



Town of New  
Castle  
450 W. Main  
Street

Administration Department  
Phone: (970) 984-2311  
Fax: (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

Posted \_\_\_\_\_  
Remove 10/11/18

## Agenda

### New Castle Planning & Zoning Commission Regular Meeting Wednesday, October 10, 2018, 7:00 p.m., Town Hall

#### Call to Order, Roll Call, Meeting Notice

#### Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

#### Citizen Comments on Items NOT on Agenda

#### Public Hearing

A. Brief description of application: Application for lot split

Legal description: Talbot Subdivision, Parcel A, according to the lot boundary adjustment plat thereof recorded at reception no. 571485

Common address: 6300 CR 335, New Castle

Applicant: Burning Mountain Land & Cattle, LLC

Landowner: Burning Mountain Land & Cattle, LLC

B. Resolution PZ-2018-04 Recommending Approval of lot split

#### Comments/Reports

- C. Items for Next Planning and Zoning Agenda
- D. Commission Comments/Reports
- E. Staff Reports

#### Review Minutes of Previous Meetings

- F. July 25, 2018 Minutes

#### Adjournment



Posted \_\_\_\_\_  
Remove 10/11/18

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## Agenda

### New Castle Planning & Zoning Commission Workshop

Wednesday, October 10, 2018, 7:30 p.m., Town Hall

Commission Workshop to discuss Downtown Comp Plan.

- Chapter V Section I. Regulatory Changes through Chapter VI Implementation Schedule.







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Town of New Castle  
 PO Box 90  
 450 W. Main Street  
 New Castle, Co 81647

**DEVELOPMENT APPLICATION**

Applicant: <u>Burning Mtn. Land &amp; Cattle, LLC</u> , <u>Russell Talbott</u>	
Address: <u>5.75 CR 335 # 401 - mailing address</u> <u>New Castle Co 81647</u> <u>CR 300 CR 335</u>	Phone: <u>970-984-2943</u> FAX: <u>970-984-2138</u> E-mail: <u>russell@appleTreePark.com</u>
Property Owner: <u>Burning Mtn Land &amp; Cattle, LLC</u> ( <del>same as applicant</del> )	
Address: <u>Same</u>	Phone: FAX: E-mail:
Contact Person: <u>Russell Talbott</u>	
Address: <u>5.75 CR 335, #401</u> <u>New Castle Co 81647</u>	Phone: <u>970-989-5278</u> cell <u>984-2943</u> offic FAX: <u>970-984-2138</u> E-mail: <u>russell@appleTreePark.com</u>
Property Location/Address: <u>6340 County Rd 335, New Castle Co 81647</u>	
Legal Description: <u>see attached</u>	Acres:
Existing Zone ( <u>Not sure? Click here for help</u> ):	
Existing Land Use: <u>Retail - Mr T's Hardware</u>	
<b>TYPE(S) OF LAND USE(S) REQUESTED</b>	
<input type="checkbox"/> Pre-Annexation Agreement <input checked="" type="checkbox"/> Annexation <input checked="" type="checkbox"/> Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit	<input checked="" type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input type="checkbox"/> Other
This development would create <u>0</u> residences and _____ square feet of commercial space.	
Applicant must also complete and submit the appropriate <u>checklist</u> for the type of land use requested. Both the applicant and the property owner must sign this application.	
Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.	

RECEIVED  
 JUN 22 2018  
 TOWN OF  
 NEW CASTLE, CO  
 BUILDING DEPARTMENT



**AGREEMENT TO PAY CONSULTING FEES AND EXPENSES**

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.


However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs.

SO AGREED this 12 day of June, 2018.

<u>Russell Talbott</u> Applicant (Print Name)	 Signature
<u>970-989-9278</u> Telephone	<u>5175 CR 335 #401</u> Mailing Address
<u>Russell Talbott for</u> <u>Burning Mtn Land &amp; Cattle LLC</u> Property Owner	<u>5175 CR 335 #401</u> <u>New Castle Co 81647</u> Mailing Address If Different From Above

\_\_\_\_\_  
Relationship to Applicant or Potential Applicant

Type of application: \_\_\_\_\_

Property description: \_\_\_\_\_

# *Burning Mountain Land and Cattle*

*a Colorado Limited Liability Company*

5175 County Road 335, #401, New Castle, CO 81647 970-984-2943

*Russell L. Talbott*  
Manager

*Ross M. Talbott*  
Ross L. Talbott

July 23, 2018

Town of New Castle  
PO Box 90  
New Castle, Co 81647

Re: Boundary Line Adjustment.

To Whom It May Concern,

It is desired for the betterment of all properties involved to adjust boundary lines of parcel #212331412001 which is currently approximately 4.592 acre, which is the location of Mr. T's Hardware so as to accommodate a second parcel that may allow for a second unrelated business. Following this lot split, Parcel A will contain the Mr. T's store building and lumber shed and will be approximately 2.800 acre, Tract A will then be the second parcel and contain approximately 1.792 acre and lie to the east of the Mr. T's store building.

It is our desire to retain the lot that currently contains the store building and lumber storage shed and to sell the Tract A to allow for a second business on this location.

Mr. T's Hardware and Building Supply is located at 6300 County Road 335, New Castle, Colorado.

Thank you for your consideration and assistance in this transaction.

Sincerely,

Russell Talbott, Manager



RECEIVED

JUL 25 2018

TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT

**SPECIAL WARRANTY DEED**

**THIS DEED**, made this \_\_\_\_ day of August, 2018, between BURNING MOUNTAIN LAND AND CATTLE, LLC, a Colorado Limited Liability Company, whose legal address is 5175 County Road 335, #401, New Castle, Colorado 81647 (Grantor), and ROCK and MARY GABOSI, whose legal address is 44523 Hwy 6, Glenwood Springs, Colorado 81601 (Grantee):

**WITNESS**, that the Grantor, for and in consideration of the sum of **(\$10.00) Ten Dollars and Zero Cents**, 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, its heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Garfield and State of Colorado described as follows:

A tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 and also being Tract A of the Coal Ridge Industrial subdivision according to the subdivision plat thereof as filed for record under Reception No. 571484 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line the following two courses:

1) thence S.25°42'32"E. 133.67 feet;  
2) thence S.56°35'40"E. 39.48 feet to a point on the West line of said SW1/4; thence S.03°24'41"E. 75.10 feet along said West line to the Easterly line of said Tract A; thence N.31°00'32"E. 433.19 feet along said Easterly line to the Southerly line of said County road; thence along said Southerly line 275.21 feet along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09", and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning.

Said tract of land contains 78,054 sq.ft. or 1.792 acres as described herein.

**Subject to and reserving unto Grantor the following easements:**

1. Access and Utility Easement across Tract A Coal Ridge Industrial subdivision to Parcel A Talbott subdivision:

An easement for the purpose of access and utilities encumbering a tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 and also being a portion Tract A of the Coal Ridge Industrial subdivision according to the subdivision plat thereof as filed for record under Reception No. 571484 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE ¼ from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line S.25°42'32"E. 27.30 feet; thence N.14°09'11"E. 185.06 feet; thence along the arc of a curve to the right having a radius of 50.00 feet, a central angle of 97°57'19", and subtending a chord which bears N.63°07'51"E. 75.45 feet; thence along the arc of a curve to the right having a radius of 1988.39 feet, a central angle of 05°20'45", and subtending a chord which bears S.65°13'08"E. 185.45 feet to a point on the East line of said Tract A; thence along said East line N.31°00'32"E. 50.09 feet to a point on the Southerly line of said County road; thence 275.21 feet along said Southerly line along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09" and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning of te Easement described herein..

Said easement encumbers an area of 18,176 sq.ft. 0.417 acres as described herein.

2. Lighting standard easement across Tract A Coal Ridge Industrial subdivision to Parcel A Talbott subdivision:

An easement for the purpose of access to and maintenance of and access to a lighting standard encumbering a tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6<sup>th</sup> P.M., County of Garfield, State of Colorado, said tract of land being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 130.67 feet to the True Point of Beginning of the Easement described herein; thence S.75°50'49"E. 17.50 feet; thence S.





**Commonwealth Title Company of Garfield County, Inc.**

127 E. 5th Street  
Rifle, CO 81650  
Phone (970) 625-3300 / Fax (970) 625-3305

1322 Grand Avenue  
Glenwood Springs, CO 81601  
Phone (970) 945-4444 / Fax (970) 945-4449

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**Date: July 25, 2018**

**File No. 1807086**

**Property Address. New Castle**

**RECEIVED**

**JUL 25 2018**

**TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT**

**Seller**

Burning Mountain Land & Cattle LLC, a Colorado limited  
liability company  
Email: russell@appletreepark.com

**Closing Contacts**

Glenwood Springs office - 970-945-4444

Rifle office - 970-625-3300

Linda Gabossi - linda@cwtrifle.com  
Connie Rose Robertson - connie@cwtrifle.com

Denna Conwell - denna@cwtrifle.com  
Patti Reich - patti@cwtrifle.com



**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

**File No. 1807086**

1. Effective Date: **July 18, 2018 at 7:59 AM**

2. Policy or Policies to be issued:

(a) ALTA OWNER POLICY (ALTA 6-17-06)

N/A

Proposed Insured:

(b) ALTA LOAN POLICY (ALTA 6-17-06)

Proposed Insured:

3. The Estate or interest in the land described or referred to in the Commitment and covered herein is Fee Simple and is at the effective date hereof vested in:

**Burning Mountain Land & Cattle LLC, a Colorado limited liability company**

4. The land referred to in this Commitment is situated in the County of Garfield, State of Colorado and described as follows:

**See Attached Exhibit "A"**

**TITLE CHARGES**

Owner's Policy Standard Coverage	<b>\$167.00</b>
----------------------------------	-----------------

COUNTERSIGNED: \_\_\_\_\_ Patrick P. Burwell \_\_\_\_\_  
Authorized Officer or Agent

Valid Only if Schedule B and Cover Are Attached

American Land Title Association  
Schedule A  
(Rev'd 6-06)

Issuing Agent:  
Commonwealth Title Company of Garfield County, Inc.  
127 East 5th Street Rifle, CO 81650

**EXHIBIT "A"**

**Revised Tract A Coal Ridge Industrial Subdivision:**

A tract of land being situated in the SE¼ of Section 31 and the SW¼ Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott Subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 and also being a Tract A of the Coal Ridge Industrial Subdivision according to the subdivision plat thereof as filed for record under Reception No. 571484 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE¼ from whence the Southeast corner of said Section 31 bears South 03°24'41" East 1207.64 feet, said Southeast corner being a 2-½" iron pipe with 3-¼" brass cap PLS No. 13501 being found in place; thence South 14°09'11" West 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line the following two courses:

- 1) thence South 25°42'32" East 133.67 feet;
- 2) thence South 56°35'40" East 39.48 feet to a point on the West line of said SW¼; thence South 03°24'41" East 75.10 feet along said West line to the Easterly line of said Tract A; thence North 31°00'32" East 433.19 feet along said Easterly line to the Southerly line of said County road; thence along said Southerly line 275.21 feet along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09", and subtending a chord which bears North 66°19'35" West 275.00 feet to the Point of Beginning.

**Revised Parcel A Talbott Subdivision:**

A tract of land being situated in the SE¼ of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott Subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE¼ from whence the Southeast corner of said Section 31 bears South 03°24'41" East 1207.64 feet, said Southeast corner being a 2-½" iron pipe with 3-¼" brass cap PLS No. 13501 being found in place; thence along said East line North 03°24'41" West 8.00 feet to the Southerly line of said County road; thence along the Southerly line of said County road the following four courses:

- 1) thence North 75°29'30" West 220.00 feet;
- 2) thence North 79°07'18" West 32.81 feet;
- 3) thence 62.10 feet along the arc of a curve to the left having a radius of 2038.39 feet, a central angle of 01°44'44", and subtending a chord which bears North 78°00'52" West 62.09 feet;
- 4) thence North 78°53'14" West 102.06 feet to the Northwest corner of said Parcel A as platted; thence along the Westerly and Southerly boundary of said Parcel A the following four courses:
  - 1) thence South 00°02'00" West 359.68 feet;
  - 2) thence South 77°31'17" East 98.74 feet;
  - 3) thence North 77°06'26" East 123.61 feet;
  - 4) thence South 83°58'47" East 123.84 feet;thence departing the Southerly boundary of said Parcel A North 14°09'11" East 272.84 feet to the Point of Beginning.



## SCHEDULE B - SECTION 1

The Following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded to the office of the Clerk and Recorder of the County in which said property is located.

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

This is an informational only commitment and no policy will be issued hereunder.

5. Receipt of satisfactory Improvement Survey Plat certified to the Company (i) prepared from an on-the-ground inspection by a registered land surveyor licensed in the State of Colorado; (ii) currently dated, showing the location of the Property and all improvements, fences, easements, roads, rights-of-way and encroachments or other matters identified in Schedule B - Section 2 of this Commitment, to the extent such matters are capable of being shown, (iii) containing a legal description of the boundaries of the Property by metes and bounds or other appropriate legal description; and (iv) meeting the criteria of Colorado Revised Statute 38-51-102(9), as amended, for an Improvement Survey Plat.

## DISCLOSURES

Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph F provides: "Whenever a title entity provides the closing and settlement service that is in conjunction with the issuance of an owner's policy of title insurance, it shall update the title commitment from the date of issuance to be as reasonably close to the time of closing as permitted by the real estate records. Such update shall include all impairments of record at the time of closing or as close thereto as permitted by the real estate records. The title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all undisclosed matters that appear of record prior to the time of closing." Provided Commonwealth Title Insurance Company of Garfield County, Inc. conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued. This Notice is required by Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph G.

Pursuant to Colorado Division of Insurance Regulation 8-1-2, notice is hereby given that affirmative mechanic's lien protection for the prospective insured owner may be available upon compliance with the following conditions:

A. The land described in Schedule A of this Commitment must be a single family residence, which includes a condominium or townhouse unit. B. No labor or materials may have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months. C. The Company must receive appropriate affidavits indemnifying the Company against all unfiled mechanic's and materialmen's liens. D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary; or, at its option, the Company may refuse to delete the exception. No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph M.

Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given of the availability of a Closing Protection Letter which may, upon request, be provided to certain parties to the transaction.

Pursuant to C.R.S. §10-11-122, notice is hereby given that:

A) The subject real property may be located in a special taxing district; B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer's authorized agent; C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor; and D) The company will not issue its policy of policies of title insurance contemplated by the commitment until it has been provided a Certificate of Taxes due from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary

C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform.

Pursuant to C.R.S. §10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

If the transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. §39-22-604.5 (Nonresident withholding).

Pursuant to C.R.S. §38-35-125(2), no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right. Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph J. "Good Funds Law"

C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee and Section 38-35-109 (2) of the Colorado Revised Statutes, 1973, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

**SCHEDULE B - SECTION 2**

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Rights or claims of parties in possession not shown by the Public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the 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. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Any and all unpaid taxes, assessments and unredeemed tax sales.
7. Any lien or charge on account of the inclusion of subject property in an improvement district.
8. Any and all water rights, claims, or title to water, whether or not the matters excepted are shown by the public record.
9. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted and a right of way for ditches or canals as constructed by the authority of the United States, as reserved in United States Patent recorded July 9, 1891 in Book 12 at Page 76.
10. Terms and conditions of Town of New Castle, Colorado Ordinance No. 2000-20 approving a Final Subdivision Plan, Final Subdivision Plat, and Final Subdivision Improvement Agreement for Coal Ridge Industrial Subdivision recorded October 27, 2000 in Book 1214 at Page 691.
11. Terms and conditions of Water Well Community Sharing and Maintenance Declaration as described in document recorded October 27, 2000 in Book 1214 at Page 718.
12. Easements and terms and conditions described and set forth in Declaration of Private Roadway Easement and Maintenance Obligations as described in Document recorded October 27, 2000 in Book 1214 at Page 722.
13. Terms and conditions of West Divide Water Conservancy District Memorandum of Water Allotment Contract as described in document recorded April 22, 2002 in Book 1347 at Page 962.
14. Terms and conditions of Town of New Castle, Colorado Ordinance No. 2005-5 approving a Final PUD Development Plan and Final Subdivision Plat for Lot 3, Coal Ridge Industrial Subdivision as described in document recorded June 29, 2005 in Book 1701 at Page 60.
15. Easements, rights of way, plat notes and other matters as disclosed on the final plat of the Coal Ridge Industrial Subdivision Plat recorded October 27, 2000 as Reception No. 571484.
16. All oil, gas, carbon dioxide, helium, casing head gasoline, gas condensate, distillate, together with all coal, including lignite and subbituminous coal, coal bed gas and all other gaseous substances and all other minerals in and under or that may be produced from the land as conveyed to CB Minerals Company, LLC, and described in Deed recorded December 28, 1994 in Book 926 at Page 677 and any and all interests therein or assignments thereof.
17. Right of way for an overhead powerline as shown on the plat of Talbott Subdivision.
18. Terms and conditions of Annexation, Subdivision and Conditional use Agreement for Development of the Talbott Subdivision property recorded October 2, 1997 in Book 1036 at Page 654.
19. Terms and Conditions of Town of New Castle, Colorado Ordinance No. 2000-20 recorded October 27, 2000 in Book 1214 at Page 691.

(Continued)

**SCHEDULE B - SECTION 2  
(Continued)**

20. Non-exclusive Utility Easement granted to NTCH-Colorado, Inc. as described in Utility Easement Agreement recorded August 9, 2002 in Book 1376 at Page 915.
21. Easements, rights of way and other matters disclosed on the Talbott Subdivision Plat recorded September 30, 1997 as Reception No. 514384 and the Lot Boundary Adjustment Plat recorded October 27, 2000 as Reception No. 571485.
22. Easements, rights of way and all other matters shown on the Lot Boundary Adjustment Plat of Parcel "A" Talbott Subdivision recorded October 27, 2000 as Reception No. 571485.
23. Subdivision Improvement Agreement recorded October 27, 2000 in Book 1214 at Page 707.
24. Easement for access and utilities and lighting for the benefit of Parcel A Talbott Subdivision as shown on Preliminary Plan Lot A Talbott Subdivision and Tract A Coal Ridge Industrial Subdivision prepared by SurvCo, Inc. May 30, 2018.
25. All oil, gas, carbon dioxide, helium, casing head gasoline, gas condensate, distillate, together with all coal, including lignite and subbituminous coal, coal bed gas and all other gaseous substances and all other minerals in and under or that may be produced from the land as conveyed to CB Minerals Company, LLC, and described in Deed recorded December 28, 1994 in Book 926 at Page 677 and any and all interests therein or assignments thereof.
26. Right of way for an overhead powerline as shown on the plat of Talbott Subdivision.
27. Easements, rights of way and other matters disclosed on the Talbott Subdivision Plat recorded September 30, 1997 as Reception No. 514384 and the Lot Boundary Adjustment Plat recorded October 27, 2000 as Reception No. 571485.
28. Easements, rights of way and all other matters shown on the Lot Boundary Adjustment Plat of Parcel "A" Talbott Subdivision recorded October 27, 2000 as Reception No. 571485.
29. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof and the date on which all of the Schedule B, Part 1-Requirements are met.
30. Deed of Trust from Burning Mountain Land & Cattle, LLC and Talbott Enterprises, Inc., a Colorado corporation to the Public Trustee of Garfield County for the use of Alpine Bank, showing an original amount of \$150,000.00, dated April 11, 2014 and recorded April 25, 2014 as Reception No.848589.
31. Deed of Trust from Burning Mountain Land & Cattle, LLC to the Public Trustee of Garfield County for the use of Alpine Bank, showing an original amount of \$300,000.00, dated May 11, 2010 and recorded June 10, 2010 as Reception No.787100.
32. Deed of Trust from Burning Mountain Land & Cattle, LLC to the Public Trustee of Garfield County for the use of Alpine Bank, showing an original amount of \$100,567.00, dated May 11, 2010 and recorded June 10, 2010 as Reception No.787101.
33. Deed of Trust from Burning Mountain Land & Cattle, LLC to the Public Trustee of Garfield County for the use of Alpine Bank, showing an original amount of \$400,000.00, dated November 22, 2011 and recorded January 26, 2012 as Reception No.813746.

**NOTE: EXCEPTION(S) N/A WILL NOT APPEAR IN THE POLICY TO BE ISSUED HEREUNDER.**

The Owner's Policy of Title Insurance committed for in this Commitment, if any, shall contain, in addition to the Items set forth in Schedule B - Section 2, the following items:

- (1) The Deed of Trust, if any, required under Schedule B - Section 1. (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof. (3) any and all unpaid taxes, assessments and unredeemed tax sales.

NOTE: The policy (s) of insurance may contain a clause permitting arbitration of claims at the request of either the Insured or the Company. Upon request, the Company will provide a copy of this clause and the accompanying arbitration rules prior to the closing of the transaction.

## COMMONWEALTH TITLE COMPANY PRIVACY POLICY

### **We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

### **Applicability**

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

### **Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

### **Use of Information**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### **Former Customers**

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.







**Alpine Bank**

**New Castle**

810 Castle Valley Boulevard  
New Castle, Colorado 81647  
970-984-2600  
Fax 970-984-2551

7/19/2018

Town of New Castle  
450 West Main Street  
New Castle, CO 81647

**RECEIVED**  
JUL 19 2018  
TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT

**RE: Mr. T's Hardware Lot Line Adjustment**

**Mr. Tim Cain:**

Alpine Bank holds interest in the property located at 6300/ 6080 County Road 335 in New Castle as collateral and will need to authorize any lot line adjustments that take place.

Should you have any questions or need additional information please feel free to contact me at (970) 625-7293 or through email at [shelbibauer@alpinebank.com](mailto:shelbibauer@alpinebank.com).

Sincerely,

**Shelbi Bauer**  
Assistant Vice President



Administration Department  
(970) 984-2311  
Fax: (970) 984-2716  
www.newcastlecolorado.org

Town of New Castle  
PO Box 90  
450 W. Main Street  
New Castle, Co 81647

**CHECKLIST  
LOT SPLIT**

*(BEFORE lot line Adj)*

Authority: New Castle Municipal Code §§16.08.060 & 16.12.030

This is a helpful checklist and is not necessarily all inclusive for all Municipal Code requirements. It is still your responsibility to read and comply with all code requirements. All applications must include a non-refundable Application fee.

Signature *[Handwritten Signature]* Date 6-12-18

**The following items must be submitted to the Town Clerk:**

Development Application

Legal description of the existing lot or parcel proposed to be split

Name(s) and address(es) of owner(s) of the lot and the mineral estate owner(s) of the lot or parcel proposed to be split

*Burning Mtn Land & Rattle LLC - land  
CB Minerals Comp LLC - mineral*

Proof of ownership of the lot or parcel proposed to be split

Name(s) and address(es) of owner(s) of property within 250 feet of lot or parcel proposed to be split

A drawing, to scale, depicting:

The locations and boundaries of the proposed lots

All existing and proposed easements and rights-of-way, including descriptions thereof

An indication of all adjacent property uses

\$250.00 Non-refundable Application Fee

*MINERAL OWNERSHIP: CB MINERALS COMP. LLC  
70 Box 1827  
Pebble Beach CA 93953*

BEFORE SPLIT

Property Description: Amended Parcel A of Talbott Subdivision.

A tract of land being situated in the E 1/2 of section 31 and the SW 1/4 of section 32, Township 5 South, Range 90 West of the 6th Principal Meridian, said parcel being more particularly described as follows:

Beginning at the northeast corner of parcel A of the Talbott Subdivision according to the plat thereof as filed for record under reception No. 514384 of the records of the county of Garfield, said point of beginning being a rebar and plastic cap LS No. 26950 found in place from which the west 1/4 corner of section 32 bears N.03;24'41"W. 1341.35 feet; thence along the west line of the SW 1/4 of said section 32 S.03;24'41"E. 8.00 feet; thence along southerly right of way of Garfield County road No. 335 based upon the centerline as constructed and in place 275.21 feet along the arc of a non-tangent curve to the right having a radius of 2038.39 feet, a central angle of 07;44'08" and a chord which bears S.66;19'46"E. 275.00 feet; thence departing said right of way S.32;00'21"W. 433.19 feet to a point on the west line of said SW 1/4; thence N.03;24'41"W. along said west line a distance of 75.10 feet; thence departing said west line and along the southerly, westerly and northerly lines of said parcel A as platted on said Talbott Subdivision the following 10 (ten) courses: 1) N.56;35'40"W. 39.48 feet; 2) N.25;42'32"W. 133.67 feet; 3) N.83;58'47"W. 123.84 feet; 4) S.77;06'26"W. 123.61 feet; 5) N.77;31'17"W. 98.74 feet; 6) N.00;02'00"E. 359.68 feet; 7) S.78;53'14"E. 102.06 feet; 8) 62.09 feet along the arc of a non-tangent curve to the right, having a radius of 2038.39 feet, a central angle of 01; 44' 43", a chord which bears S.78;00'52"E. 62.09 feet; 9) S.79;07'18"E. 32.81 feet; 10) S.75;29'30"E. 220.00 feet; to the point of beginning.

Said tract of land containing 4.592 acres, more or less.

**Revised Parcel A Talbott Subdivision:**

A tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence along said East line N.03°24'41"W. 8.00 feet to a the Southerly line of said County road; thence along the Southerly line of said County road the following four courses:

- 1) thence N.75°29'30"W. 220.00 feet;
- 2) thence N.79°07'18"W. 32.81 feet;
- 3) thence 62.10 feet along the arc of a curve to the left having a radius of 2038.39 feet, a central angle of 01°44'44", and subtending a chord which bears N.78°00'52"W. 62.09 feet;

- 4) thence N.78°53'14"W. 102.06 feet to the Northwest corner of said Parcel A as platted; thence along the Westerly and Southerly boundary of said Parcel A the following four courses:

- 1) thence S.00°02'00"W. 359.68 feet;
- 2) thence S.77°31'17"E. 98.74 feet;
- 3) thence N.77°06'26"E. 123.61 feet;
- 4) thence S.83°58'47"E. 123.84 feet;

thence departing the Southerly boundary of said Parcel A N.14°09'11"E. 272.84 feet to the Point of Beginning.

Said tract of land contains 121,982 sq.ft. or 2.800 acres as described herein.



**Revised Tract A Coal Ridge Industrial Subdivision:**

A tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 and also being Tract A of the Coal Ridge Industrial subdivision according to the subdivision plat thereof as filed for record under Reception No. 571484 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line the following two courses:

1) thence S.25°42'32"E. 133.67 feet;

2) thence S.56°35'40"E. 39.48 feet to a point on the West line of said SW1/4; thence S.03°24'41"E. 75.10 feet along said West line to the Easterly line of said Tract A; thence N.31°00'32"E. 433.19 feet along said Easterly line to the Southerly line of said County road; thence along said Southerly line 275.21 feet along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09", and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning.

Said tract of land contains 78,054 sq.ft. or 1.792 acres as described herein.

Access and Utility Easement across Tract A Coal Ridge Industrial subdivision to Parcel A Talbott subdivision:

An easement for the purpose of access and utilities encumbering a tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384 and also being a portion Tract A of the Coal Ridge Industrial subdivision according to the subdivision plat thereof as filed for record under Reception No. 571484 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line S.25°42'32"E. 27.30 feet; thence N.14°09'11"E. 185.06 feet; thence along the arc of a curve to the right having a radius of 50.00 feet, a central angle of 97°57'19", and subtending a chord which bears N.63°07'51"E. 75.45 feet; thence along the arc of a curve to the right having a radius of 1988.39 feet, a central angle of 05°20'45", and subtending a chord which bears S.65°13'08"E. 185.45 feet to a point on the East line of said Tract A; thence along said East line N.31°00'32"E. 50.09 feet to a point on the Southerly line of said County road; thence 275.21 feet along said Southerly line along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09" and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning of the Easement described herein..

Said easement encumbers an area of 18,176 sq.ft. 0.417 acres as described herein.

After Split

Lighting standard easement across Tract A Coal Ridge Industrial subdivision to Parcel A Talbott subdivision:

An easement for the purpose of access to and maintenance of and access to a lighting standard encumbering a tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land being a portion of Parcel A of the Talbott subdivision according to the subdivision plat thereof as filed for record under Reception No. 514384, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 130.67 feet to the True Point of Beginning of the Easement described herein; thence S.75°50'49"E. 17.50 feet; thence S. 14°09'11"W. 10.00 feet; thence N.75°50'49"W. 17.50 feet; thence N.14°09'11"E. 10.00 feet to the True Point of Beginning of the Easement described herein.

Said easement encumbers an area of 175 sq.ft. or 0.004 acres as described herein.

BULLC Property  
from CF&I

BOOK 0926 PAGE 669

1

Recorded at 3:36 o'clock P M DEC 28 1994  
Reception No. 472582 MILDRED ALSDORF, RECORDER  
GARFIELD COUNTY, COLORADO

DEC 28 1994  
GARFIELD  
State Doc. Fee  
\$ 39.10

QUIT CLAIM DEED

New Castle Tract/ Garfield County, Colorado

THIS DEED is made this 22<sup>ND</sup> day of December, 1994, by and between Reorganized CF&I Steel Corporation, a Colorado corporation ("Grantor") and Burning Mountain Land & Cattle, L. L. C., a Colorado limited liability company whose address is 5178 County Road 335, New Castle, Colorado 81647 ("Grantee").

That Grantor, for and in consideration of the sum of Three Hundred Ninety Thousand and no/100 Dollars (\$390,000.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged does hereby remise, release, sell and quit claim unto Grantee, its successors and assigns forever, all Grantor's right, title and interest in and to the property situated in Garfield County, Colorado, described on Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the above-described property with all and singular the rights, privileges, and appurtenances thereunto belonging or in anywise thereto appertaining to Grantee, its successors and assigns forever.

Reorganized CF&I Steel Corporation, a Colorado corporation

By: J. David Houghton  
J. David Houghton, Responsible Officer

STATE OF COLORADO )  
) ss.  
COUNTY OF PUEBLO )

The foregoing instrument was acknowledged before me this 22<sup>ND</sup> day of December, 1994, by J. David Houghton as Responsible Officer of Reorganized CF&I Steel Corporation, a Colorado corporation.  
Witness my hand and official seal.

My commission expires: 1-24-96

QWAS46 END



Virginia Jimenez  
Notary Public

252  
372

RETURN TO:  
Stuver & George, P.C.  
Attn: Tom Stuver  
120 W. 3rd  
Rifle, CO 81650

EXHIBIT "A" to  
 QUIT CLAIM DEED  
 between Reorganized CF&I Steel Corporation and  
 Burning Mountain Land & Cattle, L. L. C.

County of Garfield, State of Colorado:

Township 5 South, Range 90 West, 6th P. M.

Section 31: Coal only in that part of N/2SW/4 lying south of north bank of Colorado River and also that part lying east of west bank of Elk Creek, less 4.897 acres to highway

Surface and minerals in that part of the SE/4NW/4 lying west of the west bank of Elk Creek, except the surface of 3.0 acres to S. E. Wilson in the SE/4NW/4 lying in the bend of abandoned Elk Creek channel described as follows: bounded on North, East and South by Elk Creek, as Elk Creek is located and shown on the plat of Town of New Castle dated June 24, 1887, and recorded in Plat Book 1 at Page 8 and 9, Garfield County records, and bounded on the West by the retaining wall along the easterly side of the present channel of Elk Creek as said retaining wall is now located and constructed.

Coal only under that part of SE/4NW/4 lying east of west bank of Elk Creek

Coal only under SW/4NE/4, NW/4SE/4

That part of N/2SW/4 lying west of west bank of Elk Creek and north of north bank of Colorado River,

except the surface of 5.921 acres of the Denver and Rio Grande Western Railroad Company,

except the surface of 2.43 acres to the Garfield County School District No. RE-2 as described in Quit Claim Deed from CF&I Steel Corporation dated November 11, 1976, and recorded November 12, 1976, in Book 490 at Page 253,

and except 5.463 acres of surface and minerals in N/2SW/4 lying north of the Colorado River to the Colorado Department of Highways by a Condemnation Rule and Order, Civil Action No. 6656, issued by the Garfield County District Court on December 2, 1977 and recorded January 17, 1978 in Book 505 at Page 14

S/2S/2 less .182 acres in SW/4SW/4 and .021 acres in SE/4SE/4 to highway

SW/4NW/4 less surface of 24.498 acres to School District RE-2

A-1



Township 5 South, Range 91 West, 6th P. M.

Section 26: S/2SE/4, SW/4

Section 27: S/2NE/4, NW/4, S/2

Section 28: E/2

Section 34: N/2NE/4

Section 35: N/2, N/2SE/4

Township 5 South, Range 91 West, 6th P. M.

Section 36: N/2, SW/4, NW/4SE/4

SW/4SE/4

less 8.102 acres of surface to the Denver and Rio Grande Western Railroad Company as described in Quit Claim Deed from CF&I Steel Corporation to the D&RGW Railroad dated July 20, 1967, and recorded in Book 391 at Page 192,

less 2.45 acres of surface lying southeasterly of the Colorado River as said river existed on March 1, 1965, to Harry A. Talbott and Margaret Talbott by Statutory Deed dated March 30, 1965, and recorded in Book 365 at Page 199,

less 3.128 acres of surface to the Colorado Department of Highways as described in a Special Warranty Deed from CF&I Steel Corporation to the Colorado Department of Highways dated October 1, 1970, and recorded in Book 414 at Page 466, and

subject to right of way to Mountain States Telephone & Telegraph for buried cable over .012 acres

NE/4SE/4

less .80 acres of surface to the Denver and Rio Grande Western Railroad Company as described in Quit Claim Deed from CF&I Steel Corporation to the D&RGW Railroad dated July 20, 1967, and recorded in Book 391 at Page 192, and

less 1.30 acres of surface to the Colorado Department of Highways as described in a Special Warranty Deed from CF&I Steel Corporation to the Colorado Department of Highways dated October 1, 1970, and recorded in Book 414 at Page 466

Township 6 South, Range 89 West, 6th P. M.

Section 27: Minerals only as reserved to Glenwood Springs over part of the SW/4NE/4, NWSE/4 (7.89 acres), SW/4NE/4 (.85 acres), SE/4NE/4 (.14 acres), NW/4SE/4 (1.48 acres), SW/4NE/4 (3.52 acres)

Township 6 South, Range 91 West, 6th P. M.

Section 2: NE/4SE/4, W/2SW/4

N/2

less 1.752 acres in Lots 1 and 2 to the Colorado Department of Highways by a Condemnation Rule and Order, Civil Action No. 6656, issued by the Garfield County District Court on December 2, 1977 and recorded January 17, 1978 in Book 505 at Page 14, and

less a parcel of land situated in Lot 1 conveyed to Leonard E. Rippy in Deed recorded May 29, 1990 in Book 780 at Page 189

Township 5 South, Range 91 West, 6th P. M.

Section 19: Oil and gas only in S/2NW/4, N/2SW/4, S/2SE/4

Section 29: Oil and gas only in NW/4NW/4

Section 30: Oil and gas only in NE/4NE/4

Township 5 South, Range 92 West, 6th P. M.

Section 23: Oil and gas only in NE/4NE/4

Section 24: Oil and gas only under all of section, less 4.82 acres in Grass Valley Reservoir in NE/4NE/4

Section 25: Oil and gas only in NW/4NE/4, N/2NW/4

Section 26: Oil and gas only in NE/4NE/4

Township 6 South, Range 90 West, 6th P. M.

Section 5: Oil and gas only in S/2SW/4

Section 6: Oil and gas only in S/2, S/2NE/4, SW/4NW/4, and south 25 feet of SE/4NW/4

Section 7: Oil and gas only in NE/4, N/2NW/4

Section 8: Oil and gas only in N/2, N/2SE/4, NE/4SW/4

Township 6 South, Range 90 West, 6th P. M.

Section 9: Oil and gas only in SW/4, S/2NW/4

Section 14: Oil and gas only in SW/4 and part of SE/4 lying south and west of Driscoll Vein

Section 15: Oil and gas only in NW/4

Section 16: Oil and gas only in N/2NE/4, NE/4NW/4

Section 23: Oil and gas only in NE/4, E/2NW/4

Section 24: Oil and gas only in N/2

**STUVER & LEMOINE, P.C.**  
**ATTORNEYS AT LAW**  
**120 WEST THIRD STREET**  
**P. O. BOX 907**  
**RIFLE, COLORADO 81650**

**THOMAS W. STUVER**

**DANIEL D. LEMOINE**

**TELEPHONE 970-625-1887**

**FAX 970-625-4448**

**December 15, 2000**

**Burning Mountain Land & Cattle, LLC**  
**Mr. Ross Talbott**  
**5178 County Road 335**  
**New Castle, Colorado 81647**

**Re: CB Minerals**

**Dear Ross:**

**Some time ago John Schenk submitted to me the enclosed letter and proposed Mineral Deed with supporting documentation. Due to press of time, I set it aside and expected that you would be in the office at some point so that I could address this matter with you in person.**

**I spoke with John the other day and he does request that the proposed deed be executed and returned. I reviewed the contract and the believe that John is correct in suggesting that Burning Mountain Land and Cattle, LLC is obligated complete the deeding of these mineral interests.**

**Please call me if you have any questions. If you find it to be appropriate, please execute the Deed in the presence of a notary and send it to me in the self addressed postage paid enclosed envelope so that I can present it to John.**

**Best Wishes for the Holiday Season.**

**.Very truly yours,**

**STUVER & GEORGE, P.C.**

  
**Thomas W. Stuver**

**TWS/nb**  
**Enclosures**

(5)

GARFIELD  
State Doc. Fee

\$ exp DEC 28 1994

**BARGAIN AND SALE DEED**

WARRANT

BURNING MOUNTAIN LAND AND CATTLE, LLC, Grantor, whose address is 5178 County Road 335, New Castle, Colorado, 81647, for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sells and conveys to CB MINERALS COMPANY LLC, Grantee; whose address is P.O. Box 1827, Pebble Beach, California, 93953, the following real property in the County of Garfield and State of Colorado, to wit:

Township 6 South, Range 91 West of the 6th P.M.

Section 2: N $\frac{1}{4}$  NE $\frac{1}{4}$  less that portion lying north of the right-of-way line of County Road 335, NW $\frac{1}{4}$

That portion of the W $\frac{1}{2}$  SW $\frac{1}{4}$  lying north and east of a line described as commencing at a point on the west boundary line of said W $\frac{1}{2}$ SW $\frac{1}{4}$  where the centerline of County Road 314 intersects said boundary line; thence southeasterly along the centerline of County Road 314 to the mid point of said W $\frac{1}{2}$ SW $\frac{1}{4}$ ; thence due south to the centerline of Alkali Creek; thence southeasterly along the centerline of Alkali Creek to the East boundary line of said W $\frac{1}{2}$ SW $\frac{1}{4}$

COUNTY OF GARFIELD  
STATE OF COLORADO

with all its appurtenances, however, reserving to Grantor an easement for a single sign on an area approximately thirty (30) feet square on the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 2, Township 6 South, Range 91 West of the 6th P.M. and in the immediate vicinity of the intersection of the I-70 overpass road and County Road 335. Grantor shall pay all costs of obtaining, erecting, and maintaining such sign and in the event of the termination of Seller's use of said sign, Seller shall remove same from the premises at which time this easement will terminate.

6W 2546 END

Together with fifty (50) shares of the Ware and Hinds Ditch which are also conveyed without warranty of title.

SIGNED this 23<sup>rd</sup> day of December, 1994.

BURNING MOUNTAIN LAND & CATTLE LLC

By: Ross L. Talbott  
Manager



STATE OF COLORADO )

) ss.

COUNTY OF GARFIELD )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of December, 1994, by Ross L. Talbott, as Manager of Burning Mountain Land & Cattle LLC.

WITNESS

My commission expires: 5/23/98

Margaret A. Jorgensen  
Notary Public



RETURN TO:  
Schenk, Kerst & DeWinter  
302 8th Street, Suite 310  
Glenwood Springs, CO 81601  
Attn: John Schenk

22

DEC 28 1994  
GARFIELD  
State Doc. Fee

**MINERAL DEED  
(BARGAIN AND SALE)**

\$ 15.75

1/15/73

KNOW ALL MEN BY THESE PRESENTS THAT Burning Mountain Land and Cattle LLC of 5178 County Road 335, New Castle, Colorado 81647, hereinafter called "Grantor", for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby sell, convey, transfer, assign and deliver unto CB Minerals Company LLC, a Colorado Limited Liability Company, whose address is P.O. Box 1827, Pebble Beach, California, 93953, hereinafter called "Grantee", all of the oil, gas, carbon dioxide, helium, casing head gasoline, gas condensate, distillate, together with all coal, including lignite and subbituminous coal, coal bed gas, all other gaseous substances and all other minerals (collectively referred to as "minerals") in and under and that may be produced from the following described lands situated in Garfield County, State of Colorado, to-wit:

See Exhibit "A" annexed hereto and incorporated herein by this reference

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together with the right of ingress and egress on the surface of such lands at all times for the purpose of prospecting, mining, drilling, exploring, operating and developing said lands for mineral production, all as described above, and the storage, handling, disposal, transportation and marketing of same therefrom. Grantee may use any mining and extraction methods deemed necessary or advisable by Grantee, without any liability on the part of Grantee, Grantee's heirs, successors, or assigns, for any damage that may result to the surface of said land whether by reason of development of roads, workings and other facilities or by reason of subsidence or any particular method of exploration for, mining, or removal of any such products from said land. Provided, however, no such rights to use the surface may be exercised in respect to that portion of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 31, Township 5 South, Range 90 West of the 6th P.M. lying north and west of the right-of-way of Garfield County Road 335 or those portions of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 36, Township 5 South, Range 91 West of the 6th P.M., lying south and east of the Tompkins Ditch, except that Grantee shall have a right of way for ingress, egress and utilities sixty feet in width along both the south and east lines of said Section 36 from Highway 6 and 24 to said Tompkins Ditch. Further provided that Grantee shall, to the extent reasonably possible, avoid building and improvements hereafter erected and if not avoidable, shall compensate the owner thereof for any physical damage thereto.

042546 END

Grantee shall have the right to develop and use new or additional surface or underground water from such lands in its exploration, development, and mineral activities provided that without the written permission of Grantor, Grantee shall not have the right to use water from wells, tanks, ditches, or reservoirs now controlled or hereafter drilled or constructed by Grantor.



This deed is made subject to any rights now existing to any lessee or assigns under any valid and subsisting oil and gas leases or coal leases of record heretofore executed; it being understood and agreed that said Grantee shall have, receive and enjoy the herein granted undivided interest in and to all bonuses, rents, royalties and other benefits which may accrue under the terms of said leases insofar as they cover the above described land from and after the date hereof, precisely as if the Grantee herein had been at the date of the making of said lease the owner of a similar undivided interest in and to the lands described and Grantee, the lessor therein.

Grantor agrees to execute such further assurances as may be requisite for the full and complete enjoyment of the rights herein granted and likewise agrees that Grantee herein shall have the right at any time to redeem for said Grantor by payment, any mortgage, taxes or other liens on the above described land, upon default in payment by Grantor, and be subrogated to the rights of the holder thereof.

TO HAVE AND TO HOLD, The above described property and easement with all and singular the rights, privileges and appurtenances thereunto or in any wise belonging to the said

RETURN TO:  
Schenk, Kerst & DeWinter  
302 8th Street, Suite 310  
Glenwood Springs, CO 81601





**EXHIBIT "A"**

County of Garfield, State of Colorado

Township 5 South, Range 90 West, 6th P.M.

Section 31: Coal only in part of N/2SW/4 lying south of north bank of Colorado River and east of west bank of Elk Creek, less 4.897 acres to highway

Surface and minerals in part of the SE/4NW/4 lying west of the west bank of Elk Creek, except the surface of 3.0 acres to D. C. Wilson in the SE/4NW/4 lying in the bend of abandoned Elk Creek channel described as follows: bounded on North, East and South by Elk Creek, as Elk Creek is located and shown on the plat of Town of New Castle dated June 24, 1887, and recorded in Plat Book 1 at Page 8 and 9, Garfield County records, and bounded on the West by the retaining wall along the easterly side of the present channel of Elk Creek as said retaining wall is now located and constructed.

Coal only under part of SE/4NW/4 lying east of west bank of Elk Creek

Coal only under SW/4NE/4, NW/4SE/4

Part of N/2SW/4 lying west of west bank of Elk Creek and north of north bank of Colorado River,

except the surface of 5.921 acres of the Denver and Rio Grande Western Railroad Company,

except the surface of 2.43 acres to the Garfield County School District No. RE-2 as described in Quit Claim Deed from CF&I Steel Corporation dated November 11, 1976, and recorded November 12, 1976, in Book 490 at Page 253,

and except 5.463 acres of surface and minerals in N/2SW/4 lying north of the Colorado River to the Colorado Department of Highways by a Condemnation Rule and Order, Civil Action No. 6656, issued by the Garfield County District Court on December 2, 1977 and recorded January 17, 1978 in Book 505 at Page 14

S/2S/2 less .182 acres in SW/4SW/4 and .021 acres in SE/4SE/4 to highway

SW/4NW/4 less surface of 24.498 acres to School District RE-2

Township 5 South, Range 91 West, 6th P.M.

Section 26: S/2SE/4, SW/4

Section 27: S/2NE/4, NW/4, S/2 :

Section 28: E/2 :

Section 34: N/2NE/4

Section 35: N/2, N/2SE/4

Section 36: N/2, SW/4, NW/4SE/4

SW/4SE/4

less 8.102 acres of surface to the Denver and Rio Grande Western Railroad Company as described in Quit Claim Deed from CF&I Steel

Corporation to the D&RGW Railroad dated July 20, 1967, and recorded in Book 391 at Page 192,

less 2.45 acres of surface lying southeasterly of the Colorado River as said river existed on March 1, 1965, to Harry A. Talbott and Margaret Talbott by Statutory Deed dated March 30, 1965, and recorded in Book 365 at Page 199,

less 3.128 acres of surface to the Colorado Department of Highways as described in a Special Warranty Deed from CF&I Steel Corporation to the Colorado Department of Highways dated October 1, 1970, and recorded in Book 414 at Page 466, and

subject to right of way to Mountain States Telephone & Telegraph for buried cable over .012 acres

**NE/4SE/4**

less .80 acres of surface to the Denver and Rio Grande Western Railroad Company as described in Quit Claim Deed from CF&I Steel Corporation to the D&RGW Railroad dated July 20, 1967, and recorded in Book 391 at Page 192, and

less 1.30 acres of surface to the Colorado Department of Highways as described in a Special Warranty Deed from CF&I Steel Corporation to the Colorado Department of Highways dated October 1, 1970, and recorded in Book 414 at Page 466

**Township 6 South, Range 89 West, 6th P.M.**

Section 27: Minerals only as reserved to Glenwood Springs over part of the SW/4NE/4, NW/4SE/4 (7.89 acres), SW/4NE/4 (.85 acres), SE/4NE/4 (.14 acres), NW/4SE/4 (1.48 acres), SW/4NE/4 (3.52 acres)

**Township 6 South, Range 91 West, 6th P.M.**

Section 2: NE/4SE/4, W/2SW/4

N/2

less 1.752 acres in Lots 1 and 2 to the Colorado Department of Highways by a Condemnation Rule and Order, Civil Action No. 6656, issued by the Garfield County District Court on December 2, 1977 and recorded January 17, 1978 in Book 505 at Page 14, and

less a parcel of land situated in Lot 1 conveyed to Leonard E. Rippy in Deed recorded May 29, 1990 in Book 780 at Page 189

**Township 5 South, Range 91 West, 6th P.M.**

Section 19: Oil and gas only in S/2NW/4, N/2SW/4, S/2SE/4

Section 29: Oil and gas only in NW/4NW/4

Section 30: Oil and gas only in NE/4NE/4

**Township 5 South, Range 92 West, 6th P.M.**

Section 23: Oil and gas only in NE/4NE/4

- Section 24: Oil and gas only under all of section, less 4.82 acres in Grass Valley Reservoir in NE/4NE/4
- Section 25: Oil and gas only in NW/4NE/4, N/2NW/4
- Section 26: Oil and gas only in NE/4NE/4

Township 6 South, Range 90 West, 6th P.M.

- Section 5: Oil and gas only in S/2SW/4
- Section 6: Oil and gas only in S/2, S/2NE/4, SW/4NW/4, and south 25 feet of SE/4NW/4
- Section 7: Oil and gas only in NE/4, N/2NW/4
- Section 8: Oil and gas only in N/2, N/2SE/4, NE/4SW/4

Township 6 South, Range 90 West, 6th P.M.

- Section 9: Oil and gas only in SW/4, S/2NW/4
- Section 14: Oil and gas only in SW/4 and part of SE/4 lying south and west of Driscoll Vein
- Section 15: Oil and gas only in NW/4
- Section 16: Oil and gas only in N/2NE/4, NE/4NW/4
- Section 23: Oil and gas only in NE/4, E/2NW/4
- Section 24: Oil and gas only in N/2

# Garfield County Assessor Data Site

Jim Yellico, 109 8th Street, Suite 207, Glenwood Springs, CO, 81601  
(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

*Property w/in  
250 ft.*

## Account Information

Account: R380875  
Parcel: 212331412002  
Owner Name: NEW CASTLE DUBOIS LLC  
Owner Address: PO BOX 783, NEW CASTLE, CO, 81647  
Property Address: 6100 335 COUNTY RD, NEW CASTLE  
Legal: Section: 31 Township: 5 Range: 90 Subdivision: TALBOTT SUBDIVISION Lot: PCL B AS AMD BY THE DUBOIS LOT LINE  
ADJ DESC AS LOT 2 OF AMD PLAT PARCEL B, TALBOTT SUB-DIV.  
Tax Area: 079  
Subdivision: TALBOTT SUBDIVISION

## Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
10/01/1997	WD				160,000

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	302,000	855,080	1,157,080	87,580	247,970	335,550
2017	302,000	855,080	1,157,080	87,580	247,970	335,550
2016	294,750	855,330	1,150,080	85,480	248,050	333,530

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*Property  
w/in 250 ft*

## Account Information

Account: R380397  
 Parcel: 212331411004  
 Owner Name: TRUSFAB, INC  
 Owner Address: 6181 COUNTY ROAD 335, NEW CASTLE, CO, 81647-9659  
 Property Address: 6181 335 COUNTY RD, NEW CASTLE  
 Legal: Section: 31 Township: 5 Range: 90 Subdivision: RIVERSIDE IND PARK 2ND AMD Lot: 4 AND:- Lot: 5  
 Tax Area: 038  
 Subdivision: RIVERSIDE IND PARK 2ND AMD

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	217,800	493,580	711,380	63,160	143,140	206,300
2017	217,800	493,580	711,380	63,160	143,140	206,300
2016	212,570	494,920	707,490	61,650	143,530	205,180

## Property Details

Model	Attribute Name	Attribute Value
COMM 0		
	ABSTRACT_CODE	CONTRACTING/SERVICE
	BUILDING_TYPE	CONTRTG/SER
	UNITS	1
	ACT_YEAR_BLT	1985
	FINBSMTAREA	0
	NEIGHBORHOOD	NEW CASTLE WAREHOUSES
	HEATEDAREA	0
	ACTUALAREA	6000
	BASEMENTAREA	0
	AREA_UNITS	2
	LIVEAREA	0
	ARCH_STYLE	WAREHOUSE
	FRAME	STEEL
	AIRCOND	NONE
	EXTERIOR_WALL	PREFAB MTL
	HEATING_FUEL	GAS
	HEATING_TYPE	UNIT HEATR
	INTERIOR_WALL	UNFINISHED
	ROOF_COVER	PREFAB-MET
	ROOF_STRUCTUR	PREFAB-MET
	STORIES	STORIES 1.0

*Property  
w/in 250 ft*

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### Account Information

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Account: R380478  
Parcel: 212331411006  
Owner Name: PLATZER FAMILY TRUST  
Owner Address: 3694 COUNTY ROAD 331, SILT, CO, 81652  
Property Address: 6091 335 COUNTY RD, NEW CASTLE  
Legal: Section: 31 Township: 5 Range: 90 Subdivision: RIVERSIDE IND PARK 2ND AMD Lot: 6  
Tax Area: 038  
Subdivision: RIVERSIDE IND PARK 2ND AMD

### Sales Information

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Date	Deed Type	Doc Number	Grantor	Grantee	Amount
11/30/1989	WD				36,900

### Taxable Values History

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Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	163,350	224,380	387,730	47,370	65,070	112,440
2017	163,350	224,380	387,730	47,370	65,070	112,440
2016	159,430	224,380	383,810	46,230	65,070	111,300

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*Property  
w/cu 250 ft*

## Account Information

Account: R380479  
 Parcel: 212331411007  
 Owner Name: HICKS, BONNIE L  
 Owner Address: 3351 TRAVER DRIVE, BROOMFIELD, CO, 80023  
 Property Address: 6061 335 COUNTY RD, NEW CASTLE  
 Legal: Section: 31 Township: 5 Range: 90 Subdivision: RIVERSIDE IND PARK 2ND AMD Lot: 7  
 Tax Area: 038  
 Subdivision: RIVERSIDE IND PARK 2ND AMD

## Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
12/16/1991	WD				20,000

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	268,150	222,380	490,530	77,760	64,490	142,250
2017	268,150	222,380	490,530	77,760	64,490	142,250
2016	264,620	222,380	487,000	76,740	64,490	141,230

## Property Details

Model	Attribute Name	Attribute Value
COMM 0		
	ABSTRACT_CODE	WAREHOUSE/STORAGE-IMPS
	BUILDING_TYPE	WHSE/STORGE
	UNITS	32
	ACT_YEAR_BLT	1993
	ACTUALAREA	3200
	HEATEDAREA	0
	FINBSMTAREA	0
	NEIGHBORHOOD	MISC. NEW CASTLE COMMERCIAL
	AREA_UNITS	1
	BASEMENTAREA	0
	LIVEAREA	0
	ARCH_STYLE	MINI STORG
	FRAME	STEEL
	AIRCOND	NONE
	EXTERIOR_WALL	PREFAB MTL
	HEATING_FUEL	NONE
	HEATING_TYPE	NONE
	INTERIOR_WALL	UNFINISHED
	ROOF_COVER	PREFAB-MET
	ROOF_STRUCTUR	PREFAB-MET
	STORIES	STORIES 1.0



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*Property  
w/in 250 ft.*

## Account Information

Account: R006638  
Parcel: 212332305001  
Owner Name: BRAMCO, LLC A COLORADO LIMITED LIABILIT  
Owner Address: PO BOX 737, NEW CASTLE, CO, 81647-9646  
Property Address: 6420 335 COUNTY RD, NEW CASTLE  
Legal: Section: 32 Township: 5 Range: 90 Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV. Lot: 1  
Tax Area: 079  
Subdivision: COAL RIDGE INDUSTRIAL SUB-DIV.

## Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
12/04/2000	WD	573101	TALBOTT ENTERPRISES, INC.	BRAMCO, LLC A COLORADO L...	259,200
08/27/2000	WD				580,000

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	338,840	1,330,700	1,669,540	98,260	385,900	484,160
2017	338,840	1,330,700	1,669,540	98,260	385,900	484,160
2016	368,960	1,198,600	1,567,560	107,000	347,590	454,590

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*Property  
w/in 250 ft*

## Account Information

Account: R380480  
Parcel: 212332300122  
Owner Name: NEW CASTLE, TOWN OF  
Owner Address: PO BOX 90, NEW CASTLE, CO, 81647-0166  
Property Address: 6051 335 COUNTY RD, NEW CASTLE  
Legal: Section: 32 Township: 5 Range: 90 TR IN NWSW & SWSW BEG.AT PT.ON SLY LINE COLO.RIVER  
Tax Area: 038  
Subdivision:

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	18,000		18,000	5,220		5,220
2017	18,000		18,000	5,220		5,220
2016	18,000		18,000	5,220		5,220

## Property Details

Model	Attribute Name	Attribute Value
LAND 0		
	ABSTRACT_CODE	EXEMPT-POLITICAL SD-LAND
	AREA_ACRES	3.349
	AREA_SQFT	0
	NEIGHBORHOOD	NEW CASTLE EXEMPT PROPERTIES

# Garfield County Assessor Data Site

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(P) 970.945.9134 | (F) 970.945.3953 | (E) jyellico@garfield-county.com

*Subject  
Property*

## Account Information

Account: R380874  
Parcel: 212331412001  
Owner Name: BURNING MOUNTAIN LAND & CATTLE LLC  
Owner Address: 5175 COUNTY ROAD 335, NEW CASTLE, CO, 81647  
Property Address: 6080 335 COUNTY RD, NEW CASTLE  
Legal: Section: 31 Township: 5 Range: 90 Subdivision: TALBOTT SUBDIVISION PAECCEL A ALSO A TR OF LAND CONT. 1.376 AC. AS DESC IN REC 571485 AKA TR A, COAL RIDGE INDUSTRIAL SUD-DIV.  
Tax Area: 079  
Subdivision: TALBOTT SUBDIVISION

## Sales Information

Date	Deed Type	Doc Number	Grantor	Grantee	Amount
12/04/2000	QCD	574418	BURNING MOUNTAIN LAND & C...		560,000
10/27/2000	WD	571486			580,000

## Taxable Values History

Year	Land Actual	Imp Actual	Total Actual	Land Assessed	Imp Assessed	Total Assessed
2018	360,050	559,910	919,960	104,410	162,370	266,780
2017	360,050	559,910	919,960	104,410	162,370	266,780
2016	351,410	559,910	911,320	101,910	162,370	264,280

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## Property Details

Model	Attribute Name	Attribute Value
<b>COMM 0</b>		
	ABSTRACT_CODE	MERCHANDISING-IMPROVEMENT
	UNITS	1
	BUILDING_TYPE	WHSE/STORGE
	ACT_YEAR_BLT	1999
	ACTUALAREA	16000
	FINBSMTAREA	0
	NEIGHBORHOOD	NEW CASTLE WAREHOUSES
	HEATEDAREA	10000
	AREA_UNITS	1
	BASEMENTAREA	0
	LIVEAREA	10000
	ARCH_STYLE	WAREHOUSE
	FRAME	STEEL
	AIRCOND	CENTRAL
	EXTERIOR_WALL	PREFAB MTL
	HEATING_FUEL	GAS
	HEATING_TYPE	FORCED AIR
	INTERIOR_WALL	MINIMUM
	INTERIOR_WALL	DRYWALL
	ROOF_COVER	PREFAB-MET
	ROOF_STRUCTURE	PREFAB-MET
	STORIES	STORIES 1.0
<b>LAND 0</b>		
	ABSTRACT_CODE	MERCHANDISING-LAND
	AREA_ACRES	4.592
	AREA_SQFT	0
	NEIGHBORHOOD	NEW CASTLE WAREHOUSES
	ADJ1	60
	ADJ2	60

AFTER  
REVISED 9/10/18

Parcel A Talbott Subdivision (as amended):

A tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485 of the records of said County, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence along said East line N.03°24'41"W. 8.00 feet to a the Southerly line of said County road; thence along the Southerly line of said County road the following four courses:

- 1) thence N.75°29'30"W. 220.00 feet;
- 2) thence N.79°07'18"W. 32.81 feet;
- 3) thence 62.10 feet along the arc of a curve to the left having a radius of 2038.39 feet, a central angle of 01°44'44", and subtending a chord which bears N.78°00'52"W. 62.09 feet;

4) thence N.78°53'14"W. 102.06 feet to the Northwest corner of said Parcel A as platted; thence along the Westerly and Southerly boundary of said Parcel A the following four courses:

- 1) thence S.00°02'00"W. 359.68 feet;
  - 2) thence S.77°31'17"E. 98.74 feet;
  - 3) thence N.77°06'26"E. 123.61 feet;
  - 4) thence S.83°58'47"E. 123.84 feet;
- thence departing the Southerly boundary of said Parcel A N.14°09'11"E. 272.84 feet to the Point of Beginning.

Said tract of land contains 121,982 sq.ft. or 2.800 acres as described herein.

AFTER  
REVISED 9/10/18

Parcel A-1 Talbott Subdivision:

A tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line the following two courses:

- 1) thence S.25°42'32"E. 133.67 feet;
- 2) thence S.56°35'40"E. 39.48 feet to a point on the West line of said SW1/4; thence S.03°24'41"E. 75.10 feet along said West line to the Easterly line of said Tract A; thence N.31°00'32"E. 433.19 feet along said Easterly line to the Southerly line of said County road; thence along said Southerly line 275.21 feet along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09", and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning.

Said tract of land contains 78,054 sq.ft. or 1.792 acres as described herein.



AFTER  
REVISED 9/10/18

Access, Utility and Drainage Easement:  
(Benefitting Parcel A as amended)

An easement for the purpose of access, utilities and drainage encumbering a tract of land being situated in the SE1/4 of Section 31 and the SW1/4 Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land lying Southerly of Garfield County Road No. 335 and being a portion of Parcel A of the Talbott subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 272.84 feet to a point on the Southerly line of said Parcel A; thence along said Southerly line S.25°42'32"E. 27.30 feet; thence N.14°09'11"E. 185.06 feet; thence along the arc of a curve to the right having a radius of 50.00 feet, a central angle of 97°57'19", and subtending a chord which bears N.63°07'51"E. 75.45 feet; thence along the arc of a curve to the right having a radius of 1988.39 feet, a central angle of 05°20'45", and subtending a chord which bears S.65°13'08"E. 185.45 feet to a point on the East line of said Parcel A; thence along said East line N.31°00'32"E. 50.09 feet to a point on the Southerly line of said County road; thence 275.21 feet along said Southerly line along the arc of a non-tangent curve to the left having a radius of 2038.39 feet, a central angle of 07°44'09" and subtending a chord which bears N.66°19'35"W. 275.00 feet to the Point of Beginning of te Easement described herein..

Said easement encumbers an area of 18,176 sq.ft. 0.417 acres as described herein.

AFTER  
REVISED 9/10/12

Lighting standard easement:  
(Benefitting Parcel A as amended)

An easement for the purpose of access to and maintenance of a lighting standard encumbering a tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, said tract of land being a portion of Parcel A of the Talbott subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E. 1207.64 feet, said Southeast corner being a 2-1/2" iron pipe with 3-1/4" brass cap PLS No. 13501 being found in place; thence S.14°09'11"W. 130.67 feet to the True Point of Beginning of the Easement described herein; thence S.75°50'49"E. 17.50 feet; thence S. 14°09'11"W. 10.00 feet; thence N.75°50'49"W. 17.50 feet; thence N.14°09'11"E. 10.00 feet to the True Point of Beginning of the Easement described herein.

Said easement encumbers an area of 175 sq.ft. or 0.004 acres as described herein.







**Final Plat**

**A Re-subdivision of Parcel A, Talbot Subdivision**

Situated in the SE1/4 of Section 31 and the SW1/4 of Section 32  
Township 5 South, Range 90 West of the 6th P.M.

TOWN OF NEW CASTLE  
COUNTY OF GARFIELD, STATE OF COLORADO

Parcel A Talbot Subdivision (as amended):

A tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the County of Garfield, State of Colorado, and being a portion of Parcel A of the Talbot subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485 of the records of said County, said tract of land being more particularly described as follows:

- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:

Parcel A-1 Talbot Subdivision:

A tract of land being situated in the SE1/4 of Section 31 and the SW1/4 of Section 32, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, and being a portion of Parcel A of the Talbot subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

- 1) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:

Lighting standard easement:  
(Benefitting Parcel A as amended)  
An easement for the purpose of access to and maintenance of a lighting standard encumbering a tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, and being a portion of Parcel A of the Talbot subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:

Said easement encumbers an area of 18.176 sq.ft., 0.417 acres as described herein.

Lighting standard easement:  
(Benefitting Parcel A as amended)  
An easement for the purpose of access to and maintenance of a lighting standard encumbering a tract of land being situated in the SE1/4 of Section 31, Township 5 South, Range 90 West of the 6th P.M., County of Garfield, State of Colorado, and being a portion of Parcel A of the Talbot subdivision according to the lot boundary adjustment plat thereof as filed for record under Reception No. 571485, said tract of land being more particularly described as follows:

Beginning at a point on the East line of said SE 1/4 from whence the Southeast corner of said Section 31 bears S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:
- 1) Hence N.75°29'30"W, 220.00 feet;
- 2) Hence S.03°24'41"E, 1207.64 feet, said Southeast corner being a 2-1/2" brass cap on a 3-1/4" brass Southwesterly line of said County road; hence along the Southwesterly line of said County road the following four courses:

Said easement encumbers an area of 175 sq.ft., or 0.004 acres as described herein.

Title insurance company or attorney's certificate:  
I, \_\_\_\_\_, does hereby certify that \_\_\_\_\_ has examined the title to all lands dedicated and shown upon this plat, and title to such lands is in the dedicator free and clear of all liens, taxes, and encumbrances except as follows:

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

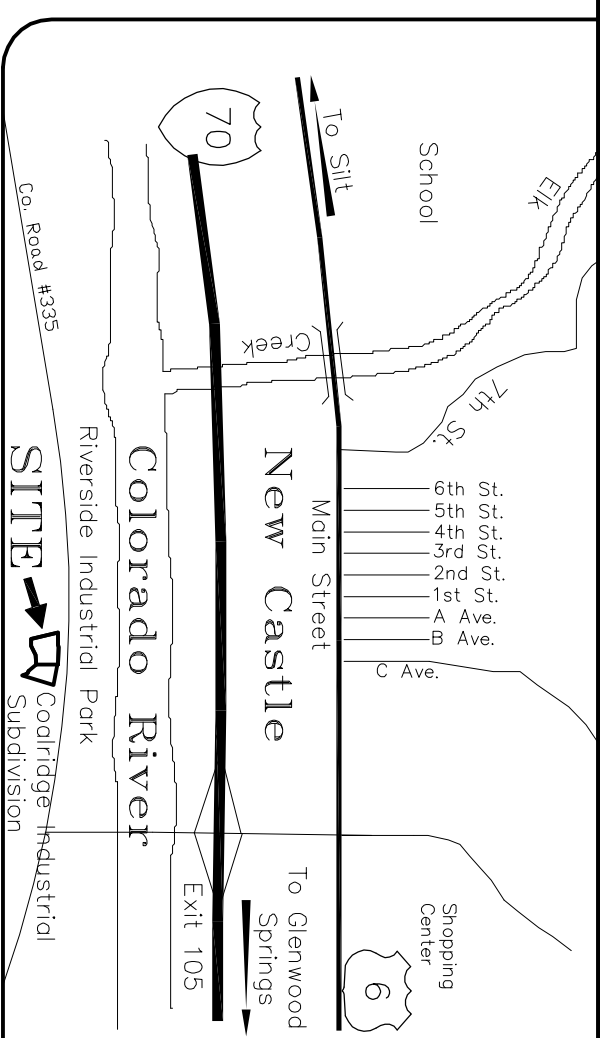
By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_

By \_\_\_\_\_ Title or Attorney License No. \_\_\_\_\_



VICINITY MAP  
Not to Scale

CURVE TABLE

Curve No.	Arc Length	Radius	Central Angle	Chord Bearing	Chord Distance	Tangent Distance
C1	275.21	2038.39	6°08'13.53"	N68°10'53.70"W	275.00	137.01
C2	275.21	1744.82	N67°51'19"	N67°51'19"	275.00	137.01
C3	85.46	50.00	97°57'19"	S63°07'51.70"W	75.45	57.47
C4	185.52	1988.39	5°20'44"	N65°13'08.70"W	185.45	92.83

LINE TABLE

Line No.	Bearing	Length
L1	N03°24'41"E	8.00'
L2	N29°02'18"W	32.81'
L3	N29°50'09"W	17.50'
L4	S75°50'49"E	17.50'

Lot 6 Riverside Industrial Park  
Payer Family Trust  
3694 Co. Rd. No. 331  
Silt, CO.  
81552

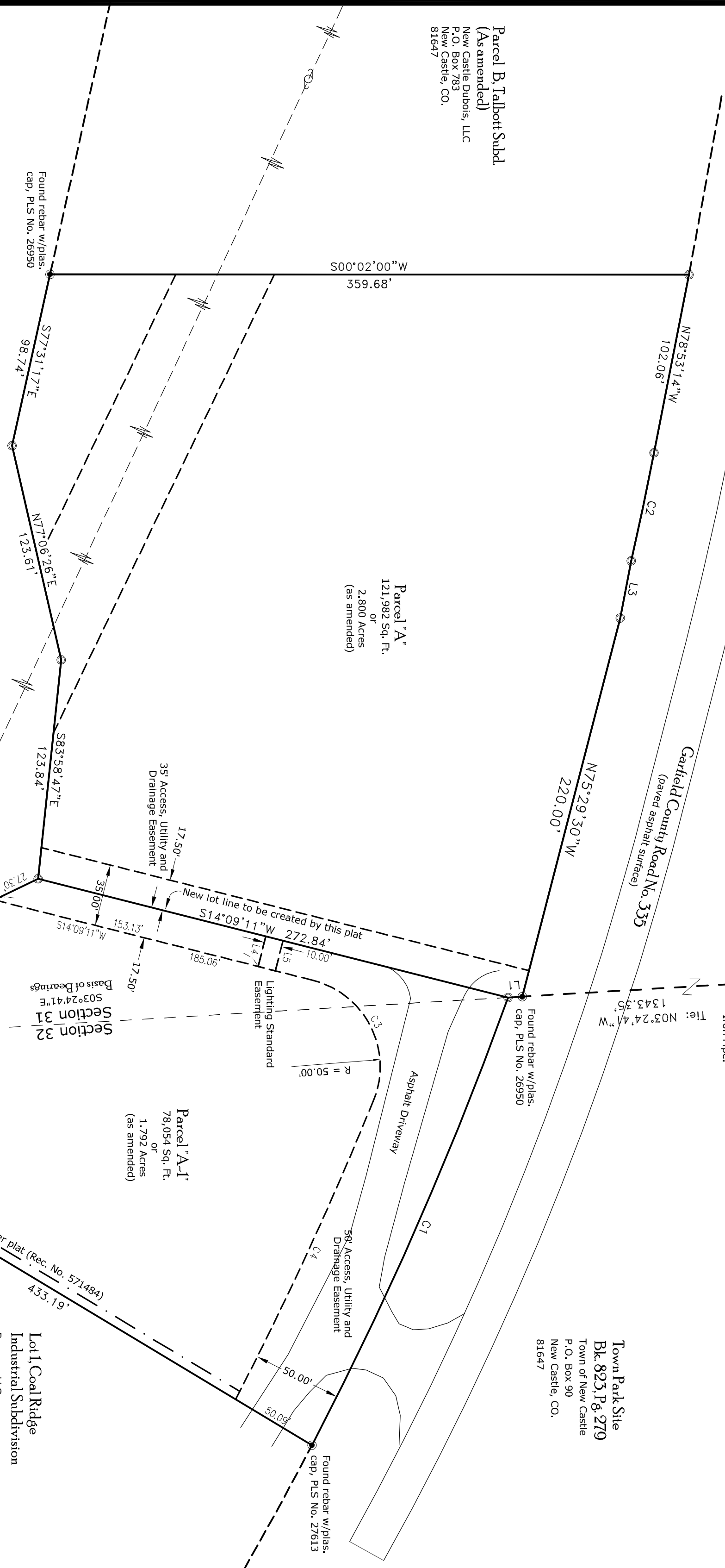
Lot 7 Riverside Industrial Park  
Bonnie L. Hicks  
3351 Traver Drive  
Broomfield, CO.  
80023

Found rebar w/brass cap, PLS No. 26950  
Bears N.03°24'41"W, 8.00'  
From Pipe.

Town Park Site  
Blk. 823, Pg. 270  
P.O. Box 90  
New Castle, CO.  
81647

Parcel B Talbot Subd  
(As amended)  
New Castle, CO.  
81647

Parcel A  
121,982 Sq. Ft.  
2.800 Acres  
(as amended)



**Surveyor's certificate:**

I, Samuel D. Phelps, do hereby certify that I am a licensed land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of the final plat of Parcel A, Talbot Subdivision, and that the same has been prepared and shown to me and under my supervision and control, that such plat was made from an accurate survey of said property by me and under my supervision and control, that such plat was made from a true and correct copy of the original plat of said subdivision as the same are shown upon the ground in compliance with regulations governing the subdivision of land.

In witness whereof I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_

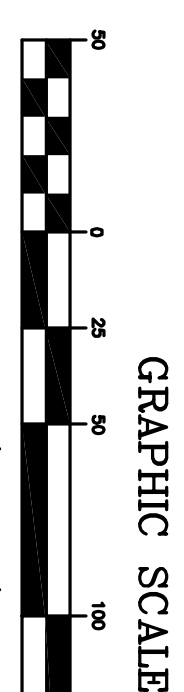
BY: Samuel D. Phelps  
Professional Land Surveyor  
Land Surveyor No. 27613  
For and on behalf of SurveyCo, Inc.  
A Colorado corporation  
NOTICE: In accordance with C.R.S. 1-36-103



According to Colorado law 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 shown hereon.

- 1) This survey does not represent a title search by the land surveyor or survey company to determine easements or other encumbrances of record, all information pertaining to easements or other encumbrances of record has been taken from a title insurance commitment issued by Commonwealth Title of Garfield County, Inc., the insurance commitment No. \_\_\_\_\_.
- 2) This survey is based on the following documents:
  - a) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - b) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - c) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - d) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - e) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - f) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - g) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - h) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - i) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - j) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - k) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - l) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - m) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - n) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - o) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - p) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - q) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - r) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - s) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - t) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - u) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - v) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - w) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - x) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - y) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)
  - z) Lot Boundary Adjustment Plat of Parcel A, Talbot Subdivision (Rec. No. 571485)

- 3) Bearings as shown hereon are based upon a record bearing of N03°24'41"E for the East line of the SE1/4 of Section 31, T. 5 S., R. 90 W. of the 6th P.M.
- 4) All measurements were taken on the ground by the land surveyor or survey company.
- 5) This plat has been prepared pursuant to client request to create the two individual lots as depicted hereon and does not represent an "Improvement Survey" or "Improvement Location Survey".
- 6) Date of final plat: 08/18/2018



Indicates 1/8" No. 5 rebar with plastic cap, PLS No. 27613 to be set.

Sheet 1 of 1

NO.	BY	DATE	REVISION DESCRIPTION
1	SB	08-18-18	Rev. Landholder consent per All Comments
2	SB	09-11-18	misc. revs.
3	SB	09-14-18	misc. revs.

Client: Burning Mountain Land and Cattle, LLC  
Date: Aug. 18, 2018  
Job No.: 98,068  
Drawn By: S. Phelps

Certificates of dedication and easements:  
Know all men by these presents that Burning Mountain Land and Cattle, LLC, A Colorado Limited Liability Company being sole owner in fee simple of all that real property described as follows:

Parcel A, Talbot Subdivision  
according to the boundary adjustment plat thereof as filed for record Oct. 27, 2000 under Reception No. 571485 and containing 4,592 acres, more or less; have by these presents laid out, platted and subdivided the same into lots and blocks as shown hereon and designate the same as the final plat of a Re-subdivision of Parcel A, Talbot Subdivision, County of Garfield, Colorado, for public use the streets shown hereon, including easements, ditches, easements, and alleys; the public lands shown hereon for their indicated public use and the utility and drainage easements shown hereon for utility and drainage purposes only.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_

BY: Russell Talbot, Manager  
Burning Mountain Land and Cattle, LLC  
A Colorado Limited Liability Co.  
STATE OF COLORADO  
COUNTY OF GARFIELD ss.  
TOWN OF NEW CASTLE

The foregoing dedication was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_ by  
Russell Talbot, Manager, Burning Mountain Cattle, LLC.  
WITNESS MY HAND AND SEAL

Notary Public  
My commission expires: \_\_\_\_\_

Town council certificate:  
This plat approved by the Town Council of the Town of New Castle, Garfield County, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_ for filing with the Clerk and Recorder of Garfield County and for conveyance to the Town of the public dedications shown hereon, subject to the provision that approval in no way obligates the Town of New Castle for financing or constructing of improvements on lands, streets or easements dedicated to the public except as specifically agreed to by the Town Council.

Mayor  
Witness my hand and the seal of the Town of New Castle.

Attest:  
Town Clerk

Professional Land Surveying Services  
"Serving Western Colorado since 1991"  
Glennwood Springs, CO. 81602-2782  
Post Office Box 2782  
Phone: (970) 943-8943 Email: surveyco@rmail.com

# *Burning Mountain Land and Cattle*

*a Colorado Limited Liability Company*

*5175 County Road 335, #401, New Castle, CO 81647 970-984-2943*

*Russell L. Talbott*  
*Manager*

*Ross M. Talbott*  
*Ross L. Talbott*

July 23, 2018

Town of New Castle  
PO Box 90  
New Castle, Co 81647

Re: Boundary Line Adjustment.

To Whom It May Concern,

It is desired for the betterment of all properties involved to adjust boundary lines of parcel #212331412001 which is currently approximately 4.592 acre, which is the location of Mr. T's Hardware so as to accommodate a second parcel that may allow for a second unrelated business. Following this lot split, Parcel A will contain the Mr. T's store building and lumber shed and will be approximately 2.800 acre, Tract A will then be the second parcel and contain approximately 1.792 acre and lie to the east of the Mr. T's store building.

It is our desire to retain the lot that currently contains the store building and lumber storage shed and to sell the Tract A to allow for a second business on this location.

Mr. T's Hardware and Building Supply is located at 6300 County Road 335, New Castle, Colorado.

Thank you for your consideration and assistance in this transaction.

Sincerely,

Russell Talbott, Manager





Town of New Castle  
450 W. Main Street  
PO Box 90

Building, Planning & Code Administration Department  
Phone: (970) 984-2311  
Fax: (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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**Staff Report**  
**Burning Mountain Land & Cattle, LLC Lot Split**  
**New Castle Planning and Zoning Commission – Hearing – October 10, 2018**

Report Date: 9/12/18

**Project Information**

**Name of Applicant:** Burning Mountain Land & Cattle, LLC (C/O Russell Talbott)

**Applicant's Address/Phone:** 5175 CR 335 #401, New Castle, CO 81647. Telephone 970.984.2943

**Property Address:** 6300 CR 335, New Castle, CO 81647

**Property Owner:** Burning Mountain Land & Cattle, LLC

**Owner Address/Phone** 5175 CR 335 #401, New Castle, CO 81647. Telephone: 970.989.5278

**Municipal Code Reference:** Chapter 16.12.030 – Lot Splits

**Street Frontage:** CR 335

**Existing Zoning:** Industrial

**Surrounding Zoning:** South – County-Rural, East – Industrial, West – Industrial

**I Description of Application:**

This application is a request for a lot split that will create a new parcel in the Industrial Zone District located south of the Colorado River and west of the 105 Interchange.

*A lot split is defined as a subdivision of a single lot, tract, or parcel of land, or parcel into no more than two lots or condominium units.*

The property at issue is Mr. T's hardware & building supply store. Mr. T's will remain as is except for a newly created lot east of the main building. This area is currently used for storage of building supplies.

**II Development Application Contents:**

1. Development Application
2. Cover letter

3. Proposed "Special Warranty Deed"
4. Burning Mountain Land & Cattle, LLC Title Commitments
5. Map (Plat)
6. Alpine Bank letter
7. Checklist/lot split - Mineral Rights Owner
8. Legal description Amended Parcel A Talbott Subdivision (before lot split)
9. Legal description Revised Parcel A Talbott Subdivision (after lot split)
10. Legal description Revised Tract A-1 (after lot split)
11. Access & Utility Easement across Tract-1 for the benefit of Parcel A Talbott Subdivision (after lot split)
12. Lighting standard easement across Tract-1 for the benefit of Parcel A Talbott subdivision (after lot split)
13. Quit Claim Deed & Exhibit A (1)
14. Quit Claim Deed & Exhibit A (2)
15. Mineral Deed (Bargain And Sale Deed)
16. Letter from Stuver & Lemoine
17. Mineral Deed (Bargain And Sale) & Exhibit A
18. Property owners within 250 feet
19. Revised legal descriptions for #8 – #12 above

**III 16.12.030 - Lot split Municipal Code requirements/comments:**

1. Development Application

**Comment: Applicant submitted a complete application**

2. Legal description of the existing lot or parcel proposed to be split

**Comment: Applicant submitted legal description of Parcel "A" before the lot split and Parcels A and A-1 after the lot split.\* At the request of Town attorney, the title of the Final Plat is now "A Re-subdivision of Parcel A Talbott Subdivision".**

\*Parcel A-1 is referred to in some of the Application materials as "Tract A Coal Ridge Subdivision." At the Town attorney's request, Parcel A-1 is now used to refer to the lot created through the proposed lot split instead of "Tract A."

3. Name(s) and address(es) of owner(s) of the lot and the mineral estate owner(s) of the lot or parcel proposed to be split

**Comment: Applicant provided documents identifying ownership of Parcel A.**

**Applicant supplied numerous documents regarding mineral rights owners.**

4. Proof of ownership of the lot or parcel proposed to be split

**Comment: Applicant has submitted documents applicable to ownership of Parcel A.**

**There is included in the application packet a proposed deed between the prospective buyers/owners of Parcel A-1.**

5. Name(s) and address(es) of owner(s) of property within 250 feet of lot or parcel proposed to be split

Comment: This information was provided by the applicant

6. A drawing, to scale, depicting:

a. The locations and boundaries of the proposed lots

*Comment:* The Final Plat depicts location and boundaries

b. All existing and proposed easements and rights-of-way, including descriptions thereof

*Comment:* All are included on the Final Plat

c. An indication of all adjacent property uses

*Comments:* Depicted on the Final Plat

**IV Discussion:**

The contents of this application for a Lot Split is all that is needed to process and approve the application. The only caveat is new lots created in the Industrial Zone district must meet the minimum square footage allowed and the new lot complies with that requirement. Since there is no proposed structure on this new lot, setbacks, maximum building height, and other text requirements are not required to be reviewed for compliance. There doesn't appear to be controversial issues associated with this application.

**Mr. T's**



**Mr. T's storage yard**



**Mr. T's storage yard**



**V Staff Recommendation:**

The staff recommends approval of the Burning Mountain Land & Cattle, LLC Lot Split with the following conditions:

1. 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
2. All representations of the Applicant in written Application materials and in verbal presentations submitted to the Town or made at public hearings before the Planning Commission or Town Council and reflected in the minutes thereof shall be considered part of the Application and binding on the Applicant





Mr. T's Hardware & Building Supply

*True Value*

TEI SUPPLY

Your Project Partner

Electrical

























**TOWN OF NEW CASTLE, COLORADO  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ 2018-04**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION RECOMMENDING APPROVAL OF A LOT SPLIT OF  
PROPERTY LOCATED AT 6300 CR 335 IN THE TOWN OF NEW CASTLE.

WHEREAS, on June 22, 2018, Burning Mountain Land & Cattle, LLC (“Applicant”) submitted a lot split application (“Application”) regarding the property located at 6300 CR 335, New Castle, Colorado, and legally described in Exhibit A hereto (“Property”); and

WHEREAS, Applicant owns the Property; and

WHEREAS, Applicant seeks to divide the Property into two parcels as shown on the proposed final plat attached as Exhibit B; and

WHEREAS, pursuant to § 16.12.030(B) of the New Castle Municipal Code (“Code”), the New Castle Planning and Zoning Commission (“Commission”) held a duly-noticed public hearing on October 10, 2018, to consider the Application; and

WHEREAS, based on the Application and the testimony, 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. Recommendation. The Planning and Zoning Commission hereby recommends that the Town Council approve the Application pursuant to § 16.12.030 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 or Town Council 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;

THIS RESOLUTION PZ 2018-04 was adopted by the New Castle Planning and Zoning Commission by a vote of \_\_ to \_\_ on the 10<sup>th</sup> day of October, 2018.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

\_\_\_\_\_  
Mindy Andis CMC, Deputy Town Clerk



**EXHIBIT A**  
Legal Description

The property that is the subject of the Application described in Resolution PZ 2018-4 is legally described as follows:

A tract of land being situated in the E 1/2 of section 31 and the SW 1/4 of section 32, Township 5 South, Range 90 West of the 6<sup>th</sup> Principal Meridian, said parcel being more particularly described as follows:

Beginning at the northeast corner of parcel A of the Talbott Subdivision according to the plat thereof as filed for record under reception No. 514384 of the records of the County of Garfield, said point of beginning being a rebar and plastic cap LS No. 26950 found in place from which the west 1/4 corner of section 32 bears N. 03°24'41"W. 1341.35 feet; thence along the west line of the SW 1/4 of said section 32 S.03°24'41"E. 8.00 feet; thence along southerly right of way of Garfield County road No. 335 based upon the centerline as constructed and in place 275.21 feet along the arc of a non-tangent curve to the right having a radius of 2038.39 feet, a central angle of 07°44'08" and a chord which bears S. 66°19'46"E. 275.00 feet; thence departing said right of way S. 32°00'21"W. 433.19 feet to a point on the west line of said SW 1/4; thence N. 03°24'41"W. along said west line a distance of 75.10 feet; thence departing said west line and along the southerly, westerly and northerly lines of said parcel A as platted on said Talbott Subdivision the following 10 (ten) courses: 1) N. 56°35'40"W. 39.48 feet; 2) N. 25°42'32"W. 133.67 feet; 3) N. 83°58'47"W. 123.84 feet; 4) S. 77°06'26"W. 123.61 feet; 5) N. 77°31'17"W. 98.74 feet; 6) N. 00°02'00"E. 359.68 feet; 7) S. 78i53°14"E. 102.06 feet; 8) 62.09 feet along the arc of a nontangent curve to the right, having a radius of 2038.39 feet, a central angle of 01° 44' 43", a chord which bears S. 78°00'52"E. 62.09 feet; 9) S. 79°07'18"E. 32.81 feet; 10) S. 75°29'30"E. 20.00 feet; to the point of beginning.

Said tract of land containing 4.592 acres, more or less, County of Garfield, State of Colorado

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5  
6 **New Castle Planning and Zoning Commission Meeting**  
7 **Wednesday, July 25, 2018, 7:00p.m., Town Hall**

8  
9 **Call to Order**

10 Commissioner Bourquin called the meeting to order at 7:02pm.

11  
12 **Roll Call**

13 Present Chair Apostolik – arrived 7:10pm  
14 Commissioner Bourquin  
15 Commissioner Johannsson  
16 Commissioner Lucio  
17 Commissioner Ruggles  
18 Commissioner Sass

19  
20 Absent Commissioner Leland

21  
22 Also present at the meeting were Town Administrator Dave Reynolds, Town Planner  
23 Tim Cain, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis  
24 and members of the public.

25 **Meeting Notice**

26 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting  
27 in accordance with Resolution TC-2018-1.

28  
29 **Conflicts of Interest**

30 There were no conflicts of interest.

31  
32 **Citizen Comments on Items NOT on the Agenda**

33 There were no citizen comments.

34  
35 **Public Hearing**

36  
37 Conditional Use Permit

38  
39 Purpose: Application for Conditional Use Permit for Mechanic Repair Shop

40  
41 Legal description: Lots 10 Block 14, Original Townsite, Town of New Castle

42  
43 Common Address: 731 West Main Street, New Castle

44  
45 Applicant: Rieger Performance Motors

1  
2 Landowner: John and Leslie Krick  
3  
4 Resolution PZ 2018-2 Recommending Approval of a Conditional Use Permit for an  
5 Automotive Repair and Maintenance Facility to be Located on Property within the  
6 Commercial -1 Zone District  
7

8 Commissioner Bourquin opened the Public Hearing at 7:03 p.m.  
9

10 Town Planner Tim Cain said the purpose of the Conditional Use Permit application  
11 hearing was to determine if the proposed use was appropriate for the location and  
12 zone district, and for traffic capacities of adjacent streets. In addition, they would  
13 consider potential environmental effects relevant to the type of land use proposed.  
14 Planner Cain said it was reasonable to consider the possible negative consequences  
15 from the operation of an automotive service station. Ultimately, the property owner  
16 and applicant will need to ensure a safe and nearly hazard free interior and exterior  
17 environment.  
18

19 Planner Cain said that staff recommended that the conditional use expire after one  
20 year, if approved by town council. Staff also recommended that the applicant could  
21 renew the CUP by submitting a letter asking for approval to continue operations. He  
22 clarified that the CUP may change if there is any change in property ownership or  
23 other significant alteration such as expansion of the business.  
24

25 Planner Cain said that the site plan showed the adjacent land uses and location of  
26 structures. North of the subject property was the Commercial Transitional zone  
27 district which is 100% single family homes. South of the property is south alley.  
28 West of the property is a 25' X 100' vacant lot that is owned by Jerry Senor, zoned  
29 C-1/R-1. East of the property is a single family home zoned C-1/R-1.  
30

31 The property included the west ½ of lot 10 and lots 11 – 15, Block 14 and is 13,750  
32 sq. ft. All land use applications in the C-1 zone district are conditional land uses  
33 when the lot size exceeds 10,000 sq. feet.  
34

35 The applicant did not determine the height of the building, but it did not appear to  
36 exceed the maximum height allowed in the C-1 zone district which is 40 feet  
37 (Ordinance 2010-9). The side and front setbacks in the C-1 zone district are zero  
38 (0) feet and the rear setback is 5 feet. The building is compliant with setbacks.  
39

40 Planner Cain said there were 5 marked parking spaces on the site plan. The  
41 requirement for parking on the property is 12 vehicle spaces.  
42

43 In order to screen the parking spaces to provide a more pleasing aesthetic curbside  
44 appeal, staff recommended several five to six foot tall evergreen trees be planted in  
45 the ground or in large, deep barrels. According to the owner of the tree farm, Monte  
46 Senior, evergreens should be planted in the fall.  
47

1 The loading area is located in front of the building on the southeast corner.

2  
3 There is more than adequate linear distance for two large vehicles to enter and  
4 leave the property at the same time. There is a 15 foot wide alley on the south side  
5 of the property, but it does not appear it has been used or maintained by the town  
6 residents.

7  
8 The owners of the house east of the building have to use the West ½ of lot 10 in  
9 order to access their house by vehicle. The partial lot is owned by Jon & Leslie  
10 Krick. Jon & Leslie have graciously allowed their neighbors to use the partial lot for  
11 access to their home. Staff recommends both owners formulize this with some sort  
12 of permanent contract so that in the event Jon & Leslie sell their property, future  
13 property owners of the building will not obstruct the adjacent neighbor's access to  
14 their home.

15  
16 Hazardous waste will be collected inside the building and will be picked up by  
17 Safety-Kleen during business hours. Cardboard, plastic jugs and glasses will be  
18 collected for recycling. Other non-hazardous waste will be collected outside the  
19 building in a small green dumpster provided by Waste Management and will be  
20 collected on demand.

21  
22 A new sign will require a sign permit. The existing exterior lighting is downcast and  
23 dark sky compliant.

24  
25 The applicant has submitted a signed document stating he will comply with all  
26 performance standards.

27  
28 There is a 20 foot easement that crosses the property diagonally from north lot 13  
29 to the south lot 15. It is imperative that a vehicle not be parked on parking space  
30 #5 while service staff are gone and overnight parking is prohibited.

31  
32 **Although the list below may not be all inclusive, the primary issues associated with an**  
33 **automotive service station are:**

- 34  
35 (1) Outside storage of new and used auto parts, tires and related items  
36  
37 (2) Compatibility with the neighborhood  
38  
39 (3) Air and noise pollution when performing work outside the building (idling vehicles  
40 and power tools).  
41  
42 (4) Disposal and storage of harmful chemicals such as engine oil, anti-freeze and  
43 brake fluid  
44  
45 (5) Adequate provisions for indoor and outdoor fire suppression  
46  
47 (6) Stacking and storage of vehicles on the property  
48

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- (7) Vehicles For Sale
- (8) Expansion of the business to include unrelated non-permitted or conditional uses such as manufacturing storage sheds for retail sale or building a shed on the property
- (9) Visual aesthetics from W. Main St.
- (10) Parking vehicles on the sewer line easement
- (11) Driveway access for the property owners on the east side of the property

No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable of a conditional use as set out in the chapter.

The staff recommends approval of the Reiger Performance Motors Conditional Use Permit with the following conditions:

1. The storage of new or used auto parts, tires and related items shall be confined indoors.
2. Continuous automotive idling shall be confined indoors and have adequate ventilation; idling of automobiles and use of power tools outside shall be restricted to 15 minutes.
3. All automotive work shall be performed indoors except for minor visual and diagnostic analysis.
4. Hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be collected by a professional company that specializes in the disposal of hazardous chemicals.
5. Outside storage of hazardous chemicals such as motor oil, anti-freeze and brake fluid shall be prohibited; all fluids shall be stored in containers that are approved by the Environmental Protection Agency or any other State or Federal Agency that has authority in such matters.
6. The interior of the building shall contain at least two fire extinguishers that are designated for automobiles and chemicals commonly used in automotive service stations.
7. Vehicles slated for sale shall not be stored on the property.
8. Require 5 off-street parking spaces instead of 12.
9. The owners of the property east of the building and owners of this building

1 should formulize a recorded agreement or contract that will allow the adjacent  
2 property owners to access their home permanently.

3  
4 10. No approved conditional use may be altered, structurally enlarged, expanded in  
5 parking area or expanded in ground area unless the site plan is amended and  
6 approved in accordance with the procedures applicable of a conditional use as  
7 set out in chapter 17.84.

8  
9 11. 2 to 3 five to six feet tall evergreen trees shall planted in the ground or in large,  
10 deep barrels to 3 evergreen trees shall be planted in the ground or in large,  
11 deep barrels in the fall of 2018.

12  
13 12. A vehicle shall not be parked on parking space #5 (closest to the building on the  
14 west side) while service staff are gone and overnight parking on space #5 is  
15 prohibited.

16  
17 13. All representations of the applicant in written and verbal presentations submitted  
18 to the Town or made at public hearings before the planning commission or town  
19 council shall be considered part of the application and binding on the applicant.

20  
21 14. Applicant shall comply with all applicable building, residential, electrical and  
22 municipal code requirements including all sign code regulations.

23  
24 15. In the event the town receives any complaints about the use of the site or  
25 observes or becomes aware of any violations of the conditional use approval,  
26 Applicant and/or owner may be summoned before the town council in a public  
27 meeting to show cause why the permit should not be revoked, suspended, or  
28 additional conditions imposed, with such show-cause hearing open to the public  
29 and the Applicant or owner being able to present testimony or offer other  
30 evidence on their behalf.

31  
32 16. Applicant shall reimburse the town for any and all expenses incurred by the  
33 town regarding this approval, including without limitation all costs incurred by the  
34 towns outside consultants such as legal and engineering costs.

35  
36 Charles Engelbert, Homeowner, 752 West Main Street, stated that there was a lot  
37 of 'stuff' on Mr. Reiger's other lot, and that 'stuff' should not move to the new lot.  
38 He also said that the business may be under a lot of scrutiny from the neighbors in  
39 the immediate area. He also voiced concern that patrons of Mr. Reiger's existing  
40 business took up parking on Main Street in front of the residences, leaving  
41 homeowners nowhere to park. Mr. Englebert said he hoped that Mr. Reiger's  
42 business would be in New castle a long time, but he hoped to see some strict  
43 guidelines for the aesthetic issues.

44  
45 Bobby Peters told the commission that there was no other business like Mr. Reiger's  
46 in New Castle, and he felt the commissions opportunity was to find a way to keep  
47 Mr. Reiger from moving to Silt.

48  
49 Mr. Reiger said that he was asking for the CUP because his business had expanded

1 to the point it was truly necessary. When he started eight years ago he was a one-  
2 man show, and three years in the business exploded, and that had contributed to  
3 the clutter because he struggled keeping up. He subsequently hired two  
4 technicians, a receptionist and a service writer and they still could not keep up.  
5 Another problem he had was that people would simply drop their cars off in the  
6 parking lot after hours and on weekends, creating more clutter.  
7

8 Chair Apostolik asked how Mr. Reiger would control that problem once he was in  
9 the new building. Mr. Reiger stated that with an additional bay and a larger, more  
10 appropriate building, he felt that problem would be at least partially resolved.  
11

12 Commissioner Bourquin asked Mr. Reiger if expanding his business into the new  
13 building would help alleviate the clutter on the existing business lot. Mr. Reiger said  
14 it would because he would hire another technician to keep up with the work  
15 because much of the mess was vehicles they could not get to quickly. It would also  
16 provide him time to clean up the clutter.  
17

18 Mr. Reiger agreed that some of the vehicles could be housed at the existing  
19 business and rotated into the new lot to keep the aesthetics pleasant.

20 Commissioner Bourquin asked if Mr. Reiger was alright with adding landscaping,  
21 and Mr. Reiger said that it was the first he had heard of it, and he was surprised.  
22 Commissioner Bourquin said she would like to see a landscaping plan, and the  
23 thought of shrubs would be more appropriate given the space available. She felt it  
24 would alleviate some of the neighbor's concerns.  
25

26 Planner Cain and Attorney Carmer discussed the number of parking spaces  
27 required, and the code required 12 spaces, but staff was recommending five, but  
28 the applicant could place as many as twelve. After some discussion, the agreement  
29 was that there could be 12 spaces used during the business day, and five after  
30 hours.  
31

32 David Turtle, Homeowner, 782 West Main Street. Mr. Turtle read a letter strongly  
33 objecting to the expansion of Mr. Reiger's business.  
34

35 Commissioner Bourquin asked Mr. Reiger if having five parking spaces would be  
36 adequate to be able to run his business.  
37

38 Mr. Reiger said yes for the day-to-day operations.  
39

40 Chair Apostolik closed the Public Hearing at 7:56p.m.  
41

42 Commissioner Lucio asked Planner Cain if the revocation of the CUP would be after  
43 one complaint or two.  
44

45 Planner Cain said that he would review the complaint before the CUP would be  
46 revoked.  
47



1 Commissioner Bourquin asked Mr. Reiger about the money that he was planning on  
2 putting into the improvement of the structure how would that would affect the  
3 appearance of the building.

4  
5 Mr. Reiger said the money would be for equipment for inside the shop. With the  
6 new equipment would allow for faster turnaround of vehicles.

7  
8 Chair Apostolik felt that item P of the resolution "Approval of the Application shall  
9 expire after one year. Upon written request from Applicant received prior to the  
10 expiration of the approval, Town staff may renew the approval of the Application for  
11 a period deemed appropriate by Town staff provided that use of the Property has  
12 not materially changed from that proposed in the Application" was not appropriate  
13 because it left Mr. Reiger's business subject to arbitrary closure based on one  
14 complaint and he felt it was unfair. Item C of the resolution "In the event the Town  
15 receives any complaints about the use of the site or observes or becomes aware of  
16 any violations of the conditional use approval, Applicant and/or owner may be  
17 summoned before the Town Council in a public meeting to show cause why the  
18 permit should not be revoked, suspended, or additional conditions imposed, with  
19 such show-cause hearing open to the public and the Applicant or owner being able  
20 to present testimony or offer other evidence on their behalf" was enough to revoke  
21 the CUP.

22 Chair Apostolik asked both Mr. Krick and Mr. Reiger to put a landscaping, screening  
23 or improvement plan together for the main street and east side of the building for  
24 council.

25  
26 Mr. Krick said he would be willing to work with the town and the neighbors  
27 regarding landscaping.

28  
29 **Motion: Commission Chair Apostolik made a motion recommending**  
30 **approval of Resolution PZ-2018-2, with the following changes; striking**  
31 **item "P" out completely, A vehicle shall not be parked in the parking space**  
32 **designated as #5 of the site plan as submitted, stacked parking in the five**  
33 **on-site parking spaces shall only occur during daytime business hours, five**  
34 **off-street parking spaces shall be required on the property, applicant**  
35 **prepare a landscape plan for the property that is acceptable to both**  
36 **applicant and the town to present to town council. Commissioner Bourquin**  
37 **seconded the motion. The motion passed on a roll call vote: Commissioner**  
38 **Sass: Yes; Commissioner Lucio: Yes; Commissioner Chair Apostolik: Yes;**  
39 **Commission Johannsson: Yes; Commissioner Bourquin: Yes; Commissioner**  
40 **Ruggles: Yes.**

41  
42 Conditional Use Permit

43  
44 Purpose: Application for Conditional Use Permit for Accessory Dwelling Unit (ADU)

45  
46 Legal description: Lots 35-37 Block G, Spencer's Addition, Town of New Castle

47



1 Common Address: 140 North B. Ave., New Castle  
2  
3 Applicant: Harold and Carolyn Edwards  
4  
5 Landowner: Harold and Carolyn Edwards  
6  
7 Resolution PZ 2018-3 Recommending Approval of a Conditional Use Permit for an  
8 Accessory Dwelling Unit (ADU) on Property Located in the Residential -1 Zone  
9 District.  
10  
11 Planner Cain said Accessory Dwelling Units (ADU) were intended to be constructed  
12 in association with a primary single-family dwelling, to provide increased affordable  
13 housing opportunities within the town and to facilitate housing in close proximity to  
14 places of employment.  
15  
16 Notwithstanding any maximum or minimum square footage requirements in the  
17 zone district per dwelling unit, ADUs shall contain no more than eight hundred fifty  
18 (850) square feet and not less than four hundred (400) square feet. Only one ADU  
19 shall be allowed per principal building. The square footage of ADUs shall be  
20 calculated using the total gross square footage associated with the ADU living space  
21 inclusive of storage, hallways, and basements but not including garage space.  
22  
23 ADUs shall not be allowed on lots smaller than five thousand (5,000) square feet.  
24 The square footage of the accessory dwelling unit shall not be greater than forty-  
25 seven (47) percent of the gross square footage of the principal building (inclusive of  
26 basement square footage but not including garages, uncovered decks, patios or  
27 porches) or eight hundred fifty (850) square feet whichever is less.  
28  
29 Each ADU shall contain a kitchen equipped, at a minimum, with a cooking  
30 appliance, a sink, and a refrigerator/freezer with a capacity not less than six cubic  
31 feet.  
32  
33 Each ADU shall contain a bathroom equipped with, at a minimum, a sink, a toilet  
34 and a shower.  
35  
36 No ADU shall contain more than two bedrooms, and one off-street parking space  
37 shall be provided for each bedroom in addition to the required parking space(s) for  
38 the principal building/use.  
39  
40 All water service connections made to an ADU shall comply with the town's water  
41 and wastewater service connection requirements. ADUs may be connected to the  
42 water and wastewater service lines serving the principal building or directly to the  
43 most convenient water or sewer main line; provided that the landowner shall bear  
44 all expense of such connections, shall obtain all necessary permits from the town  
45 prior to any road cuts, and shall, prior to connection, pay a tap fee to the town  
46 equal to 0.5 EQR if the ADU has one bedroom and 0.8 EQR if the ADU has or is  
47 capable of having two bedrooms. The owner shall also pay a water rights dedication

1 fee in the same ratio as the tap fee.

2

3 An ADU may not be condominiumized and/or sold separate and apart from the  
4 primary building to which it is accessory

5

6 The design, exterior treatments and color of an ADU shall be the same as, or  
7 compatible with, the design and exterior color and treatments of the primary  
8 building to which it is accessory.

9

10 An ADU may only be occupied by a single-family as defined in Section 17.04.050 of  
11 the New Castle Municipal Code.

12

13 The ADU has 702 sq. ft. It has a separate entrance located in the rear portion of  
14 the principal building. Utilities are combined with the principal building. The  
15 principal building is the applicant's rental unit. The ADU contains a storage room,  
16 office, kitchen with a stove and sink, bathroom and one bedroom.

17

18 The applicants have applied for a building permit to do minor remodel work. The  
19 ADU will not receive a Certificate of Occupancy (CO) until the planning & zoning  
20 commission (P&Z) recommends approval and town council approves it.

21

22 A one-bedroom ADU requires an additional .5 EQR and water rights dedication fee  
23 in the same proportionate amount. The total fee is \$9,000.00.

24

25 The applicants are requesting that town council allow them to defer payment of  
26 \$6,000.00 over 3 years with 3% interest. The applicants will pay \$3,000.00 upon  
27 approval.

28 No approved conditional use may be altered, structurally enlarged, expanded in  
29 parking area or expanded in ground area unless the site plan is amended and  
30 approved in accordance with the procedures applicable to approval of a conditional  
31 use as set out in chapter 17.84 – Conditional Uses.

32

33 Staff recommended approval of the Conditional Use Permit (CUP) with the following  
34 conditions:

35

36 1. All representations of the applicant in written and verbal presentations  
37 submitted to the Town or made at public hearings before the planning commission  
38 or Town Council shall be considered part of the application and binding on the  
39 applicant.

40

41 2. The applicant shall comply with all applicable building, residential, electrical and  
42 municipal code requirements including all sign code regulations.

43

44 3. In the event the Town receives any complaints about the use of the site or  
45 observes or becomes aware of any violations of the conditional use approval, the  
46 Applicant and/or owner may be summoned before the Town Council in a public  
47 meeting to show-cause why the permit should not be revoked, suspended, or

1 additional conditions imposed. Such show-cause hearing shall be open to the public  
2 and the applicant or owner may present testimony or offer other evidence on its  
3 behalf.

4  
5 4. The applicant shall reimburse the Town for any and all expenses incurred by the  
6 Town regarding this approval, including without limitation all costs incurred by the  
7 Town's outside consultants such as legal and engineering costs.

8  
9 5. The applicant will be required to pay additional water, sewer tap fees and  
10 including a water rights dedication fee.

11  
12 Chair Apostolik opened the Public Hearing at 8:20p.m.

13  
14 Many of the neighbors were in full support of the recommending approval of the  
15 ADU.

16  
17 Chair Apostolik closed the Public Hearing at 8:24p.m.

18  
19 Commissioner Bourquin said ADUs are great and a solution to the affordable  
20 housing issue.

21  
22 **Motion: Commission Chair Apostolik made a motion recommending**  
23 **approval of Resolution PZ-2018-3, Commissioner Lucio seconded the**  
24 **motion. The motion passed on a roll call vote: Commissioner Bourquin:**  
25 **Yes; Commissioner Johannson: Yes; Commissioner Sass: Yes;**  
26 **Commissioner Ruggles: Yes; Commissioner Lucio: Yes; Commissioner and**  
27 **Chair Apostolik: Yes.**

#### 28 29 **Items for Consideration**

30  
31 **Consider Appointing Chair, Vice-Chair and Appointing a Commissioner to**  
32 **the Historic Preservation Commission.**

33 **Motion: Commissioner Lucio made a motion to appoint Commissioner**  
34 **Apostolik as Commission Chair. Commissioner Ruggles seconded the**  
35 **motion and passed unanimously.**

36  
37 **Motion: Commissioner Lucio made a motion to appoint Commissioner**  
38 **Bourquin as Commission Vice- Chair. Commissioner Ruggles seconded the**  
39 **motion and passed unanimously.**

40  
41 **Motion: Commission Chair Apostolik made a motion to appoint**  
42 **Commissioner Johannson as Commissioner to Historic Preservation**  
43 **Commission. Commissioner Lucio seconded the motion and passed**  
44 **unanimously.**

#### 45 46 **Items for next Planning and Zoning Agenda**

47 There were no items.

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**Staff Reports**

Administrator Dave Reynolds, said staff and P&Z had been working on the downtown plan which will be an amendment to the town comprehensive plan. The purpose of the downtown plan was to address what will happen in downtown and what the future looks like and how that would affect other zoning areas of town. There have several workshops with P&Z and it had gone to council twice. It was back to P&Z for a few more workshops until P&Z was comfortable with what the downtown plan looked like. Then, the plan will go back to council for their input and P&Z will have the final approval and adoption.

Administrator Reynolds asked P&Z to look through the plan and have an understanding of the concept of the downtown plan. The downtown plan is meant to be a guideline and a concept of what it should look like. He said there will be workshops at the next few regular meetings to work through the plan and finalize it.

**Commission Comments and Reports**

There were no comments or reports.

**Review Minutes from Previous Meeting**

**Motion: Commission Chair Apostolik made a motion to approve the March 5, 2018 meeting minutes as submitted. Commissioner Sass seconded the motion and it passed unanimously.**

**Motion: Chair Apostolik made a motion to adjourn the meeting. Commissioner Lucio seconded the motion and it passed unanimously.**

The meeting adjourned at 8:55p.m.

Respectfully Submitted,

\_\_\_\_\_  
Planning and Zoning Commission Chair  
Chuck Apostolik

\_\_\_\_\_  
Deputy Town Clerk Mindy Andis, CMC

43