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Submittal Review/Staff Report -Minor Subdivision

Project Name: MS 21-004 SS Subdivision

Applicant(s): Stratton A. Serfoss

Consultant: Matt Koch

Request: Requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Rural Zone District, on K Street in Penrose CO.

Fremont County Zoning Regulations & Requirements:

<u>Compliance Factors</u>	<u>Proposal</u>	<u>Notes/Findings</u>
Application & Exhibits:	Submitted & provided	Required documents have been provided unless noted as a contingency below.
Plat Drawing Requirements:	Submitted	Requirements are met, including the required plat language.
Current Deed of Record	Provided	Current deed is provided
Title Commitment or policy	Provided	Provided: Document # FO702945-330-2CW Dated 3/10/2020
Property Interests:	No noted	Per records and title commitment no liens, mortgages are present,
Tax Certificate:	Provided	Taxes are current
Plat Improvements:	Provided on separate drawing	Reviewed-regulations met, all items are indicated
Proof of water:	Submitted	Existing taps from Penrose Water
Proof of sewer:	Requested Contingency	OWTS
Proof of access to public right-of way:	Indicated	Property can be accessed from K. Street. An access permit for lot one is required.
Topographic & Soils Information:	Provided	Information provided
Drainage Plan & Report:	Provided	Applicant requests wavier from the drainage plan.
Fire Protection Form:	Provided	Form is complete and signed by district
Ditch Company Notification:	Provided	Ditch company has been notified
Rec District Notification:	Provided	Notification has occurred
Mineral Interests Notification:	Submitted	Interests are not severed
Utility Companies Notification:	Submitted	Utility Companies have been notified.
Additional Information: 1. Information for addressing 2. Closure Sheets 3. Driveway Access Permit 4. Detailed Utility plan 5. Quit Claim deed – Drainage 6. Mylar & tow polyester copies – After approval 7. Additional Information Requested	1. Available 2. Provided 3. See Note 4. Contingency 5. Note on plat 6. Contingency 7. None Requested	1. Information is available for the department. Addresses shall be issued upon approval. 2. Closure Sheets have been provided 3. Access permit will be required for lot 1 4. Utilities are in the area, lot 2 has existing. 5. Maintenance is noted on plat 6. Applicant will provide upon approval

		7. None requested or needed.
Zone District Development Requirements: Agricultural Rural Minimum of 4.5 acres Minimum width – 300’	Subject Property is zoned Agricultural Rural	Both Lots meet requirements Lot 1: 4.72 Acres Lot 2: 4.72 Acres Lot width is met
Appendix 1: (A) -General Standards 1. Preservation of natural terrain, drainage, trees, wildlife habitat, and mineral resource areas 2. Hazardous conditions such as landslides, mud flows, avalanche, rock falls, mine subsidence, floods, etc. shall be mitigated.	Statement Provided:	1. Preservation requirements are met 2. No hazardous conditions are noted for the proposal
Appendix 1: (b) Lot Standards: 1. No lot shall be divided by a municipal or county boundary line 2. Lots shall not be divided by a road, alley or other lot 3. Wedge Shaped Lots: Width shall not be less than permitted width for the zone district. Building setback lines shall be located. 4. Frontage to public street required 5. Frontage to major highways shall be provided as applicable 6. Double Frontage Lots: Access shall be limited to one street 7. Corner lots: Enough width to permit buildings sites with orientation from both streets, unless access is limited to one. 8. Access for each lot to a public dedicated street within the network of county, city, state, and federal roadways 9. Side lines of all lots, as practicable shall be right angles 10. Wherever possible depth shall not be greater than twice the width 11. Each site shall have an adequate building area	1. Noted on plat	1. Property is contained within county boundary lines 2. Lots are not divided by roads, other lots, or alleys 3. No wedge-shaped lots 4. Adequate Frontage to public roads is provided 5. Not adjacent to a highway 6. N/A 7. N/A 8. Access is provided 9. Meets regulations 10. Depth does exceed width. The current size and layout of the existing lot is rectangular in nature. Based upon access points and layout the proposed division equates to greater depth. 11. All lots/sites have adequate building area
Appendix 1 (c): Access Standards	Noted	1. Frontage is provided 2. N/A

1. Public right of way-lots shall have frontage 2. Private Roads 3. Street Improvements		3. Access is provided off of platted county-maintained roads/streets.
Appendix 1(d-m): Street Design Standards	Not applicable	No proposed streets
Appendix 1 (II) Utilities Design	Notification provided	Utilities are existing. Cost is associated with developer. No upgrades to existing services are necessary.
Appendix 1 (III) General Design – Drainage	Waiver requested	Waiver requested

DETERMINATION:

Contingency Items:

1. Access permit for Lot 1
2. OWTS Soil analysis and design or copy of permit for existing system
3. Executed Ratification, Consent, & Release Form
4. Minor Changes to the site plan: Adding notes and a new vicinity map.

Waiver Requests:

Drainage plan

Department Recommendations:

The department has reviewed the application and found it to be complete and a true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Subdivision Regulations will be satisfied by this application.



Fremont County Department of Transportation

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

4.29.2021

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

RE: MS 21-004 SS Subdivision

Dear Mr. Garrett,

The FCDOT has reviewed the application and has the following comment:

- Driveway access permit for each lot is required.

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

Sincerely,

Tony Adamic

Tony Adamic
FCDOT Director



FREMONT COUNTY

Project Engineer

615 Macon Avenue – Room 204

Canon City, Colorado 81212

Office (719) 276-7367 Cell (719) 792-9372

Email lucas.teigen@fremontco.com

May 18, 2021

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

Subject: SS Minor Subdivision Application

The application is to subdivide a 9.438 acre lot located at 1400 K Street in Penrose Colorado into two 4.72 acre lots.

Review of the application packet information resulted in the following comments:

Stormwater Drainage Plan and Report:

- There was no stormwater drainage plan or report prepared by a PE included in the application. However, a brief description of the current drainage method as well as a proposed site plan was provided.
- The path that stormwater would take is directed towards the flood irrigation fields via a swale running parallel with K Street and a berm to direct the water towards the proposed lot 2 southern boundary line.
- The proposed home is 2,000 sq-ft which puts the total imperviousness of the new lot to be just shy of 1%.

At this time I would recommend approving a variance to not require a detention pond because the small increase in stormwater runoff, due to proposed structures, would be directed to a flood irrigation field.

If you have questions, please don't hesitate to contact me.

Lucas Teigen

Lucas Teigen
Fremont County Project Engineer

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FREMONT COUNTY
DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT
201 N 6TH STREET
CANON CITY, CO 81212
(719) 276-7450 FAX NUMBER (719) 276-7451
amy.jamison@fremontco.com

TO: Fremont County Planning & Zoning

FROM: Amy Jamison, Fremont County Environmental Health Officer

SUBJECT: MS 21-004 SS Subdivision

DATE: May 3, 2021

Comments:

Please contact the Fremont County Building Department for septic system requirements. If this minor subdivision has no commercial applications, there are no requirements from the FCDPHE at this time.



COLORADO
Division of Water Resources
Department of Natural Resources
Water Division 2 - Main Office

April 27, 2021

Sean Garrett
Planning Director
Fremont County Planning and Zoning
615 Macon Ave. Room 210
Canon City, Colorado 81212

Re: MS 21-004 SS Subdivision

Dear Mr. Garrett,

This is provided as a courtesy comment as this proposal does not involve a subdivision requiring comment by the State Engineer's Office pursuant to C.R.S. 30-28-101(10)(a). Therefore, pursuant to the State Engineer's March 4, 2005 memorandum to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The submittal indicates the above-proposed Minor Subdivision to divide one parcel known as 1400 K Street, Penrose, CO 81240 (Fremont County Parcel No. 99604089, Map No. 3937090013002). The property is owned by Stratton A. Serfoss and consists of 9.4 acres; the Applicant is requesting two separate lots consisting of 4.7 acres each.

According to our records, there are no registered groundwater wells on the parcel. However, there is surface water available for irrigation. The applicant states that Penrose Water District will provide the water needs on each parcel. The applicant owns 10 shares of Beaver Park Water and each parcel will receive five shares.

According to the submittal, this action does not involve expanded or changed use of ground or surface water. Therefore, the Division of Water Resources does not have applicable comments to provide to the county regarding the proposed action at this time.

Please contact me with questions or concerns by phone at (719) 542-3368, ext. 2120.

Sincerely,

Martha Archuleta
Water Data Analyst - Water Division 2

ECC: Bethany Arnold, P.E., Water Resources Engineer
Monica Long - Water Data Analyst
Dan Henrichs, District 12 Water Commissioner



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

TO: UTILITY CO'S
FROM: CORNERSTONE LAND SURVEYING
Name of Subject Property Owner / Applicant
DATE: 4-17-21
Reference: SS SUB DIVISION
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 1400 K ST. PENROSE
General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: TRACT 50, BEAVER
PARK LAND ; IRRIG. CO. PLAT NO. 1
 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: Black Hills Colorado Electric, LLC Name of contact person: Craig Cutter
Title: Planner Telephone: 719-546-5853 Email: craig.cutter@blackhillsco.e.p.com
Mailing Address: 3110 Utility LN Canon City CO 81212
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: _____

Craig D. Cutter 4/23/21
Signature of Authorized Entity Representative Date

MAY 03 2021

Planning & Zoning

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

TO: UTILITY CO'S
FROM: CORNERSTONE LAND SURVEYING
Name of Subject Property Owner / Applicant
DATE: 4-17-21
Reference: SS SUBDIVISION
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 1400 K ST. PENROSE
General Location or Address (Vicinity Map Exhibit A)

The subject property is legally described as: TRACT 50, BEAVER PARK LAND, IRRIG. CO. PLAT NO. 1
 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:
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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>

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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: 719-372-3664 Email: cjohnson@beaverparkwater.net
Mailing Address: 209 Broadway Penrose 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 _____

Our entity has the following comments and or recommendations regarding the proposed action:
Beaver Park Water has 40' easement total on all lateral lines, highlighted lateral line.

[Signature] _____ 4/28/2021 _____
Signature of Authorized Entity Representative Date

SS SUBDIVISION

A VACATION AND REPLAT OF TRACT 50, BEAVER PARK LAND & IRRIGATION CO. PLAT NO. 1,
 LOCATED IN THE SE 1/4 OF SEC. 9, T. 19 S., R. 68 W. OF THE 6TH P.M.,
 FREMONT COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS that, STRATTON A. SERFOSS, is the owner of the following described land:

TO WIT

TRACT 50, IN SECTION 9, TOWNSHIP 19 SOUTH, RANGE 68 WEST OF THE 6TH P.M., IN BEAVER PARK LAND & IRRIGATION CO. PLAT NO. 1.

CONTAINING 9.44 ACRES MORE OR LESS

COUNTY OF FREMONT
 STATE OF COLORADO

DEDICATION

That, STRATTON A. SERFOSS, being the owner of the above described land being platted and/or subdivided in Fremont County, Colorado, under the name of SS SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. The sole right to assign use or vacate is vested with the Board of County Commissioners.

IN WITNESS WHEREOF

The said STRATTON A. SERFOSS, has subscribed his name this _____ day of _____ A. D. 20__

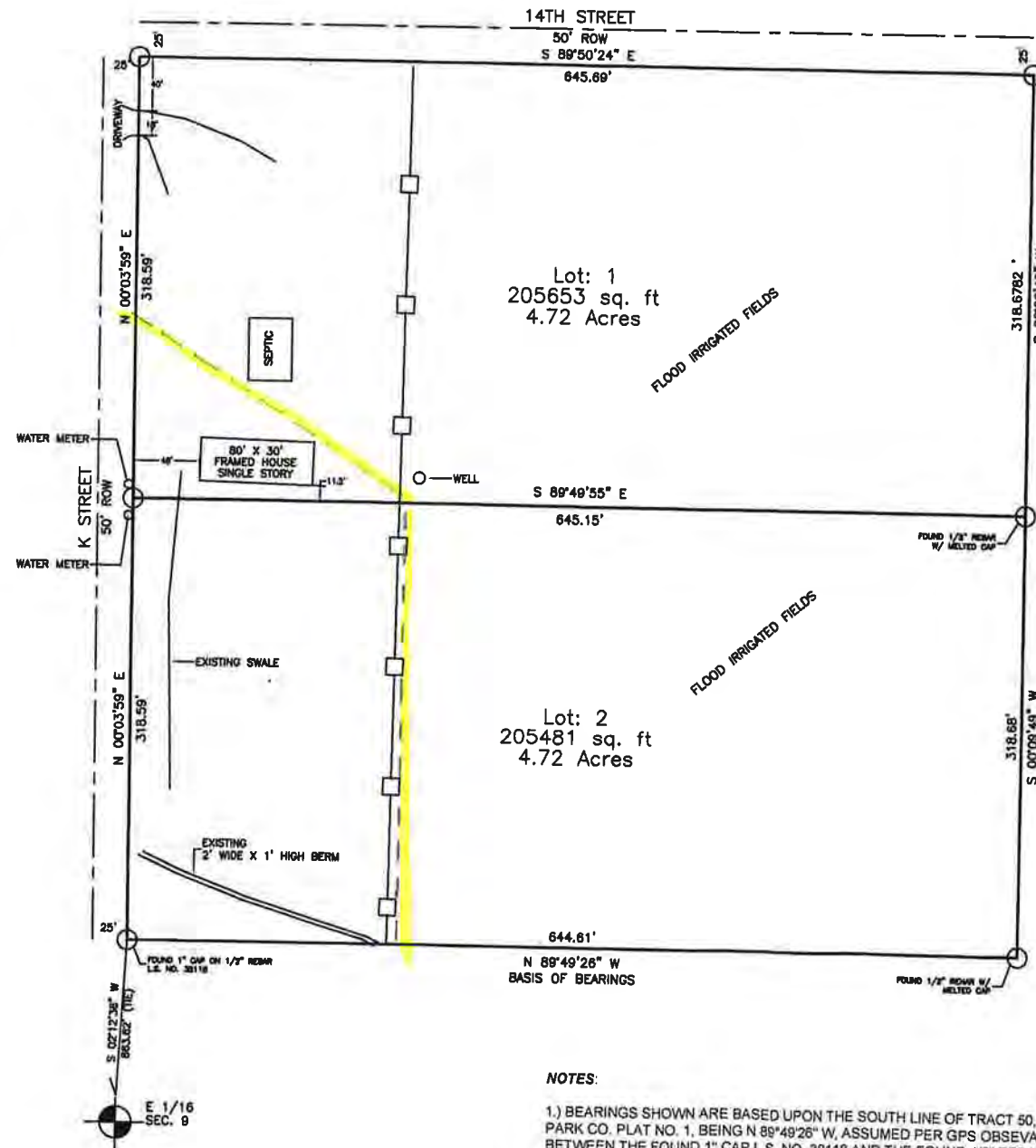
By _____
 STRATTON A. SERFOSS

NOTARY STATEMENT

The foregoing instrument was acknowledged before me this _____ day of _____ A. D. 20__ by STRATTON A. SERFOSS.

My commission expires _____
 My address is _____
 Witness my hand and official seal _____

Notary Public



NOTES:

- 1.) BEARINGS SHOWN ARE BASED UPON THE SOUTH LINE OF TRACT 50, BEAVER PARK CO. PLAT NO. 1, BEING N 89°49'26\" W, ASSUMED PER GPS OBSERVATION, BETWEEN THE FOUND 1\" CAP L.S. NO. 38118 AND THE FOUND 1/2\" REBAR W/ ELTET CAP AS SHOWN HEREON.
- 2.) RECORDED AND APPARENT RIGHTS-OF-WAY ARE SHOWN AS PER TITLE COMMITMENT NO. F0702945, BY FIDELITY NATIONAL TITLE COMPANY.
- 3.) ALL DIMENSIONS SHOWN IN U.S. SURVEY FEET



VICINITY MAP
 NOT TO SCALE

LEGEND

- = FOUND 1/2\" REBAR W/ CAP L.S. NO. 38055 OR AS NOTED
- = ALIQUOT SECTION MONUMENT AS SHOWN HEREON

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 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 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 utility easement on both sides of lot lines. Exterior subdivision boundary is subject to a ten (10) foot utility easement.

REGISTERED LAND SURVEYOR'S CERTIFICATE

I, MATTHEW J. KOCH, 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.

MATTHEW J. KOCH P.L.S. 37907

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 _____, 20__ A.D. under reception number _____

Fremont County Clerk & Recorder



CORNERSTONE
 LAND SURVEYING, LLC

1022 PHAY AVE.
 CANON CITY, COLORADO 81212
 719-275-8881

ACCORDING TO C.R.S. 13-80-105, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION.



Planning and Zoning Department

615 Macon Avenue Room 210, Canon City, Colorado 81212

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

Email planning@fremontco.com

Inspection Checklist

Date **4/19/2021**

Project Name: **MS 21-004 SS Minor Subdivision**

Any Current Permits? Yes or No

Any Past Permits? Yes or No

Current Violation? Yes or No

Past Violations Yes or No

VISUAL OBSERVATIONS CHECK LIST

of buildings: **1**

Types: **Dwelling**

SMM on site? **No**

Does the site plan match site conditions? **Yes**

Structures Code/Zoning Compliant: **Yes**

Land Use Compliant: **Yes**

Notes/Concerns

At the time of our inspection there were no concerns or violations.

Daniel Victoria

April 20, 2021

Danielle Adamic

April 20, 2021

[Home](#)



04/20/2021 14:23



04/20/2021 14:25



04/20/2021 14:26



04/20/2021 14:26



FREMONT COUNTY MINOR SUBDIVISION APPLICATION

- 1. Project Name: SS SUBDIVISION
- 2. Name: STRATTON A. SERFOSS
 Mailing Address: P.O. BOX 267, PENROSE, CO 81240
 Telephone Number: 406-868-5935 Facsimile Number: _____
 Email Address: _____
- 3. Name: CORNERSTONE LAND SURVEYING
 Mailing Address: 1022 PHAY, CANON CITY, CO 81212
 Telephone Number: 719-275-8881 Facsimile Number: _____
 Email Address: CSSURVEYING99@GMAIL.COM
- 4. Name: _____
 Mailing Address: _____
 Telephone Number: _____ Facsimile Number: _____
 Email Address: _____

Please read prior to completion of this application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Has the subject property been previously platted? Yes --- No If yes, please explain the circumstances. BEAVER PARK - PENROSE

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

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

8. What is the existing size of the subject property prior to this application?
Acreage 9.438 Square Footage 411134

9. What is the proposed size of each lot after platting?
a. Acreage 4.72 Square Footage 205653
b. Acreage 4.72 Square Footage 205481
c. Acreage _____ Square Footage _____

10. What is the current Zone District for the subject property?
The subject property is currently located in the AG RURAL Zone District.

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

12. What is the current land use of the subject property?
This current land use of the subject property is conforming non-conforming with the current zone district requirements. Please explain: RESIDENTIAL
AGRICULTURAL

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

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

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

regarding the structures; please provide all setback dimensions for each structure from the proposed lot lines and the percentage of the lot coverage for each lot which will continue to house an existing structure: 48' FRONT - 11' SIDE
1.16% LOT COVERAGE

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

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

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

18. Is the public right-of-way(s) proposed to provide access to the subject property a County, State or Federal right-of-way? Documentation evidencing a "right of access" shall be attached to this application for each proposed lot or for the subdivision as a whole, as may be appropriate, marked as Exhibit 18.1. An exhibit has been attached.

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

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

In Book _____ at Page _____ and under Reception Number 997908

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

Document Number F0702945 Effective Date of Document 4-14-21

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

FARMERS ACCEPTANCE LLC
997909

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

a. Do the properties involved in this application have easements of record as per the submitted title commitment? Yes --- No If answered yes, please identify each easement along with recording information and describe which properties it affects and how they are affected. IRRIGATION DITCHES

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

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

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

e. Are any new easements proposed by this application? Yes --- No If answered yes, please identify the easement and provide a description of the easement.

PER REGULATION

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

IRRIG. DITCHES

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

Date of Tax Certificate MARCH 9, 2021

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

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

- a. Bodies of water NONE Effect _____
- b. Natural water courses NONE Effect _____
- c. Dry gulches or drainage ways NONE Effect _____
- d. Bluffs or cliffs NONE Effect _____
- e. Fault lines or other geologic hazards NONE Effect _____
- f. FEMA flood hazard area NONE Effect _____

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

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

Project Surveyor Signature _____ Date _____

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

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

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

35. Based on the real estate records of the county, which include the records of the County assessor, and "requests for notification" filed by a mineral estate owner in the records of the County Clerk and Recorder, have the mineral interests of the subject property been severed? Yes --- No If yes, name of mineral interest owner _____

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

36. Do any persons or entities have any right of easement on or across the subject property? Yes --- No If yes, Name of Person(s) or Entity _____

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

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

Water source PENROSE Mail date _____ Received date _____
 Sanitation source — Mail date _____ Received date _____
 Electrical source BLACK HILLS Mail date _____ Received date _____
 Natural Gas source ATMOS Mail date _____ Received date _____
 Telephone source CENTURY LINK Mail date _____ Received date _____
 Cable Television source BRESNAN Mail date _____ Received date _____
 Other required notice _____ Mail date _____ Received date _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Information adequate to enable the Department to compute addresses for the lots being platted. Provided (marked as Exhibit 44.a.1) --- Requested contingency item

b. Closure sheets for each lot and the subdivision boundary. Provided (marked as Exhibit 44.b.1) --- Requested contingency item

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

45. A submittal fee of \$ _____ is attached to this application (Check # _____ cash).

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



File No.: F0702945-330-2CW

WARRANTY DEED

THIS DEED, Made this 8th day of March, 2021 between
Amy Hanh Nguyen and Kori Hien Truong
of the County of El Paso, State of Colorado, grantor and
Stratton A. Serfoss

whose legal address is: P.O. BOX 267, Penrose, CO 81240
of the County of Fremont, State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of Three Hundred Seventy-Nine Thousand Dollars and No/100's (\$379,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Fremont, and State of COLORADO, described as follows:

See Exhibit A attached hereto and made a part hereof.

also known by street and number as 1390/1400 K Street, Penrose, CO 81240

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the en sealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

SELLERS:

Amy Hanh Nguyen

Kori Hien Truong

by: Amy Hanh Nguyen, Agent
+ Agent

STATE OF COLORADO
COUNTY OF Fremont

}ss:

The foregoing instrument was acknowledged before me this 8th day of March, 2021 by Kori Hien Truong by: Amy Hanh Nguyen, Agent

Notary Public

20.1

Witness my hand and official seal.

Home

Exhibit A

That portion of Tract 47, in Section 9, Township 19 South, Range 68 West of the 6th P.M. in Beaver Park Land & Irrigation Co. Plat No. 1, lying Southerly of U.S. Highway 50

And

Tract 50, in Section 9, Township 19 South, Range 68 West of the 6th P.M., in Beaver Park Land & Irrigation Co. Plat No. 1

County of Fremont
State of Colorado

ENDORSEMENT
Attached to Policy No.: CP-FSTG-IMP-27306-1-21-F0702945
Issued by
Fidelity National Title Insurance Company

The effective Date of Policy is hereby changed from March 10, 2021 to April 14, 2021.

The Company hereby insures:

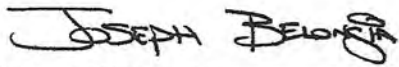
- (1.) That, except as otherwise expressly provided herein, there are no liens, encumbrances or other matters shown by the Public Records, affecting said estate or interest, other than those shown in said policy.
- (2.) That, as shown by the Public Records, the Title to said estate or interest is vested in the vestees shown in Schedule A.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: April 16, 2021

Fidelity National Title Insurance Company

Countersigned by:



 Authorized Signature



By: 
 ATTEST Raymond E. Quirk President


 Majorie Nemolon Secretary



804 Main St,
Canon City, CO 81212
Phone: (719) 275-3304
Fax: (719) 269-3353

Stratton A. Serfoss
P.O. BOX 267
Penrose, CO 81240

Date: March 18, 2021

File Number: 530-F0702945-330-2CW
Property Address: 1390/1400 K Street, Penrose, CO 81240
Policy Number: CO-FSTG-IMP-27306-1-21-F0702945

Dear New Property Owner:

Congratulations on your real estate purchase. Enclosed is your Policy of Title Insurance. This policy contains important information about your real estate transaction, and it insures you against certain risks to your ownership. Please read it and retain it with your other valuable papers.

In the event you sell your property or borrow money from a mortgage lender you may be entitled to a discount rate if you order your title insurance through this company.

We appreciate the opportunity of serving you and will be happy to assist you in any way in regard to your future title service needs.

Sincerely,

Fidelity National Title Company

[Home](#)



OWNER'S POLICY OF TITLE INSURANCE

Issued by

Fidelity National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) 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. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;



- (c) the subdivision of land; or
- (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

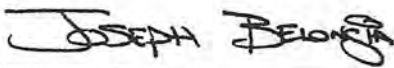
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.


Fidelity National Title Insurance Company

Countersigned by:



Authorized Signature



By: 

ATTEST Raymond E. Quirk President


Marjorie Hernandez Secretary



Fidelity National Title Insurance Company

SCHEDULE A

Name and Address of Title Insurance Company: **Fidelity National Title Company**
804 Main St,
Canon City, CO 81212

Policy No.: CO-FSTG-IMP-27306-1-21-F0702945

Order No.: F0702945-330-2CW

Address Reference: 1390/1400 K Street, Penrose, CO 81240

Amount of Insurance: \$379,000.00

Date of Policy: March 10, 2021 at 09:46 AM

1. Name of Insured:
Stratton A. Serfoss
2. The estate or interest in the Land that is insured by this policy is:
FEE SIMPLE
3. Title is vested in:
Stratton A. Serfoss
4. The Land referred to in this policy is described as follows:
See Exhibit A attached hereto and made a part hereof.

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

That portion of Tract 47, in Section 9, Township 19 South, Range 68 West of the 6th P.M. in Beaver Park Land & Irrigation Co. Plat No. 1, lying Southerly of U.S. Highway 50

And

Tract 50, in Section 9, Township 19 South, Range 68 West of the 6th P.M., in Beaver Park Land & Irrigation Co. Plat No. 1

**County of Fremont
State of Colorado**

27306A (6/06)

ALTA Owner's Policy (6/17/06)

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SCHEDULE B**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Any facts, rights, interests or claims that are not shown by the Public Records but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachments, encumbrances, 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 Public Records.
4. 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.
5. Water rights, claims of title to water, whether or not shown by the Public Records.
6. All taxes and assessments for the year 2021 and subsequent years, a lien but not yet due or payable.
7. Rights of way for irrigating ditches and laterals, all public highways as located and the right of way for the Florence and Cripple Creek Railroad Company and all oils and gases with the right to use so much of the surface as is necessary to remove the same as reserved in Deed recorded June 10, 1907 in Book 139, page 550
8. Rights of way for roads, necessary irrigating ditches, laterals, storm drains and necessary structures in connection therewith, as reserved on Plat No. 1, Beaver Park, filed November 2, 1907.
9. Right of way for the Beaver Park Ditch evidenced by document recorded May 15, 2008, 851288
10. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$375,500.00
 Trustor/Grantor Stratton A. Serfoss
 Trustee: Public Trustee of Fremont County
 Beneficiary: Farmers Acceptance LLC
 Loan No.: Unknown
 Recording Date: March 10, 2021
 Recording No: 997909

Beaver Park Water Inc.
Ditch Location Project, Phase II

Located in Section 32 and Section 33, in Township 18 South, Range 68 West of the 6th P.M., and Section 4, and Section 9, and the N 1/2 of Section 8, and the SW1/4 of Section 10, Township 19 South, Range 68 West of the 6th P.M., Fremont County, Colorado.

Line 1 Phase II

An easement of forty feet (40') in width over and across portions of the E1/2 Section 33, Township 18 South, Range 68 West of the 6th P.M., and the NE1/4NE1/4 of Section 4, Township 19 South, Range 68 West of the 6th P.M., over and across Tracts 1,14,15,18,19,39,31,34,47 and 50 of the Beaver Land & Irrigation Co. Plat No. 1 Section 33, Lots 2,3 Garcia's Sub., Lots 1,2 Perez Exemption, Lot 1 Fiedler Sub. Tracts 1, 16 Section 4, Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at a box 1-6 from which the N1/4 corner of said Section 33 bears N 83°25'59" W a distance of 1356.25';
thence S 00°06'34" E a distance of 454.02' to 1-7;
(lateral from 1-7 S 00°33'36" E a distance of 742.35' to 1-8;
thence S 00°06'14" E a distance of 322.58' to valve 1-9;
thence S 00°18'34" E a distance of 327.56' to 1-10 terminus of lateral)
(lateral from 1-8 S 30°21'05" E a distance of 1375.66' more or less to intersect the lower canal said intersection being the terminus of lateral "historic")
thence S 26°37'04" W a distance of 826.53' to 1-12;
thence S 10°33'10" E a distance of 662.98' to 1-14;
thence S 07°09'51" E a distance of 309.95' to 1-14A;
thence S 07°09'51" E a distance of 370.00' to 1-15;
thence S 27°07'41" E a distance of 224.54' to 1-16;
thence S 28°45'31" E a distance of 166.82' to 1-17;
thence S 00°22'21" E a distance of 309.82' to 1-18;
thence S 01°03'53" E a distance of 303.98' terminus of said easement;

Line 2 Phase II

An easement of forty feet (40') in width over and across portions of the W1/2 and the NE1/4 Section 33, Township 18 South, Range 68 West of the 6th P.M., over and across, Tracts 4,6,11,13,22,27,43, of the Beaver Land & Irrigation Co. Plat No. 1 Section 33, Lots 1,4, and 5 Vernon & Helen Acres, Lots 1 and 2 Pratt Sub., Lot 1 Tensen Place, Lots 5,12,13,14, and 15 Penrose Mobile Home Estates, Lot 2 Shannon Sub., Lot B Cross Sub., Lot 1 Four D. Estates, Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at a valve from which the N1/4 of Section 33 bears N 11°21'17" E a distance of 46.19';
thence N 88°40'52" W a distance of 330.00' to 2-12;
thence N 88°40'52" W a distance of 360.00' to 2-11;
thence N 88°40'52" W a distance of 500.57' to 2-10;
thence S 00°01'45" W a distance of 652.00' to 2-19;
thence S 08°14'25" W a distance of 408.68' to 2-20;
thence S 08°10'36" W a distance of 284.48' to 2-22;
(lateral from 2-22 S 89°47'52" E a distance of 147.16' to 2-23;
thence S 89°52'52" E a distance of 505.60' to 2-24;

thence N 89°55'59" E a distance of 162.78' to 2-25 being the terminus of lateral)
thence S 00°40'08" E a distance of 312.62' to 2-31;
thence S 00°34'37" E a distance of 336.16' to 2-32;
thence S 29°37'25" E a distance of 778.56' to 2-33;
(lateral from 2-33 S 88°55'27" W a distance of 424.36' to 2-35 being the terminus lateral)
thence S 09°55'34" E a distance of 670.79' to 2-36;
(lateral from 2-36 thence S 89°55'43" W a distance of 166.84' to 2-37;
thence S 89°40'47" W a distance of 308.01' to 2-37A being the terminus of lateral);
thence S 32°46'25" E a distance of 807.44' to 2-38;
thence SOUTH a distance of 235.52' to the terminus of said easement.
(lateral from 2-16 from which the N1/4 corner bears N 44°23'43" W a distance
of 41.51' thence S 00°29'57" E a distance of 363.63' to an underground pipe;
thence S 01°51'16" E a distance of 279.59' to 2-17;
thence S 00°36'52" W a distance of 308.52' to 2-18 being the terminus of lateral)
(lateral from 2-16 thence N 89°37'53" E a distance of 159.52' to 2-13;
thence N 90°00'00" E a distance of 480.00' to 2-14;
thence S 00°00'00" E a distance of 681.53' to 2-15 being the terminus of lateral)

Line 3 Phase II

An easement of forty feet (40') in width over and across portions of the E1/2
Section 32, Township 18 South, Range 68 West of the 6th P.M., over and across,
Tracts 3,14,17,30 and 31 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32,
Lots 2,3 and 4 Lane Sub, Lot 2 Little L BLA, Lots 1 and 2 Hinkle Sub. Lot B Marques & Covey Sub.,
Lot 1 Rancho Cordova Sub., Lot 2 Heard's Sub., Fremont County, Colorado, being twenty feet (20')
either side of the following described centerlines:

Beginning at box 3-8 from which the N1/4 corner of Section 32 bears
N 88°51'40" W a distance of 1315.40'
thence S 00°10'52" E a distance of 246.76' to 3-9;
thence S 00°08'02" E a distance of 393.31' to 3-10;
(lateral from 3-10 N 85°01'53" E a distance of 38.21' to 3-10A being the terminus of lateral)
thence S 00°00'16" E a distance of 686.99' to 3-11;
thence S 82°19'27" W a distance of 55.01' to 3-11AW;
thence S 88°35'28" W a distance of 63.70' to 3-11 BW;
thence N 89°06'42" W a distance of 536.39' to 3-12;
thence S 00°19'14" W a distance of 324.38' to 3-13;
thence S 00°36'28" E a distance of 329.04' to 3-14;
thence S 01°26'17" E a distance of 321.83' to 3-15;
thence S 02°08'43" E a distance of 442.58' to terminus of said easement.
(lateral from 3-11 N 89°28'32" E a distance of 118.74' to 3-16;
thence S 88°20'45" E a distance of 243.13' to 3-17;
thence S 89°59'17" E a distance of 326.29' to 3-18;
thence S 00°06'32" E a distance of 640.30' to a valve being the terminus of lateral)
(lateral from 3-16 S 17°57'17" W a distance of 687.09' to 3-19;
thence S 09°57'45" E a distance of 326.03' to 3-20;
thence S 10°30'41" E a distance of 203.42' to 3-21;
thence S 09°23'33" E a distance of 162.14' to 3-22;
thence S 00°00'00" W a distance of 217.58' to the terminus of said easement.

Line 3A Phase II

An easement of forty feet (40') in width over and across portions of the W1/2 Section 32, Township 18 South, Range 68 West of the 6th P.M., NE1/4 Section 5, Township 19 South, Range 68 West of the 6th P.M., over and across, Tracts 47,49,50,51 and 62 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32, Lots 1, 2 and 3 Hauser Sub., Lot 1 Lois Jean Sub., Lot 1 Bravo Sub., No. 4, Lots 1 and 2 Paradise Parcel, Lot 1 and 2 Russell Sub. Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box 3A-8 from which the SE corner of Section 32 bears
S 87°56'43" W a distance of 1566.13';
thence N 00°17'36" E a distance of 373.05' to 3A-7;
thence N 00°32'58" E a distance of 552.58' to 3A-6;
thence N 23°47'19" E a distance of 477.78' to 3A-5;
thence N 88°18'48" E a distance of 169.77' to 3A-4;
(lateral from 3A-4 S 89°14'49" E a distance of 533.65' to 3A-9 being the terminus of lateral)
(lateral from 3A-4 S 23°28'19" E a distance of 708.91' to 3A-10 being the terminus of lateral)
thence N 10°37'25" W a distance of 689.41' to 3A-3;
thence N 00°57'34" E a distance of 204.28' to 3A-2;
thence N 00°24'14" W a distance of 360.87' to 3A-1 being the terminus of said easement.

Line 4 Phase II

An easement of forty feet (40') in width over and across portions of the N1/4 Section 32, Township 18 South, Range 68 West of the 6th P.M., over and across Tracts 5,11,22,23 and 27 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32, Lots 1,2, 3 and 4 Gilbert Sub., Lots 1 and 2 TR Sub. LLA Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box 4-4 from which the SE corner of Sections 32 bears
N 88°34'41" E a distance of 669.95'
thence S 31°41'10" W a distance of 782.76' to 4-5;
thence S 27°17'24" E a distance of 756.03' to 4-6;
thence S 05°25'48" W a distance of 657.19' to 4-7;
thence S 09°15'25" W a distance of 863.03' to 4-8 being the terminus of said easement.

Line J Phase II

An easement of forty feet (40') in width over and across portions of the N1/2 Section 33, Township 18 South, Range 68 West of the 6th P.M., over and across Tracts 29 of the Beaver Land & Irrigation Co. Plat No. 1 Section 33, Lots 1 and 2 Sargent Sub., Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box J-27 from which the N 1/4 corner of Section 33 bears
N 16°33'10" W a distance of 1410.39'
thence S 88°11'08" W a distance of 368.86' to J-26;
thence S 00°22'06" E a distance of 422.84' to J- 28;
thence S 00°53'40" E a distance of 215.57' to J-29;
thence S 00°10'22" E a distance of 158.20' to J-30 being the terminus of said easement.

Line 5 Phase II

An easement of forty feet (40') in width over and across portions of the NW1/4 Section 32, Township 18 South, Range 68 West of the 6th P.M., over and across Tracts 7, 8, 9, 10, 23 and 26 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32, Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box 5-4 from which the NW corner of Section 32 bears
N 89°01'52" W a distance of 989.53'
thence S 01°29'59" W a distance of 654.94' to 5-5;
(lateral from 5-5 S 89°23'03" W a distance of 329.90' to a valve being the terminus of lateral)
thence S 28°12'59" W a distance of 782.08' to 5-6;
thence S 18°03'35" E a distance of 685.72' to 5-7 being the terminus of said easement.

Line 6B Phase II

An easement of forty feet (40') in width over and across portions of the NW1/4 Section 5, Township 19 South, Range 68 West of the 6th P.M., over and across Tracts 24,25,85 and 86 of the Beaver Land & Irrigation Co. Plat No. 2 Section 5, Lots A and B Mangus Blackmore Acres, Lot 1 Dickman's Mountain View. Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box 6B-6 from which the NW corner of Section 5 bears
N 00°58'32" E a distance of 668.26'
thence S 89°49'14" W a distance of 697.63' to 6B-7;
thence N 00°10'08" E a distance of 648.66' to 6B-8;
thence N 00°05'14" W a distance of 701.84' to 6B-9;
thence N 00°32'01" W a distance of 446.21' to destroyed box being the terminus of said easement;

Line 8 Phase II

An easement of forty feet (40') in width over and across portions of the SE1/4 Section 33, Township 18 South, Range 68 West of the 6th P.M., NE1/4 Section 4, NW1/4 Section 3, Township 19 South, Range 68 West of the 6th P.M., over and across Tracts 47 and 50 of the Beaver Land & Irrigation Co. Plat No. 1 Section 33, Tracts 1,16 and 17 of the Beaver Land & Irrigation Co. Plat No. 1 Section 4, Lots A and C P&L Sub., Lot 1 Fielder Sub., and Lots 1 and 2 Perez Exemption. Fremont County, Colorado, being twenty feet (20') either side of the following described centerlines:

Beginning at box 8-2 from which the E1/4 corner of Section 33 bears
N 54°21'48" W a distance of 1665.34'
thence S 05°40'56" W a distance of 35.63' to 8-3;
thence S 02°50'20" E a distance of 382.66' to an angle point;
thence S 36°29'15" E a distance of 773.29' to 8-4;
thence S 23°42'26" E a distance of 359.08' to 8-5;
thence S 25°26'34" E a distance of 410.13' to 8-6;
thence S 45°00'37" E a distance of 477.40' to to an angle point;
(lateral from 8-7 N 44°59'23" E a distance of 268.44' to 8T-1;
thence S 00°23'52" E a distance of 497.39' to 8T-2;
thence S 00°46'17" E a distance of 396.53' to 8T-3 being the terminus of said lateral)
thence S 13°15'39" E a distance of 865.62' to 8-7;

thence S 00°00'23" W a distance of 112.96' to 8-9;
thence S 01°04'55" W a distance of 52.93' to 8-10;
thence S 00°16'44" E a distance of 672.45' to 8-12;
thence S 00°44'23" E a distance of 248.24' to 8-13;
thence S 06°28'57" E a distance of 430.73' to 8-16 being the terminus of said easement.

Line 9 Phase II

An easement of forty feet (40') in width over and across portions of the
S1/2 S1/2 Section 33, Township 18 South, Range 68 West of the 6th P.M., Section 4, Section 9,
SW1/4 Section 10, Township 19 South, Range 68 West of the 6th P.M., over and across
Tracts 60 and 61 of the Beaver Land & Irrigation Co. Plat No. 1 Section 33,
Tracts 12, 18, 19, 20, 21, 22, 36, 43, 45, 52 and 62 Section 4, Tracts 3, 4, 13, 19, 33, 34, 47 and 50 Section 9.
And Lot 2 Four D. Estates, Lots 1, 2 and 3 Wolfe's Sub., Lots 1 and 2 Spinuzzi Exemption, Lots 1 and 2
Spinuzzi LL/BLA, Lot 31A A & J Sub., Lot 1 Dial Sub., Lots 1 and 2 Jenkins Sub., Lot 1 Easter Sub., Lot
1 Cedar Crest Sub., Lot 1 and 2 Mark Sub., Lot 1 and 2 Howard Sub., Lot 1 Frank's Sub., Lot 1 and 2
Walker Sub., Lot 1 C & G Sub., Lots 1 and 2 C & G Sub. No. 2, Lots A & B Bufnack Sub., Lots 1 and 3
Mitchell's Sub., Lots 1, 2 and 3 Thompson's Sub., and a portion of the SW1/4 Section 10,
Fremont County, Colorado, being twenty feet (20') either side
of the following described centerlines:

Beginning at box 9-2 from which the SW corner of Section 33 bears
S 70°39'73" W a distance of 2814.88'
thence S 01°45'53" E a distance of 267.87' to 9-3;
thence S 01°17'16" W a distance of 337.39' to 9-4;
thence S 00°09'52" E a distance of 345.53' to 9-5
(lateral from 9-5 N 42°42'53" E a distance of 572.98' to 9-6;
thence S 66°51'20" E a distance of 1076.94' to 9-7 being the terminus of said lateral)
(lateral from 9-5 thence S 89°51'37" E a distance of 111.12' to an underground pipe;
thence N 86°00'09" W a distance of 301.75' to 9-9 valve;
thence N 89°59'24" W a distance of 446.50' to 9-10 valve line;
thence S 00°22'20" E a distance of 1317.32' to intersect line 9-14/9-15 intersection being the terminus of
said lateral)
thence S 00°16'05" E a distance of 655.55' to 9-11;
thence S 00°25'50" E a distance of 692.97' to 9-12;
(lateral from 9-12 N 88°49'43" E a distance of 561.82' to 9-20;
thence S 89°22'55" E a distance of 828.69' to 9-21;
thence S 18°47'51" E a distance of 687.38' to 9-22 being the terminus of said lateral)
(lateral from 9-12 N 83°41'29" W a distance of 117.11' to 9-13;
thence N 89°41'46" W a distance of 494.80' to 9-14;
thence S 89°57'31" W a distance of 695.74' to 9-15;
thence S 00°06'45" E a distance of 1358.53' to 9-16;
thence S 00°04'14" E a distance of 631.28' to 9-17;
thence S 00°00'05" E a distance of 707.63' to 9-18;
thence S 00°06'02" E a distance of 625.00' to 9-19 being the terminus of said lateral)
thence S 00°01'59" W a distance of 645.01' to 9-23;
thence S 03°35'31" E a distance of 713.61' to 9-24;
thence S 15°25'15" E a distance of 646.93' to 9-25;
thence S 20°46'44" E a distance of 755.51' to 9-26;
(lateral from 9-26 thence S 11°31'33" E a distance of 1106.64' to 9-27
thence S 30°10'09" E a distance of 216.49' to 9-28
thence S 16°34'46" E a distance of 678.66' to 9-29 being the terminus of said lateral)
thence S 03°48'29" E a distance of 1305.60' to 9-30;

thence S 14°15'10" E a distance of 383.20' to an angle point;
thence S 05°57'49" E a distance of 291.27' to 9-31;
thence S 19°22'52" E a distance of 721.14' to 9-32;
(lateral from 9-32 N 87°47'56" E a distance of 181.44' to 9-33;
thence S 88°17'16" E a distance of 238.05' to no tag being the terminus of said lateral)
(lateral from 9-32 N 89°28'13" W a distance of 916.23' to 9-34;
thence S 00°11'28" W a distance of 1475.36' to 9-35 being the terminus of said lateral)
thence S 33°36'46" E a distance of 757.12' to 9-36
thence S 18°39'49" E a distance of 676.57' to a valve;
thence S 29°28'58" E a distance of 57.27' to 9-37;
(lateral from 9-37 S 34°14'52" E a distance of 790.37' to 9-38;
thence S 46°36'01" E a distance of 794.01' to 9-42;
thence S 30°11'28" E a distance of 329.82' to 9-43 in Section 3;
thence N 72°37'33" W a distance of 102.31' to a valve being the terminus of said lateral)
(lateral 9-37 S 09°19'42" E a distance of 650.73' to 9-39
thence N 89°47'42" W a distance of 311.91' to an angle point;
thence S 00°02'41" W a distance of 508.60' to 9-40;
thence S 00°24'45" E a distance of 176.82' to 9-41;
thence S 29°15'48" E a distance of 384.67' to a valve being the terminus of said lateral)
(lateral from 9-41 S 04°31'21" E a distance of 168.28' to a valve being the terminus of said lateral)
thence S 34°14'52" E a distance of 790.37' to 9-38;
thence S 46°36'01" E a distance of 794.01' to 9-42;
thence S 30°11'28" E a distance of 329.82' to 9-43;
thence N 72°37'33" W a distance of 102.31' to a valve being the terminus of said easement.

City Line Phase II

An easement of forty feet (40') in width over and across portions of the
SW 1/4 Section 32 Township 18 South, Range 68 West of the 6th P.M.,
Section 5, N1/2 of Section 8, Township 19 South, Range 68 West of the 6th P.M.,
over and across

Tracts 53,54,59 and 60 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32
Lot 1 and 2 TR Sub. LLA, Lot 2 S. Todd LLA, Lot 4 S. Todd Sub.,
Lone Cedar Sub.,

Tracts 77 and 80, of the Beaver Land & Irrigation Co. Plat No. 2 Section 5,
Blocks 39,51,92,107,118, and 119 of the 4th Amended Plat of the Town of Penrose, Section 5,
Lot A Pollard VILL, Spencer LLA

Lots 10,11 and 26 of the Beaver Land & Irrigation Co. Plat No. 4 Section 5,
Lots 1 and 2 Serfoss Sub.,

Tracts 2,3,4,13,20,21 of the Beaver Land & Irrigation Co. Plat No. 1 Section 8,
Lot 1 Estase Estates No. 3, Section 8.

Fremont County, Colorado, being twenty feet (20') either side
of the following described centerlines:

Beginning at box 4-8 from which the West 1/4 corner of Section 32 bears
N 84°22'22" W a distance of 1747.66'

thence S 12°10'33" E a distance of 504.08' to C-3;
thence S 12°33'24" E a distance of 542.40' to C-4;
thence S 16°43'11" E a distance of 158.49' to C-5;
thence S 02°22'46" E a distance of 361.69' to C-6;
thence S 02°39'52" E a distance of 1540.53' to C-7;
thence SOUTH a distance of 280.59' to an angle point;
thence EAST a distance of 398.09' to a valve;

thence S 13°10'54" W a distance of 325.55' to C-8;
thence N 89°57'05" E a distance of 187.36' to C-8A;
thence S 89°46'27" E a distance of 29.69' to C-9;
thence S 36°32'42" E a distance of 178.40' to C-10;
thence S 35°16'27" E a distance of 500.63' to C-11;
thence S 89°50'54" E a distance of 385.87' to C-12;
thence S 00°01'24" E a distance of 991.19' to C-13;
thence S 00°14'28" W a distance of 486.67' to C-14;
thence S 00°00'35" W a distance of 435.37' to C-15;
thence S 33°55'51" E a distance of 662.17' to C-16;
thence S 00°25'43" E a distance of 686.81' to C-17;
thence S 23°50'29" E a distance of 409.85' to C-18;
thence S 24°45'37" E a distance of 85.01' to C-19;
(lateral from C-19 S 54°10'11" W a distance of 1094.53' to C-20);
thence N 35°23'56" W a distance of 775.34' to C-21;
thence S 89°30'44" W a distance of 336.41' to C-22 being the terminus of said lateral)
(lateral from C-20 S 22°02'48" W a distance of 959.04' to an angle point;
thence N 76°27' 15" W a distance of 758.19' to the terminus of said lateral)
thence S 22°41'52" E a distance of 704.67' to C-23 being the terminus of said easement.

Lower Canal Phase II

Is both a sixty (60') feet in width, being thirty (30') feet either side of the shown centerline. Except twenty feet (20') feet Northerly "up hill" and forty (40') feet Southerly "down hill" where indicated on plat over and across Sections 32 and 33, Township 18 South, Range 68 West of the 6th P.M., Fremont County, Colorado described as follows:

Tracts 32,33,36,37,39 and 40 of the Beaver Land & Irrigation Co. Plat No. 1 Section 32
Lots 1 and 2 TR Sub., Lot 2 Krawczyk Sub., Lots 1 and 2 Brill Estates No. 2, Lot 1 Brill
Estates. Lot 1 Russel Sub., Lot 2 Cordova Sub.,

Tracts 25,33,34,36,38,40,45,46,47 and Tract 54 of the Beaver Land & Irrigation Co. Plat No. 1 Section
33. Lot 5, Sprich Sub., Lots 1, 2 and 3 Dale Sub., Lot 1 and 2 Shannon Sub., Lot 1,2 and 3 Four D.
Estates. Lot 1 Goedert Sub., Lot 1 Garcia's Sub.,

Beginning at a point on the Lower Canal from which the E 1/4 corner of Section 33 bears :

S 01°54'42" W a distance of 206.07'
thence S 84°01'39" W a distance of 579.77';
thence S 48°34'04" W a distance of 61.17';
thence S 00°09'42" E a distance of 413.19';
thence S 37°47'30" W a distance of 190.04';
thence S 27°14'21" W a distance of 351.21';
thence S 50°14'00" W a distance of 249.37';
thence S 80°12'21" W a distance of 102.43';
thence N 85°16'23" W a distance of 70.28';
thence N 64°35'30" W a distance of 23.76';
thence N 75°15'05" W a distance of 15.61';
thence N 43°40'44" W a distance of 198.14';
thence N 42°02'19" W a distance of 286.85';
thence N 39°22'27" W a distance of 103.53';
thence N 32°34'37" W a distance of 52.91';
thence N 26°43'02" W a distance of 155.51';
thence N 34°53'49" W a distance of 49.52';
thence N 46°53'57" W a distance of 37.09';
thence N 69°31'58" W a distance of 29.33';

Custom Soil Resource Report for Fremont County Area, Colorado



28.1

April 17, 2021

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



[Home](#)

MAP LEGEND

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

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 18, Jun 5, 2020

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.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
65	Marvel silt loam, 0 to 2 percent slopes	4.7	32.7%
83	Penrose-Minnequa complex, 1 to 15 percent slopes	9.6	67.3%
Totals for Area of Interest		14.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

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 capacity: 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 & B 10-14 Inches, P.Z.
Forage suitability group: Loamy, Limy (G069XW022CO)

Custom Soil Resource Report

Other vegetative classification: Loamy, Limy (G069XW022CO), Loamy Plains #6
(069XY006CO_2)
Hydric soil rating: No

Minor Components

Minnequa

Percent of map unit: 10 percent
Landform: Ridges, pediments
Landform position (two-dimensional): Shoulder, summit
Landform position (three-dimensional): Crest
Down-slope shape: Linear
Across-slope shape: Convex, linear
Ecological site: R069XY006CO - Loamy Plains, LRU's A & 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 & B 10-14 Inches, P.Z.
Other vegetative classification: Clayey (G069XW001CO), Saline Overflow #37
(069XY037CO_2)
Hydric soil rating: No

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: Convex, linear

Custom Soil Resource Report

Across-slope shape: Convex, linear

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 capacity: 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 & 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

Custom Soil Resource Report

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 capacity: 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 & B 10-14 Inches, P.Z.
Forage suitability group: Loamy (G069XW017CO)
Other vegetative classification: Loamy (G069XW017CO)
Hydric soil rating: No

Minor Components

Willid

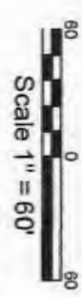
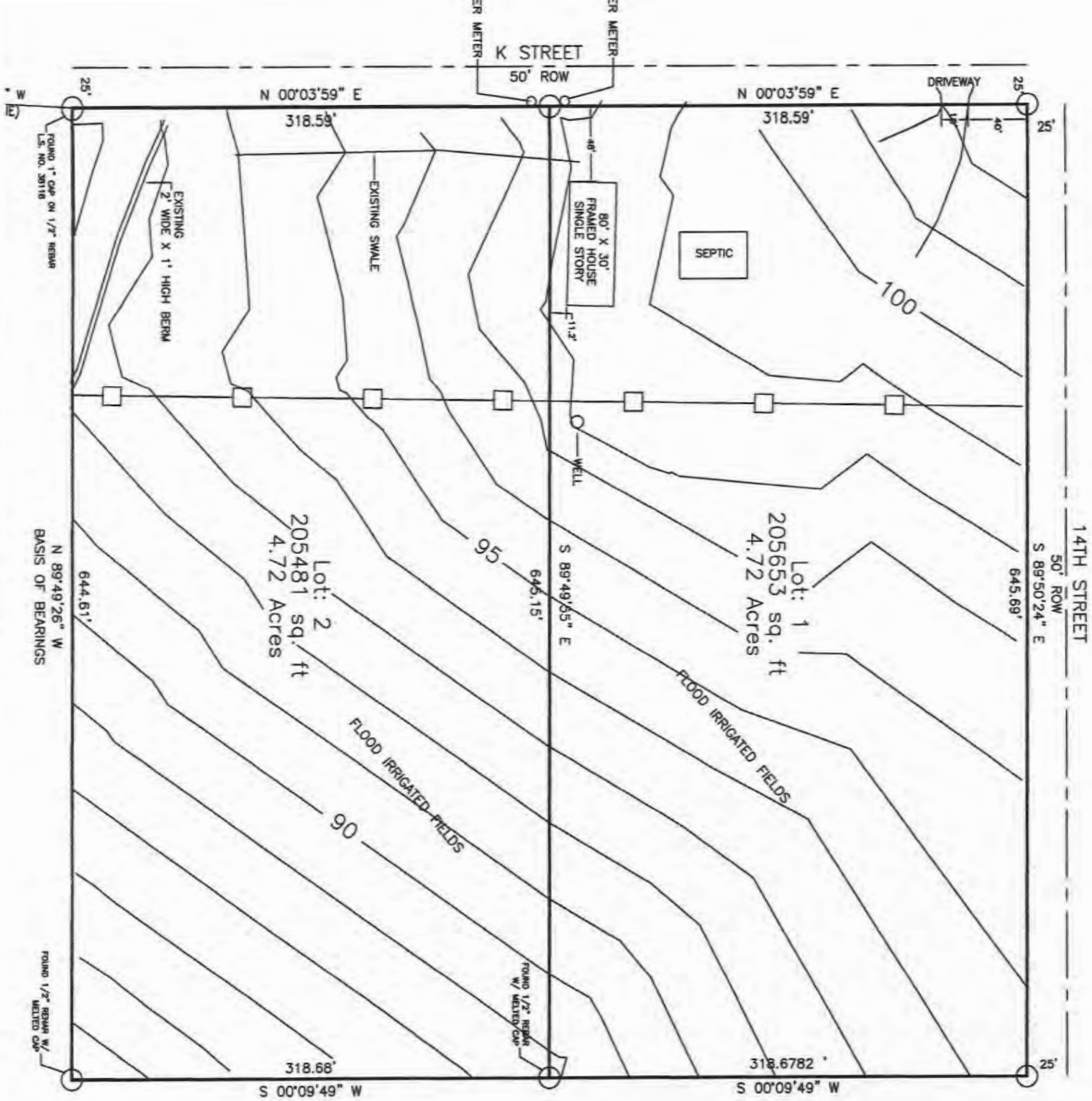
Percent of map unit: 5 percent
Landform: Interfluves
Landform position (two-dimensional): Footslope, toeslope
Landform position (three-dimensional): Interfluve
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R069XY006CO - Loamy Plains, LRU's A & B 10-14 Inches, P.Z.
Other vegetative classification: Loamy (G069XW017CO), Loamy Plains #6 (069XY006CO_2)
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): Backslope, shoulder
Landform position (three-dimensional): Side slope, head slope
Down-slope shape: Convex
Across-slope shape: Linear, convex
Ecological site: R069XY046CO - Shaly Plains LRU's A & B
Other vegetative classification: Needs Field Review (G069XW050CO), Shaly Plains #46 (069XY046CO_2)
Hydric soil rating: No



LEGEND

- = FOUND 1/2" REBAR
W/ CAP L.S., NO. 36055
OR AS NOTED
- = ALIQUOT SECTION MONUMENT
AS SHOWN HEREON



FREMONT COUNTY'S COLORADO DIVISION OF WATER RESOURCES INFORMATION FORM FOR SUBDIVISION EXEMPTION

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: SS SUBDIVISION
2. Provide a plat map of the proposed parcels 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. Total number of parcels to be created: 2
4. Are any of the proposed parcels intended to be used for drinking and sanitary facilities inside an individual commercial business? Yes -- No
5. Proposed Parcel One:
 - a. Lot name / number: 1
 - b. Size of parcel: 4.7 AC
 - c. Proposed uses:
 Residential Only
 Commercial

Commercial and Residential

d. Proposed number of residences: 1 or number of existing residences to remain on created parcel: 1

e. Proposed size of home lawn / garden: 2400 square feet

f. Proposed non-commercial livestock watering: Yes --- No

g. Source of water uses listed above:

Municipality: Name of Entity: PENROSE WATER

Existing permitted well, Permit Number: _____

Unregistered Well: Yes --- No

Proposed well to be constructed: Yes --- No

Surface Spring, Court Adjudication Number and Spring Name: _____

Other: _____

h. Waste Water Method:

Municipal: Name of Entity: _____

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

6. Proposed Parcel Two:

a. Lot name / number: 92

b. Size of parcel: 4.7

c. Proposed uses:

Residential Only

Commercial

Commercial and Residential

d. Proposed number of residences: 1 or number of existing residences to remain on created parcel: _____

e. Proposed size of home lawn / garden: 2000 square feet

f. Proposed non-commercial livestock watering: Yes --- No

g. Source of water uses listed above:

Municipality: Name of Entity: PENROSE WATER

Existing permitted well, Permit Number: _____

Unregistered Well: Yes --- No

Proposed well to be constructed: Yes --- No

Surface Spring, Court Adjudication Number and Spring Name: _____

Other: _____

h. Waste Water Method:

Municipal: Name of Entity: _____

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

7. Proposed Parcel Three:

a. Lot name / number: _____

b. Size of parcel: _____

c. Proposed uses:

Residential Only

Commercial

Commercial and Residential

d. Proposed number of residences: _____ or number of existing residences to remain on created parcel: _____

e. Proposed size of home lawn / garden: _____ square feet

f. Proposed non-commercial livestock watering: Yes -- No

g. Source of water uses listed above:

Municipality: Name of Entity: _____

Existing permitted well, Permit Number: _____

Unregistered Well: Yes --- No

Proposed well to be constructed: Yes --- No

Surface Spring, Court Adjudication Number and Spring Name: _____

Other: _____

h. Waste Water Method:

Municipal: Name of Entity: _____

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

8. If commercial use is requested for any of the parcels utilizing wells, the appropriate Commercial Drinking and Sanitary Well Worksheet, as selected, must also be completed and submitted with this form. For parcels outside of the Designated Basins of Colorado, use Form Number GWS-57 Commercial Drinking and Sanitary Well Worksheet. For Parcels

located in the Designated Basins of Colorado, use Form Number GWS-61 Commercial Small Capacity Well Water Use Breakdown Worksheet.

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.

_____,  _____ 4.17.21
Applicant Printed Name Signature Date

_____, _____ _____
Property Owner Printed Name Signature Date
(If different from applicant)



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 SS SUBDIVISION

2. Project Description Z LOT SPLIT -

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 checked="" type="checkbox"/> Minor Subdivision |

3. The subject property is located at:

1400 K STREET, PENROSE

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?

PENROSE / FLORENCE FIRE PROTECTION

5. The source of water for fire protection is:
 -- Water District – Name of District: PENROSE WATER DIST.
 -- 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? K STREET

8. How many accesses to public roadways will the subject property have? TWO

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs.

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

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

_____		4.13.21
Applicant Printed Name	Signature	Date
_____	_____	_____
Owner Printed Name	Signature	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: _____

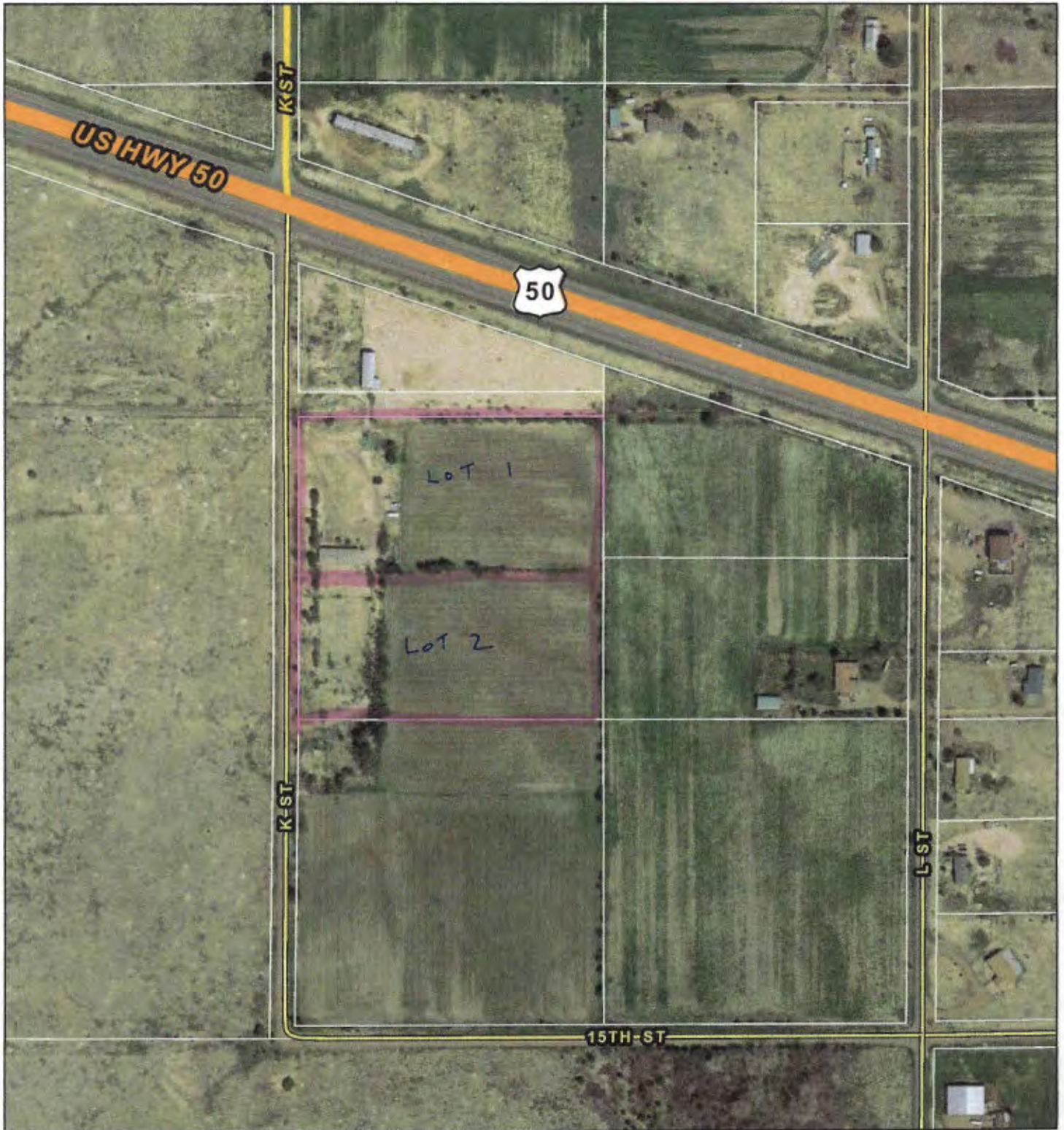
8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? Yes --- No Please explain: _____

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: _____

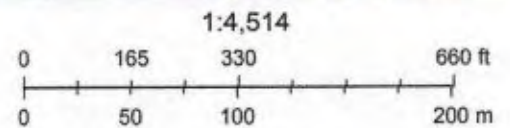
11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? _____

Fremont County Regional GIS Authority, CO



April 16, 2021

SS SUBDIVISION
1400 K ST.
PENROSE



[Home](#)

2433 2432 1551 0000 1810 2020 7020

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04/19/2021

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postmark
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Total Postage \$7.00

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<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

0773
13

Postmark
Here

Postage \$0.55

Total Postage and Black Hills Energy

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City, State, ZIP+4

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Certified Mail Fee	\$3.60
\$	\$2.85
Extra Services & Fees (check box, add fee as appropriate)	
<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

0773
13

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Total Postage \$7.00

04/19/2021

2440 2441 1554 0000 1810 2020 7020

DRINK PARK WATER

7020 1810 0000 1554 2396

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Penrose, CO 81240

Certified Mail Fee	\$3.60		
\$		\$2.85	0773
Extra Services & Fees (check box, add fee as appropriate)			13
<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	

Postmark
Here

Postage \$0.75

\$ Total Postage **\$1.45**

\$ Sent To **PENROSE PARK & REC**

Street and Apt. N **401 PARK PLACE**

City, State, ZIP+4 **PENROSE, CO 81240**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

04/19/2021

REC

Home

7020 1810 0000 1554 2402

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Canon City, CO 81212

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\$		\$2.85	0773
Extra Services & Fees (check box, add fee as appropriate)			13
<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	

Postmark
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\$ Total Postage **\$4.10**

\$ Sent To **Charter / Spectrum**

Street and Apt. N **306 N. 16TH**

City, State, ZIP+4 **Canon City, CO 81212**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

04/19/2021

7020 1810 0000 1554 2457

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Pueblo, CO 81007

Certified Mail Fee	\$3.60		
\$		\$2.85	0773
Extra Services & Fees (check box, add fee as appropriate)			13
<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	

Postmark
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Postage \$0.55

\$ Total Postage **\$4.10**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

SS SUBDIVISION

A VACATION AND REPLAT OF TRACT 50, BEAVER LAND & IRRIGATION CO. PLAT NO.1, BEAVER PARK LOCATED IN THE SE1/4 OF SEC. 9, T. 19 S., R. 68 W. OF THE 6TH P.M., FREMONT COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS that, **STRATTON A. SERFOSS**, is the owner of the following described land:

TO WIT

TRACT 50, IN SECTION 9, TOWNSHIP 19 SOUTH, RANGE 68 WEST OF THE 6TH P.M., IN BEAVER LAND & IRRIGATION CO. PLAT NO. 1, BEAVER PARK

CONTAINING 9.44 ACRES MORE OR LESS

COUNTY OF FREMONT
STATE OF COLORADO

DEDICATION

That, **STRATTON A. SERFOSS**, being the owner of the above described land being platted and/or subdivided in Fremont County, Colorado, under the name of SS SUBDIVISION, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. The sole right to assign use or vacate is vested with the Board of County Commissioners.

IN WITNESS WHEREOF

The said **STRATTON A. SERFOSS**, has subscribed his name this _____ day of _____ A.D. 20__

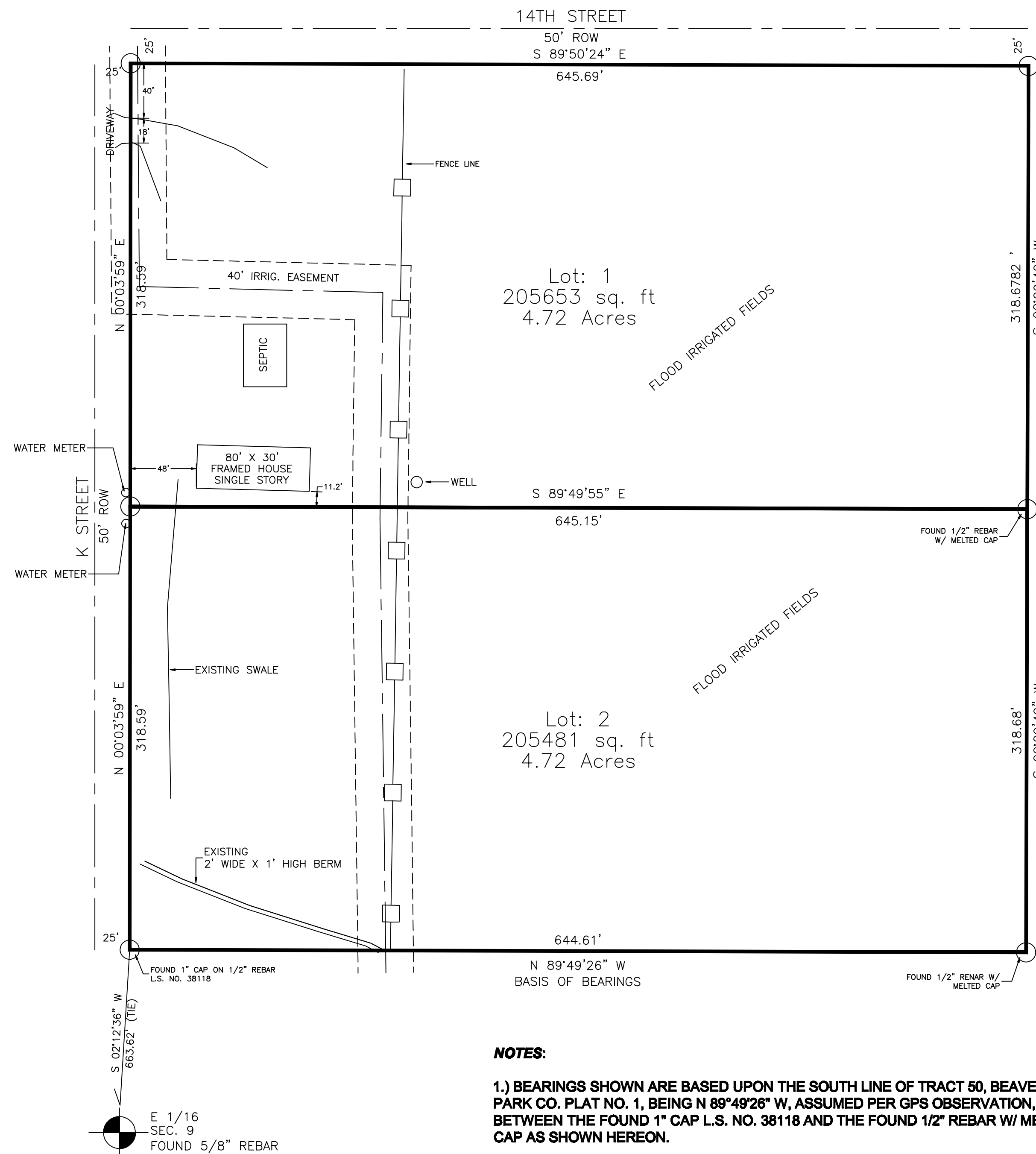
By _____
STRATTON A. SERFOSS

NOTARY STATEMENT

The foregoing instrument was acknowledged before me this _____ day of _____ A.D. 20__, by **STRATTON A. SERFOSS**.

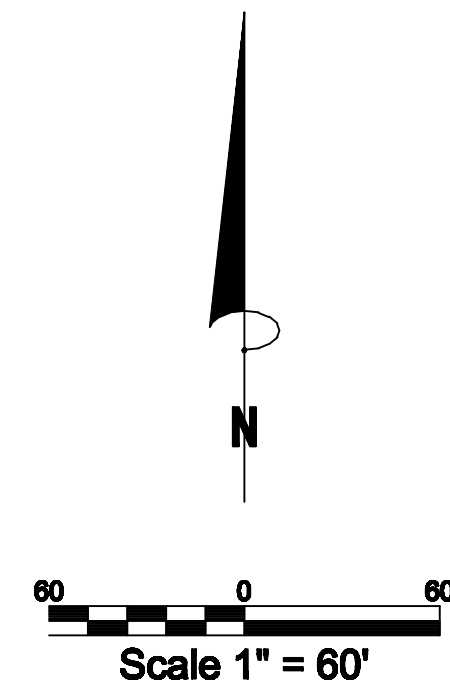
My commission expires _____
My address is _____
Witness my hand and official seal _____

Notary Public



NOTES:

- 1.) BEARINGS SHOWN ARE BASED UPON THE SOUTH LINE OF TRACT 50, BEAVER PARK CO. PLAT NO. 1, BEING N 89°49'26" W, ASSUMED PER GPS OBSERVATION, BETWEEN THE FOUND 1" CAP L.S. NO. 38118 AND THE FOUND 1/2" REBAR W/ MELTED CAP AS SHOWN HEREON.
- 2.) RECORDED AND APPARENT RIGHTS-OF-WAY ARE SHOWN AS PER TITLE COMMITMENT NO. F0702945, BY FIDELITY NATIONAL TITLE COMPANY.
- 3.) ALL DIMENSIONS SHOWN IN U.S. SURVEY FEET.
- 4.) REPLACEMENT FOR ANY REASON OF NON-CONFORMING STRUCTURES SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT REQUIREMENTS OF THE ZONE DISTRICT OF THE PROPERTY AT THE TIME OF REPLACEMENT.
- 5.) A 40' WIDE IRRIGATION EASEMENT IMPACTS THIS PROPERTY AND IS SHOWN APPROXIMATE. THE EASEMENT DEED DOES NOT HAVE ANY TIES TO THE BOUNDARY OF THE SUBJECT PROPERTY AS TO LOCATION.



LEGEND

- = FOUND 1/2" REBAR W/ CAP L.S. NO. 36055 OR AS NOTED
- ⊙ = ALIQUOT SECTION MONUMENT AS SHOWN HEREON

VICINITY MAP
NOT TO SCALE

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 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 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 utility easement on both sides of lot lines. Exterior subdivision boundary is subject to a ten (10) foot utility easement.

REGISTERED LAND SURVEYOR'S CERTIFICATE

I, **MATTHEW J. KOCH**, 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.

MATTHEW J. KOCH P.L.S. 37907

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 _____, 20____ A.D. under reception number _____

Fremont County Clerk & Recorder

**CORNERSTONE
LAND SURVEYING, LLC**

1022 PHAY AVE.
CANON CITY, COLORADO 81212
719-275-8881



ACCORDING TO C.R.S. 13-80-105, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION.

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
June 1, 2021 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Larry Baker
Larry Brown
Gardner Fey
Mark Masar
Michael Pullen

STAFF PRESENT

Brenda Jackson, County Attorney
Alicia Stone, GIS Technician
Theresa Villagrana, Office Manager

MEMBERS ABSENT

John Hamrick

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

April 6, 2021 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

A. MS 21-003 Powell Subdivision

Requesting approval of Minor Subdivision to divide one parent parcel into two lots each that are roughly 4.8 acres in size and zoned Agricultural Rural. The property is located in the Howard area.

Representative: Angela Bellantoni

B. MS 21-004 SS Subdivision

Requesting approval of Minor Subdivision to divide one parent parcel into two lots each that are roughly 4.7 acres in size and zoned Agricultural Rural. The property is located in Penrose off of K Street south of U.S. Highway 50.

Representative: Matt Koch

C. SRU 13-002 Captain Zipline Major Modification

Request approval of a major modification to the existing SRU to allow Play Dirty ATVs to operate from the parking area, and also requesting that customers may follow employees to the zipline area rather than park at the parking area and be shuttled.

Representative: Dave Mallory

7. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:01 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Alsup called for approval of agenda for the June 1, 2021 Fremont County Planning Commission Agenda.

MOTION

Mr. Mark Masar motioned to accept the June 1, 2021 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Gardner Fey seconded the motion.

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

4. APPROVAL OF THE APRIL 6, 2021 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup called for approval of agenda for the April 6, 2021 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Gardner Fey motioned for approval of the April 6, 2021 minutes.

SECOND

Mr. Larry Baker seconded the motion.

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

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. MS 21-003 Powell Subdivision

Chairman Alsup called Dr. Angela Bellantoni to present.

Dr. Bellantoni introduced her clients, Billy Powell as the property owner and applicant. Also, Micah Garcia, as the party that intends to develop the property that is subject to the subdivision. Lot 2 has Mr. Powell's workshop and Lot 1 to the west will be Mr. Garcia's residence. There is approximately 4.8 acres.

Chairman Alsup called on GIS Tech, Alicia Stone to give the staff report.

GIS Tech Alicia Stone stated that the department had reviewed and found it to be complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Subdivision Regulations will be satisfied by this application.

There is a waiver request on the drainage plan and the Fremont County Engineer has determined that the waiver request is justified based upon location and impervious surfaces. There is one contingency item and that is the closure sheets.

Chairman Alsup called for comments or questions.

Mr. Mark Masar asked if they planned to use the well to service both properties.

Dr. Bellantoni replied no, Mr. Garcia will drill his own well. He submitted in his application the agreement with Upper Arkansas Water District to be part of the augmentation plan.

Chairman Alsup called for any other comments or questions. Also stating that it seems pretty clear cut and he does not see any issues.

MOTION

Mr. Masar motioned to approve MS 21-003 Powell Subdivision.

Chairman Alsup asked if that includes the contingency and waiver.

Mr. Masar confirmed.

SECOND

Mr. Baker seconded the motion.

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

B. MS 21-004 SS Subdivision

Chairman Alsup called Mr. Koch to present.

Mr. Koch stated this is a request for approval of a minor subdivision located on K Street in Penrose, south of Highway 50. It is serviced by Penrose Water with existing water taps for both lots. It is an odd situation as it was part of the same tract to begin with and many years ago, they were separated into north and south. They started deeding them that way, north half/south half. At some point in the early 2000's, they put them back together. The new owner wants to separate them again. Each lot will be about 4.7 acres, there is an existing house on the north lot that will remain. The southerly lot will be vacant for a future house. The existing septic is north of the house.

There are four contingencies that he is fine with. Access permit, soils, ratification & consent form.

Chairman Alsup called on GIS Tech Alicia Stone.

GIS Tech Alicia Stone stated that the department had reviewed the application and found it to be complete and a true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Subdivision Regulations will be satisfied by this application.

There is a waiver request for a drainage plan until development. The contingency items:

Access permit for Lot 1

OWTS soil analysis and design or copy of permit for existing system

Executed Ratification, Consent & Release Form

Minor changes to the site plan: adding notes and a new vicinity map.

Mr. Koch stated that for clarification, the waiver for the drainage report and he believes the engineer was okay with that. Historically, there is an existing drainage burm along the south side of the bottom lot and a swale so a lot of it has already been approved and noted. The County Engineer review and suggested the request for a waiver.

Chairman Alsup asked if the waiver was for the drainage pond.

Mr. Koch confirmed and clarified it is for the drainage report. To the east side is where this is draining to, into the open fields.

Chairman Alsup stated that he notices that the Fire Protection Form was not filled out, it was blank. The other members confirmed they saw the same thing.

Mr. Koch stated the second application submittal included the signed form.

Chairman Alsup asked GIS Tech Alicia Stone if she had the completed form.

GIS Tech Alicia Stone stated that the department has the same blank form however, will check the files to see if was submitted.

Mr. Koch stated that the Fire Department did not have any requirements however, will make sure it is provided prior to the BOCC meeting.

Mr. Masar inquired about the irrigation easement, the way it is drawn on the plat is not the way they drew it on their map. He inquired which one is correct.

Mr. Koch replied that it was originally drawn with the way it seemed to go based on what he found in the field. After it was submitted, he received information from the irrigation company that showed there is an easement coming down from the northwest corner to where you turn to come into the lot. Another one that comes in at an angle across so he will adjust that.

Chairman Alsup called for comments or questions.

MOTION

Mr. Pullen motioned to approve MS 21-004 SS Subdivision as submitted and with the addition of the Fire Protection Form and with the contingencies and waiver requests as stated.

SECOND

Mr. Baker seconded the motion.

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

C. SRU 13-002 Captain Zipline Major Modification

Chairman Alsup called Dave Pruyne (owner of Play Dirty ATV Tours) to present.

Mr. Pruyne stated they are there to request approval of application for Play Dirty to be added to Captain Zipline's SRU. They were approved a couple years ago by the BLM to operate out of the Wellsville North BLM lands and they have been doing so with a couple of rafting companies out of Buena Vista and other places.

They have to transport their trucks to the trailhead and leave them there during the day. At the end of the day, they have to load them back up and bring them 22 miles back to Play Dirty at Texas Creek. This SRU would allow them to store their vehicles there and with further approval to operate their vehicles on the road and start their tours from Captain Zipline, go to the trailhead, do the tour and come back.

The other portion is, currently Captain Zipline's customers park on the property and then puts them in vans. With COVID, they had to shut down because he couldn't get anyone to the trailheads. COVID brought out a lot of things that they are now looking at like putting 14 – 15 people in a van and taking them 2 miles, the number of things that could be transmitted, brought a lot to everyone's attention.

They want to get to where the customers to follow them to Captain Zipline where there is currently 17 car parking. So those are the two things they are looking at.

Chairman Alsup called on GIS Technician Alicia Stone to give the staff report.

GIS Tech Alicia Stone stated that the Department recommends approval for the ATV/UTV storage and use from the facility with the following conditions:

Recommended Conditions:

1. Additional parking spaces be installed for the additional use. There is space on the west side of the property to accommodate the minimal amount of additional parking spaces/area.
2. Providing the parking area is gravel, no additional drainage measures should be required.

3. The additional parking will ensure adequate parking is available for the use, and would provide some separation between the two uses.

4. The Department also recommends that the use of the County Roads by ATVs/UTVs is not allowed, due to safety, traffic and impact concerns.

This is a reasonable agreement to allow Play Dirty to expand and operate in the area while minimizing impacts and concerns.

Additionally, the Department recommends denying the request to allow Captain Zipline customers to follow employees to the zip line area. This will result in greater traffic and impacts to the area and negates the reason for the 2013 modification.

Conditions:

All conditions set forth in Resolution No. 25, Series of 2013.

Applicant to provide annual permits for the chemical toilets.

Re-evaluation of the County Road Impact fees annually to include adjustments as necessary.

Contingencies:

Permit for chemical toilets.

Changes to the site plan.

Additional Notifications:

Fremont County Sheriff

William Tezak

Colorado Parks and Wildlife

Waiver Requests approved on the 2013 Modification:

Buffering & landscaping.

Lighting of the parking area.

Landscaping of the parking area.

Chairman Alsup called for questions or comments.

Mr. Pullen asked if they intend to escort ATVs down County Road 44.

Mr. Pruyne replied yes, that is their intent. Their front guide would lead 4 or 5 ATVs. County Road 45 to 52 is $\frac{3}{4}$ of a mile then another mile to the trailhead. No buildings or trees between Captain Zipline to the trailhead. Visibility is a not an issue, lights are on at all times.

Mr. Pullen addressed the County Attorney, Brenda Jackson, to confirm the way the laws are currently written, there are no ATVs allowed on county roads.

Mrs. Jackson confirmed it is illegal to ride ATVs on county roads however, it is at the discretion of the Board to designate roads or portions of roads as lawful for ATVs and UTVs. They have done that for other county roads however, not 45. It is case by case determination by the Board of County Commissioners.

Mr. Fey asked as part of this application, they would need to have the County Commissioners approve of that use on County Road 45.

Mrs. Jackson stated that would need to be done before this request would be approved. They would have to designate that portion of the road by resolution. It wouldn't apply to just this company (Play Dirty ATV), it would apply to anyone.

Mr. Brown asked if there would be a liability factor on the County if someone gets hurt.

Mrs. Jackson replied an accident does not impugn any liability to the County.

Chairman Alsup asked if the commission would have the discretion to recommend it to the County Commissioners.

Mrs. Jackson said yes, clarifying that this board does not have the discretion to approve this portion of the application until that resolution is in place. They had looked at County Road 45 in the past and declined to do that, due to the traffic.

Mr. Fey said they are showing that as designated sparse traffic, approximately 30 cars per day travel down that road. He stated this seems to be a natural progression for this business.

Mr. Pruyne stated that the benefit of a company like Play Dirty is that on their own time and with their own equipment, they assist BLM with the trails. Their guides also clean up the trash in the area.

The aspect of riding on County Road 45, the County Commissioners said they can't approve until after they have the SRU to operate off of that property however the SRU can't be approved until they have approval for use of the County Road. He is hoping they will be mutual during the BOCC meeting. If not approved, they will again have to shuttle people in a 14-passenger van. They are approved on Captain Zipline's SRU for the current 17 parking spaces on that property.

Chairman Alsup stated he does not have an issue with the initial part of the application to share parking with Captain Zipline. The issue of concern is if they should be allowed on the county road and if they should be allowed to transport people to the Captain Zipline site.

Mr. Pullen asked if this is approved, will the impact of the ATVs on the road be part of the annual review under this SRU.

Mrs. Jackson stated that she has written several of these resolutions and to her knowledge, none have been reviewed.

Chairman Alsup stated that if it is approved, as recommended by the staff, that part would be left up to the County Commissioners. So, they could approve the first part of the application.

Mrs. Jackson stated they could say they do not see any particular concerns however, the road has not yet been approved for that use so encourage but not recommend until it is law.

Mr. Masar asked for clarification of road conditions.

Ms. Halasz (and Josh) replied that two-wheel drive vehicles make it up the road and they do maintenance on that road. She stated a Captain Zipline employee would escort the caravan.

Chairman Alsup called for any more comments or questions and stated he was open for a motion.

MOTION

Mr. Fey motioned to approve SRU 13-002 Captain Zipline Major Modification with all conditions for approval being met and with the conditions as stated. Also, with conditional approval of the ATVs on the road as well as being able to drive to the Zipline subject to County Commissioner approval.

SECOND

Mr. Pullen seconded the motion.

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

7. **ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:36 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE