

**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2019-01**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION APPROVING A MULTIPLE LOT LINE VACATION FOR  
PROPERTY LOCATED AT 465 SHEWANA LANE IN THE TOWN OF NEW  
CASTLE.**

WHEREAS, on November 27, 2018, Neil and Janice Pursley (collectively, "Applicant") submitted a multiple lot line vacation application ("Application") regarding the properties located at 465 Shewana Lane, New Castle, Colorado, and legally described in Exhibit A hereto (collectively, the "Property"); and

WHEREAS, Applicant owns the Property; and

WHEREAS, Applicant seeks to dissolve the interior lots lines that currently divide the Property as shown on the preliminary plat attached as Exhibit B such that the Property will become a single parcel; and

WHEREAS, pursuant to §§ 16.40.080 and 16.08.050 of the New Castle Municipal Code ("Code"), the New Castle Planning and Zoning Commission ("Commission") held a duly-noticed public hearing on January 23, 2019, to consider the Application; and

WHEREAS, based on the Application and the testimony and evidence presented during the hearing, the Commission hereby recommends approval of the Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning and Zoning Commission.
2. Findings. The Commission make the following findings regarding the Application:
  - A. The lot line vacation does not result in the creation of additional lots;
  - B. The lot line vacation does not result in the creation of lots that do not comply with Town zoning requirements, including floor area ratio requirements, setback requirements, and minimum lot size requirements;
  - C. The lot line vacation does not result in the creation of a lot or lots that will have an infeasible building envelope pursuant to any Town setback, floor area ratio, or other building/zoning requirement;

- D. All utility companies and/or any other beneficiaries having an interest in existing easements on the Property have granted approval in regard to the disposition of existing easements as a result of the vacation;
- E. All easements associated with Property are properly addressed and/or granted in the proposed deed(s) or plat effectuating the vacation;
- F. The lot line vacation does not alter or affect the location or arrangement of any other lot line within the subdivision;
- G. No lot line adjustment or vacation has been granted by the Town with respect to or in connection with the Property or any adjoining property under common ownership or control of same person within the past one year; and
- H. The lot line vacation does not in any way adversely affect any surrounding lot.

3. Approval. The Commission hereby approves the Application pursuant to § 16.40.080 of the Code subject to the following conditions:

A. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Commission and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant;

B. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs;

C. The Applicant shall be bound by the requirements of the R-1 zone district for future improvements on the Property;

D. The accessory structure identified as "shed" on Exhibit B will be removed by June 1<sup>st</sup>, 2019. The "barn" structure shown on Exhibit B will continue to perform as storage and remain as a nonconforming structure per section 17.88.010 of the Town Municipal Code;

E. The plat shall be reviewed by the Town Attorney and Town Engineer for final approval before the plat is recorded; and

F. The Applicant shall provide the Town with a Mylar plat map which has been signed and recorded with Garfield County. Failure of Applicant to record evidence of the lot line vacation within one hundred fifty (150) days following approval shall result in an automatic revocation of such approval.

THIS RESOLUTION PZ 2019-01 was adopted by the New Castle Planning and Zoning Commission by a vote of 4 to 0 on the 23rd day of January, 2019.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By:   
Chuck Apostolik, Chairman



ATTEST:

  
Mindy Andis, Deputy Town Clerk

**EXHIBIT A**  
**Legal Description**

The property that is the subject of the Application described in Resolution PZ 2019-01 is legally described as follows:

Block 1, Lots 3, 4, and 5, Coryell Addition, Town of New Castle, and Portions of Second Street, Park Avenue and Alleys as Vacated by Ordinance 500, Series 1997, recorded at Reception No. 513284;

And

Lots 4 & 5, Hazelton Subdivision, Town of New Castle, according to the plat thereof recorded at Reception No. 912827

**EXHIBIT B**

Plat

January 15, 2019

Mr. Paul Smith  
Town Planner  
Town of New Castle  
P.O. Box 90  
New Castle, Colorado 81647

RE: Pursley Subdivision  
Lot Line Dissolution

Dear Paul,

At your request, we have reviewed the proposed re-platting of Lots 3,4 and 5 as well as portions of Second Street, Park Avenue and alleys as vacated through ordinance 500, Series 1997 of Coryell's Addition to the Town of New Castle as well as lots 4 and 5 of the Hazelton Subdivision. Based upon our review of the on-site drainage and the off-site drainage tributary to the re-plat, as long as the re-platted lot arrangement does include the drainage easements as depicted on the exhibit in Figure 1, below, there should be no other issues of concern.

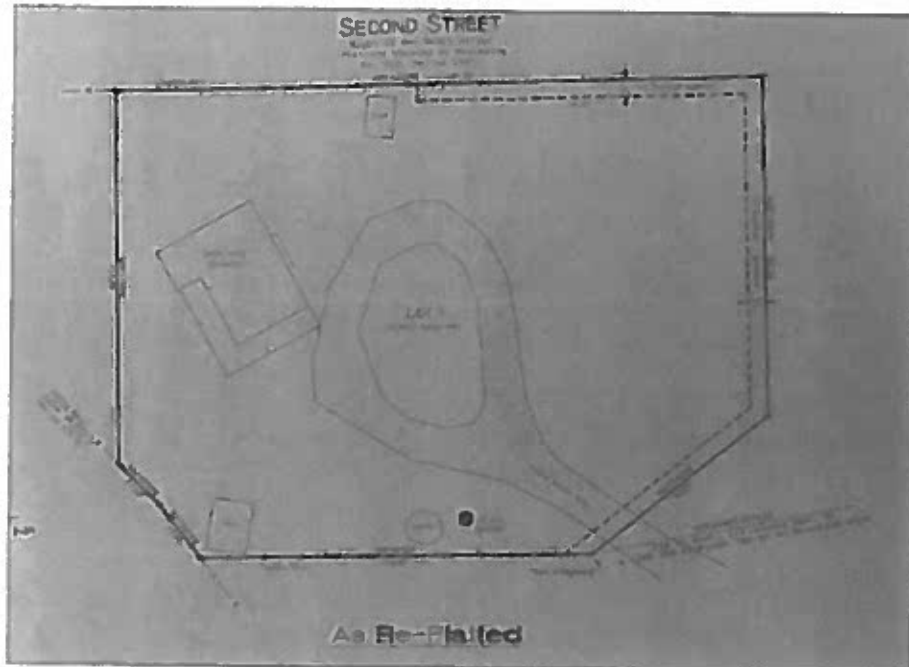
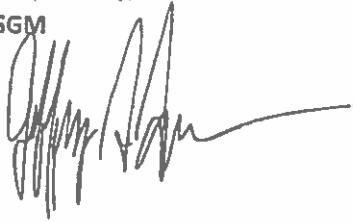


Figure 1

Upon your receipt and review, if you have any questions, please don't hesitate to contact me.

Respectfully,  
SGM



Jefferey S. Simonson, PE, CFM  
Town Engineer