



PLANNING AND ZONING DEPARTMENT STAFF REPORT

Case No: PP-001	Case Name: Mistry Subdivision Filing 2 Preliminary Plan
Owner/Applicant	Margaret Egan Mistry and Hoshedar H. Mistry 1245 3 rd Street, Penrose, CO 81240
Consultant Name:	Dr. Angela Bellantoni Environmental Alternatives, Inc. P.O. Box 326 Cañon City, CO 81215
Site Address and Schedule Number:	1245 3 rd Street, Penrose, CO 81240 Schedule No: 99704369
Nature of Requests:	1) Preliminary Plan approval to subdivide 33.65 acres into seven single-family residential lots; 2) Vacate the 25-foot road easement dedicated to Fremont County for Roadway; and 3) Waiver from Subdivision Design Standards – Appendix 1 (B) Lot Standards (4) Front on Public Street, to exempt Lots 3 and 4 from the requirement to front on a public street. 4) Waiver of development of Margarita Way to County standards.
Zoning:	AR - Agricultural Rural
Total Site Area:	33.65 Acres
Public Meeting Dates:	Planning Commission: May 2, 2023 Board of County Commissioners: TBD
Report Date:	April 20, 2023
Planning Commission Recommendation:	Denial of the Preliminary Plan request and waiver from the subdivision design standards.

SUMMARY OF REQUESTS

The applicant representative, Dr. Angela Bellantoni, on behalf of Hoshedar Mistry, is requesting Preliminary Plan approval to subdivide 33.65 acres into seven (7) single-family residential lots located northeast at the intersection of L Street and 3rd Street. Additionally, the applicant is requesting to vacate the twenty-five feet (25') road easement previously dedicated to Fremont County for roadway along the northern boundary of the property and a waiver from Subdivision Design Standards – Appendix 1 (B) Lot Standards (4) Front on Public Street to exempt lots 3 and 4 from the requirement to front on L Street. The applicant's waiver from the requirement to develop Margarita Way to County standards does not appear to be needed as the applicant revised their application on March 17, 2023, to include the construction of Margarita Way to the standard of a county gravel road.

BACKGROUND

The subject property was originally 40.16 acres and subdivided into two single family residential lots known as Mistry Subdivision in May of 1997, wherein Lot 1 is 33.65 acres and Lot 2 is 5 acres. Lot 2 of the Mistry Subdivision was developed as single family and is not a part of the proposed Preliminary Plan. At that time, 25 feet of right-of-way was dedicated for 3rd Street and L Street as road right-of-way and currently forms the southern and western boundaries of the property. The zoning of the property is Agricultural Rural (AR), wherein the surrounding properties are zoned AR as well. The property owner, Hoshi Mistry, resides at 1245 3rd Street and is provided access from an existing driveway from 3rd Street.

The request includes the resubdivision of Lot 1 of the Mistry Subdivision, which has a 3,470 square foot single-family dwelling (north and south wings) with seven (7) accessory structures and livestock pens. The remainder of the property is either open field or slightly wooded. An open ditch (Kelley ditch) runs through the proposed Lot 4 to irrigate Lots 1, 2, and 3. Additionally, there is a buried irrigation line that goes to Apple Valley that runs east of west, generally below proposed lots 4 through 7.

The applicant has indicated that mineral interests have not been severed.

REFERRAL RESPONSES

Pursuant to Section V., B of the Subdivision Regulations, the following referral agencies were notified of the application.

Responding with Concerns or Comments:

Fremont County Department of Transportation
Fremont County Environmental Health Department
Fremont County Engineer
Florence Fire Protection District
Penrose Water District
Beaver Park Water, Inc.
Fremont School District RE-2
State Engineer's Office (SEO) at the Colorado Division of Water Resources (CDWR)
Fremont Conservation District

Responding without Concerns:

None

Notified but not Responding / Considered a Favorable Response:

FCDOT Building Department
Fremont County Code Enforcement
Fremont County Weed Management
Fremont Heritage Commission
Colorado Department of Public Health and Environment
USDA

PRELIMINARY PLAN:

Per Section V, A of the Fremont County Subdivision Regulations, a Preliminary Plan application is required if the total number of lots created by a previous division of the parent tract by exemption, minor or major subdivision, plus the total number of proposed lots results in the creation of four (4) or more lots. The applicant is proposing the subdivide Lot 1 of the Mistry Subdivision into seven (7) lots and as such has been reviewed for conformance with the Fremont County Master Plan, Zoning Resolution (FCZR) and other resolutions and regulations in effect in Fremont County as required Per Section I, F (2) of the County's Subdivision Regulations.

Conformance with the Master Plan. The subject property is located in the Penrose/Beaver Park District of the Fremont County Master Plan, wherein the objective of the district is to maintain the rural atmosphere.

The Preliminary Plan proposes a density of 0.21 dwelling units per acre which is an appropriate density to maintain the district's rural atmosphere. Additionally, the subdivision will be served by a public water supply to implement Strategy B1.5, which discourages further subdivision of properties without access to a public water supply. The proposed subdivision has lot sizes large enough to address sewage-disposal needs without impact on the neighborhood or the environment per Strategy B3.1.

Through the development process, staff raised concerns with Master Plan conformance related to transportation. Although the property's western boundary is L Street, the applicant has set forth a lot configuration to have all lots access onto 3rd Street and not improve L Street. For new County Roads in undeveloped areas, the transportation chapter of the Master Plan states that residential developers should be prepared to address, construction, funding, and maintenance of roadway improvements (both on and off-site) needed to serve their development. A constant opinion expressed by the citizenry is that new development should pay its own way and not add to the tax burden of the current residents.

Per Strategy A6.5, staff requested input from the Florence Fire Protection District as the proposal includes no improvements on L Street and the vacation of the existing 25-foot road easement along the northern boundary of the property (2nd Street extension). 2nd Street to the west maintains a 50-foot right-of-way. Zoning of adjacent properties indicates that the 25-foot dedicated for roadway to Fremont County as road easement on the Mistry Subdivision was planned to provide connectivity serving future development to the east. The applicant stated that 2nd Street is not only undeveloped and unmaintained; lengths of the easement have been vacated by the county in recent years. In addition, the applicant asserts lengths of the alleged easement are incorporated into parcels without any reference to an easement.

Community safety concerns were raised by the Fire District as a large structure fire to west of this proposed development at 2nd Street and K Street occurred on October 16, 2022. The Fire Chief noted that their apparatus was limited on access to the fire due to L Street and 2nd Street not being completed to Fremont County standards. As such, the Fire Chief feels that having roads completed to Fremont County standards are vital to our community's safety. Considering the road right-of-way exists along L Street and a roadway easement exists along the northern boundary of the property, improvements should be made to achieve the overarching transportation goal to create and maintain a safe, functional, aesthetically pleasing, low maintenance, cost effective, and environmentally sound County-wide transportation system.

Conformance with the Zoning Resolution. The subject property is zoned AR - Agricultural Rural, wherein single-family dwellings and accessory building and uses are an allowed use by right. The proposed lot configuration includes seven (7) lots with four of the lots being wedge shaped (lots 4-7). The narrative below provides an analysis of compliance with the Development Requirements of the AR Zone District:

1. **Minimum Lot Area.** All proposed lots exceed the minimum lot area of four and one-half (4 ½) acres.
2. **Maximum Lot Coverage.** All of the proposed lots are vacant except for proposed Lot 2. The applicant stated that Lot 2 contains one 3,470 square foot single-family dwelling with a north wing and a south wing and seven (7) accessory structures totaling 4,162 square feet. The accessory structures include four (4) livestock barns/utility/storage uses, one (1) hay barn, and one (1) storage shed equating to a lot coverage of 3.2 percent, which is well under the maximum lot coverage limitation of fifteen (15) percent of the AR Zone District. There is also one (1) livestock shade shelter that will be removed due to the encroachment into the required 25-foot setback.
3. **Maximum Building Height.** All future structures will be constructed in accordance with the maximum building height limitation of thirty-five feet (35') at the time of building permit. It appears the existing single family dwelling and accessory structures are below the 35-foot building height limitation.
4. **Minimum Lot Width.** Per Section 1.5 Definitions of the Fremont County Zoning Resolution (FCZR), lot width is defined as the distance parallel to the front lot line, measured between side lot lines at the front building setback line which is 50 feet in the AR zone district. In the case of wedge shaped lots, no lot width shall be less than the permitted width of the zone district and in this case, is 300 feet. The building setback line shall be located, by dimension, at a point where the minimum lot width complies with the required lot width and required setback as per the AR zone district. The setback shall be from the closest property line. The applicant has delineated building setback lines on Lots 3 through 7 at the point where the lots achieve a lot width of 300 feet and has delineated no build areas on Lots 3 and 7 based on the County staff's interpretation of the definition of lot width and longstanding Department implementation of such. Proposed Lots 1, 2, and 3 are at least 300-feet wide in conformance with the lot width requirements set forth in the FCZR.
5. **Minimum Setback Requirements.** Proposed lots 1, 3, and 4 through 7 are adequate size for future homeowners to construct single-family homes in accordance with the minimum setback requirements. Lot 2 setbacks are dimensioned wherein all structures meet the minimum setbacks with the exception of a livestock shade structure that is within the required 25-foot side setback. The applicant has noted the structure will be removed. Staff recommends the removal of the livestock shade structure prior to recordation of the final plat to ensure compliance with the side setback requirements. A recommended contingency is provided for the Commission's consideration.
6. **Parking.** The proposed lots are of adequate size to accommodate two parking spaces per dwelling unit. Lot 2 has a garage for the parking of vehicles along with ample land area to accommodate two parking spaces.

Staff finds the proposed Preliminary Plan is in general conformance with the Fremont County Zoning Resolution.

Conformance with the Design Standards. The proposed Preliminary Plan has been reviewed by County staff for consistency with the County’s Design Standards set forth in Appendix 1 of the Subdivision Regulations as follows.

Lot Standards. The proposed lot configuration is in general conformance with the lot standards with the exception of the following:

- **Front on Public Street.** The subject property is vacant with the exception of the existing single family dwelling and associated accessory buildings and uses on the proposed Lot 2. The first Preliminary Plan submittal included a lot configuration with seven (7) substantially rectangular lots with four (4) lots that had frontage on L Street and Margarita Way located off of L Street. The Department of Transportation Director informed the applicant that L Street would be required to be brought up to County standards as designated for a local road from 3rd Street to 2nd Street.

Several iterations of the lot configurations have been proposed throughout the development review process. The March 17, 2023 resubmittal proposes lots that would have access limited to 3rd Street with Lot 3 having access to 3rd Street directly. Lots 4 through 7 and possibly Lot 1 would access 3rd Street from the gated and private roadway, Margarita Way. The applicant has stated that no lots will access onto L Street. This is Notation 8 on the preliminary plan and the applicant has stated there will be a deed restriction for Lot 3.

Per the Subdivision Design Standards – Appendix 1(B)4, all residential lots in subdivisions shall front on a public street. Additionally, Appendix 1(B)8 requires each lot to have access to a public dedicated street in the continuous integrated network of County roadways. As such, the applicant has requested a waiver from the Subdivision Design Standards to exempt Lots 3 and 4 from the requirement to front on a public street which in this case is L Street. No waiver has been requested to exempt lots from the requirement that each lot shall have access to a public dedicated street in the continuous integrated network of County roadways.

While the current configuration of Margarita Way was set forth to avoid the costs of required improvements along L Street, access could be permitted along L Street. Thus, Planning and Zoning staff continue to recommend the build-out of L Street to County Standards. The right-of-way for L Street was dedicated for the future build-out of the road when the Mistry subdivision was approved in 1997. It is understandable that it was not required to be built out because the density (2 lots) did not warrant it at that time.

Staff finds the public right-of-way exists for L Street providing the owner with the ability to configure the lots to have lot frontage along public roadways in compliance with the Subdivision Design Standards. Additionally, the Department of Transportation does not support the lot frontage waiver and adjacent roadway’s that have the potential as an access point to any of the lots will need to be brought up to County

standards. The criteria for driveway access permits are that the access needs to connect to an existing road right-of-way and/or have an easement agreement to cross a property.

- Lot Depths.** Per Appendix 1(B)10, wherever possible, the depth of lots should not be greater than twice its width. Lot width is the distance parallel to the front lot line measured between side lot lines at the front setback line per Section 1.5 Definitions of the FCZR. In the November 8, 2022, D&C Letter, staff requested the reconfiguration of the lot layout to demonstrate conformance with the lot depth standards and to provide rationale if conformance is not possible. Typically, the rationale for deviations from lot depth requirements stems from exceptional topographic conditions or floodplain encumbrances. Considering the size of the property and the fact that no exceptional site conditions exist, it appears the lots could be designed to be no greater than twice their width.

The applicant has yet to provide any rationale, but indicated that in the case of wedge shaped lots, the width can be established at any point along the angular sides such that this standard is met.” Planning and Zoning staff has not been able to locate anywhere in the Subdivision Regulations where that alternative establishment of lot width is defined. Typically, rationale for deviations from lot depth requirements stems from steep topography or to preserve natural vegetation.

No lots are in conformance with the lot depth standard except Lot 1 as noted in the table below.

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

Access Standards. The subject property is bounded by L Street on the west, 3rd Street to the south and a 25-foot road easement dedicated to Fremont County for roadway along the northern boundary of the property. L Street is designated as a local gravel roadway with a 50-foot non-maintained right-of-way. 3rd Street is also a local roadway with a 50-foot right-of-way and has asphalt paving. The 25-foot road easement (2nd Street) is undeveloped and unmaintained. The Department of Transportation indicated that there are three (3) access permits on file for this subdivision that access from 3rd Street. If the subdivision is granted approval, an access permit for Margarita Way for Lots 4, 5, 6, and 7 will need to be submitted, along with the fees for each lot.

Per Appendix 1 C (1) of the Design Standards, all lots created by a subdivision shall have lot frontage along a public roadway unless exempted by conditions set forth in the Design Criteria for private roads. The entire western boundary of the subject property is bounded by L Street, which is a public roadway. The County access standards include requirements for street improvements wherein Appendix 1 C (3) states, “any lots which are created by subdivision, which are accessed from a previously platted right-of-way or proposed

platted right-of-way, shall be required to have a roadway located in such right-of-way built to current Fremont County specifications unless access to be gained from an existing County maintained roadway. If construction is required it shall be along the entire frontage from which the property is accessed.”

The applicant proposes to have all lots access either onto 3rd Street or Margarita Way and no improvements to L Street and has requested a waiver from lot frontage requirements. Margarita Way is proposed as a 50-foot wide cul-de-sac to be constructed to the standard of a County gravel road and would be a private and gated road with maintenance and access in accordance with Mistry Subdivision Filing No. 2 Access Easement and Servitudes. Margarita Way shows a 50-foot wide private access, utility, and emergency easement, while the Access Easement and Servitudes state that Margarita Way will be maintained and repaired by the lot owners within the subdivision (Benefited Parties). The Fire District has accepted the roadway construction and maintenance of Margarita Way. Lot 3 would access 3rd Street directly. Lot 1 may access 3rd Street directly. Lots 4 through 7 and possibly Lot 1 would access 3rd Street from Margarita Way. The applicant proposes to limit access to L Street from any lot within the proposed subdivision via Preliminary Plan Note 8, which states, “No access is permitted from L Street to any lot within this subdivision.” The applicant has also indicated that there will be a deed restriction for Lot 3. The Fire District has accepted the property access denied from L Street.

Through the development review process, Planning and Zoning, the Department of Transportation and the Fire District has raised concern with the impacts of not constructing L Street to County Standards. The proposed density generated from this subdivision along with the AR zoning of surrounding properties, will have an impact on the County’s roadway network. If L Street is not built out to County standards now, there are no other triggers available to the County to ensure that the street is constructed to serve not only this development but residents and visitors to the area or provide efficient emergency response to the level of service required. The result would be that L Street remains in its current state, and if/when surrounding properties are developed as 4.5-acre lots as allowed by the AR zoning, the County will incur the costs to bring L Street up to County standards. As such, County staff continues not to support the lot frontage waiver request.

Street Design Standards. The only new constructed roadway within the proposed subdivision is the Margarita Way cul-de-sac. The cul-de-sac is 687.62 feet in length in conformance with the maximum length of 750-feet in rural areas and has a radius of right-of-way that exceeds 50 feet.

The Fire District and Department of Transportation have raised concerns about how Margarita Way private drive crosses Beaver Park Water, Inc.’s buried irrigation lateral that services Lot 2. The Fire District noted that the crossing would need to be able to support the weight of the District’s emergency vehicles, 37.5 tons and the DOT Director noted it would need to have adequate cover to support the vehicle traffic at Margarita Way. The applicant provided an engineered drawing addressing the Fire Districts’ concerns about the irrigation ditch crossing and the DOT Director found the private drive will have adequate cover to support the vehicle traffic on Margarita Way.

Other Design Standards. Per Appendix I H (1), all streets shall be aligned to join with planned or existing streets. As referenced above, the property is bounded by dedicated county roads on the south and west and a 25-foot road easement for roadway along the northern boundary. As such, L Street should be built out to County standards and the road easement be maintained to align with 2nd Street and be available for utility provisions.

Utilities. Public water will be supplied by and extended from the Penrose Water District. The property owner's current residence is situated upon proposed Lot 2. It's "proof-of-water" is that it has service via an installed water tap. The property owner has entered into a Water Availability Contract with Penrose Water District for 6 additional taps to serve the additional lots under the conditions of the Contract.

The District has noted that the proposed subdivision required considerable distribution system improvements to their existing system. The Preliminary Site Development Plan (Schematic Design Sheet C1/2) shows the installation of a 6-inch water line up Margarita Way to serve water to Lots 1 and Lots 4-7 and also along 3rd Street from Margarita Way to L Street to serve the fire hydrant at L Street and 3rd Street.

Since the proposal is to install a water line in a private road (Margarita Way), the District needed an easement agreement for the water line installation and meters as well as to protect the District's ability to maintain and/or repair the water line. The applicants have presented a concept easement wherein the restoration language was negotiated with the District. The District Board approved the easement at their February 13, 2023 meeting; however, that easement needs to be properly executed, recorded, and provided to the District. Staff recommends the easement be properly executed and recorded prior to the submittal of the final plat. A recommended contingency is provided for the Commission's consideration.

The Water Resource Engineer with the Division of Water Resources reviewed the Water Supply information and found the proposed water supply for residential use can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. The Division also noted that the application documents refer to irrigation water that is delivered from Beaver Park Water, Inc., to the property via an open ditch called the Kelly Ditch. It is not clear if or how this water will be used in the proposed subdivision. The Division continues to require the review of information about how the owner is proposing to use the Beaver Park water shares. Specifically, will they be splitting the shares between individual lots, or will they be keeping the shares and decreasing the irrigated area. As such, the Division referred the applicant to the previous comment letter dated April 7, 2022, to be addressed. Staff recommends the applicant address the Division of Water Resources comments from the April 7, 2022 comment letter. A recommended contingency is provided for the Commission's consideration.

Beaver Park Water, Inc. (BPWI), is a Colorado Mutual Ditch Company that provides irrigation water from Beaver Creek to its approximately 500 stockholders in the Penrose area. BPWI provides irrigation water for the subject property to the Developer, who is a BPWi stockholder. The irrigation water is delivered to the property via an open ditch (Kelley Ditch) that runs through proposed Lot 4 to irrigate proposed Lots 1, 2 and 3. Kelley Ditch is maintained by the property owner. BPWI owns a pre-existing easement for its irrigation water pipelines along L Street (the L Street Lateral) located with the County right-of-way. There is also a buried line that goes to Apple Valley that runs across the subject property from east to west within a 40-foot easement.

Through the development review process, BPWI required that all existing BPWI easements be shown on the Preliminary Plan and noted concerns about the buried irrigation pipe for Apple Valley because a portion of the proposed Margarita Way is proposed to be constructed over said buried line. The March 17, 2023 resubmittal included a revised Preliminary Plan to accurately depict said easements. Additionally, an Irrigation Pipe Protection Detail to protect the Apple Valley Line to BPWI was provided along with plan notes. The plan notes

have been negotiated with BPWI's attorney to protect BPWI's easements and its ability to provide water to its stockholders. BPWI's Superintendent approved the Preliminary Plan revisions via email on March 16, 2023; however, final approval is scheduled on the BPWI Board agenda on April 11, 2023. If approved, the Superintendent has requested the Irrigation Pipe Protection Detail be included within the Preliminary Plan set. As such, a recommended contingency is provided for the Commission's consideration.

The subject property is within the Florence Fire Protection District. The Fire District initially recommended that fire hydrant locations must be spaced no further than 500 feet apart for fire flow of 1750 gmp based on the proposed spacing of the lots and conformance with International Fire Code appendi C. The Preliminary Site Development Plan (Schematic Design Sheet C1/2) proposes the installation of a fire hydrant at the end of the Margarita Way cul-de-sac and one at the intersection of L Street and 3rd Street. Due to the spacing of the lots, the Fire Chief felt that the hydrant locations were adequate and waived the requirement for hydrants every 500 feet.

Wastewater treatment is proposed by onsite septic systems. The existing home is on proposed Lot 2 has two leach fields. The Fremont County Environmental Health Department reviewed the Preliminary Plan application and found with each lot being 4.5 acres or larger, the proposed subdivision lots will be able to accommodate the required of-site Wasterwater Treatment System (OWTS) for any future dwellings. The Department recommends approval of the sanitation portion of the proposed subdivision.

In terms of public utility easements, the Preliminary Plan includes an easement statement that easements for public purposes, including utilities are 5 feet on all interior lot lines and 10 feet along the exterior subdivision boundary.

The applicant has indicated that utility provider notices were sent on September 13, 2022. The utility notices need to be resent based on the most recent submittal dated March 17, 2023.

Drainage. The subject property is located within the Willow Spring Creek Watershed, which drains into the Arkansas River. The property is outside of any FEMA designated flood hazard areas. Because of the large size of the subdivision, number of lots, and orientation of the driveway, the Fremont County Engineer required the submittal of Drainage Report. As such, the applicant included a Drainage Plan in the January 2023 resubmittal. Upon review, the County Engineer has approved the Drainage Plan. The County Engineer also reviewed the March 17, 2023 resubmittal and had no further comments.

Traffic Generation. The Roadway Impact Analysis is utilized by County Staff to ensure the traffic generated by the proposed use will not result in undue traffic congestion or traffic hazards. The applicant submitted a Roadway Impact Analysis that estimated the average daily traffic to be generated at 28 trips per day. Through the development review process, the DOT Director raised concerns that this would be the very minimum amount that would be generated from the subdivision and that number could possibly be 2 to 2 ½ times higher. The applicant submitted a revised Roadway Impact Analysis on March 17, 2023, that was signed and sealed by Jeff Hodsdon of LSC Transportation Consultants, Inc., wherein the estimated average daily traffic to be generated by the subdivision is 66 trips per day. The DOT Director found that the increased number of trips per day reflects a more accurate traffic count.

The Fire District raised concerns with roadways proposed and noted a private driveway for multiple residents will have a greater traffic flow than single occupancy driveway. This will increase wear and tear on the roadway and will need to be maintained. In response, the applicant has set forth an Access Easement and Servitudes that places maintenance and repair responsibilities on the lot owners in the subdivision with no mechanism for funding of needed maintenance costs. It is important to note that the County does not enforce covenants or servitudes.

Planning and Zoning staff shares the Fire District concerns and is also concerned about the potential traffic impacts to existing residents along 3rd Street as all traffic generated from the subdivision would be loaded on 3rd Street, thereby increasing maintenance costs to the County.

25-Foot Road Easement Vacation (2nd Street Extension). The Preliminary Plan proposes to vacate the existing 25-foot road easement dedicated to the County for roadway along the property's northern boundary.

The Subdivision Regulations define "easement" as an interest in land owned by another person, consisting in the right to use or control the land, or area above or below it, for a specific limited purpose, such as utilities, drainage, or access. The County has entered into an Agreement with the Penrose Water District that allows the installation of utilities in all County public rights-of-way and road easements.

The Penrose Water District reviewed the Preliminary Plan application during the referral process. Based on the information contained in the submittal documents and previous meetings with the property owner and his consultants, the District was of the understanding that 2nd Street has already been vacated. County staff confirmed and the applicant agreed, that the road easement had not been previously vacated by the County as indicated on the application form in Section 21. C. The Penrose Water District, in finding out the road easement along the north property line exists, stated they would support retaining that easement for future use for utilities, specifically, use by the Penrose Water District.

2nd Street to the west maintains a 50-foot right-of-way. Planning and Zoning Staff maintains that AR zoning of surrounding properties represents the opportunity for future growth and also indicates that the 25-foot road easement dedicated to the County for roadway on the Mistry Subdivision was planned to provide connectivity serving future development to the east as well as provisions for utilities per the Agreement with the Penrose Water District. The Department of Transportation does not support the vacation of 2nd Street. The Fire District also raised community safety concerns stemming from their limited ability to fight fires in the area due to L Street and 2nd Street not being completed to Fremont County standards.

No rationale was provided to justify the vacation of the 2nd Street extension. Planning and Zoning staff has continually noted that no platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private access easement connecting said land with another established public road. The vacation of the 2nd Street extension would eliminate the possibility of conformance with the Subdivision Design Standards that require all streets to be aligned to join with planned streets.

Due to lack of compliance with the Subdivision Design Standards, Staff does not support the vacation of the 25-foot road easement. Additionally, the vacation request, if granted would eliminate the ability of the Penrose

Water District to install or maintain utilities, limit connectivity to serve future development in the area, and present community safety issues related to fire protection.

General Dedications, Schools, and Park Sites. The subject property is within the Fremont RE-2 School District. The administration is recommending acceptance of \$144.80 from Mistry Subdivision, Filing 2 in lieu of land dedication to the School District.

The subject property is located within the Penrose Park and Recreation District. It is the intent of Fremont County to provide park facilities at a standard of twenty-five (25) acres per one-thousand (1,000) occupants for residential areas. The proposed subdivision is 33.65 acres and would generate approximately 17.5 occupants based on the number of lots proposed.

Waiver from the Subdivision Design Standards - Appendix 1 (B) Lot Standards (4) Front on Public Street, to exempt Lots 3 and 4 from the requirement to front on a public street.

Staff does not support the lot frontage waiver as the L Street has the potential as an access point to any of the lots as the criteria for driveway access permits are that the access needs to connect to an existing road right-of-way and/or have an easement agreement to cross a property. Additionally, the applicant has not provided any justification for the waiver request other than to avoid the costs of bringing up L Street to county standards. No extraordinary hardship or practical difficulties result from compliance with the design standards.

SUMMARY OF STAFF ANALYSIS AND RECOMMENDATION

Based upon the application, the criteria for approval, staff recommends **denial** of the Preliminary Plan, 25-foot Road Easement Vacation request, and the waiver from the subdivision design standards – Appendix 1 (B) Lot Standards (4) Front on Public Street with 3 findings-of-fact:

FINDINGS:

Based on the analysis included in this report, staff concludes the proposal does not satisfactorily address the criteria for approval.

1. The proposal is not consistent with the transportation goals of the Fremont County Master Plan.
2. The proposal is not in conformance with the subdivision design standards set forth in the Subdivision Regulations.
3. The proposed subdivision design would negatively impact the development of a continuous integrated network of County roadways and presents community safety issues related to fire protection while also limiting the planning for adequate utility provisions.

PLANNING COMMISSION ACTION: After the conclusion of the public meeting, the Commission may recommend approval, approval with contingencies, or denial of the application to the Board. If the Planning Commission decides to recommend approval of the Preliminary Plan and waiver request, Staff recommends the following contingencies:

1. Within three months of final plat recordation, the livestock shade structure shall be removed.

2. Address the Division of Water Resources comment from the April 7, 2022, comment letter prior to scheduling the Preliminary Plan application on the Board of County Commissioners' public meeting agenda.
3. Incorporate the BPWI Board approved Irrigation Pipe Protection Detail and the engineered drawing addressing the Fire Districts' concern about the irrigation ditch crossing within the Preliminary Plan approval documents.
4. Properly execute and record the Penrose Water District easement that was approved by the District Board on February 13, 2023.



January 10, 2023

Dan Victoria, Interim Director
Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing #2
Response to 3rd D&C Letter

Dear Director Victoria

Please accept the enclosed revised exhibits and clarifications in response to the McCool review dated Nov 8, 2022.

Preliminary Plan Revisions

1. Margarita Way is 688 linear feet and 0.90 acres.
2. Districts are noted as Notation #3.
3. The zoning of the subject parcel is Agricultural Rural. The density of the proposed subdivision is 0.21 DU/acre.
4. All structures to remain on the property after re-subdivision are identified with labels, size and dimensions.
5. The land use table is provided on Sheet 2. Lot 2 contains one single family residence with a North Wing and a South Wing.
6. Irrigation lines and leach fields are noted and will be maintained.
7. This item is redundant to Item 1.
8. All easements are appropriately depicted.
9. The irrigation pipe easement for 1287 3rd Street has been added.
10. This item is redundant to Item 9.
11. To the best of our ability, all figures reflect the current and most recent preliminary plan. Should a previous configuration still remain in the submission, please specifically identify the exhibit in question.

Design Standards

1. The standard was addressed via response to the Planning Technician's redline of the preliminary plan.
2. The proposed lots will all have access to 3rd Street, a public right-of-way. Lot 3 will access 3rd Street directly. Lot 1 may access 3rd Street directly. Lots 4 thru 7 and possibly Lot 1 will access 3rd Street from the gated and private roadway Margarita Way.
3. Pursuant to Design Standard Appendix 1(B) 9, "Side lines of lots shall be approximately radial to the center of the curvature of the cul-de-sac on which the lot faces." Lots 4 thru 7 are designed in accordance with this design standard.
4. This design standard commences with the phrase "wherever possible". In the case of wedge shaped lots, the width can be established at any point along the angular sides such that this standard is met.
5. As stated in Item 3, all lots will access either onto 3rd Street or Margarita Way. No lots will access onto L Street. This is Notation 8 and will be a deed restriction for Lot 3.
6. As recommended by Ms. McCool at the pre-application meeting in September 2021, the applicant maintains the request to vacate the 25' easement along the north boundary. 2nd Street is not only undeveloped and unmaintained; lengths of the easement have been vacated by the county in recent years. In addition, lengths of the alleged easement are incorporated into parcels without any reference to an easement.
7. The required minimum public utility easement is depicted on the preliminary plat.

FCDOT Comments

Margarita Way will be constructed to the standard of a county gravel road. Margarita Way will be a private and gated road with maintenance and access in accordance with Mistry Subdivision Filing No. 2 Access Easement and Servitudes provided herein.

As stated above in Items 3 and 5 of the Design Standard comments, all lots will access onto 3rd Street. The applicant will not improve L Street.

As stated above in Item 6, the applicant will request vacation of the 25' easement for 2nd Street.

Penrose Water District Comments

With the guidance of the District, a Penrose Water District Easement was drafted and was presented to the District on January 9, 2023 by Mr. Alex Ewers, engineer, and Ms. Jody Alderman, esquire. The concept of the easement was acceptable but the restoration language is being modified by the District. The draft easement is provided herein as Easement.

Beaver Park Water District Comments

The applicant concurs with the Districts concerns and will preserve and protect the irrigation lines.

FC Engineer Comments

The requested drainage figure is provided herein as a new Exhibit 24c.1.

Florence Fire Protection District Comments

As noted on the Preliminary Plan, Margarita Way will serve as an emergency access easement. Chief Ritter confirmed the Emergency Access Easement statement on the plat is sufficient for his department.

Exhibit Updates due to Preliminary Plan Revisions

The following exhibits are enclosed herein with updated Preliminary Plan and/or figure

Exhibit 22.1 Preliminary Plan

Exhibit 23.1 Preliminary Site Development Plan

Exhibit 24b.1 DWR Notification

Exhibit 24c.1 Drainage Plan

Feel free to reach out to me directly with any questions.

Respectfully submitted



Angela M. Bellantoni Ph.D.

Cc: Hoshi Mistry, A. Ewers and J.Kratz

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

This Access Easement and Servitudes is made and entered into this ___ day of _____ 2022, by Hoshedar H. Mistry (“Mistry”).

WHEREAS, Mistry owns that certain parcel of real property located in Fremont County, Colorado, more particularly described as LOT 1, MISTRY SUBDIVISION, A PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF FREMONT, STATE OF COLORADO (the “Development Parcel”); and

WHEREAS, Mistry has applied for a vacation and replat of the Development Parcel as 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 set forth herein, of Mistry Subdivision Filing No. 2 (“Benefited Lots”) will have access to 3rd Street via a private access easement granted herein on, over and across Lots 1 and 2 of Mistry Subdivision Filing No. 2 (“Burdened Lots”) and reciprocal private access easements on, over and across Lots 4, 5, 6 and 7; and

WHEREAS, Mistry desires to construct a private road, approximately fifty feet (50’) in width with a cul de sac to Fremont County standards for a gravel road, which will be called Margarita Way (the “Private Road” or “Margarita Way”), and to grant the private access easement herein to ensure that the Benefited Lots have access and the obligation to share equally in the costs and expenses of repair and maintenance related thereto.

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 each 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 pay one-third of the Shared Expenses.

6. Reimbursement. The Benefited Parties shall cooperate and coordinate to perform or direct the normal maintenance and repair of Margarita Way, including snow removal. The Benefited Parties agree to reimburse each other for all Shared Expenses within thirty (30) days after delivery to them of invoice for same, which invoice will describe with reasonable specificity the repairs and maintenance performed and covered by such invoice. If a Benefited Party fails to fully reimburse the other Benefited Parties for such Benefited Party’s share of the Shared Expenses within the aforementioned thirty (30) day period, such Benefited Party shall pay a late charge equal to five percent (5%) of the un-reimbursed amount, plus interest on such un-reimbursed amount at the rate of twelve percent (12%) per annum, calculated from the date the reimbursement became due to and including the date such reimbursement is made. The Benefited Parties shall also be entitled to file a lien against the lot owned by the non-paying Benefited Party to secure the un-reimbursed amount (plus late charge and accrued interest), which lien may be foreclosed in the same manner as foreclosure of a mortgage against real property.

7. Improvements to Easement Property. Improvements to the Private Road beyond its condition existing as of the date construction of the Private Road is completed, other than maintenance and repair as provided above (“Roadway Betterments”) desired by any Benefited Party may only be made with the prior written consent of the other Benefited Parties; provided, however, that if Margarita Way is required to be improved in order to comply with updates of or

revisions to applicable Fremont County roadway standards, the cost of all such improvements shall be Shared Expenses subject to reimbursement pursuant to Sections 5 and 6.

8. Gate. A security gate for purposes of limiting access over and across Margarita Way to the Benefited Parties and their invitees will be installed before the first Benefited Lot is sold and shall be maintained, repaired and, if necessary, replaced by the Benefited Parties as a Shared Expense. If the Benefited Parties fail to maintain, repair and, if necessary, replace the security gate so that it is operational at all times, the owners of the Burdened Lots, or any of them, may, but shall not be obligated to, conduct necessary maintenance, repair or replacement of such security gate so that it is operational, at the cost and expense of the Benefited Parties in the same proportion as Shared Expenses. If such Benefited Parties fail to fully reimburse the Burdened Party(ies) who conducted such maintenance, repair or replacement of the security gate within thirty (30) days of receipt of an invoice for such work, such Benefited Parties shall pay a late charge equal to five percent (5%) of the un-reimbursed amount, plus interest on such un-reimbursed amount at the rate of twelve percent (12%) per annum, calculated from the date the reimbursement became due to and including the date such reimbursement is made. The Burdened Party(ies) who conducted such maintenance, repair or replacement shall also be entitled to file a lien against the lot owned by such defaulting Benefited Party to secure the un-reimbursed amount (plus late charge and accrued interest), which lien may be foreclosed in the same manner as foreclosure of a mortgage against real property. Nothing in this Section 8 prevents the owners of the Burdened Lots from permitting others to have access to the portion of the Easement Property each of them owns through the security gate for purposes other than primary access. All owners of the Burdened Lots, shall be provided keys, the access code, or other means of entry through the security gate. If any party changes the lock, access code or other means of entry through the security gate, such party shall immediately notify all other parties to this Access Easement and Servitudes and provide new keys, access code or other information necessary for access through the security gate.

9. Indemnification. Except as otherwise specifically set forth herein, each Benefited Party will indemnify, defend and hold the other Benefited Parties and the owners of the Burdened Lots harmless from and against any and all claims, liability, damages and costs, including court costs and reasonable attorney fees, caused by, resulting from, or in any way arising out of the use of the Access Easements and Cross-Access Easements by such Benefited Party or any of such Benefited Party's invitees.

10. Binding Nature. The restrictions, benefits and obligations set forth in this Access Easement and Servitudes shall create restrictions, benefits and servitudes upon the Benefited Lots and Burdened Lots that run with the land perpetually.

11. Prevailing Party. If legal action is instituted to enforce any of the provisions of this Access Easement and Servitudes, the prevailing party(ies) shall be entitled to recover from the non-prevailing party(ies) their reasonable attorney fees and court costs.

12. Notices. All notices and invoices furnished hereunder shall be deemed delivered and received when (a) personally delivered, or (b) the next business day after deposited with a reputable overnight carrier, or (c) five (5) days after the same is deposited in the United States

mail, postage prepaid, certified mail, return receipt requested, addressed to the applicable party at the address indicated below for such party:

Hoshedar Mistry
P.O. Box 7
Penrose, CO 81240

or at such other address as each party from time to time may designate by written notice to the other parties, delivered in accordance herewith. At the time any of Lots 1, 2, 4, 5, 6 or 7 are sold or conveyed by Mistry, a notice shall be recorded identifying the owner of the purchased lot and the owner's contact information for notices hereunder. The failure to record such notice, however, does not affect the validity of this Access Easement and Servitudes.

13. Severability. If any clause, provision, section, or subsection set forth in this Access Easement and Servitudes is illegal, invalid or unenforceable under present or future applicable laws, it is the intention of the parties hereto that the remainder of this Access Easement and Servitudes shall not be affected thereby.

14. Governing Law and Venue. The terms and provisions contained in this Access Easement and Servitudes shall be governed and construed in accordance with the laws of the State of Colorado. The proper venue for any court action brought pursuant to this Access Easement and Servitudes shall be the Fremont County District Court.

15. Enforcement. In addition to other rights and remedies afforded the parties herein, violation or breach of any covenant or agreement herein contained by any party shall give to the other parties the right to seek injunctive relief from any court of competent jurisdiction to enjoin or compel the cessation of such violation or breach, and to seek damages therefor. All remedies provided herein at law and in equity shall be cumulative and nonexclusive.

16. Modifications. Except as otherwise provided herein, this Access Easement and Servitudes may be modified, altered, amended or terminated only by unanimous written agreement of all of the owners of Lots 1, 2, 4, 5, 6 and 7.

IN WITNESS WHEREOF, Mistry has executed this Access Easement and Servitudes as of the date first written above.

Hoshedar H. Mistry

STATE OF COLORADO)
) ss.
COUNTY OF FREMONT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Hoshedar H. Mistry.

Witness my hand and official seal.
My commission expires: _____

Notary Public

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that Hoshedar 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 ~~heirs, personal representatives, successors~~ and assigns, ~~ana non-exclusive~~ 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.

("Easement Area").

~~A tract of land fifty feet (50') in width (or 2 tracts 25' in width?), along the _____ side of Lot, or Lots? Or Tract?, parallel to? (define); within Section 27; Township 18 South; Range 68 West of the 6th Prime Meridian, commencing at _____, thence East? for _____ feet (____'), thence North? For _____ feet (____').
(Described and defined by surveyor or engineer.)~~

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~~ or other obstructions upon the ~~e~~Easement Area that would interfere with needed access, ingress, and egress for purposes ~~cited in the first paragraph above granted herein~~, 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. Penrose Water District shall have all privileges necessary or convenient for the use of the rights herein granted, together with ingress and egress along ~~said pipelines and over and across said lands~~ the Easement Area for the purposes granted herein. After any use of the Easement Area by Penrose Water District that disrupts or damages the surface of the Easement Area, Penrose Water District, at its cost, shall return the Easement Area to substantially the same condition it was before any such use.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20__.

Grantor:

Hoshedar H. Mistry

STATE OF COLORADO)
) ss.
County of Fremont)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Hoshedar H. Mistry.

My commission expires: _____

Notary Public

Grantee:

Penrose Water District

By:

Name:

Title:

STATE OF COLORADO)
) ss.
County of Fremont)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, as _____ of Penrose Water District.

My commission expires: _____

Notary Public

Fremont Re-2 School District
October 13, 2021

Mistry Subdivision Filing No. 2 Penrose CO
Beaver Creek Corners

Following October 11, 2021 Board of Education Work Session discussion with Mr. Mistry and in preparation for a November 8, 2021 Board of Action Item:

ACCEPTANCE OF MONEY IN LIEU OF LAND DEDICATION

The administration is recommending the acceptance of \$144.80 from Mistry Subdivision in Penrose in lieu of land dedication to the school district.

Notes: The cash amount in lieu of land dedication was calculated based on the following factors around school district planning standards:

1. Student yields (per dwelling unit), single family detached, elementary school - 0.26
2. School Facility enrollment capacity, elementary school in Penrose - 300 students
3. School site acreage requirements, elementary school - 10 acres / student
4. Average land value, undeveloped, Penrose CO - \$16,877 value per acre. This was based on current listings with high and low removed from average calculation.
5. Mistry subdivision 750 sq ft x 7 dwellings = 5,250 sq ft required set aside for school district. 5,250 sq ft / 43,560 sf/acre = 0.1204 acres

Formula: (10 acres / 300 students = 0.033 acres/student)

$0.26 \times 0.033 = 0.00858 \times \$16,877 = \$144.80$



FREMONT COUNTY PRELIMINARY PLAN APPLICATION

1. Project Name: Mistry Subdivision Filing No. 2
2. Property Owner Name: Hoshedar Mistry
Mailing Address: 1245 3rd Street, Penrose, CO 81240
Telephone Number: (719) 250-5533 Facsimile Number: NA
Email Address: hmistry@kw.com
3. Applicant Name: Hoshedar Mistry
Mailing Address: 1245 3rd Street, Penrose, CO 81240
Telephone Number: (719) 250-5533 Facsimile Number: NA
Email Address: hmistry@kw.com
4. Consultant Name: Angela Bellantoni Ph.D. of Environmental Alternatives Inc.
Mailing Address: P.O. Box 326, Cañon City, CO 81215
Telephone Number: (719) 275-8951 Facsimile Number: NA
Email Address: angela@envalternatives.com

Please read prior to completion of this application

A Preliminary Plan application shall be required upon the following:

1. Four (4) or more lots are created from a parent parcel, tract or lot which has not been previously divided by a Subdivision Exemption (*old term for process creating 2 parcels*), Minor Subdivision (*3 or fewer lots*) or Major Subdivision (*4 lots or more*); or,
2. The total number of lots created by a previous division of the parent tract or parcel by a Subdivision Exemption or a lot through a Minor Subdivision or Major Subdivision (*sketch plan, preliminary plan and final plat*), plus the total number of proposed lots results in the creation of four (4) or more lots (*adding the proposed subdivision lots and the previously subdivided lots or parcels*).

An application for Sketch Plan (see FCSR Section III., A.) approval must be made and approved prior to the submittal of a Preliminary Plan application if the proposed subdivision is to be developed in phases (*multiple plat filings*) and or if the proposed subdivision is to contain multiple land uses (*a mixture of zoning classifications, such as Business and High Density Residence, etcetera*). In such circumstances, a preliminary plan application would be the second phase of a Major Subdivision process, with the first phase being Sketch Plan and the third phase being the Final Plat. All three phases require approval through a separate application. If the described circumstances are not the situation, then a Preliminary Plan would be the first phase of a Major Subdivision process (*at the applicants' option, the applicant could submit a Sketch Plan if so desired, even though not required by regulation*) with the Final Plat being the second phase.

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, five (5) copies and an electronic copy (PDF) of all documents and drawings at time of submittal of the application and all of its attachments at a minimum, however more copies could be required if early referrals are necessary. 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 and provide to the agencies for which notification will be required.

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 Fremont County 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 (*18 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. Said request for extension must be made prior to expiration of the specified time frame.

All Preliminary Plan Applications will be referred to several departments, agencies and entities which will be allotted twenty-one (21) days to provide a written response to the notice of the Application, to include any specific recommendations regarding the application. A failure to respond or request an extension of time for review of the Application within the twenty-one (21) day time frame will be considered to intend agreement with the Application as presented.

There are additional fees, which must be paid by the applicant, for review by the Colorado Geological Survey (fee to be determined by the CGS), and by the Colorado State Forest Service (\$75 flat fee). Referrals of all preliminary plans to the Colorado Geological Survey and to the Colorado State Forest Service are required by Colorado Revised Statutes. Proof of payment of these fees will be required prior to scheduling of the Preliminary Plan Application on the agenda of the Board.

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 to make an informed decision with regard to recommendations, approval or disapproval of the application.

For specific regulatory requirements and regulations 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 Preliminary Plan 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 or otherwise subdivided? Yes --- No If yes, please explain the circumstances. Mistry Subdivsion Rec No. 663446 was recorded May 7, 1997.
6. Does the subject property contain portions of platted lots? Yes, --- No If answered yes, please explain the circumstances.
7. What is the total acreage of the subject property? 33.65 acres
8. What is the total number of proposed lots? Seven lots
9. What is the proposed total density of the proposed subdivision? 0.21 units per one (1) acre
Other; Please explain Each lot will be no less than 4.5 acres.
10. A copy of the current recorded deed of record shall be attached and appropriately marked as Exhibit 10.1, along with the following: Book: _____ Page: _____ Reception Number: 760247 and 760249 Date of Recording: 12/27/2002 An exhibit has been attached.
11. Was a Sketch Plan required for this application? Yes --- No If yes, what is the name, date of approval, Department file number?
Name: _____ Date: _____ File #: _____
In addition, a list of all Sketch Plan contingency items shall be attached to this application and appropriately marked as Exhibit 11.1. An exhibit has been attached.
12. Is this Preliminary Plan proposed to be developed in phases? Yes --- No If yes, how many phases does the Preliminary Plan consist of and what is the time frame for development of each phase? Number of phases: _____ Time frame for development of each phase: _____
13. Does this Preliminary Plan contain multiple land uses? Yes --- No If yes, how many and what types of land use are proposed? Number of land uses: _____ Types of land uses

proposed: Agricultural: _____ Single Family: _____ Multi-family: _____ Business: _____
Industrial: _____

(NOTE: If yes is answered to either or both 12 or 13 above, then a recommendation from the Commission and approval by the Board of a Sketch Plan is required prior to the submittal of a Preliminary Plan.)

14. What is the current land use of the subject property? Agricultural and residential
This current land use of the subject property is conforming -- non-conforming with the current zone district requirements. Please explain: _____

If the current use is a non-conforming use and proposed to remain on the subject property, an application for such shall be filed with the Department and a copy shall be attached to this application as Exhibit 14.1. *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.* An exhibit has been attached.

15. What is the proposed land use of the subject property? Residential
This proposed land use of the subject property will be conforming -- non-conforming with the current or proposed zone district requirements. Please explain: _____

16. What is the existing zoning of the property? Agricultural Rural

17. What is the proposed zoning of the property? Agricultural Rural

18. Does the 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 setback for the structure closest to proposed lot line is follows: North lot line: 23' to hay barn; West lot line: 257' to metal barn; South lot line: 88' to south house; East lot line: 70' to south house. All other structures have greater setbacks than those stated herein.

19. Will all proposed lots conform to the minimum "Development Requirements" of the proposed zone district? (ie. size, width, etc.) Yes --- No If no, a list of requirements and specific regulation citations proposed not to be met shall be provided with an explanation why the requirements are not proposed to be met: _____

20. 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 or

other natural features, and existing and proposed easements? Yes -- No If answered no, how is the lot to be used? _____

21. All easements of record on involved properties shall be shown on the preliminary plan drawing 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. _____
Reception No.663446 affects Lots 4 and 5. The easement is a standard perimeter utility easement.

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. The county easement for 2nd Street was vacated by the county subsequent to the pre-application meeting. The county vacation statement was provided in 9 16 21 Pre App Mtg Summary Mistry Subdivision F12 Issued v3. No improvements exist.

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. _____

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

22. Have at a minimum, six (6) copies of a preliminary plan general design map, **professionally drawn**, as stipulated by the FCSR Section VI., 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 requirements for which waivers are being requested and justification for each requested waiver shall be attached hereto and marked appropriately as Exhibit 22.1. An

exhibit has been attached. At a minimum, the following shall be provided (*the Department, Commission or Board can require additional information*):

- a. Drawing sheet size shall be twenty-four (24) inches by thirty-six (36) inches, also copies of the drawing reduced in size to eight and one-half (8½) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches.
- b. The scale of the drawing shall be consistent and of adequate size to enable all information to be easily interpreted and read.
- c. 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*).
- d. 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. 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.*
- e. Appropriate Sub-Title shall contain one of the following: 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.
- f. The total acreage contained within the subdivision being platted.
- g. The acreage and / or square footage for each proposed lot.
- h. Name and address of the person, firm or organization preparing the drawing.
- i. The date of preparation of the drawing and all revision dates to the submitted drawing.
- j. A north arrow.
- k. A written and graphic scale.
- l. A vicinity map locating the proposed subdivision in relation to the surrounding area, streets and major natural features (*such as rivers, mountain peaks, cliffs, etcetera*).
- m. The proposed lot layout, including lot numbers, the total number of lots proposed, bearings and dimensions.
- n. The length and bearings for the exterior boundary lines of the proposed subdivision.
- o. Any proposed phasing shall be indicated by location and number of phases.
- p. The location, width, and name of all streets. *No roadway in the County shall bear the same or similar name to another roadway unless one roadway feeds to the other roadway with the similar name.*
- q. The location, width, length and identification label for all other public ways, easements and rights-of-way that traverse or adjoin the subject property.

- r. The acreage and lineal footage proposed to be devoted to roadways.
 - s. The location and an identification label for all section lines that traverse the subject property.
 - t. The location and an identification label for all Municipal and County boundaries adjacent to, or within the subject property.
 - u. The location and an identification label for all district boundaries, including but not limited to, sewer, water, school, recreation, conservation and fire or a note on the drawing indicating that the proposed subdivision lies entirely within certain districts.
 - v. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade. In cases of predominantly level topography throughout a subdivision, one (1) foot interval contours are required.
 - w. The name of adjacent subdivisions.
 - x. The name of adjacent property owners.
 - y. The current and proposed zoning of the subject property.
 - z. The existing zoning for all adjacent properties.
 - aa. The location and size, by dimension, and an identification label of all existing structures to remain on the property after subdivision.
 - bb. The location of all existing sewer lines, water lines, public utilities, live streams, existing water bodies, water courses, drainage ditches, septic systems, natural features, and all structures.
 - cc. All legally described easements in the title insurance commitment or policy shall be located, or if not applicable, a written statement to that effect shall be provided.
 - dd. Sites to be reserved or dedicated for 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.
 - ee. The total number of proposed off-street parking spaces, excluding those associated with single-family residential development.
 - ff. The total number of proposed lots shall be noted, including lot numbers per phase, if applicable.
 - gg. The overall densities shall be noted.
23. Has a copy of the proposed Preliminary Plan drawing been attached indicating dimension, the size and location (*dimensions from a minimum of two property lines*) of all improvements (*ie. roadways, driveways, sewer lines, water lines, wells, septic systems, irrigation ditches, buildings, structures, public utilities, etcetera*), natural physical features (*ie. bluffs, debris fans, watercourses, live streams, dry gulches, drainages, fault lines, soil type boundaries, etcetera*), and easements (*all easements and right-of-ways*) been attached to this submittal, marked as exhibit 23.1? (*more than one copy may be used*) Yes --- No
24. The following reports and maps, as required by the Fremont County Subdivision Regulations, Section VI., D. through S. (*the regulations are specific as to sizes and numbers of copies to be provided with the initial application*) shall accompany this application at the time of submittal.

(Whenever possible these reports and maps shall be packaged together as a "Preliminary Plan Report").

- a. Onsite Wastewater Treatment Systems Map and Report (by a Colorado Registered Professional Engineer) or a Public Sanitary Sewer System Report.
 - b. Water Resources Report for Individual Water Systems (individual wells) or a Water Resources Report for a Public Water Supply System. In addition, Fremont County's Colorado Division of Water Resources Information Form for Subdivisions shall be completed and attached, marked as Exhibit 24b.1. An exhibit has been attached.
 - c. A Drainage Map and Drainage Report prepared, signed and sealed by a Colorado Registered Professional Engineer.
 - d. An Erosion Control Map and Report prepared by an expert familiar with local erosion and sedimentation hazards and the soils in Fremont County.
 - e. A Geologic Hazard Map and Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - f. A Geologic Resource Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - g. A Potential Mineral Resource Areas Map and Report prepared, signed and sealed by a Colorado Registered Professional Engineer or Professional Geologist.
 - h. A Wildfire Hazard Map and Report.
 - i. A Wildlife Habitat Map and Report based on information from the Colorado Division of Wildlife.
 - j. A Soils Boundary Map and Report as shown on "Soil Survey of Fremont County Area, Colorado" as prepared by the U.S.D.A. Natural Resources Conservation Service.
 - k. A Drainage Features, Streams, Watercourses, Lakes, Topography and Vegetation Report.
 - l. A Potential Radiation Hazard Report.
 - m. A Fire Protection Map and Report. **If the subdivision is located within a fire protection district, use the Fremont County Fire Protection Plan Form.**
 - n. Roadway Impact Analysis Report. **Use Fremont County Roadway Impact Analysis Form.**
25. 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 VI., S., shall be attached hereto and marked as Exhibit 25.1. An exhibit has been attached.
26. Have three copies of a title commitment with an effective date within thirty (30) days of the application submittal date, for each property involved in this application been attached to this application, marked as exhibit 26.1? Yes --- No

Document Number 86412ECS Effective Date of Document March 4, 2022

27. Are there proposed covenants, grants of easements or restrictions to be imposed upon the use of land, buildings and structures in the proposed subdivision? Yes --- No If yes, the same shall be attached and appropriately marked as Exhibit 27.1. An exhibit has been attached.
28. Does the proposed subdivision of the subject property include any proposals for open space or common elements to be owned jointly by the future owners of the properties created by the proposed subdivision? Yes --- No If yes, a statement as to the function, ownership and maintenance of such properties shall be attached and marked as Exhibit 28.1. An exhibit has been attached.
29. Does the proposed subdivision of the subject property include any proposals for open space or other properties reserved or dedicated for public use? Yes --- No If yes, a statement as to the function, ownership and manner of maintenance of such properties shall be attached and marked as Exhibit 29.1. An exhibit has been attached.
30. Have three copies of an estimated construction cost of all required improvements (*such as streets, signs, utilities, and drainage structures, etcetera*) and a statement as to the proposed method of financing for the cost of construction been attached and marked as an Exhibit 30.1? Yes --- No
31. Is the applicant aware of the FCSR Section X., B., which allows at the Board's option and at the Developer's expense, the County to retain an independent engineering firm to review improvement plans, assure compliance in design with applicable regulations and site circumstances and conduct any necessary field investigations and inspections? Yes --- No
32. Is the applicant aware of the FCSR Section X., C., which requires the Developer to submit a written statement and or map which specifically designates the County Roads that will be traveled by the contractor, subcontractor and or independent contractor vehicles and heavy equipment during construction of improvements, prior to commencement of such construction? Yes --- No Representatives of the Board will inspect the proposed route(s) prior to the commencement of construction and post construction to determine damage to the public roadway system during the improvement construction period. The Developer will be responsible monetarily for any roadway damage that occurs during the improvement construction period.
33. Will the property require access from a State or Federal Highway? Yes --- No If yes, a copy of a Colorado Department of Transportation (CDOT) for an Access Permit Application will be required to be attached and marked as Exhibit 33.1. An exhibit has been attached. **NOTE:** *A copy of an approved CDOT Access Permit will be required prior to recording of a final plat.*
34. Does each lot in the proposed subdivision have direct access to a County right-of-way? Yes ---- No If yes, what is the name and or number of the right-of-way? 3rd Street If no, provide a copy of a recorded easement document that provides access, adequate for the intended use, from a county right-of-way to the subject property marked as Exhibit 34.1. An exhibit has been attached. **NOTE:** *A Fremont County Driveway Access Permit will be required for any new or improved driveway access to County rights-of-way.*
35. Has a list of all property owners whose property lies within five-hundred (500) feet of the subject property boundary, said list to include names, mailing addresses and Assessor Parcel Numbers of each such owner, been attached and marked as Exhibit 35.1? Yes --- No **NOTE:** *This exhibit shall also contain an exact copy of the information packet to be sent to the listed parties. This required notice shall be mailed by the applicant, certified mail – return receipt requested, to all*

such owners, a minimum of fourteen (14) days prior to the Commission Meeting at which this Preliminary Plan Application is anticipated to be heard. It should be further noted that the Commission and or Board could require additional notifications.

36. 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 _____

As per the FCSR Section VI., V., 2., 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 36.1. An exhibit has been attached.

37. Is the applicant aware of the FCSR Section VI., V., 3., which requires that a public notice be published in a newspaper of general circulation within the County a minimum of fourteen (14) days prior to the Commission and Board Meetings at which the Preliminary Plan Application is to be heard and that said notice shall be published at the applicants expense? Yes --- No **NOTE:** *The Department will prepare the public notice for publication and deliver the same to the newspaper, but the applicant must pay the publication fee and provide an affidavit of publication to the Department prior to each such meeting.*

38. Have all design standards of the FCSR Appendix 1 and 2 been met by this proposal? Yes -----
 No If no, a list of requested waivers shall be attached, marked as Exhibit 38.1, specifically citing the design standards from Appendix 1 and 2, which waivers are being requested of and the proposals made by this application and why they are requested. An exhibit has been attached.

39. A submittal fee of \$ 2475⁰⁰ is attached Check # 19 246 Cash _____

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.

Hoshedar Mistry
Applicant Printed Name



Signature

February 7, 2022
Date

Hoshedar Mistry
Owner Printed Name



Signature

February 7, 2022
Date

FREMONT COUNTY ENVIRONMENTAL HEALTH DEPARTMENT



615 MACON AVENUE, ROOM 212
CAÑON CITY, COLORADO 81212
(719) 276-7460 FAX (719) 276-7461
wyatt.sanders@fremontco.com

TO: Planning and Zoning

ATTN : Dan Victoria, Danielle Adamic

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

SUBJECT: PP 22-001 Mistry Subdivision

DATE: March 28, 2022 / May 17,2022 / January 12, 2023 / March 20, 2023

This department has received the application for the Mistry Subdivision (PP 22-001). After our review this department has found, with each lot being 4.5 acres or larger, the proposed subdivision lots, will be able to accommodate the required On-stie Wastewater Treatment System (OWTS) for any future dwellings.

This department recommends approval of the sanitation portion of the proposed subdivision.

[Home](#)



April 7, 2022

Joanne Kohl
Fremont County Planning & Zoning Department
615 Macon Ave #210
Cañon City, CO 81212
Sent via email: joanne.kohl@fremontco.com

RE: Mistry Subdivision Filing 2
SW1/4 SW1/4 Sec. 27, Twp. 18S, Rng. 68W, 6th P.M.
Water Division 2, Water District 12
CDWR Assigned Subdivision No. 29140

To Whom It May Concern;

We have received a referral concerning the above-referenced proposal to divide a 33.65 +/- acre tract of land into 7 single-family lots. This property is currently described as Lot 1 of Mistry Subdivision. The proposed supply of water is to be served by the Penrose Water District ("District"). Wastewater will be disposed of through on-site septic systems.

Water Supply Demand

The Water Supply Information Sheet, Form no. GWS-76 provided with the submittal estimates a demand of 2.1 acre-feet/year for 7 household units (0.3 acre-feet/year per household).

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water is to be served by Penrose Water District. The District is currently providing one tap to the property. A contract dated December 10, 2021 commits the District to providing six additional water taps to the property for residential use.

The application documents also refer to irrigation water that is delivered from Beaver Park Water Inc. to the property via an open ditch called the Kelly Ditch. It is not clear if or how this water will be used in the proposed subdivision.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-



92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gyh/?viewer=cswdif>, to meet the notification requirements.

State Engineer's Office Opinion

Based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for residential use can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. Please provide additional information about how the water from Beaver Park Water Inc. will be used in future submittals for this project. Should you have any further questions, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Dan Henrichs, District 12 Water Commissioner

Exhibit 24k.1 Drainage Features, Streams, Watercourses, Lakes,
Topography and Vegetation Report

January 25, 2022

Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: Drainage Features, Streams, Watercourses, Lakes, Topography and Vegetation Report

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requires for:

Project Name: Mistry Subdivision Filing No.2

Project Address: 1245 3rd St, Penrose, CO 81240

Legal Description- Subd: MISTRY SUB LOT 1 MISTRY SUB REF FROM 690-07-650

Review of drainage features, streams, watercourses, lakes, and topography is incorporated into Exhibit 24c.1 Drainage Map and Report and Exhibit 24d.1 Erosion Control Map and Report provided herein.

According to the NRCS Soil Survey, the soils support the following vegetation:

Penrose-Minnequa Complex supports blue grama, buffalo grass, western wheatgrass, galleta, cactus, snakeweed and pinyon, juniper.

Manvel Silt Loam supports blue grama, galleta, western wheatgrass, cactus, and needlegrass.

Thank you,

Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksendeering.com

719.430.5333



P.O. Box 326, Cañon City, CO 81215

angela@envalternatives.com

719-275-8951

March 25, 2022

Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing No. 2
Exhibit 24I.1 Potential Radiation Hazard Report

Dear Planning and Zoning Department,

According to CO Department of Public Health and Environment (CDPHE), Hazardous Materials and Waste Management Division website, radiation-related health hazards are ubiquitous throughout Colorado from both naturally occurring sources in the Earth and accepted use of ionizing sources of radiation such as tanning beds and medical testing equipment.

The most prevalent naturally occurring source of radiation hazard is exposure to radon. Radon (Rn) is a colorless, odorless radioactive gas that emanates from soils around the world. This gaseous element has a half-life of 3.8 days. During this time, the gaseous element makes its way into homes and buildings where it can become trapped and inhaled by occupants. The Rn gas atom becomes polonium after 3.8 days, converting to a solid atom that can accumulate inside structures and lungs. Polonium (Po) is an alpha radiation particle emitter that can emit high amounts of energy that may result in damage to genetic material in cells inside the body. As presented the CDPHE Figure 1, the entire state of CO is likely to have Rn levels greater than the EPA action level of 5 pCi/L. Rn is not a potential radiation hazard specific to the subject parcel.

Radionuclides in the Earth's crust are present throughout the world as presented on CDPHE Figure 2. Each radionuclide has the potential to be a radiation hazard if exposure is excessive, beyond established acceptable limits. Again, radionuclides are not a potential radiation hazard specific to the subject parcel.

Two projects in Fremont County handled or used naturally occurring radioactive material, specifically uranium (U). The CO Legacy Land project, former Cotter Uranium Mill, is located south of Cañon City and south of the Arkansas River. Potential radiation hazard directly from this project is not likely due to the projects location. Black Range Minerals explored the Tallahassee area for U in 2008. This area is known for U deposit and has been explored since the 1970's. The exploration area is west of Cañon City, north on Hwy 9 and then west to the Taylor Ranch near County Road 2 and 26. Potential radiation hazard directly from this project is not likely due to the project's location.

[Home](#)

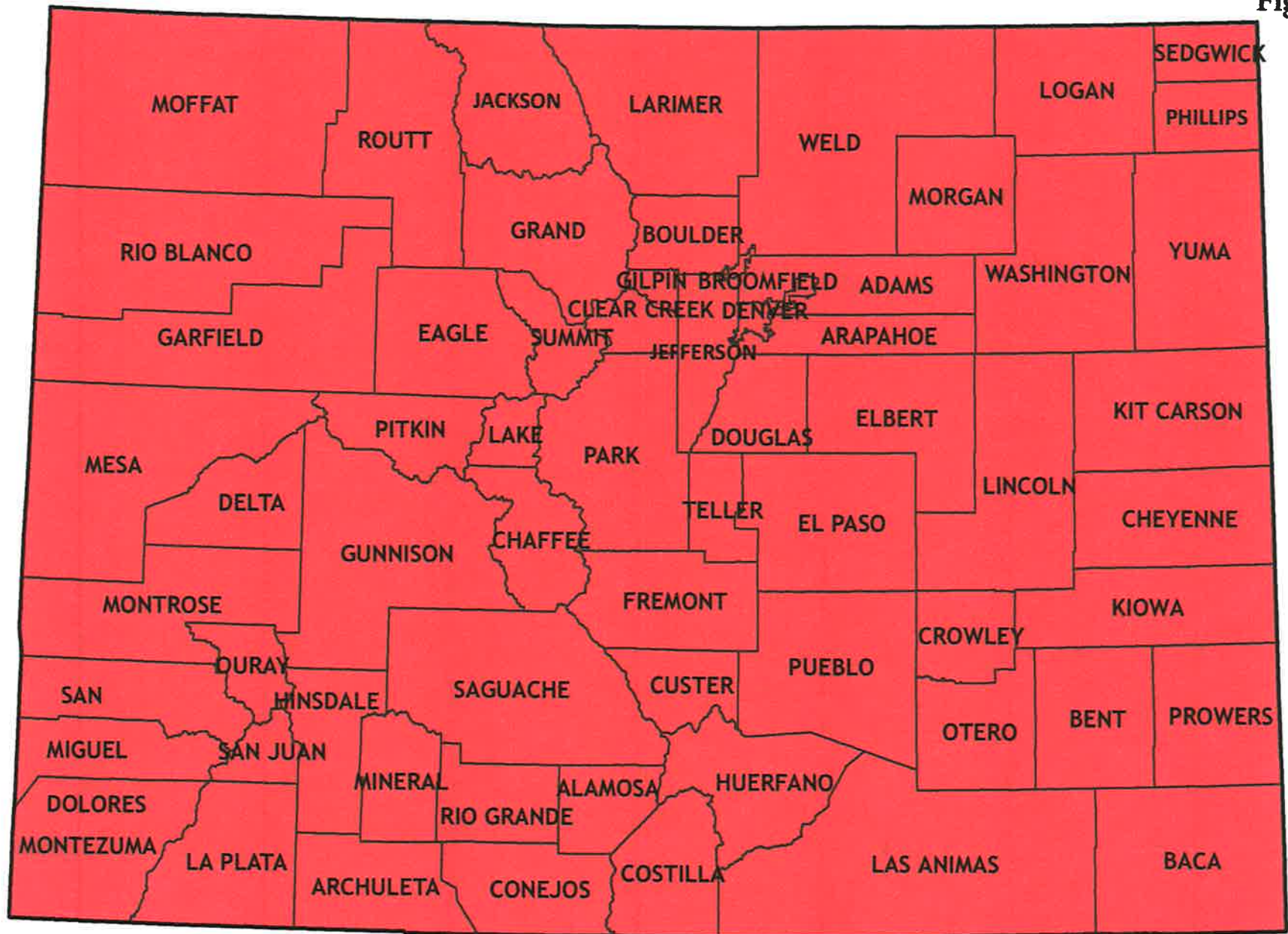
Lastly, what has become accepted exposures to ionizing sources can be a potential radiation hazard. The website, <https://www.niehs.nih.gov/health/topics/agents/emf/index.cfm>, contains valuable information regarding potential radiation hazards that are far beyond potential hazards of naturally occurring sources.

In conclusion, based on current information available from CDPHE, potential radiation hazards from naturally occurring sources are not likely to exist on the subject parcels. Potential radiation hazard from ionizing sources, however, is a daily radiation risk choice made by occupants of the property.

Respectfully submitted,


Angela M. Bellantoni Ph.D.

Figure 1



Source: Colorado Department of Public Health and Environment Radon Outreach Program and Colorado Environmental Public Health Tracking.
Notes: These radon zones were determined based on indoor radon, geology, soil, construction type and aerial radiation measurements. Approximately 20,000 pre-mitigation radon test results were used in development of this map.
4 pCi/L is the EPA action level for indoor radon.

ZONE 1 High radon potential (probable indoor radon average >4pCi/L)
Home

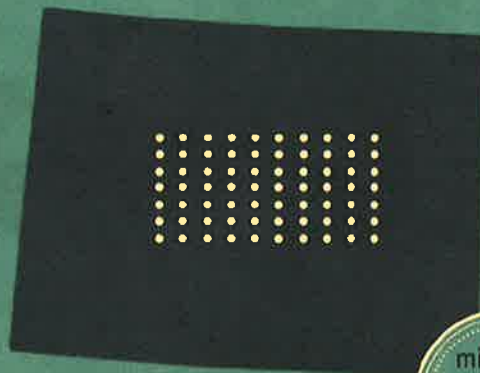
Radionuclides

Present in the Colorado Environment



*Ever-Present
Cosmic*

- Beryllium 7
- Tritium
- Carbon 14

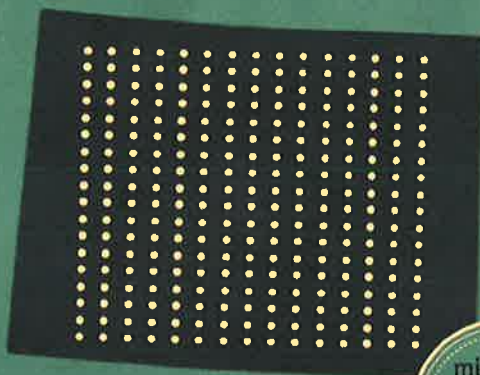


millirem
70
per year



*Primordial
in Earth*

- Uranium 238
- Uranium 235
- Thorium 230
- Radium 228
- Radium 226
- Radon 222
- Potassium 40
- Rubidium 87
- Polonium
- Lead
- Bismuth



millirem
270
per year



*Nuclear Testing
1945 to 1980*

- Plutonium 241
- Plutonium 239
- Americium 241
- Cesium 137
- Cobalt 60
- Tritium
- Iodine 131
- Strontium 90
- Krypton 85
- Neptunium 239



millirem
0.5
per year

Home

Exhibit 24m.1 Fire Protection Plan Form



FREMONT COUNTY FIRE PROTECTION PLAN AND DISTRICT COMMENT FORM

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 Mistry Subdivision Filing No. 2

2. Project Description The property owner is submitting application to subdivide 33.65 acres into seven single family residential lots.

3. Type of application:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input checked="" type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | <input type="checkbox"/> Minor Subdivision |

3. The subject property is located at:

Southeast corner of 2nd Street and L Street in Penrose, CO

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? _____

Irrigation ditch water and Penrose Water District fire hydrant

5. The source of water for fire protection is:
 --- Water District – Name of District: Penrose Water District
 --- 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? _____
1300 ft to the corner of 3rd and K Street

7. What public roadways provide access to the subject property? _____
3rd Street and proposed Margarita Way

8. How many accesses to public roadways will the subject property have? _____
Each lot will have one access.

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. Margarita Way, a cul de sac, will have a 98 ft diameter and will be 688 ft long with a gravel surface

10. What are the existing and or proposed interior roadway names? Margarita Way

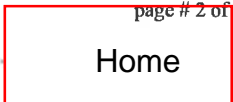
11. Is the subject property located within a fire protection district? Yes --- No
If yes, please provide the district name: Florence Fire District

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: _____



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

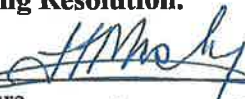
By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

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.

Hoshedar Mistry
Applicant Printed Name


Signature

September 9, 2022
Date

Hoshedar Mistry
Owner Printed Name


Signature

September 9, 2022
Date

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: _____
2. Name of contact person: _____
Title: _____ Telephone: _____
3. The name and address of the responding fire station is: _____

4. The distance from the subject property, by public roadway, to the responding fire station is: _____

5. The estimated response time to the subject property is: _____
6. The location of the closest fire hydrant to the subject property is: _____

7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? Yes --- No Please explain: _____

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: _____

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: _____

11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? _____

CERTIFICATION OF VITAL RECORD

STATE OF COLORADO
 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
 HOLD TO LIGHT TO VIEW WATERMARK

Amended

STATE OF COLORADO
 CERTIFICATE OF DEATH

STATE FILE NUMBER

1. DECEDENT'S NAME (First, Middle, Last) Margaret E. MISTRY			2. SEX Female	3. DATE OF DEATH (Month, Day, Year) September 13, 2013	
4. SOCIAL SECURITY NUMBER 0087		5a. AGE (Years)	5b. UNDER 1 YEAR Mos Days	5c. UNDER 1 DAY Hrs Mins	6. DATE OF BIRTH
8. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			9a. PLACE OF DEATH (Check only one) HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA <input checked="" type="checkbox"/> Other (Specify) <i>Home</i> OTHER: <input type="checkbox"/> Assisted Living/Nursing Home <input type="checkbox"/> Hospice <input type="checkbox"/> Decedent's Residence		
9b. FACILITY NAME (If not institution, give street and number) Hwy #115 MM #28			9c. CITY, TOWN, OR LOCATION OF DEATH Unincorporated		9d. COUNTY OF DEATH El Paso
10a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired) Teacher		10b. KIND OF BUSINESS/INDUSTRY Education		11. MARITAL STATUS <input checked="" type="checkbox"/> Married <input type="checkbox"/> Never Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Unknown	
12. SPOUSE (If wife, give maiden name) Hoshedar H. Mistry		13a. RESIDENCE - STATE Colorado		13b. COUNTY Fremont	
13c. CITY, TOWN, OR LOCATION Penrose		13d. STREET AND NUMBER 1245 E 3rd Street		14. WAS DECEDENT OF HISPANIC ORIGIN? (If "Yes", specify Cuban, Mexican, Puerto Rican, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
15. RACE: American Indian, Black, White, etc. (Specify) White		16. EDUCATION (Specify only highest grade completed) Elementary or secondary (0-12) College (13-16 or 17+) 20+		17. FATHER - NAME (First, Middle, Last) Joseph Egan	
18. MOTHER - NAME (First, Middle, Maiden) Margaret Ferenci		19. INFORMANT - NAME and relationship to decedent Hoshedar H. Mistry - Husband		20a. METHOD OF DISPOSITION <input checked="" type="checkbox"/> Burial/Entombment <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)	
20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Union Highland Cemetery		20c. LOCATION - City or Town, State Florence, Colorado		21a. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH <i>Brandon Pichon</i>	
21b. NAME AND ADDRESS OF FACILITY Evergreen Funeral Home for : Holt Family Funeral Home 806 Macon Ave., Canon City, Colorado 81212		22a. REGISTRAR'S SIGNATURE <i>Rita Hedge, Deputy Registrar</i>		22b. DATE FILED (Month, Day, Year) October 21, 2013	
23. TIME OF DEATH UNKNOWN <input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> MR		24. DATE AND TIME PRONOUNCED DEAD Month Day Year Time September 13 2013 2130		25. WAS CORONER NOTIFIED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
26a. TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED. Signature: <i>Robert C. Bux, MD</i>			27a. ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED. Signature: <i>Robert C. Bux, MD</i>		
26b. DATE SIGNED (Month, Day, Year)			27b. DATE SIGNED (Month, Day, Year) October 17 2013		
26c. NAME, AND MAILING ADDRESS OF SIGNING PHYSICIAN			27c. NAME AND COUNTY Robert C. Bux, MD EL PASO		
26d. MANNER OF DEATH <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Undetermined			30. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Probably <input type="checkbox"/> Unknown		
31. IF FEMALE: <input type="checkbox"/> Not pregnant within last year <input type="checkbox"/> Not pregnant, but pregnant 45 days to 1 year before death <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Unknown if pregnant within the past year			32a. DATE OF INJURY (Month, Day, Year) 09/13/2013		
32b. TIME OF INJURY unknown <input type="checkbox"/> AM <input type="checkbox"/> PM <input checked="" type="checkbox"/> MR			32c. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
32d. PLACE OF INJURY - A) home, farm, street, factory, office building, etc. (Specify) Highway			32e. DESCRIBE HOW INJURY OCCURRED motorvehicle vs pedestrian accident		
32f. LOCATION INJURED (Street and Number or Rural Route Number, City, County, State) Hwy 115 @ MM 28, Unincorporated El Paso, Colorado			33. IMMEDIATE CAUSE - enter only one cause per line for (a), (b), and (c). Do not enter mode of dying (e.g. Cardiac or Respiratory Arrest) alone.		
Part 1. Conditions if any which gave rise to immediate cause stating the underlying cause last (c). (a) Multiple injuries DUE TO OR AS A CONSEQUENCE OF: (b) _____ DUE TO OR AS A CONSEQUENCE OF: (c) _____			Interval between onset and death seconds		
Part 2. OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not related to cause in Part 1.			Interval between onset and death		
34. AUTOPSY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			35. IF YES, WERE FINDINGS CONSISTENT IN DETERMINING CAUSE OF DEATH? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

FUNERAL DIRECTOR

PHYSICIAN/CORONER

938917 05/11/2016 03:26 PM
 Total Pages: 1 Rec Fee: \$11.00
 Katie E. Barr - Clerk and Recorder, Fremont County, CO

STEWART TITLE
 01330 78544DH

October 21, 2013

Ronald S. Hyman
 RONALD S. HYMAN
 STATE REGISTRAR

DATE ISSUED:

THIS IS A TRUE CERTIFICATION OF NAME AND FACTS AS RECORDED IN THIS OFFICE. Do not accept unless prepared on security paper with engraved border displaying the Colorado state seal and signature of the Registrar. PENALTY BY LAW, Section 25-2-118, Colorado Revised Statutes, 1982, if a person alters, uses, attempts to use or furnishes to another for deceptive use any vital statistics record. NOT VALID IF PHOTOCOPIED.



REV 01/07

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DEVELOPMENT REVIEW CHRONOLOGY

The applicant's original submittal was on _____; however, supplemental submittal materials were received on March 8, 2022. Although the initial Department Deficiency and Comment Letter (D&C Letter) was issued on March 21, 2022, it was apparent that there was confusion from reviewers as different versions of the Preliminary Plan had been submitted separately to them. As such, a second D&C Letter was issued on June 1, 2022, wherein all comments received to date were provided and notice was given that a resubmittal was to be submitted to the Planning and Zoning Department to ensure all parties received the same information to review.

Through the development review process, the applicant revised the lot configuration and subdivision access by realigning Margarita Way to avoid the costs of required improvements. Each proposed configuration presented non-compliance with various subdivision design standards that required meetings with the Applicant Team, phone calls, email correspondence, and additional resubmittals in order to address County Department comments and referral comments from external reviewing agencies. This resulted in four resubmittals and three formal referral reviews over a year's time. After the third resubmittal, the applicant coordinated and submitted directly to referral agencies to resolve outstanding comments. A substantially complete application was not submitted until March 17, 2023 (4th Resubmittal). The Applicant Team has adequately addressed all referral comments as of April 13, 2023, with the exception of the Division of Water Resources' continued request for information about how the owner is proposing to use the Beaver Park water shares and properly executing and recording the Penrose Water District easement that was approved by the District Board on February 13, 2023.

County staff has consistently made the Applicant Team aware of Code compliance issues of each lot configuration presented in efforts to move the project forward with a positive recommendation of approval to the Planning Commission and Board of County Commissioners. The applicant maintains that due to the substantial cost of the required improvements, the current lot configuration that shows the realignment of Margarita Way to access onto 3rd Street rather than L Street is the design they would like to have heard by the Planning Commission. As such, the request was scheduled on the first available meeting agenda upon receiving a revised Preliminary Plan and irrigation pipe protection detail on April 14, 2023. The table below provides the chronology of all development review actions with corresponding dates.

Development Review Action	Date
Pre-Application Meeting – Proposal was to subdivide 33.65 acres into 7 lots to allow construction of 6 single family residential homes. The owner would like	September 16, 2021

Development Review Action	Date
<p>access off of L Street in the future but also like to continue to use the existing driveway access off of 3rd Street until the future Lot 2 is sold.</p> <p>Access to lots 407 was proposed from L Street via a 674' cul-de-sac labeled Mistry Court. The Owner noted the County would not maintain the road until it is brought up to County standards.</p> <p>It was noted that 25-feet was dedicated to Fremont County as a road easement along the northern boundary of the property and all roads within the subject property shall be dedicated as public rights-of-way unless specifically approved as private ROW and so designed on the plat.</p> <p>The 25-foot road easement along the northern boundary of the property can be reviewed through the subdivision process.</p>	
Pre-Application Meeting Summary Issued	September 21, 2021
<p>Formal Application –Supplemental submittal items received on March 8, 2022, included:</p> <p>Preliminary Plan showing Margarita Way cul-de-sac from L Street that was 689.79' along with:</p> <ul style="list-style-type: none"> • School District Impact Statement • Copies of notices sent to Penrose Water, Black Hills, Beaver Park, Inc., and Atmos Energy 	<p>Staff to Determine this date but I think it's probably around February 7, 2022 (the date on the application form).</p> <p>Supplemental materials were received on March 8, 2022</p>
<p>1st Department Comments and Submittal Deficiencies (D&C Letter) Issued by Director Simpleton. Comments included:</p> <ul style="list-style-type: none"> • Preliminary Plan Redlines from Land Use Technician dated March 17; and • Need for Potential Radiation Hazard Report. <p>The Preliminary Plan redlines were made on a version of the Plan that showed Margarita Way accessing onto L Street, centrally located between 2nd St. and 3rd St. in a reverse L shape configuration. That cul-de-sac was over 1,000 feet long. The March 8, 2022, supplemental submittal included a Preliminary Plan that showed the Margarita Way cul-de-sac access onto L Street that was 689.79 feet long.</p>	March 21, 2022
<p>2nd D&C Letter Issued. This letter notes the confusion from various County Departments and external referral agencies as different versions of the Preliminary Plan had been submitted separately. For example, Beaver Park Water Inc., was sent the version with the Margarita Way cul-de-sac access onto L Street that was 689.79' (see 2/20/22 comments) and then a version showing Margarita Way accessing from L Street, centrally located between 2nd St. and 3rd St. in a reverse L shape that was over 985 feet long (see comments dated 4/5/22).</p>	June 1, 2022

Development Review Action	Date
A resubmittal was required so staff could route it to all County Departments and external referral agencies to ensure all parties receive the same information to review.	
<p>P&Z and FCDOT Meeting with Applicant Team re: May 10, 2022, FCDOT review comments below:</p> <ul style="list-style-type: none"> Applicant submitted Driveway Access Permits for lots 1, 2 & 3 of subdivision that will be accessing onto 3rd Street. Lots 4-7 proposed using the platted roadway (Margarita Court/Way) within the subdivision plat to access L Street with is a non-maintained ROW. Driveway access permit required. L Street to be brought up to County standards as designed for a local road. The applicant proposed to put in covenants that they would maintain L Street. Margarita Court/Way to be built to County standards classified as a local road. <p>Meeting Summary:</p> <ul style="list-style-type: none"> All agreed 2nd Street extension is a road easement dedicated to Fremont County for roadway. The applicant would like to vacate the road easement because they feel it goes to nowhere. Staff reiterated adjacent zoning is AR. Property owners could develop 4.5 acre lots like Mistry Subdivision is proposing, which could trigger the need for said extension of 2nd Street in the future. Staff reiterated the request to vacate the road easement is reviewed by PC and BOCC (decision maker). Staff continued to not support vacation request. The applicant explained how they shouldn't be required to build out L Street. Staff noted future needs considering the AR zoning and safety concerns related to fire protection in the area. The applicant stated they will propose to improve L Street to the county's local road standard from 3rd Street to Margarita Way since this is the length of L Street that would be used by subdivision residents. The applicant felt that Margarita Way is the frontage and Director Simpleman stated he would confer with the County Attorney. The applicant offered to draft covenants that state they will maintain L Street. 	<p>July 14, 2022</p> <p>July 14, 2022</p>
Resubmittal 1 – Preliminary Plan layout included a new configuration of Margarita Way cul-de-sac.	August 1, 2022
<p>Waiver Request Submittal that included:</p> <ul style="list-style-type: none"> Waiver of the requirement that Lots 6 and 7 front onto L Street. Lots 4, 5 and 7 will front on Margarita Way. Waiver of development of Margarita Way to County Road Standard (Proposing private gravel road and not be County maintained). Waiver of development of L Street from Margarita Way north to 2nd Street. This portion of 2nd Street will not be used for lot frontage and 2nd Street is not a developed street in Penrose. 	August 4, 2022

Development Review Action	Date
<p>Emailed notice to Applicant Team that Margarita Way cul-de-sac is 985.36 feet which exceeds the maximum length of 750 feet allowed per Subdivision Design Standards – Appendix 1 H Other Design Standards 4. In efforts to ensure the review would result in moving the application forward to Planning Commission and BOCC, Staff offered the opportunity to revise the cul-de-sac configuration prior to finalizing the review and asked if they wanted to continue forward with the current configuration.</p>	<p>August 11, 2022</p>
<p>Resubmittal 2 – The Preliminary Plan included the realignment of Margarita Way to access onto 3rd Street (versus L Street) and a revised lot configuration to include four wedge shaped lots to reduce costs for the required infrastructure improvements of the County and Fire District.</p>	<p>September 16, 2022</p>
<p>3rd D&C Letter Issued – Key issues identified included:</p> <ul style="list-style-type: none"> • Lack of conformance with Subdivision Design Standards for wedge shaped lots, fronting on public street, lot depth, street improvements. • Repeat comments provided regarding the road easement vacation request. • Roadway Impact Analysis estimated trips per day is too low and could be 2-2 ½ times higher. • FCDOT is not in support of waiver request of construction of Margarita Way to County standards or lot frontage waiver. • Outstanding comments from Penrose Water District, Beaver Park Water Inc, Florence Fire District 	<p>October 13, 2022</p>
<p>Email from Water District that they are updating their contract to reflect ownership (which should have been done some time ago) and put it in order with the contracts for the other 6 lots. The matter of the required easement agreement between him and the board is an ongoing agenda item with our next board meeting to be held on November 14, 2022.</p>	<p>October 24, 2022</p>
<p>Received notice the applicant would like to build a gated community.</p>	<p>November 1, 2022</p>
<p>3rd D&C Letter Updated and Reissued – Updated stemmed from revised comments from the Fremont County Engineer, County’s Attorney’s interpretation of the definition of lot width, emailed correspondence from Penrose Water District, and community safety concerns email from the Fire District.</p>	<p>November 8, 2022</p>
<p>Resubmittal 3 – This submittal was in response to November 8, 2022, D&C Letter Included:</p> <ul style="list-style-type: none"> • Revised Preliminary Plan and Preliminary Site Development that had been scanned and was illegible (Requested clean copy from Surveyor and received on February 8, 2023) • Roadway Impact Analysis that was not updated per comments (still had 28 trips per day) • DWR Notification • Drainage Map and Report • Access Easement and Servitudes 	<p>January 10, 2023</p>



Development Review Action	Date
<ul style="list-style-type: none"> • Draft Penrose Water District Easement with a note that the concept of the easement was acceptable, but the restoration language was being modified by the district. • Various submittal documents from the original submittal that were not updated (i.e., application form, geologic report, waiver request dated September 13, 2022, Onsite Wastewater Treatment System Report, etc.). 	
<p>Staff correspondence with the Fire District as the Chief was having trouble reading the scanned/copied Preliminary Plan documents. Obtained a legible copy of the Preliminary Plan from the applicant’s surveyor, John E. Kratz, PLS., and forwarded it to the Fire District. Beaver Park Water Inc. (BPWI), indicated that did not receive the resubmittal and there were comments to be addressed. Resent January 10. 023 resubmittal to BPWI.</p>	February 8, 2023
<p>Applicant submitted an Access Easement and Servitudes document that address road maintenance of Margarita Way to Fire District. Notation No. 8 on the Preliminary Plat states than no access is permitted from L Street for any lot in the subdivision. Alex is aware of the irrigation water line and utility specs have been designed to be suitable for emergency vehicles. Mr. Mistry committed to the fire hydrants you requested.</p>	February 9, 2023
<p>Received request for comment extension from BPWI to consult with their water attorney. Notified Applicant Team of the extension request.</p>	February 15, 2023
<p>Provided resubmittal review update to Applicant that included:</p> <ul style="list-style-type: none"> • Review comments received from Beaver Park Water, Inc., and notice they have requested a resubmittal. • Land use table and dimensions on some structures were missing from Preliminary Plan. • Notice that the same Roadway Impact Analysis was not included in the last submittal. An updated Roadway Impact Analysis certified by a Colorado Licensed Professional Engineer was required. • Requested an update on whether the applicant’s engineer provided the letter stating the irrigation ditch crossing the roadway would withstand the weight of the fire apparatus per the Fire Districts comments. • Requested a resubmittal so that it could be routed to the appropriate review agencies/County departments. 	March 9, 2023
<p>Received an email update from the Applicant:</p> <ul style="list-style-type: none"> • We met with BPW on Feb 20. 3Rocks prepared engineering to be protective of the Apple Valley Line. We’ve changed some language requested by BPW and I will be attending the Board meeting this evening with the hope all is accepted. • John Kratz has revised the preliminary plan. • I have engaged Jeff Hodsdon of LSC Transportation Consultants to review, complete and comment regarding anticipated traffic. I should have the engineer completed RIA by Thursday afternoon. 	March 14, 2023

Development Review Action	Date
<ul style="list-style-type: none"> Once BPW accepts 3Rocks engineering for AVL, I will send an email to Chief Ritter. 	
<p>Resubmittal 4 - Materials included revised exhibits and clarifications:</p> <ul style="list-style-type: none"> Revised Preliminary Plan and Preliminary Site Development Plan An Irrigation Pipe Protection Detail and email correspondence with Beaver Park Water Inc., including BPWI's final. Revised Roadway Impact Analysis stamped by Jeff Hodsden of LSC Transportation Consultants. Engineering figure of the AVL improvements that were emailed to Chief Ritter with a note that the Chief's response will be forwarded upon receipt. 	<p>March 17, 2023</p>
<p>Received Preliminary Plan and Irrigation Pipe Protection detail that was approved by BPWI at their April Board meeting. The applicant stated that minutes from the April board meeting will be approved in May.</p>	<p>April 13, 2023</p>



Fremont County

Department of Transportation

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

3.21.2023

Fremont County Planning & Zoning
615 Macon Ave., Room 210
Canon City, Co 81212

RE: PP 22-001 Mistry Subdivision

Dear Mr. Victoria,

The above-referenced application has been reviewed. There are 3 access permits on file for this subdivision that access from 3rd Street (Item #16 on the roadway impact). An access permit for Margarita Way for lots 4, 5, 6, and 7 will need to be submitted, along with fees for each lot.

In the revision dated 3/17/2023, applicant states Margarita Way will be built to County standards. The buried irrigation lateral that serves 1287 3rd St. will need to have adequate cover to support the vehicle traffic at Margarita Way, and is addressed in the 3/17/2023 application.

As for the roadway impact of this subdivision, applicant has revised in the 3/17/2023 application the number of trips per day to 66, which reflects a more accurate count.

Our department does not support the vacation of 2nd st.

With the Lot Frontage waiver, our department does not support this and adjacent roadway's that have the potential as an access point to any of the lots will need to be brought up to county standards. The criteria for driveway access permits are that the access needs to connect to an existing road right-of-way and/or have a easement agreement to cross a property.

Let us know if you have any questions.

Thank you,
Tony Adamic
Tony Adamic
DOT Director

[Home](#)

Exhibit 24c.1 Drainage Map and Report

Drainage Report

FOR

Mistry Subdivision Filing No.2

1245 3rd St, Penrose, CO 81240



Alex Ewers, PE, CFM
Civil Engineer, Owner



430 Main St,
Cañon City, CO 81212
719.430.5333

www.3rocksengineering.com

Introduction

The applicant is in the process of subdividing a property for residential use. The subdivision is the Mistry Subdivision Filing 2 located at the intersection of L Street and 3rd Street in Penrose, Colorado. The subdivision plat accompanies this submittal. The existing parcel is 33.65 acres and will be subdivided into 7 residential lots. The property is located within the Willow Spring Creek Watershed which drains into the Arkansas River. The property of interest is outside of any FEMA designated flood hazard areas.

Fremont County requires that post-development peak flows from parcels match historical peak flows for both the 1% and 10% probability events.

Historic Conditions

The property generally slopes towards the South. The drainage area was delineated into two subbasins, as seen in Appendix A of this report. Subbasin H1 (H stands for historical) is 30.17 Acres and Subbasin H2 is 57.95 Acres.

For drainage calculations, historical conditions are considered to be the conditions before development. According to The Mile High Flood District Urban Storm Drainage Criteria Manual Volume 1, historical imperviousness is considered to be 2%.

Proposed Conditions

The drainage area was delineated into two subbasins, as seen in Appendix A of this report. Subbasin P1 (P stands for proposed) is 30.17 acres, and Subbasin P is 57.95 acres. Proposed and historical discharge points remain the same.

The property's existing impervious improvements consist of residential buildings, storage sheds, garages, etc. The only proposed grading is to construct Margarita Way. For proposed conditions, we have assumed impervious areas for potential future houses, driveways, and parking areas.

Drainage Methodology

The rational method was used to determine peak flows for the historic and proposed conditions. The total impervious area (including existing and proposed) is 2% which, as mentioned above, is the same percent impervious area used for historic conditions. A summary of the un-detained historic and proposed subbasin peak flow calculations are presented below in Table 1.



Subbasin:	H1	H2	P1	P2
C10	0.13	0.15	0.13	0.15
C100	0.48	0.49	0.48	0.49
I10 (in/hr)	1.50	1.68	1.50	1.68
I100 (in/hr)	2.73	3.06	2.73	3.06
A (ac)	30.17	57.95	30.17	57.95
Q10 (cfs)	5.88	14.60	5.88	14.60
Q100 (cfs)	39.53	86.89	39.53	86.89

Table 1 - Undetained Peak Flow Summary

As shown above, the proposed development, even with assumed future build out conditions, will not cause an increase in the 10-year or 100-year probability storm event. This is because the proposed impervious area is so low.

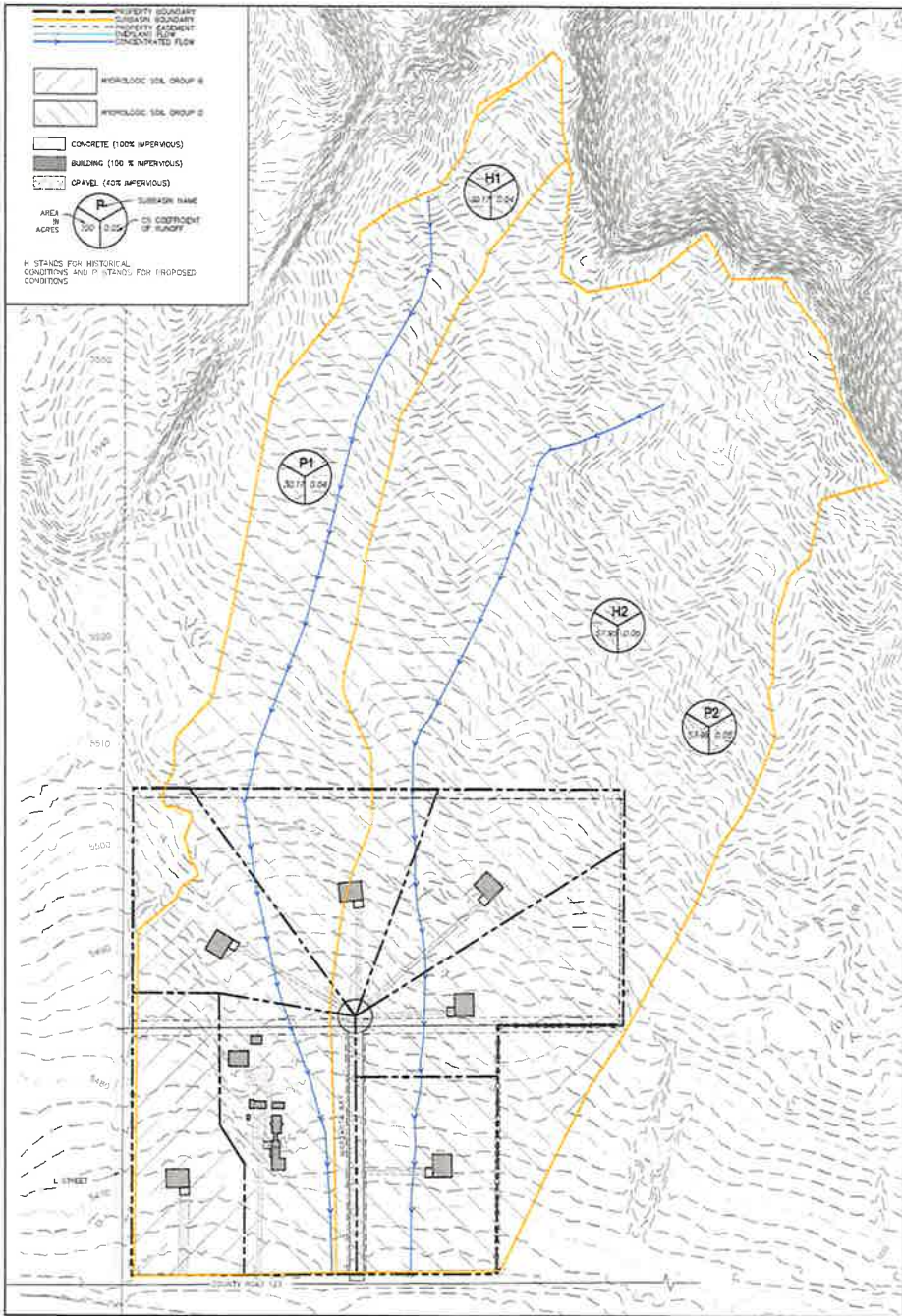
Web Soil Survey results, as presented in Appendix C, show that the subbasins are composed of Hydrologic Soil Group C/D and a small percentage of soil group B. Rainfall information is based on NOAA Atlas 14, results are presented in Appendix D. Detailed calculations for the runoff coefficients can be seen in Appendix E and rainfall intensity calculations can be seen in Appendix F of this report.

Conclusion

The proposed development will not increase the peak flow for the 10-year or 100-year probability storm event and therefore not detention is proposed.



Appendix A: Drainage Exhibit



VICINITY MAP
NTS

3 ROCKS ENGINEERING
410 Main Street
Durham, CO 80412
719.430.3333
www.3rocksengineering.com

MISTRY SUBDIVISION FILING NO.2

1245 3RD ST. PENROSE, CO 81240

PRELIMINARY
Not for construction

PROJECT NO. 2021-001

DATE: 12-04-2021

PROJECT: 3RD AVE
SCALE: 1"=111.8'
DRAWN BY: JG
CHECKED BY: JG
DATE: 12-04-2021

DRAINAGE PLAN

C1/1

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Appendix B: Subbasin Areas

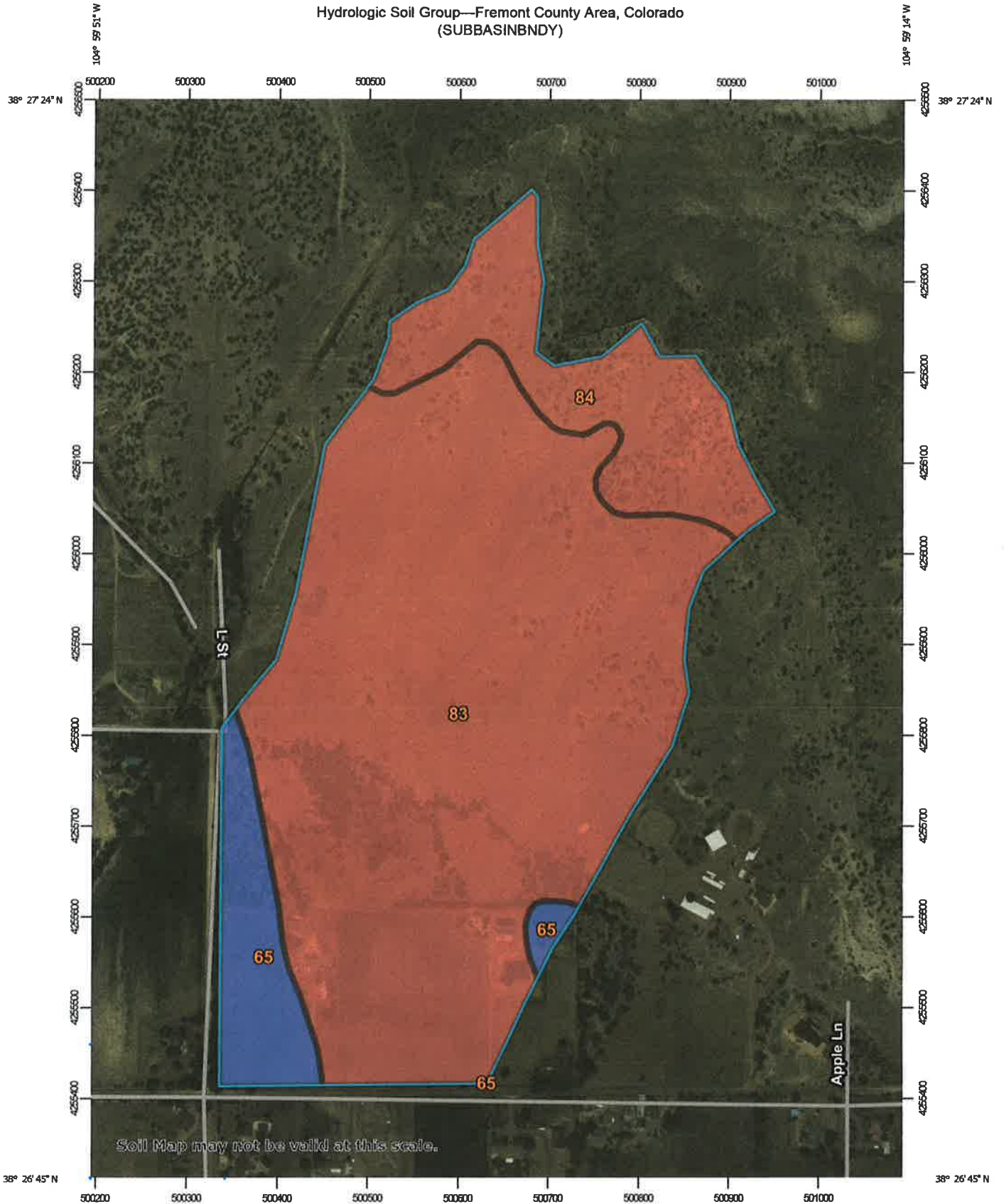


Area

Name	H2	H2	P1	P2
Area (ac)	30.17	57.95	30.17	57.95
Area (sf)	1,313,996	2,524,263	1,313,996	2,524,263

Appendix C: Web Soil Survey

Hydrologic Soil Group—Fremont County Area, Colorado
(SUBBASINBNDY)



Soil Map may not be valid at this scale.

Map Scale: 1:5,790 if printed on A portrait (8.5" x 11") sheet.

Meters

0 50 100 200 300

0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/9/2022
Page 1 of 4

Home

MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
- Soil Rating Polygons**
-  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Soil Rating Lines**
-  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Soil Rating Points**
-  A
 -  A/D
 -  B
 -  B/D
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
-  Aerial Photography
- Soils (continued)**
-  C
 -  C/D
 -  D
 -  Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Fremont County Area, Colorado
 Survey Area Data: Version 20, Sep 7, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 18, 2020—May 21, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Home

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
65	Manvel silt loam, 0 to 2 percent slopes	B	7.2	8.1%
83	Penrose-Minnequa complex, 1 to 15 percent slopes	D	69.0	76.8%
84	Penrose-Midway-Rock outcrop complex, 10 to 45 percent slopes	D	13.6	15.1%
Totals for Area of Interest			89.9	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Table 6-4. Runoff coefficient equations based on NRCS soil group and storm return period

NRCS Soil Group	Storm Return Period						
	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year	500-Year
A	$C_A = 0.84i^{1.302}$	$C_A = 0.86i^{1.276}$	$C_A = 0.87i^{1.232}$	$C_A = 0.88i^{1.124}$	$C_A = 0.85i+0.025$	$C_A = 0.78i+0.110$	$C_A = 0.65i+0.254$
B	$C_B = 0.84i^{1.169}$	$C_B = 0.86i^{1.088}$	$C_B = 0.81i+0.057$	$C_B = 0.63i+0.249$	$C_B = 0.56i+0.328$	$C_B = 0.47i+0.426$	$C_B = 0.37i+0.536$
C/D	$C_{C/D} = 0.83i^{1.122}$	$C_{C/D} = 0.82i+0.035$	$C_{C/D} = 0.74i+0.132$	$C_{C/D} = 0.56i+0.319$	$C_{C/D} = 0.49i+0.393$	$C_{C/D} = 0.41i+0.484$	$C_{C/D} = 0.32i+0.588$

*2% impervious used for historic conditions per MHFD (Previously UDFCD) USDCM Volume 1 Table 6-3

**Gravel (packed) is considered 40% impervious per table 6-3 of UDFCD USDCM Vol. 1

Rating Options

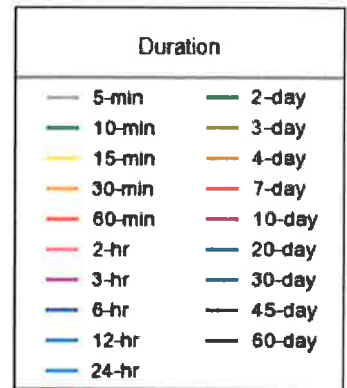
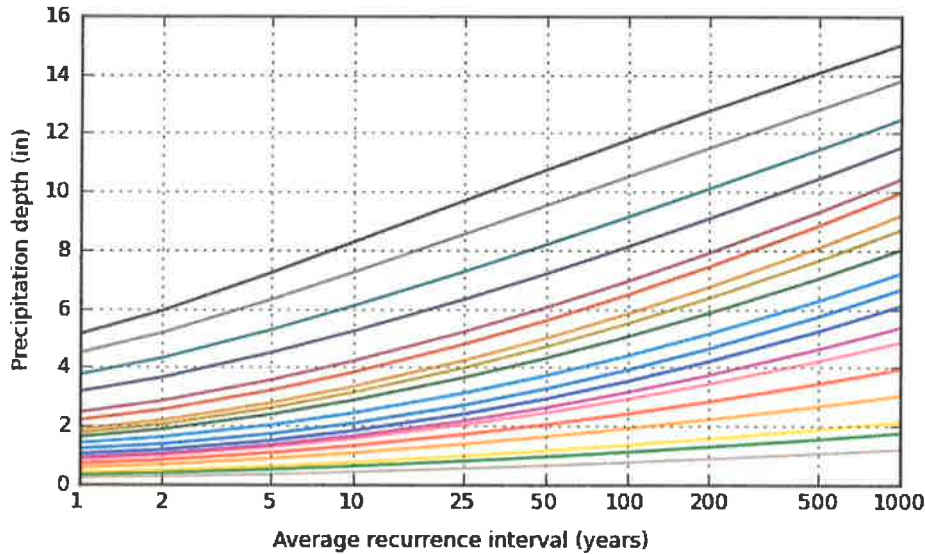
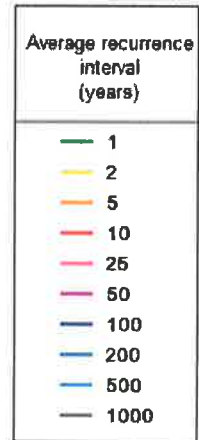
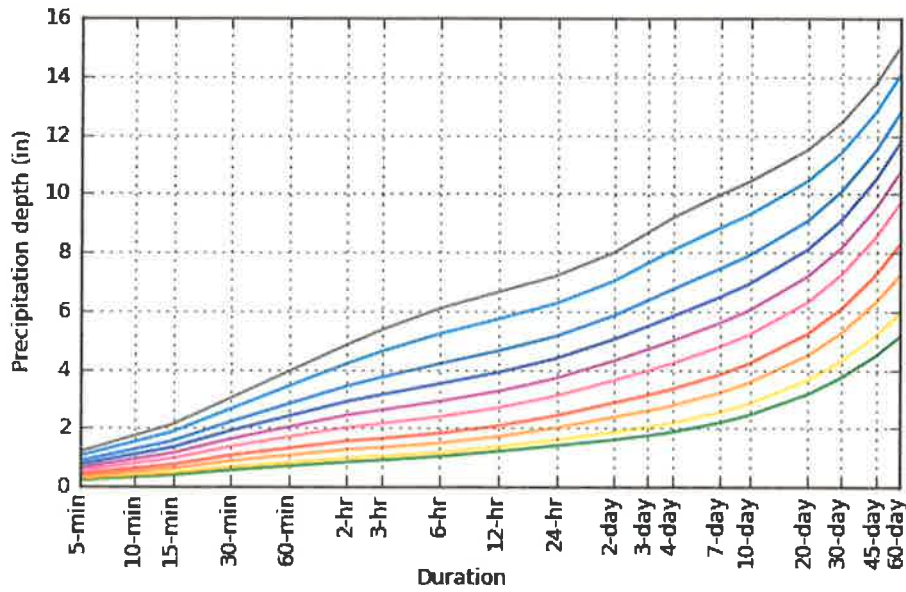
Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Appendix D: NOAA Atlas 14 Rainfall Data

PDS-based depth-duration-frequency (DDF) curves
Latitude: 38.4489°, Longitude: -104.9941°



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NOAA Atlas 14, Volume 8, Version 2
Location name: Penrose, Colorado, USA*
Latitude: 38.4489°, Longitude: -104.9941°
Elevation: 5495.26 ft**
 * source: ESRI Maps
 ** source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffery Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF_tabular](#) | [PF_graphical](#) | [Maps & aerals](#)

PF tabular

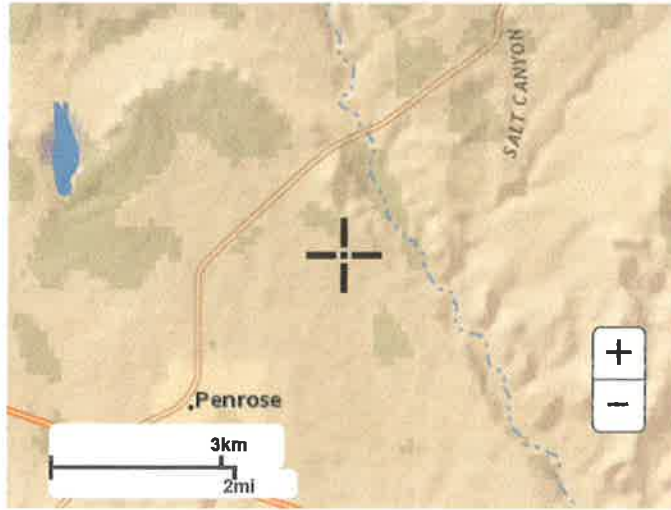
PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.224 (0.173-0.289)	0.268 (0.207-0.347)	0.350 (0.270-0.455)	0.426 (0.327-0.557)	0.545 (0.410-0.758)	0.646 (0.473-0.910)	0.756 (0.535-1.10)	0.877 (0.596-1.31)	1.05 (0.687-1.63)	1.19 (0.755-1.86)
10-min	0.327 (0.253-0.424)	0.392 (0.303-0.508)	0.512 (0.395-0.666)	0.624 (0.478-0.816)	0.798 (0.600-1.11)	0.946 (0.692-1.33)	1.11 (0.783-1.61)	1.29 (0.872-1.92)	1.54 (1.00-2.38)	1.75 (1.11-2.73)
15-min	0.399 (0.309-0.516)	0.478 (0.370-0.620)	0.625 (0.481-0.812)	0.761 (0.583-0.995)	0.973 (0.732-1.35)	1.15 (0.844-1.63)	1.35 (0.955-1.96)	1.57 (1.06-2.35)	1.88 (1.23-2.90)	2.13 (1.35-3.32)
30-min	0.569 (0.441-0.737)	0.680 (0.526-0.881)	0.886 (0.682-1.15)	1.08 (0.827-1.41)	1.38 (1.04-1.92)	1.63 (1.20-2.30)	1.91 (1.35-2.78)	2.22 (1.51-3.33)	2.66 (1.74-4.12)	3.03 (1.92-4.72)
60-min	0.709 (0.549-0.917)	0.836 (0.647-1.08)	1.08 (0.834-1.41)	1.32 (1.01-1.73)	1.71 (1.29-2.39)	2.04 (1.50-2.89)	2.41 (1.71-3.52)	2.83 (1.93-4.25)	3.44 (2.25-5.33)	3.94 (2.49-6.14)
2-hr	0.848 (0.662-1.09)	0.992 (0.774-1.27)	1.28 (0.994-1.65)	1.57 (1.21-2.03)	2.03 (1.56-2.83)	2.45 (1.82-3.44)	2.91 (2.09-4.21)	3.44 (2.37-5.13)	4.21 (2.78-6.46)	4.85 (3.10-7.48)
3-hr	0.912 (0.715-1.16)	1.05 (0.826-1.34)	1.35 (1.05-1.73)	1.65 (1.29-2.13)	2.16 (1.67-3.01)	2.62 (1.96-3.68)	3.15 (2.27-4.54)	3.74 (2.59-5.55)	4.62 (3.08-7.06)	5.35 (3.44-8.20)
6-hr	1.04 (0.824-1.31)	1.19 (0.937-1.50)	1.50 (1.18-1.90)	1.83 (1.44-2.33)	2.40 (1.88-3.32)	2.92 (2.21-4.07)	3.52 (2.57-5.04)	4.21 (2.95-6.19)	5.23 (3.52-7.92)	6.09 (3.96-9.23)
12-hr	1.22 (0.970-1.52)	1.38 (1.10-1.72)	1.72 (1.37-2.16)	2.09 (1.65-2.63)	2.70 (2.13-3.69)	3.27 (2.49-4.49)	3.91 (2.88-5.52)	4.64 (3.28-6.75)	5.73 (3.90-8.57)	6.65 (4.37-9.96)
24-hr	1.41 (1.14-1.75)	1.62 (1.30-2.00)	2.03 (1.63-2.52)	2.44 (1.95-3.05)	3.11 (2.46-4.17)	3.71 (2.85-5.03)	4.39 (3.26-6.10)	5.15 (3.67-7.38)	6.27 (4.30-9.25)	7.20 (4.78-10.7)
2-day	1.61 (1.31-1.97)	1.88 (1.53-2.31)	2.39 (1.93-2.94)	2.88 (2.32-3.56)	3.64 (2.89-4.80)	4.31 (3.33-5.74)	5.04 (3.77-6.90)	5.85 (4.21-8.26)	7.03 (4.87-10.2)	8.00 (5.37-11.7)
3-day	1.75 (1.43-2.13)	2.05 (1.67-2.50)	2.61 (2.12-3.19)	3.14 (2.54-3.86)	3.97 (3.17-5.20)	4.70 (3.65-6.21)	5.49 (4.13-7.46)	6.37 (4.60-8.92)	7.64 (5.32-11.0)	8.68 (5.86-12.6)
4-day	1.87 (1.54-2.27)	2.19 (1.80-2.66)	2.78 (2.27-3.39)	3.34 (2.72-4.09)	4.22 (3.38-5.50)	4.99 (3.89-6.56)	5.82 (4.39-7.87)	6.74 (4.89-9.40)	8.07 (5.65-11.6)	9.17 (6.22-13.3)
7-day	2.19 (1.81-2.64)	2.55 (2.11-3.07)	3.21 (2.64-3.88)	3.83 (3.14-4.65)	4.78 (3.85-6.14)	5.59 (4.38-7.27)	6.47 (4.92-8.65)	7.44 (5.44-10.3)	8.82 (6.22-12.5)	9.95 (6.81-14.3)
10-day	2.46 (2.04-2.94)	2.85 (2.37-3.42)	3.56 (2.95-4.28)	4.22 (3.47-5.09)	5.20 (4.20-6.62)	6.03 (4.75-7.78)	6.93 (5.29-9.19)	7.90 (5.80-10.8)	9.29 (6.58-13.1)	10.4 (7.17-14.8)
20-day	3.17 (2.65-3.75)	3.65 (3.06-4.33)	4.50 (3.75-5.34)	5.23 (4.35-6.25)	6.31 (5.11-7.88)	7.19 (5.69-9.11)	8.10 (6.23-10.6)	9.08 (6.72-12.2)	10.4 (7.45-14.5)	11.5 (8.01-16.2)
30-day	3.74 (3.16-4.41)	4.32 (3.64-5.09)	5.28 (4.43-6.24)	6.10 (5.09-7.24)	7.25 (5.89-8.95)	8.17 (6.50-10.3)	9.12 (7.03-11.8)	10.1 (7.50-13.4)	11.4 (8.20-15.7)	12.5 (8.72-17.4)
45-day	4.48 (3.80-5.24)	5.18 (4.38-6.06)	6.31 (5.32-7.41)	7.24 (6.08-8.55)	8.52 (6.94-10.4)	9.51 (7.59-11.8)	10.5 (8.12-13.4)	11.5 (8.57-15.1)	12.8 (9.22-17.4)	13.8 (9.71-19.1)
60-day	5.12 (4.36-5.97)	5.93 (5.04-6.91)	7.22 (6.12-8.44)	8.27 (6.97-9.71)	9.67 (7.88-11.7)	10.7 (8.57-13.2)	11.7 (9.12-14.9)	12.8 (9.55-16.7)	14.0 (10.2-19.0)	15.0 (10.6-20.7)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

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PF graphical

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Large scale terrain



Large scale map



Large scale aerial

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[US Department of Commerce](#)
[National Oceanic and Atmospheric Administration](#)
[National Weather Service](#)
[National Water Center](#)
1325 East West Highway
Silver Spring, MD 20910
Questions?: HDSC.Questions@noaa.gov

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Appendix E: Runoff Coefficient Calculations

Runoff Coefficient

HSG B				
Subbasin Name:	H1	H2	P1	P2
HSG Area (sf)	242,678.34	-	242,678.34	-
100% Imp A (sf)	0.00	0.0	3500.00	0.00
Gravel (40% Imp) A (sf)**	0	0	7255	0
Cumulative % Imp	2.0%	0.0%	2.6%	0.0%
C2	0.01	0.00	0.01	0.00
C5	0.01	0.00	0.02	0.00
C10	0.07	0.00	0.08	0.00
C100	0.44	0.00	0.44	0.00
HSG C/D				
Subbasin Name:	H1	H2	P1	P2
HSG Area (sf)	1,071,318.04	2,524,262.64	1,071,318.04	2,524,262.64
100% Imp A (sf)	0.00	0.00	12914.24	12933.61
Gravel (40% Imp) A (sf)**	0	0	13,885.70	43890.92
Cumulative % Imp	2.0%	2.0%	2%	2%
C2	0.01	0.01	0.01	0.01
C5	0.05	0.05	0.05	0.05
C10	0.15	0.15	0.15	0.15
C100	0.49	0.49	0.49	0.49
Cumulative				
Subbasin Name:	H1	H2	P1	P2
Basin Area (sf)	1,313,996.38	2,524,262.64	1,313,996.38	2,524,262.64
HSG B % Area	18%	0%	18%	0%
HSG C/D % Area	82%	100%	82%	100%
Cumulative % Imp	2.0%	2.0%	2.0%	2.0%
C2	0.01	0.01	0.01	0.01
C5	0.04	0.05	0.04	0.05
C10	0.13	0.15	0.13	0.15
C100	0.48	0.49	0.48	0.49

Appendix F: Rainfall Intensity Calculations

Intensity

	Average Recurrence Interval (years)		
	2	10	100
P1 (in)	0.836	1.32	2.4

	H1	H2	P1	P2
Lo1 (ft)*	522.66	483	522.66	483
So1 (ft/ft)	0.06	0.08	0.06	0.08
C5	0.04416	0.05	0.04495	0.05
To1 (min)	24.83	21.40	24.81	21.40
Lo2(ft)*	0.00	0.00	0.00	0.00
So2 (ft/ft)	0.00	0.00	0.00	0.00
C5	0.04	0.05	0.04	0.05
To2 (min)	0.00	0.00	0.00	0.00
To (min)	24.83	21.40	24.81	21.40
Lf (ft)	2980	2527	2980	2527
Sf (ft/ft)	0.05	0.08	0.05	0.08
K	7	7	7	7
Tf (min)	32.73	21.82	32.73	21.82
i (sf/sf)	0.02	0.02	0.02	0.02
Tr (min)	50.35	42.12	50.35	42.12
Tc (min)	50.35	42.12	50.35	42.12
I2 (in/hr)	0.95	1.07	0.95	1.07
I10 (in/hr)	1.50	1.68	1.50	1.68
I100 (in/hr)	2.73	3.06	2.73	3.06

USDCMV V1 Pg6-5

*The max Lo is 300' for developed and 500' for rural.

$$t_i = \frac{0.395(1.1 - C_s)\sqrt{L_i}}{S_o^{0.33}} \quad \text{Equation 6-3}$$

$$t_c = \frac{L_i}{60K\sqrt{S_o}} = \frac{L_i}{60V_i} \quad \text{Equation 6-4}$$

Table 6-2. NRCS Conveyance factors, K

Type of Land Surface	Conveyance Factor, K
Heavy meadow	2.5
Tillage/field	5
Short pasture and lawns	7
Nearly bare ground	10
Grassed waterway	15
Paved areas and shallow paved swales	20

$$t_c = (26 - 17i) + \frac{L_i}{60(14i + 9)\sqrt{S_o}} \quad \text{Equation 6-5}$$

$$t_c = t_i + t_r \quad \text{Equation 6-2}$$

$$I = \frac{28.5 P_1}{(10 + T_d)^{0.786}} \quad \text{Equation 5-1}$$

Appendix G: Mistry Subdivision Filing No.2

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

SWT - DIVISION TO BUILDING SETBACK LINES

EASEMENT LINE TABLE		
Line #	Direction	Length
L1	S 0° 20' 14" E	646.63'
L2	S 0° 20' 14" E	646.63'

EASEMENT CURVE TABLE					
Curve #	Delta	Length	Radius	Chord Direction	Chord Length
C1	68°33'13"	57.45'	48.01'	S 24° 40' 52" E	54.08'
C2	44°21'00"	37.30'	48.01'	S 51° 48' 15" W	36.24'
C3	54°04'19"	46.99'	48.01'	S 81° 58' 54" W	43.17'
C4	37°37'25"	33.53'	48.01'	N 51° 10' 15" W	30.96'
C5	90°38'34"	75.56'	48.01'	N 12° 57' 44" E	68.28'

REGISTERED LAND SURVEYOR'S CERTIFICATE

I, JOHN E. KRATZ, A REGISTERED 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 DO LIE WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE F.E.M.A. F.I.R.M. MAPS ARE ACCURATELY SHOWN HEREON.

JOHN E. KRATZ, PLS DATE
CO. REG. NO. 20142

ACKNOWLEDGMENT 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 (EXCEPT PRIVATE 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 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 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. EXTERIOR SUBDIVISION BOUNDARY IS SUBJECT TO A TEN (10) FOOT EASEMENT.

COUNTY CLERK AND RECORDERS STATEMENT

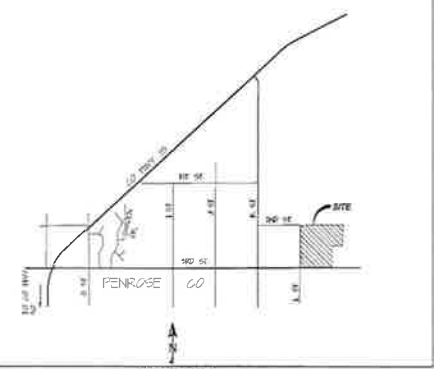
STATE OF COLORADO)
COUNTY OF FREMONT)
THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF FREMONT COUNTY, COLORADO, AT _____ M. ON THE _____ DAY OF _____ 2022, A.D. UNDER RECEPTION NUMBER _____

FREMONT COUNTY CLERK & RECORDER



430 MAIN
CARON CITY, CO 81212
(303) 994-6300

PREPARED: 02/08/2022
REVISED: 11/28/22



KNOW ALL MEN BY THESE PRESENTS THAT HOSHEDAR H. MISTRY IS THE OWNERS OF THE FOLLOWING DESCRIBED LAND:
TO WIT:
LOT 1, MISTRY SUBDIVISION, COUNTY OF FREMONT, STATE OF COLORADO

DEDICATION
I, HOSHEDAR H. MISTRY, BEING THE OWNER OF THE ABOVE DESCRIBED LAND BEING PLATTED AND/OR SUBDIVIDED IN FREMONT COUNTY, COLORADO, UNDER THE NAME OF MISTRY SUBDIVISION FILING NO. 2, HAVE LAID OUT, PLATTED AND/OR SUBDIVIDED THE SAME AS SHOWN ON THIS PLAT AND DO HEREBY DEDICATE TO THE PUBLIC AT LARGE THOSE PORTIONS OF LAND LABELED AS EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND OTHER PURPOSES AS SHOWN HEREON. THE SOLE RIGHT TO ASSIGN USE OR VACATE IS VESTED WITH THE BOARD OF COUNTY COMMISSIONERS.
IN WITNESS WHEREOF HOSHEDAR H. MISTRY HAS SUBSCRIBED HIS NAME THIS _____ DAY OF _____, A.D. 2022.

BY _____ OWNER

NOTARY STATEMENT
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 2022, BY HOSHEDAR H. MISTRY, OWNER.

MY COMMISSION EXPIRES _____

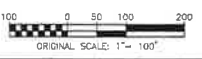
MY ADDRESS IS _____

WITNESS MY HAND AND OFFICIAL SEAL
NOTARY PUBLIC

- NOTES:**
- NOTICE: ACCORDING TO COLORADO LAW, ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY MUST BE COMMENCED WITHIN THREE YEARS FROM WHEN YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION HEREON.
 - BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER SECTION 27, T.18S. R.68W. 6TH P.M., ASSUMED TO BEAR S89°39'46"W BETWEEN THE MONUMENTS SHOWN AND DESCRIBED HEREON.
 - ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 0804300700E, EFFECTIVE SEPTEMBER 19, 2007, THE PARCEL BEING SUBDIVIDED HEREON LIES WITHIN ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 - FOR ALL INFORMATION SHOWN HEREON PERTAINING TO EXISTING EASEMENTS AND RIGHTS-OF-WAY OF RECORD RED ROCK LAND SURVEYS, INC. AND JOHN E. KRATZ, PLS RELIED SOLELY UPON STEWART TITLE GUARANTY COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 88419258 WITH AN EFFECTIVE DATE OF JULY 14, 2021 AT 7:30 A.M.
 - NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THIS SUBDIVISION.



- LEGEND**
- PLAT BOUNDARY
 - STREET CENTERLINE
 - INTERNAL LOT/R.O.W. LINE
 - EASEMENT LINE
 - FOUND ALLOY/ MONUMENT AS DESCRIBED
 - FOUND REBAR W/PLASTIC CAP PLS 23890
 - DIMENSION TO BUILDING SETBACK LINES



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Exhibit 24d.1 Erosion Control Map and Report

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September 15th, 2022

Fremont County Planning and Zoning Department
615 Macon Ave., Rm 210
Cañon City, CO 81212

RE: Erosion Control Report



Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requirements for

Project Name: Mistry Subdivision Filing No. 2

Project Address: 1245 3rd St, Penrose, CO 81240.

Legal Description- Subd: MISTRY SUB LOT 1 MISTRY SUB REF FROM 690-07-650

The location, topography and soil conditions of the proposed Mistry subdivision are well suited for the development of a subdivision that will create little impact upon the existing conditions that are now found. The proposed area is either open field or slightly wooded. The only removal required will be the trees at the location of the proposed Margarita Way. There are no known hazards such as a high-water table (no evidence of groundwater was seen in the OWTS test pit hole reaching 8' deep), floodplains (the area is outside a FEMA Special Flood Hazard Layer: see attached), or geological hazards either present or that would be created by the development of the land that would require isolation or removal. Through soil testing done previously for the OWTS Memorandum, the soils were found to be a Clay Loam- Loam, this type of soil is not highly erosive.

Conservation Plan

The topography of the land is favorable for the construction of Margarita Way, interior access driveways and building sites that will require minor disturbances to the existing conditions. Provisions will be made to contain any wind and water erosion during construction through straw wattles placed at the intersection of 3rd and Margarita Way. Then running along both sides of Margarita Way. A vehicle tracking pad will be built at the intersection of 3rd and Margarita Way to prevent mud from being tracked onto 3rd. Any trees outside of Margarita Way will be left and will provide wind protection to aid in any wind erosion of the disturbed soil during construction.

Thank you,

Alex Ewers, PE, CFM

Civil Engineer, Owner

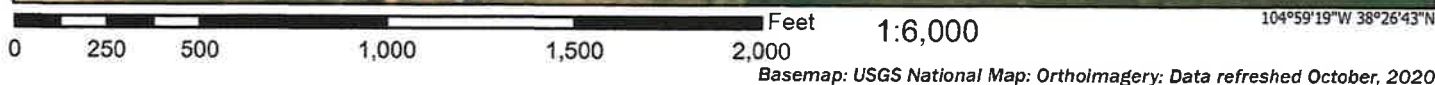
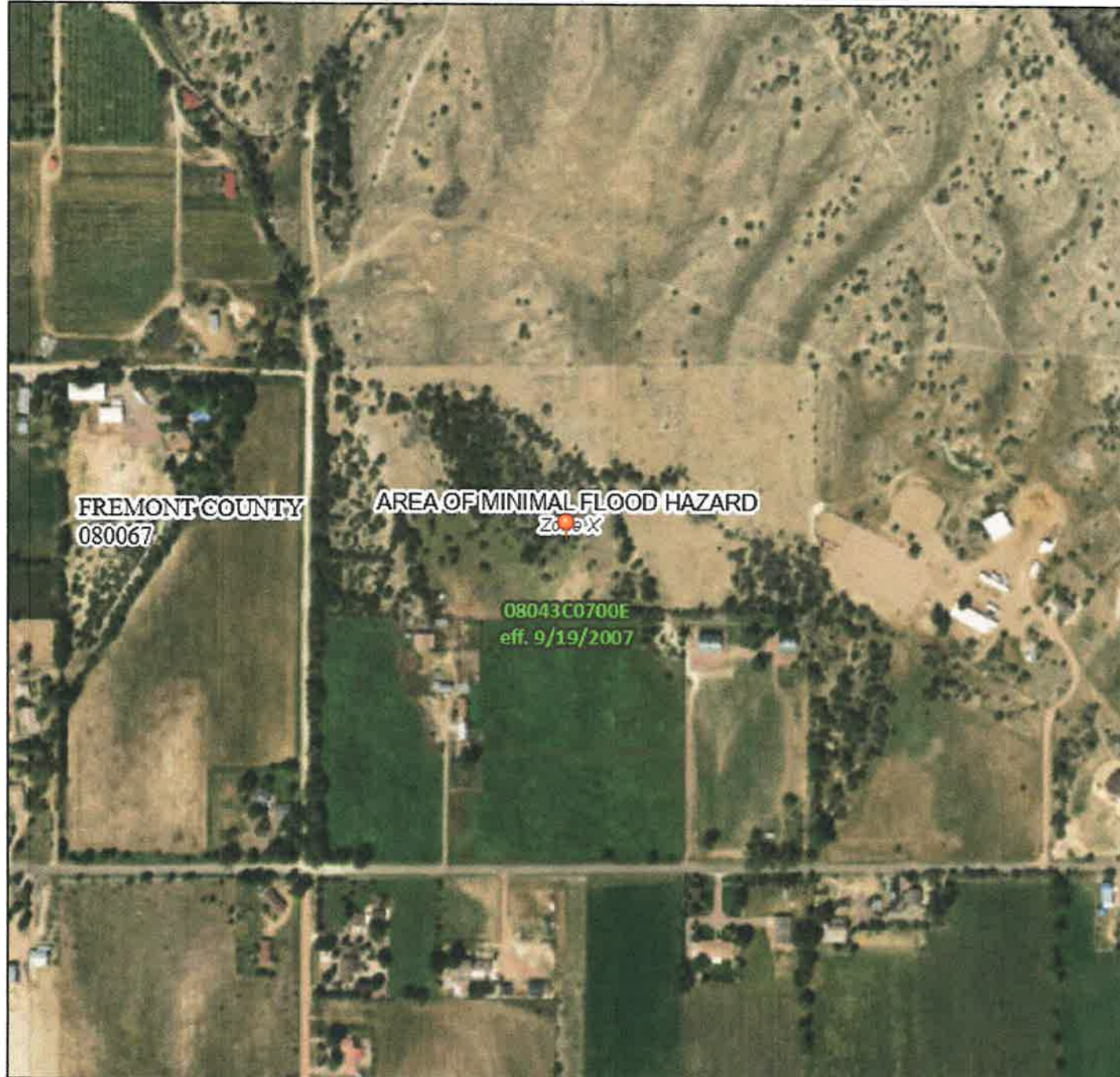
alexe@3rockengineering.com

719.430.5333

National Flood Hazard Layer FIRMette



104°59'57"W 38°27'12"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|----------------------|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes, Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| | | Area of Undetermined Flood Hazard Zone D |
| GENERAL STRUCTURES | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | Hydrographic Feature | |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/1/23/2021 at 11:23 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Home



January 10, 2023

Dan Victoria, Interim Director
Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing #2
Response to 3rd D&C Letter

Dear Director Victoria

Please accept the enclosed revised exhibits and clarifications in response to the McCool review dated Nov 8, 2022.

Preliminary Plan Revisions

1. Margarita Way is 688 linear feet and 0.90 acres.
2. Districts are noted as Notation #3.
3. The zoning of the subject parcel is Agricultural Rural. The density of the proposed subdivision is 0.21 DU/acre.
4. All structures to remain on the property after re-subdivision are identified with labels, size and dimensions.
5. The land use table is provided on Sheet 2. Lot 2 contains one single family residence with a North Wing and a South Wing.
6. Irrigation lines and leach fields are noted and will be maintained.
7. This item is redundant to Item 1.
8. All easements are appropriately depicted.
9. The irrigation pipe easement for 1287 3rd Street has been added.
10. This item is redundant to Item 9.
11. To the best of our ability, all figures reflect the current and most recent preliminary plan. Should a previous configuration still remain in the submission, please specifically identify the exhibit in question.

Design Standards

1. The standard was addressed via response to the Planning Technician's redline of the preliminary plan.
2. The proposed lots will all have access to 3rd Street, a public right-of-way. Lot 3 will access 3rd Street directly. Lot 1 may access 3rd Street directly. Lots 4 thru 7 and possibly Lot 1 will access 3rd Street from the gated and private roadway Margarita Way.
3. Pursuant to Design Standard Appendix 1(B) 9, "Side lines of lots shall be approximately radial to the center of the curvature of the cul-de-sac on which the lot faces." Lots 4 thru 7 are designed in accordance with this design standard.
4. This design standard commences with the phrase "wherever possible". In the case of wedge shaped lots, the width can be established at any point along the angular sides such that this standard is met.
5. As stated in Item 3, all lots will access either onto 3rd Street or Margarita Way. No lots will access onto L Street. This is Notation 8 and will be a deed restriction for Lot 3.
6. As recommended by Ms. McCool at the pre-application meeting in September 2021, the applicant maintains the request to vacate the 25' easement along the north boundary. 2nd Street is not only undeveloped and unmaintained; lengths of the easement have been vacated by the county in recent years. In addition, lengths of the alleged easement are incorporated into parcels without any reference to an easement.
7. The required minimum public utility easement is depicted on the preliminary plat.

FCDOT Comments

Margarita Way will be constructed to the standard of a county gravel road. Margarita Way will be a private and gated road with maintenance and access in accordance with Mistry Subdivision Filing No. 2 Access Easement and Servitudes provided herein.

As stated above in Items 3 and 5 of the Design Standard comments, all lots will access onto 3rd Street. The applicant will not improve L Street.

As stated above in Item 6, the applicant will request vacation of the 25' easement for 2nd Street.

Penrose Water District Comments

With the guidance of the District, a Penrose Water District Easement was drafted and was presented to the District on January 9, 2023 by Mr. Alex Ewers, engineer, and Ms. Jody Alderman, esquire. The concept of the easement was acceptable but the restoration language is being modified by the District. The draft easement is provided herein as Easement.

Beaver Park Water District Comments

The applicant concurs with the Districts concerns and will preserve and protect the irrigation lines.

FC Engineer Comments

The requested drainage figure is provided herein as a new Exhibit 24c.1.

Florence Fire Protection District Comments

As noted on the Preliminary Plan, Margarita Way will serve as an emergency access easement. Chief Ritter confirmed the Emergency Access Easement statement on the plat is sufficient for his department.

Exhibit Updates due to Preliminary Plan Revisions

The following exhibits are enclosed herein with updated Preliminary Plan and/or figure

Exhibit 22.1 Preliminary Plan

Exhibit 23.1 Preliminary Site Development Plan

Exhibit 24b.1 DWR Notification

Exhibit 24c.1 Drainage Plan

Feel free to reach out to me directly with any questions.

Respectfully submitted



Angela M. Bellantoni Ph.D.

Cc: Hoshi Mistry, A. Ewers and J.Kratz

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

This Access Easement and Servitudes is made and entered into this ___ day of _____ 2022, by Hoshedar H. Mistry (“Mistry”).

WHEREAS, Mistry owns that certain parcel of real property located in Fremont County, Colorado, more particularly described as LOT 1, MISTRY SUBDIVISION, A PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF FREMONT, STATE OF COLORADO (the “Development Parcel”); and

WHEREAS, Mistry has applied for a vacation and replat of the Development Parcel as 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 set forth herein, of Mistry Subdivision Filing No. 2 (“Benefited Lots”) will have access to 3rd Street via a private access easement granted herein on, over and across Lots 1 and 2 of Mistry Subdivision Filing No. 2 (“Burdened Lots”) and reciprocal private access easements on, over and across Lots 4, 5, 6 and 7; and

WHEREAS, Mistry desires to construct a private road, approximately fifty feet (50’) in width with a cul de sac to Fremont County standards for a gravel road, which will be called Margarita Way (the “Private Road” or “Margarita Way”), and to grant the private access easement herein to ensure that the Benefited Lots have access and the obligation to share equally in the costs and expenses of repair and maintenance related thereto.

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 each 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 pay one-third of the Shared Expenses.

6. Reimbursement. The Benefited Parties shall cooperate and coordinate to perform or direct the normal maintenance and repair of Margarita Way, including snow removal. The Benefited Parties agree to reimburse each other for all Shared Expenses within thirty (30) days after delivery to them of invoice for same, which invoice will describe with reasonable specificity the repairs and maintenance performed and covered by such invoice. If a Benefited Party fails to fully reimburse the other Benefited Parties for such Benefited Party’s share of the Shared Expenses within the aforementioned thirty (30) day period, such Benefited Party shall pay a late charge equal to five percent (5%) of the un-reimbursed amount, plus interest on such un-reimbursed amount at the rate of twelve percent (12%) per annum, calculated from the date the reimbursement became due to and including the date such reimbursement is made. The Benefited Parties shall also be entitled to file a lien against the lot owned by the non-paying Benefited Party to secure the un-reimbursed amount (plus late charge and accrued interest), which lien may be foreclosed in the same manner as foreclosure of a mortgage against real property.

7. Improvements to Easement Property. Improvements to the Private Road beyond its condition existing as of the date construction of the Private Road is completed, other than maintenance and repair as provided above (“Roadway Betterments”) desired by any Benefited Party may only be made with the prior written consent of the other Benefited Parties; provided, however, that if Margarita Way is required to be improved in order to comply with updates of or

revisions to applicable Fremont County roadway standards, the cost of all such improvements shall be Shared Expenses subject to reimbursement pursuant to Sections 5 and 6.

8. Gate. A security gate for purposes of limiting access over and across Margarita Way to the Benefited Parties and their invitees will be installed before the first Benefited Lot is sold and shall be maintained, repaired and, if necessary, replaced by the Benefited Parties as a Shared Expense. If the Benefited Parties fail to maintain, repair and, if necessary, replace the security gate so that it is operational at all times, the owners of the Burdened Lots, or any of them, may, but shall not be obligated to, conduct necessary maintenance, repair or replacement of such security gate so that it is operational, at the cost and expense of the Benefited Parties in the same proportion as Shared Expenses. If such Benefited Parties fail to fully reimburse the Burdened Party(ies) who conducted such maintenance, repair or replacement of the security gate within thirty (30) days of receipt of an invoice for such work, such Benefited Parties shall pay a late charge equal to five percent (5%) of the un-reimbursed amount, plus interest on such un-reimbursed amount at the rate of twelve percent (12%) per annum, calculated from the date the reimbursement became due to and including the date such reimbursement is made. The Burdened Party(ies) who conducted such maintenance, repair or replacement shall also be entitled to file a lien against the lot owned by such defaulting Benefited Party to secure the un-reimbursed amount (plus late charge and accrued interest), which lien may be foreclosed in the same manner as foreclosure of a mortgage against real property. Nothing in this Section 8 prevents the owners of the Burdened Lots from permitting others to have access to the portion of the Easement Property each of them owns through the security gate for purposes other than primary access. All owners of the Burdened Lots, shall be provided keys, the access code, or other means of entry through the security gate. If any party changes the lock, access code or other means of entry through the security gate, such party shall immediately notify all other parties to this Access Easement and Servitudes and provide new keys, access code or other information necessary for access through the security gate.

9. Indemnification. Except as otherwise specifically set forth herein, each Benefited Party will indemnify, defend and hold the other Benefited Parties and the owners of the Burdened Lots harmless from and against any and all claims, liability, damages and costs, including court costs and reasonable attorney fees, caused by, resulting from, or in any way arising out of the use of the Access Easements and Cross-Access Easements by such Benefited Party or any of such Benefited Party's invitees.

10. Binding Nature. The restrictions, benefits and obligations set forth in this Access Easement and Servitudes shall create restrictions, benefits and servitudes upon the Benefited Lots and Burdened Lots that run with the land perpetually.

11. Prevailing Party. If legal action is instituted to enforce any of the provisions of this Access Easement and Servitudes, the prevailing party(ies) shall be entitled to recover from the non-prevailing party(ies) their reasonable attorney fees and court costs.

12. Notices. All notices and invoices furnished hereunder shall be deemed delivered and received when (a) personally delivered, or (b) the next business day after deposited with a reputable overnight carrier, or (c) five (5) days after the same is deposited in the United States

mail, postage prepaid, certified mail, return receipt requested, addressed to the applicable party at the address indicated below for such party:

Hoshedar Mistry
P.O. Box 7
Penrose, CO 81240

or at such other address as each party from time to time may designate by written notice to the other parties, delivered in accordance herewith. At the time any of Lots 1, 2, 4, 5, 6 or 7 are sold or conveyed by Mistry, a notice shall be recorded identifying the owner of the purchased lot and the owner's contact information for notices hereunder. The failure to record such notice, however, does not affect the validity of this Access Easement and Servitudes.

13. Severability. If any clause, provision, section, or subsection set forth in this Access Easement and Servitudes is illegal, invalid or unenforceable under present or future applicable laws, it is the intention of the parties hereto that the remainder of this Access Easement and Servitudes shall not be affected thereby.

14. Governing Law and Venue. The terms and provisions contained in this Access Easement and Servitudes shall be governed and construed in accordance with the laws of the State of Colorado. The proper venue for any court action brought pursuant to this Access Easement and Servitudes shall be the Fremont County District Court.

15. Enforcement. In addition to other rights and remedies afforded the parties herein, violation or breach of any covenant or agreement herein contained by any party shall give to the other parties the right to seek injunctive relief from any court of competent jurisdiction to enjoin or compel the cessation of such violation or breach, and to seek damages therefor. All remedies provided herein at law and in equity shall be cumulative and nonexclusive.

16. Modifications. Except as otherwise provided herein, this Access Easement and Servitudes may be modified, altered, amended or terminated only by unanimous written agreement of all of the owners of Lots 1, 2, 4, 5, 6 and 7.

IN WITNESS WHEREOF, Mistry has executed this Access Easement and Servitudes as of the date first written above.

Hoshedar H. Mistry

STATE OF COLORADO)
) ss.
COUNTY OF FREMONT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Hoshedar H. Mistry.

Witness my hand and official seal.
My commission expires: _____

Notary Public

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS, that Hoshedar 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 ~~heirs, personal representatives, successors~~ and assigns, ana non-exclusive 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.

("Easement Area").

*A tract of land fifty feet (50') in width (or 2 tracts 25' in width?), along the _____ side of Lot, or Lots? Or Tract?, parallel to? (define); within Section 27; Township 18 South; Range 68 West of the 6th Prime Meridian, commencing at _____, thence East? for _____ feet (____'), thence North? For _____ feet (____').
(Described and defined by surveyor or engineer.)*

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~~ or other obstructions upon the eEasement Area that would interfere with needed access, ingress, and egress for purposes ~~cited in the first paragraph above granted herein~~, 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~~

Fremont Re-2 School District
October 13, 2021

Mistry Subdivision Filing No. 2 Penrose CO
Beaver Creek Corners

Following October 11, 2021 Board of Education Work Session discussion with Mr. Mistry and in preparation for a November 8, 2021 Board of Action Item:

ACCEPTANCE OF MONEY IN LIEU OF LAND DEDICATION

The administration is recommending the acceptance of \$144.80 from Mistry Subdivision in Penrose in lieu of land dedication to the school district.

Notes: The cash amount in lieu of land dedication was calculated based on the following factors around school district planning standards:

1. Student yields (per dwelling unit), single family detached, elementary school - 0.26
2. School Facility enrollment capacity, elementary school in Penrose - 300 students
3. School site acreage requirements, elementary school - 10 acres / student
4. Average land value, undeveloped, Penrose CO - \$16,877 value per acre. This was based on current listings with high and low removed from average calculation.
5. Mistry subdivision 750 sq ft x 7 dwellings = 5,250 sq ft required set aside for school district. 5,250 sq ft / 43,560 sf/acre = 0.1204 acres

Formula: (10 acres / 300 students = 0.033 acres/student)

$0.26 \times 0.033 = 0.00858 \times \$16,877 = \$144.80$

Joanne Kohl

From: r.gasser@penrosewaterdistrict.com
Sent: Tuesday, March 28, 2023 3:32 PM
To: Joanne Kohl; Preliminary Plan
Cc: Dan Victoria; 'Carrie McCool'
Subject: RE: Revised PP 22-001 Mistry Subdivision

Expires: Sunday, September 24, 2023 12:00 AM

CAUTION: This sender is located outside of your organization.

Hi Joanne,
Penrose Water District has a concern that relates to the vacation of 2nd Street on the north side of the property. In previous meetings with Mr. Mistry and his consultants, we were of the understanding that 2nd Street had already been vacated. If that is not true, Lots 5 and 6 would be smaller than 4.51-acres as required by policies. This would be materially different from the subdivision design that the Penrose Water District Board approved and as a result the Board's approval would be withdrawn.
Regards,
Ron

Ron Gasser - District Manager
Penrose Water District
210 Broadway
Penrose, CO 81240
p. 719-372-3289
f. 719-372-9347
r.gasser@penrosewaterdistrict.com

From: Joanne Kohl <joanne.kohl@fremontco.com>
Sent: Monday, March 20, 2023 2:27 PM
To: Preliminary Plan <PreliminaryPlan@fremontco.com>
Cc: Dan Victoria <dan.victoria@fremontco.com>; Carrie McCool <carrie@mccooldevelopment.com>
Subject: Revised PP 22-001 Mistry Subdivision

Good afternoon,
Attached is a revision for PP 22-001 Mistry Subdivision for your review. Please provide any comments by April 5, 2023. If you have any questions or if I may be of further assistance, please contact our office.

Thank You,
Joanne



Joanne Kohl
Planning and Zoning Department
615 Macon Avenue Room 210
Canon City, CO 81212
Telephone (719) 276-7360

Email joanne.kohl@fremontco.com



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

January 25, 2023

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

Subject: Mistry Subdivision File #3 PP 22-001 REVISED

I have reviewed the subject application and approve the drainage plan. 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

[Home](#)



FREMONT COUNTY FIRE PROTECTION PLAN AND DISTRICT COMMENT FORM

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 Mistry Subdivision Filing

2. Project Description _____

3. Type of application:

- | | |
|--|---|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | <input type="checkbox"/> Minor Subdivision |

3. The subject property is located at:

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? _____

5. The source of water for fire protection is:
- Water District – Name of District: _____
 - 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? _____

7. What public roadways provide access to the subject property? Third Street. L Street runs on the west side of the property to be developed.

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. The interior roadway will need to be up to Fremont County standards and maintained to withstand emergency vehicle traffic. These vehicles will weigh up to 37.5 tons.

10. What are the existing and or proposed interior roadway names? Margarita Way

11. Is the subject property located within a fire protection district? Yes --- No
If yes, please provide the district name: Florence 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: _____

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

Signature

Date

Owner Printed Name

Signature

Date

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: Florence Fire Protection District

2. Name of contact person: Bill Ritter
Title: Chief Telephone: 719-280-3811

3. The name and address of the responding fire station is: FFPD Station 2
207 Broadway Penrose, CO. 81240

4. The distance from the subject property, by public roadway, to the responding fire station is: 3.25 miles

5. The estimated response time to the subject property is: 6 minutes

6. The location of the closest fire hydrant to the subject property is: Third Street and K Street

7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? Yes --- No Please explain: The distance from the current fire hydrant to the property is too far away.

8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? Yes --- No Please explain: Third Street is an adequate roadway. L Street to Third Street is adequate, but L Street along the western border of the property is not up to standards. I have concerns about any access points from L Street onto the lots which border this street. How will this be regulated in the future? If the property owner decides to make this his access to their property we will not be able to protect the property.

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain: It was stated in other paperwork that Margarita Way will not be maintained by The county and no explanation of a maintenance plan was described. Roadways will need to be maintained as a gravel road will deteriorate over time. This will cause a delay in emergency vehicle response and may hamper emergency vehicle access.

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: I have attached a copy of the latest proposed water line and fire hydrant location drawing I had received. This will place hydrants at Third Street and L Street as well as the north end of Margarita Way. The water main size must be a minimum of six inches, but may be larger if the Penrose Water District requires.

11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? Contact the BLM Office in Canon City

Exhibit 24e.1 Geologic Hazard Map and Report

December 7th, 2021

Fremont County Planning and Zoning Department
615 Macon Ave., Rm 210
Cañon City, CO 81212

RE: Geological Hazard Report

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requirements for:

Project Name: Mistry Subdivision Filing No. 2

Project Address: Beaver Creek Corners Lot 1 Beaver Creek Corners Sub Ref Form 690-08-140.

No Geological Hazards were seen on the maps viewed. The Colorado Geological Survey map does not contain a geological hazard. The Colorado Geological Survey GIS Data: Web Maps showed the subdivision is not located within or effected by a geological hazard area. The proposed subdivision is not within a Colorado Geological Survey Earthquake and Fault Map area, Statewide Landslide Inventory Map area, nor a Collapsible Soils of Colorado area (coloradogeologicalsurvey.org/gis-data-map-portal/) (Hazards). The proposed subdivision is outside the SFHA (Special Flood Hazard Area) and higher than the elevation of the 0.2-percent annual chance flood. The area is labeled Zone X giving it a minimal flood hazard identification.

Thank you,

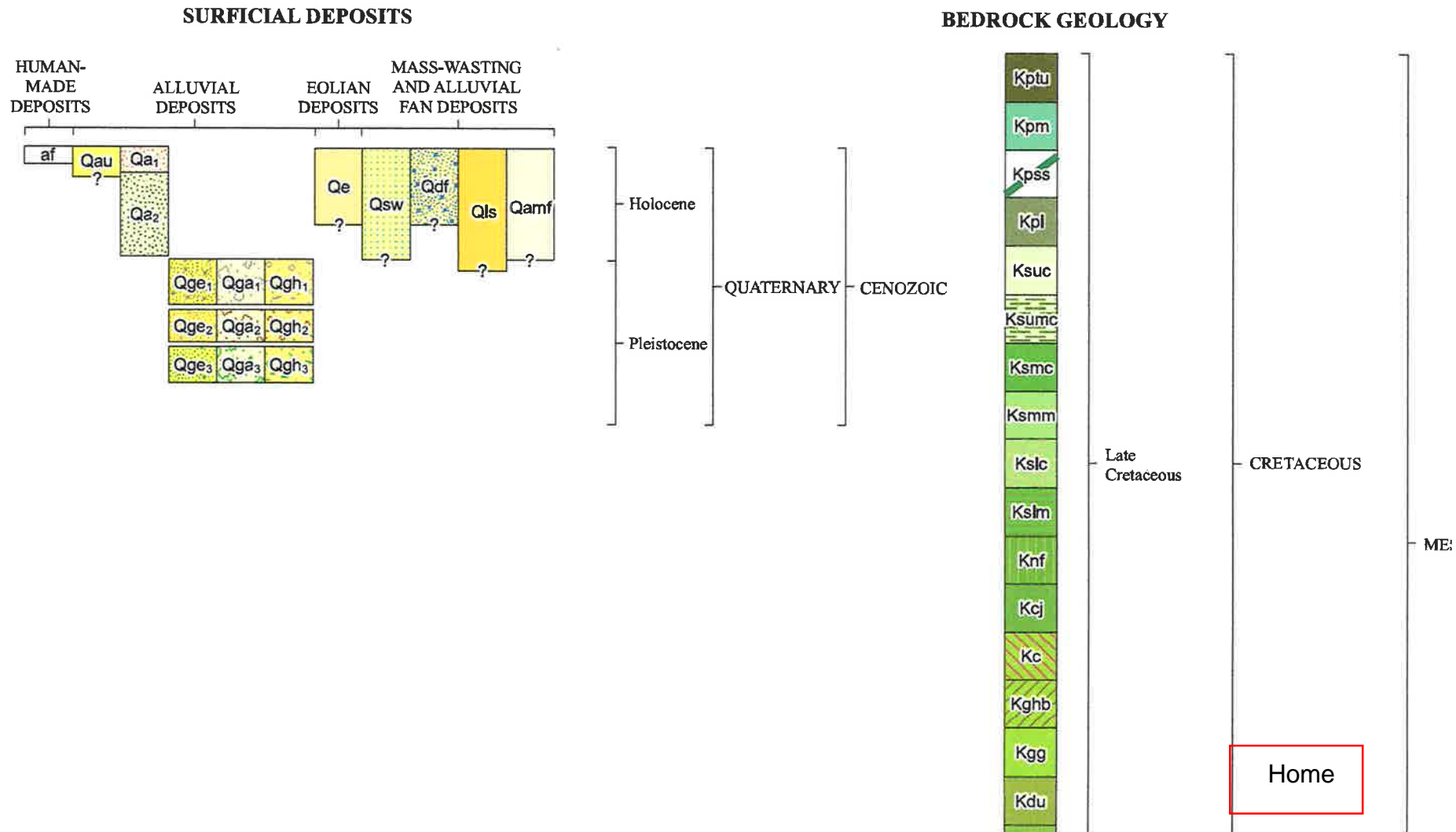
Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksendeering.com

719.430.5333

CORRELATION OF MAP UNITS

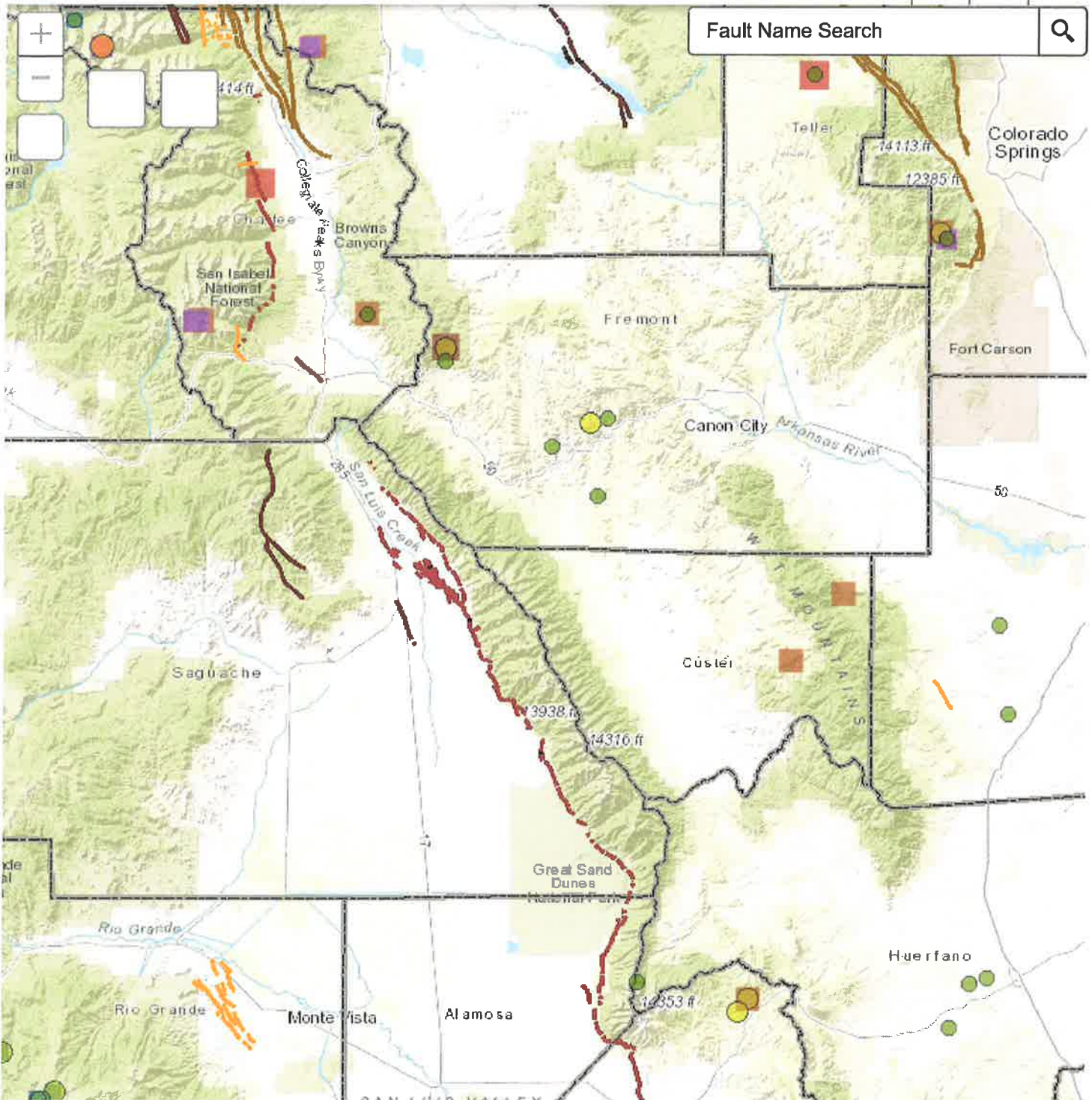


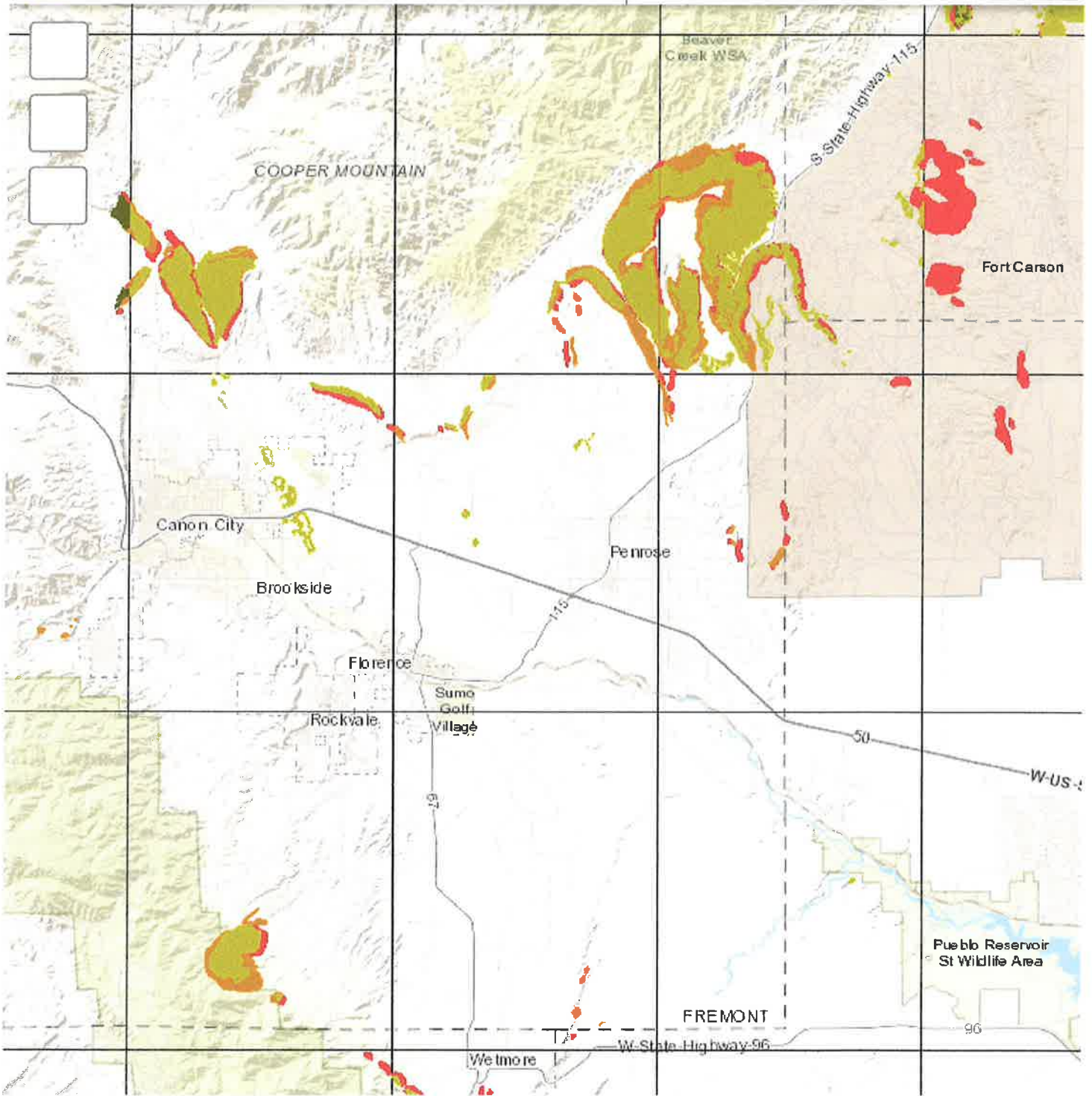


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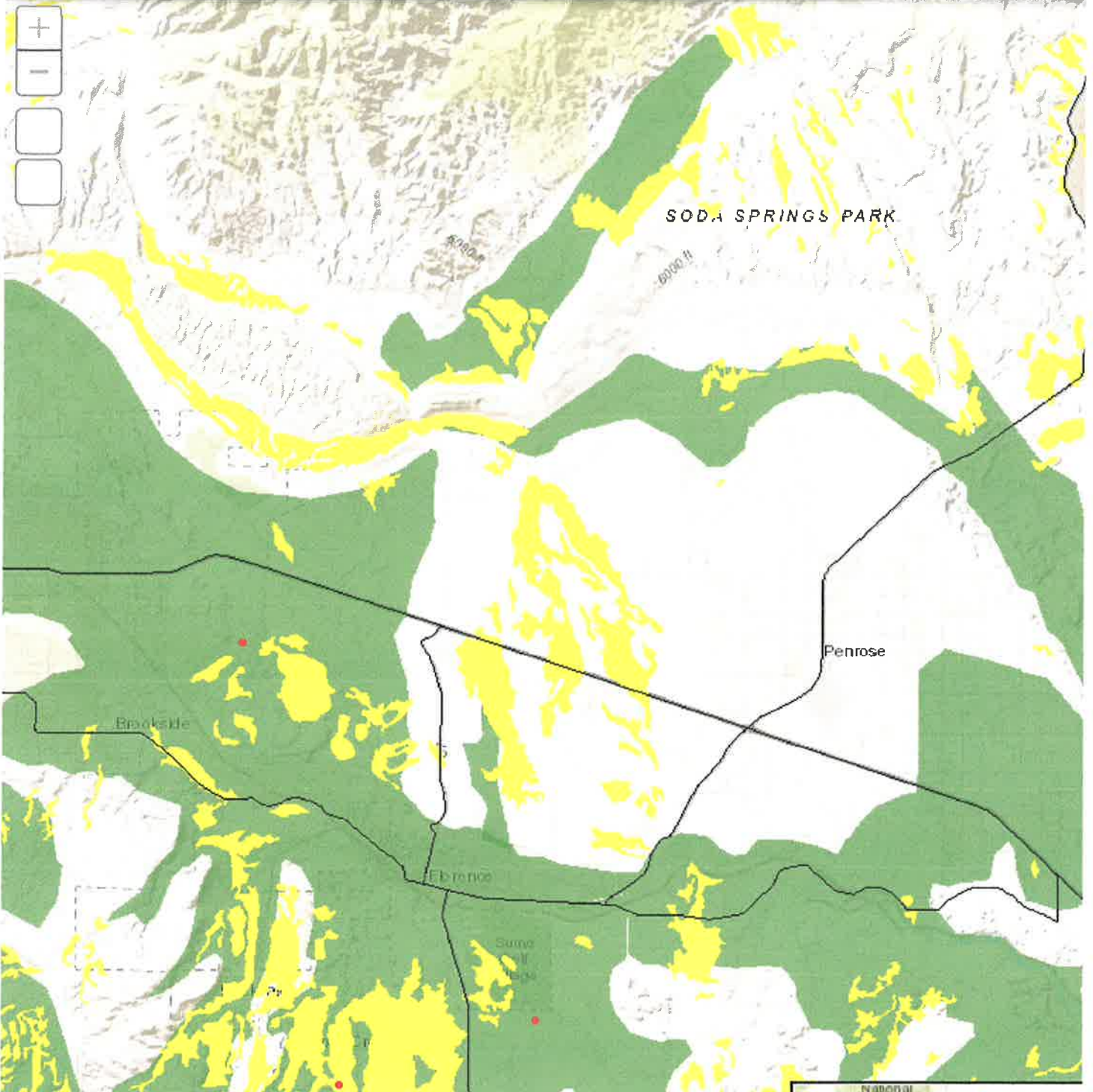
Fault Name Search





-104.923 38.460 Degrees

Home



-104.988 38.541 Degrees

[Home](#)

Exhibit 24f.1 and Exhibit 24j.1 Geologic Resource Report and Soils
Report



December 7th, 2021

Fremont County Planning and Zoning Department
615 Macon Ave., Rm 210
Cañon City, CO 81212

RE: Geology Resource Report

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requirements for:

Project Name: Mistry Subdivision Filing No. 2

Project Address: Beaver Creek Corners Lot 1 Beaver Creek Corners Sub Ref Form 690-08-140.

The Colorado Geological Survey *OF-00-05 Evaluation of Mineral and Mineral Fuel Potential of Fremont County State Mineral Lands Administered by the Colorado State Land Board* (Jan. 19, 2000) was viewed for the nearest geological mapping information regarding the Geology Resource Report. The area is underlain predominately by the Niobrara Formation of Cretaceous age. The bedrock geology of the property consists of:

*Kn-Niobrara Formation (Upper Cretaceous)-about 740ft. thick

*Kegg- Carlile Shale, Greenhorn Limestone, and Graneros Shale (upper Cretaceous).

*See also Index Map for State Land Board Mineral Tracts

See the included USDA Web Soil Survey report for the conditions of soil present

No geological characteristics of the area significantly affecting the proposed land use was seen.

Thank you,

Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksendeering.com

719.430.5333

Soil Map—Fremont County Area, Colorado







































Map Scale: 1:3,620 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 13N WGS84

MAP LEGEND

- | | | |
|-------------------------------|--|---|
| Area of Interest (AOI) |  Area of Interest (AOI) |  Spoil Area |
| Soils |  Soil Map Unit Polygons |  Stony Spot |
| |  Soil Map Unit Lines |  Very Stony Spot |
| |  Soil Map Unit Points |  Wet Spot |
| Special Point Features |  Blowout |  Other |
| |  Borrow Pit |  Special Line Features |
| |  Clay Spot | Water Features |
| |  Closed Depression |  Streams and Canals |
| |  Gravel Pit | Transportation |
| |  Gravelly Spot |  Rails |
| |  Landfill |  Interstate Highways |
| |  Lava Flow |  US Routes |
| |  Marsh or swamp |  Major Roads |
| |  Mine or Quarry |  Local Roads |
| |  Miscellaneous Water | Background |
| |  Perennial Water |  Aerial Photography |
| |  Rock Outcrop | |
| |  Saline Spot | |
| |  Sandy Spot | |
| |  Severely Eroded Spot | |
| |  Sinkhole | |
| |  Slide or Slip | |
| |  Sodic Spot | |

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Fremont County Area, Colorado
 Survey Area Data: Version 19, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 18, 2020—May 21, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Fremont County Area, Colorado

83—Penrose-Minnequa complex, 1 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2rgr8
Elevation: 4,500 to 6,500 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 48 to 54 degrees F
Frost-free period: 125 to 170 days
Farmland classification: Not prime farmland

Map Unit Composition

Penrose and similar soils: 50 percent
Minnequa and similar soils: 35 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Penrose

Setting

Landform: Scarps, hogbacks, hills
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Crest, side slope
Down-slope shape: Linear, convex
Across-slope shape: Linear, convex
Parent material: Slope alluvium over residuum weathered from limestone

Typical profile

A - 0 to 4 inches: channery loam
C - 4 to 15 inches: channery loam
R - 15 to 79 inches: bedrock

Properties and qualities

Slope: 1 to 15 percent
Depth to restrictive feature: 10 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 70 percent
Maximum salinity: Nonsaline (0.1 to 1.0 mmhos/cm)
Sodium adsorption ratio, maximum: 1.0
Available water supply, 0 to 60 inches: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): 6s

Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: D
Ecological site: R069XY058CO - Limestone Breaks LRU's A and B
Other vegetative classification: Limestone Breaks #58
(069XY058CO_2)
Hydric soil rating: No

Description of Minnequa

Setting

Landform: Ridges, interfluves
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Convex, linear
Parent material: Slope alluvium over residuum weathered from limestone and shale

Typical profile

A - 0 to 6 inches: silt loam
Bw - 6 to 18 inches: silt loam
Bky - 18 to 32 inches: loam
Cr - 32 to 79 inches: bedrock

Properties and qualities

Slope: 1 to 9 percent
Depth to restrictive feature: 20 to 39 inches to paralithic bedrock
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 45 percent
Gypsum, maximum content: 5 percent
Maximum salinity: Nonsaline to slightly saline (0.1 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 8.0
Available water supply, 0 to 60 inches: Low (about 4.8 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: C
Ecological site: R069XY006CO - Loamy Plains, LRU's A and B
10-14 Inches, P.Z.
Forage suitability group: Loamy (G069XW017CO)
Other vegetative classification: Loamy (G069XW017CO)
Hydric soil rating: No

Minor Components

Wilid

Percent of map unit: 5 percent
Landform: Interfluves
Landform position (two-dimensional): Footslope, toeslope
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R069XY006CO - Loamy Plains, LRU's A and B
10-14 Inches, P.Z.
Other vegetative classification: Loamy Plains #6 (069XY006CO_2),
Loamy (G069XW017CO)
Hydric soil rating: No

Rock outcrop

Percent of map unit: 5 percent
Hydric soil rating: No

Shingle

Percent of map unit: 5 percent
Landform: Hills, scree slopes
Landform position (two-dimensional): Shoulder, backslope
Landform position (three-dimensional): Head slope, side slope
Down-slope shape: Convex
Across-slope shape: Linear, convex
Ecological site: R069XY046CO - Shaly Plains LRU's A and B
Other vegetative classification: Shaly Plains #46 (069XY046CO_2),
Needs Field Review (G069XW050CO)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Fremont County Area, Colorado
Survey Area Data: Version 19, Aug 31, 2021

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
65	Marvel silt loam, 0 to 2 percent slopes	8.3	21.9%
83	Penrose-Minnequa complex, 1 to 15 percent slopes	29.6	78.1%
Totals for Area of Interest		38.0	100.0%

Fremont County Area, Colorado

65—Manvel silt loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2rgql
Elevation: 3,600 to 6,500 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 48 to 54 degrees F
Frost-free period: 130 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Manvel and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Manvel

Setting

Landform: Fans, terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear, convex
Parent material: Loess

Typical profile

A - 0 to 5 inches: silt loam
Bk1 - 5 to 32 inches: silt loam
Bk2 - 32 to 48 inches: silt loam
Bky - 48 to 79 inches: silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 45 percent
Gypsum, maximum content: 5 percent
Maximum salinity: Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Very high (about 12.6 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: B
Ecological site: R069XY006CO - Loamy Plains, LRU's A and B
10-14 Inches, P.Z.
Forage suitability group: Loamy, Limy (G069XW022CO)
Other vegetative classification: Loamy Plains #6
(069XY006CO_2), Loamy, Limy (G069XW022CO)
Hydric soil rating: No

Minor Components

Minnequa

Percent of map unit: 10 percent
Landform: Pediments, ridges
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Crest
Down-slope shape: Linear
Across-slope shape: Linear, convex
Ecological site: R069XY006CO - Loamy Plains, LRU's A and B
10-14 Inches, P.Z.
Other vegetative classification: Loamy (G069XW017CO)
Hydric soil rating: No

Manzanola

Percent of map unit: 5 percent
Landform: Fans, drainageways
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R069XY006CO - Loamy Plains, LRU's A and B
10-14 Inches, P.Z.
Other vegetative classification: Saline Overflow #37
(069XY037CO_2), Clayey (G069XW001CO)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Fremont County Area, Colorado
Survey Area Data: Version 19, Aug 31, 2021

Exhibit 24g.1 Potential Mineral Resource Areas Map and Report

December 7th, 2021

Fremont County Planning and Zoning Department
615 Macon Ave., Rm 210
Cañon City, CO 81212

RE: Potential Mineral Resource Report

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requirements for:

Project Name: Mistry Subdivision Filing No. 2

Project Address: Beaver Creek Corners Lot 1 Beaver Creek Corners Sub Ref Form 690-08-140.

According to the Subdivision Regulations of Fremont County, Colorado Adopted March 14, 2000 a copy of the Mineral Resource Area Maps of the County is available for review in the Department. Upon investigation, no Mineral Resource Area Map was found to be consulted. Colorado Geological Survey *OF-00-05 Evaluation of Mineral and Mineral Fuel Potential of Fremont County State Mineral Lands Administered by the Colorado State Land Board* was reviewed to determine the presence of a mineral resource. The nearest data from this report was in Tract Identifier 43-49 with the Quadrangle name *Pierce Gulch, Florence* which lay in the property just North and East of the subject property.

As the Mistry Subdivision lays in such proximity to Tract Identifier 43-49, it is unlikely that any mineral resources would be found excepting Limestone resources, although they are not quantifiable at this time. On track 43-49 the potential of Oil and Gas is a rating of 1, giving it a poor designation of the potential resource being found. Industrial Minerals-Construction Materials is a rating of 2, giving it a fair designation of the potential resources being found (limestone). Ratings range from 0-5, with 5 being the most likely for mineral resources to be found. *See included in Index Map for State Land Board Mineral Tracts and Colorado Geological Survey Open File Report OF-00-05*

Thank you,

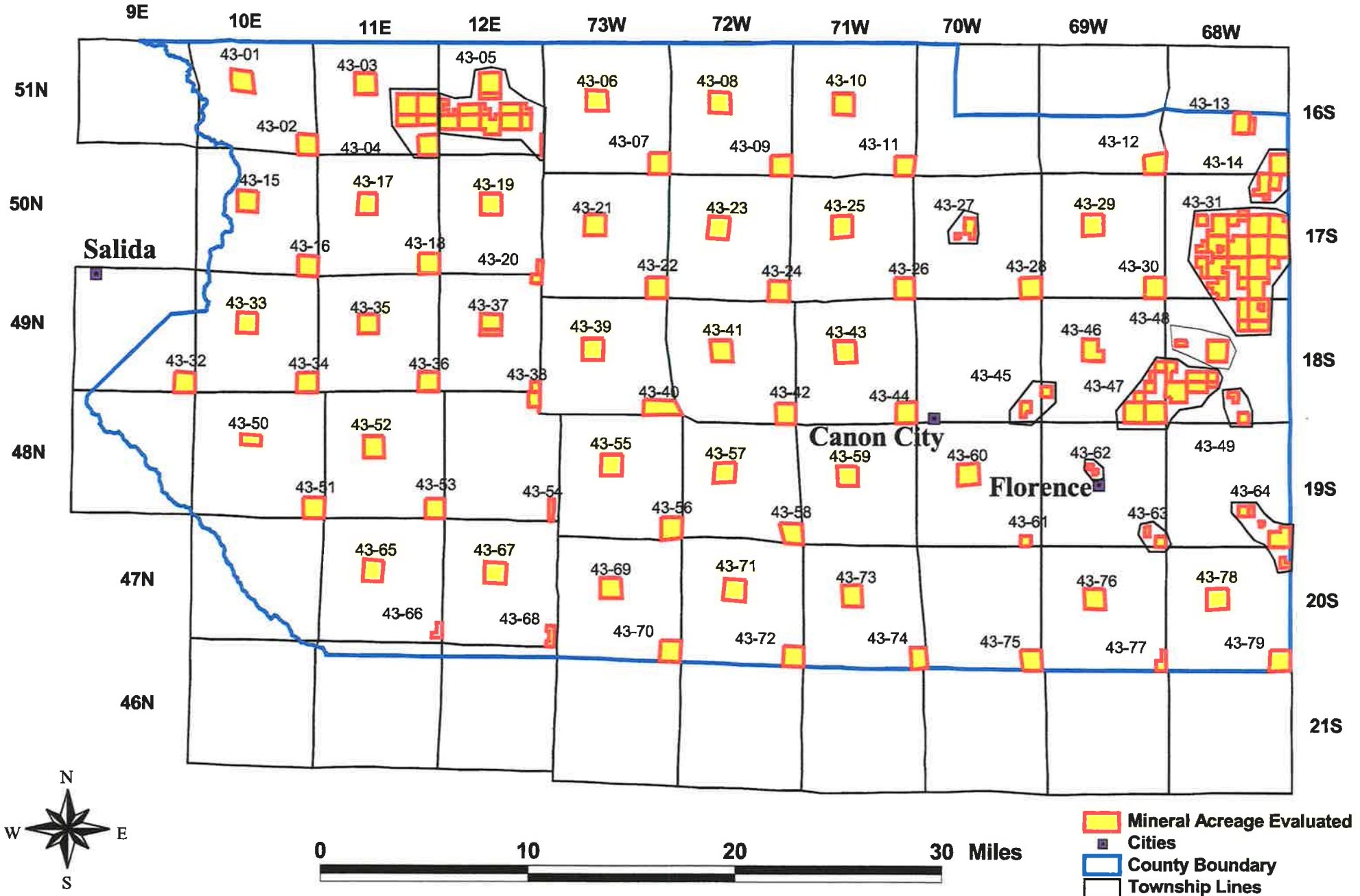
Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksengineering.com

719.430.5333

Index Map for State Land Board Mineral Tracts Fremont County, Colorado



-  Mineral Acreage Evaluated
-  Cities
-  County Boundary
-  Township Lines

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FREMONT COUNTY STATE LAND BOARD PROJECT - LAND TRACT INFORMATION

Tract	Quadrangle names	Legal description	Acres (approx)	Commodity Ratings			
				Oil and Gas	Coal	Metals	Industrial Minerals
43-01	Gribbles Park, Cameron Mountain	T51N, R10E, Sec 16	697	0	0	3	2
43-02	Gribbles Park, Jack Hall Mountain	T51N, R10E, SEC. 36	598	0	0	3	2
43-03	Gribbles Park	T51N, R11E, SEC 16	640	0	0	0	2
43-04	Black Mountain, Waugh Mountain	T51N, R11E, SECS 23,24,36 (ALL), N 1/2 SECS 25, 26	2560	0	0	1	4
43-05	Black Mountain, Thirty One Mile Mountain, Hall Gulch	T51N, R12E, secs 16 (all); 19 (s1/2 ne1/4, w1/2 sw1/4, se1/4 sw1/4, se1/4 se1/4); 20 (s1/2); 21 (n1/2 n1/2, sw1/4 sw1/4, nw1/4 sw1/4, se1/4 sw1/4); 22 (s1/2); 23 (sw1/4 sw1/4, se1/4 sw1/4, nw1/4 sw1/4); 26 (nw1/4, n1/2 sw1/4); 27 (n1/2, n1/2 s1/2); 28 (nw1/4, se1/4, nw1/4 sw1/4, ne1/4sw1/4, se1/4sw1/4, ne1/4ne1/4, se1/4ne1/4, sw1/4ne1/4); 29 (all); 30	4245	0	0	1	4
43-06	Thirty One Mile Mountain	T16S, R73W, Sec. 16	640	0	0	2	2
43-07	Gribble Mountain, Hall Gulch	T16S, R73W, Sec. 36	640	0	0	3	4
43-08	Cover Mountain	T16S, R72W, Sec. 16	640	0	0	1	2
43-09	Gribble Mountain	T16S, R72W, Sec. 36	640	0	0	0	2
43-10	High Park	T16S, R71W, Sec. 16	640	0	0	3	2
43-11	Rice Mountain	T16S, R71W, Sec. 36	621	0	0	0	2
43-12	Phantom Canyon	T16S, R69W, Sec. 36	640	0	0	0	2
43-13	Mt. Big Chief	T16S, R68W, Secs. 23 (sw1/4 nw1/4, w1/2 sw1/4); 22 (e1/2, e1/2 w1/2)	600	0	0	0	2
43-14	Mt. Pittsburg	T16S, R68W, Sec. 36. And T17S, R68W, secs. 1(nw1/4, n1/2sw1/4 less 48.38 acres; 2 (ne1/4, se1/4sw1/4, se1/4), 11 (ne1/4ne1/4)	1207	0	0	0	4
43-15	Salida East, Jack Hall Mountain	T50N, R10E, Sec. 16	640	0	0	1	2
43-16	Waugh Mountain	T50N, R10E, Sec. 36	640	0	0	0	2
43-17	Jack Hall Mountain	T50N, R11E, Sec. 16	640	0	0	0	2
43-18	Waugh Mountain	T50N, R11E, Sec. 36	640	0	0	3	2
43-19	Waugh Mountain	T50N, R12E, Sec. 16	640	0	0	0	0
43-20	Hall Gulch	T50N, R12E, Sec. 35 (FRAC PT TRACT 139); and T49N, R12E, Sec. 2 (FRAC PT TRACT 139)	173	0	0	0	0
43-21	Hall Gulch	T17S, R73W, Sec. 16	640	0	0	0	0

Commodity Ratings

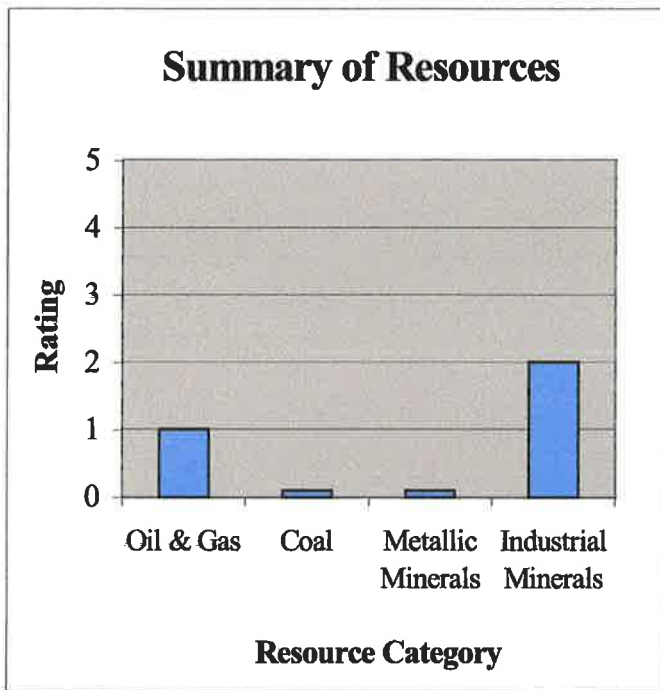
Tract	Quadrangle names	Legal description	Acres (approx)	Oil and Gas	Coal	Metals	Industrial Minerals
43-40	Echo, McIntyre Hills	T18S, R73W, SEC. 36	640	0	0	3	2
43-41	McIntyre Hills	T18S, R72W, SEC. 16	640	0	0	1	2
43-42	McIntyre Hills	T18S, R72W, SEC. 36	640	0	0	4	2
43-43	Royal Gorge	T18S, R71W, SEC. 16	640	0	0	3	4
43-44	Royal Gorge	T18S, R71W, SEC. 36	640	0	0	2	2
43-45	Canon City	T18S, R70W, SEC. 36 (FRAC PT NW1/4, FRAC PT NW1/4SW1/4), AND T18S, R69W, SEC. 30 (S1/2NW1/4, N1/2SW1/4)	162	5	0	0	2
43-46	Florence	T18S, R69W, SEC 16 (W1/2NE1/4, W1/2, SE1/4)	560	0	0	2	2
43-47	Florence	T18S, R69W, SECS. 24 (NE1/4, E1/2SW1/4); 25 (NW1/4); 26 (SE1/4); 35; 36; T18S, R68W, SECS. 19 (N W1/4, W1/2SW1/4); 20 (S1/2); 21 (SW1/4); 30 (N1/2, N1/2SW1/4, SE1/4SW1/4, SE1/4); 29 (N1/2); 28 (N1/2NW1/4);	3553	1	0	0	4
43-48	Pierce Gulch, Florence	T18S, R68W, SECS. 16; 18 (N1/2NE1/4);	720	1	0	0	2
43-49	Pierce Gulch	T18S, R68W, SECS. 27 (N1/2SW1/4, SE1/4SW1/4); 34 (SE1/4)	280	1	0	0	2
43-50	Howard	T48N, R10E, SEC. 16 (N1/2)	320	0	0	1	2
43-51	Coaldale, Howard	T48N, R10E, SEC. 36	640	0	0	1	0
43-52	Arkansas Mountain, Howard	T48N, R11E, SEC. 16	640	0	0	0	2
43-53	Arkansas Mountain, Cotopaxi	T48N, R11E, SEC. 36	640	0	0	3	2
43-54	Hillside, Echo	T48N, R12E, SEC. 36 (TRACT 59)	342.88	0	0	0	2
43-55	Echo	T19S, R73W, SEC. 16	640	0	0	2	2
43-56	Iron Mountain	T19S, R73W, SEC. 36	640	0	0	2	2
43-57	McIntyre Hills	T19S, R72W, SEC. 16	640	0	0	3	2
43-58	Iron Mountain, Curley Peak	T19S, R72W, SEC. 36	640	0	0	3	2
43-59	Royal Gorge	T19S, R71W, SEC. 16	640	0	0	4	2
43-60	Canon City	T19S, R70W, SEC. 16	640	3	4	0	4
43-61	Rockvale	T19S, R70W, SEC. 36 (SW1/4)	160	3	4	0	0
43-62	Florence	T19S, R69W, SEC. 16 (NE1/4NW1/4, FRAC PT SW1/4NE1/4)	49.28	4	0	0	2
43-63	Florence SE	T19S, R69W, SEC. 36 (W1/2NW1/4, SE1/4)	240	3	0	0	4
43-64	Hobson	T19S, R68W, SECS. 27 (NE1/4); 26 (W1/2NW1/4, SW1/4SE1/4); 36 (E1/2, S1/2NW1/4, SW1/4); and T20S, R68W, SEC. 1 (W1/2SE1/4, SE1/4SE1/4)	960	1	0	0	4

State Land Board Mineral Potential Rating System

RATING	Oil & Gas	Coal	Metallic Minerals	Industrial Minerals- Construction Materials
0 Little or no potential	Lacks all the essential elements of hydrocarbon accumulation*. Includes areas where intrusive rocks, metamorphic rocks, or a thin veneer of sedimentary rocks are exposed.	Lacks strata that may contain coal; not in a coal basin.	Lacks rock types or structures that may contain metallic minerals	Lacks rock types or structures that may contain industrial minerals or construction materials.
1 Poor	Sedimentary rocks in the tract lack one or more of the essential elements*.	Tract contains strata that may contain coal; in a coal basin. No coal occurrences within 5 miles	Tract contains permissive rock types and structures to host metallic mineral deposits. No mineral occurrences within 5 miles	
2 Fair	All essential elements* exist in tract; however, existing geological control is insufficient to determine presence of a local trap or reservoir. Some production nearby.	Tract contains strata that may contain coal; in a coal basin. No coal occurrences within 1 mile.	Tract contains permissive rock types and structures to host metallic mineral deposits. No mineral occurrences within 1 mile.	Tract contains permissive rock types and structures to host industrial minerals or construction material deposits.
3 Moderate	All essential elements* in immediate area. Production within 1-2 miles or tract is on trend with existing production. Geological control is insufficient to determine presence of a local trap or reservoir	Tract is in a known coal basin, contains known coal bearing strata. A <u>HYPOTHETICAL RESOURCE</u> can be estimated	Tract contains permissive rock types and structures to host metallic mineral deposits. May contain mineralization. <u>UNDISCOVERED RESOURCES</u> can be estimated	
4 Good	Geological control strongly suggest all essential elements* exist. Production or strong show within a mile or along a geological trend	Tract contains coal beds that can be classed as <u>IDENTIFIED RESOURCE</u>	Tract contains metallic minerals that can be classed as <u>IDENTIFIED RESOURCE</u>	Tract contains industrial minerals or construction materials that can be classed as <u>IDENTIFIED RESOURCE</u>
5 Proven	<u>PROVEN DEVELOPED</u> or <u>PROVEN UNDEVELOPED</u> Reserves	Tract contains <u>DEMONSTRATED RESERVES</u> and is producing coal	Tract contains <u>DEMONSTRATED RESERVES</u> and is producing metallic minerals.	Tract contains <u>DEMONSTRATED RESERVES</u> and is producing industrial minerals or construction materials.

* Essential elements of a hydrocarbon accumulation are: 1) Reservoir, 2) Trap, and 3) Source rock with appropriate timing of generation of migration.

STATE LAND BOARD MINERAL INVENTORY



TRACT IDENTIFIER:

43-49

COUNTY:

Fremont

LOCATION:

This two-parcel tract is located approximately 2.0 miles northeast of Penrose, Colorado, in eastern Fremont County.

Legal Description: T. 18 S., R. 68 W., 6th Meridian, SECS. 27 (N1/2SW1/4, SE1/4SW1/4); 34 (SE1/4)

Section: 27, 34

Approximate total acreage: 280 acres

QUADRANGLE NAME(S):

Pierce Gulch

OVERVIEW OF GEOLOGY:

This tract is underlain predominantly by the Niobrara Formation of Cretaceous age. Although no Quaternary surface deposits are mapped (Scott and others, 1978), thin and

narrow alluvial deposits are likely to be present along the numerous drainages on the property.

The bedrock geology of the property consists of the following units (Scott and others, 1978):

Kn – Niobrara Formation (Upper Cretaceous) - About 740 ft (220 m) thick

Kns – Smoky Hill Shale Member - Calcareous shale, ledge-forming limestone, and chalk.

Knf – Fort Hays Limestone Member - Thick-bedded limestone. Forms persistent ridges

Kcgg – Carlile Shale, Greenhorn Limestone, and Graneros Shale (upper Cretaceous)

Carlile Shale (Kc) - From top includes: Juana Lopez Member (calcareous), Codell Sandstone Member, Blue Hill Shale Member, and Fairport Chalky Shale Member. As much as 230 ft (70 m) thick

Greenhorn Limestone (Kgh) - From top includes: Bridge Creek Limestone Member, Hartland Shale Member, and Lincoln Limestone Member. About 150 ft (45 m) thick

Graneros Shale (Kg) - Hard, silty shale about 100 ft (30 m) thick

OIL AND GAS RESOURCES:

No oil or gas wells have been drilled on this tract. The probability of encountering hydrocarbons is low. The closest exploratory oil and gas well drilled is 2 miles to the east. The Rathke #1, located in the NESE quarter of section 25 of T18S, R68W, was drilled to a depth of 1,000 ft. This well, drilled by R.G. Harbottle in 1957, was spudded in Cretaceous Pierre sediments. The well tested all of the lower Cretaceous reservoirs and was plugged and abandoned in the Lyons Formation.

Four northwest trending faults, creating a graben structure, cross several sections in the eastern part of this tract. There is a possibility that these faults may have preserved reservoir rocks associated with the Codell or Dakota sandstones west of the Rathke #1 location. The Jurassic Ralston Creek formation is most likely non-prospective in this area due to the abundance of anhydrite.

The sedimentary rocks in this tract lack one or more of the essential elements needed for the accumulation of oil and gas. There is no source rock or any evidence of migration of oil in the area of this tract.

COAL RESOURCES

This tract contains no coal resources.

METALLIC MINERAL RESOURCES:

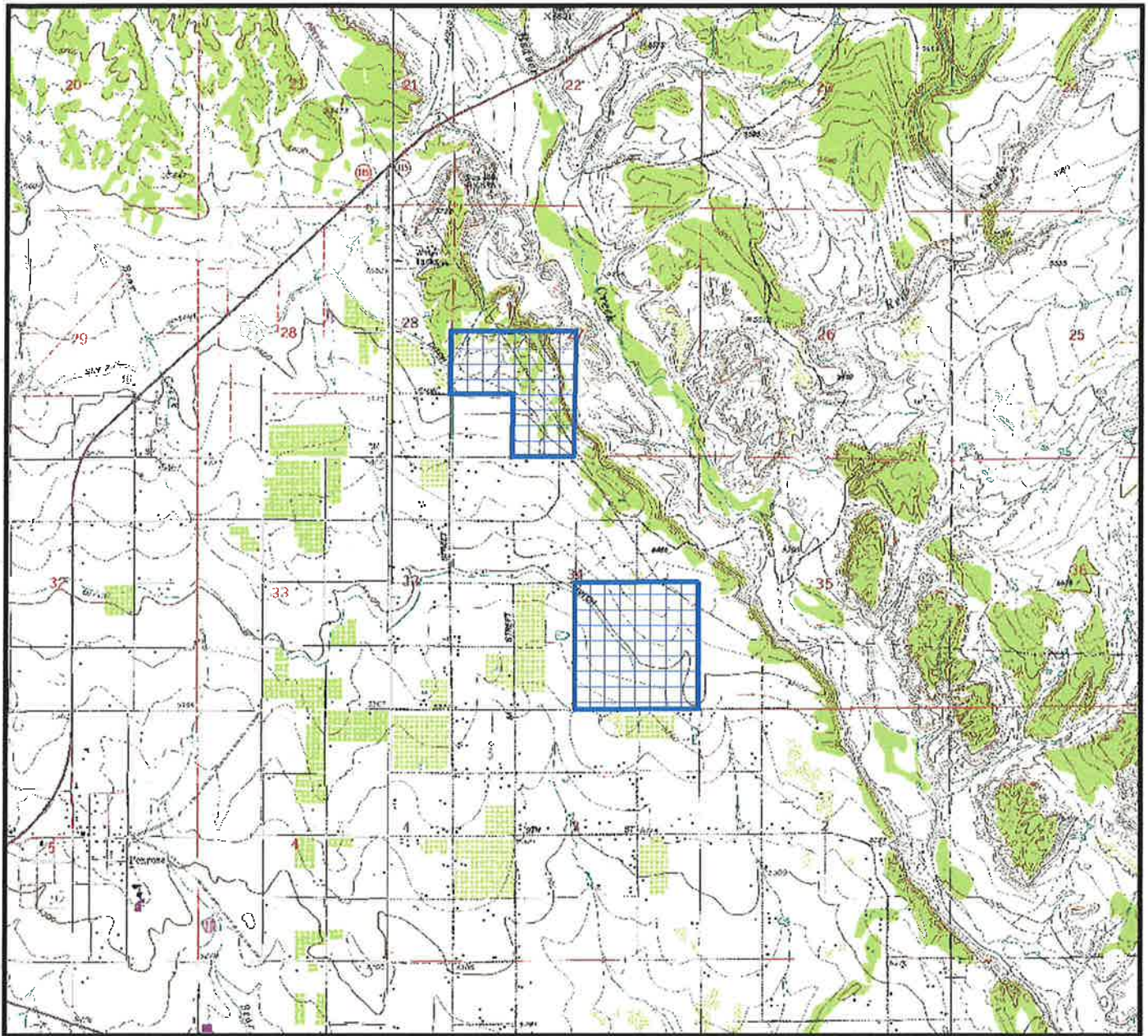
This tract is not prospective for economic deposits of metallic mineral resources.

INDUSTRIAL MINERALS AND CONSTRUCTION MATERIALS RESOURCES:

Limestone is actively being quarried for the production of cement from the Niobrara Formation. Holnam, Inc. operates a quarry near the town of Portland, three miles south of the tract. This quarry has the economic advantage of being very close to rail transportation. Tract # 43-49 is likely to contain limestone resources, although they are not quantifiable at this time.

REFERENCES:

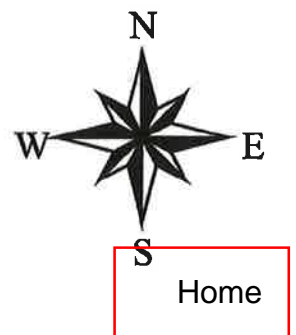
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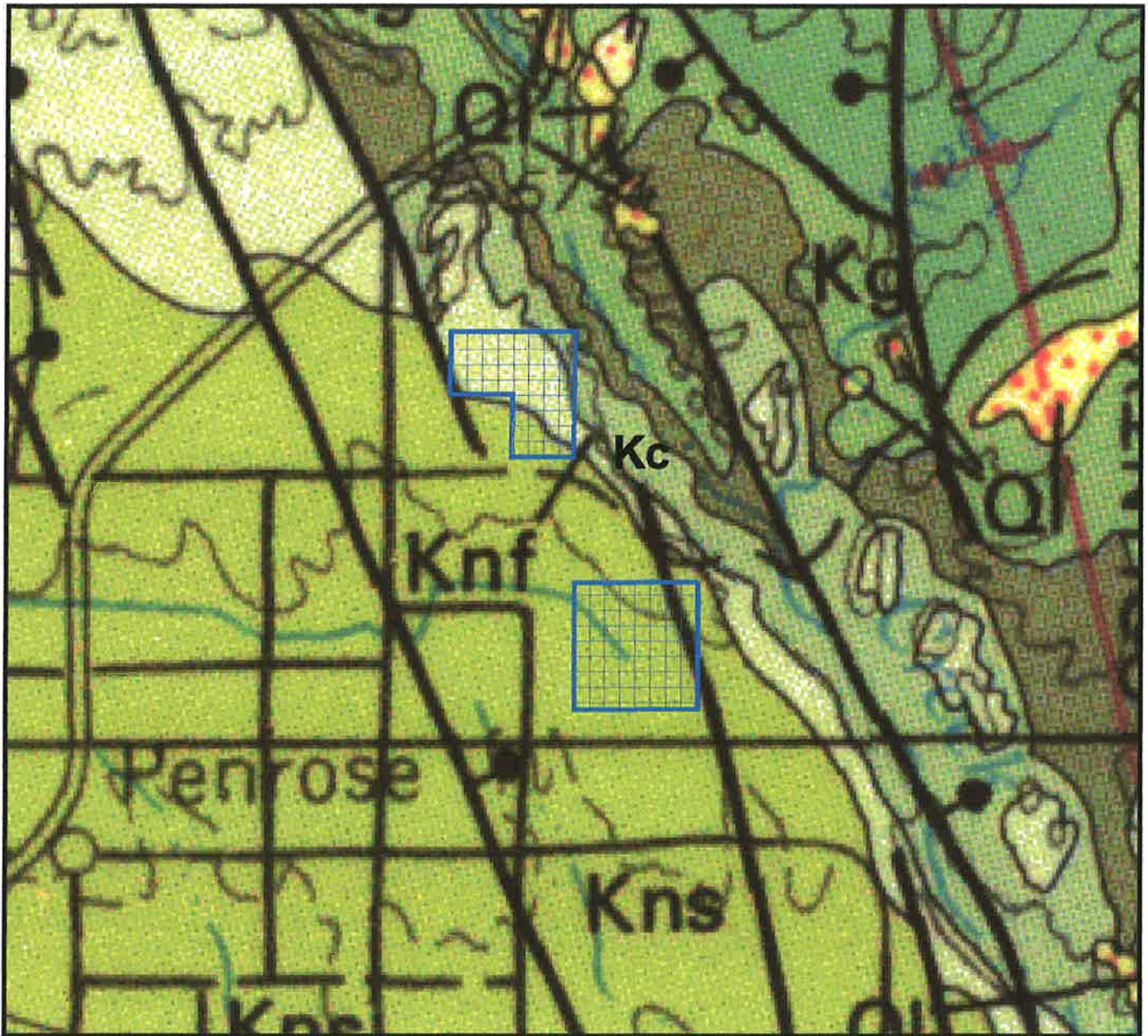


Topographic Map for Tract # 43-49

Location: T. 18 S., R. 68 W.
Sections: 27, 34
Approximate total acreage: 280

 *Mineral acreage evaluated*





Geologic Map for Tract # 43-49

Location: T. 18 S., R. 68 W.
Sections: 27, 34
Approximate Total Acreage: 280

See report text for description of geologic units

 *Mineral acreage evaluated*

0 1 2 Miles



[Home](#)

COLORADO GEOLOGICAL SURVEY

Open-file Report OF-00-05

Evaluation of Mineral and Mineral Fuel Potential of Fremont County State Mineral Lands Administered by the Colorado State Land Board

19 January 2000

The Colorado Geological Survey (CGS) is releasing an evaluation of the mineral and mineral fuel resource potential of the nearly 63,500 acres of state mineral lands located in Fremont County as part of its long-term evaluation of approximately 4,000,000 acres of state lands administered by the State Land Board. The CGS divided the lands, for evaluation purposes, into 79 individual tracts that range from approximately 160 acres to 8,895 acres. Mr. John Keller, minerals geologist and staff member of the Colorado Geological Survey (CGS), and Mr. Harry TerBest, a consulting petroleum geologist retained by the CGS, are the senior authors of this report. Mr. H. Thomas Hemborg, CGS staff petroleum geologist, edited much of the report and provided overall direction for the project. Melissa Crane, a graduate student and geology intern at the CGS provided much-needed assistance with the creation of the GIS maps.

This open file report includes an introduction to the geology and mineral resources of the county along with maps of metallic mineral prospects, industrial mineral prospects, oil and gas test wells and oil field locations, and coal resources. An index map, a tract summary, and a commodity ratings system are also included with the individual tract reports. The main body of the report is an evaluation of each individual tract, which includes text as well as a topographic map and a geologic map. When viewing any of these maps it should be remembered that the western one third of the county lies with the New Mexico Meridian land grid and that the eastern two thirds of the county lies within the Sixth Meridian land grid.

Four general categories of resources are included in this inventory:

- 1) oil and gas
- 2) coal
- 3) metallic minerals
- 4) industrial minerals and construction materials.

Each individual tract evaluation includes:

- A bar graph which ranks each tract's resource potential for each of the four mineral categories. An explanation of the categories may be found at the end of this introduction.
- Tract identifier number, county name, and county location map.
- Tract location on a 7-1/2-minute United States Geologic Survey topographic map.
- Tract location on a United States Geologic Survey surface outcrop map.
- Location as to section, township, and range and approximate acreage.
- Overview of tract geology.
- Specific assessment of the resource potential for the four resource categories.
- References used in assessing tract potential.

The maps were assembled by overlying the boundaries provided on a State Land Board computerized base map onto the United States Geologic Survey map bases in a Geographic Information System environment. Tract boundaries were not checked against the State Land Board's detailed land records because of time constraints.

Introduction

Fremont County is located in south central Colorado and has common borders with seven other counties; Park, Teller, El Paso, Pueblo, Custer, Saguache, and Chaffee. The county has a land area of 1,562 square miles. A total of 79 state land tracts have been evaluated for this report. Some of the tracts are composed of more than one individual land parcels. All have mineral rights owned by the State of Colorado. These land tracts have a combined acreage of approximately 63,000 acres, or 6.3 percent of the total county area. Canon City is the largest city within Fremont County with a 1998 population 15,239. Other Fremont County cities and towns include Florence, Penrose, Parkdale, Wellsville and Cotopaxi. The total population of the county was 43,904 in 1998.

Surface topography is extremely rugged throughout 80 percent of this county. Surface elevations range from the summit of Bushnell Peak at 13,105 ft, on the crest of the Sangre de Cristo Mountains on the western edge of the county (T. 47 N., R. 10 E.), to 4,950 ft where the Arkansas River crosses the Fremont County--Pueblo County line on the east. The gentle topography of Eastern Colorado's Great Plains comprise the eastern 20 percent of the county over an area known geologically as the Canon City Embayment.

The Arkansas River enters Fremont county three miles southeast of the town of Salida, Colorado. The Fremont County segment of this major river is approximately 50 miles in length. First cutting a topographically rugged west to east valley through the Precambrian terrain of the Wet Mountains before carving out a much gentler topographic land form when flowing east across the Paleozoic and Mesozoic sediments of the Canon City Embayment. The river has cut 1,200 ft into Precambrian rocks (one of the deepest canyons in Colorado) just west of Canyon City at the well-known Royal Gorge.

Geological Overview

The Central Rocky Mountains are divided into approximately twelve major tectonic provinces. Six of these major features, which include the southern end of the Front Range, the Thirty-nine Mile Volcanic field, the northern Sangre de Cristo range, the Wet Mountains, and the Canon City embayment, all meet in this county. Thus, the geology of the county is highly diverse.

This diversity of geological environments has resulted in a wide array of mineral deposits. The county currently produces oil and gas, coal, and a variety of industrial minerals and construction materials. In the past the county has also produced metals. Uranium, copper, lead, zinc, tungsten, beryllium, manganese, iron, titanium, rare earths, and the precious metals gold and silver have all been mined. Other than uranium, however, the county has not been a major metal producer.

Basement rocks composed of Proterozoic age igneous and metamorphic rocks present throughout the Front Range dominate the western, mountainous region of the county. Early metamorphosed sedimentary and volcanic rocks were intruded in the Proterozoic by large masses of intrusive rocks ranging in composition from granite through gabbro, with granodiorite being the dominant phase in the region. Most of the metallic mineral deposits, with the exception of uranium, were formed during this time. These basement rocks, now well exposed, were buried during Paleozoic time by marine sedimentary rocks. By the end of the Paleozoic era, the ancestral Rocky Mountains emerged from the sea along preexisting faults. The western one-fourth of the county, however, remained near or below sea level and represents a major bay in the prehistoric sea known as the Central Colorado Trough. Great thicknesses of Pennsylvanian and Permian age shallow marine and near-shore continental deposits were laid down in this trough, as the mountains of the Front Range Highlands rose rapidly (and eroded rapidly) to the east in

what is now central Fremont County. The Sangre de Cristo Formation and the Minturn Formation are the detrital sedimentary rocks which represent the Central Colorado Trough.

The Mesozoic era is represented in the eastern one-third of the county by shallow marine and terrestrial deposits of sandstone, shale, and limestone. Swamp conditions prevailed during much of the Cretaceous period as evidenced by the abundant coal and highly carbonaceous shales. These carbon-rich rocks also became source rocks for oil and gas reservoirs. The presence of late Mesozoic rocks in structural grabens, such as Webster Park, within the mountain area suggests that the majority of the ancestral Front Range Highlands were also below sea level and underwent deposition during this time.

The Laramide Orogeny occurred during late Cretaceous through early Tertiary time and is responsible for building most of the Rocky Mountains to their present height. Compressional tectonics and re-activation of preexisting faults uplifted once again the Front Range Highland, the Wet Mountains, and the Sangre de Cristo Range. The Whitehorn Granodiorite laccolith was emplaced in the northwestern corner of the county. This tectonic event folded and faulted older rocks such as the thick package of Pennsylvanian-Permian rocks deposited in the Central Colorado Trough. Most of the large metal deposits of the Colorado Mineral Belt were formed at this time, but Fremont County lies southeast of this belt, and is thus mostly barren of Laramide-age mineral deposits.

The middle and late Tertiary period saw a continuation of mountain building activity through a series of eruptive volcanic events. The Thirtynine Mile Volcanic field erupted rhyolitic to basaltic lava flows and pyroclastic ash flows, and is the second largest volcanic area in the state.

The uranium deposits of the Tallahassee Creek district began to form during this time. The Quaternary period saw repeated glacial cycles and deposition of alluvium in valleys along rivers and streams, and erosion of the mountain areas.

Oil and Gas Resources

There are three oil fields in this county. All are located in the west and central Canon City embayment and are in close proximity to each other. They have collectively produced over 15 million barrels of oil since their discovery in 1862, 1876, and 1995.

The local Indian tribes in the area along the mountain front first discovered the oil. The initial oil seeps were discovered along Fourmile Creek located six miles northeast of Canon City. The Indians used the tar substance to waterproof their baskets. Early settlers later discovered knowledge of this black tarry substance and used the tar oil to grease wagon wheels. In 1862, A.M. Cassidy became interested in the area after reading about the oil and tar occurrences in an Army journal. He drilled a series of six wells ranging in depth from 20 to 400 ft. Oil was produced from shallow strata, most likely the Jurassic Ralston Creek Formation. The oil was refined on location using Mr. Cassidy's own crude equipment. The oil was transported by wagon to Denver and later Pueblo and sold for \$1.25 to \$2.85 a gallon. This was the first commercial oil production in the state and second in the United States.

Florence oil field, located approximately 20 miles southeast of Canon City, was the second oil field discovered in 1876 in this county. Canon City field was discovered later in 1926. The Canon City field is the smaller of the two accumulations. Development of these two fields has brought them in close proximity to each other and is now referred to as the Florence-Canon City Field.

Structure in the Florence-Canon City area is dominated by two horst blocks separated by a graben

resulting from eastward thrusting of the Wet Mountains during the Laramide Orogeny. Lower Paleozoic and Mesozoic sediments deposited on Precambrian rocks were deformed during this Laramide event forming anticlines, synclines, and drape folds over these basement features. The Florence and Canon City fields are located on separate but adjacent geological structures. The production reservoir for both fields is from fractured organic-rich shales associated with the Sharon Springs Member of the Pierre Shale. At Florence field the oil-bearing fractured reservoir occurs in flat beds in the north-south trending syncline formed in the central graben. Canon City field, on the other hand, produces oil from fractured reservoirs associated within the Oil Creek anticline. The Pierre Shale has been divided into three members: the upper and lower parts consist of tight shales forming a seal above and below the middle member, which consists of sand stringers, siltstones, and organic-rich shales. The highly fractured middle zone forms contains fissures that inter-connect sand reservoir bodies, fracture reservoirs, and organic-rich oil generating source rocks.

Shales within the Pierre Formation are speculated to be the source rocks for the fractured reservoirs in the same formation in the Florence-Canon City field. The Sharon Springs Member of the Pierre Shale is one of the most organic carbon-rich rocks in the Western Interior. Analyses strongly suggest that oil produced in this field is derived from the Sharon Springs Member, which is different than the oil found at Fourmile creek.

Production in the Florence field reached its peak in 1892, producing approximately 800,000 barrels. Over 15.3 thousand barrels of oil and 20 million cubic ft of gas have been produced through 1997 from more than 300 wells in the Florence-Canon City field. Skipping Stone, discovered in 1995 has produced 195 barrels of oil and no gas. This is a single well field that has not as yet been successfully offset. Producing reservoir in Skipping Stone is the Middle Cretaceous Codell Sandstone member of the Carlile Shale. Skipping Stone is currently shut-in. Florence-Canon City field continues to produce approximately 14,500 barrels of oil and 395 million cubic ft of gas annually from 17 wells. Some of the early wells in this field are still producing oil.

The seeps at Fourmile Creek are from the Jurassic Ralston Creek Formation. Shales within the stratigraphically higher Dakota Sandstone are considered possible source rocks for the hydrocarbons.

Prospect opportunities in the Canon City Basin include structural and stratigraphic traps associated with anhydrite seals along the west flank of the Brush Hollow anticline and structurally complex reservoirs beneath the Wet Mountain thrust. Seismic data from this area suggests there is about seven miles of thrust overstep, allowing room for a large anticlinal fold and other structurally complex faulted traps. A large stratigraphic trap may exist in the Jurassic Ralston Creek Formation, which has updip permeability against anhydrite facies seal. Various Carlile Shales are the hydrocarbon source of the Codell Sandstone. Sandstones of the Lower Cretaceous Dakota Sandstone and Jurassic Ralston Creek Formation are reservoir quality and are in communication with regional fractures associated with Cretaceous source rocks that make them prospective hydrocarbon-bearing targets.

Coal Resources

The Southfield Coal Mine currently produces coal from the south end of the Canon City coal field in southern Fremont County. This underground mine produced 1,208,347 tons of coal in 1998 (Cappa and others, 1998). Part of the mine's lease is on State Land Tract 43-75. The coal is mined from the Jack-O-Lantern and Red Arrow seams within the lower part of the Vermejo Formation of upper Cretaceous-age. Thickness ranges from 1 to 7 ft. The average Btu of the coal is 11,100. Overburden ranges from 0 to 1300 ft. The sulfur content is 0.6 percent. Most of the coal is sold for use at the Utilicorp United, Inc. power plant in Canon City. The rest is shipped by rail to New Mexico (Zook and Tremain, 1997).

The entire Canon City coal field has produced 47.57 million tons of coal through 1998. By area, this is Colorado's smallest coal field, at 50 square miles. All production has come from the Vermejo Formation. The coal field's original resource (before mining) has been estimated at 300 million tons (Jones and others, 1978). Therefore, only about 16 percent of the field's potential resource has been extracted.

Metallic Mineral Resources

With the exception of uranium, Fremont County is historically not one of Colorado's more important producers of metals. Although it is a mountainous region with many geologic features similar to the heavily mineralized counties, the few productive mines which have been worked have been relatively small. Total recorded value of base and precious metal production through 1952 was \$863,900 (Del Rio, 1960). For comparison, the much smaller Clear Creek County produced base and precious metals valued at more than \$100,000,000 through the same period. Fremont County lies southeast of the Colorado Mineral Belt, a 10 to 60 mile-wide belt extending from the mountain front near Boulder southwest to the San Juan and La Plata Mountains (Tweto, 1963), which has produced the bulk of Colorado's base and precious metal production.

The value of uranium produced in Fremont County since 1953 far exceeds the value of the other metals. Between 1953 and 1971, 464,203 lbs. of uranium concentrate (U₃O₈) were produced from ore mined in Fremont County. 90 percent of this came from the Tallahassee Creek district (Nelson-Moore, 1978). The rest came from the High Park area southwest of Cripple Creek, the Dakota Sandstone near Canon City, and from shear zones in Proterozoic rocks near Cotopaxi and Texas Creek in southwest Fremont County. A brief description is given below for the more significant metal mines and mining districts in the county. No metal mines are currently (1999) active in the county.

Tallahassee Creek District – The Tallahassee Creek uranium district is located in north-central Fremont County about 6 to 10 miles west-northwest of the town of Parkdale. Stratiform uranium deposits occur in a bentonitic unit near the top of the Tallahassee Creek Conglomerate of Oligocene age. Several deposits or prospects also occur in the Echo Park Alluvium of Eocene age. Both of these units rest unconformably upon Proterozoic crystalline rocks. The uranium was primarily derived through leaching of overlying volcanic units, especially the Wall Mountain Tuff (Dickinson, 1981). Uranium was transported by groundwater to favorable sites where it was deposited in reducing environments controlled by carbonaceous material and pyrite. The age of mineralization is most likely Oligocene. Fremont County State Land Tract # 22 has been leased in the past for uranium, and production occurred from the Section 36 Mine and the Glen Williams Mine. Other tracts are also prospective.

Copper Gulch (Grape Creek) district – This district, located in south-central Fremont County, produced copper, gold, silver, lead, zinc, and minor tungsten and uranium. Production was never large by modern standards. The Green Mountain Mine, 3.0 miles southeast of State Land Tract # 57, was the most significant producer in the Copper Gulch district, also known as the Grape Creek district. The deposit was discovered in the early 1900s and intermittently produced copper-silver-gold ore into the 1950s. Phelps Dodge Copper Co. explored the deposit in the early 1980s. Locally rich zones of up to 12 percent copper occur along fractures and in irregular pockets within Proterozoic schist and gneiss. Average production grades were 12.44 percent copper, 1.33 ounces per ton silver, and 0.11 ounces per ton gold (Coker, 1982). Heinrich (1981) describes the deposit as a skarn.

Another mine in the district is the Leeks Lode. It lies about 3 miles to the southeast of State Land Tract # 40. Discontinuous lenses of chalcopyrite, bornite, chalcocite, and pyrite occur in a sill-like body of pegmatite. The country rock is migmatitic gneiss.

Several other small mines with little or no past production are within this district. Small uranium and thorium occurrences are present as well.

Cotopaxi Mine – The Cotopaxi Mine, a copper and zinc producer from the 19th century, is located in Mine Gulch about 0.5 miles northwest of the town of Cotopaxi in southwest Fremont County. This was the most significant copper mine in the county. The mine had been idle for many years already in 1907 (Lindgren, 1908). Three tunnels access the orebody, which consists of chalcopyrite intergrown with sphalerite, with minor galena in a gangue of quartz, biotite, garnet, and amphibole. The deposit is lenticular and conformable to the foliation of the metamorphic host rocks. The metamorphic rocks which host the ore are either an enormous xenolith or roof pendent, with the surrounding rocks being Proterozoic granodiorite. It is very similar to the Sedalia Mine deposit. There were several attempts to reopen the mine in the 1950s and 1960s, but none were successful (Heinrich, 1981). No specific production data is reported, but from 1881 to 1923, 667,154 pounds of copper valued at \$120,457 was produced in Fremont County (Henderson, 1926). By today's standards, this is a very small amount of copper production.

Red Gulch copper-silver district – This district is centered about 8 miles north of Cotopaxi along Red Gulch. "Red Beds" of the Minturn and Belden Formations host low-grade copper-silver mineralization, much like that found in Arizona, New Mexico, and Utah. Chalcocite, chalcopyrite, malachite, and azurite occur in carbonaceous shale zones and as pods in conglomerate associated with carbonaceous material representing fossilized plant remains (Lindgren, 1908). Silver is a minor constituent and occurs within the copper minerals. Several mines in the district shipped ore in the early part of the century, but never in great quantities. District production came chiefly from the Red Gulch Mine and the Copper Prince Mine. Similar deposits have been described in recent work by the Colorado Geological Survey (Wallace and others, 1997) and the U.S.G.S. (Lindsey and Clark, 1995) in the northern Sangre de Cristo Range and extreme southern Mosquito Range near Salida. They describe stratabound occurrences of copper, uranium, and other metals in the Sangre de Cristo, Minturn, Kerber, and Sharpsdale Formations. Highly anomalous concentrations of copper, silver, zinc, lead, barium, chromium, vanadium, and rare gold were found in chemically reduced zones of fine-grained clastic rock interbedded with coarse grained conglomeratic oxidized beds. The thickness of the mineralized beds range from 2 cm to 2 m (Wallace and others, 1999). All of the deposits are uneconomic at the present time (1999) due to low tonnages (1,000 to 500,000 metric tons) and low grades (0.025 – 0.085 percent copper and 0.01 – 0.025 percent U3O8).

Thorium in the McKinley Mountain Area – The McKinley Mountain area of south-central Fremont County has been described as a thorium district by Christman and others (1953, 1959). Thorium occurs in consistently northwest-trending veins, breccia pipes, and fracture zones usually containing barite, quartz, carbonates, and fluorite. The veins occur in Proterozoic metamorphic rocks, although the age of mineralization is thought to be Cambrian, related to the alkalic igneous complexes in the region. Often these veins contain sub-economic amounts of base metal sulfides (pyrite, galena, chalcopyrite) and uranium.

Iron Mountain – The Iron Mountain Mine is located in south-central Fremont County near McClure Mountain. It produced small amounts of iron, titanium, and vanadium in the 1870s, and for a brief time in the 1950s. Titaniferous magnetite occurs as discontinuous sub-parallel lenses within a layered mafic-ultramafic complex within the larger McClure Mountain Complex of alkalic intrusives (Becker and others, 1961). More lenses are likely at depth. Individual lenses discovered to date have limited tonnage. Ilmenite is also present. The ore was used in steel making and as a heavy aggregate for submarine pipeline coatings. It was not an economic success (Cappa, 1998).

Wellsville Manganese Deposit – The Wellsville (Muilenburg, 1919) manganese mine is located two miles

northeast of the community of Wellsville in western Fremont County. It produced a small amount of manganese ore in the early twentieth century that was shipped to the Colorado Fuel and Iron Company for steel-making. The deposit is an irregular bed, 1 to 4 ft thick, between two white limestone beds of the Sangre de Cristo Formation.

Whitehorn Area – The Whitehorn gold district is located in extreme northwestern Fremont County. Small veins with gold, silver and copper ore are reported within the Whitehorn Granodiorite Stock (Davis and Streufert 1990). No production is reported, although the Cameron Mountain Quadrangle shows numerous old prospects and adits immediately to the south of State Land Tract #43-01. The mineralization consists of quartz veins with pyrite and chalcopyrite. Small placer occurrences are also present in the district. Since the granodiorite stock (and mineralization) is Laramide in age, this small district may be considered Fremont County's only prospect of the Colorado Mineral Belt.

Isabel Mine – The Isabel Mine in north-central Fremont County produced high-grade zinc ore, with lesser lead and copper, from a brecciated quartz vein within migmatitic gneiss and amphibolite, near the large north-northwest trending Currant Creek Fault. The mine is about one mile east of State Land Tract #43-07. Several other small prospects for copper, tungsten, and other metals are in the area, but none have yet produced ore.

Copperhead Mine – A small copper-tungsten mine is present adjacent to the southern and southeastern portion of State Land Tract 43-02. The Copperhead Mine is a small past copper producer where scheelite was later discovered (Mason, 1996). It produced an unknown quantity of ore. Mineralization occurs in Proterozoic metamorphosed volcanoclastic sediments near the contact with metamorphosed gabbro and ultramafic rocks (Scott and others, 1978). No information is available regarding ore grade or tonnage.

Industrial Mineral Resources

Fremont County is one of Colorado's leading producers of industrial minerals and construction materials. A great variety of these resources have been mined in the past, and many are currently being mined. The diverse geology of the county, which comprises mountains, plains, river valleys, and high intermontane basins, has enriched the region with an equal diversity of these important mineral resources. Given below are brief descriptions of the industrial minerals and construction materials which exist in the county. See individual state land tract reports for more detailed information on deposits near the tracts.

Clays – Clay is an important resource which has been mined for many years and is still being mined in Fremont County. The most important deposits of clay occur in the eastern part of the county where Cretaceous-age strata are exposed along hogback ridges along the margin of the Canon City Embayment. The Dakota and Purgatoire Formations host these deposits. Deposits of fire clay and ordinary brick clay are present (Argall, 1949). In 1997, five clay mines were active in the county. One of these, located in the western part of the county, produces bentonitic clay from an altered volcanic ash bed.

Limestone / Dolomite – Limestone is presently being quarried for cement manufacture from the Niobrara Formation (Cretaceous) near the small community of Portland along the Arkansas River east of Florence, and at the Red Canyon quarry in the northeastern corner of Fremont County. Dolomite has been quarried from the Fremont formation of Ordovician age west of Canon City. The dolomite has been used in steel-making at the steel mill in Pueblo. Inactive limestone quarries exist in the western part of the county between Coaldale and Wellsville, and at the settlement of Calcite in the northern Sangre de Cristo Mountains. These quarries worked the Leadville Limestone for use in sugar refining facilities in eastern Colorado (Schwochow, 1981).

Pegmatite Deposits – Numerous pegmatite deposits have been worked for feldspar and mica in Fremont County. Beryllium, columbium– Tantalum, and rare earth minerals have been recovered as byproducts at some of these operations (Del Rio, 1960). The pegmatites are found in Proterozoic metamorphic rocks in the mountainous portion of the county in the vicinity of Parkdale, Texas Creek, Cotopaxi, Howard, and Micanite. The most productive of the pegmatite areas is the Eight Mile Park district near Royal Gorge east of Parkdale. Colorado ranked third among the states in production of feldspar in 1946-1947, and Fremont County was one of the top producers in the state. Today, however, no feldspar is mined in the county. Mica is still produced from one mine near Howard in western Fremont County, and crushed quartz is produced from a pegmatite quarry in the Eight Mile Park area (Lawson, 1998).

Sand, Gravel, and Crushed Stone Aggregate – Fremont County possesses enormous resources of all of these common construction materials. Only a small fraction of the total resource has been exploited since the county is mostly rural and undeveloped. In the vicinity of Canon City, Pleistocene alluvial sand gravel deposits laid down during glacial and interglacial periods have been quarried preferentially over other possible sources. The Slocum Alluvium, the Louviers Alluvium, and the younger Piney Creek Alluvium have all been used. Massive quantities of potentially useable rock, such as Proterozoic quartz monzonite, exist in the county. Crushed rock for use as aggregate has not been important in Fremont County because of the availability of sand and gravel deposits. Fremont County is rather distant from large population centers, and has therefore not been a major exporter of these transportation cost-sensitive materials.

Building Stone and Decorative Materials – Fremont County has been and continues to be a producer of building stone and ornamental rock. Some of the best quality granite for dimension stone and monuments in the western U.S. has come from quarries near Cotopaxi, Texas Creek, and southeast of Salida. Most of the granite produced has been used for buildings and memorials within Colorado or neighboring western states. The base of the Denver City and County building is made from “Cotopaxi granite” (Argall 1949). Presently however, no granite is being quarried, although enormous resource potential exists. Most of the commercial “granite” is actually Proterozoic quartz monzonite. The Whitehorn Granodiorite (Cretaceous) has also been quarried in the northwestern corner of the county.

Sedimentary rock has also been quarried in the county for building and ornamental purposes. Travertine has been quarried from three deposits along the Arkansas River valley: 1) northwest of Canon City, 2) north of Cotopaxi, and 3) at Wellsville (Schwochow, 1981). The Byzantine Quarry near Canon City is still quarried intermittently for decorative building stone (Lawson, 1998). Quartzite from the Dakota Sandstone is quarried northeast of Canon City near Table Mountain for decorative crushed rock due to its color and resistance to weathering. It has also been used as a silica-sand for molding or other purposes. The Ordovician age Harding Sandstone has also been quarried in the area north of Canon City, mainly for use as flagstone.

Gypsum – Gypsum has been quarried from several areas of Fremont County. A large quarry near Coaldale in western Fremont County began operations in 1903 to supply a cement plant at Portland in the eastern part of the county. The gypsum here occurs in the Swissvale Member of the Pennsylvanian-age Minturn Formation. A quarry near Table Mountain in the northwestern part of the county currently produces gypsum for plaster and cement. This quarry exploits a bed within the Jurassic-age Ralston Creek Formation. State Land Tract 43-31 (this report) near Table Mountain contains an estimated resource of 30 million tons of gypsum in a bed ranging from 21-27 ft thick.

Stratigraphic Units Occurring on State Land Board Tracts

The following geologic units have been mapped on land in Fremont County administered by the State Board of Land Commissioners. The units described were mainly taken from the Geologic Map of the Pueblo 10 x 20 Quadrangle, South-Central Colorado (1:250,000) by Scott and others, 1978. A few of the Quaternary units in the northwestern part of the county were taken from the Geologic Map of the Gribbles Park Quadrangle, Park and Fremont Counties, Colorado (1:24,000) by Wallace and others, 1999.

- Qf – Fan alluvium (Holocene) – Bouldery, poorly sorted, crudely stratified, steeply sloping alluvium along mountain fronts.
- Qac – Alluvium and colluvium (Holocene) – Lenticular layers of clayey silt, silty sand, sand, pebbly and cobbly silt and sand, and silty and sandy gravel. Occurs immediately adjacent to Badger Creek.
- Qpp – Post-Piney Creek Alluvium (Holocene) – Sandy to gravelly alluvium along all large streams; not shown where bedrock contacts are closely spaced.
- Qp – Piney Creek Alluvium (Holocene) – Silty to gravelly humus-rich alluvium along all valleys. Forms a terrace about 10 ft. (3 m) above stream level along most valleys, but is mapped only along large valleys.
- Qc – Colluvium (Holocene and Pleistocene) – Non-sorted, non-stratified, coarsegrained slopewash in mountains and a fine-grained deposit on plains. In southeastern part of quadrangle includes some loess and residuum.
- Qls – Landslide deposits (Holocene and Pleistocene) – Earth flows and debris slides on steep slopes.
- Qb – Broadway Alluvium (Pinedale Glaciation, Pleistocene) – Thin gravelly deposits on terraces 40 ft (12 m) above modern streams on the plains.
- Qpo – Pinedale Glaciation Outwash (Pleistocene) – Gravelly deposits along the east flank of the Sangre de Cristo Range and around Pikes Peak.
- Ql – Louviers Alluvium (Bull Lake Glaciation – Pleistocene) – Thin gravelly deposits on terraces 70 ft (21 m) above streams on the plains.
- Qbo – Bull Lake Glaciation Outwash (Pleistocene) – Gravelly deposits at two levels along the east flank of the Sangre de Cristo Range and at one level north of Pikes Peak.
- Qs – Slocum Alluvium (Pleistocene) – Pre-Bull Lake glaciation. Weathered gravel on cut surface about 100 ft (30 m) above modern streams.
- Qp3 – Pediment deposit three (Pleistocene) – Poorly stratified sand and silt that contains dispersed boulders, cobbles, and pebbles. Upper surface is 3 – 9 m above alluvium and colluvium in adjacent drainages. Alluvial origin.
- Qp2 – Pediment deposit two (Pleistocene) – Poorly stratified sand and silt that contains dispersed boulders, cobbles, and pebbles. Upper surface is about 12 m above alluvium and colluvium in adjacent drainages. Alluvial origin.

- Qpb – Pre-Bull Lake Glaciation (Pleistocene) Alluvium – Includes Slocum and Verdos Alluviums.
- Qv – Verdos Alluvium (Yarmouth Interglaciation or Kansan Glaciation of the Pleistocene) – Weathered gravel on cut surface 200-250 ft (60-75 m) above modern streams except near Westcliffe where it is only 20 ft above Grape Creek. Near Canon City gravel lies at two levels, 240 (Qv2) and 300 (Qv1) ft (72 and 90 m) above streams.
- Qrf – Rocky Flats Alluvium (Aftonian Interglaciation or Nebraskan Glaciation of the Pleistocene) – Weathered gravel on cut surface 350 ft (105 m) above modern streams.
- Qn – Nussbaum (?) Alluvium (Pleistocene-Nebraskan (?) Glaciation) – Weathered gravel on pediment 450 ft (135 m) above modern streams. About 15 ft (3.5 m) thick.
- Tdul – Dry Union Formation, lower part (upper Pliocene to lower Miocene) – Clay, silt, sand, and conglomerate composed chiefly of volcanic rocks.
- Tsu – Santa Fe Formation, upper part (Pliocene) – Conglomerate, gravel, sand, silt, and clay. Upper part of deposit reworked in Quaternary time.
- Tsl – Santa Fe Formation – lower part (Pliocene and Miocene) – Conglomerate and gravel.
- Twa – Andesite of Waugh Mountain (Miocene) – Andesitic and basaltic flows, flow breccias, lahars, and tuffs.
- Twr – Rhyolite of Waugh Mountain (Miocene) – Tan to white porphyritic sanidine-rich dikes, plugs, and flows.
- Twl – Latite of Waugh Mountain (Miocene) – Gray porphyritic sanidine-plagioclase-rich autobrecciated flows.
- Tgte – Gribbles Park, Thorn Ranch, and East Gulch Tuffs (Oligocene) – Undifferentiated ash-flow tuffs, including biotite-sanidine rhyolite and sanidine-biotite-quartz rhyolite.
- Tgp – Gribbles Park Tuff (Oligocene) – Biotite-sanidine rhyolite ash-flow tuff.
- Ta – Antero Formation (Oligocene) – Water-laid andesitic ash interlayered with air-fall and ash-flow tuff and lahar.
- Ttmu – Thirtynine Mile Andesite (Oligocene) – Upper member – Stratified lava flows on the flanks of the Guffey volcanic center.
- Ttml – Thirtynine Mile Andesite (Oligocene) – Lower member – Laharic breccia from local vents.
- Tsr – Tuff of Stirrup Ranch (Oligocene) – Yellowish-gray biotite-plagioclase-sanidine rhyolite ash-flow tuff near Guffey.
- Taba – Biotite Andesite (Oligocene) – Gray, porphyritic, flow-layered dome and domal lavas of East and West Antelope Mountains south of Guffey.

- Ttc – Tallahassee Creek Conglomerate (Oligocene) – Poorly sorted, bouldery, volcanic-rich arkosic conglomerate more than 350 ft (105 m) thick in paleovalleys. Composed of clasts of Precambrian crystalline, Paleozoic sedimentary, and mid-Tertiary volcanic rocks – especially of Wall Mountain Tuff. In the Tallahassee Creek uranium district, several meters of light colored bentonitic material at the top of the conglomerate is an important host horizon for uranium deposits.
- Twm – Wall Mountain Tuff (Oligocene) – Biotite-plagioclase-sanidine rhyolite ash-flow tuff. As much as 200 ft (61 m) thick.
- Tep – Echo Park Alluvium (Eocene) – Poorly sorted arkosic gravel and conglomerate more than 1000 ft (300 m) thick in paleovalleys and grabens.
- TKpr – Poison Canyon and Raton Formation (Paleocene and upper Cretaceous) –
- Tpc – Poison Canyon Formation (Paleocene) – Medium-grained sandstone, and in lower part conglomerate. Partly volcanoclastic. Probably totalling 500 – 1000 ft (150 – 300 m) thick. TKr – Raton Formation (Paleocene and upper Cretaceous) – Cliff-forming sandstone probably less than 500 ft (150 m) thick.
- TKr – Raton Formation (Paleocene and upper Cretaceous) – Cliff-forming sandstone probably less than 500 ft (150 m) thick.
- Kv – Vermejo Formation (Cretaceous) – Cross-stratified sandstone interlayered with shale and coal about 850 ft (255 m) thick. Rockvale sandstone member lies 150 – 375 ft (45 – 115 m) above the base.
- Kp – Pierre Shale (Upper Cretaceous) – Predominantly siltstone and claystone. Contains sandstone and sandy shale near top and bottom, limestone masses forming conical buttes near middle, and fossiliferous concretions throughout. Thickness in Denver Basin part of quadrangle is 3750-5200 ft (1125-1560 m); near Canon City it is 3900 ft (1170 m).
- Kw – Whitehorn Granodiorite (Upper Cretaceous) – Fine- to medium-grained quartzplagioclase-orthoclase-augite-hornblende-biotite granodiorite exposed northeast of Salida.
- Kn – Niobrara Formation (Upper Cretaceous) – About 740 ft (220 m) thick
Kns – Smoky Hill Shale Member – Calcareous shale, ledge-forming limestone, and chalk.
Knf – Fort Hays Limestone Member – Thick-bedded limestone. Forms persistent ridges.
- Kcgg – Carlile Shale, Greenhorn Limestone, and Graneros Shale (upper Cretaceous)
Carlile Shale (Kc) – From top includes: Juana Lopez Member (calcareous shale), Codell Sandstone Member, Blue Hill Shale Member, and Fairport Chalky Shale Member. As much as 230 ft (70 m) thick.
Greenhorn Limestone (Kgh) – From top includes: Bridge Creek Limestone Member, Hartland Shale Member, and Lincoln Limestone Member. About 150 ft (45 m) thick.
Graneros Shale (Kg) – Hard, silty shale about 100 ft (30 m) thick.
- Kdp – Dakota Sandstone and Purgatoire Formation (Lower Cretaceous) – Sandstone, marine shale, and clay. About 220 ft (65 m) thick.
- Jmr – Morrison and Ralston Creek Formations (Upper Jurassic) – Morrison Formation – Varicolored

siltstone, claystone, and sandstone containing fossil dinosaur bones. About 320 ft (97 m) thick.
Ralston Creek Formation – Generally sandstone and conglomerate near Canon City. Locally contains gypsum beds. About 150 ft (45 m) thick.

TrPl – Lykins Formation (Triassic? And Permian) – Red siltstone, claystone, and sandstone about 180 ft (55 m) thick.

Ply – Lyons Sandstone (Permian) – Red sandstone forming two resistant ledges 700 – 800 ft thick (210 – 240 m).

lPPf – Fountain Formation (Permian and Pennsylvanian) – Red conglomerate and sandstone. At the base the Glen Eyrie Shale Member composed of sandstone, sandy shale, and fossiliferous black shale. Formation as much as 4,400 ft (1,320 m) thick.

lPPs – Sangre de Cristo Formation – lower member (Pennsylvanian-Permian) Red, gray, and green sandstone, siltstone, and shale.

lPmb – Minturn and Belden Formations (Pennsylvanian) – The Minturn Formation consists of red, green, and gray shale, siltstone, and sandstone. Locally contains gypsum beds and marine limestone. About 1200 m thick. The Belden Formation consists of dark gray shale, siltstone, and sandstone. Nearly 150 m thick.

MOr – Mississippian, Devonian, and Ordovician Rocks – Includes some or all of the following formations, in descending order: Leadville Limestone (Lower Mississippian) – Medium- to dark-gray massiveweathering thin-bedded limestone and dolomite. Variable thickness, up to 250 ft (75 m). Chaffee Group:

Dyer Dolomite (Upper Devonian) – Yellowish-gray to light-gray dolomite with rare shale and chert layers. About 100 ft (30 m) thick. Parting Formation (Upper Devonian) – Light-gray to reddish-gray finegrained silica cemented quartzite with rare interbeds of dolomite and shale. About 50 ft (15 m) thick.

Fremont Limestone (Upper Ordovician) – Gray to yellowish-gray dolomitic limestone, cherty in lower part. About 200 ft (61 m) thick. Harding Sandstone (Middle Ordovician) – White, yellow, and green quartz sandstone; red shale; quartz- or chert-pebble conglomerate at base. About 80 ft (25 m) thick. Manitou Dolomite (Lower Ordovician) – Upper part of light gray to red dolomitic limestone, middle part of pink cherty dolomite, and a lower part of red dolomite with a basal quartz-pebble conglomerate. About 120 ft (37 m) thick.

Or – Ordovician Rocks – Includes some or all of the following formations: Fremont Limestone – Gray to yellowish-gray dolomitic limestone, cherty in lower part. Harding Sandstone – White, yellow, and green quartz sandstone; red shale; quartz- or chert-pebble conglomerate at base. Manitou Limestone – Upper part of light gray to red dolomitic limestone, middle part of pink cherty dolomite, and a lower part of red dolomite with a basal quartzpebble conglomerate.

Cm – McClure Mountain Complex (Cambrian) – Medium-grained hornblende-biotite syenite and nepheline syenite.

Cdc – Syenite Complex at Democrat Creek (Cambrian) – Stock of medium-grained syenite and mafic variants.

- Ycc – Cripple Creek Quartz Monzonite (Precambrian Y) – Medium-grained biotitemuscovite quartz monzonite.
- Yqm – Quartz Monzonite (Precambrian Y) – Fine- to medium-grained biotitemuscovite quartz monzonite.
- Xgd – Granodiorite (Precambrian X) – Pinkish-gray, massive to foliated, medium- to coarse-grained hornblende or biotite granodiorite; locally an augen gneiss.
- Xqm – Quartz Monzonite (Precambrian X) – Pink, fine- to medium-grained, weakly foliated biotite quartz monzonite, locally with minor muscovite. Appears to surround large xenoliths of coarser grained granodiorite (Xgd), but contact relations are obscure.
- Xqd – Quartz Diorite (Precambrian X) – Dark gray, massive to foliated, hornblendebiotite quartz diorite. Forms borders of plutons composed largely of granodiorite.
- Xg – Metagabbro (Precambrian X) – Dark greenish-gray, massive to foliated metamorphosed gabbro and ultramafic rocks.
- Xgn – Migmatitic Gneiss (Precambrian X) – Layered gneiss, chiefly feldspathic biotite-quartz-plagioclase gneiss, and garnetiferous hornblende, and sillimanitic varieties. Formed from sedimentary and volcanic rocks that were metamorphosed to the amphibolite facies.
- Xvs – Metavolcanic and Metasedimentary Rocks (Precambrian X) – Chiefly muscovite-rich feldspathic gneiss, biotite-plagioclase metarhyodacite tuff, metabasalt, and metamorphosed sedimentary breccia and tuff. Original rock textures well-preserved; metamorphic facies ranges from higher to lowermost amphibolite.
- Xq – Quartzite-Schist Sequence of Blue Ridge – White to gray quartzite with locally well-preserved cross beds and ripple marks. Interlayered with quartzite conglomerate and quartz-muscovite-biotite schist.

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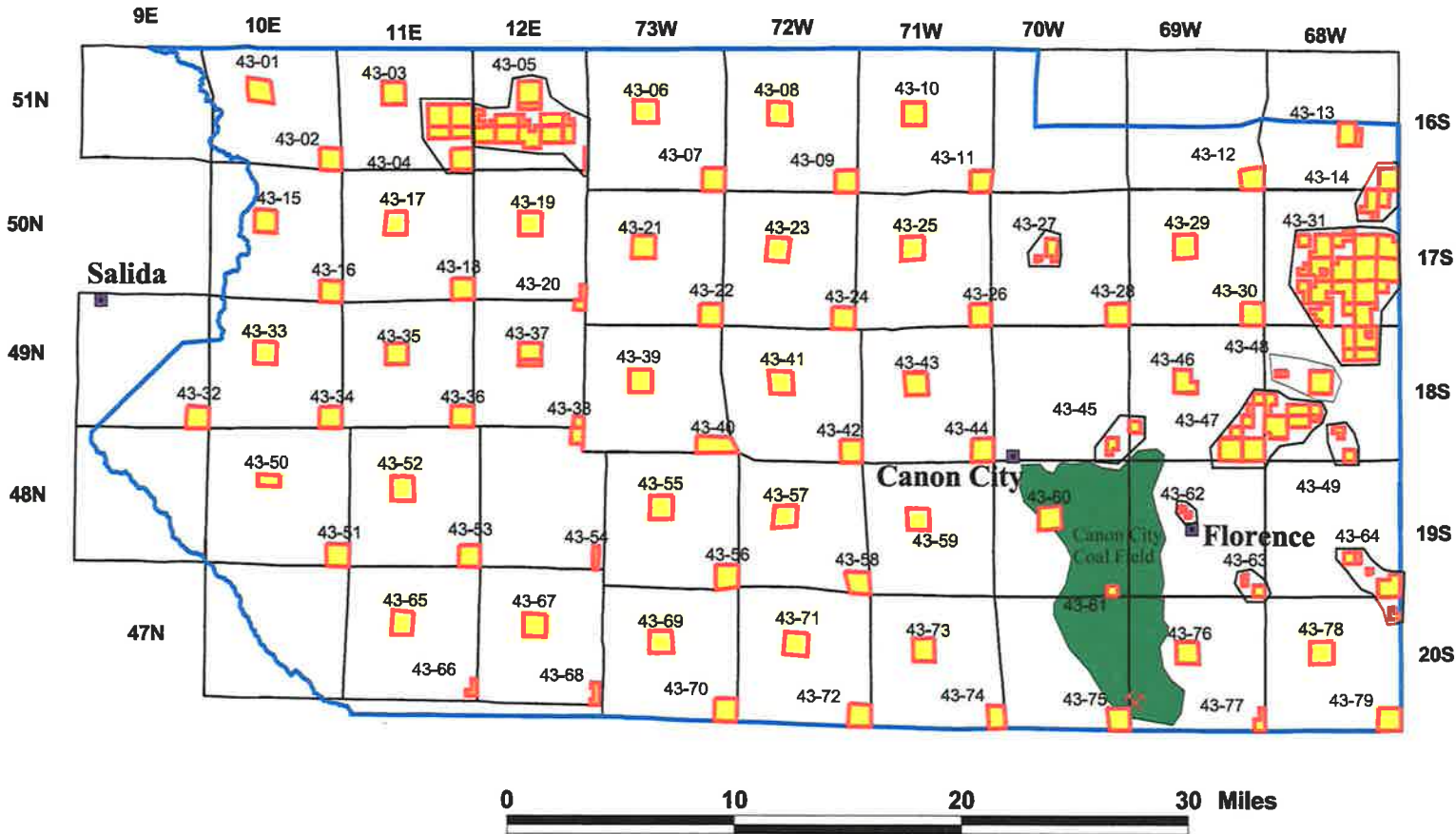
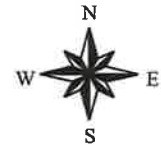
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Coal Resources Fremont County, Colorado

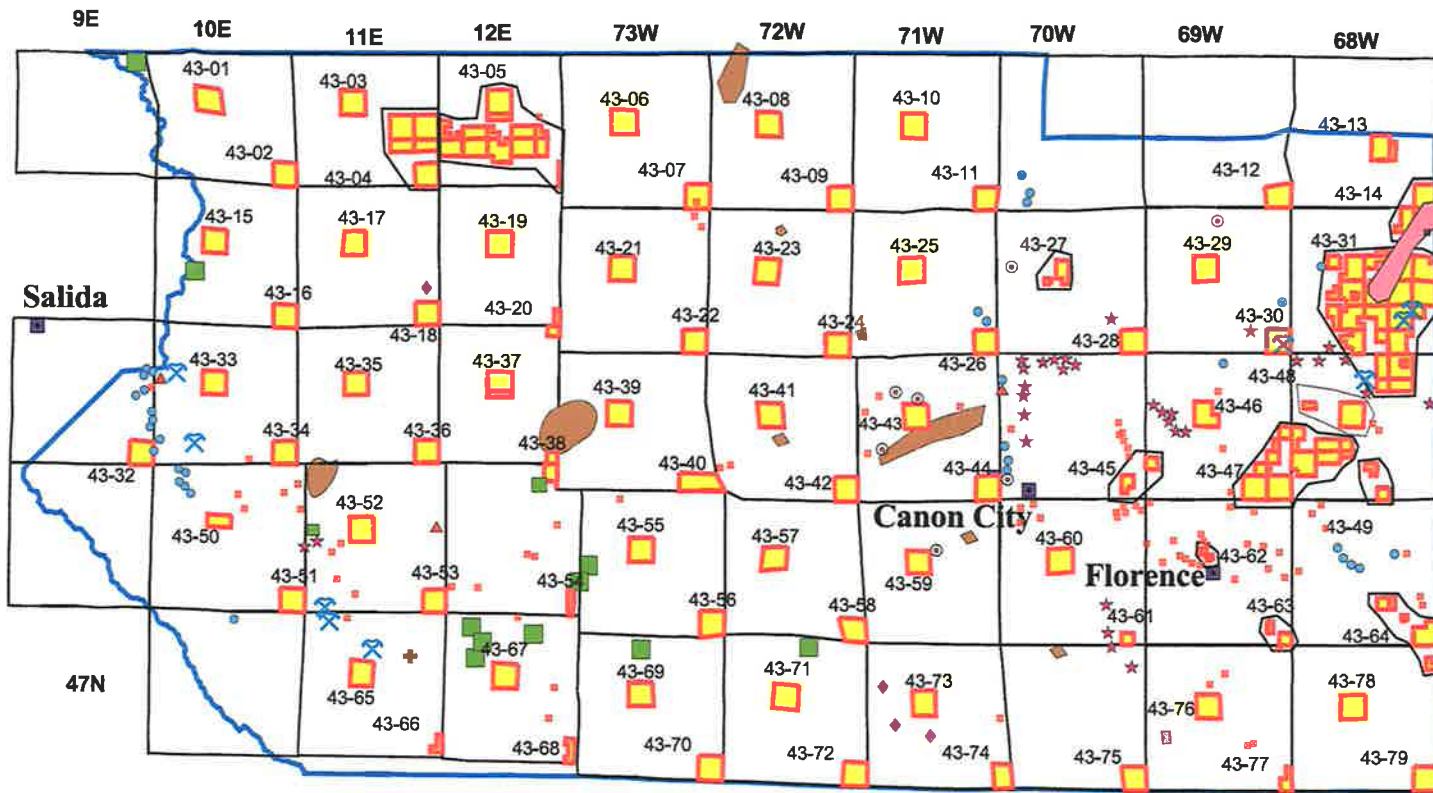


Map Symbols

- Coal Field
- Operating Coal Mine (1999)
- Mineral Acreage Evaluated
- County Boundary
- Township Lines

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Industrial Minerals and Construction Materials Fremont County, Colorado



Map Symbols

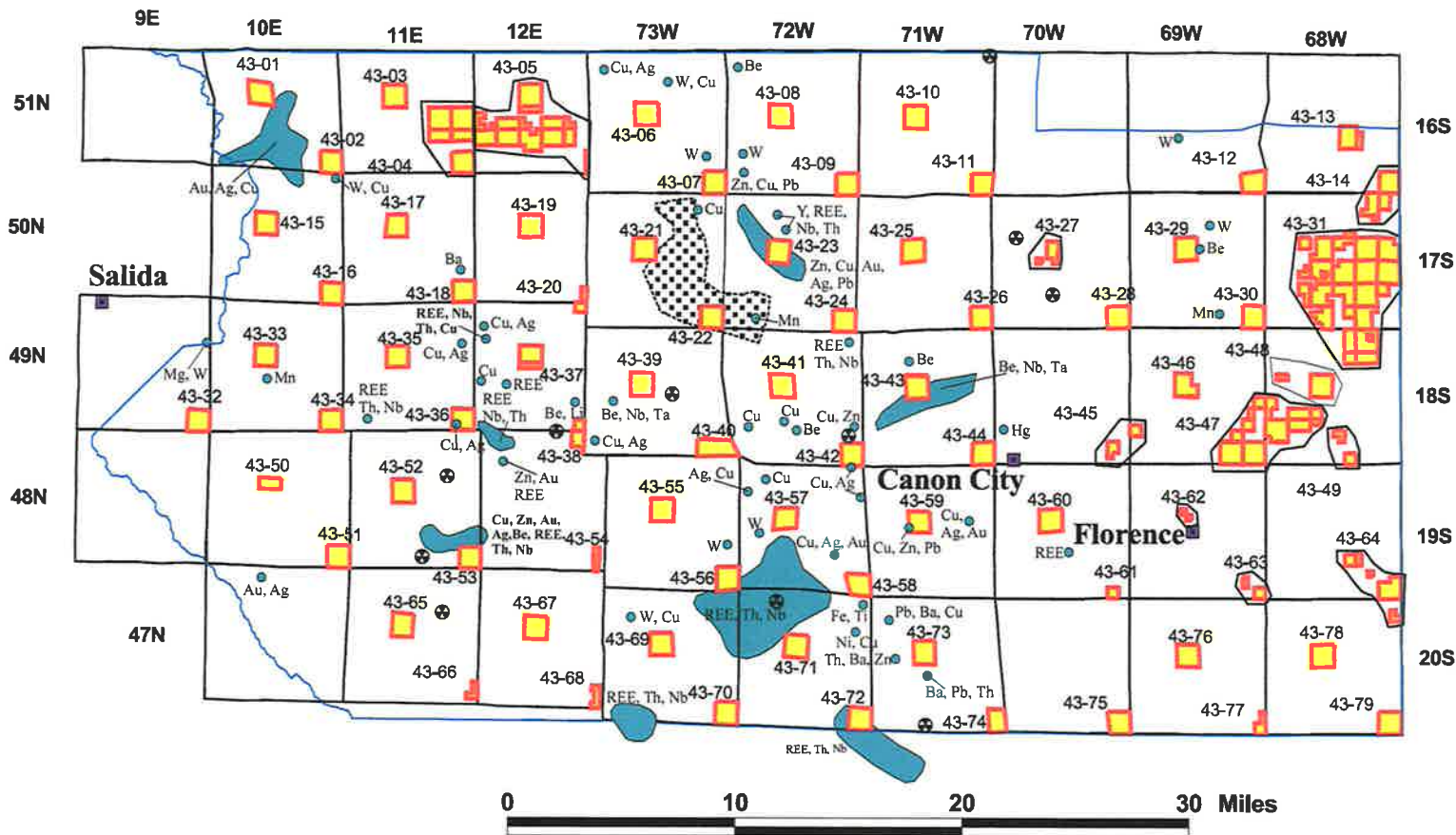
- Granitic Building Stone
- ◊ Sandstone
- ✕ Gypsum
- Pegmatite Region
- Limestone / Dolomite
- ◆ Barite
- ▲ Travertine
- ★ Clay
- + Fluorite
- Silica Sand
- Sand and Gravel, Aggregate or Borrow Pit
- Mineral Acreage Evaluated
- County Boundary
- Township Lines



Home



Metallic Mineral Resources Fremont County, Colorado

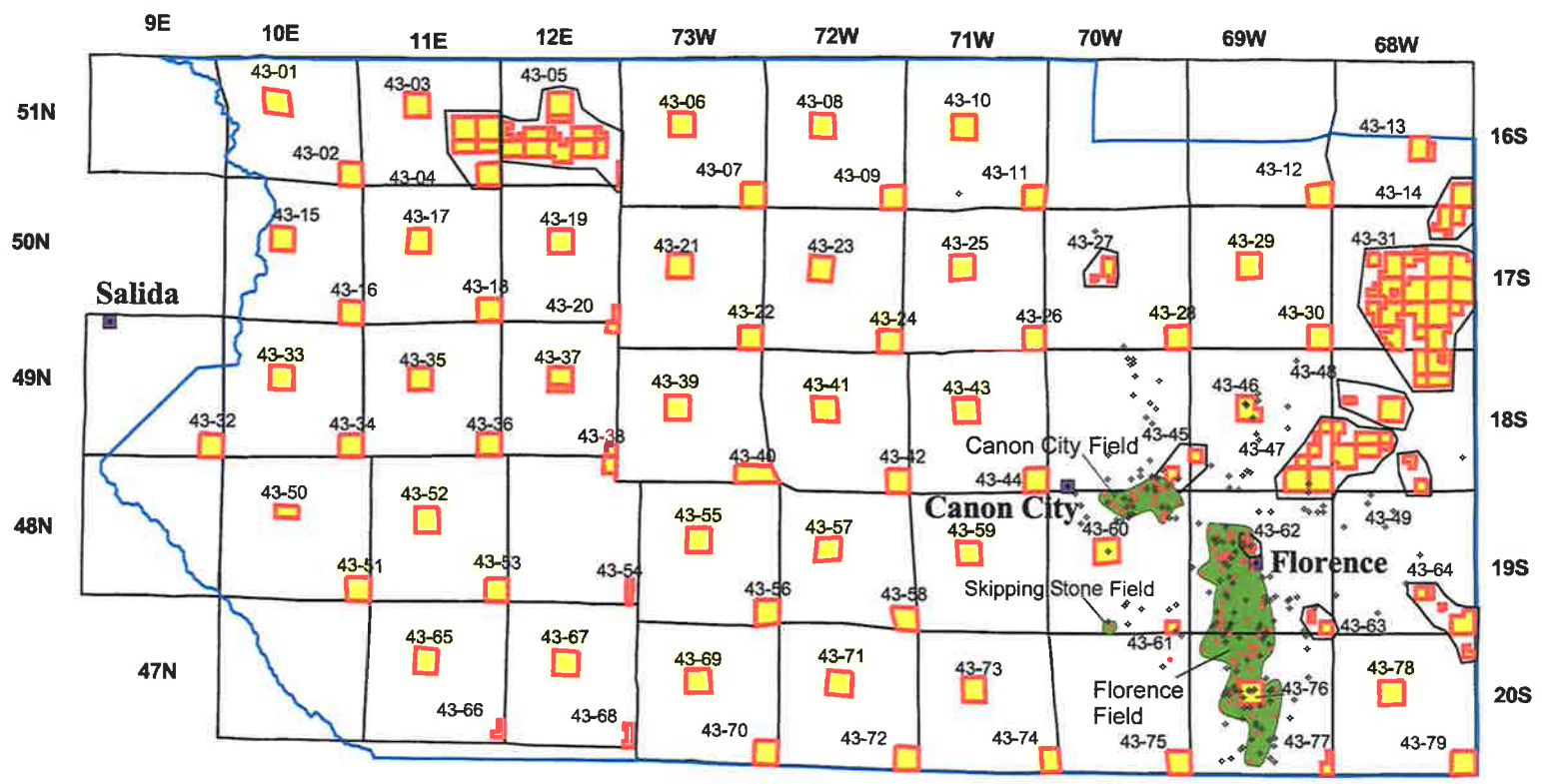


Map Symbols

- Metal Occurrence - as listed below
 - Ag Silver
 - Au Gold
 - Ba Barium
 - Be Beryllium
 - Cu Copper
 - Fe Iron
 - Hg Mercury
 - Li Lithium
 - Mg Magnesium
 - Mn Manganese
 - Nb Niobium
 - Ni Nickel
 - Pb Lead
 - REE Rare earth elements
 - Ta Tantalum
 - Th Thorium
 - Ti Titanium
 - W Tungsten
 - Y Yttrium
 - Zn Zinc
- Tallahassee Creek Uranium District
 - Uranium Mine (isolated)
 - Mineral Acreage Evaluated
 - County Boundary
 - Township Lines

[Home](#)

Oil and Gas Map Fremont County, Colorado

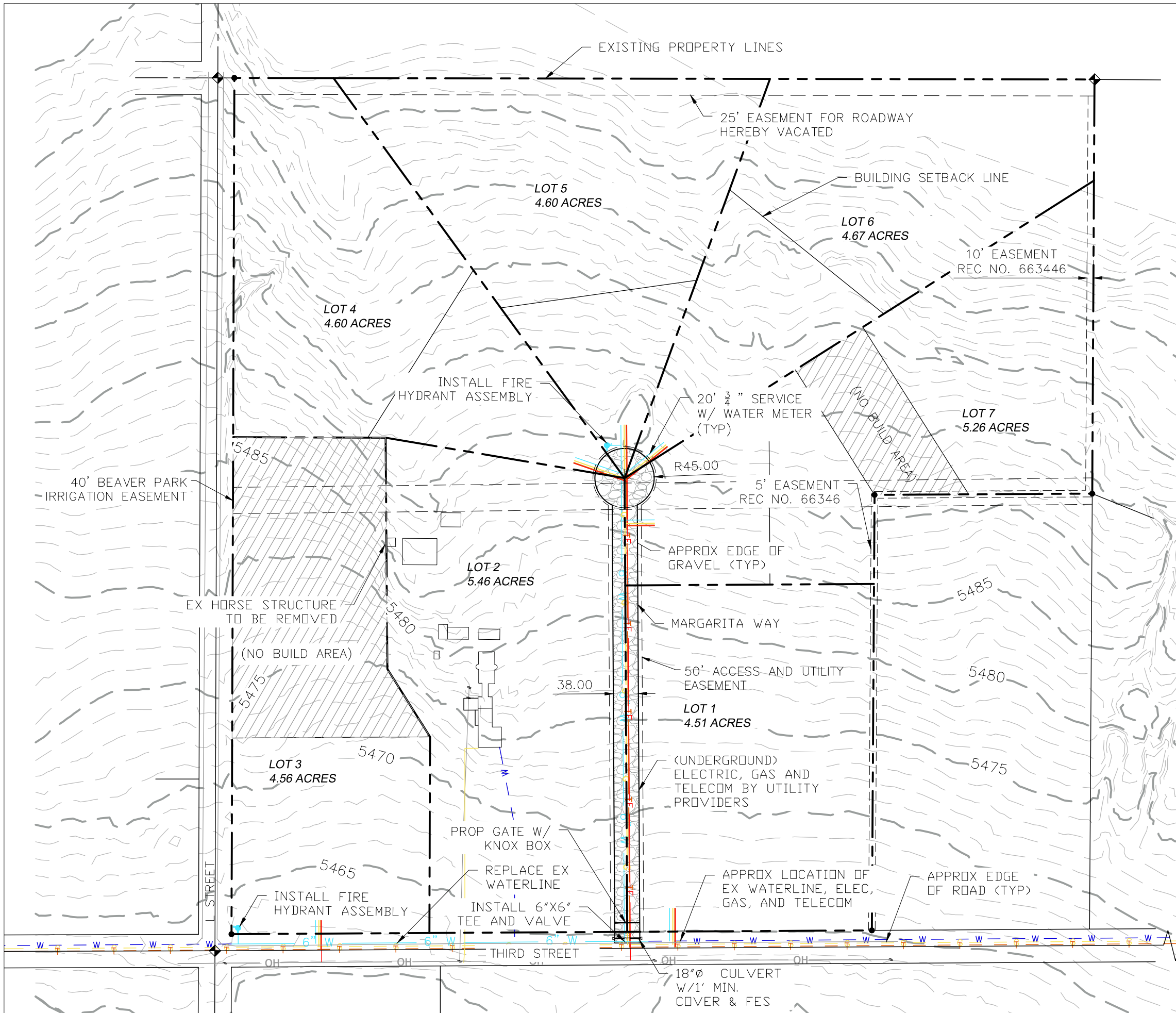


Map Symbols

- Oil field, showing name
- Productive well
- Dry well
- City
- Mineral Acreage Evaluated
- County Boundary
- Township Lines



Home



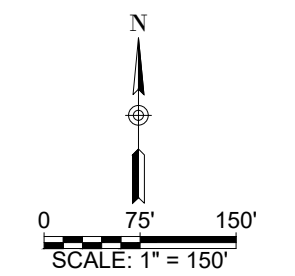
LEGEND:

PROPOSED:

- 6" W WATER
- G GAS
- E ELECTRIC
- T TELECOM

EXISTING:

- W WATER
- G GAS
- E ELECTRIC
- T TELECOM



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MISTRY SUBDIVISION

1245 3RD ST.
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V1-02/17/2021
V2-11/10/2021
V3-08/31/2022
V4-09/12/2022
V5-12/27/2022
PROJECT ENG: AWE
QA/QC: AWE
Drawn by: HG
Prj # 21.024
Date: 08/25/2022

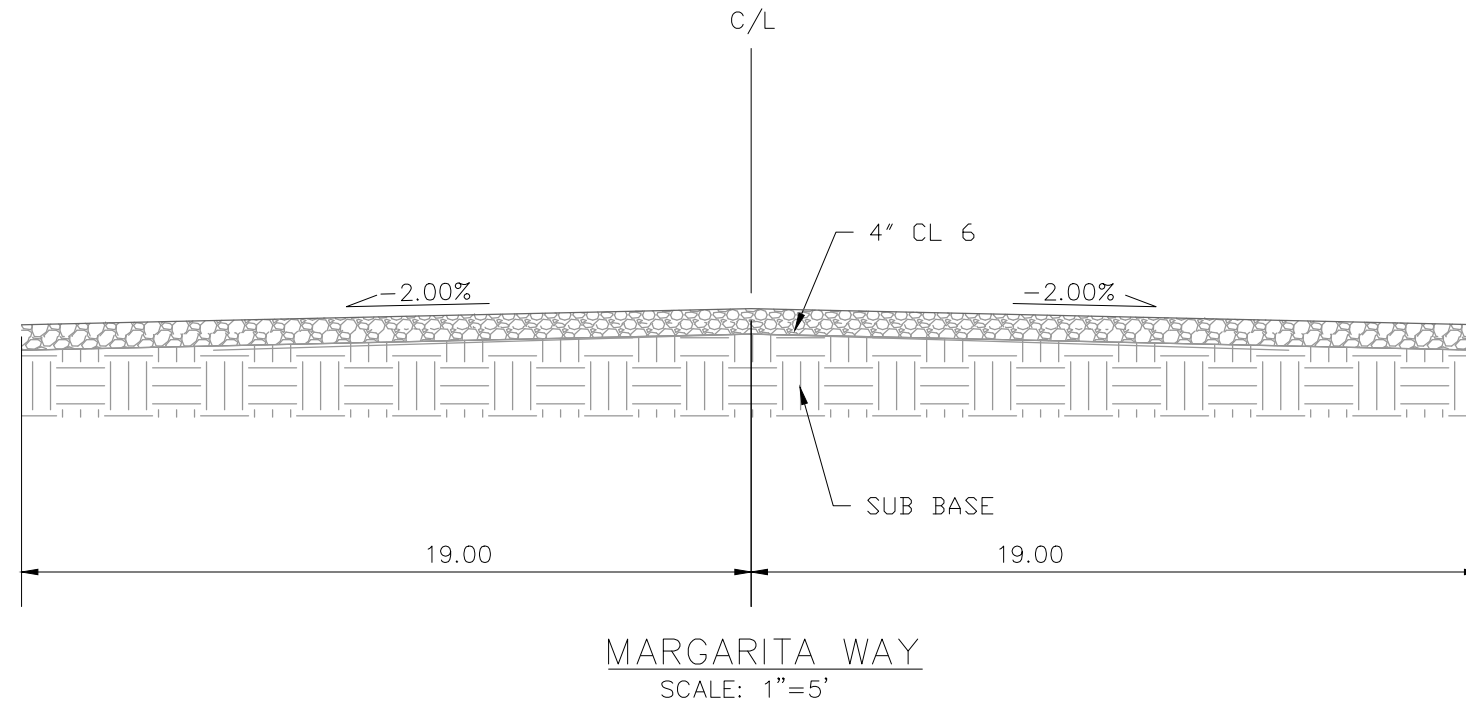
C1 /2
SCHEMATIC DESIGN

Home

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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).
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 - 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 A 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'.




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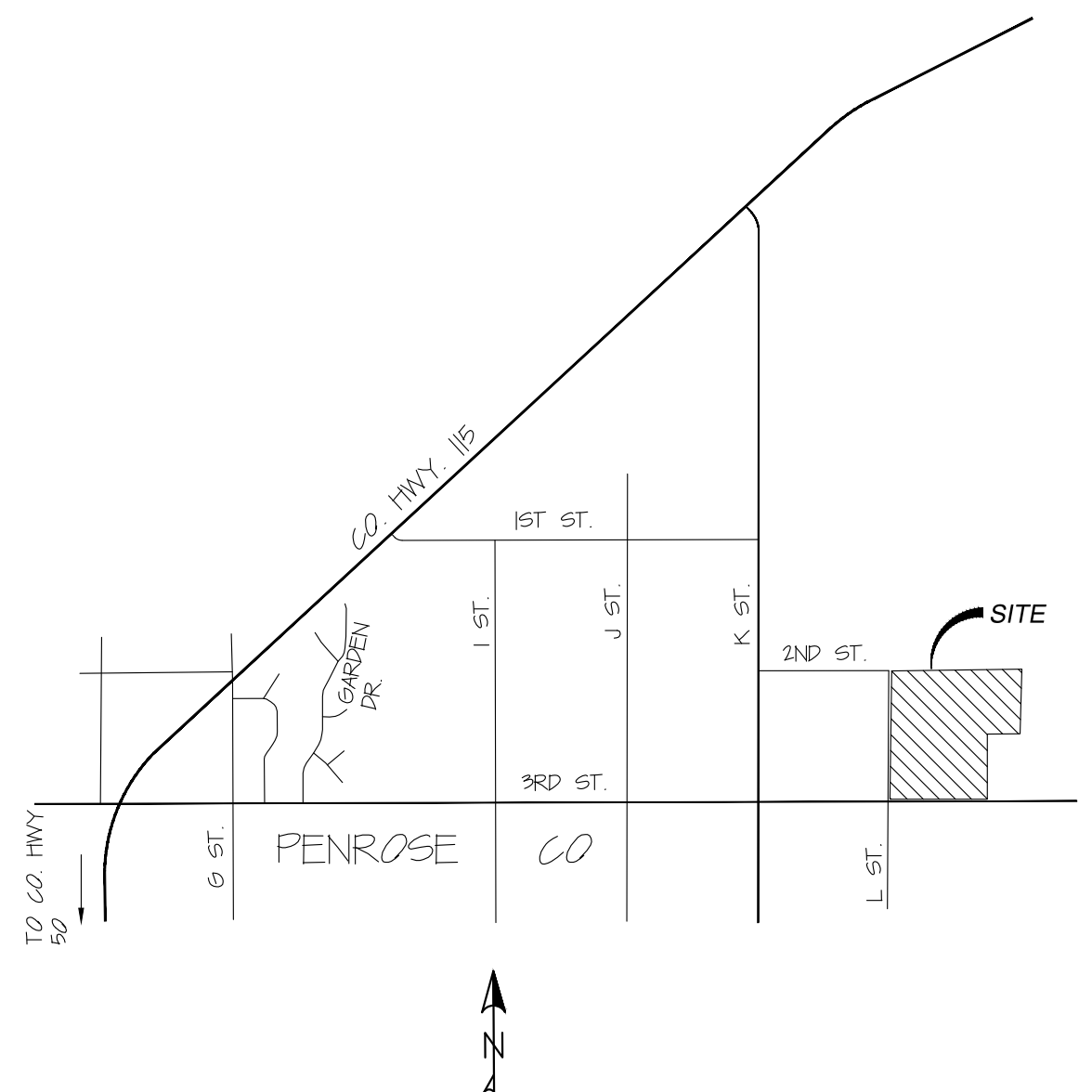
V1.0-02/17/2021
 V2.0-11/10/2021
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 V5.0-12/27/2022
 PROJECT ENG: AWE
 QA/QC: AWE
 Drawn by: HG
 Prj # 21.024
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C2 /2
NOTES

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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

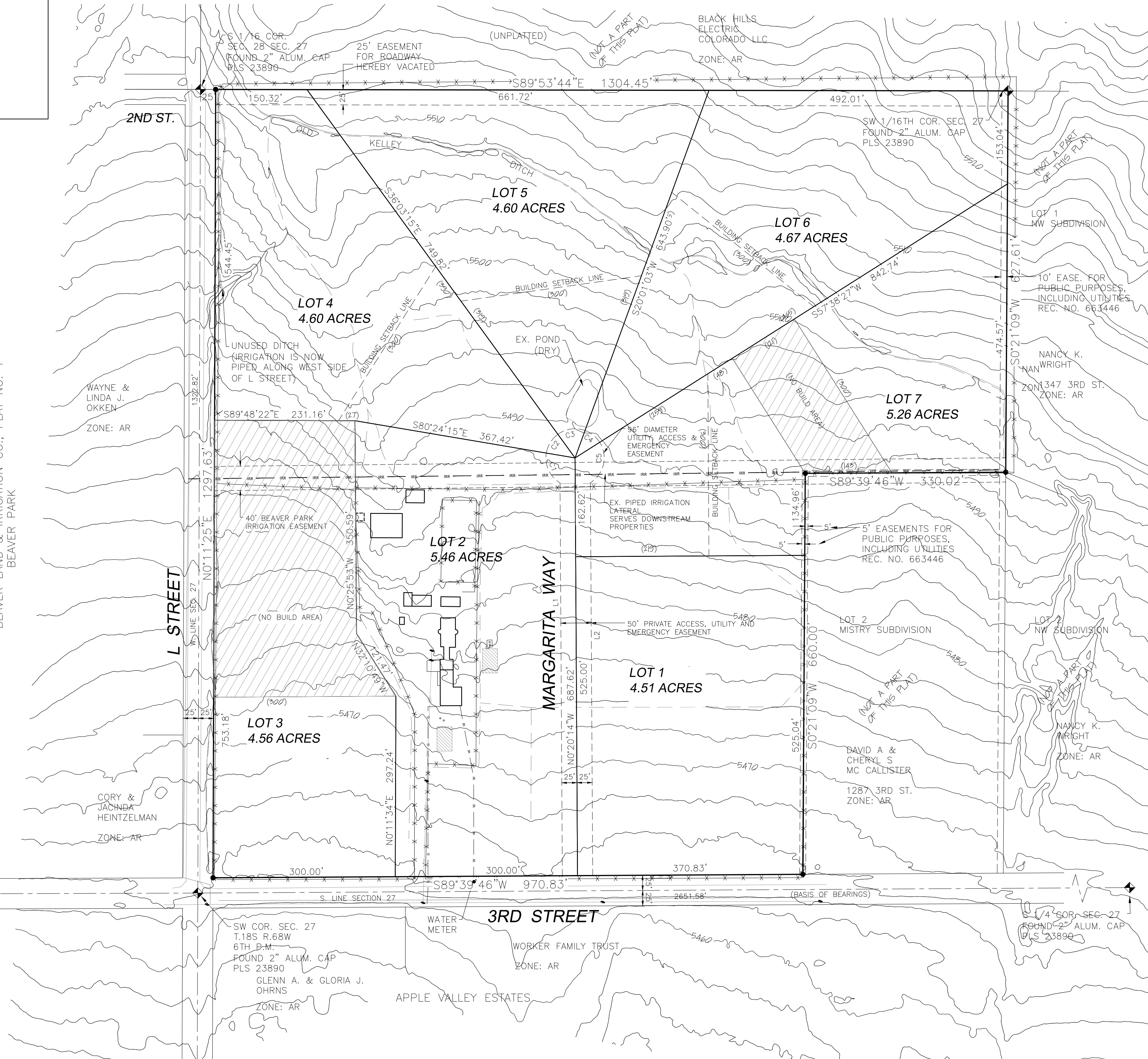


VICINITY MAP
1" = 1000'

NOTES:

- TOTAL PROPOSED LOTS: 7
- ZONING: AR PROPOSED: AR (NO CHANGE)
- THE PROPOSED SUBDIVISION LIES ENTIRELY WITHIN THE FOLLOWING DISTRICTS:
SEWER: NONE
WATER: PENROSE WATER DISTRICT
SCHOOL: FREMONT RE-2
CONSERVATION: FREMONT CONSERVATION DISTRICT
SE CO WATER CONSERVATION DISTRICT
UPPER ARKANSAS WATER CONSERVATION
- FIRE: FLORENCE FIRE DISTRICT
- PRIVATE ROADWAY 688 L.F. 0.90 AC.
- DENSITY: 0.21 DU/AC.
- IRRIGATION DITCHES: DITCHES AND LATERALS ARE SHOWN HEREON.
- CONTOUR INTERVAL = 2 FEET. SOURCE: FREMONT COUNTY LIDAR
- NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THIS SUBDIVISION.

BEAVER LAND & IRRIGATION CO., PLAT NO. 1
BEAVER PARK



EASEMENT STATEMENT
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 EASEMENT ON BOTH SIDES OF LOT LINES. EXTERIOR SUBDIVISION BOUNDARY IS SUBJECT TO A TEN (10) FOOT EASEMENT.

LEGEND

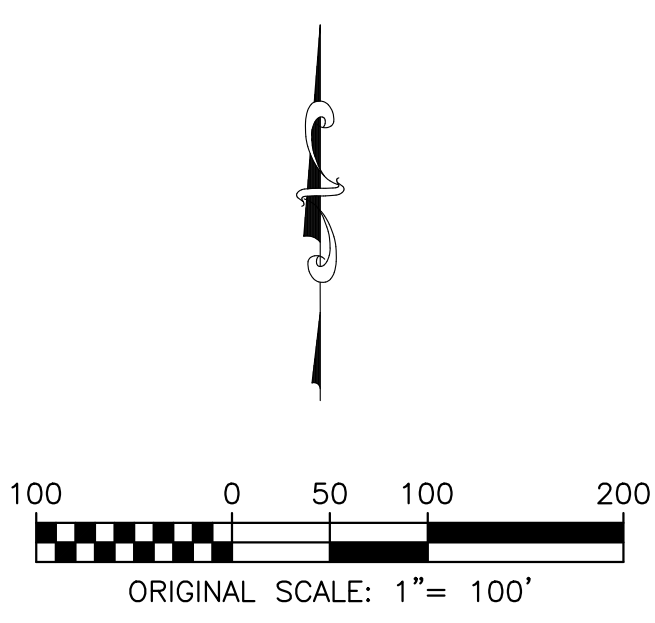
- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- OVERHEAD UTIL. LINES
- BURIED GAS SERVICE
- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION (SEE SHEET 2)

EASEMENT LINE TABLE

Line #	Direction	Length
L1	S0° 20' 14"E	646.63'
L2	S0° 20' 14"E	646.63'

EASEMENT CURVE TABLE

Curve #	Delta	Length	Radius	Chord Direction	Chord Length
C1	68°33'13"	57.45'	48.01'	S24° 40' 52"E	54.08'
C2	44°21'00"	37.16'	48.01'	S31° 46' 15"W	36.24'
C3	56°04'19"	46.99'	48.01'	S81° 58' 54"W	45.13'
C4	37°37'23"	31.53'	48.01'	N51° 10' 15"W	30.96'
C5	90°38'34"	75.96'	48.01'	N12° 57' 44"E	68.28'



PREPARED: 11/10/2021
REVISED: 12/21/22

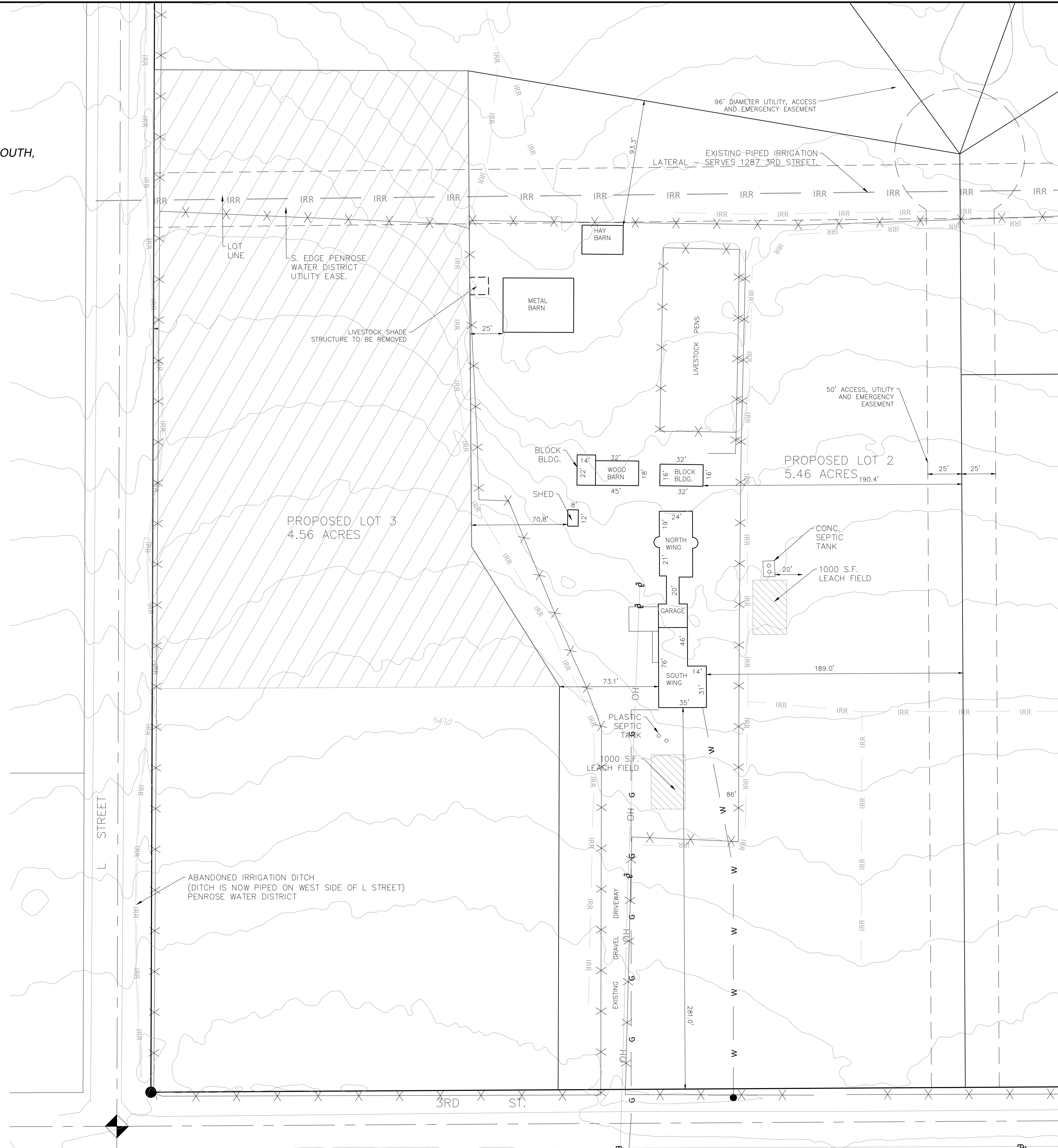


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PRELIMINARY PLAN

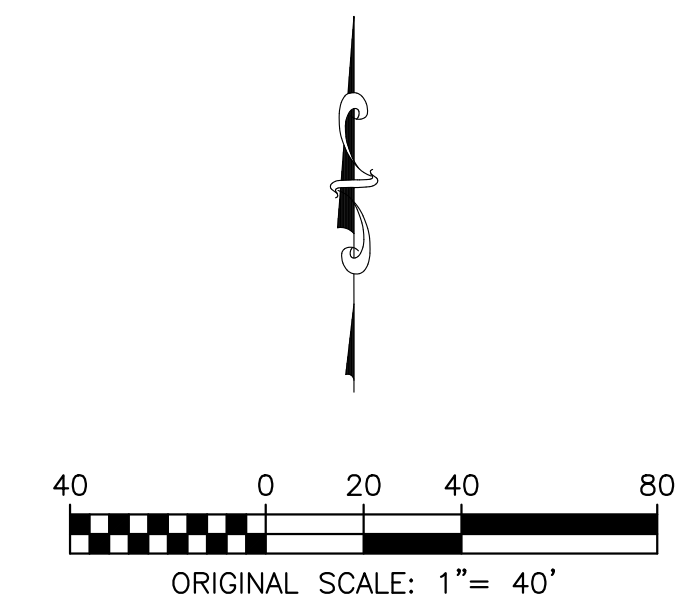
MISTRY SUBDIVISION FILING NO. 2

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



LEGEND

- IRR IRR — IRRIGATION DITCH
- IRR IRR — IRRIGATION LATERAL
- X X X — EXISTING FENCES
- OH — OVERHEAD UTIL. LINES
- G G — BURIED GAS SERVICE
- W W — WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION



February 17, 2023

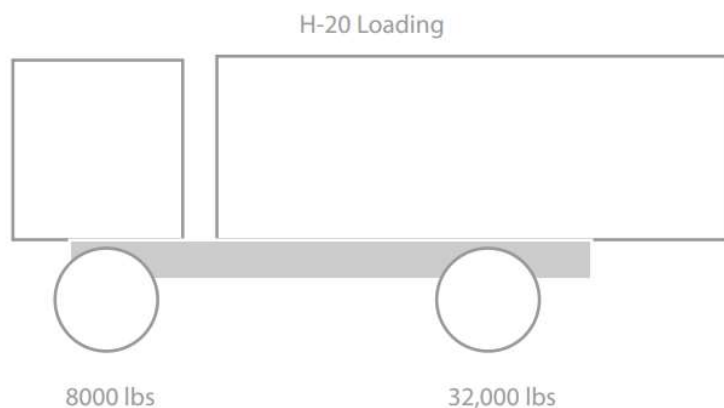
Dan Victoria
Director of Planning & Zoning
Fremont County, Colorado
615 Macon Ave.
Cañon City, CO 81212

Mr. Victoria,

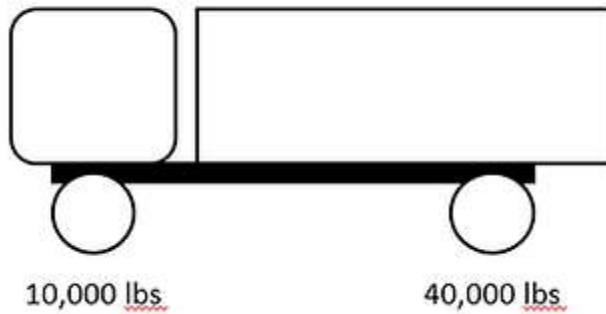
It has come to my attention that The Fremont County Planning & Zoning Department is concerned about the load capacity of the 18" culvert that I have proposed under Margarita Way at the proposed intersection of Margarita Way and 3rd Street in Penrose, Colorado as a part of the proposed Mistry Subdivision improvements. Specifically, on page C1/2, I call out " 18"Ø CULVERT W/1' MIN. COVER & FES".

We have left the culvert material up to the contractor because any regularly available culvert material on the market (Dual Wall HDPE, Concrete, or Steel) meets AASHTO H-20, H25, or HL-93 loading requirements when the culvert is installed per the manufacturer's requirements and 1' of cover is used.

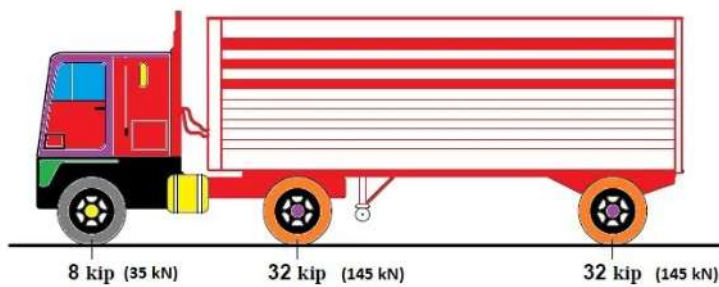
For reference, I have included graphics explaining the loading capacities below.



H25 Loading (Truck)



HL-93 Loading



Section 15.2.4 of the CDOT Roadway Design Guide states that Concrete Box Culverts are required to be designed to HL-93 loading. I believe that this culvert is properly designed and that designing above and beyond the CDOT box culvert requirements is unnecessary. If anyone is still concerned, I recommend specifying an ADS HP Storm pipe as a contingency because they are approved under airfields and railroads.

Thank you,



Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rockengineering.com

719.430.5333

**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Penrose Water District

FROM: Hoshi Mistry

Name of Subject Property Owner / Applicant

DATE: February 1, 2022

Reference: Mistry Subdivision Filing No. 2

Project Name

RECEIVED

FEB 03 2022

PENROSE WATER DIST.

This is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Fremont County Department of Planning and Zoning (Department):

- Minor Subdivision – Preliminary Plan – Vacation of a Public R-O-W
 – Vacation of Interior Lot Line & Utility / Drainage Easement
 – Lot Line Adjustment – Boundary Line Adjustment

The subject property, as referenced above is located at SE corner 2nd and L Streets, Penrose, CO

General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: Lot 1, Mistry Subdivision

Check here if legal description is attached as Exhibit B.

A copy of the proposed subdivision and or re-plat drawing has been enclosed with this mailing.

Minor Subdivision, Preliminary Plan and Vacation of Public R-O-W applications are always first heard by the Fremont County Planning Commission (Commission) and then the Fremont County Board of County Commissioners (Board). Normally Vacation of Interior Lot Line, Lot Line Adjustment and Boundary Line Adjustment applications are administrative reviews and only reviewed by the Department.

If you would like to attend either the Commission or Board meeting, please contact the Department of Planning and Zoning for the date and time of meetings:

Telephone 719-276-7360 Email: planning@fremontco.com

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 oral 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.

If you would like further information regarding the application you can contact the Department by telephone at (719) 276-7360, facsimile (719) 276-7374 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 Commission or Board'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 or can be used as the "sign in" sheet at a meeting that you intend to attend and provide oral comments. Only written comments can be accepted by the Department for administrative reviews and must be received by the Department within ten (10) days of your acknowledged receipt of this notification.

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 or written comment on administratively reviewed applications will result in the Department, Commission and Board assuming that you have no comments with regard to the submitted application.

Entity Name: Penrose Water Dist. Name of contact person: Ron Gasser
Title: Dist. Mgr. Telephone: 719-372-3289 Email: penwd1@bresnan.net
Mailing Address: 210 Broadway Penrose CO 81240
Street Address City State Zip

Does your entity currently service the subject property? Yes --- No only with existing tap at this time

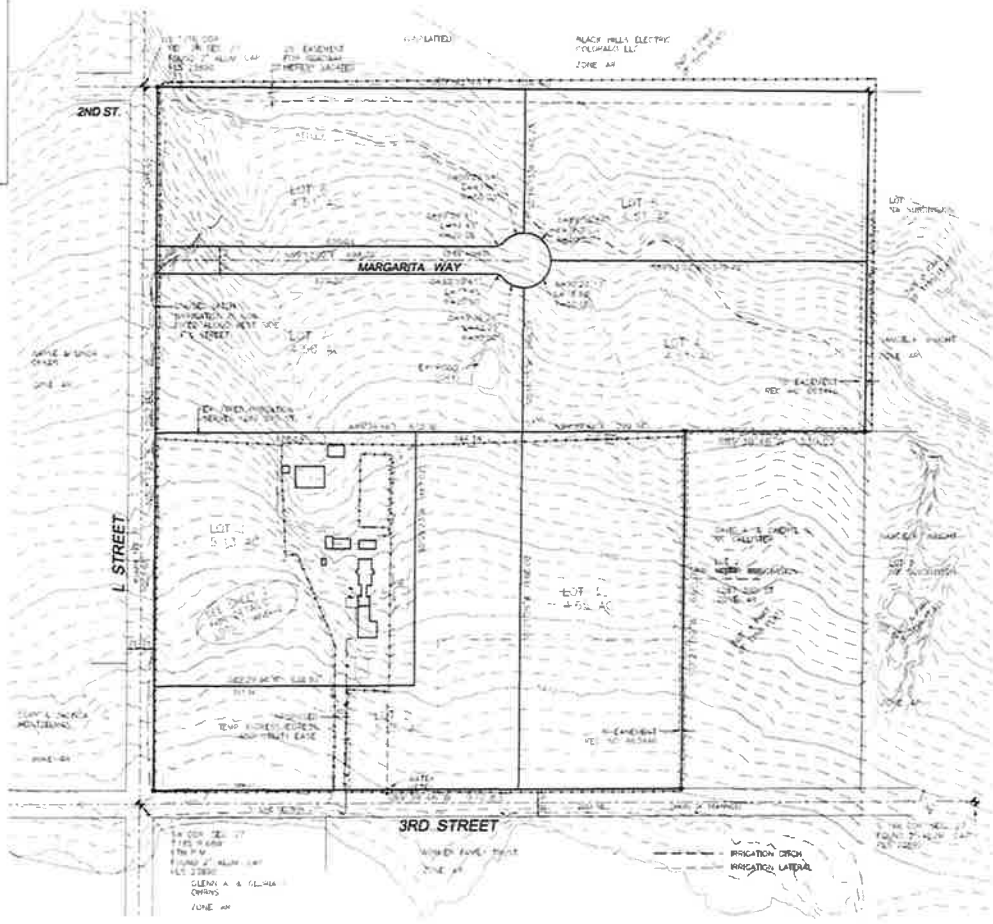
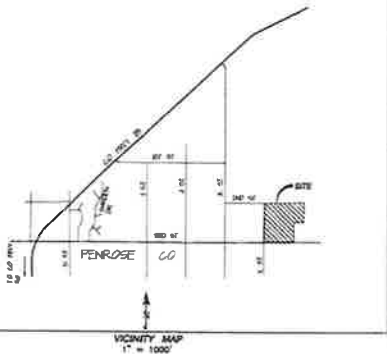
Will your entity be able to service the subject property as proposed by the subdivision or re-plat?
 Yes --- No Please explain With the applicant's meeting District's Rules & Regulations

Our entity has the following comments and or recommendations regarding the proposed action:
This proposed subdivision requires considerable distribution system improvements to our existing system.
Applicant has been working with our district to obtain water service - through an engineering firm and in person.
District and applicant have entered into contracts to provide water to each of the proposed lots of this subdivision

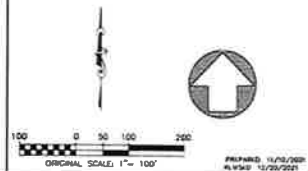
Ron Gasser - Dist. Mgr. 2/17/2022
Signature of Authorized Entity Representative Date

PRELIMINARY PLAN MISTRY SUBDIVISION FILING NO. 2

A VACATION AND RE-PLAT OF LOT 1, MISTRY SUBDIVISION,
FREMONT COUNTY, COLORADO
33.65 ACRES 7 LOTS

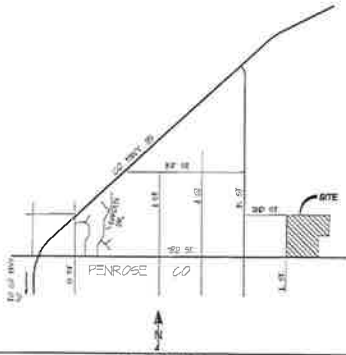


- CONV. CURRENT PROPOSED
 - TOTAL PROPOSED LOTS
 - OFF-STREET PARKING
 - SEWER
 - WATER
 - SCHOOL
 - CONVEYANCE
 - FIRE
 - IRRIGATION
 - REMARKS
- ZONE
 - PENROSE WATER DISTRICT
 - FREMONT RE-1
 - FREMONT LANDMARK DISTRICT
 - DE. CO. AREA CONSERVATION DISTRICT
 - DEPT. AMADOR WATER TRANSFERATION
 - FLORENCE FIRE DISTRICT
 - NO UTILITIES IN LATERAL WITHIN THE SUBJECT PARCEL ARE MAINTAINED BY AN AGENCY
 - LOT 1 33.65 ACRES



PRELIMINARY PLAN MISTRY SUBDIVISION FILING NO. 2

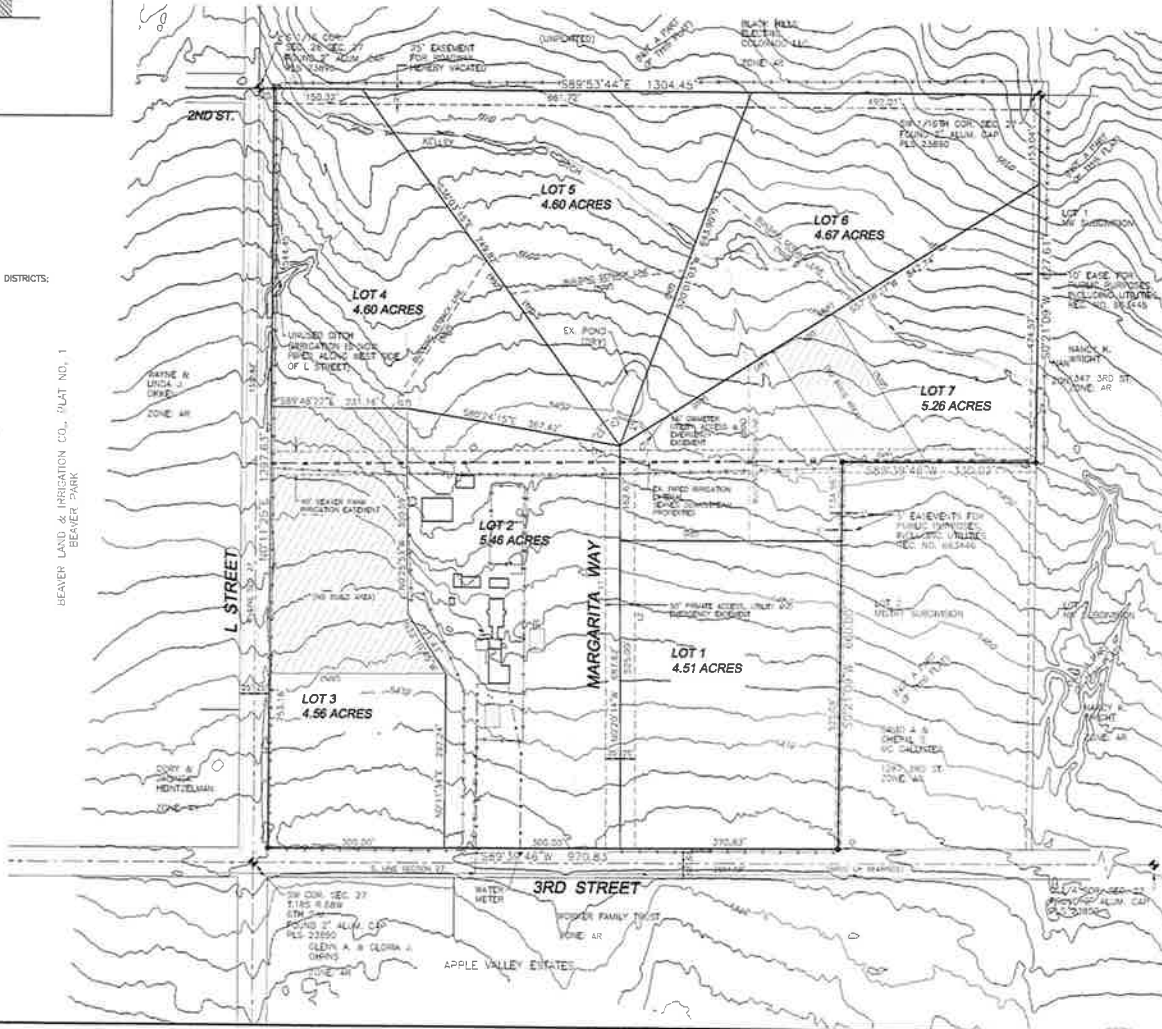
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A PART OF THE SOUTHWEST QUARTER SECTION 27, TOWNSHIP 18 SOUTH,
RANGE 68 WEST, SIXTH PRINCIPAL MERIDIAN
FREMONT COUNTY, COLORADO
33.65 ACRES 7 LOTS



VICINITY MAP
1" = 1000'

- NOTES:**
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 SCHOOL: FREMONT RE-2
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 SE CO WATER CONSERVATION DISTRICT
 UPPER ARKANSAS WATER CONSERVATION
- FIRE: FLORENCE FIRE DISTRICT
- PRIVATE ROADWAY 688 L.F., 0.90 AC.
 - DENSITY: 0.21 DU/AC.
 - IRRIGATION DITCHES: DITCHES AND LATERALS ARE SHOWN HEREON.
 - CONTOUR INTERVAL = 2 FEET. SOURCE: FREMONT COUNTY LGAR
 - NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THIS SUBDIVISION.

BEAVER LAND, 4- IRRIGATION CO., PLAT NO. 1
BEAVER PARK



EASEMENT STATEMENT
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LEGEND

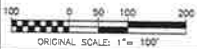
- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- OVERHEAD UTIL. LINES
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- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION (SEE SHEET 2)

EASEMENT LINE TABLE

Line #	Direction	Length
L1	S0°20'34"E	646.63'
L2	S0°20'34"E	646.63'

EASEMENT CURVE TABLE

Curve #	Data	Length	Radius	Chord Direction	Chord Length
C1	68°33'13"	57.45'	48.01'	S24°40'52"E	54.06'
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C3	54°04'39"	46.99'	48.01'	S81°58'54"W	45.13'
C4	37°37'23"	33.53'	48.01'	N51°30'15"W	30.96'
C5	90°38'34"	75.96'	48.01'	N12°57'44"E	68.28'

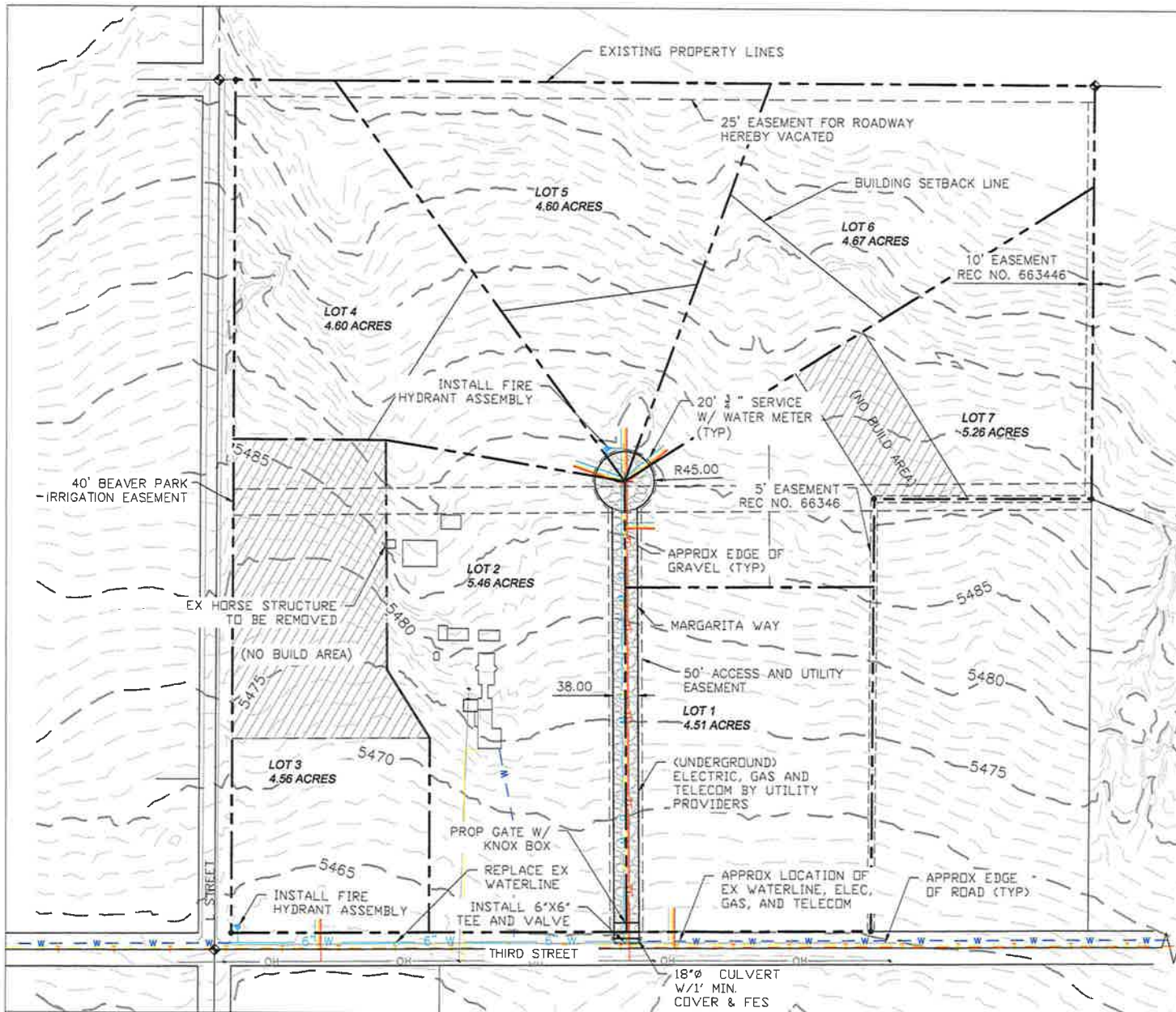


PREPARED: 11/10/2021
 REVISED: 12/21/22

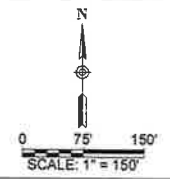


430 MAIN
 CANON CITY, CO 81212
 (303) 694-6300

Exhibit 23.1 Preliminary Site Development Plan



- LEGEND:**
- PROPOSED:**
- 6" W WATER
 - GAS
 - E ELECTRIC
 - T TELECOM
- EXISTING:**
- W WATER
 - G GAS
 - E ELECTRIC
 - T TELECOM



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 719.430.5333
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MISTRY SUBDIVISION

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V1-02/17/2021
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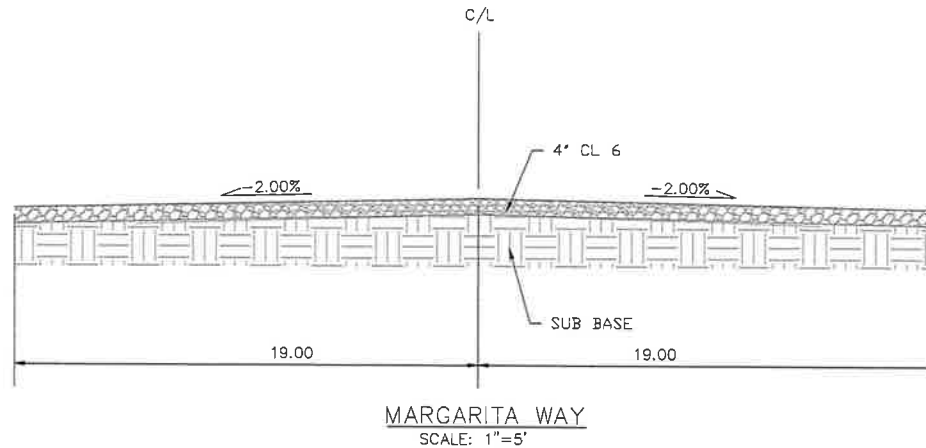
C1 /2
 SCHEMATIC DESIGN

Home

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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).
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3. MINIMUM COVER OVER WATERLINE SHALL BE 4'.



MISTRY SUBDIVISION

1245 3RD ST.
PENROSE, CO 81240

V1.0-02/17/2021
V2.0-11/10/2021
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Drawn by: HG
Prj # 21.024
Date: 08/25/2022

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

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Street and Apt. No. **340 Grant Street**
City, State, ZIP+4 **Penrose, CO 81240**

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Extra Services & Fees (check box, add fee as appropriate)	\$3.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

Sent To **Beaver Park Water Inc.**
Street and Apt. No. **PO Box 286**
City, State, ZIP+4 **Penrose, CO 81240**

PS Form 3800



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Sent To **Atmos Energy**
Street and Apt. No. **PO Box 650205**
City, State, ZIP+4® **Dallas, TX 75265**

PS Form 3800, 11/15/18



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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To **Black Hills Energy** USPS
Street and Apt. No. **3110 Utility Lane**
City, State, ZIP+4® **Cañon City, CO 81212**

PS Form 3800, 11/15/18



Home



September 13, 2022

TO: Utility Provider

FROM: Angela Bellantoni Ph.D.

RE: Mistry Subdivision Filing No. 2

Margarita Way New Configuration

Please accept this third notice as a public utility provider for the proposed Mistry Subdivision Filing No. 2. Margarita Way is now aligned to intersect with 3rd Street. This notification supersedes the previous notifications. Margarita Way will not intersect with L Street.

**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Atmos Energy

FROM: Hoshi Mistry

Name of Subject Property Owner / Applicant

DATE: September 13, 2022

Reference: Mistry Subdivision Filing No. 2

Project Name

This is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Fremont County Department of Planning and Zoning (Department):

- Minor Subdivision -- Preliminary Plan -- Vacation of a Public R-O-W
 -- Vacation of Interior Lot Line & Utility / Drainage Easement
 -- Lot Line Adjustment -- Boundary Line Adjustment

The subject property, as referenced above is located at SE corner 2nd and L Streets, Penrose, CO

General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: Lot 1, Mistry Subdivision

Check here if legal description is attached as Exhibit B.

A copy of the proposed subdivision and or re-plat drawing has been enclosed with this mailing.

Minor Subdivision, Preliminary Plan and Vacation of Public R-O-W applications are always first heard by the Fremont County Planning Commission (Commission) and then the Fremont County Board of County Commissioners (Board). Normally Vacation of Interior Lot Line, Lot Line Adjustment and Boundary Line Adjustment applications are administrative reviews and only reviewed by the Department.

If you would like to attend either the Commission or Board meeting, please contact the Department of Planning and Zoning for the date and time of meetings:

Telephone 719-276-7360 Email: planning@fremontco.com

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 oral 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.

If you would like further information regarding the application you can contact the Department by telephone at (719) 276-7360, facsimile (719) 276-7374 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 Commission or Board'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 or can be used as the "sign in" sheet at a meeting that you intend to attend and provide oral comments. Only written comments can be accepted by the Department for administrative reviews and must be received by the Department within ten (10) days of your acknowledged receipt of this notification.

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 or written comment on administratively reviewed applications will result in the Department, Commission and Board assuming that you have no comments with regard to the submitted application.

Entity Name: _____ Name of contact person: _____

Title: _____ Telephone: _____ Email: _____

Mailing Address: _____

Street Address

City

State

Zip

Does your entity currently service the subject property? Yes --- No

Will your entity be able to service the subject property as proposed by the subdivision or re-plat?

Yes --- No Please explain _____

Our entity has the following comments and or recommendations regarding the proposed action: _____

Signature of Authorized Entity Representative

Date

**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Beaver Park Water Inc
FROM: Hoshi Mistry
Name of Subject Property Owner / Applicant
DATE: September 13, 2022
Reference: Mistry Subdivision Filing No. 2
Project Name

This is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Fremont County Department of Planning and Zoning (Department):

- Minor Subdivision -- Preliminary Plan -- Vacation of a Public R-O-W
 -- Vacation of Interior Lot Line & Utility / Drainage Easement
 -- Lot Line Adjustment -- Boundary Line Adjustment

The subject property, as referenced above is located at SE corner 2nd and L Streets, Penrose, CO
General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: Lot 1, Mistry Subdivision

Check here if legal description is attached as Exhibit B.

A copy of the proposed subdivision and or re-plat drawing has been enclosed with this mailing.

Minor Subdivision, Preliminary Plan and Vacation of Public R-O-W applications are always first heard by the Fremont County Planning Commission (Commission) and then the Fremont County Board of County Commissioners (Board). Normally Vacation of Interior Lot Line, Lot Line Adjustment and Boundary Line Adjustment applications are administrative reviews and only reviewed by the Department.

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Entity Name: _____ Name of contact person: _____

Title: _____ Telephone: _____ Email: _____

Mailing Address: _____
Street Address City State Zip

Does your entity currently service the subject property? Yes --- No

Will your entity be able to service the subject property as proposed by the subdivision or re-plat?
 Yes --- No Please explain _____

Our entity has the following comments and or recommendations regarding the proposed action: _____

Signature of Authorized Entity Representative Date

Home

**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Black Hills Energy
FROM: Hoshi Mistry
Name of Subject Property Owner / Applicant
DATE: September 13, 2022
Reference: Mistry Subdivision Filing No. 2
Project Name

This is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Fremont County Department of Planning and Zoning (Department):

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The subject property, as referenced above is located at SE corner 2nd and L Streets, Penrose, CO
General Location or Address (Vicinity Map Exhibit A)

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Entity Name: _____ Name of contact person: _____

Title: _____ Telephone: _____ Email: _____

Mailing Address: _____
Street Address City State Zip

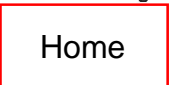
Does your entity currently service the subject property? Yes --- No

Will your entity be able to service the subject property as proposed by the subdivision or re-plat?
 Yes --- No Please explain _____

Our entity has the following comments and or recommendations regarding the proposed action: _____

Signature of Authorized Entity Representative

Date



**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Penrose Water District
FROM: Hoshi Mistry
Name of Subject Property Owner / Applicant
DATE: September 13, 2022
Reference: Mistry Subdivision Filing No. 2
Project Name

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Entity Name: _____ Name of contact person: _____

Title: _____ Telephone: _____ Email: _____

Mailing Address: _____

Street Address

City

State

Zip

Does your entity currently service the subject property? Yes --- No

Will your entity be able to service the subject property as proposed by the subdivision or re-plat?

Yes --- No Please explain _____

Our entity has the following comments and or recommendations regarding the proposed action: _____

Signature of Authorized Entity Representative

Date





August 4, 2022

Mica Simpleman, Director
Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing #2
Waiver Request for Margarita Way

Dear Director Simpleman,

Please accept on behalf of Mr. Hoshedar Mistry this request for waiver for Margarita Way regarding development standard and subdivision lot frontage.

Mr. Mistry requests waiver of requirement that Lots 6 and 7 front onto L Street. Lots 4, 5, 6 and 7 will front onto Margarita Way.

Mr. Mistry requests waiver of development of Margarita Way to county road standards. Margarita Way will be developed as a private gravel road and will not be county maintained.

Mr. Mistry requests waiver of development of L Street from Margarita Way north to 2nd Street. This portion of 2nd Street will not be used for lot frontage and 2nd Street is not a developed through street in Penrose.

Feel free to reach out to me directly with any questions.

Respectfully submitted

Angela M. Bellantoni

Angela M. Bellantoni Ph.D.

Cc: Hoshi Mistry



March 17, 2023

Dan Victoria, Interim Director
Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing #2
Response to March 17, 2023

Dear Director Victoria

Please accept the enclosed revised exhibits and clarifications in response to the email from Carrie McCool dated March 9, 2023.

Beaver Park Water Inc. (BPWI): The BPWI comments regarding water administration are included on the Preliminary Plan as requested. The improvements to the Apple Valley Line (AVL) were accepted by BPWI on March 16, 2021 and are included herein as a figure by 3Rocks Engineering. Emails with Connie Johnson, Superintendent, are included herein that track the approval. The Board will formally approve at the April Board meeting.

Preliminary Plan Revisions: The Preliminary Plan includes the land use table and barn dimensions on page 2.

FCDOT Roadway Impact Analysis: The Roadway Impact Analysis (RIA) form was reviewed and revised by Jeff Hodsden of LSC Transportation Consultants, Inc. The revised RIA is provided herein.

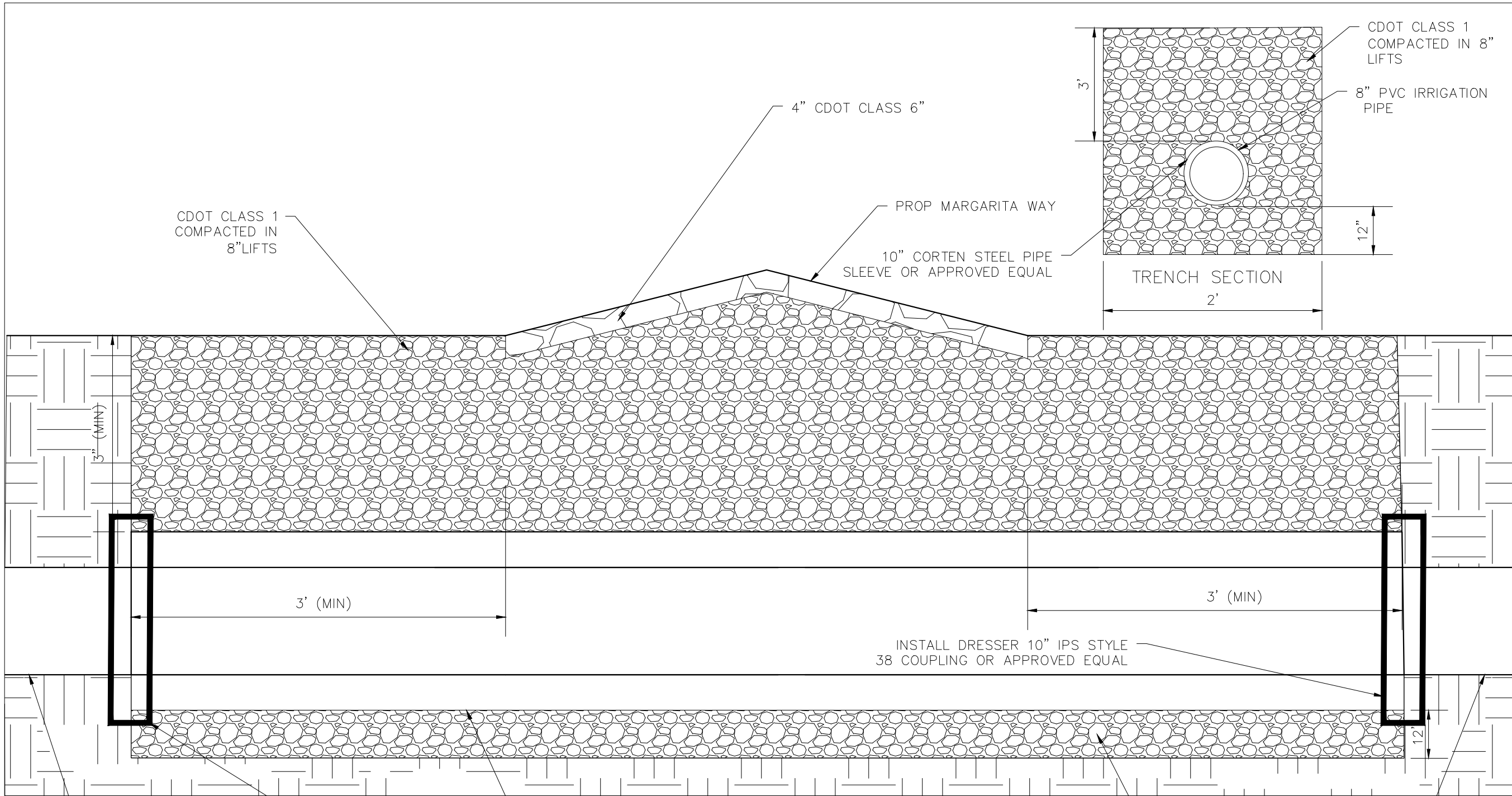
Florence Fire Department: The 3Rocks Engineering figure of the AVL improvements were emailed to Chief Ritter on March 17, 2023. Chief Ritter's email response will be forwarded upon receipt.

Feel free to reach out to me directly with any questions.

Respectfully submitted

Angela M. Bellantoni Ph.D.

Cc: Hoshi Mistry, A. Ewers and J.Kratz



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

MISTRY SUBDIVISION
 FILING NO. 2
 1245 3RD ST.
 PENROSE, CO 81240

PROJECT ENG: AWE
 QA/QC: PBG
 Drawn by: SS
 Prj: 21.024
 Date: 02/22/2023

EX 8" IRRIGATION PIPE

CORTEN 10" STEEL PIPE SLEEVE OR APPROVED EQUAL

CDOT CLASS 1 BEDDING & BACKFILL COMPACTED IN 8" LIFTS

EX 8" IRRIGATION PIPE

INSTALL DRESSER 10" IPS STYLE 38 COUPLING OR APPROVED EQUAL

INSTALL DRESSER 10" IPS STYLE 38 COUPLING OR APPROVED EQUAL

NOTES

1. EX IRRIGATION PIPE IS BELIEVED TO BE 8" TO 10" Ø BASED ON FEEDBACK FROM BEAVER PARK IRRIGATION COMPANY.
2. CONTRACTOR TO POT HOLE DEPTH TO CROWN OF EX PIPE AT THE BEGINNING OF THE PROJECT AT THE CENTER OF PROPOSED ROAD
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE INFLICTED ON EX PIPE DURING POT HOLE OR CONSTRUCTION

1 IRRIGATION PIPE PROTECTION DETAIL
 101 1"=1'

Home

IRRIGATION PIPE PROTECTION

p:\2021\21.024-hoshiwater\h-dwgs\hoshiwater-sheets.dwg 3/16/2023 12:36:43 PM

From: [Connie Johnson](#)
To: [Angela Bellantoni](#)
Subject: RE: Mistry Subdivision response to BPW
Date: Thursday, March 16, 2023 11:28:07 AM

Hi Angela,
Just spoke to Jack and he said it looks good. The only other question he had was that we looked up the 10" Corten and couldn't find it avail. If that does not exist, can the 3Rocks plan say Corten or Approved Equal just like the Dresser couplers say on it?

Connie Johnson
Superintendent
Beaver Park Water Inc.
209 Broadway
Penrose, Co. 81240
719-371-4312
cjohnson@beaverparkwater.net

From: Angela Bellantoni [<mailto:angela@envalternatives.com>]
Sent: Thursday, March 16, 2023 8:16 AM
To: Connie Johnson
Subject: RE: Mistry Subdivision response to BPW

Good morning Connie.

Couplers added.

Dr. Angela M. Bellantoni
Office Phone: (719) 275-8951



PO. Box 326, Cañon City, CO 81215
www.envalternatives.com

From: Connie Johnson [<mailto:cjohnson@beaverparkwater.net>]
Sent: Wednesday, March 15, 2023 3:07 PM
To: Angela Bellantoni <angela@envalternatives.com>

Home

Subject: RE: Mistry Subdivision response to BPW

Hi Angela,

Thank you for sending the engineering on Margarita Way. I do not see any couplers (however (dressler or bold coupler) on both sides of the pipe which will have to be in place to sleeve the pvc pipe.

I have also been informed from our Attorney that the language on item number 5 is reasonable and that can be added to the plot map. However he is on vacation and has been answering as few questions as he can to continue his vacation so he suggested in the last email that we can give you an interim approval that will allow you to be on the County's agenda but will not have a voted approval until he can see both the finished plot map and the 3Rocks Engineering map for Margarita Way when he returns from vacation.

I hope this does not delay but this cannot be finalized until he approves of it and the board votes on it.

Thanks,

Connie Johnson
Superintendent
Beaver Park Water Inc.
209 Broadway
Penrose, Co. 81240
719-371-4312
[*cjohnson@beaverparkwater.net*](mailto:cjohnson@beaverparkwater.net)

From: Angela Bellantoni [<mailto:angela@envalternatives.com>]

Sent: Wednesday, March 15, 2023 2:34 PM

To: Connie Johnson

Subject: RE: Mistry Subdivision response to BPW

Hi Connie

Does this work? Any word from Bob?

Dr. Angela M. Bellantoni

Office Phone: (719) 275-8951

Home



PO. Box 326, Cañon City, CO 81215

www.envalternatives.com

From: Connie Johnson [<mailto:cjohnson@beaverparkwater.net>]

Sent: Wednesday, March 15, 2023 9:45 AM

To: Angela Bellantoni <angela@envalternatives.com>

Subject: RE: Mistry Subdivision response to BPW

Good morning,

We measured the pipe to be 8" so the metal pipe will need to be at least 10". Also, the valve where we measured the depth only showed 17" deep, That is approx. 150 yards from where Margarita Way will be placed so I am not sure of the depth there.

Waiting to hear from our lawyer, will let you know as soon as we hear something.

Thanks,

Connie Johnson

Superintendent

Beaver Park Water Inc.

209 Broadway

Penrose, Co. 81240

719-371-4312

cjohnson@beaverparkwater.net

From: Angela Bellantoni [<mailto:angela@envalternatives.com>]

Sent: Tuesday, March 14, 2023 4:14 PM

To: cjohnson@beaverparkwater.net

Cc: hoshimag1@gmail.com; hmistry@kw.com; Alex Ewers; 'John Kratz'

Subject: Mistry Subdivision response to BPW

Good afternoon Connie

I apologize for the late email. With Hoshi out of the country, this is very difficult to ensure I'm presenting his wishes. I will bring a full scale Preliminary Plan to the meeting at 7:30 this evening.

Home

Dr. Angela M. Bellantoni

Office Phone: (719) 275-8951



PO. Box 326, Cañon City, CO 81215

www.envalternatives.com

Home

From: cjohnson@beaverparkwater.net
To: [Angela Bellantoni](#)
Subject: Latest Drawing from 3 Rocks Engineering
Date: Thursday, March 16, 2023 3:22:24 PM
Importance: High

Angela,

We received an okay from Jack on the wording regarding the Corten or approved equal change.

Connie

Home

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

BEAVER PARK WATER, INC. ("BWPI") IS A COLORADO MUTUAL DITCH COMPANY WHICH PROVIDES IRRIGATION WATER FROM BEAVER CREEK TO ITS APPROXIMATELY 500 STOCKHOLDERS IN THE PENROSE AREA. BWPI OWNS PRE-EXISTING EASEMENTS FOR ITS IRRIGATION WATER PIPELINES ALONG L STREET (THE L STREET LATERAL), AND ALONG THE NORTH SIDE OF THE S/2SW/4SW/4 SEC 27 ("THE APPLE VALLEY LINE"). THE CLAIMED CENTERLINES OF THOSE PRESCRIPTIVE EASEMENTS, WHOSE CLAIMED WIDTHS ARE 20 FEET EACH SIDE OF THE CENTERLINES, ARE SHOWN ON THIS PLAT. BWPI ALSO PROVIDES IRRIGATION WATER FOR THIS LAND TO THE DEVELOPER, WHO IS A BWPI STOCKHOLDER. THE FOLLOWING PROVISIONS ARE NECESSARY TO BE INCLUDED ON THE PLAT TO PROTECT BWPI'S EASEMENTS AND ITS ABILITY TO PROVIDE WATER TO ITS STOCKHOLDERS:

1. NO PERMANENT STRUCTURES, NOR TEMPORARY STRUCTURES WHICH CANNOT BE QUICKLY AND EASILY REMOVED, MAY BE CONSTRUCTED OR PLACED UPON THESE EASEMENTS; AND
2. BWPI HAS THE AUTHORITY TO MAINTAIN, REPAIR AND REPLACE THOSE PIPELINES; AND
3. BWPI IS RESPONSIBLE FOR ITS NORMAL EXPENSES FOR SUCH WORK BUT ANY ADDITIONAL EXPENSES INCURRED FOR SUCH WORK BY BWPI DUE TO THE EXISTENCE OF THIS SUBDIVISION SUCH AS BY WAY OF EXAMPLE AND NOT BY WAY OF LIMITATION REMOVAL OF LANDSCAPING, CURB, GUTTER, SIDEWALK OR STREET SURFACE AND THEIR RESTORATION ARE THE RESPONSIBILITY OF THE DEVELOPER. THE ADJACENT PROPERTY OWNERS, AND THE SUBDIVISION HOMEOWNERS ASSOCIATION IF SUCH ASSOCIATION IS FORMED AND SHALL BE PAID TO BWPI PROMPTLY UPON RECEIPT OF INVOICES; AND
4. ANY UNDERGROUND UTILITY CROSSING OF BWPI'S EASEMENTS SHALL BE PLACED BELOW BWPI'S PIPELINES AND REQUIRES FURTHER WRITTEN AGREEMENT WITH BWPI TO MEET STANDARD ENGINEERING PRACTICE AND COMPENSATE BWPI FOR ITS EXPENSE IN THE MATTER, BEFORE ANY SUCH WORK IS DONE. ANY ABOVE GROUND CROSSING OF BWPI'S EASEMENTS ALSO REQUIRES FURTHER WRITTEN AGREEMENT WITH BWPI TO MEET STANDARD ENGINEERING PRACTICE AND COMPENSATE BWPI FOR ITS EXPENSE IN THE MATTER, INCLUDING NECESSARY ATTORNEY FEES INCURRED FOR THE NEGOTIATION OR REVIEW OF ANY DOCUMENTS OR AGREEMENTS BEFORE ANY SUCH WORK IS DONE; AND
5. BWPI WILL CONTINUE TO PROVIDE DELIVERY OF WATER PURSUANT TO THE DEVELOPER'S STOCK OWNERSHIP TO THE EXISTING IRRIGATION BOX, BUT WILL NOT BE RESPONSIBLE FOR DELIVERY OR ADMINISTRATION OF WATER PAST THAT POINT. IN THE EVENT DEVELOPER WISHES TO PROVIDE IRRIGATION WATER TO LOT OWNERS, DEVELOPER SHALL FORM AN APPROPRIATE LEGAL ENTITY FOR THAT PURPOSE AND SHALL TRANSFER SUCH NUMBER OF SHARES AS DEVELOPER CONSIDERS APPROPRIATE TO THAT ENTITY ACCORDANCE WITH BWPI'S BYLAWS. FOR THE OUTDOOR AGRICULTURAL USE. THE ENTITY FORMED BY THE DEVELOPER SHALL BE RESPONSIBLE FOR ALLOCATION, ADMINISTRATION, DELIVERY AND CONTROL OF WATER ONCE THE WATER IS DELIVERED TO THE EXISTING IRRIGATION BOX. ABSENT PRIOR APPROVAL BY BWPI, TRANSFER OF BWPI SHARES TO LOT OWNERS OR OTHER PERSONS OR ENTITIES WITHIN THIS SUBDIVISION OTHER THAN SUCH ENTITY SHALL NOT BE AUTHORIZED BECAUSE OF THE TIME, EXPENSE AND ADMINISTRATIVE COMPLEXITY OF WATER DELIVERY ASSOCIATED WITH SUCH TRANSFERS.

EASEMENT STATEMENT
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 EASEMENT ON BOTH SIDES OF LOT LINES. EXTERIOR SUBDIVISION BOUNDARY IS SUBJECT TO A TEN (10) FOOT EASEMENT.

LEGEND

- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- OVERHEAD UTIL. LINES
- BURIED GAS SERVICE
- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION (SEE SHEET 2)

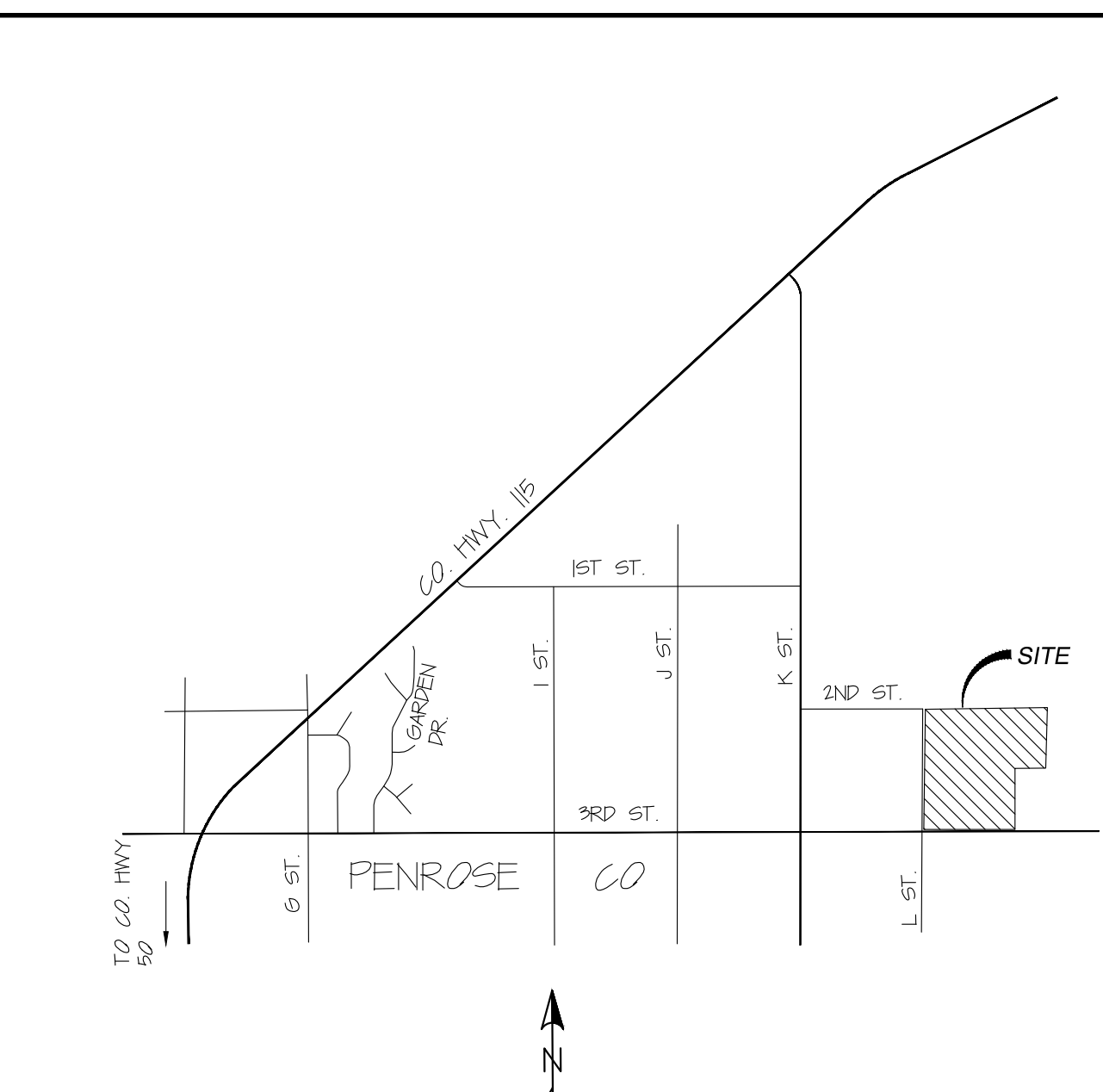
EASEMENT LINE TABLE

Line #	Direction	Length
L1	S0° 20' 14"E	646.63'
L2	S0° 20' 14"E	646.63'

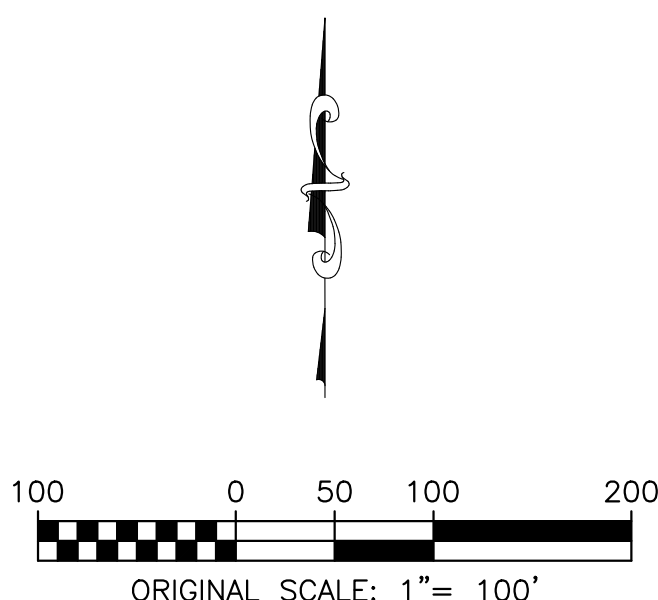
EASEMENT CURVE TABLE

Curve #	Delta	Length	Radius	Chord Direction	Chord Length
C1	68°33'13"	57.45'	48.01'	S24° 40' 52"E	54.08'
C2	44°21'00"	37.16'	48.01'	S31° 46' 15"W	36.24'
C3	56°04'19"	46.99'	48.01'	S81° 58' 54"W	45.13'
C4	37°37'23"	31.53'	48.01'	N51° 10' 15"W	30.96'
C5	90°38'34"	75.96'	48.01'	N12° 57' 44"E	68.28'

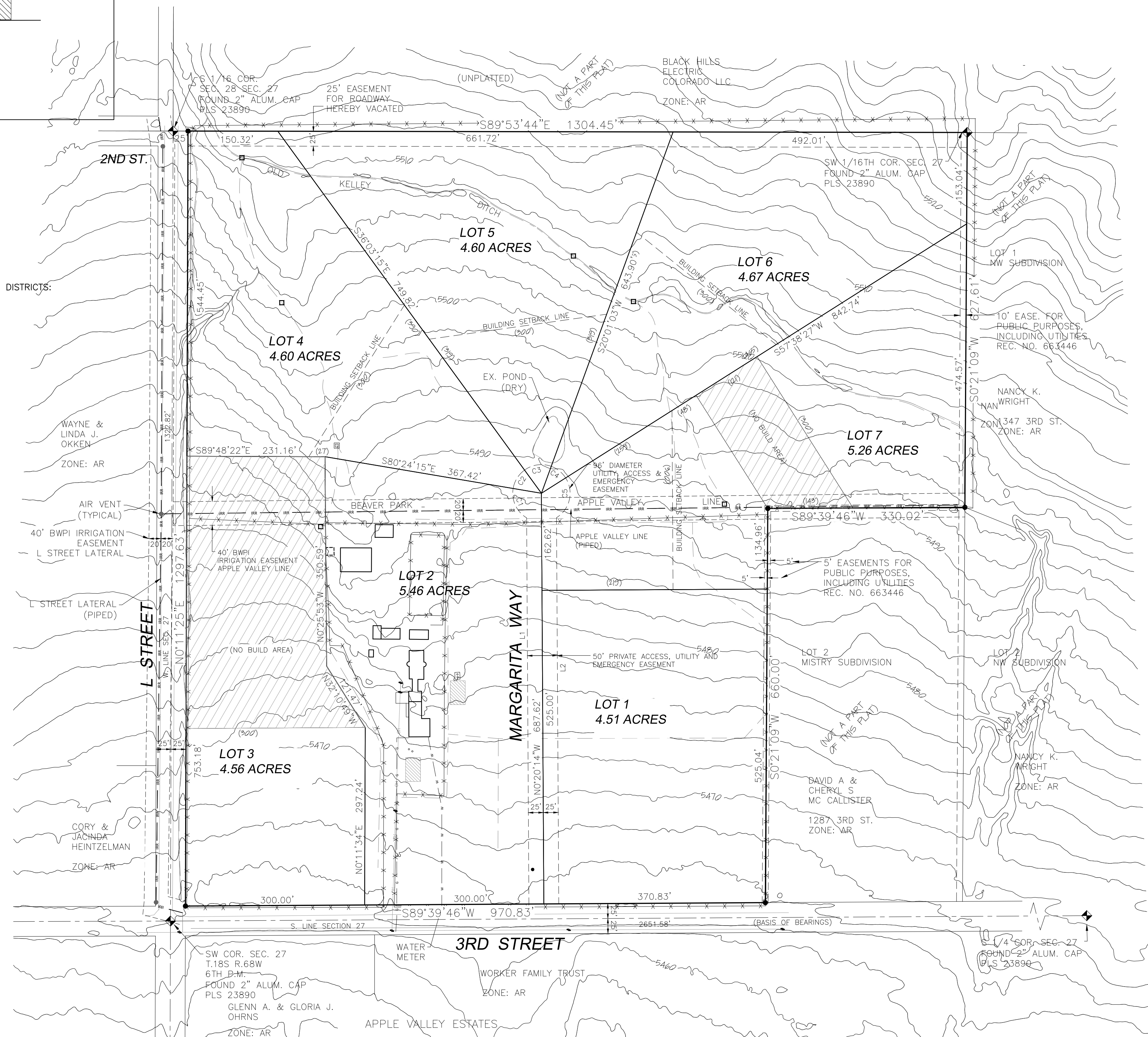
- NOTES:**
1. TOTAL PROPOSED LOTS: 7
 2. ZONING: AR PROPOSED: AR (NO CHANGE)
 3. THE PROPOSED SUBDIVISION LIES ENTIRELY WITHIN THE FOLLOWING DISTRICTS:
SEWER: NONE
WATER: PENROSE WATER DISTRICT
SCHOOL: FREMONT RE-2
CONSERVATION: FREMONT CONSERVATION DISTRICT
SE CO WATER CONSERVATION DISTRICT
UPPER ARKANSAS WATER CONSERVATION
 4. FIRE: FLORENCE FIRE DISTRICT
 4. PRIVATE ROADWAY 688 L.F. 0.90 AC.
 5. DENSITY: 0.21 DU/AC.
 6. IRRIGATION DITCHES: DITCHES AND LATERALS ARE SHOWN HEREON.
 7. CONTOUR INTERVAL = 2 FEET. SOURCE: FREMONT COUNTY LIDAR
 8. NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THIS SUBDIVISION.



VICINITY MAP
1" = 1000'



PREPARED: 11/10/2021
REVISED: 03/14/23



430 MAIN
CAÑON CITY, CO 81212
(303) 994-6300

PRELIMINARY PLAN

MISTRY SUBDIVISION FILING NO. 2

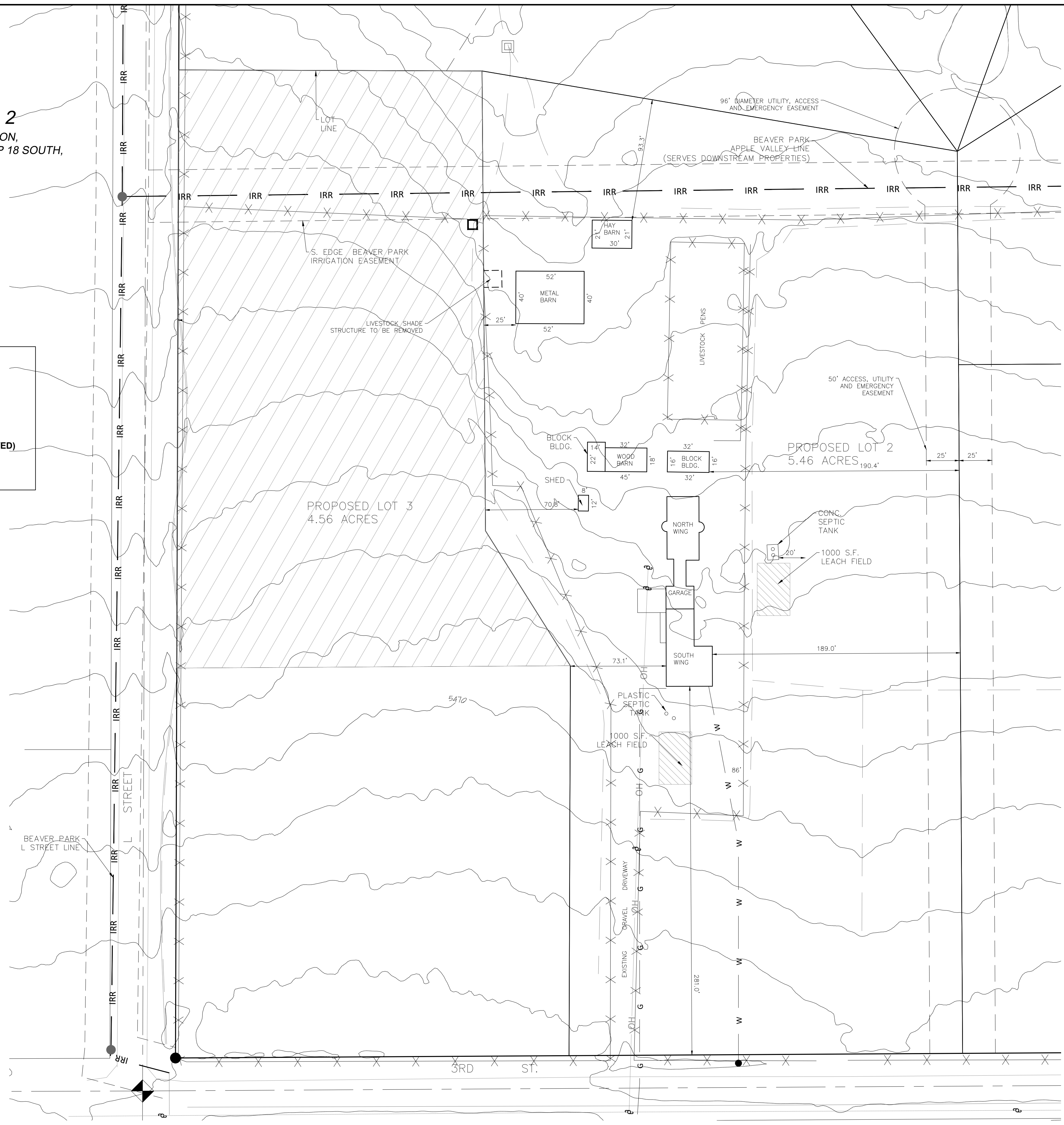
A VACATION AND RE-PLAT OF LOT 1, MISTRY SUBDIVISION,
A PART OF THE SOUTHWEST QUARTER SECTION 27, TOWNSHIP 18 SOUTH,
RANGE 68 WEST, SIXTH PRINCIPAL MERIDIAN
FREMONT COUNTY, COLORADO
33.65 ACRES 7 LOTS

LAND USE TABLE:

LAND USE - EXISTING BUILDINGS PROPOSED LOT 2:	
4.4.2.2.3 NO. OF DWELLINGS (SINGLE FAMILY):	1
4.4.2.1 ACCESSORY BUILDINGS AND USES	
LIVESTOCK BARNS/UTILITY/STORAGE	4
HAY STORAGE	1
STORAGE SHEDS	1
LIVESTOCK SHADE SHELTER	1 (TO BE REMOVED)
THE TERM LIVESTOCK HEREIN REFERS TO ANIMALS PERMITTED BY ZONING.	

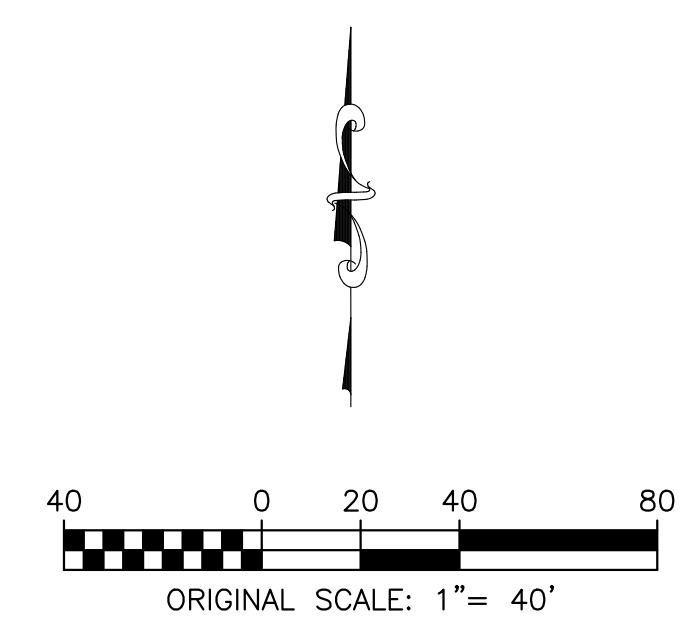
STRUCTURE TABLE

HOUSE/ GARAGE	3470 SQ. FT.
SHED	96 SQ. FT.
BLOCK BLDG (EAST)	512 SQ. FT.
WOOD BARN	536 SQ. FT.
BLOCK BLDG (WEST)	308 SQ. FT.
METAL BARN	2080 SQ. FT.
HAY BARN	630 SQ. FT.



LEGEND

- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- OVERHEAD UTIL. LINES
- BURIED GAS SERVICE
- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION





Fremont County Department of Planning and Zoning Roadway Impact Analysis Form

This form shall be used in conjunction with any applications submitted in accordance with Section 8 of the Fremont County Zoning Resolution and or Section VI of the Fremont County Subdivision Regulations. This form is considered a minimum application submittal item and shall be required to be provided at the time of application submittal. This form is intended to provide the minimum items that must be addressed in the roadway impact analysis. The form can be expanded or attachments can be made to further address the roadway impact of the proposed use. **If the estimated average daily traffic increase is less than thirty (30) vehicle trips per day (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property) as per the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions for the entire development, as estimated by the project engineer, then a Roadway Impact Analysis will not be required to be completed by an engineer. In such situations other minimum items shall be addressed by the applicant.**

1. Project Name Mistry Subdivision Filing No. 2

2. Type of application:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input checked="" type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | |

3. Engineer: LSC Transportation Consultants, Inc. Address: 2504 East Pikes Peak Ave. Suite 304
~~3Rocks Engineering~~ 430 Main Street
 City: ~~Canon City~~ Colorado Springs State: CO Zip Code: ~~81212~~ 80905
 Telephone #: ~~(719) 430-5333~~ Facsimile #: () NA Email: ~~alexo@3rocksengineering.com~~
719-633-2868 jett@LSCtrans.com

4. Provide a detailed description of the proposed use: _____

The subdivision will subdivide one parcel of 33.65 acres into seven single-family residential parcels.

5. Provide the estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions. The estimated volumes of traffic to be generated by the proposed use(s) shall include as a minimum, the average weekday traffic volume and the peak-hour (morning and afternoon) traffic volumes. Specify the number of trips in each category. (one trip to be considered as a single or one-direction vehicle movement with either the origin or the destination [exiting or entering] inside the subject property)

Residential: 7 DU 66 daily, 5 peak-hour am, 7 peak-hour pm ~~_____~~
 Employee: N/A daily, _____ peak-hour am, _____ peak-hour pm _____

Customer: blank daily, _____ peak-hour am, _____ peak-hour pm

Truck generated by the proposed use: blank daily, _____ peak-hour am, _____ peak-hour pm

Delivery – required by the use: blank daily, _____ peak-hour am, _____ peak-hour pm

Total Vehicle Trips: 66 daily, 5 peak-hour am, 7 peak-hour pm

I certify that based on the proposed use(s) the total vehicle trips using the Institute of Transportation Engineers, Trip Generation Handbook, Second Edition or subsequent editions will average less than thirty (30) trips per day based on any fourteen (14) day time frame.

Date _____ Seal _____
Colorado Licensed Professional Engineer

If the above has been certified, then the applicant can complete the form and acknowledge it. If completed by the applicant only the questions marked by asterisk (*) are required to be answered.

NOTE: If the additional information provided warrants improvements to the roadway system, even though the traffic generated by the proposed use is less than thirty (30) trips per day, such improvements will be required. If in the future the use exceeds an average of thirty (30) trips per day a complete analysis could be required.

6. *What is the general location of the subject property? _____
The subject parcel is located NE at the intersection of L Street and 3rd Street

7. *What are the names and/or the numbers of the public roadways that serve the site? _____
3rd Street

Provide a site plan drawing that shows the subject property, its proposed access points and all public roadways within a one-half (1/2) mile radius of the subject property, marked as Exhibit 7.1. An exhibit has been attached.

8. *What is the classification, according to the Fremont County Master Plan, of the roadway from which the project site will gain access to the public transportation system?
 Expressway or Freeway --- Major Arterial --- Arterial --- Collector --- Local

9. *Do the roadways in question lie within a three (3) mile radius of any incorporated town or city limits or the boundary of another County? Yes --- No
If yes, provide the name(s) of the jurisdiction(s): _____
In addition if a new roadway is to be constructed, how will it comply with the transportation plan in effect for the municipality? _____

10. *Will this project require a Fremont County Driveway Access Permit or a Colorado Department of Transportation (CDOT) State Highway Access Permit? Yes --- No
Please explain: County driveway permit

11. *Will the project require construction of, or improvement to any roadway maintained by the CDOT?
 Yes --- No

If yes, will the proposed construction or improvement be in compliance with CDOT's "5 Year Transportation Plan"? Yes --- No Please Explain _____

Has CDOT required that the applicant provide a traffic study? Yes --- No

If yes, a copy of the study shall be attached to this application, marked as Exhibit 11.1. An exhibit has been attached.

12. *Will the project require construction of, or improvement to any roadway currently maintained or proposed to be maintained by the County? Yes --- No

If yes, what would be the social, economic, land use, safety and environmental impacts and effects of the new roadway on the existing transportation system and neighborhood? _____

13. *Are any roadways proposed to be vacated or closed in conjunction with the proposed project? Yes --- No

If yes, please explain. _____

14. *Is the proposed project site adjacent to or viewable from any portion of the Gold Belt Tour Scenic Byway or other scenic corridor designated by the Master Plan? Yes --- No

If yes, identify the byway and or scenic corridor: _____

If yes, explain how the scenic quality will be affected by the proposed project. _____

If yes, what measures will be taken to not have a negative impact on the byway and or scenic corridor? _____

15. *Will the proposed project gain access to the public transportation system via 3rd, 9th, K and or R Streets in the Penrose-Beaver Park Area of the County? Yes --- No

16. *Does the subject property have frontage on a public roadway? Yes --- No

If answered no, then documentation evidencing a "right of access" to the subject property for the proposed use shall be attached marked as Exhibit 16.1. An exhibit has been attached. If answered no, then please explain what the right of access consists of: _____

Three lots have access directly onto 3rd Street. Four lots will access onto Margarita Way, a private road, that will access onto 3rd Street.

17. *What is the right-of-way width of the public roadway(s) that serve the site? 50 ft

18. *What is the surface type of the public roadway(s) that serve the site? _____

3rd Street is asphalt surface or primitive paving.

19. *What is the surface width of the public roadway(s) that serve the site? 18-20'

20. *What are the existing drainage facilities for the public roadway(s) that serve the site? Roadside bar ditches

21. *Does the public roadway(s) that serves the site have curb and gutter? Yes --- No
If answered yes, what is the type of curb and gutter? _____

22. *Does the public roadway(s) that serves the site have adjacent sidewalks or other pedestrian ways?
 Yes --- No
If answered yes, what is the width(s) and surface type(s)? _____

23. *How many access points will the subject property have to public roadways? One

24. *Will the proposed roadways that access the public roadways intersect the public roadways other than at perpendicular? Yes --- No
If answered yes, please explain: _____

25. *What are the sight distances, in all directions, from the subject property access point(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, site distance: _____ Southerly, site distance: _____
 Easterly, site distance: 1500 ft Westerly, site distance: 2000 ft
Trim roadside trees and vegetation if/as needed to maintain SD.

26. *What are the distances from the subject property access point(s), in all directions, to the nearest intersection with another public roadway along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: 675 ft Westerly, distance: 2000 ft

27. *What are the distances from the subject property access point(s), in all directions, to the nearest driveway(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: 150 ft Westerly, distance: 335

28. *What are the distances from the subject property access point(s), in all directions, to the nearest blind curve(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)
 Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: None Westerly, distance: None

29. *What are the distances from the subject property access point(s), in all directions, to the nearest blind hill(s) along the public roadway that serves the site? (mark and provide distance for each that is applicable)

Northerly, distance: _____ Southerly, distance: _____
 Easterly, distance: 1500 ft Westerly, distance: 2000 ft

30. *Identify any and all hazardous conditions with regard to the public roadway(s) that provide access to the subject property in the general area of the subject property: None present.

If the public roadway(s) that currently serve the subject property have any hazardous conditions, then recommendations shall be made for improvements that will decrease the hazardous conditions on the public roadway(s): _____

31. *Explain what effect the proposed use will have on the existing traffic in the neighborhood. If no change is expected, please explain why no change is expected: _____
The subdivision will positively contribute as new home sites.

32. *Will the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, change the level and or type of required maintenance for the public roadway(s) that serve the site? Yes --- No, (please explain) _____
The proposed subdivision is low density in a very low density neighborhood in Penrose.

If the proposed use, due to the increase in traffic or the type of vehicle traffic generated by the proposed use, changes the level and or type of required maintenance for the public roadway(s) that serve the site, then recommendations shall be made that would lessen the maintenance impact for the entity in control of maintenance of the public roadway(s): _____

Note: If improvements are required, it may be mandatory that such improvement be installed prior to final approval of the application.

33. *Are new roadways proposed to be constructed, on or off site, in association with the proposed project? Yes --- No If yes, provide evidence that the roadways will be constructed to conform to natural contours in order to minimize soil disturbance, cut and fills, protect drainageways and not create to unstable slopes. Margarita Way will be a private roadway. The roadway will be constructed according to county standards.

34. Provide an analysis of the existing traffic volumes on the adjacent roadway system, including the average weekday traffic (*vehicles per day*) and the weekday peak-hour traffic (*vehicles per hour – am and pm*), showing the dates and times of traffic counts or source utilized for traffic volume counts. Determine the existing level of service or percentage of roadway capacity currently in use.

Roadway name or # 3rd Street average weekday traffic 50-75 vpd (est. from peaks)
 Weekday peak-hour traffic <5vph am 3/15/2023 dates 0655-0755 times
 Weekday peak-hour traffic 5vph pm 3/15/2023 dates 1600-1700 times
 Current level of service - % of roadway in use Est. 15 percent

Roadway name or # _____ average weekday traffic _____
 Weekday peak-hour traffic _____ am _____ dates _____ times
 Weekday peak-hour traffic _____ pm _____ dates _____ times
 Current level of service / % of roadway in use _____

Roadway name or # _____ average weekday traffic _____
 Weekday peak-hour traffic _____ am _____ dates _____ times
 Weekday peak-hour traffic _____ pm _____ dates _____ times
 Current level of service / % of roadway in use _____

35. Provide an estimate of the probable traffic directional distribution from and to the subject property based on the proposed use(s) and assignment of the estimated traffic volumes to the adjacent roadway network. Estimate the future background and resulting total traffic volumes (*including the estimated generated traffic due to the proposed use*) on the adjacent roadway system for a twenty (20) year design period, showing volumes for both left and right turn movements as well as through traffic. Site: L Street north of 3rd Street - 5% (3 trips/day); K Street south of 3rd Street- 10% (7 trips per day); 3rd Street west of K Street - 85% (56 trips per day); 3rd Street east of K St. 66 trips per day; Future background -70 -100 veh. per day. Future total: approx. 135-165 veh. per day.

36. Determine the projected future levels of service or percentage of roadway capacity to be in use at the subject property’s access points and key adjacent intersections. Provide recommendations for street and access improvements if any portions of the roadways do not have the capacity to accept the additional estimated traffic volumes. All necessary improvements will be required to be designed, completed and accepted by the County prior to any final action regarding the application.
Site access point/3rd St. and the intersection of K St./3rd St. - LOS A

-Dedicate 1/2 ROW for Collector classification.
-Minor pavement widening of 3rd St between K St. and the site access if/as needed to 20' plus 1' gravel shoulders.

37. Please provide any additional information considered by the Certifying Engineer to be pertinent to the roadway impact in association with the proposed project: _____

I hereby certify that the foregoing information was prepared by myself or under my direct supervision and is true and correct to the best of my knowledge and belief.

[Signed & SEALED BELOW] Date 3/6/23
Colorado Licensed Professional Engineer

SEAL

If not completed by an Engineer, then the following acknowledgement shall be signed by the applicant and/or owner.

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.

Hoshedar Mistry
Applicant Printed Name

[Signature]
Signature

February 7, 2022
Date

Hoshedar Mistry
Owner Printed Name

[Signature]
Signature

February 7, 2022
Date



LSC Transportation Consultants, Inc.

2504 E. Pikes Peak Ave, Suite 304
 Colorado Springs, CO 80909
 719-633-2868

File Name : K St - 3rd St Penrose AM

Site Code : S234140

Start Date : 3/15/2023

Page No : 1

Groups Printed- Unshifted

Start Time	K St Southbound					3rd St Westbound					K St Northbound					3rd St Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
06:30	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	2
*** BREAK ***																					
06:45	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1
06:50	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1
06:55	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	3	0	0	0	0	7
Total	0	0	0	0	0	0	1	1	0	2	1	4	1	0	6	3	0	0	0	3	11
07:00	0	0	0	0	0	0	0	0	0	0	1	2	0	0	3	0	0	0	0	0	3
*** BREAK ***																					
07:10	0	0	0	0	0	0	0	0	0	0	0	2	1	0	3	0	1	1	0	2	5
07:15	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
07:20	0	0	0	0	0	0	2	0	0	2	0	3	0	0	3	0	0	0	0	0	5
07:25	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	2
07:30	1	0	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
*** BREAK ***																					
07:40	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
*** BREAK ***																					
07:50	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
*** BREAK ***																					
Total	1	1	0	0	2	0	2	0	0	2	1	16	2	0	19	0	1	1	0	2	25
08:00	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1	0	0	0	1	2
08:05	0	1	0	0	1	1	0	0	0	1	0	3	0	0	3	0	0	1	0	1	6
08:10	0	0	0	0	0	0	0	0	0	0	0	3	0	0	3	0	0	1	0	1	4
08:15	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
08:20	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
08:25	0	0	0	0	0	1	0	0	0	1	1	0	0	0	1	0	0	2	0	2	4
Grand Total	1	4	0	0	5	2	3	1	0	6	4	28	3	0	35	4	1	5	0	10	56
Apprch %	20	80	0	0		33.3	50	16.7	0		11.4	80	8.6	0		40	10	50	0		
Total %	1.8	7.1	0	0	8.9	3.6	5.4	1.8	0	10.7	7.1	50	5.4	0	62.5	7.1	1.8	8.9	0	17.9	

LSC Transportation Consultants, Inc.

2504 E. Pikes Peak Ave, Suite 304
 Colorado Springs, CO 80909
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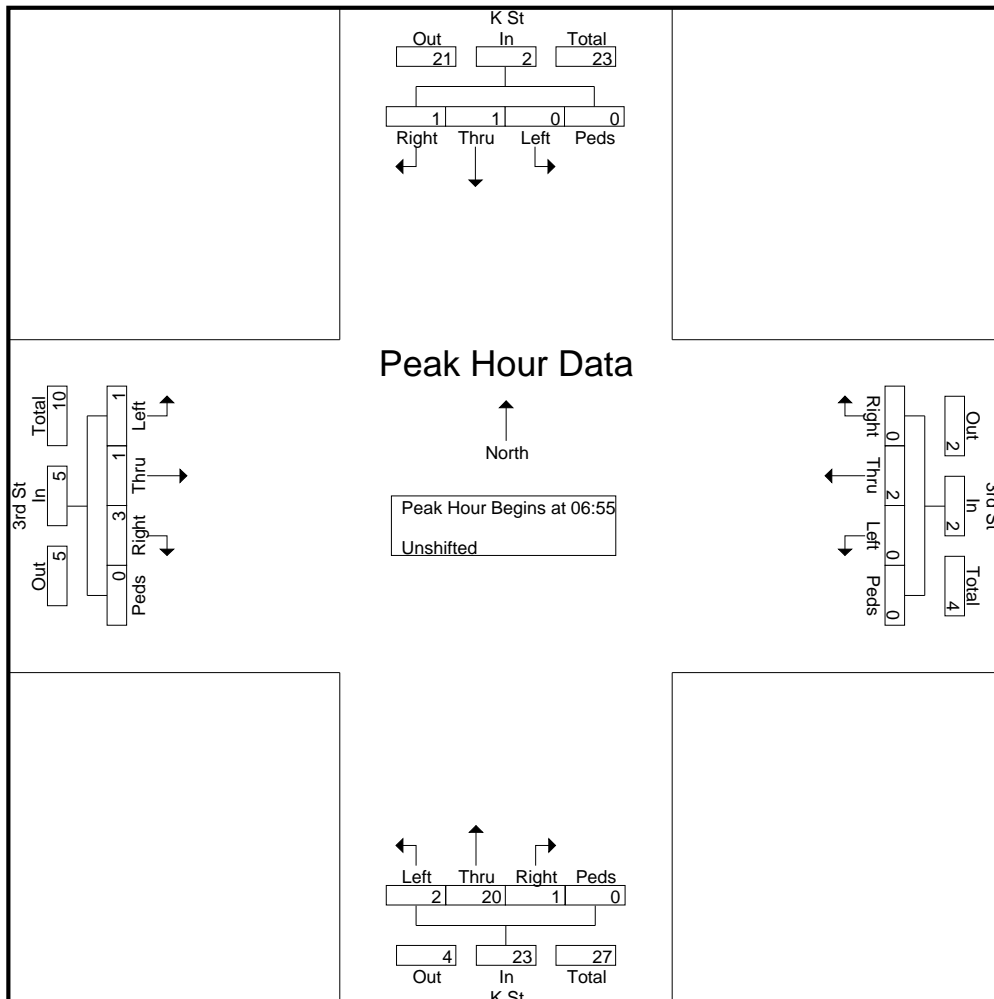
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Start Time	K St Southbound					3rd St Westbound					K St Northbound					3rd St Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 06:30 to 08:25 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 06:55																					
06:55	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	3	0	0	0	3	7
07:00	0	0	0	0	0	0	0	0	0	0	1	2	0	0	3	0	0	0	0	0	3
07:05	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:10	0	0	0	0	0	0	0	0	0	0	0	2	1	0	3	0	1	1	0	2	5
07:15	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
07:20	0	0	0	0	0	0	2	0	0	2	0	3	0	0	3	0	0	0	0	0	5
07:25	0	0	0	0	0	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	2
07:30	1	0	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
07:35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:40	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
07:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:50	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
Total Volume	1	1	0	0	2	0	2	0	0	2	1	20	2	0	23	3	1	1	0	5	32
% App. Total	50	50	0	0		0	100	0	0		4.3	87	8.7	0		60	20	20	0		
PHF	.083	.083	.000	.000	.167	.000	.083	.000	.000	.083	.083	.417	.167	.000	.479	.083	.083	.083	.000	.139	.381



LSC Transportation Consultants, Inc.

2504 E. Pikes Peak Ave, Suite 304
 Colorado Springs, CO 80909
 719-633-2868

File Name : K St - 3rd St Penrose PM
 Site Code : S234140
 Start Date : 3/15/2023
 Page No : 1

Groups Printed- Unshifted

Start Time	K St Southbound					3rd St Westbound					K St Northbound					3rd St Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
16:00	0	2	0	0	2	0	0	0	0	0	0	0	2	0	2	2	0	1	0	3	7
16:05	1	8	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
16:10	0	5	0	0	5	0	0	0	0	0	0	2	0	0	2	1	0	0	0	1	8
16:15	1	3	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	6
16:20	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
16:25	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
16:30	0	3	1	0	4	0	0	0	0	0	0	1	2	0	3	1	0	0	0	1	8
16:35	0	3	0	0	3	0	0	0	0	0	0	3	0	0	3	0	2	1	0	3	9
16:40	0	4	0	0	4	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	7
16:45	1	0	0	0	1	0	0	0	0	0	0	1	0	0	1	2	0	0	0	2	4
16:50	1	2	0	0	3	0	0	0	0	0	0	1	0	0	1	1	1	0	0	2	6
16:55	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Total	4	34	1	0	39	3	0	0	0	3	0	11	4	0	15	7	3	4	0	14	71
17:00	0	4	0	0	4	0	0	1	0	1	0	0	0	0	0	0	1	1	0	2	7
17:05	1	3	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
17:10	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
17:15	0	2	0	0	2	0	0	0	0	0	0	2	1	0	3	1	0	0	0	1	6
17:20	0	3	0	0	3	0	1	0	0	1	0	0	0	0	0	1	0	0	0	1	5
17:25	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
17:30	0	2	0	0	2	0	0	0	0	0	0	2	1	0	3	0	0	0	0	0	5
17:35	0	1	0	0	1	0	0	1	0	1	0	2	1	0	3	0	0	0	0	0	5
17:40	1	3	0	0	4	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	6
17:45	0	1	0	0	1	0	0	0	0	0	0	0	2	0	2	1	0	0	0	1	4
17:50	0	5	0	0	5	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	6
17:55	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	3
Total	2	28	0	0	30	0	1	2	0	3	0	10	7	0	17	4	1	1	0	6	56
Grand Total	6	62	1	0	69	3	1	2	0	6	0	21	11	0	32	11	4	5	0	20	127
Apprch %	8.7	89.9	1.4	0		50	16.7	33.3	0		0	65.6	34.4	0		55	20	25	0		
Total %	4.7	48.8	0.8	0	54.3	2.4	0.8	1.6	0	4.7	0	16.5	8.7	0	25.2	8.7	3.1	3.9	0	15.7	

LSC Transportation Consultants, Inc.

2504 E. Pikes Peak Ave, Suite 304
 Colorado Springs, CO 80909
 719-633-2868

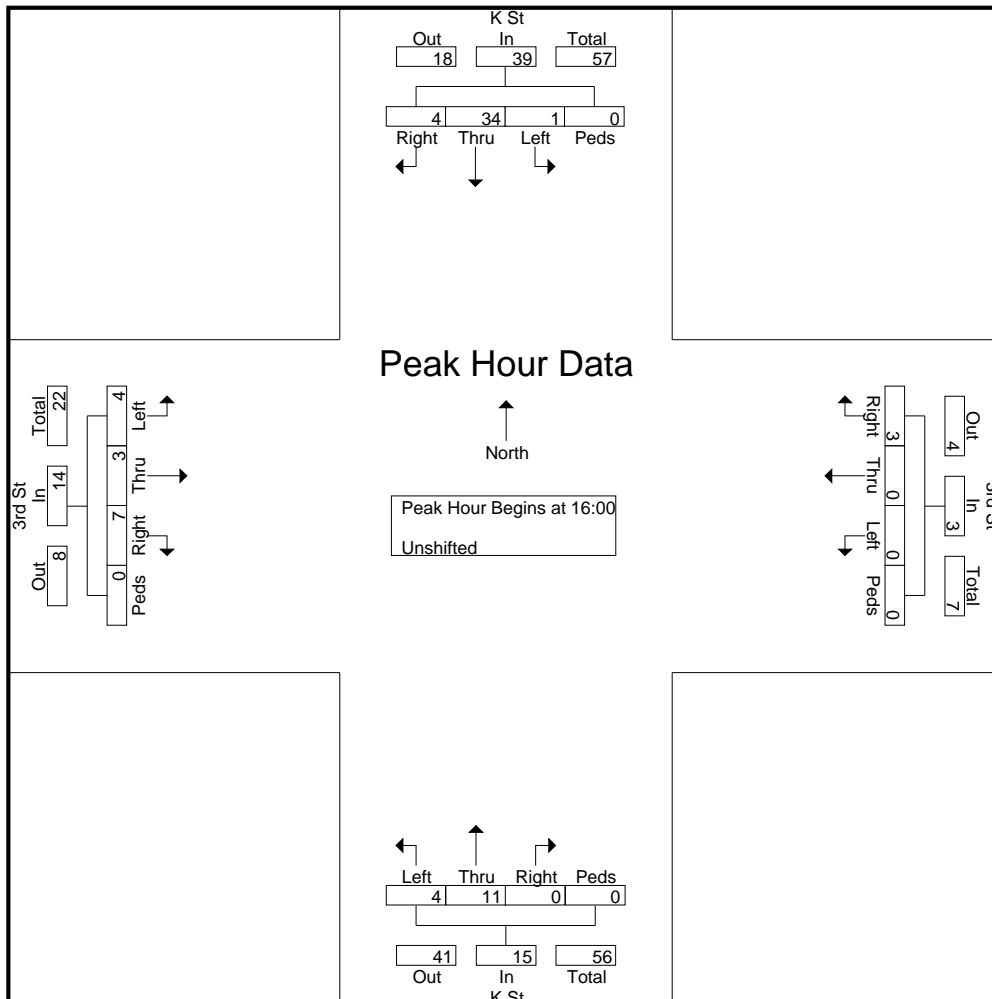
File Name : K St - 3rd St Penrose PM

Site Code : S234140

Start Date : 3/15/2023

Page No : 2

Start Time	K St Southbound					3rd St Westbound					K St Northbound					3rd St Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 16:00 to 17:55 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:00																					
16:00	0	2	0	0	2	0	0	0	0	0	0	0	2	0	2	2	0	1	0	3	7
16:05	1	8	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
16:10	0	5	0	0	5	0	0	0	0	0	0	2	0	0	2	1	0	0	0	1	8
16:15	1	3	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	6
16:20	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
16:25	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
16:30	0	3	1	0	4	0	0	0	0	0	0	1	2	0	3	1	0	0	0	1	8
16:35	0	3	0	0	3	0	0	0	0	0	0	3	0	0	3	0	2	1	0	3	9
16:40	0	4	0	0	4	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	7
16:45	1	0	0	0	1	0	0	0	0	0	0	1	0	0	1	2	0	0	0	2	4
16:50	1	2	0	0	3	0	0	0	0	0	0	1	0	0	1	1	1	0	0	2	6
16:55	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Total Volume	4	34	1	0	39	3	0	0	0	3	0	11	4	0	15	7	3	4	0	14	71
% App. Total	10.3	87.2	2.6	0		100	0	0	0		0	73.3	26.7	0		50	21.4	28.6	0		
PHF	.333	.354	.083	.000	.361	.125	.000	.000	.000	.125	.000	.306	.167	.000	.417	.292	.125	.167	.000	.389	.657



From: Bill Ritter [mailto:ffpdchief@yahoo.com]
Sent: Thursday, February 23, 2023 8:08 AM
To: Alex Ewers <alexe@3rocksengineering.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 talked about providing a letter stating the crossing will withstand this weight. Thank you,

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

On Wednesday, February 22, 2023 at 01:29:31 PM MST, Angela Bellantoni <angela@envalternatives.com> wrote:

Good afternoon Chief

I'm forwarding the email from February 9th that I prepared in response to your comments on the Mistry Subdivision Fire Protection Plan to the county. As you discussed with Alex, Mr. Mistry has addressed the issues and is in the process of submitting the Apple Valley Line plan to protect it from the weight of emergency vehicles. We met with Beaver Water District on Monday.

We would appreciate it if you would respond to this email regarding receipt of the attached documents that address your concerns and acknowledge that we are working to resolve the irrigation line issue.

Thank you in advance.

Dr. Angela M. Bellantoni
Office Phone: (719) 275-8951



PO. Box 326, Cañon City, CO 81215
www.envalternatives.com

Home



September 13, 2022

Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: PP 22-001 Mistry Subdivision Filing #2
Waiver Request for Margarita Way

To Whom It May Concern;

Please accept on behalf of Mr. Hoshedar Mistry this request for waiver for Margarita Way regarding development standard and subdivision lot frontage.

Mr. Mistry requests waiver of requirement that Lots 3 and 4 front onto L Street. Lots 3 and 4 will front onto Margarita Way.

Mr. Mistry requests waiver of development of Margarita Way to county standard. Margarita Way will be developed as a private gravel road and will not be county maintained.

Feel free to reach out to me directly with any questions.

Respectfully submitted

Angela M. Bellantoni

Angela M. Bellantoni Ph.D.

Cc: Hoshi Mistry

Exhibit 26.1 Title Commitment

Home



Stewart Title Company dba Empire Title, A
Division of Stewart
1220 Main Street
Canon City, CO 81212
(719) 275-4900
Fax: (719) 235-5029

Date: July 28, 2022
File Number: 1780949
Property Address: 1245 3rd Street, Penrose, CO 81240
Buyer/Borrower: TBD TBD

TBD TBD
Delivery Method: Emailed

Hoshedar H. Mistry
Delivery Method: Emailed

Red Rock Land Surveys
254 Pelage Ct
Canon City, CO 81212

Attn: John Kratz
Phone: (303) 994-6300
Fax:
E-Mail: jkratz@redrocklandsurveys.com
Delivery Method: Emailed

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. PLEASE FEEL FREE TO CONTACT THE ESCROW OFFICE AS NOTED ABOVE.

We Appreciate Your Business and Look Forward to Serving You in the Future.

[Home](#)



UNDERSTANDING YOUR TITLE COMMITMENT

SCHEDULE A:

No. 1: Effective date: This is the date our title plant is certified through. There will typically be a 1-2 week gap between the certification date and the date the commitment is issued.

No. 2A : Owner's Policy Proposed Insured: This is how the buyer's name(s) appear(s) on the Contract, all Closing documents and your Final Title Policy. If your name is appearing incorrectly, please advise your Realtor, Builder and/or Lender.

No. 2B : Loan Policy Proposed Insured: This is how your lender has requested their name appear. If you are working with a Mortgage Broker, then this name may be unfamiliar to you. If a determination has not yet been made on what lender will be providing your loan, then this may appear as 'TBD' (To Be Determined). If you are paying cash for this purchase, this item will be left blank.

Charges: Title Premiums, Endorsements and Tax Certificates: These are fees for the items that the Company has determined may be required by your Lender and/or to meet the terms of your contract. Your lender may request additional items. This does not include any closing fees.

No. 3: The estate or interest in the land...: This shows the type of ownership that is going to be insured.

No. 4: The Title is, at the Commitment Date...: This shows the name(s) of the current owner(s).

No. 5: The land referred to in the Commitment...: This is the 'legal' property description for the real estate you are buying or selling.

SCHEDULE B-SECTION 1:

These are Requirements that must be satisfied in order to provide clear title to the Buyer and/or Lender. The closer and/or processor for the Title Company, will generally take care of satisfying these requirements, however there may be times when your help will be needed as well. Some requirements will be met prior to closing, and others will be met at the time of closing.

SCHEDULE B-SECTION 2:

These items are Exceptions to your coverage. We are telling you these items exist (whether by recordation in the County Clerk and Recorder's office or because we have knowledge of them through other means). Since these items have been disclosed to you, you will not be provided any coverage for same. Owner's Extended Coverage will delete Items 1-5 of the pre-printed items on Residential Sale Commitments, provided that the coverage was requested by contract and collected at closing. Copies of the plat and covenants will be automatically sent to the buyer and/or Selling Agent. We are happy to also provide you with copies of any other exceptions as well.



WIRE FRAUD

ALERT

NOTIFICATION:

READ THIS BEFORE YOU WIRE FUNDS

WIRE FRAUD: THE THREAT IS REAL

Buying a home is an exciting time. You've saved, found the perfect home and planned the move. Now, the closing day for your home is just around the corner.

We want to make sure your home purchase doesn't get derailed by a dangerous threat that could keep you from getting the keys, painting walls and decorating. Criminals have stolen money meant for the purchase of homes through malicious wire fraud schemes targeting consumers across the country.

Criminals begin the wire fraud process way before the attempted theft occurs. Most often, they begin with a common social engineering technique called phishing. This can take the form of email messages, website forms or phone calls to fraudulently obtain private information. Through seemingly harmless communication, criminals trick users into inputting their information or clicking a link that allows hackers to steal login and password information.

Once hackers gain access to an email account, they will monitor messages to find someone in the process of buying a home. Hacks can come from various parties involved in a transaction, including real estate agents, attorneys or consumers. Criminals then use the stolen information to email fraudulent wire transfer instructions disguised to appear as if they came from a professional you're working with to purchase a home. If you receive an email with wiring instructions, don't respond. Email is not a secure way to send financial information. If you take the bait, your money could be gone in minutes.

What can I do to protect myself?

Despite efforts by the title industry and others to educate consumers about the risk, homebuyers continue to be targeted. Here are some tips on what you can do to protect yourself and/or your clients:

1. **If requested**, wiring instructions will be provided via an encrypted email.
2. **Call, don't email**: Confirm all wiring instructions by phone before transferring funds. Use the phone number from the title company's website or a business card.
3. **Be suspicious**: It's not common for title companies to change wiring instructions and payment info
4. **Confirm it all**: Ask your bank to confirm not just the account number but also the name on the account before sending a wire. The name on the account should state Stewart Title Company dba Empire Title, A Division of Stewart Escrow Account.
5. **Verify immediately**: You should call the title company or real estate agent to validate that the funds were received. Detecting that you sent the money to the wrong account within 24 hours gives you the best chance of recovering your money from the hackers.
6. **Forward, don't reply**: When responding to an email, hit the "forward" button instead of clicking the "reply" button, and then start typing the person's email address. Criminals use email addresses that are very similar to the real one for a company. By typing in email addresses, you will make it easier to discover if a fraudster is after you.



ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY 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

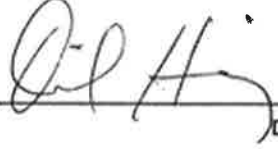
Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective 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 Policy Amount and the name of the Proposed Insured.

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


Authorized Countersignature
Stewart Title Company dba Empire
Title, A Division of Stewart
1220 Main Street
Canon City, CO 81212




Frederick H. Eppinger
President and CEO


David Hisey
Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 1780949

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AMERICAN
LAND TITLE
ASSOCIATION



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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "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.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in 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 countersignature 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 shall not be 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 shall not be 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 will only have liability 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.

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LAND TITLE
ASSOCIATION



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- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be 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) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, 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 HAS BEEN 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 the purpose of providing closing or settlement services.

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. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option 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>.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Stewart Title Company dba Empire Title, A Division of Stewart
Issuing Office: 1220 Main Street, Canon City, CO 81212
Issuing Office's ALTA® Registry ID:
Loan ID Number:
Commitment Number: 1780949
Issuing Office File Number: 1780949
Property Address: 1245 3rd Street, Penrose, CO 81240
Revision Number:

1. **Commitment Date:** July 20, 2022 at 8:00AM

2. **Policy to be issued:**

Proposed Policy Amount

(a) ALTA Owner's T.B.D.
Proposed Insured: TBD TBD

(b) ALTA Loan T.B.D.
Proposed Insured:

3. **The estate or interest in the Land described or referred to in this Commitment is:**

FEE SIMPLE

4. **The Title is, at the Commitment Date, vested in:**

Hoshedar Mistry

5. **The Land is described as follows:**

See Exhibit "A" Attached Hereto

STATEMENT OF CHARGES

These charges are due and payable before a policy can be issued:

FOR INFORMATIONAL PURPOSES ONLY TITLE COMMITMENT

\$300

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 1780949

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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ASSOCIATION



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**ALTA COMMITMENT FOR TITLE INSURANCE
EXHIBIT "A"
LEGAL DESCRIPTION**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1780949

Lot 1, MISTRY SUBDIVISION, According to the Plat thereof recorded May 30, 1997 as Reception No. 663446,
COUNTY OF FREMONT, STATE OF COLORADO.

For Informational Purposes Only: 1245 3rd Street, Penrose, CO 81240

APN: R035162, 99704369

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART I

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1780949

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.

5. NONE.

NOTE: This product is for informational purposes only. It is not a title insurance product and does not provide any form of coverage. This product is not a guarantee or assurance and does not warrant, or otherwise insure any condition, fact or circumstance. This product does not obligate this Company to issue any policies of title insurance for any subsequent transaction based on the information provided or involving the property described herein. This Company's sole liability for any error(s) relating to this product is limited to the amount that was paid for this product.

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: 1780949

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions 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 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.
2. Rights or claims of parties in possession, not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, 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.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records or listed in Schedule B.
7. Water rights, claims or title to water.
8. All matters shown on the plat of Mistry Subdivision recorded May 30, 1997 [in Book 1284 at Page 225 as Reception No. 663446](#).
9. Declaration of Protective and Restrictive Covenants recorded June 12, 1997 [in Book 1285 at Page 456 as Reception No. 663987](#).
10. Right of way for irrigation ditches or laterals as shown on map of [Penrose Water District](#). (a copy of which was provided to this company.)
11. Exception of a 25 foot strip of land on the East, South and West side for roadway purposes as evidenced in Deed recorded March 7, 1988 in [Book 859 at Page 284 as Reception No. 547929](#).

FOR INFORMATIONAL PURPOSES ONLY:

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Death Certificate recorded May 11, 2016 as [Reception No. 938917](#); Deed recorded December 27, 2002 as [Reception No. 760247](#); Deed recorded June 25, 1997 in [Book 1287 at Page 717 as Reception No. 664575](#); Deed recorded June 11, 1997 in [Book 1285 at Page 381 as Reception No. 663949](#); Deed recorded March 7, 1988 in [Book 859 at Page 284 as Reception No. 547929](#); Deed recorded September 29, 1975 in [Book 577 at Page 253 as Reception No. 416195](#); Deed recorded November 15, 1968 in [Book 507 at Page 320 as Reception No. 375487](#).

Deed of Trust recorded December 27, 2002 as [Reception No. 760248](#). Assignment of Deed of Trust recorded December 18, 2007 as [Reception No. 846027](#).

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DISCLOSURES

File No.: 1780949

Pursuant to C.R.S. 10-11-122, notice is hereby given that:

- A. THE SUBJECT REAL PROPERTY MAY BE LOCATED IN A SPECIAL TAXING DISTRICT;
- B. A CERTIFICATE OF TAXES DUE LISTING EACH TAXING JURISDICTION SHALL BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY TREASURER'S AUTHORIZED AGENT;
- C. INFORMATION REGARDING SPECIAL DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE OBTAINED FROM THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK AND RECORDER, OR THE COUNTY ASSESSOR

Note: Colorado Division of Insurance Regulations 8-1-2, Section 5, Paragraph G requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Stewart Title Company dba Empire Title, A Division of Stewart conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 1 will not appear on the Owner's Title Policy and the Lender's Title Policy when issued.

Note: Colorado Division of Insurance Regulations 8-1-2, Section 5, Paragraph M requires that every title entity shall notify in writing that

Affirmative Mechanic's Lien Protection for the Owner may be available (typically by deletion of Exception No. 5 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against unfiled Mechanic's and Materialmen's Liens.
- D. The Company must receive payment of the appropriate premium.
- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased, within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and/or the contractor; payment of the appropriate premium; fully executed Indemnity agreements satisfactory to the company; and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

To comply with the provisions of C.R.S. 10-11-123, the Company makes the following disclosure:

- a. That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- b. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: THIS DISCLOSURE APPLIES ONLY IF SCHEDULE B, SECTION 2 OF THE TITLE COMMITMENT HEREIN INCLUDES AN EXCEPTION FOR SEVERED MINERALS.

Notice of Availability of a Closing Protection Letter: Pursuant to Colorado Division of Insurance Regulation 8-1-3, Section 5, Paragraph C (11)(f), a closing protection letter is available to the consumer.

NOTHING HEREIN CONTAINED WILL BE DEEMED TO OBLIGATE THE COMPANY TO PROVIDE ANY OF THE COVERAGES REFERRED TO HEREIN, UNLESS THE ABOVE CONDITIONS ARE FULLY SATISFIED.

Stewart Title Guaranty Company Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you request insurance-related services provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056

Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at Privacyrequest@stewart.com
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different price or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation

Attn: Mary Thomas, Deputy Chief Compliance Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056



URGENT WARNING ABOUT WIRE FRAUD AND WIRING INSTRUCTIONS - PROTECT YOURSELF

Think of the large amounts of money changing hands as part of your real estate transaction. This makes you a target for criminals who send emails to home buyers and sellers and their real estate or mortgage brokers with false wiring instructions. Instead of your money being sent to the proper account, it ends up in the fraudster's account.

If a third party sends you false information and you wire your money to the account they provide, it is likely you may never recover the money. The money is just gone.

How do you avoid being scammed?

- ▶ To ensure receiving or sending wiring instructions in the safest manner possible, they should be obtained or delivered in person or from an initial order package you received or in the mail from your Stewart Title Company dba Empire Title, A Division of Stewart representative.
- ▶ Before wiring funds, always call and speak with your Stewart Title Company dba Empire Title, A Division of Stewart representative to verify instructions using the contact information you received in your initial order package or in person.
- ▶ Never rely on email for wiring instructions as accounts can be faked or hacked and messages can be intercepted.
- ▶ If at any point during a transaction you receive changes to the wiring instructions you have been provided, this is a huge red flag. Immediately call your Stewart Title Company dba Empire Title, A Division of Stewart representative for verification. Always use a verified telephone number - never the number in the email with the wiring instructions.

Exhibit 27.1 Proposed Use Restrictions

**Exhibit B
to
Special Warranty Deed**

USE RESTRICTIONS

The following representations, covenants, agreements, terms, conditions, restrictions, and provisions (the “**Covenants**”) are and shall be binding on _____, and its successors and assigns (“**Lot Owner**”) and are and shall be deemed to be covenants running with the land for the benefit of Hoshi Mistry (“**Grantor**”) and the Owners of Lots ___ thru ___ of the Mistry Subdivision Filing No. 2 (“**Other Lot Owners**”).

RECITALS:

- A. Grantor has subdivided that certain property described in Exhibit 1 into seven (7) residential lots per the Mistry Subdivision Filing No. 2, recorded in the Office of the Clerk and Recorder of Fremont County, Colorado, on _____ [date], at Reception No. _____;
- B. Lot Owner is the owner of Lot ___, Mistry Subdivision Filing No. 2 (“**Lot ___**”);
- C. Grantor has conveyed Lot ___ to Lot Owner for Ten Dollars (\$10.00) and other good and valuable consideration with the express understanding and requirement that at all times Lot ___ shall be used only as permitted and consistent with the terms of the Covenants herein. Lot Owner has expressly agreed to these Covenants and acknowledges that Grantor would not have conveyed Lot _____ to Lot Owner for such consideration without these Covenants;
- D. Lots ___ thru ___ of the Mistry Subdivision Filing No. 2 are subject to these same Covenants and benefit from the Covenants applicable to Lot _____.

REPRESENTATIONS, COVENANTS AND AGREEMENTS OF LOT OWNER:

- 1. Lot Owner represents and covenants to and for the benefit of Grantor and the Other Lot Owners and agrees that at all times the Lot shall be used only for one residence that is conventionally framed (“stick built”) and is a minimum of 1,400 square feet in size (“**Permitted Use**”). For purposes of clarity, stick built shall mean a house whose frame is constructed on site in a conventional way. Manufactured homes, modular homes, mobile homes and “tiny houses” are expressly prohibited on the Lot.
- 2. Any deed transferring the Lot to another owner shall expressly reference these Covenants and the recording information for the deed to which these Covenants are attached as an exhibit.
- 3. Any mortgage or deed of trust that encumbers the Lot shall be subordinate to these Covenants (“**Permitted Mortgage**”) and the foreclosure of any such mortgage or deed of trust shall not adversely affect the existence or continuing validity of these Covenants.

4. Grantor's conveyance of the Lot to the Lot Owner is upon the express condition that Lot ___ is used for a Permitted Use. Upon any breach by Lot Owner, Grantor or any of the Other Lot Owners may elect to enforce these Covenants. In the event Grantor or any of the Other Lot Owners elects to assert such a breach of the Covenants, notice of the breach must be given to Lot Owner, with specificity, in writing ("**Notice of Breach**"), not later than six (6) months from the date the asserting party has actual knowledge of the breach. Lot Owner shall have sixty (60) days from receipt of a Notice of Breach to remedy any such breach ("**Cure Period**").
5. Any notices, demands, or other communications required or permitted to be given by any provision of the Covenants, including a Notice of Breach, shall be given in writing, delivered personally, or sent by certified mail, return receipt requested, postage prepaid, or by overnight courier, with shipping charges prepaid, addressed as follows:

To Lot Owner:

[name]
[address]

To Grantor:

Hoshi Mistry
[address]

6. Upon a breach, Grantor and the Other Lot Owners shall be entitled to all remedies available at law or in equity, including, without limitation, the remedy of specific performance, injunction and mandatory injunction and damages. If any action is brought to enforce the terms of the Covenants, the prevailing party shall be awarded all of its costs, including reasonable attorney fees, by the court or the arbitrator.
7. The terms, conditions and covenants contained herein shall be binding on Lot Owner, its successors and assigns. These Covenants are for the benefit Grantor, the Other Lot Owners, and their successors in interest and assigns only.
8. These Covenants shall be interpreted under the laws of the State of Colorado, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to the Permitted Uses. If any provision of these Covenants, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of these Covenants, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
9. These Covenants are perpetual and Grantor and Lot Owner intend that they be perpetual. However, if, and only if, these Covenants are determined to be or would be unenforceable if the Covenants are perpetual, then Grantor and Lot Owner agree, and state that it is their specific intention that nonetheless so as to give the fullest possible, these Covenants and the terms, conditions and covenants contained herein

shall remain in effect for until ninety-nine (99) years after the recording of the deed to which these Covenants are attached as an exhibit.

Lot Owner:

STATE OF COLORADO)
) ss.
COUNTY OF FREMONT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____.

WITNESS my hand and official seal.

My commission expires: _____.

SEAL

Grantor:

Hoshi Mistry

Exhibit 30.1 Estimated Construction Costs

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

ITEM	QUANTITY	UNITS	\$ PER UNIT	TOTAL
Mobilization	1	LS	\$ 10,000.00	\$ 10,000
Staking & Surveying	1	LS	\$ 3,000.00	\$ 3,000
Subgrade Prep-Cut/Fill Balance	3748	SY	\$ 5	\$ 18,740
6" Class 6 Aggregate Base Course	691	CY	\$ 50.00	\$ 34,567
18" Culverts	60	LF	\$ 94.00	\$ 5,640
Water Main 6"	1400	LF	\$ 100.00	\$ 140,000
Valves	2	EA	\$ 4,500.00	\$ 9,000
Tees	1	EA	\$ 2,500.00	\$ 2,500
Water Services	6	EA	\$ 2,500.00	\$ 15,000
Fire Hydrants	3	LS	\$ 7,695.00	\$ 23,085
Thrust Blocks	1	EA	\$ 400.00	\$ 400
Street Signs at Intersections	1	EA	\$ 800.00	\$ 800
Atmos Natural Gas Service Installation	768	LF	\$ 30.00	\$ 23,040
BlackHills Electric Installation	1	LS	\$ 31,935.00	\$ 31,935
Total				\$ 317,707

Estimate Prepared by: 3 Rocks Engineering/Hannah Green
 Title: Drafting Manager
 Estimate Based on: Previous Construction Bids
 Checked By: Alex Ewers
 Signature:

Date: 9/13/2022

Exhibit 35.1 Adjoining Property Owners Within 500 feet.

Home

Exhibit 35.1: Property owners within 500 ft. of the subject property boundary

Schedule No	Parcel Address	Owner Information
67001530	NA	Black Hills CO Electric LLC PO Box 1400 Rapid City, SD 57709
69079296	1183 2 nd Street	James Fredrick 7189 Bell Drive CO Springs, CO 80920
69003370 69003380	1170 2 nd Street	Wayne and Linda Okken 1170 2 nd Street Penrose, CO 81240
69000410 69007520	1201 3 rd Street 1260 3 rd Street	Aaron and Katharine Wiltfong 1201 3 rd Street Penrose, CO 81240
98305053	1190 3 rd Street	Jeremy Ervin 1190 3 rd Street Penrose, CO 81240
69005460	310 L Street	Glenn and Gloria Ohrns 310 L Street Penrose, CO 81240
69005380	312 L Street	Patrick and Sheri Black 312 L Street Penrose, CO 81240
69007950	1220 3 rd Street	Worker Family Trust 1220 3 rd Street Penrose, CO 81240
69005190	1290 3 rd Street	Cory and Jacinda Heintzelman 1290 3 rd Street Penrose, CO 81240
3825270004001 3825270004002	1347 3 rd Street	Nancie Wright 1347 3 rd Street Penrose, CO 81240
99704370	1287 3 rd Street	David and Cheryl McCallister P.O. Box 605 Penrose, CO 81240



Fremont County
OCT 03 2022
Planning & Zoning

September 13, 2022

TO: Utility Provider

FROM: Angela Bellantoni Ph.D. *AB*

RE: Mistry Subdivision Filing No. 2

Margarita Way New Configuration

Please accept this third notice as a public utility provider for the proposed Mistry Subdivision Filing No. 2. Margarita Way is now aligned to intersect with 3rd Street. This notification supersedes the previous notifications. Margarita Way will not intersect with L Street.

**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: Beaver Park Water Inc
FROM: Hoshi Mistry
Name of Subject Property Owner / Applicant
DATE: September 13, 2022
Reference: Mistry Subdivision Filing No. 2
Project Name

This is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Fremont County Department of Planning and Zoning (Department):

- Minor Subdivision -- Preliminary Plan -- Vacation of a Public R-O-W
 -- Vacation of Interior Lot Line & Utility / Drainage Easement
 -- Lot Line Adjustment -- Boundary Line Adjustment

The subject property, as referenced above is located at SE corner 2nd and L Streets, Penrose, CO
General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: Lot 1, Mistry Subdivision

Check here if legal description is attached as Exhibit B.

A copy of the proposed subdivision and or re-plat drawing has been enclosed with this mailing.

Minor Subdivision, Preliminary Plan and Vacation of Public R-O-W applications are always first heard by the Fremont County Planning Commission (Commission) and then the Fremont County Board of County Commissioners (Board). Normally Vacation of Interior Lot Line, Lot Line Adjustment and Boundary Line Adjustment applications are administrative reviews and only reviewed by the Department.

If you would like to attend either the Commission or Board meeting, please contact the Department of Planning and Zoning for the date and time of meetings:

Telephone 719-276-7360 Email: planning@fremontco.com

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 oral 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.

If you would like further information regarding the application you can contact the Department by telephone at (719) 276-7360, facsimile (719) 276-7374 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 Commission or Board'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 or can be used as the "sign in" sheet at a meeting that you intend to attend and provide oral comments. Only written comments can be accepted by the Department for administrative reviews and must be received by the Department within ten (10) days of your acknowledged receipt of this notification.

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 or written comment on administratively reviewed applications will result in the Department, Commission and Board assuming that you have no comments with regard to the submitted application.

Entity Name: Beaver Park Water Inc. Name of contact person: Connie Johnson
Title: Superintendent Telephone: 719-371-4312 Email: cjohnson@beaverparkwater.net
Mailing Address: 209 Broadway Peru CO 81240
Street Address City State Zip

Does your entity currently service the subject property? Yes --- No

Will your entity be able to service the subject property as proposed by the subdivision or re-plat?

Yes --- No Please explain Open ditch (Kelley ditch) runs through Lot #4 to irrigate Lot #'s 1, 2, & 3. If open ditch has to be piped at any time, it will be shareholders responsibility to do so and pay for.

Our entity has the following comments and or recommendations regarding the proposed action:

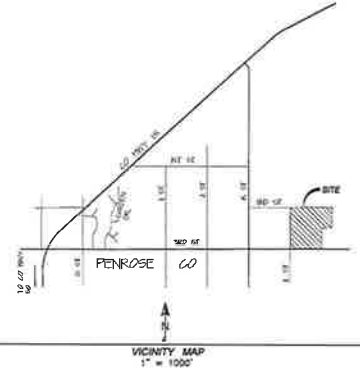
There is a buried line that goes to Apple Valley that runs east & west, highlighted in blue. There is a 40' easement on buried line, 20' each side.

[Signature]
Signature of Authorized Entity Representative

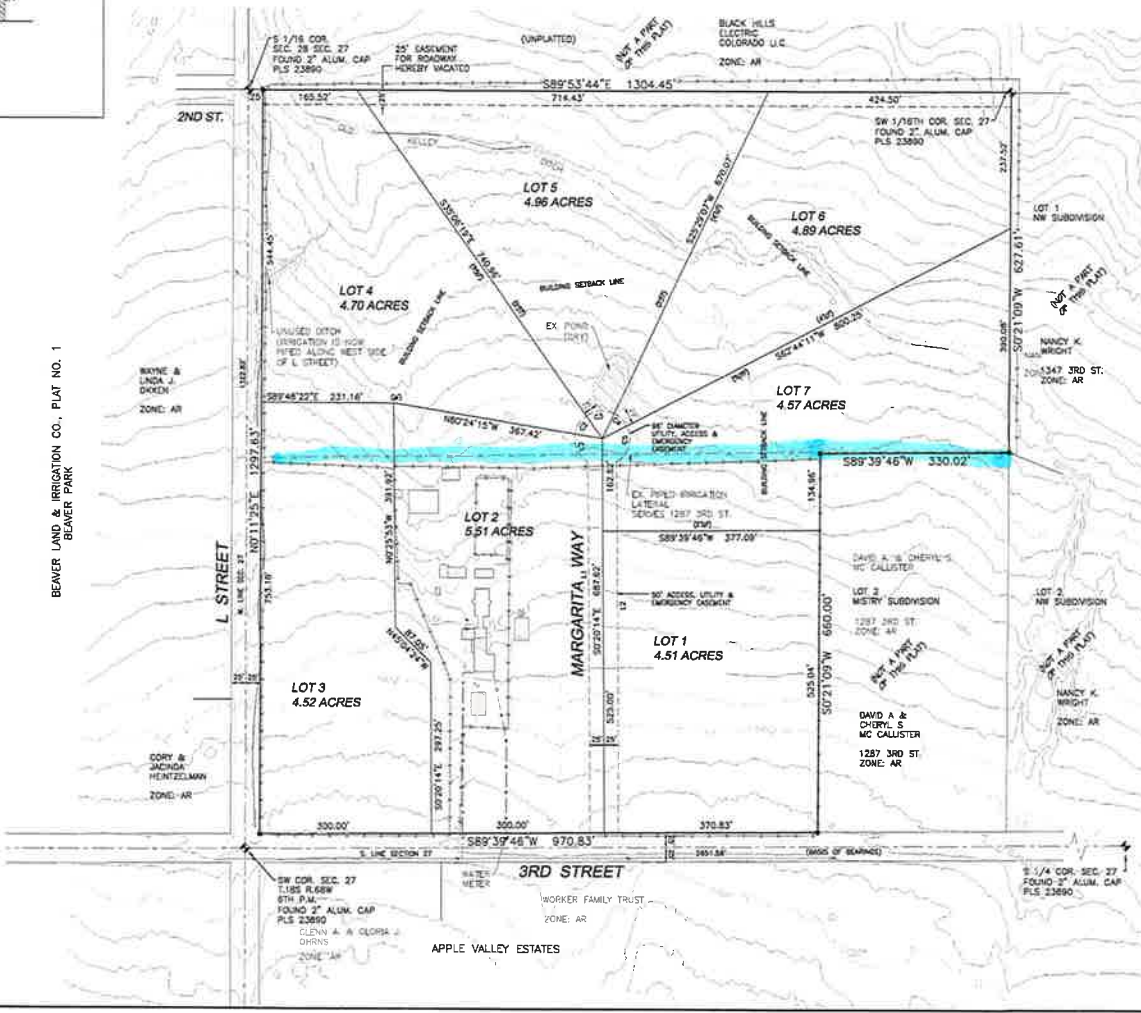
9/27/22
Date

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



BEAVER LAND & IRRIGATION CO., PLAT NO. 1
SHEAR PARK



LEGEND

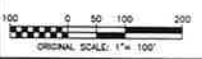
- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- UNRECORDED UTIL. LINES
- BURIED GAS SERVICE
- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION (SEE SHEET 2)

EASEMENT LINE TABLE

Line #	Direction	Length
L1	S27°29'24"E	646.63'
L2	S07°20'14"E	646.63'

EASEMENT CURVE TABLE

Curve #	Delta	Length	Radius	Chord Direction	Chord Length
C1	68°33'13"	57.45'	48.01'	S24°40'52"E	54.08'
C2	45°13'53"	37.89'	48.01'	S24°14'43"W	36.98'
C3	80°35'28"	50.77'	48.01'	S85°11'24"W	48.44'
C4	37°15'04"	31.32'	48.01'	N45°13'31"W	30.67'
C5	85°32'49"	71.99'	48.01'	N13°30'56"E	65.21'



PREPARED: 11/16/2021
REVISED: 1/24/2022



430 MAIN
CARON, CO. 81212
(303) 954-6300

SHEET 1 OF 2

Home

Exhibit 24a.1 Onsite Wastewater Treatment Systems Report



MEMORANDUM

TO: HOSHEDAR MISTRY
 FROM: DOUG FOUTNER
 SUBJECT: OWTS AT 1245 3RD ST. PENROSE, CO 81240
 DATE: OCTOBER 25, 2021

Doug Fournier
 2021 CPOW Soils Evaluation
 Certified Technician

3 Rocks Engineering has been hired by Hoshedar Mistry to investigate two soil profile test pits in the proposed subdivision of the north section of Parcel # 99704369 located at 1245 3rd St. in Penrose, CO to determine a Long-Term Acceptance Rate (LTAR). The test pits were already excavated at a location of a north and south position on the property. I observed the soil profile holes on October 12th, 2021 at 1:30. At the time of observation, it was overcast and there were no signs of recent precipitation. Representative samples were collected and brought back to the office for further testing as seen in the attached Soil Logs. Following Colorado Professionals in Onsite Wastewater (CPOW) guidelines, I determined the soil types listed in the tables below using the methodology of the USDA NRCS Guide to Texture by Feel (S.J. Thein, 1979). From the results of the test we confirm that OWTS systems can be designed to service future dwellings.

South Soil Observation Pit #1

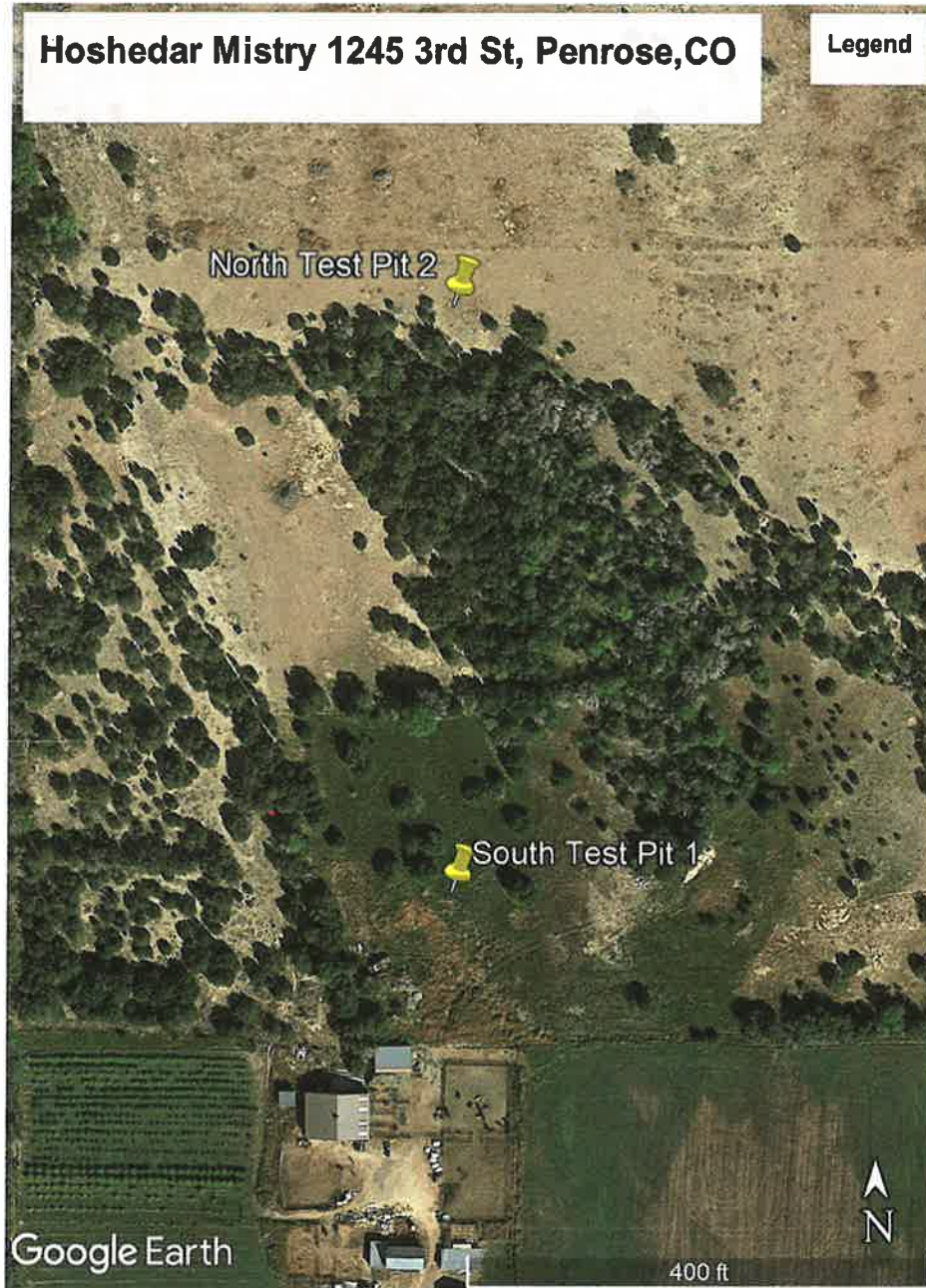
Depth (in)	USDA Soil Structure Type	Long Term Acceptance Rate (LTAR) for Treatment Level 1 (GPD/SF)
0" – 7"	Clay Loam 3	0.35
7"-55"	Clay 4A	0.15
55"-89"	Sandy Clay Loam 3A	0.30

Based on CDPHE WQCC Regulation 43 Table 10.1 Soil Treatment Area Long-Term Acceptance Rates by Soil Texture, Soil Structure, Percolation Rate, and Treatment Level.

North Soil Observation Pit #2

Depth (in)	USDA Soil Structure Type	Long Term Acceptance Rate (LTAR) for Treatment Level 1 (GPD/SF)
0" – 6"	Clay Loam 3A	0.30
6" - 47"	Clay 4A	0.15
47" – 78"	Clay Loam 3A-R1 Option 1	.30*

Based on CDPHE WQCC Regulation 43 Table 10.1 Soil Treatment Area Long-Term Acceptance Rates by Soil Texture, Soil Structure, Percolation Rate, and Treatment Level.
 *Table 10-1A Design Criteria for Soils with High Rock Content (Type "R" Soils). R-1-Maximum LTAR use TL1 LTAR from Table 10-1 for the soil type corresponding to the soil matrix, with a maximum LTAR of 0.8. Type of Distribution Required: Pressure Distribution. Treatment Level 1: Minimum 2 foot deep Unlined sand filter.



Soil Observation Log



Client/ Address: Legal Description/GPS: Date:

Soil Parent Material(s): Till Outwash Lacustrine Alluvium Loess Organic Matter Bedrock
(circle all that apply)

Landscape Position: Summit Shoulder Back/Side Slope Foot Slope Toe Slope Slope Shape:

Vegetation: Soil Survey Map Unit(s): Slope (%):

Weather conditions/Time of Day: Observation #/Location/Method: Elevation:

Depth (in)	Texture	Rock Frag %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Structure Shape	Structure Grade	Consistence
0-7"	Clay Loam 3	<35			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
7-55"	Clay 4A	<35%			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
55-89"	Sandy Clay Loam 3A	<35%			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid

Comments:

Certified Statement: I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

(Signature)

(License #)

(Date)

Soil Observation Log



Client/ Address: Legal Description/GPS: Date:

Soil Parent Material(s): Till Outwash Lacustrine Alluvium Loess Organic Matter Bedrock
(circle all that apply)

Landscape Position: Summit Shoulder Back/Side Slope Foot Slope Toe Slope Slope Shape:

Vegetation: Soil Survey Map Unit(s): Slope (%):

Weather conditions/Time of Day: Observation #/Location/Method: Elevation:

Depth (in)	Texture	Rock Frag %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Structure Shape	Structure Grade	Consistence
0-6"	Clay Loam 3A	<35			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
6-47"	Clay 4A	<35			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
47-78"	Clay Loam 3A-R1 Option 1	38% rock >2mm- 30% >20mm- 8%			Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid
					Concentrations Depletions Gleyed	Granular Platy Blocky Prismatic Single Grain Massive	Weak Moderate Strong Loose	Loose Friable Firm Extremely Firm Rigid

Comments:

Certified Statement: I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

(Signature)

(License #)

(Date)

Home

Exhibit 24b.1 Water Resources Report and DWR Information Form

December 7th, 2021

Fremont County Planning and Zoning Department
615 Macon Ave., Rm 210
Cañon City, CO 81212

RE: Water Resources Report for Public Water Supply System

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requirements for:

Project Name: Mistry Subdivision Filing No. 2

Project Address: Beaver Creek Corners Lot 1 Beaver Creek Corners Sub Ref Form 690-08-140.

Public water supply will be supplied by and extended from the Penrose Water District.

Mr. Hoshedar Mistry has entered into a Water Availability Contract with Penrose Water District for 6 additional water taps to serve the additional lots.

Thank you,

Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksendeering.com

719.430.5333



FREMONT COUNTY'S COLORADO DIVISION OF WATER RESOURCES INFORMATION FORM FOR SUBDIVISIONS

The Fremont County Department of Planning & Zoning (Department) is required to submit proposed land use actions to the State Engineer's Office (SEO) at the Colorado Division of Water Resources (CDWR). The SEO is responsible for providing an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed land use action.

This CDWR Information Form must be filled out completely and accurately to ensure that the submittal to the CDWR regarding this proposed land use action includes the necessary information required by that agency. The CDWR has 21 days to respond to County submittals. Incomplete submittals will be returned to the County for additional information and then must be resubmitted to the CDWR.

Please note that the CDWR timeframe for review may not coincide with the County deadlines or meetings, and if the CDWR requires additional information, further delays may occur.

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 8 would be marked - Exhibit CDWR-8.1, the fifth attached document supporting the narrative provided for application item 8 would be marked - Exhibit CDWR-8.5*). Exhibit numbers should be placed in the lower right hand area of the exhibit.

1. Name of proposed project: Mistry Subdivision Filing No. 2
2. Provide a plat map of the proposed subdivision with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS), marked as Exhibit CDWR-2.1. An exhibit has been attached.
3. Thoroughly complete Water Supply Information Summary, Form No. GWS-76 (attached). *Incomplete forms may be returned for additional information and may subject the submittal to further processing time. It should be noted that for Item 9, Estimated Water Requirements, standard water use rates used by the State Engineer's Office (SEO), as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot (97,755 gallons) per year for each ordinary household, 0.05 acre-foot (16,293 gallons) per year for four large domestic animals, and 0.05 acre-foot (16,293 gallons) per year for each 1,000 square feet of lawn and garden irrigation. Particular attention should be paid to Item 10, Water Supply Source, to ensure a proposed source of water is included for **each parcel of land** involved in the subdivision. If the water supply source is a municipality or quasi-municipality, the applicant **must** provide a letter of commitment which references the subdivision name and the level of commitment in terms of uses to be served and quantity of water to be supplied.*

4. Is the source a municipality or quasi-municipality? Yes --- No If yes, a report is required to document the following:
- a. A summary of water rights owned and controlled by the municipality
 - b. The anticipated yield of said rights in both an average and dry year
 - c. The present demand on the municipality, and the anticipated demand due to commitments for service entered into the municipality that are not yet supplied
 - d. The amount of uncommitted firm supply the municipality has available for future commitment and development
 - e. A map of the municipality's service area

Please note the SEO maintains files for various municipalities and therefore, this information may not be necessary. However, the SEO may request updated information from the municipality / applicant if the information on file has not been updated within three calendar years, or when the commitments reach a total that is approximately 90% of the firm yield.



Please attach the report, marked as Exhibit CDWR-4.1. An exhibit has been attached.

5. Is the source well(s)? Yes --- No If yes, information to show that the pumping rate(s) of well(s) will be enough to meet said demands and uses shall be attached marked as Exhibit CDWR-5.1. An exhibit has been attached.

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

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 Department regarding the Application to be null and void.

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

Hoshedar Mistry		February 7, 2022
Applicant Printed Name	Signature	Date
Hoshedar Mistry		February 7, 2022
Property Owner Printed Name (If different from applicant)	Signature	Date

FORM NO.
GWS-76
02/2005

WATER SUPPLY INFORMATION SUMMARY
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER

1313 Sherman St., Room 818, Denver, CO 80203

Phone – Info (303) 866-3587

Main (303) 866-3581

Fax (303) 866-3589

<http://www.water.state.co.us>

Section 30-28-133,(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water."

1. NAME OF DEVELOPMENT AS PROPOSED:

Mistry Subdivision Filing No. 2

2. LAND USE ACTION: Single family residential

3. NAME OF EXISTING PARCEL AS RECORDED:

SUBDIVISION: Mistry Subdivision, FILING (UNIT) _____, BLOCK _____, LOT 1

4. TOTAL ACREAGE: 33.65 5. NUMBER OF LOTS PROPOSED 7 PLAT MAP ENCLOSED? YES or NO

6. PARCEL HISTORY – Please attach copies of deeds, plats, or other evidence or documentation.

A. Was parcel recorded with county prior to June 1, 1972? YES or NO

B. Has the parcel ever been part of a division of land action since June 1, 1972? YES or NO

If yes, describe the previous action:

7. LOCATION OF PARCEL – Include a map delineating the project area and tie to a section corner.

SW 1/4 of the SW 1/4, Section 27, Township 18 N or S, Range 68 E or W

Principal Meridian: Sixth New Mexico Ute Costilla

Optional GPS Location: GPS Unit must use the following settings: Format must be **UTM**, Units must be **meters**, Datum must be **NAD83**, Unit must be set to **true N**, Zone 12 or Zone 13

Easting: _____

Northing: _____

8. PLAT – Location of all wells on property must be plotted and permit numbers provided.

Surveyor's Plat: YES or NO If not, scaled hand drawn sketch: YES or NO

9. ESTIMATED WATER REQUIREMENTS

USE	WATER REQUIREMENTS	
	Gallons per Day	Acre-Feet per Year
HOUSEHOLD USE # <u>7</u> of units	<u>268</u>	<u>0.3</u>
COMMERCIAL USE # <u>0</u> of S. F	<u>0</u>	<u>0</u>
IRRIGATION # _____ of acres	_____	_____
STOCK WATERING # _____ of head	_____	_____
OTHER: _____	_____	_____
TOTAL	_____	_____

10. WATER SUPPLY SOURCE

EXISTING WELL DEVELOPED SPRING

WELL PERMIT NUMBERS _____

MUNICIPAL
 ASSOCIATION
 COMPANY

DISTRICT
NAME Penrose Water District

LETTER OF COMMITMENT FOR SERVICE YES or NO

NEW WELLS -

PROPOSED AQUIFERS - (CHECK ONE)

ALLUVAL UPPER ARAPAHOE
 UPPER DAWSON LOWER ARAPAHOE
 LOWER DAWSON LARAMIE FOX HILLS
 DENVER DAKOTA

OTHER: _____

WATER COURT DECREE CASE NUMBERS: _____

11. WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? YES or NO IF YES, PLEASE FORWARD WITH THIS FORM.
(This may be required before our review is completed.)

12. TYPE OF SEWAGE DISPOSAL SYSTEM

SEPTIC TANK/LEACH FIELD

LAGOON

ENGINEERED SYSTEM (Attach a copy of engineering design.)

CENTRAL SYSTEM

DISTRICT NAME: _____

VAULT

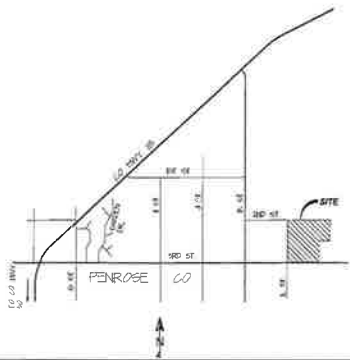
LOCATION SEWAGE HAULED TO: _____

OTHER: _____

Home

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

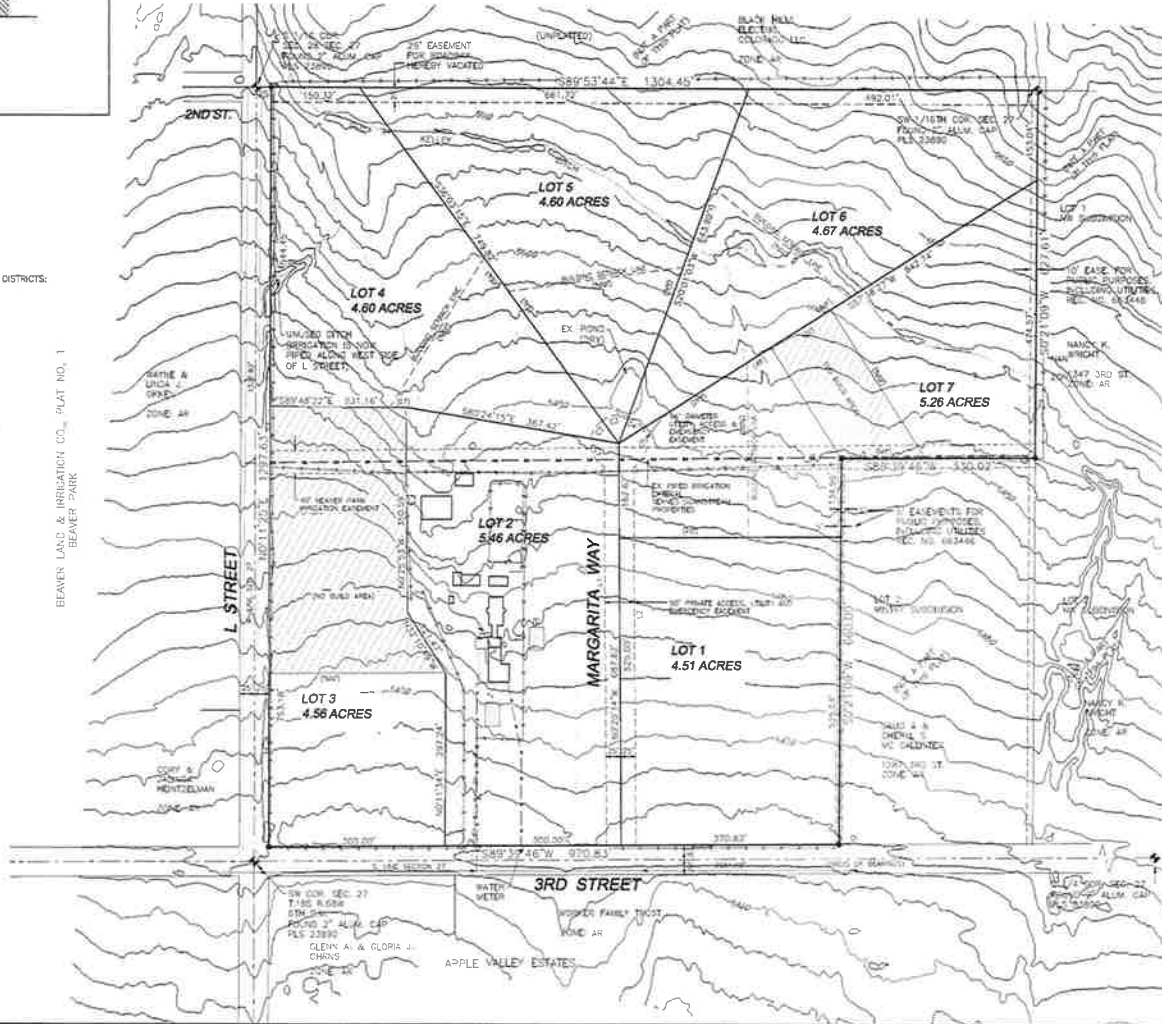


VICINITY MAP
1" = 1000'

NOTES:

- TOTAL PROPOSED LOTS: 7
- ZONING: AR PROPOSED: AR (NO CHANGE)
- THE PROPOSED SUBDIVISION LIES ENTIRELY WITHIN THE FOLLOWING DISTRICTS:
SEWER: NONE
WATER: PENROSE WATER DISTRICT
SCHOOL: FREMONT RE-2
CONSERVATION: FREMONT CONSERVATION DISTRICT
SE CO WATER CONSERVATION DISTRICT
UPPER ARKANSAS WATER CONSERVATION
- FIRE: FLORENCE FIRE DISTRICT
- PRIVATE ROADWAY: 688 L.F. 0.90 AC.
- DENSITY: 0.21 DU/AC.
- IRRIGATION DITCHES, DITCHES AND LATERALS ARE SHOWN HEREON.
- CONTOUR INTERVAL = 2 FEET, SOURCE: FREMONT COUNTY LDMR
- NO ACCESS IS PERMITTED FROM L STREET TO ANY LOT WITHIN THIS SUBDIVISION.

BEAVER LAND & IRRIGATION CO., PLAT NO. 1
BEAVER PARK



EASEMENT STATEMENT
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 EASEMENT ON BOTH SIDES OF LOT LINES. EXTERIOR SUBDIVISION BOUNDARY IS SUBJECT TO A TEN (10) FOOT EASEMENT.

LEGEND

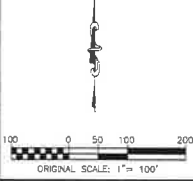
- IRRIGATION DITCH
- IRRIGATION LATERAL
- EXISTING FENCES
- OVERHEAD UTL. LINES
- BURIED GAS SERVICE
- WATER SERVICE LINE
- STRUCTURES TO REMAIN AFTER SUBDIVISION (SEE SHEET 2)

EASEMENT LINE TABLE

Line #	Direction	Length
L1	S0° 20' 34"E	646.63'
L2	S0° 20' 34"E	646.63'

EASEMENT CURVE TABLE

Curve #	Delta	Length	Radius	Chord Direction	Chord Length
C1	88°33'25"	57.45'	48.01'	S24° 42' 52"E	54.08'
C2	44°21'00"	37.36'	48.01'	S31° 46' 13"W	36.24'
C3	56°04'12"	48.99'	48.01'	S81° 58' 54"W	45.13'
C4	57°37'23"	33.53'	48.01'	N51° 10' 15"W	30.88'
C5	90°38'34"	75.96'	48.01'	N12° 57' 44"E	88.88'



PREPARED: 11/19/2021
REVISED: 12/21/22



430 MAIN
CASDEN CITY, CO 81212
(303) 994-6300

IRREVOCABLE WATER
AVAILABILITY CONTRACT

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the "District", and Hoshi Mistry hereinafter referred to as "Owner";

WITNESSETH:

WHEREAS, the District is a legally formed and constituted special district situate in Fremont County, Colorado, by virtue of the laws of the State of Colorado and provides domestic water to its customers; and

WHEREAS, Owner is the holder of the legal title to real property situate within the District, more particularly described below and is desirous of continuing to reserve a commitment for water services from the District; and

WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner's property; and

WHEREAS, District is willing to provide such water service upon the terms and conditions set forth herein.

NOW THEREFORE, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Ownership. Owner owns the following real property situate in Fremont County, Colorado and described as follows:

Proposed Mistry Subdivision Filing No. 2

**Lot 1, Mistry Subdivision
[in the SW ¼ ; Sect. 27; T18S; R68W]**

commonly known as 1245 3rd Street, Penrose, Colorado, hereinafter referred to as "Subject Property". Owner certifies that Owner is the fee owner of the subject property.

2. Anticipated Use. Owner anticipates the need to obtain a water tap to provide for the Subject Property and the current need to provide irrevocable proof of the availability of obtaining such tap to Fremont County, Colorado (hereinafter "County"). The parties recognize, however, that by entering into this contract, the District will be required to reserve such non-transferable tap for Owner's use which will therefore reduce the number of water taps available for sale to other customers of the District.

3. Availability of Water. District executes this contract specifically to reflect that Owner is entitled to receive a water tap for the subject property upon full payment of the cost for the same. District represents that it is capable of and shall commit to provide an adequate amount of water for service to the Subject Property. The parties agree that this contract will remain in full force and effect regardless of any

action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

4. Price. The initial cost paid by Owner was the sum of \$ 2,400.00. The parties acknowledge that this amount was equal to 20% of the cost of a prevailing tap fee charge for a 3/4"x5/8" residential water tap at time of original purchase of this commitment. As a requirement to maintain said irrevocable commitment for water service, the Owner will, on or before the anniversary dates of this contract, pay an additional 20% of the then existing prevailing tap fee until such time as such amounts are paid equal to the then prevailing cost of a water tap. As a courtesy to Owner, District will attempt to provide notice of pending anniversary payments due. However, the parties agree that it shall be the sole obligation of Owner to make such payments as are required under this agreement. If owner does not meet the required anniversary payments, then 60 days thereafter the District may convert this availability contract to a tap at the then prevailing tap fee and bill the owner for amount then due. If those amounts are not paid, then District may recover charges pursuant to Paragraph 11 herein. Owner acknowledges that District has the ability to increase or decrease the cost of taps in the future and that the annual amounts set forth in this paragraph will be 20% of such increased or decreased cost if District, by formal resolution, increases or decreases such water tap fees in the future. In the event that water taps fees are amended in the future, the total cost to be paid by owner for such taps shall be similarly amended notwithstanding any prior payments made by Owner.

5. Credit. The parties agree that any payments made by Owner pursuant to the preceding paragraph will be credited to Owner at the time, if ever, that Owner purchases the water tap for the Subject Property. Such credit is conditional, however, upon Owner being current on, and not otherwise in default in, Owner's obligations pursuant to this contract. Additionally, Owner understands that the cost of any such tap may, depending on the future actions of the District, be in an amount equal to, greater than, or less than the current amount of a tap fee. Any such ultimate purchase will be consistent with District's then usual practices with respect to such water tap purchases including, but not limited to, District's then existing form of contract for water tap purchases.

6. Monthly charges. Owner will additionally pay to District a monthly service charge in an amount equal to the monthly minimum charge imposed by District for water service for taps in the size contemplated notwithstanding the fact that the tap herein has not been purchased or installed. It is specifically agreed that such monthly service charges shall be paid effective with District's next regular billing cycle. No such payments are subject to the refund process described in the preceding paragraph.

7. Further Conditions of Service. The parties agree that the following terms and conditions are agreed upon, to-wit:

This contract is for residential service to proposed LOT 1. Proposed LOT 1 has upon it an existing residence, currently 1245 3rd Street, which is serviced by an installed tap, Acc. #00271, that takes service from 3rd Street. Upon recording of the subdivision, Acc. 00271 will be assigned as service for LOT 2 of this subdivision. The existing residence, 1245 3rd Street, is required to then take service from L Street by way of purchase of a new water tap and associated distribution improvements in order to provide service.

8. Lien. Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

9. Address. Unless otherwise notified by the Owner in writing, all correspondence, notices or statements for the monthly service charges shall be mailed to Owner at the address shown on this contract.

10. Parties Bound. This contract shall be extended to and binding upon the agents, servants, employees, tenants, heirs, executors, administrators, successors and assigns of the parties hereto.

11. District Rules and Regulations. The District's Rules and Regulations, as the same may be hereinafter amended, are an integral part of this contract and any breach thereof by Owner shall constitute a breach of this contract.

12. Assignment. This contract may not be assigned by Owner without the express written permission of District.

13. Colorado Law. This contract shall be governed by the laws of the state of Colorado.

14. Necessary Documents. All parties agree to execute such documents as may be reasonably necessary to effectuate the terms of this contract.

15. Entire Contract. The terms of this contract constitute the final and total terms of the contract between the parties and each party understands that no other agreements, oral or otherwise, shall be binding between them.

IN WITNESS WHEREOF, the parties have executed this contract at Penrose, Colorado, on the date above indicated.

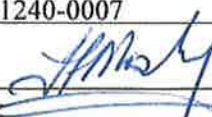
PENROSE WATER DISTRICT,
special district

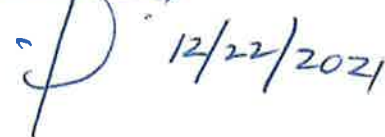
By: Ken S. Jensen - Dist. Mgr
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007


Owner


12/22/2021

Proof of water for LOT 2, MISTY SUBDIVISION #11111

PENROSE WATER DISTRICT

271

Transfer from:

WATER TAP CONTRACT

In consideration of the payment of the sum of \$ PAID for one 3/4" x 5/8" tap of the Penrose Water District to real property located at 1245 3rd. Street Penrose, CO within the boundaries of the Penrose Water District, said District does hereby agree to install adequate water taps and meters to the property line of the undersigned subscriber from existing lines only. Any line extension expense for meter installation is that of the subscriber.

- (1) It is understood that all deposits heretofore collected by the Penrose Water District shall be credited to the account of the subscriber.
- (2) That the Subscriber shall furnish the District, or any contractor employed by the District, with all rights of ways and easements necessary for the installation of water taps, service lines or meters located on the premises to be served, owned by the undersigned.
- (3) That the Subscriber consents to Water Board policy of reserving the right to inspect meters, lines and hook-ups of water tap holder at any time.
- (4) That any change from domestic usage must have Water District Board of Directors approval.
- (5) That Subscriber understands that approved meter is for one location only and not transferable to another location.
- (6) That the Subscriber will pay the tap fee above agreed to in cash before approval of meter by the Board of Directors.
- (7) That the Board of Directors of the District shall be empowered to use any portion of the tap fee herein collected for improvements or expenses as directed by said Board.
- (8) That the Subscriber understands that there be only one dwelling per tap. (One dwelling meaning one family under one roof.)
- (9) That the tap is to be in service 60 days from date of purchase.

The Board of Directors of this District hereby expressly reserve the right to refund in full the tap fee of any subscriber hereunder upon a determination made by the Board of Directors that the District cannot feasibly serve the tap requested, or the Board of Directors may, as a Condition of service require any customer who cannot feasibly be served by the facilities to pay such additional costs as may be incurred by the District in furnishing such requested service. Provided, however, that any subscriber shall be entitled to the tap requested on the same terms and conditions and for the same fee as originally offered, and provided further, that the District shall not decline to furnish service to any customer, unless and until the Board of Directors of said District shall afford such subscriber with the opportunity of a hearing before the Board of Directors and present such evidence or facts as to such requested service as such subscriber may wish to present, or any possible alternative methods by which such service can be furnished.

No driveways are to be constructed over meters. If a driveway is in the same location as a meter, the expense of the meter being moved will be that of the customer. Meter is to be located within 1 acre of unit to be served measured on frontage by alignment with building, or within 1 acre of unit to be served by building permit. This is to be determined by postal address.

Nothing herein contained shall empower the Board of Directors to refuse service to any subscriber located within the boundaries of the District, unless and until the Board shall make written findings that such service cannot be furnished without undue cost to the District and provided further, that the Board of Directors shall have no power to refuse service to any subscriber within the boundaries of the District, or discriminate against any subscriber except that the District shall not be required to furnish such service when the cost thereof shall in fact place an undue financial burden on the District.

Dated this _____ Day of _____, 19 _____

Subscriber Margaret Egan

Mailing Address P. O. Box 203 Penrose, CO 81250

Tap Location 1045 3rd. St.

Per motion of Board of Directors, 12-9-75, all lines, commencing at the main, installed or reinstalled after January 1, 1976 become the responsibility of the property owner.

PENROSE WATER DISTRICT

BY: R. L. Gasser-Dist. Agt. *This is a valid and legal tap contract for the above-defined property.*
Authorized Agent

I hereby declare that I am the owner of record and may be held legally responsible for the property for which this purchase is made.

_____ land owner

Home

IRREVOCABLE WATER
AVAILABILITY CONTRACT

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the "District", and Hoshi Mistry hereinafter referred to as "Owner";

WITNESSETH:

WHEREAS, the District is a legally formed and constituted special district situate in Fremont County, Colorado, by virtue of the laws of the State of Colorado and provides domestic water to its customers; and

WHEREAS, Owner is the holder of the legal title to real property situate within the District, more particularly described below and is desirous of continuing to reserve a commitment for water services from the District; and

WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner's property; and

WHEREAS, District is willing to provide such water service upon the terms and conditions set forth herein.

NOW THEREFORE, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Ownership. Owner owns the following real property situate in Fremont County, Colorado and described as follows:

Proposed Mistry Subdivision Filing No. 2

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[in the SW ¼ ; Sect. 27; T18S; R68W]**

commonly known as 1245 3rd Street, Penrose, Colorado, hereinafter referred to as "Subject Property". Owner certifies that Owner is the fee owner of the subject property.

2. Anticipated Use. Owner anticipates the need to obtain a water tap to provide for the Subject Property and the current need to provide irrevocable proof of the availability of obtaining such tap to Fremont County, Colorado (hereinafter "County"). The parties recognize, however, that by entering into this contract, the District will be required to reserve such non-transferable tap for Owner's use which will therefore reduce the number of water taps available for sale to other customers of the District.

3. Availability of Water. District executes this contract specifically to reflect that Owner is entitled to receive a water tap for the subject property upon full payment of the cost for the same. District represents that it is capable of and shall commit to provide an adequate amount of water for service to the Subject Property. The parties agree that this contract will remain in full force and effect regardless of any

action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

4. Price. The initial cost paid by Owner was the sum of \$ 2,400.00. The parties acknowledge that this amount was equal to 20% of the cost of a prevailing tap fee charge for a 3/4"x5/8" residential water tap at time of original purchase of this commitment. As a requirement to maintain said irrevocable commitment for water service, the Owner will, on or before the anniversary dates of this contract, pay an additional 20% of the then existing prevailing tap fee until such time as such amounts are paid equal to the then prevailing cost of a water tap. As a courtesy to Owner, District will attempt to provide notice of pending anniversary payments due. However, the parties agree that it shall be the sole obligation of Owner to make such payments as are required under this agreement. If owner does not meet the required anniversary payments, then 60 days thereafter the District may convert this availability contract to a tap at the then prevailing tap fee and bill the owner for amount then due. If those amounts are not paid, then District may recover charges pursuant to Paragraph 11 herein. Owner acknowledges that District has the ability to increase or decrease the cost of taps in the future and that the annual amounts set forth in this paragraph will be 20% of such increased or decreased cost if District, by formal resolution, increases or decreases such water tap fees in the future. In the event that water taps fees are amended in the future, the total cost to be paid by owner for such taps shall be similarly amended notwithstanding any prior payments made by Owner.

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7. Further Conditions of Service. The parties agree that the following terms and conditions are agreed upon, to-wit: **This contract is for residential service to proposed LOT 3. Service is available from 3rd Street by way of an existing main installed within 3rd Street.**

8. Lien. Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

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PENROSE WATER DISTRICT,
special district

By: *Ken S. Lauer - Dist. Mgr.*
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007

Hoshi Mistry
Owner

12-22-2021

**IRREVOCABLE WATER
AVAILABILITY CONTRACT**

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the “District”, and Hoshi Mistry hereinafter referred to as “Owner”;

WITNESSETH:

WHEREAS, the District is a legally formed and constituted special district situate in Fremont County, Colorado, by virtue of the laws of the State of Colorado and provides domestic water to its customers; and

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WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner’s property; and

WHEREAS, District is willing to provide such water service upon the terms and conditions set forth herein.

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Proposed Mistry Subdivision Filing No. 2

**Lot 1, Mistry Subdivision
[in the SW ¼ ; Sect. 27; T18S; R68W]**

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action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

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7. Further Conditions of Service. The parties agree that the following terms and conditions are agreed upon, to-wit: **This contract is for residential service to proposed LOT 4. An extension of the District's distribution system will be required to provide service to this lot from Mistry Court. According to the preliminary map of the proposed subdivision, and as provided by the owner, installation of a 6" water main and related appurtenances will need to be installed within L Street and within Mistry Court. All costs associated with the extension of the distribution system are the responsibility of the owner.**

8. Lien. Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

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PENROSE WATER DISTRICT,
special district

By: Ken S. Hansen - Dist. Mgr.
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007

Hoshi Mistry
Owner

12-22-2024

IRREVOCABLE WATER
AVAILABILITY CONTRACT

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the "District", and Hoshi Mistry hereinafter referred to as "Owner";

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WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner's property; and

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Proposed Mistry Subdivision Filing No. 2

**Lot 1, Mistry Subdivision
[in the SW ¼ ; Sect. 27; T18S; R68W]**

commonly known as 1245 3rd Street, Penrose, Colorado, hereinafter referred to as "Subject Property". Owner certifies that Owner is the fee owner of the subject property.

2. Anticipated Use. Owner anticipates the need to obtain a water tap to provide for the Subject Property and the current need to provide irrevocable proof of the availability of obtaining such tap to Fremont County, Colorado (hereinafter "County"). The parties recognize, however, that by entering into this contract, the District will be required to reserve such non-transferable tap for Owner's use which will therefore reduce the number of water taps available for sale to other customers of the District.

3. Availability of Water. District executes this contract specifically to reflect that Owner is entitled to receive a water tap for the subject property upon full payment of the cost for the same. District represents that it is capable of and shall commit to provide an adequate amount of water for service to the Subject Property. The parties agree that this contract will remain in full force and effect regardless of any

action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

4. **Price.** The initial cost paid by Owner was the sum of \$ 2,400.00. The parties acknowledge that this amount was equal to 20% of the cost of a prevailing tap fee charge for a 3/4"x5/8" residential water tap at time of original purchase of this commitment. As a requirement to maintain said irrevocable commitment for water service, the Owner will, on or before the anniversary dates of this contract, pay an additional 20% of the then existing prevailing tap fee until such time as such amounts are paid equal to the then prevailing cost of a water tap. As a courtesy to Owner, District will attempt to provide notice of pending anniversary payments due. However, the parties agree that it shall be the sole obligation of Owner to make such payments as are required under this agreement. If owner does not meet the required anniversary payments, then 60 days thereafter the District may convert this availability contract to a tap at the then prevailing tap fee and bill the owner for amount then due. If those amounts are not paid, then District may recover charges pursuant to Paragraph 11 herein. Owner acknowledges that District has the ability to increase or decrease the cost of taps in the future and that the annual amounts set forth in this paragraph will be 20% of such increased or decreased cost if District, by formal resolution, increases or decreases such water tap fees in the future. In the event that water taps fees are amended in the future, the total cost to be paid by owner for such taps shall be similarly amended notwithstanding any prior payments made by Owner.

5. **Credit.** The parties agree that any payments made by Owner pursuant to the preceding paragraph will be credited to Owner at the time, if ever, that Owner purchases the water tap for the Subject Property. Such credit is conditional, however, upon Owner being current on, and not otherwise in default in, Owner's obligations pursuant to this contract. Additionally, Owner understands that the cost of any such tap may, depending on the future actions of the District, be in an amount equal to, greater than, or less than the current amount of a tap fee. Any such ultimate purchase will be consistent with District's then usual practices with respect to such water tap purchases including, but not limited to, District's then existing form of contract for water tap purchases.

6. **Monthly charges.** Owner will additionally pay to District a monthly service charge in an amount equal to the monthly minimum charge imposed by District for water service for taps in the size contemplated notwithstanding the fact that the tap herein has not been purchased or installed. It is specifically agreed that such monthly service charges shall be paid effective with District's next regular billing cycle. No such payments are subject to the refund process described in the preceding paragraph.

7. **Further Conditions of Service.** The parties agree that the following terms and conditions are agreed upon, to-wit: **This contract is for residential service to proposed LOT 5. An extension of the District's distribution system will be required to provide service to this lot from Mistry Court. According to the preliminary map of the proposed subdivision, and as provided by the owner, installation of a 6" water main and related appurtenances will need to be installed within L Street and within Mistry Court. All costs associated with the extension of the distribution system are the responsibility of the owner.**

8. **Lien.** Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

9. **Address.** Unless otherwise notified by the Owner in writing, all correspondence, notices or statements for the monthly service charges shall be mailed to Owner at the address shown on this contract.

10. Parties Bound. This contract shall be extended to and binding upon the agents, servants, employees, tenants, heirs, executors, administrators, successors and assigns of the parties hereto.

11. District Rules and Regulations. The District's Rules and Regulations, as the same may be hereinafter amended, are an integral part of this contract and any breach thereof by Owner shall constitute a breach of this contract.

12. Assignment. This contract may not be assigned by Owner without the express written permission of District.

13. Colorado Law. This contract shall be governed by the laws of the state of Colorado.

14. Necessary Documents. All parties agree to execute such documents as may be reasonably necessary to effectuate the terms of this contract.

15. Entire Contract. The terms of this contract constitute the final and total terms of the contract between the parties and each party understands that no other agreements, oral or otherwise, shall be binding between them.

IN WITNESS WHEREOF, the parties have executed this contract at Penrose, Colorado, on the date above indicated.

PENROSE WATER DISTRICT,
special district

By: Ron S. Gasser - Dist. Mgr.
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007

Hoshi Mistry
Owner

12-22-2021

IRREVOCABLE WATER
AVAILABILITY CONTRACT

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the "District", and Hoshi Mistry hereinafter referred to as "Owner";

WITNESSETH:

WHEREAS, the District is a legally formed and constituted special district situate in Fremont County, Colorado, by virtue of the laws of the State of Colorado and provides domestic water to its customers; and

WHEREAS, Owner is the holder of the legal title to real property situate within the District, more particularly described below and is desirous of continuing to reserve a commitment for water services from the District; and

WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner's property; and

WHEREAS, District is willing to provide such water service upon the terms and conditions set forth herein.

NOW THEREFORE, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Ownership. Owner owns the following real property situate in Fremont County, Colorado and described as follows:

Proposed Mistry Subdivision Filing No. 2

**Lot 1, Mistry Subdivision
[in the SW ¼ ; Sect. 27; T18S; R68W]**

commonly known as 1245 3rd Street, Penrose, Colorado, hereinafter referred to as "Subject Property". Owner certifies that Owner is the fee owner of the subject property.

2. Anticipated Use. Owner anticipates the need to obtain a water tap to provide for the Subject Property and the current need to provide irrevocable proof of the availability of obtaining such tap to Fremont County, Colorado (hereinafter "County"). The parties recognize, however, that by entering into this contract, the District will be required to reserve such non-transferable tap for Owner's use which will therefore reduce the number of water taps available for sale to other customers of the District.

3. Availability of Water. District executes this contract specifically to reflect that Owner is entitled to receive a water tap for the subject property upon full payment of the cost for the same. District represents that it is capable of and shall commit to provide an adequate amount of water for service to the Subject Property. The parties agree that this contract will remain in full force and effect regardless of any

action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

4. Price. The initial cost paid by Owner was the sum of \$ 2,400.00. The parties acknowledge that this amount was equal to 20% of the cost of a prevailing tap fee charge for a 3/4"x5/8" residential water tap at time of original purchase of this commitment. As a requirement to maintain said irrevocable commitment for water service, the Owner will, on or before the anniversary dates of this contract, pay an additional 20% of the then existing prevailing tap fee until such time as such amounts are paid equal to the then prevailing cost of a water tap. As a courtesy to Owner, District will attempt to provide notice of pending anniversary payments due. However, the parties agree that it shall be the sole obligation of Owner to make such payments as are required under this agreement. If owner does not meet the required anniversary payments, then 60 days thereafter the District may convert this availability contract to a tap at the then prevailing tap fee and bill the owner for amount then due. If those amounts are not paid, then District may recover charges pursuant to Paragraph 11 herein. Owner acknowledges that District has the ability to increase or decrease the cost of taps in the future and that the annual amounts set forth in this paragraph will be 20% of such increased or decreased cost if District, by formal resolution, increases or decreases such water tap fees in the future. In the event that water taps fees are amended in the future, the total cost to be paid by owner for such taps shall be similarly amended notwithstanding any prior payments made by Owner.

5. Credit. The parties agree that any payments made by Owner pursuant to the preceding paragraph will be credited to Owner at the time, if ever, that Owner purchases the water tap for the Subject Property. Such credit is conditional, however, upon Owner being current on, and not otherwise in default in, Owner's obligations pursuant to this contract. Additionally, Owner understands that the cost of any such tap may, depending on the future actions of the District, be in an amount equal to, greater than, or less than the current amount of a tap fee. Any such ultimate purchase will be consistent with District's then usual practices with respect to such water tap purchases including, but not limited to, District's then existing form of contract for water tap purchases.

6. Monthly charges. Owner will additionally pay to District a monthly service charge in an amount equal to the monthly minimum charge imposed by District for water service for taps in the size contemplated notwithstanding the fact that the tap herein has not been purchased or installed. It is specifically agreed that such monthly service charges shall be paid effective with District's next regular billing cycle. No such payments are subject to the refund process described in the preceding paragraph.

7. Further Conditions of Service. The parties agree that the following terms and conditions are agreed upon, to-wit: **This contract is for residential service to proposed LOT 6. An extension of the District's distribution system will be required to provide service to this lot from Mistry Court. According to the preliminary map of the proposed subdivision, and as provided by the owner, installation of a 6" water main and related appurtenances will need to be installed within L Street and within Mistry Court. All costs associated with the extension of the distribution system are the responsibility of the owner.**

8. Lien. Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

9. Address. Unless otherwise notified by the Owner in writing, all correspondence, notices or statements for the monthly service charges shall be mailed to Owner at the address shown on this contract.

10. Parties Bound. This contract shall be extended to and binding upon the agents, servants, employees, tenants, heirs, executors, administrators, successors and assigns of the parties hereto.

11. District Rules and Regulations. The District's Rules and Regulations, as the same may be hereinafter amended, are an integral part of this contract and any breach thereof by Owner shall constitute a breach of this contract.

12. Assignment. This contract may not be assigned by Owner without the express written permission of District.

13. Colorado Law. This contract shall be governed by the laws of the state of Colorado.

14. Necessary Documents. All parties agree to execute such documents as may be reasonably necessary to effectuate the terms of this contract.

15. Entire Contract. The terms of this contract constitute the final and total terms of the contract between the parties and each party understands that no other agreements, oral or otherwise, shall be binding between them.

IN WITNESS WHEREOF, the parties have executed this contract at Penrose, Colorado, on the date above indicated.

PENROSE WATER DISTRICT,
special district

By: *Ken S. Jensen - Dist. Mgr.*
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007

Hoshi Mistry
Owner *12-22-2021*

IRREVOCABLE WATER
AVAILABILITY CONTRACT

This contract, entered into on this 10th day of December, 2021 by and between Penrose Water District, a special district, of 210 Broadway, Penrose, CO 81240, hereinafter referred to as the “District”, and Hoshi Mistry hereinafter referred to as “Owner”;

WITNESSETH:

WHEREAS, the District is a legally formed and constituted special district situate in Fremont County, Colorado, by virtue of the laws of the State of Colorado and provides domestic water to its customers; and

WHEREAS, Owner is the holder of the legal title to real property situate within the District, more particularly described below and is desirous of continuing to reserve a commitment for water services from the District; and

WHEREAS, Owner is required to retain demonstrative proof of water for said lot created by prior act of subdivision; and

WHEREAS, Owner desires an irrevocable contract to reserve and guarantee unto Owner water availability from District for the purposes of providing water services to the lot referenced below, which lot is one resulting from the subdivision of Owner’s property; and

WHEREAS, District is willing to provide such water service upon the terms and conditions set forth herein.

NOW THEREFORE, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Ownership. Owner owns the following real property situate in Fremont County, Colorado and described as follows:

Proposed Mistry Subdivision Filing No. 2

**Lot 1, Mistry Subdivision
[in the SW ¼ ; Sect. 27; T18S; R68W]**

commonly known as 1245 3rd Street, Penrose, Colorado, hereinafter referred to as “Subject Property”. Owner certifies that Owner is the fee owner of the subject property.

2. Anticipated Use. Owner anticipates the need to obtain a water tap to provide for the Subject Property and the current need to provide irrevocable proof of the availability of obtaining such tap to Fremont County, Colorado (hereinafter “County”). The parties recognize, however, that by entering into this contract, the District will be required to reserve such non-transferable tap for Owner’s use which will therefore reduce the number of water taps available for sale to other customers of the District.

3. Availability of Water. District executes this contract specifically to reflect that Owner is entitled to receive a water tap for the subject property upon full payment of the cost for the same. District represents that it is capable of and shall commit to provide an adequate amount of water for service to the Subject Property. The parties agree that this contract will remain in full force and effect regardless of any

action by County or any decision by Owner to abandon any projects for which proof of the availability of water is necessary subject to the terms and conditions hereinafter set forth.

4. **Price.** The initial cost paid by Owner was the sum of \$ 2,400.00. The parties acknowledge that this amount was equal to 20% of the cost of a prevailing tap fee charge for a 3/4"x5/8" residential water tap at time of original purchase of this commitment. As a requirement to maintain said irrevocable commitment for water service, the Owner will, on or before the anniversary dates of this contract, pay an additional 20% of the then existing prevailing tap fee until such time as such amounts are paid equal to the then prevailing cost of a water tap. As a courtesy to Owner, District will attempt to provide notice of pending anniversary payments due. However, the parties agree that it shall be the sole obligation of Owner to make such payments as are required under this agreement. If owner does not meet the required anniversary payments, then 60 days thereafter the District may convert this availability contract to a tap at the then prevailing tap fee and bill the owner for amount then due. If those amounts are not paid, then District may recover charges pursuant to Paragraph 11 herein. Owner acknowledges that District has the ability to increase or decrease the cost of taps in the future and that the annual amounts set forth in this paragraph will be 20% of such increased or decreased cost if District, by formal resolution, increases or decreases such water tap fees in the future. In the event that water taps fees are amended in the future, the total cost to be paid by owner for such taps shall be similarly amended notwithstanding any prior payments made by Owner.

5. **Credit.** The parties agree that any payments made by Owner pursuant to the preceding paragraph will be credited to Owner at the time, if ever, that Owner purchases the water tap for the Subject Property. Such credit is conditional, however, upon Owner being current on, and not otherwise in default in, Owner's obligations pursuant to this contract. Additionally, Owner understands that the cost of any such tap may, depending on the future actions of the District, be in an amount equal to, greater than, or less than the current amount of a tap fee. Any such ultimate purchase will be consistent with District's then usual practices with respect to such water tap purchases including, but not limited to, District's then existing form of contract for water tap purchases.

6. **Monthly charges.** Owner will additionally pay to District a monthly service charge in an amount equal to the monthly minimum charge imposed by District for water service for taps in the size contemplated notwithstanding the fact that the tap herein has not been purchased or installed. It is specifically agreed that such monthly service charges shall be paid effective with District's next regular billing cycle. No such payments are subject to the refund process described in the preceding paragraph.

7. **Further Conditions of Service.** The parties agree that the following terms and conditions are agreed upon, to-wit: **This contract is for residential service to proposed LOT 7. An extension of the District's distribution system will be required to provide service to this lot from Mistry Court, or from L Street. According to the preliminary map of the proposed subdivision, and as provided by the owner, installation of a 6" water main and related appurtenances will need to be installed within L Street and within Mistry Court. All costs associated with the extension of the distribution system are the responsibility of the owner.**

8. **Lien.** Until such time as Owner purchases a water tap for the Subject Property, the parties agree that District will have a perpetual lien against the Subject Property and such lien may be foreclosed in the same manner as provided by the law of the state of Colorado for the foreclosure of mechanics' liens (See § 31-1-1001(1)(j), CRS).

9. **Address.** Unless otherwise notified by the Owner in writing, all correspondence, notices or statements for the monthly service charges shall be mailed to Owner at the address shown on this contract.

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IN WITNESS WHEREOF, the parties have executed this contract at Penrose, Colorado, on the date above indicated.

PENROSE WATER DISTRICT,
special district

By: Ken S. Gamm - Dist. Mgr.
District

Hoshi Mistry

P.O. Box 7

Penrose, CO 81240-0007

Owner  12-22-2021

Exhibit 24h.1 Wildfire Hazard Map and Report



Colorado Wildfire Risk Public Viewer

<https://co-pub.coloradoforestatlas.org>

Burn Probability

Annual probability of any location burning due to wildfire.

Created On:

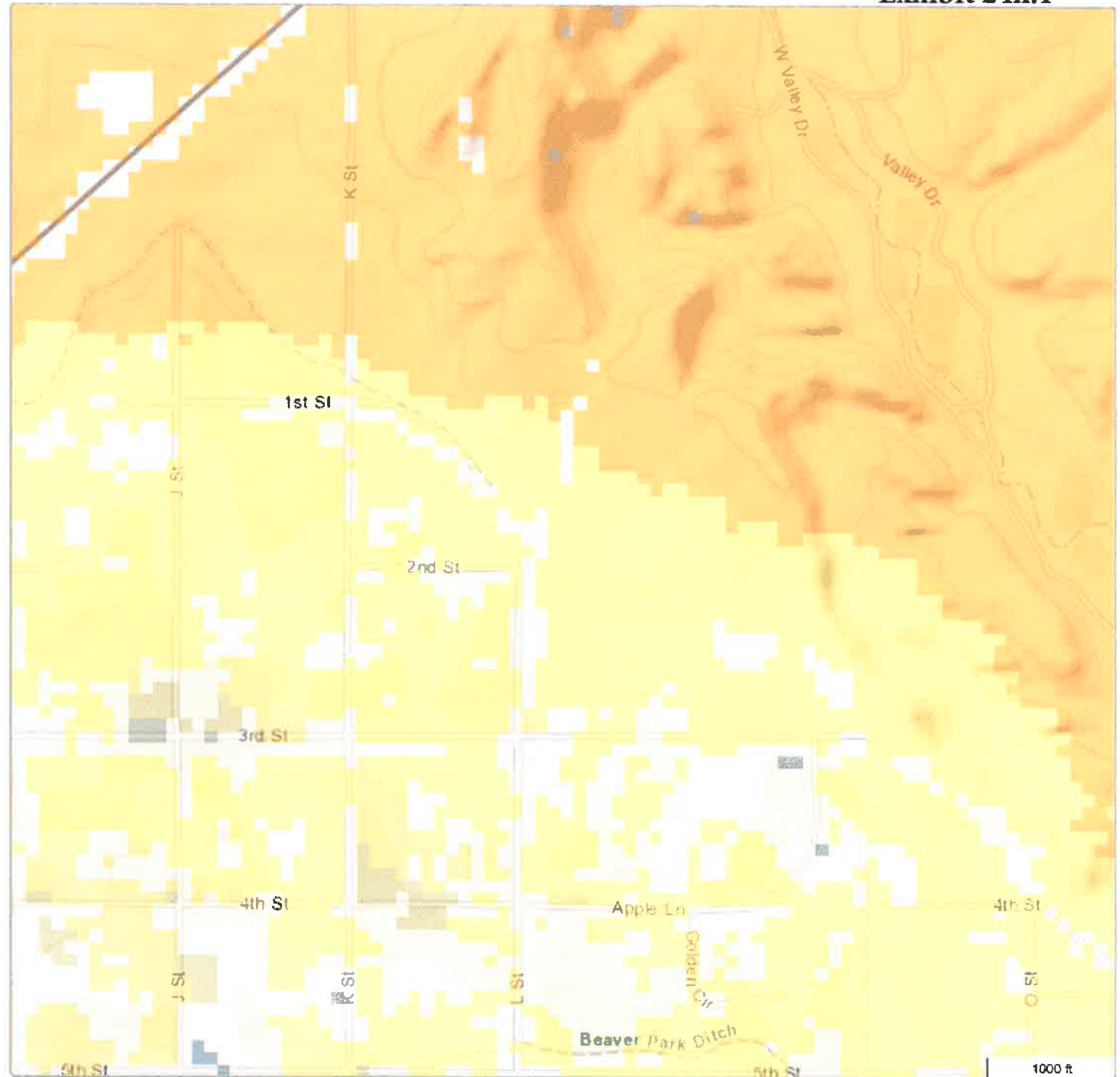
10/28/2021, 1:31 PM

Disclaimer

The user assumes the entire risk related to their use of the Colorado Wildfire Risk Public Viewer and either the published or derived products from these data.

The Colorado State Forest Service is providing these data "as is" and disclaims any and all warranties, whether expressed or implied, including (without limitation) any implied warranties of merchantability or fitness for a particular purpose.

In no event will Colorado State Forest Service be liable to you or to any third party for any direct, indirect, incidental, consequential, special or exemplary damages or lost profit resulting from any use or misuse of these data.



Home



Legend

<https://co-pub.coloradoforestatlas.org>

Burn Probability

- Non-Burnable
- Very Low
- Very Low-Low
- Low
- Low-Moderate
- Moderate
- Moderate-High
- High
- High-Very High
- Very High

County Boundaries

- < 1:1,500,000

[Home](#)

COLORADO WILDFIRE RISK

Understanding the wildland-urban interface risk index



FREMONT COUNTY

Adapt, Prepare by Knowing Fire Risk

Each county in Colorado is unique, with a character shaped by individual history, land, climate, people and resources. However, something every county in the state shares is the potential to be negatively affected by wildfires.

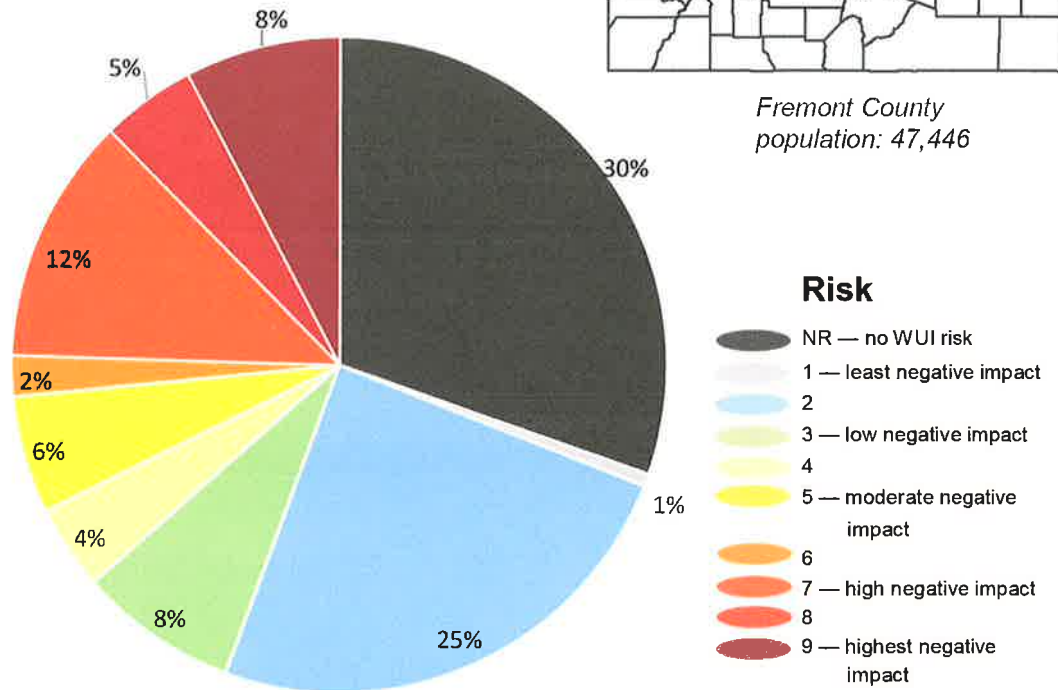
In order to effectively prepare for the impact of wildfires, residents, leaders and community planners must be aware of the wildfire risk associated with living in the wildland-urban interface and recognize actions that can be taken to reduce this risk. Connecting with wildfire resources — like those listed below — can help guide wildfire adaptation efforts from a personal to a community-wide level.

WUI Risk

This chart shows the portion of Fremont County's residents who live within the wildland-urban interface classified by level of wildfire impact on lives and property.



Fremont County population: 47,446



THE DATA: The Wildland-Urban Interface Risk Index, created by the Colorado State Forest Service, is a rating of the potential impact of a wildfire on people and their homes. It is created using housing density combined with modeled fire behavior to determine where the greatest potential impact to people and homes is likely to occur. The index is calculated consistently for each Colorado county, available in the Colorado Forest Atlas at coloradoforestatlas.org.

WUI

The wildland-urban interface (WUI) is an area where structures or other human developments meet or intermingle with wildland vegetation or fuels.

Approximately half of Colorado's population lives in the WUI. As of 2018, 2.9 million of the state's 5.7 million residents live in these vulnerable areas.



Wildfire Impact

Wildfires are a natural part of every ecosystem in Colorado. However, wildfire can also harm human improvements and health.

The impact a fire can have in any WUI location is determined primarily by ignitability of structures, natural vegetation (fuel) present, and the proximity of fuels to human improvements.

What Can Be Done?

There are many actions that can reduce wildfire risk. From homeowners establishing defensible space and hardening structures, to community-wide mitigation efforts and fire department risk assessments, to county-wide building code and regulation adoption. Programs exist to guide efforts to adapt to living with wildfire in Colorado.

Learn more

The Colorado State Forest Service offers more about wildfire mitigation at csfs.colostate.edu/wildfire-mitigation.

Home

January 25, 2022

Fremont County Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

RE: Wildlife Habitat Map and Report

Members of the Planning and Zoning Department,

This report is included for the Preliminary Plan Submittal Requires for:

Project Name: Mistry Subdivision Filing No.2

Project Address: 1245 3RD St, Penrose, CO 81240

Legal Description- Subd: MISTRY SUB LOT 1 MISTRY SUB REF FROM 690-07-650

The CODEX report for the subject area plus a one-mile buffer zone is provided herein. No Regulatory Species were found within the project area. The golden eagle is listed as a potential regulated species but is currently listed as a "secure" species. No Fish and Wildlife Service Critical Habitats were found within on mile of the project area.

Thank you,

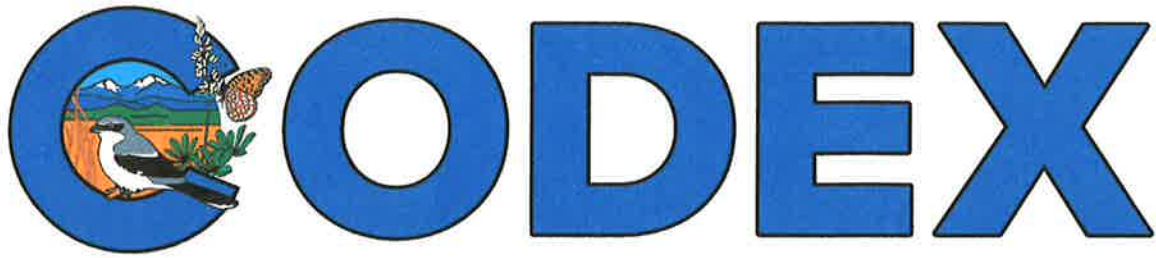
Alex Ewers, PE, CFM

Civil Engineer, Owner

alexe@3rocksendeering.com

719.430.5333

Exhibit 24i.1 Wildlife Habitat Map and Report



Colorado's Conservation Data Explorer

Project Review Report

Project Description

Mistry Subdivision

Project Information

Report Generation Date: 1/25/2022 11:47:10 AM

Project Title: Mistry Subdivision

User Project Number(s):

System Generated ID: CODEX-273

Project Type: Development/Redevelopment, Residential

Project Size: 40.78 (acres)

Latitude/Longitude: 38.448813 / -104.994058

County(s): FREMONT

Watershed(s) HUC 8: Upper Arkansas

Township/Range and/or Section(s): 018S068W - 28 - 6P, 018S068W - 27 - 6P

Contact Information

Organization: Environmental Alternatives Inc.

Contact Name: Angela Bellantoni

Contact Phone: 7192758951

Contact Email: angela@envalternatives.com

Contact Address: P.O. Box 326, Canon City, CO 81215

Submitted On Behalf Of: CONSULTING

Prepared By:

Project Report:

The information contained herein represents the results of a search of Colorado's Conservation Data Explorer (CODEX) and can be used as notice to anticipate possible impacts or identify areas of interest. This tool queries multiple conservation datasets and includes a synthesis of Colorado Natural Heritage Program (CNHP) and Colorado Parks and Wildlife (CPW) data for sensitive species and natural communities. Care should be taken in interpreting these data.

Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CODEX information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible. Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CODEX data is constantly updated and revised. Please contact CNHP, CPW and our partners for assistance with interpretation of this report or to obtain more information.

Disclaimer:

1. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. **This review does not constitute environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the review of site-specific projects by CNHP and CPW and our partners.**
2. This Project Report is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
3. The Conservation Data Explorer (CODEX) data is constantly changing and being updated and is not intended to be the final word on the potential distribution of special status species. Colorado is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. CODEX data contains information about species occurrences that have actually been reported to CNHP, CPW and our partners. Not all of Colorado has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.

Location Accuracy Disclaimer:

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Contact for CODEX Support:

Colorado Natural Heritage Program (CNHP)

CNHP
Colorado State University
1475 Campus Delivery
Fort Collins, CO 80523-1475

Tel: (970) 491-7331

Email: CNHP_codex_support@mail.colostate.edu

CNHP Website: cnhp.colostate.edu

Colorado Parks and Wildlife

For support regarding project review of land use impacts to wildlife, please contact the regional office in which your project resides and visit <https://cpw.state.co.us/conservation/Pages/CON-Energy-Land.aspx>

CPW Website : cpw.state.co.us

Northeast Region

Denver Office
6060 Broadway
Denver, CO 80216
Tel: (303) 291-7227

Southeast Region

Colorado Springs Office
4255 Sinton Road
Colorado Springs, CO 80907
Tel: (719) 227-5200

Northwest Region

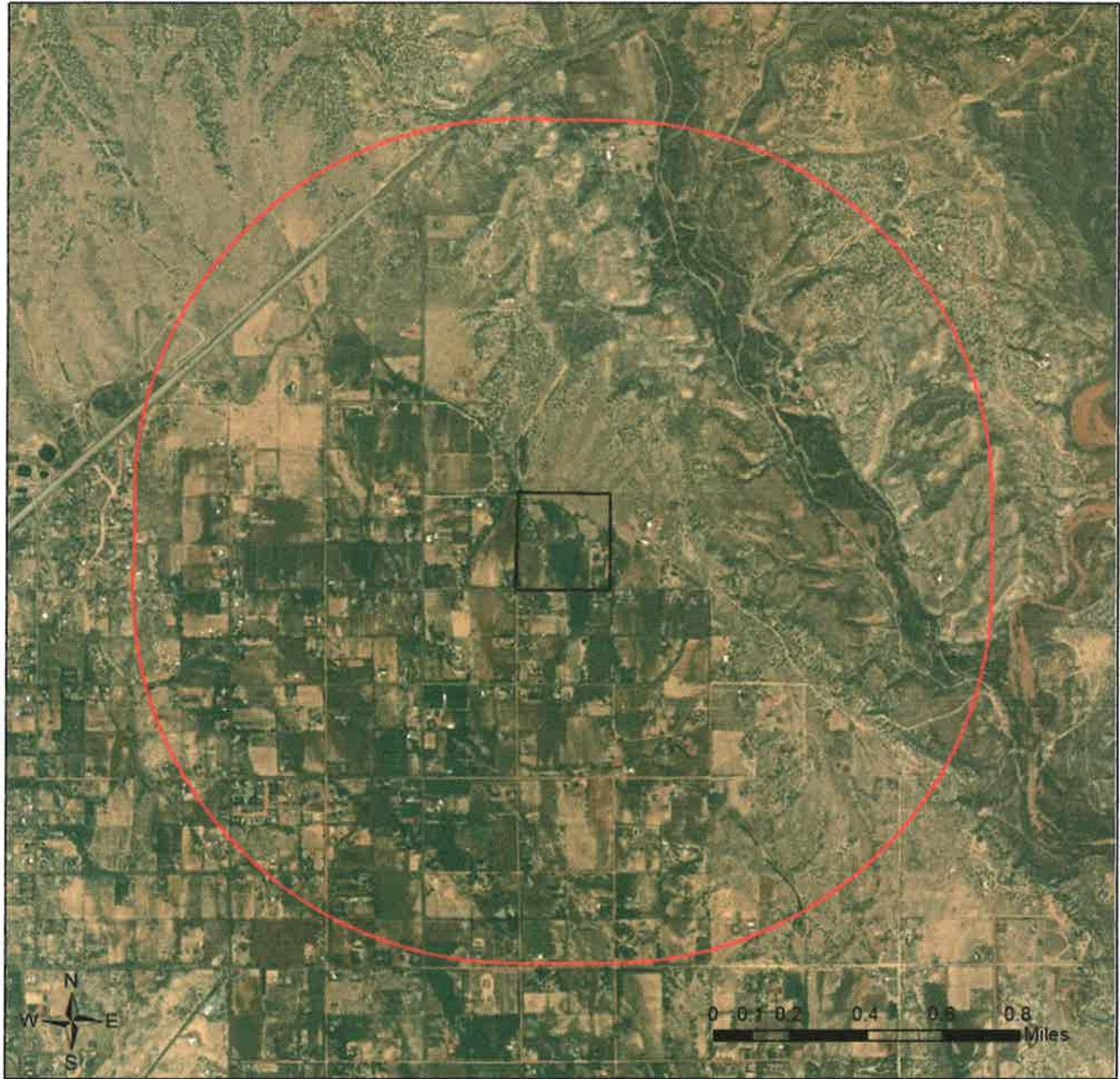
Grand Junction Office
711 Independent Avenue
Grand Junction, CO 81505
Tel: (970) 255-6100

Southwest Region

Durango Office
151 East 16th Street
Durango, CO 81301
Tel: (970) 247-0855

For questions regarding CPW data in CODEX please contact 303-291-7152 or matt.schulz@state.co.us

Mistry Subdivision Aerial Image with Locator Map

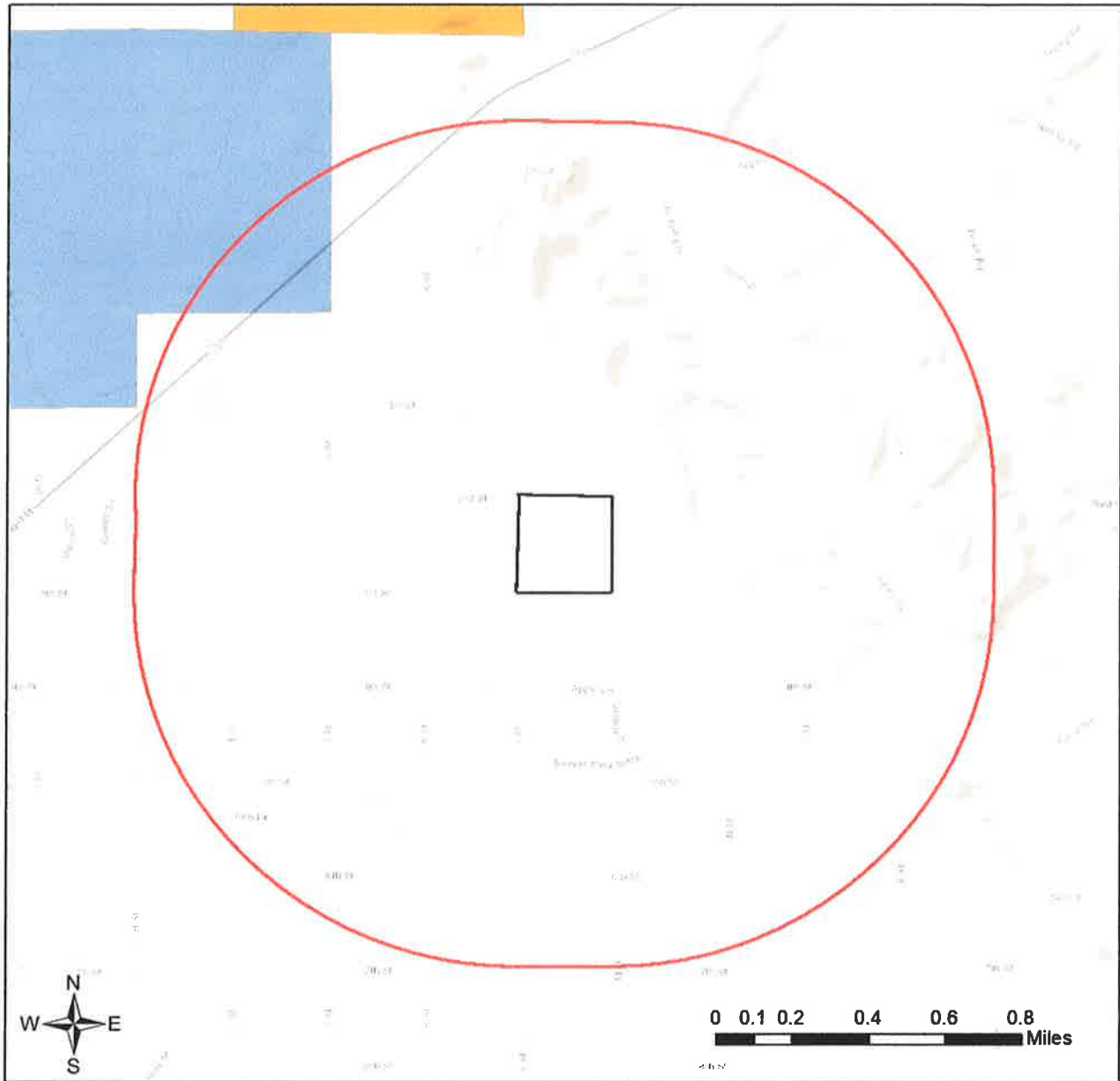


- Project Boundary
- Buffered Search Area



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

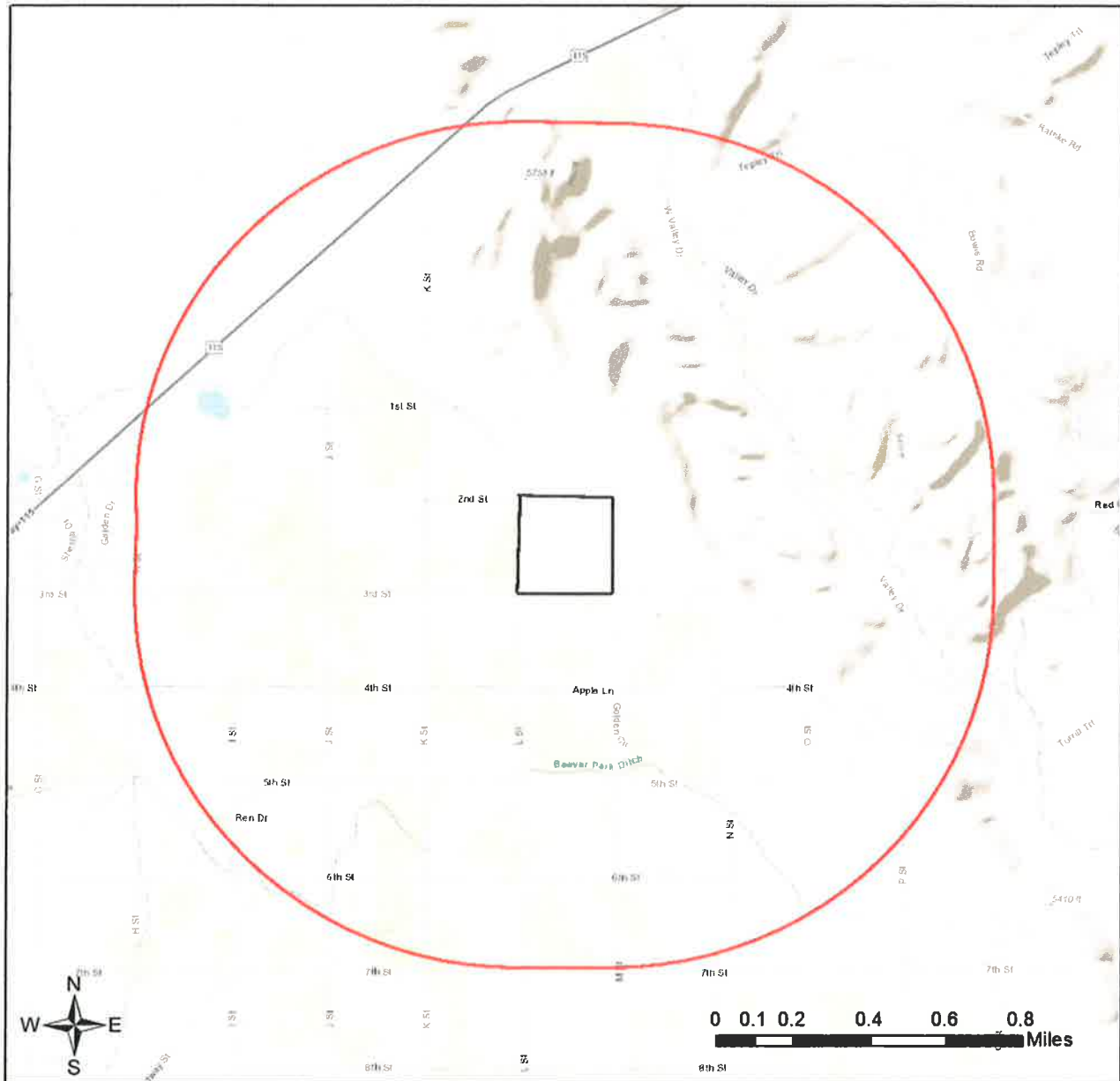
Mistry Subdivision Topographic Map with Land Management Status



- | | |
|---|----------------------|
| Project Boundary | USFS |
| Buffered Search Area | Tribal |
| COMaP Land Status (Full Version) | |
| Misc Federal (BOR, DOD, Misc) | Local |
| BLM | NGO/Land Trust |
| NPS | Private Conservation |
| USFS | Private |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Mistry Subdivision Web Map As Submitted By User



- Project Boundary
- Buffered Search Area

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Regulatory Species

Table 1. Documented Occurrences Within 1 Miles Of Project Area

No results were found for this project area.

Table 2. Potential Regulatory Species within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Aquila chrysaetos	Golden Eagle	CPW Breeding Range	G5	S3S4B,S 4N			BGEPA/SWAP Tier 1	CPW 20201203

Table 3. Fish & Wildlife Service Critical Habitats within 1 Miles of Project Area

No results were found for this project area.

Other Species of Concern

Table 4. Documented Occurrences within 1 Miles of Project Area: Rare Species, Natural Communities, and Species of Economic, Recreational or Conservation Value

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
Mammals	Odocoileus hemionus	Mule Deer	CPW Highway Crossing	G5	S4							CPW 201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Severe Winter Range	G5	S4							CPW 201203
Mammals	Odocoileus virginianus	White-tailed Deer	CPW Concentration Area	G5	S5							CPW 201203
Mammals	Puma concolor	Mountain Lion	CPW Human Conflict Area	G5	S4							CPW 201203
Mammals	Ursus americanus	Black Bear	CPW Human Conflict Area	G5	S5							CPW 201203

Table 4. Documented Occurrences within 1 Miles of Project Area: Rare Species, Natural Communities, and Species of Economic, Recreational or Conservation Value

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	Viability Rank	Last Observation	ESA Status	CO Status	Other Status	CNHP Identifier	Data Source
Natural Communities	Hesperostipa neomexicana Grassland	Great Plains Mixed Grass Prairie	CNHP EO	G3	S2	B	1983-07-14				3100	CNHP 20210920
Vascular Plants	Bolophyta tetraeuris (Parthenium tetraeuris)	Barneby's Feverfew	CNHP EO	G3	S3	AC	1995-06-15				5758	CNHP 20210920
Vascular Plants	Nuttallia chrysantha (Mentzelia chrysantha)	Golden Blazingstar	CNHP EO	G2	S2	AB	2006-08-29			BLM/SWAP Tier 2	11803	CNHP 20210920
Vascular Plants	Physaria calcicola (Lesquerella calcicola)	Rocky Mountain Bladderpod	CNHP EO	G3	S3	H	1971-06-01				14163	CNHP 20210920

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Ammodramus savannarum	Grasshopper Sparrow	CPW Breeding Range	G5	S3S4B			SWAP Tier 2/USFS	CPW 20201203
Birds	Athene cunicularia	Burrowing Owl	CPW Breeding Range	G4	S4B		ST	BLM/SWAP Tier 1/USFS	CPW 20201203
Birds	Baeolophus ridgwayi	Juniper Titmouse	CPW Breeding Range	G5	S4			SWAP Tier 2	CPW 20201203
Birds	Botaurus lentiginosus	American Bittern	CPW Breeding Range	G5	S3S4B			SWAP Tier 2/USFS	CPW 20201203
Birds	Calamospiza melanocorys	Lark Bunting	CPW Breeding Range	G5	S4			SWAP Tier 2	CPW 20201203
Birds	Callipepla squamata	Scaled Quail	CPW Overall Range	G5	S4				CPW 20201203
Birds	Charadrius montanus	Mountain Plover	CPW Breeding Range	G3	S2B		SC	BLM/SWAP Tier 1/USFS	CPW 20201203
Birds	Circus hudsonius	Northern Harrier	CPW Breeding Range	G5	S3B			SWAP Tier 2/USFS	CPW 20201203
Birds	Columba fasciata	Band-tailed Pigeon	CPW Breeding Range	G4	S4B			SWAP Tier 2	CPW 20201203
Birds	Falco mexicanus	Prairie Falcon	CPW Breeding Range	G5	S4B,S4N			SWAP Tier 2	CPW 20201203
Birds	Gymnorhinus cyanocephalus	Pinyon Jay	CPW Breeding Range	G3	S3			SWAP Tier 2	CPW 20201203
Birds	Leucosticte atrata	Black Rosy-finch	CPW Winter Range	G4	S4N			SWAP Tier 2	CPW 20201203
Birds	Leucosticte australis	Brown-capped Rosy-finch	CPW Overall Range	G4	S3B,S4N			SWAP Tier 1	CPW 20201203
Birds	Melanerpes lewis	Lewis's Woodpecker	CPW Breeding Range	G4	S4			SWAP Tier 2/USFS	CPW 20201203
Birds	Meleagris gallopavo	Wild Turkey	CPW Overall Range	G5	S5				CPW 20201203
Birds	Passerina amoena	Lazuli Bunting	CPW Breeding Range	G5	S5B			SWAP Tier 2	CPW 20201203
Birds	Peucaea cassinii	Cassin's Sparrow	CPW Breeding Range	G5	S4B			SWAP Tier 2/USFS	CPW 20201203
Birds	Selasphorus rufus	Rufous Hummingbird	CPW Migration Range	G4	SNA			SWAP Tier 2	CPW 20201203

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Birds	Spizella breweri	Brewer's Sparrow	CPW Breeding Range	G5	S4B			BLM/SWAP Tier 2/USFS	CPW 20201203
Birds	Vermivora virginiae	Virginia's Warbler	CPW Breeding Range	G5	S5			SWAP Tier 2	CPW 20201203
Birds	Vireo vicinior	Gray Vireo	CPW Breeding Range	G5	S2B			SWAP Tier 2	CPW 20201203
Insects	Agapema homogena	A Giant Silkmoth	Range Map - within range	G4	S2			SWAP Tier 2	CNHP 20210615
Insects	Amblyscirtes simius	Simius Roadside Skipper	Range Map - within range	G3	S3				CNHP 20210615
Insects	Atrytonopsis hianna	Dusted Skipper	Range Map - within range	G4G5	S2				CNHP 20210615
Insects	Bombus (Thoracobombus) pennsylvanicus	American Bumble Bee	Range Map - within range	G3G4	S2S3			SWAP Tier 2	CNHP 20210615
Insects	Eupsilia colorado	A Sallow Moth	Range Map - present	GNR	S3				CNHP 20210615
Mammals	Antrozous pallidus	Pallid Bat	CPW Overall Range	G4	S4				CPW 20201203
Mammals	Conepatus leuconotus	Common Hog-nosed Skunk	Range Map - present	G4	S1			SWAP Tier 2/USFS	CNHP 20210615
Mammals	Corynorhinus townsendii	Townsend's Big-eared Bat	CPW Overall Range	G4	S2			BLM/USFS	CPW 20201203
Mammals	Cynomys ludovicianus	Black-tailed Prairie Dog	CPW Overall Range	G4	S3		SC	BLM/SWAP Tier 2/USFS	CPW 20201203
Mammals	Cynomys ludovicianus	Black-tailed Prairie Dog	CPW Potential Occurrence	G4	S3		SC	BLM/SWAP Tier 2/USFS	CPW 20201203
Mammals	Eptesicus fuscus	Big Brown Bat	CPW Overall Range	G5	S5				CPW 20201203
Mammals	Lasionycteris noctivagans	Silver-haired Bat	CPW Overall Range	G3G4	S3S4				CPW 20201203
Mammals	Lasiurus borealis	Eastern Red Bat	CPW Overall Range	G3G4	S2S3B				CPW 20201203
Mammals	Lasiurus cinereus	Hoary Bat	CPW Overall Range	G3G4	S3S4B			SWAP Tier 2/USFS	CPW 20201203
Mammals	Lepus townsendii	White-tailed Jackrabbit	CPW Overall Range	G5	S4			SWAP Tier 2	CPW 20201203
Mammals	Myotis ciliolabrum	Western Small-footed Myotis	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Myotis lucifugus	Little Brown Myotis	CPW Overall Range	G3	S4			SWAP Tier 1	CPW 20201203
Mammals	Myotis thysanodes	Fringed Myotis	CPW Overall Range	G4	S3			BLM/SWAP Tier 1/USFS	CPW 20201203
Mammals	Myotis volans	Long-legged Myotis	CPW Overall Range	G4G5	S5				CPW 20201203
Mammals	Myotis yumanensis	Yuma Myotis	CPW Overall Range	G5	S3				CPW 20201203
Mammals	Neotamias quadrivittatus	Colorado Chipmunk	Range Map - within range	G5	S5				CNHP 20210615
Mammals	Nyctinomops macrotis	Big Free-tailed Bat	CPW Overall Range	G5	S1			BLM/SWAP Tier 2	CPW 20201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Summer Range	G5	S4				CPW 20201203
Mammals	Odocoileus hemionus	Mule Deer	CPW Winter Range	G5	S4				CPW 20201203
Mammals	Odocoileus virginianus	White-tailed Deer	CPW Overall Range	G5	S5				CPW 20201203

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Mammals	Perognathus fasciatus	Olive-backed Pocket Mouse	CPW Overall Range	G5	S3			SWAP Tier 1	CPW 20201203
Mammals	Perognathus fasciatus	Olive-backed Pocket Mouse	Range Map - within range	G5	S3			SWAP Tier 1	CNHP 20210615
Mammals	Puma concolor	Mountain Lion	CPW Overall Range	G5	S4				CPW 20201203
Mammals	Thomomys bottae	Botta's Pocket Gopher	CPW Overall Range	G5	S5				CPW 20201203
Mammals	Ursus americanus	Black Bear	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Aspidoscelis neotesselata	Colorado Checkered Whiptail	CPW Overall Range	G3	S2		SC	SWAP Tier 1	CPW 20201203
Reptiles	Aspidoscelis sexlineata	Six-lined Racerunner	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Chelydra serpentina	Snapping Turtle	CPW Overall Range	G5	S4				CPW 20201203
Reptiles	Chrysemys picta	Painted Turtle	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Coluber constrictor	Racer	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Crotalus oregonus	Western Rattlesnake	CPW Overall Range	G5	SNR				CPW 20201203
Reptiles	Crotalus viridis	Western Rattlesnake	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Crotaphytus collaris	Collared Lizard	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Heterodon nasicus	Plains Hognose Snake	CPW Overall Range	G5	S4				CPW 20201203
Reptiles	Holbrookia maculata	Lesser Earless Lizard	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Hypsiglena chlorophaea	Desert Nightsnake	CPW Overall Range	G5	S3			SWAP Tier 2	CPW 20201203
Reptiles	Hypsiglena jani	Chihuahuan Nightsnake	CPW Overall Range	G5	SNR				CPW 20201203
Reptiles	Lampropeltis gentilis	Central Plains Milk Snake	CPW Overall Range	G5	S5			SWAP Tier 2	CPW 20201203
Reptiles	Liochlorophis vernalis	Smooth Green Snake	CPW Overall Range	G5	S4				CPW 20201203
Reptiles	Masticophis flagellum	Coachwhip	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Phrynosoma hernandesi	Hernandez's Short-horned Lizard	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Pituophis catenifer sayi	Bullsnake	CPW Overall Range	G5T5	S5				CPW 20201203
Reptiles	Plestiodon obsoletus	Great Plains Skink	CPW Overall Range	G5	S4				CPW 20201203
Reptiles	Sceloporus consobrinus	Fence/prairie/plateau Lizard	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Sceloporus tristichus	Southern Plateau Lizard	CPW Overall Range	G5	S3				CPW 20201203
Reptiles	Tantilla nigriceps	Plains Blackhead Snake	CPW Overall Range	G5	S4				CPW 20201203
Reptiles	Thamnophis elegans	Western Terrestrial Garter Snake	CPW Overall Range	G5	S5				CPW 20201203
Reptiles	Thamnophis radix	Plains Garter Snake	CPW Overall Range	G5	S5				CPW 20201203
Vascular Plants	Asclepias uncialis ssp. uncialis (Asclepias uncialis)	Dwarf Milkweed	CNHP Model	G2	S2			BLM/SWAP Tier 2/USFS	CNHP 20210601
Vascular Plants	Nuttallia chrysantha (Mentzelia chrysantha)	Golden Blazingstar	CNHP Model	G2	S2			BLM/SWAP Tier 2	CNHP 20210601
Vascular Plants	Oenothera harringtonii	Arkansas Valley Evening Primrose	CNHP General EO	G3	S3				CNHP 20210920
Vascular Plants	Oenopsis sp. 1	Pueblo Goldenweed	CNHP Model	G2	S2			SWAP Tier 2	CNHP 20210614

Table 5. Potential Occurrences within Project Area: Models, Range Maps, or Records with Low Precision

Major Group	Scientific Name	Common Name	Data Type	Global Rarity	State Rarity	ESA Status	CO Status	Other Status	Data Source
Vascular Plants	Oxybaphus rotundifolius (Mirabilis rotundifolia)	Round-leaf Four-o'clock	CNHP Model	G2	S2			SWAP Tier 2	CNHP 20210615
Vascular Plants	Physaria calcicola (Lesquerella calcicola)	Rocky Mountain Bladderpod	CNHP General EO	G3	S3				CNHP 20210920

Special Areas and Land Status

Table 6. CNHP Potential Conservation Areas and Other Special Areas within 1 Miles of Project Area

Name	Data Type	CNHP Biodiversity Rank	CNHP Edit Date	CNHP Identifier	Data Source
Aquatic Native Species Conservation Water	SB181 High Priority Habitat				CPW 20210120
Aquatic Sportfish Management Water	SB181 High Priority Habitat				CPW 20210120
Mule Deer Severe Winter Range	SB181 High Priority Habitat				CPW 20210120
Rare Plants of the Chalk Barrens	CNHP PCA (Important Plant Area)	B1: Outstanding Biodiversity Significance	2007-12-10	482	CNHP 20210920

Table 7. Managed Areas within Project Area

Name	Owner	Manager	Management Description	Public Access*	Protection Mechanism	Easement Holder	Data Source
	PRIVATE	PRIVATE	Private Land	No	NA		COMaP v20190306

* It is the responsibility of the user to verify public access on any site as access can change over time. Entering an area that is not open to the public subjects an individual to possible sanctions for trespass under Colorado law.

Water and Wetlands

Table 8. National Wetland Inventory (NWI) Features within Project Area

NWI Code	Wetland Type	Total Acres	System	Class	Water Regime	Modifier	Data Source
R4SBCx	Rivers & Streams	20.25	Riverine	Stream Bed	Seasonally Flooded	Excavated	CNHP 20210122

Project Report Appendix

Please visit the [CNHP website](#) for a more extensive collection of definitions for CODEX reports in addition to what is provided here below.

About CNHP Data

One of CNHP's core research activities is managing a statewide database that details the locations of rare and imperiled species and natural plant communities in Colorado. We gather data from CNHP surveys and monitoring projects, as well as from partners and other trusted sources like herbariums. All of our data are compiled and managed in the Biodiversity Information Management System (Biotics), a web-enabled database platform hosted by [NatureServe](#). The species and natural plant communities we track are assigned global and state imperilment ranks based on rarity, threats, and trends, and their locations are mapped as element occurrences. Element occurrences include spatial data as well as details on condition, size, and landscape context. This information allows us to track both overall distribution and site-specific details describing how well elements are thriving at each location. We use element occurrences to delineate Potential Conservation Areas that represent the primary area needed to support the element occurrences, and often include additional suitable habitat or buffers from disturbance. **Please visit the [CNHP website](#) for more definitions and details related to CNHP data in CODEX.**

CODEX Report Definitions

CNHP Biodiversity Rank – The significance of a potential conservation area in terms of its biological diversity ranging from B1 (Outstanding Biodiversity significance meaning protection of this potential conservation area can prevent a species from going extinct) to B5 (General interest or open space for more globally secure species).

Managed Areas Name – Name of the managed area.

Manager – The general land Manager.

Management Description - The general category of how the feature is managed.

CNHP Edit Date– The date the CNHP potential conservation area record was last updated.

CNHP Identifier– A unique identifier for each CNHP data type, applicable only to CNHP data records.

CO Status – State status per Colorado Parks & Wildlife: Endangered (SE), Threatened (ST), or State Special Concern (SC).

Common Name – The common name of the species or plant community.

Critical Habitat Status – Critical habitat status for federally listed species under the Endangered Species Act.

Proposed – Proposed critical habitat

Final – Final critical habitat

Critical Habitat Federal Register- The volume number and first page of the federal register publication describing the critical habitat.

Critical Habitat Publication Date - Federal Register publication date.

Data Source – The agency and date of the data provided.

Data Type –

[CNHP EO](#) – A location in which an element is, or was, present.

CNHP General EO – An element occurrence with imprecise directions; broadly mapped and typically historical or extirpated.

Other Species of Concern – Other globally rare species and plant communities, BLM or USFS sensitive species, state listed species, or Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan, and species of economic and recreational value.

Other Status – Other status such as BLM sensitive species (BLM), U.S Forest Service sensitive species (USFS), and Tier 1 and Tier 2 priority species from Colorado's State Wildlife Action Plan (SWAP Tier 1, SWAP Tier 2).

Owner – The general land owner.

Public Access – Level of public access to the feature.

Protection Mechanism – Any mechanism of protection assigned to the managed area.

Regulatory Species – Species with federal protection under the Endangered Species Act or Bald and Golden Eagle Protection Act along with FWS designated critical habitat.

Return on Investment Report - Provides maps and the estimated annual benefit in dollars of conserved ecosystem services by ecosystem type within the project area in PDF format. Ecosystem types are derived from the 2016 National Land Cover Database (NLCD).

Scientific Name – The scientific name of the species or plant community

Special Areas and Land Status – CNHP Potential Conservation Areas

CNHP Observation – Sightings of species on CNHP's watchlist or sightings of tracked elements that do not meet the minimum criteria necessary to make an occurrence.

CNHP PCA – Areas in the state contributing to Colorado's biological diversity.

CNHP Model – Modeled presumed presence or habitat for a particular species.

CNHP PCA (Important Plant Area) – B1 or B2 CNHP potential conservation area supporting globally rare plants.

CNHP Range Map – Overall range for a particular species by HUC 10 and HUC 12 for aquatics.

Important Bird Area – The most important places for birds as identified by the National Audubon Society.

State Natural Area - Areas that contain at least one unique or high-quality natural feature of statewide significance as designated by the Colorado Natural Areas Program.

CPW <description> - CPW data with a long list of data types: observations, nest sites, leks, etc.

Easement Holder – Organization or agency holding an easement (if present).

ESA Status – Federal status under the [Endangered Species Act](#):

([PCA](#)), [State Designated Natural Areas](#), [Important Bird Areas](#), and managed lands from the Colorado Ownership, Management and Protection database ([COMaP](#)), SB181 High Priority Habitat

Special Areas Name – The name of the special area.

State Rarity - The [rarity rank](#) used by CNHP and The Natural Heritage Network to track how rare a species or plant community is in Colorado, ranging from S1 (rarest) to S5 (most common).

Viability Rank – The estimated viability of the species or ecological integrity of the natural community based on condition, size, and landscape context, ranging from A (excellent) to D (poor).

Water and Wetlands – Wetland types from the [National Wetland Inventory database](#).

Class - The general appearance of the habitat in terms of either the dominant life form of the vegetation, or the physiography and composition of the substrate.

Modifier - Modifier assigned to further describe wetlands and deepwater habitats within the classification hierarchy based on water chemistry or ph, wetland or deepwater alteration, or soil type.

NWI Code – An alpha-numeric code corresponding to the classification nomenclature that best describes a particular wetland habitat. For more information on NWI data values, visit <https://www.fws.gov/wetlands/data/wetland-codes.html>

System – A complex of wetlands and deepwater habitats that share the

Endangered (E), Threatened (T), or Federal Candidate (C) with qualifiers for Partial Status (PS) and experimental populations (XN).

Global Rarity – The rarity rank used by CNHP and The Natural Heritage Network to track how rare a species or plant community is globally, ranging from G1 (rarest) to G5 (most common).

Last Observation – The most recent field observation.

Major group – The major group in which the element falls: Amphibians, Birds, Crayfish, Fish, Insects, Mammals, Mollusks, Natural Communities, Nonvascular Plants, Reptiles, and Vascular Plants.

influence of similar hydrologic, geomorphologic, chemical or biological factors.

Water Regime - Description of water duration within a wetland habitat.

Wetland Total Acres - Total acres of the wetland type in the project area.

Wetland Type – The generalized Cowardin wetland type.