintained by the County. If the Owner would like to have L Street maintained by the County, it would need to be brought up to County standards.
- The 25-foot road easement along the northern boundary of the property can be reviewed through the subdivision process. Any easement to be vacated may be vacated by a note on the final plat.
- Mistry Court would be a private street of which the County would not maintain.

Pre-Application Meeting Attendees:

NAME	COMPANY/TOWN DEPARTMENT		
Hoshi Mistry	Property Owner		
Angela Bellantoni	Environmental Alternatives Inc.		
Alex Ewers	3 rd Rocks Engineering		
John Kratz	Red Rock Land Surveys, Inc.	303.994.6300	jkraz@redrocklandsurveys.com
Alicia Stone	Fremont County Planning Coordinator	719.276.7360	alicia.stone@fremontco.com
Carrie McCool	McCool Development Solutions	303.378.450	carrie@mccooldevelopment.com

Meeting Summary

PROPOSAL OVERVIEW:

To begin the meeting, Mr. Ewers, representing the property owner, provided an overview of the proposal as follows:

- Subdivide 33.65 acres into seven lots to allow construction of six new single family residential homes.
- The owner lives on the property (Lot 1 that is 33.65 acres). He would like access off of L Street in the future but would like to continue to use the existing driveway access off of 3rd Street until the future Lot 2 is sold.
- Access to proposed lots 2 and 3 would be from 3rd Street.
- Access to lots 4-7 is proposed from L Street via a 674' cul-de-sac labeled Mistry Court.
- L Street is a gravel road that the County does not maintain. The Owner noted the County would not maintain the road until it is brought up to County standards.
- Water would be provided by Penrose Water and individual septic is proposed to be installed by the people who purchase the lots.
- Minerals have not been severed.
- Floodplain does not encumber the property.

Configuration 1 Challenge



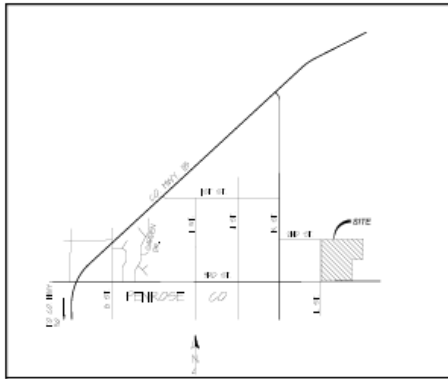
Approximate location
of Margarita Way

Outcrop of bedrock
and stand of trees



PRELIMINARY PLAN MISTRY SUBDIVISION FILING NO. 2

A VACATION AND RE-PLAT OF LOT 1, MISTRY SUBDIVISION,
A PART OF THE SOUTHWEST QUARTER SECTION 27,
TOWNSHIP 18 SOUTH,
RANGE 68 WEST, SIXTH PRINCIPAL MERIDIAN
FREMONT COUNTY, COLORADO
33.65 ACRES 7 LOTS

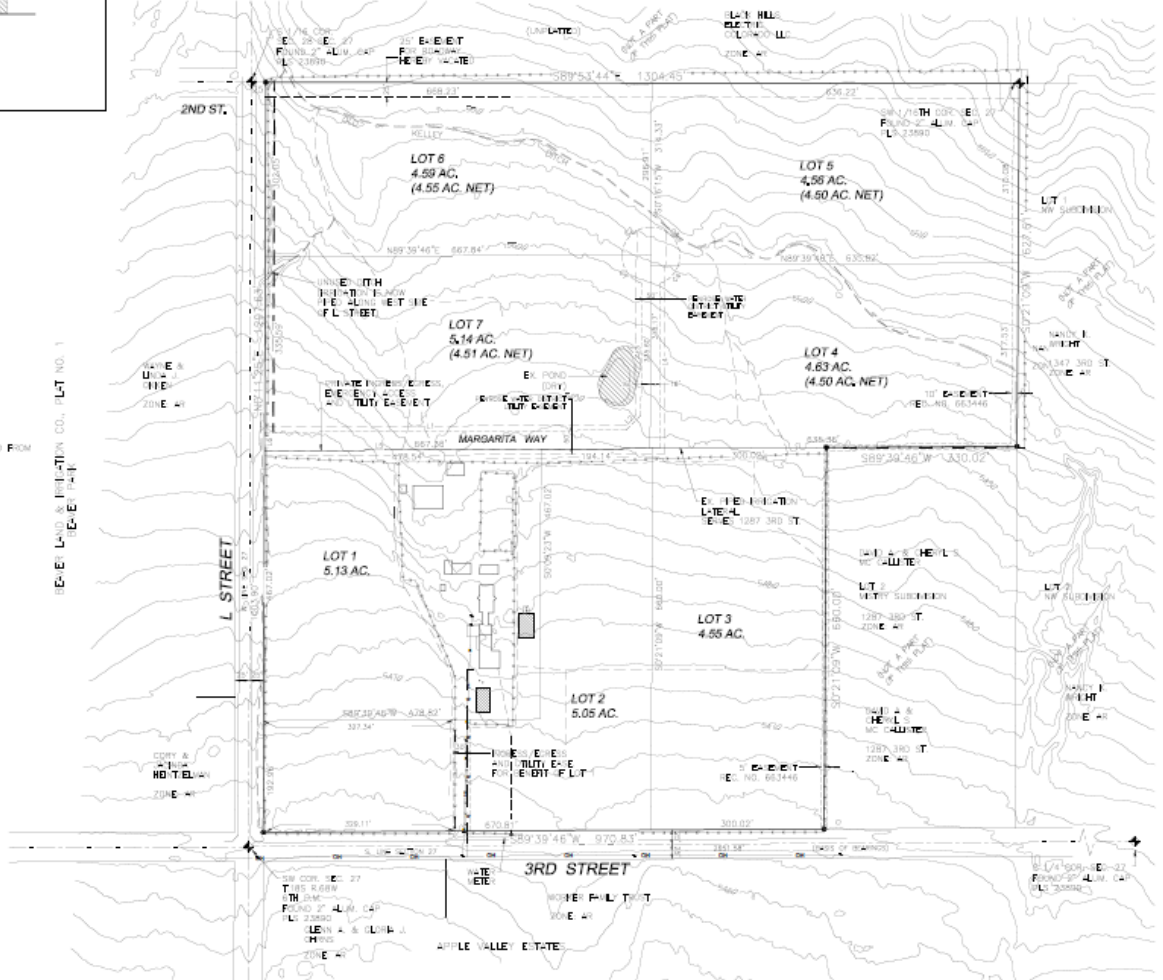


VICINITY MAP
1" = 1000'

NOTES:

1. T.T.L. PROPOSED LOTS: 7
2. ZONING: AR PROPOSED AR (NO CHANGE)
3. DETAILS:
 - SEWER: NONE
 - WATER: REMOVED WATER DETAIL
 - SCHOOL: FREMONT RE-2
 - CONSERVATION: FREMONT CONSERVATION DETAIL
 - WATER CONSERVATION: DETAIL
 - SPRINKLER: REMOVED WATER CONSERVATION
4. SITE AREA: 33.65 AC.
5. EASEMENT: 5.00 AC.
6. UTILITIES: UTILITY EASEMENTS AND LATERALS ARE SHOWN HEREIN.
7. CONTIGUOUS LOTS: 5.00 AC. FREMONT COUNTY LUMP
8. PROPOSED LOTS 1 THROUGH 7 WILL FRONT ON, AND BE BOUNDARIED BY, MARGARITA WAY.

SEE L-1 AND MISTRY CO., LOT NO. 1
SEE PLAT



DATE: 11/10/2021
BY: [Signature]

Configuration 2 Challenge

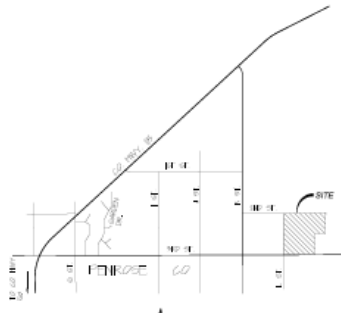


Outcrop of bedrock and stand of trees

Approximate location of Margarita Way

PRELIMINARY PLAN MISTRY SUBDIVISION FILING NO. 2

A VACATION AND RE-PLAT OF LOT 1, MISTRY SUBDIVISION,
A PART OF THE SOUTHWEST QUARTER SECTION 27, TOWNSHIP 18 SOUTH,
RANGE 68 WEST, SIXTH PRINCIPAL MERIDIAN
FREMONT COUNTY, COLORADO
33.65 ACRES 7 LOTS



NOTES:

1. TOTAL PROPOSED LOTS: 7
2. ZONING: AR PROPOSED: AR (NO CHANGE)
3. THE PROPOSED SUBDIVISION LIES ENTIRELY WITHIN THE FOLLOWING DISTRICTS:
SEWER: NONE
WATER: FENROSE WATER DISTRICT
SCHOOL: FREMONT RE-2
CONSERVATION: FREMONT CONSERVATION DISTRICT
SE CO WATER CONSERVATION DISTRICT
UPPER ANIHANAS WATER CONSERVATION
4. PRIVATE ROADWAY: 600 LF, 0.80 AC.
5. DENSITY: 0.21 DU/AC.
6. PROPOSITION OTHERS: DITCHES AND LATERALS ARE SHOWN HEREIN.
7. CONTOUR INTERVAL = 2 FEET. SOURCE: FREMONT COUNTY USAR.
8. NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THE SUBDIVISION.

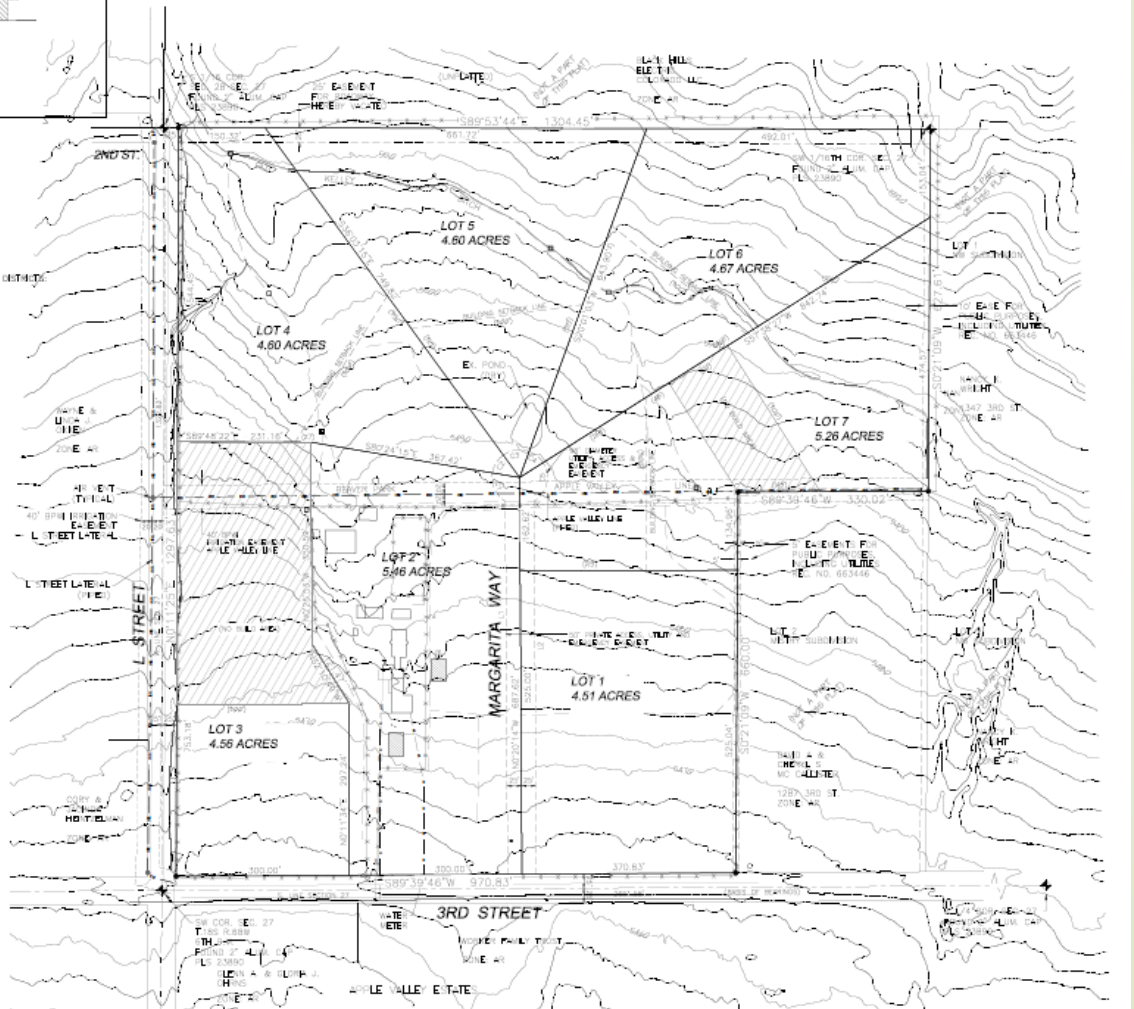
FILE:

FLORENCE FIRE DISTRICT

1. PRIVATE ROADWAY: 600 LF, 0.80 AC.
2. DENSITY: 0.21 DU/AC.
3. PROPOSITION OTHERS: DITCHES AND LATERALS ARE SHOWN HEREIN.
4. CONTOUR INTERVAL = 2 FEET. SOURCE: FREMONT COUNTY USAR.
5. NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THE SUBDIVISION.



REVISION: 11/02/2021
REVISED: 04/12/22



Development Cost Estimates

SUBDIVIDER NAME: HOSHI MISTRY
 SUBDIVISION NAME: MISTRY SUBDIVISION FILING NO. 2

ITEM	QUANTITY			UNITS	\$ PER UNIT	TOTAL		
	V1	V2	V3			V1	V2	V3
Mobilization	1	1	1	LS	\$ 10,000.00	\$ 10,000	\$ 10,000	\$ 10,000
Staking & Surveying	1	1	1	LS	\$ 4,000.00	\$ 4,000	\$ 4,000	\$ 4,000
Subgrade Prep-Cut/Fill Balance	5938	5889	3748	SY	\$ 6	\$ 35,627	\$ 35,334	\$ 22,488
6" Class 6 Aggregate Base Course	990	982	691	CY	\$ 50.00	\$ 49,481	\$ 49,075	\$ 34,567
18" Culverts	64	128	64	LF	\$ 94.00	\$ 6,016	\$ 12,032	\$ 6,016
Water Main 6"	1670	1700	1400	LF	\$ 110.00	\$ 183,700	\$ 187,000	\$ 154,000
Valves	2	2	2	EA	\$ 4,500.00	\$ 9,000	\$ 9,000	\$ 9,000
Tees	2	2	1	EA	\$ 2,500.00	\$ 5,000	\$ 5,000	\$ 2,500
Water Services	6	6	6	EA	\$ 2,500.00	\$ 15,000	\$ 15,000	\$ 15,000
Fire Hydrants	3	3	2	LS	\$ 7,695.00	\$ 23,085	\$ 23,085	\$ 15,390
Thrust Blocks	1	2	1	EA	\$ 400.00	\$ 400	\$ 800	\$ 400
Street Signs at Intersections	2	2	1	EA	\$ 800.00	\$ 1,600	\$ 1,600	\$ 800
Atmos Natural Gas Service	1670	1700	768	LF	\$ 30.00	\$ 50,100	\$ 51,000	\$ 23,040
BlackHills Electric Installation	31935	31935	31935	LS	\$ 1.00	\$ 31,935	\$ 31,935	\$ 31,935
L St		1		LS	\$ 14,791.11		\$ 14,791	
2nd St		1		LS	\$ 60,207.41		\$ 60,207	
Total						\$ 424,944	\$ 509,860	\$ 329,136

Engineer's Opinion of Propable Cost based on 2022 projects with similar materials and quantities.

3rd Street



L Street



North end of L Street



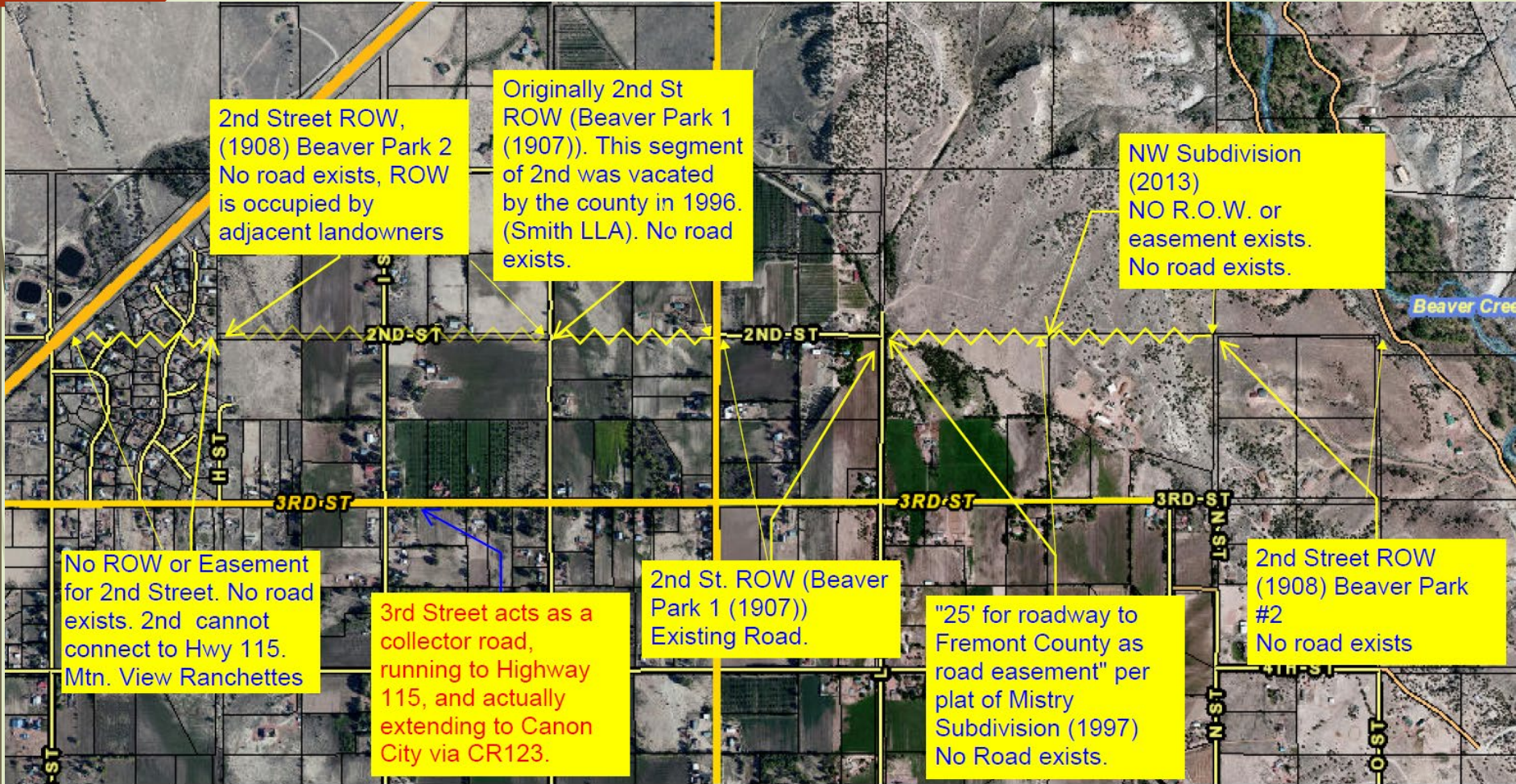
2nd Street



Request for Road Easement Waiver



Second Street Easement and Improvement Research



Jody Harper Alderman
720.460.4205

April 7, 2023

Carrie McCool, Principal
McCool Development Solutions
4383 Tennyson Street, Unit 1-D
Denver, CO 80212

Re: Preliminary Plan for Mistry Subdivision Filing No. 2

Dear Ms. McCool:

I have been assisting Hoshi Mistry and his team with the replat pro writing easements, etc. Dr. Bellantoni shared with me the email dated March 29, 2023, regarding Mr. Mistry's 25' road easement provided to Dr. Bellantoni. On behalf of the team, we appreciate the opportunity to respond.

Mr. Gasser states that: "If it's an easement, it's my understanding easement across the lot is not subtracted from the lot size so seen to vacate the easement." I agree with this statement. An easement The servient estate holder (Mr. Mistry) owns the land, so there is no or not the road easement is in place. Please confirm you agree with

The request to vacate the road easement is not related to the lot will remain the same whether or not the easement is in place, because the County's lot size requirements. If you disagree, please let me know. My recent submittal of the preliminary plan was made to the County and my request to vacate the road easement was intended simply to clean up the plat and no need for the road easement, so it seems reasonable to

Next, Mr. Gasser states that: "It seems clear that the easement de Subdivision (1997) gives Penrose Water District the right to install And, he ends his email with this: "In finding out that the easement of the subject property exists, the Penrose Water District would not want an easement for future use for public utilities, specifically use by the Fire Department. I disagree with these statements.

Alderman Bernstein
April 7, 2023
Page 2

The 1997 Mistry Plat calls out a "25' roadway easement for Fremont County as road easement." This is not a utility easement. The dedication language contains the standard required plat language from the Fremont County Subdivision Regulations, as follows: "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 land *labeled as easements for the installation and maintenance of public utilities as shown hereon.*" Subdivision Regulations of Fremont County, Colorado, XIV(D)(30)(a)(3) (emphasis added). The 1997 Mistry Plat also contains the Easement Statement as required by the County's Subdivision Regulations, as follows:

Easements for public purposes, including utilities, *are as indicated on the plat*, 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 utility easement on both sides of lot lines. Exterior subdivision boundary not fronting public way is subject to a ten (10) foot utility easement.

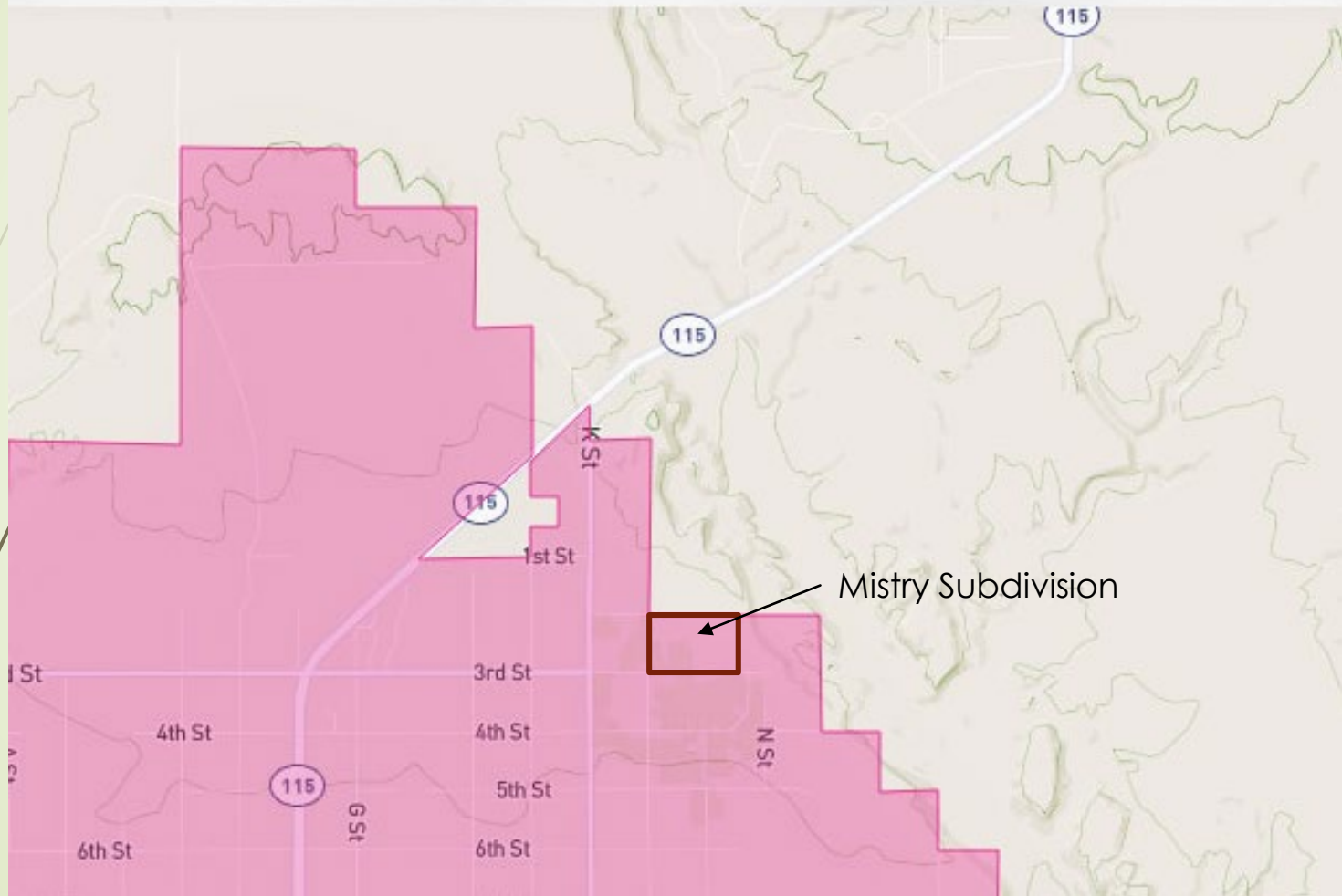
Subdivision Regulations of Fremont County, Colorado, XIV(D)(30)(a)(7) (emphasis added).

The Easement Statement says easements "are as indicated on the plat." There are no easements labeled for the installation and maintenance of public utilities on the 1997 Mistry Plat. So, the 25' road easement is not for Penrose Water District or any other utilities to use.

Further, the Easement Statement provides that the exterior subdivision boundary not fronting public way is subject to ten (10) foot utility easement. By this statement, the 1997 Mistry Plat includes a 10' utility easement on the north side. The same statement will be contained on the Mistry Subdivision Filing No. 2, so Penrose Water District can use the 10' utility easement granted by the plat language. There is no reason for the 25' road easement to remain in place, even if Penrose Water District could put utilities in it.

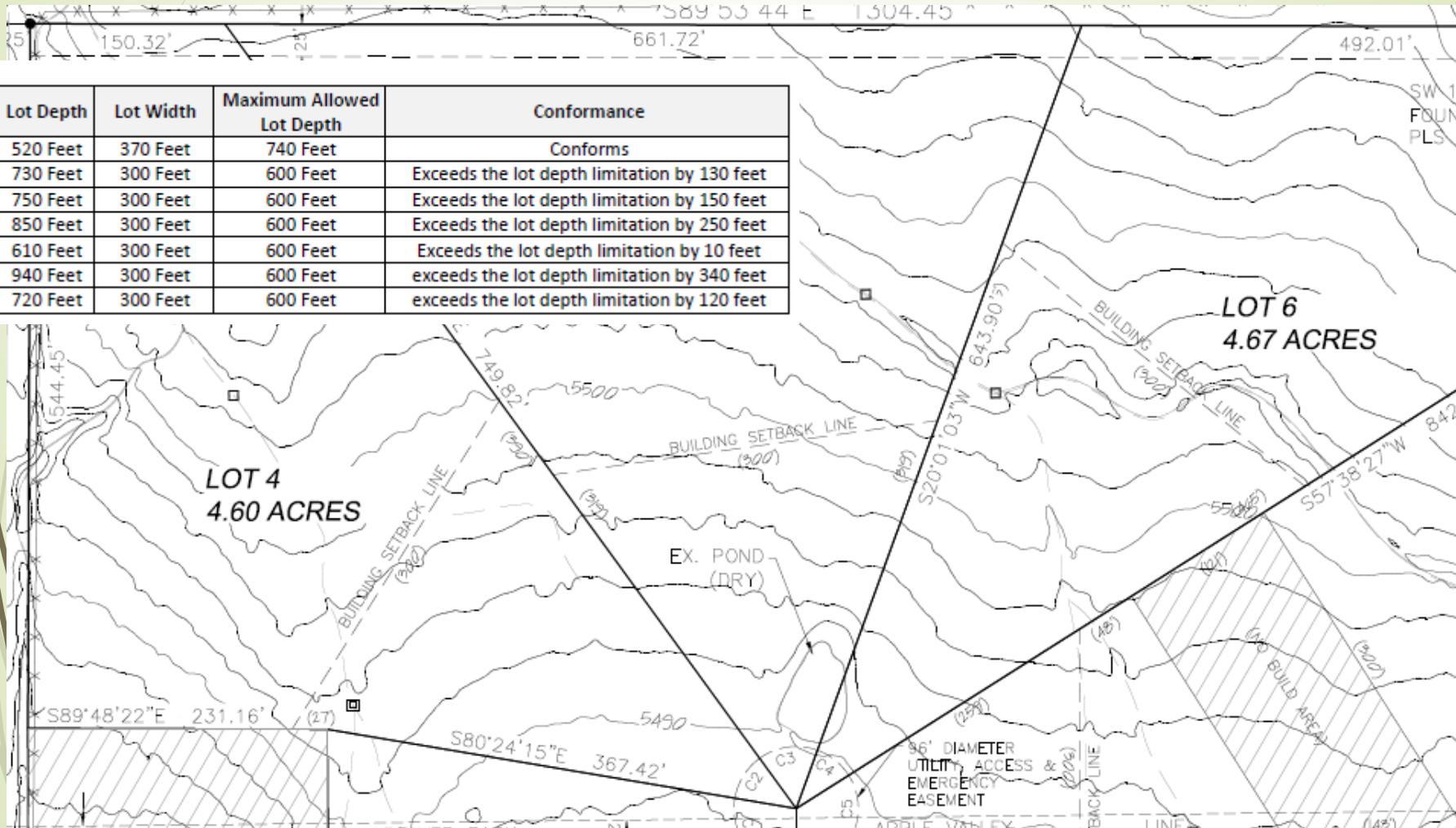
If you disagree with this interpretation of the 25' road easement (or you believe the Planning Commission or the Board of County Commissioner's will), please let me know. Since this is coming from me (a lawyer), I copied the County Attorney on this letter, as well. We'd very much appreciate the opportunity to understand everyone's respective positions on this well in advance of the Planning Commission Hearing on May 2nd.

PENROSE WATER DISTRICT SERVICE BOUNDARIES



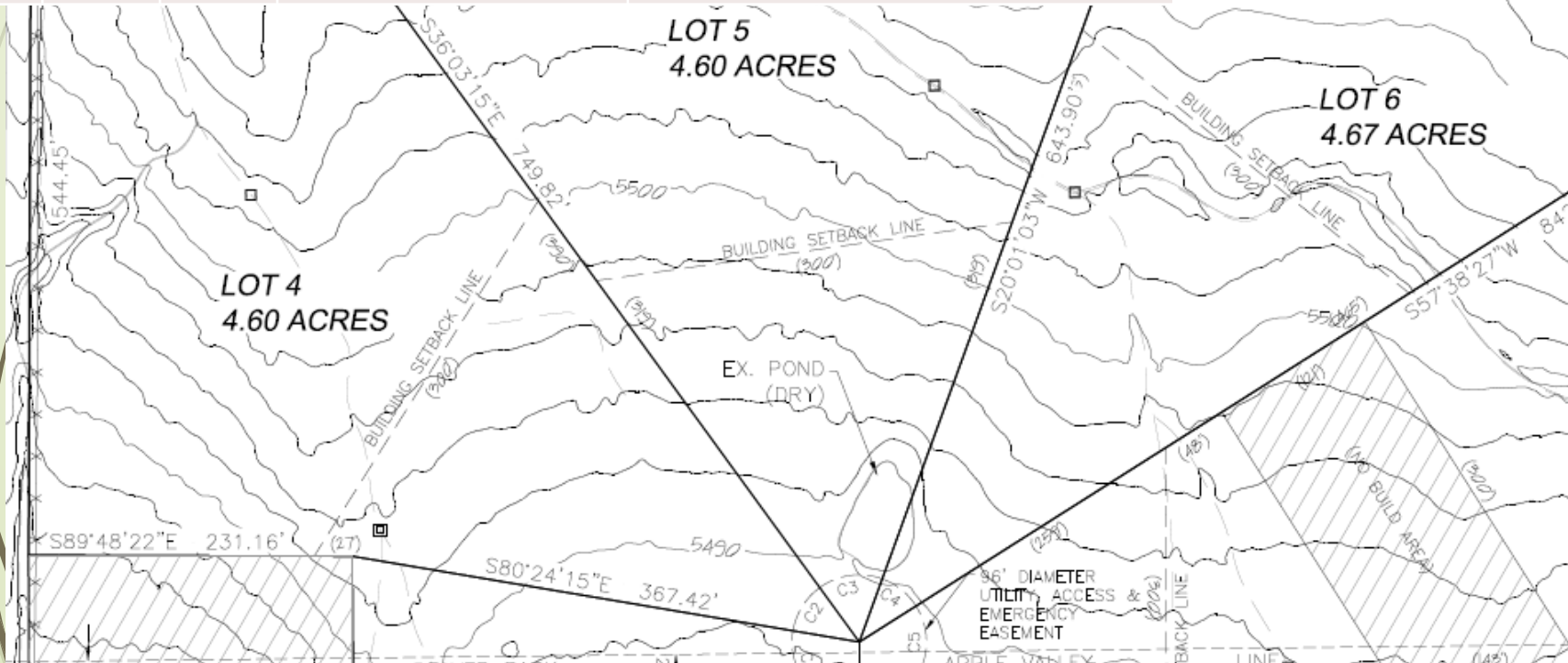
Width vs Length Criteria Staff Report Chart

Lots	Lot Depth	Lot Width	Maximum Allowed Lot Depth	Conformance
Lot 1	520 Feet	370 Feet	740 Feet	Conforms
Lot 2	730 Feet	300 Feet	600 Feet	Exceeds the lot depth limitation by 130 feet
Lot 3	750 Feet	300 Feet	600 Feet	Exceeds the lot depth limitation by 150 feet
Lot 4	850 Feet	300 Feet	600 Feet	Exceeds the lot depth limitation by 250 feet
Lot 5	610 Feet	300 Feet	600 Feet	Exceeds the lot depth limitation by 10 feet
Lot 6	940 Feet	300 Feet	600 Feet	exceeds the lot depth limitation by 340 feet
Lot 7	720 Feet	300 Feet	600 Feet	exceeds the lot depth limitation by 120 feet



Width vs Length Criteria Mistry Chart

Lot	Lot Depth	Lot Width	Maximum Allowed Lot Depth	Conformance
Lot 1	525	370 Feet	740 Feet	Conforms
Lot 2	687.62	300 Feet	600 Feet	Exceeds the lot depth limitation by 87.62 Feet
Lot 3	297.24	300 Feet	600 Feet	Conforms
Lot 4	470	300 Feet	600 Feet	Conforms
Lot 5	370	300 Feet	600 Feet	Conforms
Lot 6	493	300 Feet	600 Feet	Conforms
Lot 7	500	300 Feet	600 Feet	Conforms



**MISTRY SUBDIVISION FILING NO. 2
ACCESS EASEMENT AND SERVITUDES**

This Access Easement and Servitudes is made and entered into this 2022, by Hoshedar H. Mistry ("Mistry").

WHEREAS, Mistry owns that certain parcel of real property located in Colorado, more particularly described as LOT 1, MISTRY SUBDIVISION, SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 68 WEST, COUNTY OF FREMONT, STATE OF COLORADO (the "Developer

WHEREAS, Mistry has applied for a vacation and replat of the Dev Mistry Subdivision Filing No. 2, which will result in seven (7) platted lots; and

WHEREAS, Lot 4, Lot 5, Lot 6 and Lot 7, and Lot 1 if it so elects as Mistry Subdivision Filing No. 2 ("Benefited Lots") will have access to 3rd S access easement granted herein on, over and across Lots 1 and 2 of Mistry Sub 2 ("Burdened Lots") and reciprocal private access easements on, over and acro 7; and

WHEREAS, Mistry desires to construct a private road, approximately width with a cul de sac to Fremont County standards for a gravel road, wh Margarita Way (the "Private Road" or "Margarita Way"), and to grant the priva herein to ensure that the Benefited Lots have access and the obligation to share and expenses of repair and maintenance related thereto.

NOW, THEREFORE, in consideration of the mutual covenants set forth Lot 4, Lot 5, Lot 6 and Lot 7 is sold to a party other than Mistry, and Lot 1 i forth herein, such lots shall be legally bound hereby, as follows:

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, as each of Lot 4, Lot 5, Lot 6 and Lot 7 is sold to a party other than Mistry, and Lot 1 if it so elects as set forth herein, such lots shall be legally bound hereby, as follows:

1. Easements. Mistry grants and conveys to each the owners of Lot 4, Lot 5, Lot 6 and Lot 7 of Mistry Subdivision Filing No. 2 upon the sale of each such lot from Mistry, his heirs, successors or assigns, to the buyer of each such lot (each a "Benefited Party," collectively the "Benefited Parties") a perpetual, non-exclusive easement over and across the property described in Exhibit A, attached hereto and incorporated herein by this reference (the "Easement Property") and shown on the Mistry Subdivision Filing No. 2 as Margarita Way, for access to and from the Benefited Lot, and for repair and maintenance of the Private Road constructed thereon (the easements created pursuant to this Section 1 shall be collectively referred to herein as the "Access Easements").

2. Lot 1. If the initial purchaser of Lot 1 desires to utilize Margarita Way for access, exclusively or in addition to 3rd Street, the initial purchaser of Lot 1 shall make that election at the closing on the purchase and sale of Lot 1, which election shall be recorded in the records of the Clerk and Recorder of Fremont County with reference to this Access Easement and Servitudes and shall constitute a permitted amendment hereto, which adds the purchaser of Lot 1 as a Benefited Party and adds Lot 1 to the definition of Benefited Lots for all purposes herein, including the grant

of the Access Easements over Lot 2 pursuant to Section 1 above and the grant of the Cross-Access Easements pursuant to Section 3 below.

3. Cross-Access Easements. Additionally, each Benefited Lot is hereby burdened with a perpetual, non-exclusive easement over and across the portion of the Easement Property within such Benefited Lot for the benefit of the other Benefited Lots for access to and from the other Benefited Lots and for repair and maintenance of that portion of the Private Road constructed thereon (the easements created pursuant to this Section 3 shall be collectively referred to herein as the "Cross-Access Easements"). The Cross-Access Easements together constitute the portion of the Margarita Way cul de sac located on Lots 4, 5, 6 and 7.

4. Maintenance and Repair of Margarita Way. Margarita Way will be maintained and repaired by or at the direction of the Benefited Parties. Such maintenance and repair shall be undertaken at such intervals as are necessary to permit the usual and customary use of Margarita Way for its intended purpose, and to maintain Margarita Way at the level required under applicable Fremont County standards for gravel roads.

5. Shared Expenses. The Benefited Parties shall share the actual costs and expenses incurred by the Benefited Parties for repair and maintenance of Margarita Way pursuant to Section 4 (the "Shared Expenses") pro rata among the Benefited Lots for which a building permit for the construction of a residence has been issued by the applicable county authority. By way of example, if two of the Benefited Lots have been issued building permits, the two lots for which building permits have been issued shall pay one-half of the Shared Expenses; if three of the Benefited Lots have been issued building permits, the three lots for which building permits have been issued each shall pay one-third of the Shared Expenses.

6. The Benefited Parties shall cooperate and coordinate to perform the maintenance and repair of Margarita Way, including snow removal. The Benefited Parties shall reimburse each other for all Shared Expenses within thirty (30) days of the invoice for same, which invoice will describe with reasonable specificity the work performed and covered by such invoice. If a Benefited Party fails to reimburse the other Benefited Parties for such Benefited Party's share of the Shared Expenses within thirty (30) day period, such Benefited Party shall pay a late charge equal to the un-reimbursed amount, plus interest on such un-reimbursed amount at the rate of 12% per annum, calculated from the date the reimbursement became due. The Benefited Parties shall also be responsible for securing such reimbursement. The Benefited Parties shall also be responsible for securing the lot owned by the non-paying Benefited Party to secure the un-reimbursed amount (plus charge and accrued interest), which lien may be foreclosed in the event of a mortgage against real property.



Response to Summary of Findings to Deny Application

- ▶ Transportation Goals are met for the County
 - ▶ 3rd Street can accommodate the increase of 66 trips
 - ▶ Margarita Way is constructed to county local road standard
 - ▶ L Street and 2nd Street are not impacted by proposed subdivision
- ▶ One design standard is width vs length.
 - ▶ Three configurations drafted
 - ▶ Configuration 3 has a pleasantly unique lot configuration
 - ▶ Development expense is manageable.
- ▶ County road network remains unchanged
 - ▶ New road constructed at developers expense
 - ▶ Utilities are allowed in 10' or 5' utility easements that have adequately provided.
 - ▶ Fire Department accepted Configuration 3 March 20, 2023. Email sent to County.

From: Bill Ritter [mailto:ffpdchief@yahoo.com]
Sent: Thursday, February 23, 2023 8:08 AM
To: Alex Ewers <alexe@3rockengineering.com>; Angela Bellantoni <angela@envalternatives.com>
Cc: hoshimag1@gmail.com; hmistry@kw.com
Subject: Re: Mistry Subdivision

Thank you for your patience with me getting back to you. This weather has created numerous calls for service from our department. I have looked through this email and attachments. I do accept the roadway construction and maintenance and property access denied from L Street. The only question I have is the irrigation ditch crossing the roadway able to withstand the weight of Fire apparatus. The main reason I am a stickler on this is due to a ongoing lawsuit in the Midwest over a fire apparatus damaging private property due to its weight. This is something the FFPD needs to avoid as this lawsuit is for over \$1 million dollars. Alex had crossing will withstand this weight. Thank you

Chief Bill Ritter
Florence Fire Protection District
300 West Main Street
Florence Co. 81226
719-280-3811

From: [Bill Ritter](#)
To: [Angela Bellantoni](#)
Subject: Re: Mistry Subdivision and Beaver Park
Date: Monday, March 20, 2023 10:31:17 AM

Angela,
This meets my concerns about the irrigation pipe. Thank you,

Chief Bill Ritter
Florence Fire Protection District
300 West Main Street
Florence Co. 81226
719-280-3811

On Friday, March 17, 2023 at 10:10:47 AM MDT, Angela Bellantoni <angela@envalternatives.com> wrote:

Good morning Chief Ritter

BPWI has accepted the attached improvements to the Apple Valley Line that is located under the cul-de-sac of Margarita Way. If this resolves your concerns, please respond to this email accordingly.

Thank you in advance.



Conclusion

- Mistry Subdivision Filing No. 2 is a gated community
- Margarita Way will be constructed according to local county road standard.
- Access Easement and Servitudes not only grants private access but also prepares for maintenance of Margarita Way.
- The 25' road easement vacation is requested since future development to the east and north isn't likely based on owners and topography.
- According to traffic engineer, 3rd Street is a collector that can accommodate 66 additional trips each day.
- Utility notices were submitted Sept 13 with Configuration 3 maps. Do not concur with re-notification.