



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, March 10, 2022
7:00 P.M. Carbondale Town Hall & Via Zoom

ATTENTION: All regular Carbondale Planning and Zoning Commission Meetings, will be conducted in person and virtually via Zoom. If you wish to attend the meeting virtually, and you have a comment concerning one or more of the Agenda items, please email jleybourne@carbondalecto.net by 4:00 p.m. on March 10, 2022. If you would like to comment virtually during Persons Present Not on the Agenda please email jleybourne@carbondalecto.net with your full name and email address by 4:00 p.m. on March 10, 2022

When: Mar 10, 2022 07:00 PM Mountain Time (US and Canada)

Topic: Planning and Zoning Commission 3-10-2022

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81967164829>

**US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1
Webinar ID: 819 6716 4829**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the February 24, 2022 meeting..... Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment for Persons not on the agenda (See instructions below)
5. 7:10 p.m. – 7:40 p.m.
PUBLIC HEARING – Minor Site Plan Review/ADU.....Attachment B
Owner: Cheryl Wyly
Location: 604 Graceland Drive
6. 7:40 p.m. – 8:20 p.m.
Draft Comprehensive Plan Update - Open House Discussion
7. 8:20 p.m. – 8:25 p.m.
Staff Update
8. 8:25 p.m. – 8:30 p.m.
Commissioner Comments
9. 8:30 p.m. – ADJOURN

Upcoming P & Z Meetings:

4-1-22 – Comp Plan Update – Open House
4-14-22 – 728 Euclid Avenue – Minor Site Plan/SUP/ADU
Definitions – Text Amendment Public Hearing

Please note all times are approx.

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday February 24, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Nicholas DiFrank, Vice-Chair
Kim Magee
Jarrett Mork
Marina Skiles
Nick Miscione

Staff Present:

Lauren Gister, Town Manager
Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Elizabeth Cammack (2nd Alternate)
Kade Gianinetti (1st Alternate)

Other Persons Present Virtually

Nora Bland, Cushing Terrell
JoAnne Teeple, 192 N. Tenth Street
Colin Quinn, 239 Crystal Road
Chris Hassig, 244 Seventh Street
Frosty Marriott, 181 Lakeside Drive
Patrick Hunter, 1131 County Road 106
Hannah Hunt Moeller, 785 Merrill Avenue

The meeting was called to order at 7:00 p.m. by Jay Engstrom.

February 10, 2022 Minutes:

Jeff made a motion to approve the February 10, 2022 minutes. Jarrett seconded the motion, and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Review Draft of the Comprehensive Plan Update – Consultant Team Cushing Terrell (CT) Meeting #9

Janet said she wanted to start with a couple of updates.

Janet stated as we had discussed previously, the 2021 Comprehensive Plan Update is an update to the 2013 Comprehensive Plan. She said that it was planned to act as a supplement to the 2013 Comp Plan. Janet said that the P&Z had expressed concern that it would be hard to use.

Janet explained that at their February 15th meeting, the Board discussed changing the scope of work for Cushing Terrell (CT) to blend the 2013 and 2021 plans into one document. She said that they approved that request at their February 22nd meeting. She said that the Board also supports translating the merged document translated into Spanish.

Janet stated that the formal rollout and public comment period started on January 20, 2022. She said that this included the Reading Rooms, the option to review and comment on the plan online and publicizing these last three P&Z meeting.

Janet said that at the last meeting, the Commission had discussed adding an Open House to the outreach efforts. She said that the Commission had agreed that it would be Commissioner-driven rather than consultant-driven.

Janet continued by saying that the Commission should confirm that they would still like to host an Open House and select a date. She said that there is a public hearing for a land use application scheduled for the March 10, 2022 Planning Commission meeting. She said that the March 24, 2022 Planning Commission meeting date is still open if the Commission would like to schedule an Open House on that date.

Janet said that in the meantime, Cushing Terrell is collecting and compiling the survey data and comments submitted by the public on the Chart Carbondale website. She stated that PR Studio has been collecting and compiling the written surveys and comments submitted at the Reading Rooms every few days. Janet said that Town Boards and Commissions have reviewed the document and have submitted comments or plan to in the next few days. She said that Town Staff is collecting all the public comments submitted in writing to the Planning Commission so far. She stated that this includes the public comments made at the January 27, 2022 and February 10, 2022 Planning Commission meetings. She stated that Staff will get those comments compiled and provide them to CT at the end of the public comment period.

Janet stated that at the last meeting, my presentation focused on the function and use of a Future Land Use Map. To recap:

The Future Land Use Map:

- Is not zoning or a zoning map.
- Provides physical planning guidance for future zoning code updates.
- Is used as advisory guidance in reviewing specific development projects.
- Lays the foundation for making changes to zoning in the future.
- Encourages projects to align with the community's values.
- Does not restrict existing or vested uses.
- Does not rezone properties (public hearings before P&Z and Board required).

Janet said that for this meeting my memo focused on the Land Use Designations associated with the Future Land Use Map. She stated that some of the designations were pulled out of the 2013 Comprehensive Plan and some of the designations were

created or updated as part of the 2021 Comprehensive Plan Update. She stated that each sheet is marked with either 2013 or 2021.

Janet said that the Designations are written descriptions that set the general direction for the development of land in the future. She stated that the Designations describe the desired future conditions for neighborhoods throughout the Town.

Janet stated that the Designations generally describe the following:

- Types of Uses
- Building Mass and Scale
- Relationship of Development to Mobility Network
- Parking
- Landscaping
- Connectivity

Janet said that the Designations in the Future Land Use Map are not detailed neighborhood area plans. She stated that the Designations are not prescriptive. She said that they are conceptual in nature.

Janet stated that she understands that the map of the Opportunity Area on page 10 and 62 of the Comprehensive Plan Update has caused some confusion. She said that this map was intended to illustrate one concept for the Opportunity Area and was not intended to provide a definitive land use layout map or neighborhood planning map. She said that her suggestion is to remove the conceptual map and that it is more important to focus on the written Designations.

Janet recommended that the Planning Commission should:

- Continue review of the draft Update, specifically the draft Future Land Use Map.
- Provide any comments on the Future Land Use Map or Comprehensive Plan Update.
- Accept public comment
- Discuss the extension of the comment period and potential Open House

Janet noted that we received comments from:

Bike and Ped Commission
CAFCI
D. Fuller
Historic Preservation Commission
Parks and Recreation Commission
Aaron Aeschlimon
Hannah Hunt-Moeller (Petition with 36 signatures)
Ross Kribbs

Janet said all of the comments were forwarded to the Commission.

Jarrett suggested removing priorities from the matrix or is there a benefit to having the timelines.

Janet said that there is a benefit to having a timeline so that you have something to work toward. She said that no low priorities would be a good work around.

Public Comment

JoAnne Teeple, **192 N. Tenth Street** said that she read the whole Comp Plan Update from cover to cover and that she will submit her comments. She said that she does not recall any mention of fire or disaster readiness or defensible space. She said that given the recent events in our State that she believes in order to update a plan with community aspirations this aspect of life in our town bears mention. She said that there are no easy answers, it bears on all aspects of the plan and the involved parties. She said that it would be of value for it to be an aspect of their discussions and part of the framework.

Colin Quinn, **239 Crystal Road** said that he is the Chair of the Environmental Board and that we submitted comments that are in your packet. He said that he has three broad comments, and he thanked the Commission, Staff and Cushing Terrell. He said that you have opened yourselves up to a lot of criticism and that the public comments and the process has been great. He said that there are a lot of strong components about the plan and that you should be recognized for creating a strong plan. He said that what we talked about with the Environmental Board is that there is lack of landscape code focusing on native landscape. He said what the final product looks like is really important and that if you put the previous plan together with this update that it will be a really long document that seems like it won't be implemented and digested by people in the public. He said that we recommend that the Environmental Bill of Rights up front as a forward to the plan, which was passed in 2017. He said that he agrees that, with all the fires that we have seen around our community, that there are six mentions of drought in the plan but zero about fire. He said that he encourages the Commission to discuss what the hurry is to finalize this plan.

Chris Hassig, **244 Seventh Street** said that he would like to echo the discussion on the timeline. He said that we have a lot of development going on in town right now. He said that we should be careful around the Opportunity Zone and make sure that we are not giving away things and that we can negotiate with the developer. He said continued inclusion of the auto urban zone designation is problematic as it is in opposition to any environmental rights. He said that by beautifying it just means putting water down, which is a major issue. He said that screening buildings and setbacks lacks creativity of what the corridor is. He said that there has been a long debate on whether Highway 133 is a highway or is it a street. He said that he thinks that we wanted to move to making it a street and that you can cross and that a pedestrian has an equal right. He said that roundabouts are automobile infrastructure. He said that the park-and-ride area on Dolores Way, which is a total nightmare is not even addressed. He said that he was

disappointed to see that stop light replaced this last year and that whole area could have been rethought in a much more creative manner. He said that when we think about the Downtown North that the key is phasing, diversity of ownership and development and affordability inclusion.

Frosty Marriott, **181 Lakeside Drive** thanked everyone for all of the work that they have put in on this and that the product now presented is a much better one than he envisioned. He said that Cushing Terrell did a great job with taking in public comments. He said that he hadn't really thought about it even though it affects him is aging in place. He said that where he lives in RVR that we wanted to put a garage apartment so that we would have a place to move into and that our daughter could live in the house, while we age in place. He said that you can't do that in RVR and that it is only permitted for a certain number of ADU's, which is an opportunity for Carbondale and RVR to work together. He said that it would be beneficial to the community.

Frosty said that the defensible space topic that was brought up and we used to do a drill every year. He said that we had a drill that a fire came down over the west side of RVR. He said that we really need to look at that possibility in view of what happened near Boulder because it can happen here. He said that people in RVR need to do a defensible space.

Frosty said that public transportation is a big issue and that we have opportunity to improve to try to get people out of their cars as part of our climate change. He said that when we looked at Highway 133, back when, CDOT wanted to do a four-lane highway through town. He said that we made the decision as a community that wasn't want, we wanted. He said that we have to get cars off of Highway 133 and that public transportation is the way to do that.

Frosty said that he hates the name Downtown North and that we almost approved it as the Overlook when he was on the Board, which he thinks is a catchy name. He said that it overlooks the dog park. He said that it is going to be developed and that it is going to be phased. He said that he would caution to stay away from a use by right, whenever we can, or they will sue you. He said that an attorney told him that when you do planning documents that you hope for the best and plan for the worst. He said that we need to keep in mind as it involves climate change. He said that something is going to happen in the next few years that we were not expecting to happen. He gave examples of local fires and that we need to be prepared for whatever might come our way.

Frosty asked if everyone has read our Town Mission Statement? He said that if you haven't, please do. He said that he used to go back and read it once a month to remember what it says. He said that the Environmental Bill of Rights were hung in these chambers so every growth decision and that every major decision that Carbondale made would be referenced. He said that we did it with multiple public meetings and that it is more relevant today than when we did it. He said that he would encourage the Commission to use it as the preface for this Comp Plan revision. He said that he is a believer in slow measured and thoughtful growth. He said that we can't just let everyone

move here, even with infill. He said again that he appreciates all of the work that everyone has done.

Patrick Hunter, **1131 County Road 106** said he lives in what some have called Carbondale's Appalachia. He said that we like to keep things easy over there. He said that he is taking classes at CMC as a sustainability bachelor and that he has been doing a lot of research. He said that he looked up the Colorado revised statutes which he read; *the duty of the Commission to make and adopt the Master Plan for the physical development of the municipality including any areas outside its boundaries. The Master Plan of a municipality shall be an advisory document to guide land development decisions, however the plan or any part thereof may be made binding by inclusion in the municipalities adopted subdivision, zoning, platting, planned unit development or other similar land development regulations.* He said what that means to him is if we can take the Climate Action Plan areas in the current Comp Plan and include those in the UDC that might get us where we need to go.

Hannah Hunt Moeller, **785 Merrill Avenue** said that you have all heard from me a few times. She said that she shared with Janet a proposal that a neighborhood caucus has been working on regarding Downtown North. She said that she would like to highlight the four aspects that we have been in discussion about;

- Downtown North/Opportunity Area should invest in pocket parks, especially protecting the existing mature trees, close to the Latino Folk Garden.
- Prioritizing affordable medium density housing.
- Identifying the Promenade and the Rio Grande Trail for a vegetated public plaza, where the future youth art park is going.
- Providing mixed-use development that supports the needs of local businesses through office/retail space, within the mixed-use portion of Downtown North.

Jay thanked Hannah for her drawings that she emailed.

Commissioner Discussion

- Looking forward to how the comments will be organized.
- Timeline for public comments, the pause with the P&Z, prior to anything moving forward.
- Timeline for the next Comp Plan Update, requirements and historical data discussed.
- Public relations and consultant contracts and timelines.
- Integration of the 2013 Comprehensive Plan with this Comp Plan Update (2022).
- Future Land-use designations are too similar to zoning districts, which makes for confusion.
- Road map would be useful, over-whelmed by this process.
- Formatting for the comments, spreadsheet with three columns.
- Open house, face to face touchpoint, lead by the P&Z, date uncertain.
- Time is money, process was started with a budget.
- Maintain existing formatting for future updates.

- Discussed how to bring this together and end process.
- Agreed to call blended document – “2022” plan.
- CT should not touch the language of the 2013 Comprehensive Plan, which will be retained.
- Accomplishments with the Implementation Matrix, six target areas: Downtown North (Opportunity Area), Downtown, Residential/HD, Multi-modal, Aging in Community, Sustainability, which has morphed into a bigger plan.
- Add fire safety to matrix.
- Town’s new properties will be addressed by the Board, a consultant and it will have its own process.
- Agreed to have Marina and Nicholas on Planning sub-committee for the open house.

Staff Update

Janet asked how many Commissioners would be at the March 24, 2022 meeting.

It was decided that the definitions would be discussed on April 10, 2022.

Janet said that we have a rezoning application for the Clay Center.

Janet said that she has been meeting with the owner of the Fante parcel, to do a mixed-use building, with three-sided commercial.

Janet said that the Christmas Tree Lot is still in play.

Janet said that Eastwood is looking at starting the improvements, which is the two-acre parcel north of the sub-station.

Nicholas said that he is doing the streetscape for Eastwood.

Mary said that five townhomes in Thompson Park were CO’d today.

Commissioner Comments

There were no further Commissioner comments.

Motion to Adjourn

A motion was made by Jeff to adjourn, Nick seconded the motion, and the meeting was adjourned at 9:47 p.m.



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 3/10/2022

TITLE: 604 Graceland Drive Minor Site Plan Review and Conditional Use Permit

SUBMITTING DEPARTMENT: Planning Department

Owner: Cheryl Wyly

Applicant: Cheryl Wyly

Property Location: 604 Graceland Drive

Zone District: Hendrick Ranch PUD/Residential Low Density

Lot Size: 17,150 square feet

Present Land Use: Single Family Residence

Proposed Land Use: Single Family residence with ADU

ATTACHMENTS: Land Use Application

BACKGROUND

This is an application for a Minor Site Plan Review and Conditional Use Permit. The Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

The applicant is proposing to renovate a room adjacent to the garage into an accessory dwelling unit. This renovation will only require internal changes to the structure.

DISCUSSION

In the Hendrick Ranch Planned Unit Development a proposed ADU in the R/LD zone district must be approved by a conditional use permit as required by the Town of Carbondale Zoning Code. The UDC also requires a minor site plan review before the

Planning and Zoning Commission who will issue a decision and findings on the application.

Comprehensive Plan

The property is designated as Developed Neighborhoods in the Future Land Use Plan. The properties in this designation represent developed neighborhoods with little to no change occurring and allow the construction of ADU's.

Zoning

604 Graceland Drive is entirely within the R/LD zone district within the Hendrick Ranch PUD where an ADU is allowed by conditional use permit and by the UDC process that requires a minor site plan review.

An ADU is allowed to be up to 1/3 of the main dwelling unit size. The proposed ADU is 352 square feet in size. This is in conformance with the PUD.

Setbacks

The required setbacks in the R/LD zone district have been met by the existing structure.

Maximum Impervious Surface

The allowed maximum impervious surface has been met.

Building Height

No changes in building height are proposed.

Parking

Section 5.8.1. of the UDC requires 2.5 parking spaces for the main dwelling, and 2 spaces for a ADU.

Two spaces are provided in the garage with an additional two spaces in front of the garage for a total of 4 parking spaces.

Landscaping

The landscaping is existing.

Building Design

The proposed changes are internal and do not affect the building exterior.

Solar Access

Section 5.12 Solar Access discusses the provision of adequate light to allow solar access on adjacent properties.

The renovations to the structure do not affect solar access.

Site Plan Review Criteria

A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;
3. The site plan complies with all applicable development and design standards set forth in this Code; or
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan.
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;
3. The site plan complies with all applicable development and design standards set forth in this Code
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

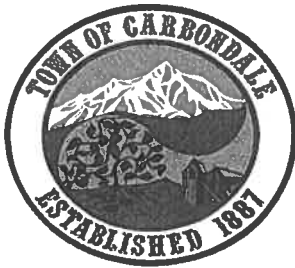
RECOMMENDATION:

Staff recommends that the following motion be approved: **Move to approve a Minor Site Plan Review for an Accessory Dwelling Unit to be located at 604 Graceland Drive, Carbondale, Colorado, with the following conditions:**

1. The Accessory Dwelling Unit shall not have separate water or sewer service.

2. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
3. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.
4. The applicant shall apply for and receive a building permit as required.

Prepared By: John Leybourne



Permit #: TBD

Address: 604 Graceland Drive

Payer: Cheryl Wyly

Valuation		Use Tax Total	0.00
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301		Building Permit
301		Mechanical Permit
301		Plumbing Permit
303	\$ -	Plan Check Fees
302		Contractor License
302	\$ -	BEST Test
305	\$ -	Use Tax 3%
306	\$ -	Use Tax 0.5%
326	\$ -	Efficient Bldg Permit Fee
308		Water Meter Sales
309		Water Sales Tax 8.4%
316		Water Tap Fees
316	\$ -	Prepaid Water EQR
317		Sewer Tap Fees
317	\$ -	Prepaid Wasterwater EQR
324	\$ -	Water Rights Dedication
310	\$ -	Developer Dedication /RVR-Hendricks-Kay PUD-Fox Run
313	\$ -	Developer Contribution
314	\$ 600.00	Zoning, Variance, Subdivision
314	\$ -	Special Use Permit
318	\$ -	Development Parking F
312	\$ -	Park Dedication
319	\$ -	Excavation Permits
319	\$ -	Sign Permits
1004	\$ -	Map Sales
304	\$ -	School Fees In Lieu of
303		Plan Check Fees

Total Fees Due:	\$ 600.00
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Town of Carbondale
511 Colorado Ave
Carbondale CO 81623
970-963-2733
Jan 21, 2022

Receipt No: 1.174069

Ma: WYLY, CHERYL

Previous Balance: .00
Building & Planning 600.00
604 GRACELAND DR TBD
Total: 600.00
Check 600.00
Check No: 1418 600.00
Total Applied: 600.00
Change Tendered: .00

01/21/2022 9:14 AM

Adu

From: cheryl wyly cherylwyly@hotmail.com

To: cheryl wyly cherylwyly@hotmail.com

Date: Mon, Jan 17, 2022, 3:19 PM

To whom it may concern,

My purpose in this request is to reconfigure approximately 352 sq ft from entirely interior space and affecting no structural elements to create an ADU which complies with all the town of carbondale requires. 604 Graceland is approx 5000 sq ft house (incl garage) with 4 existing bedrooms and 3 baths. The unit will be occupied by a longtime valley construction worker full time. Please let me know what additional information I can provide. Thank you, cheryl wyly 214 616-0432.

Cherylwyly@hotmail.com

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additional parking space to be driveway



Town of Carbondale
511 Colorado Ave
Carbondale, CO 81623
(970)963-2733

L422-1

Pre-Application Meeting Date _____
Fees 600.00 Date Pd 1/21/22

Land Use Application

PART 1 - APPLICANT INFORMATION

Applicant Name: CHERYL WYLY Phone: 214 616-0432
Applicant Address: 134 VALLEY CT BASALT CO 81621
E-mail: cherylwyly@hotmail.com
Owner Name: CHERYL WYLY Phone: 214 1616-0432
Address: 134 VALLEY CT
E-mail: cherylwyly@hotmail.com
Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:
1004 GRACELAND

PART 2 - PROJECT DESCRIPTION

General project description:

RECONFIGURE 352 # INTERIOR SPACE -
NO STRUCTURAL OR EXTERIOR CHANGES - INTO ADU

Size of Parcel: 17,000 # Dwelling Units: 1 Sq Ftg Comm: _____

Type of Application(s): MINOR SITE PLAN

Existing Zoning: PUD Proposed Zoning: _____

PART 3 - SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

Applicant Signature [Signature] Date 1/20/22

Signature of all owners of the property must appear before the application is accepted.

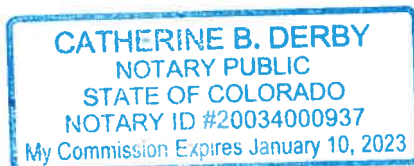
Owner Signature [Signature] Date _____ Owner Signature [Signature] Date _____

STATE OF COLORADO)
COUNTY OF GARFIELD) ss.

The above and foregoing document was acknowledged before me this 20th day of

January 2022, by Cheryl Wyly

Witness my hand and official
My commission expires:



[Signature]
Notary Public



**Town of Carbondale
Minor Site Plan Review
Checklist
(970) 963-2733**

Project Name:

Applicant:

Applicant Address:

Location:

Date:

Staff Member:

Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

Per Section 2.3.2.B of the UDC, the Planning Director shall determine the form and number of application materials required.

Required Attachments

- ☐ **Filing Fee of \$600 and Land Use Application (separate attachment)**
- ☐ The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for a minor site plan review. At minimum, the application shall include the following:
 - a. A site plan on a dimensioned plat of the property clearly indicating the following information:
 - i. The site location, dimensions and topography. Topography shall be at two-foot contours for properties with less than ten percent slope and five foot contours for properties with greater than ten percent slope;
 - ii. The immediately adjoining properties and an indication of the land uses existing on adjoining properties;
 - iii. The location on the site of all existing and proposed buildings and structures;
 - v. The location of all parking areas (vehicle and bicycle), driveways, and sidewalks;
 - v. The location of all proposed landscaping and fencing or walls. Elevations of fences and walls shall be provided if proposed;
 - vi. The location of existing and/or proposed drainage facilities;

- vii. The location of streets, alleys, trails;
- viii. The location of all solid waste containers;
- ix. The location of all snow storage areas; and
- x. The location and size of existing and proposed utilities, existing and proposed easements and an indication of any changes in these utilities which will be necessitated by the proposed project.

b. A table of site data calculations indicating:

- i. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.);
- ii. Floor area of each dwelling unit;
- iii. Lot size and dimensions;
- iv. Setbacks to be maintained;
- v. Total area of all impervious surfaces, including area covered by primary buildings and accessory buildings, area covered by parking areas and garages, driveways, decks, sidewalks and other impervious surfaces;
- vi. The amount of private outdoor open space and the amount of bulk storage space;
- vii. Total landscaped area;
- viii. Total number of parking spaces (vehicle and bicycle) provided;
- c. Conceptual building elevations with notes indicating type of construction, exterior finishes, location of entry doors, decks, and other external structures;
- d. Sample material boards with proposed façade treatments, roofing materials, and other relevant building treatments; and
- e. A final grading plan which shows both present and proposed drainage. The drainage plan should be submitted by a licensed engineer if appropriate.

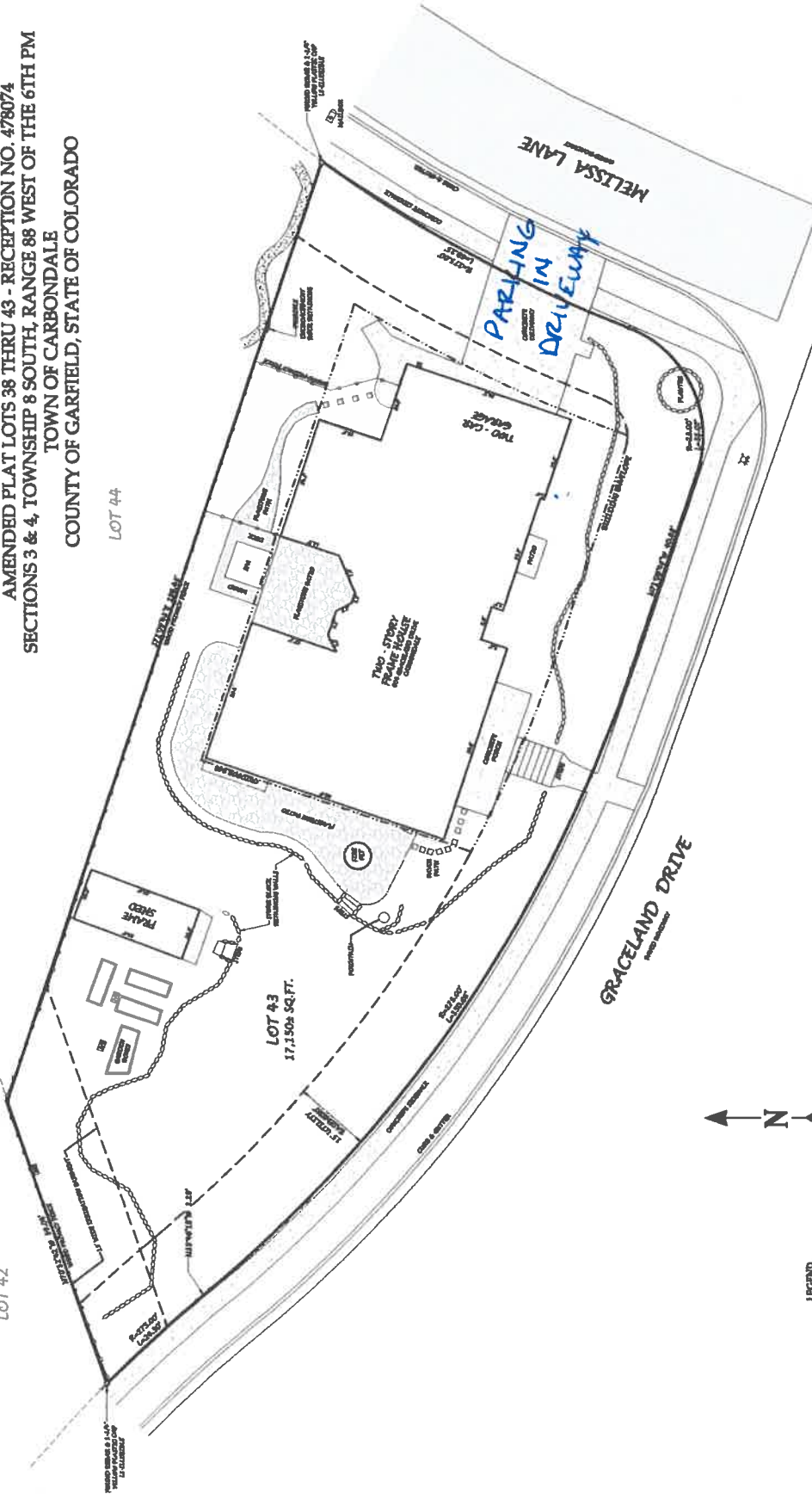
☐ Additional information requested at the pre-application meeting:

IMPROVEMENT LOCATION CERTIFICATE

LOT 43 - HENDRICK RANCH PLANNED UNIT DEVELOPMENT
 AMENDED PLAT LOTS 38 THRU 43 - RECEPTION NO. 478074
 SECTIONS 3 & 4, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PM
 TOWN OF CARBONDALE
 COUNTY OF GARFIELD, STATE OF COLORADO

LOT 42

LOT 44



LEGEND
 --- EASEMENT
 --- PROPERTY LINE
 --- CONSTRUCTION RIGHT OF WAY

SCALE: 1" = 10'

IMPROVEMENT LOCATION CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor in the State of Colorado, do hereby certify that the foregoing is a true and correct copy of the original record of the improvement location certificate as the same appears on the records of the County of Garfield, State of Colorado, and that the same has been compared with the original record and found to be a true and correct copy of the same.

Surveyor's Seal
 Colorado Professional Seal

TRUE NORTH
 COLORADO
 A LAND SURVEYING AND IMPROVEMENT COMPANY

SHAWN R. CHRISTY, SPENCER
 IMPROVEMENT LOCATION CERTIFICATE
 604 GRACELAND DRIVE - CARBONDALE
 COUNTY OF GARFIELD - STATE OF COLORADO

TRUE NORTH COLORADO LLC
 1000 N. 10TH ST., SUITE 100
 DENVER, CO 80202
 (303) 733-4100
 www.truenorthcolorado.com

PROJECT NO. 2009-049
 DATE: AUGUST 19, 2009
 SHEET 1 OF 1

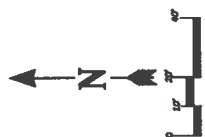
LOT 43 - HENDRICK RANCH PLANNED UNIT DEVELOPMENT
AMENDED PLAT LOTS 38 THRU 43 - RECEPTION NO. 478074
SECTIONS 3 & 4, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PM
TOWN OF CARBONDALE
COUNTY OF GARFIELD, STATE OF COLORADO

LOT 43
17,150± SQ.FT.

GRACELAND DRIVE
PO BOX 2000

**AMERICAN SOCIETY OF
MECHANICAL ENGINEERS**

SCALE: 1" = 10'



IMPROVEMENT LOCATION CERTIFICATE

[illegible]

1987, 1988
KING MCQUEEN (AND SUMNER)
1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 26


TRUE NORTH
 COLORADO
 LAND SURVEYING AND MAPPING COMPANY

SHAUN & CHRISTY SPENCER
IMPROVEMENT LOCATION CERTIFICATE
404 GRACELAND DRIVE - CARBONDALE
COUNTY OF GARFIELD - STATE OF COLORADO

TRUE NORTH COLORADO LLC
A LAND SURVEYING AND MAPPING COMPANY
PO BOX 414 • BOX S, WILD HORSE CANYON
NEW CASTLE, COLORADO 81647
(970) 384-0474
www.truenorthcolorado.com

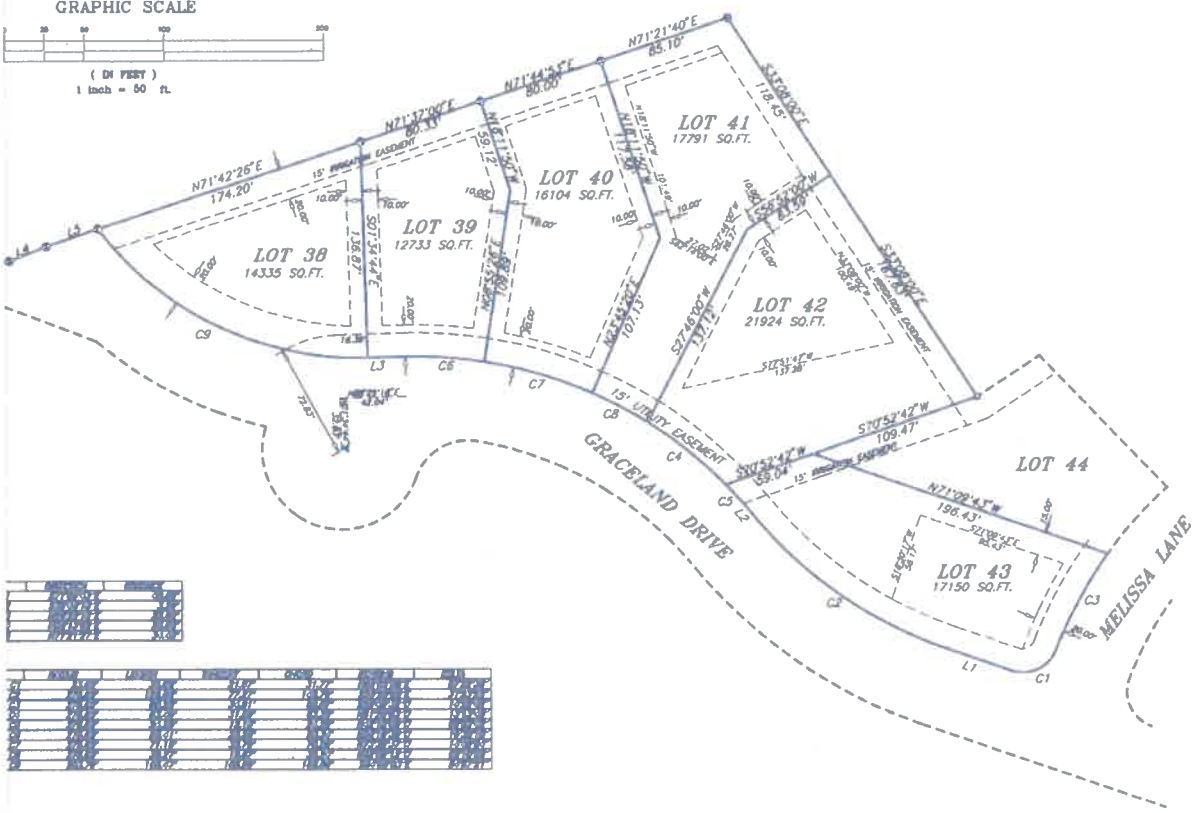
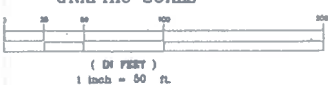
PROJECT NO: 2019-249	PLANT L7	SHEET
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AMENDED PLAT LOTS 38 THRU 43, HENDRICK RAN DEVELOPMENT, TOWN OF CARBONDALE, COUNTY OF STATE OF COLORADO

(PHASE 1)

GRAPHIC SCALE



1. GRACELAND DRIVE UNDER THIS FINAL PLAT WILL BE CONSTRUCTED TO THE
15'-0" DE-SAC SURROUNDING LOTS 38, 39, 40, 41 AND 42. RIGHT-OF-WAY
ADJACENT TO PROPERTY LINE FROM CUL-DE-SAC FOR A POTENTIAL FUTURE
THOROUGHFARE. UNTIL THIS THOROUGHFARE IS CONSTRUCTED, LOT
38 WILL BE ALLOWED TO CONSTRUCT A DRIVEWAY FROM THE CUL-DE-SAC TO
LOT 39. THIS DRIVEWAY SHALL BE LIMITED TO NO MORE THAN 18'
ENCROACHMENT INTO THE RIGHT-OF-WAY ALONG THE LOT FRONTAGE
TOWARD LOT 39. A PEDESTRIAN/EMERGENCY ACCESS SHALL ALSO BE CONSTRUCTED
ADJACENT TO LOT 38.

IF THE EVENT THAT SAID THOROUGHFARE IS CONSTRUCTED, DRIVEWAYS WILL
BE ADJUSTED TO CURB LINES.

CLERK AND RECORDER'S CERTIFICATE

PLAT WAS FILED FOR RECORD BY THE OFFICE OF THE CLERK AND RE-
CORDER OF GARFIELD COUNTY AT 4:11 O'CLOCK P.M. ON THE 15th DAY
OF 12-1-2010. A.D. 1983, AND IS DULY RECORDED IN BOOK
RECEPTION NO. 2728-716

1000
2-A
BY: Matthew Glendon
CLERK AND RECORDER
BY: Christine Hove
DEPUTY

NOTE: THE PURPOSE OF THIS PLAT IS TO REVISE THE NORTHWESTERLY
LINE OF LOTS 38-41 TO CONFORM TO THE EXISTING FENCE AND TO CORRECT
MATHEMATICAL ERRORS IN LOTS 42 AND 43.

Legend and Notes:

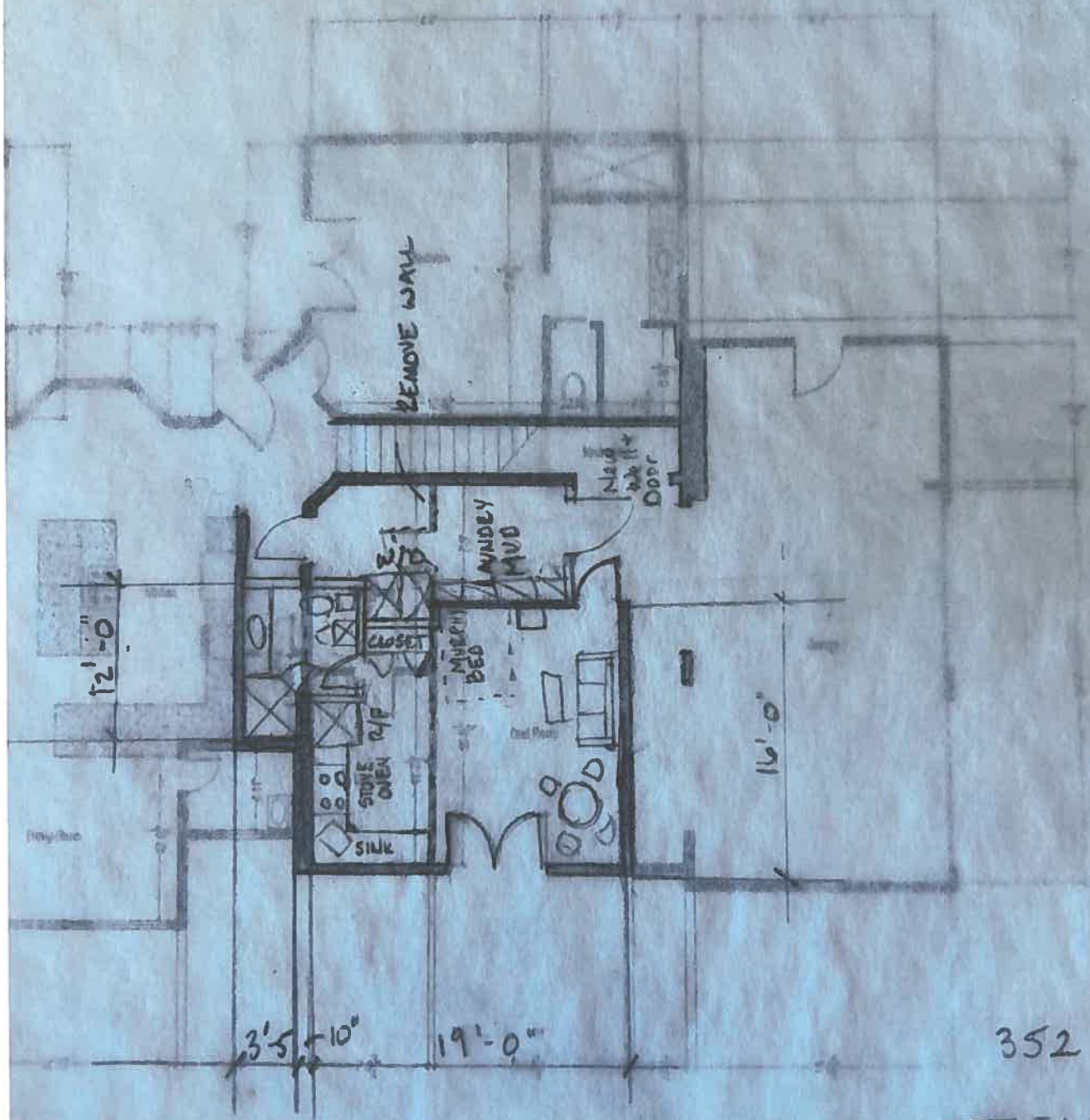
- O indicates found monument as described on original subdivision plat.
- O Set No. 5 rebar and plastic cap L.S. 15710.
- Basis of bearings based original boundary monuments on northwest line
of lots 38-41.

where less, you must commence
as based upon any defect in
this three years after you
shall defect. In no event may
be based upon any defect in
commenced more than two years
of the certification above.



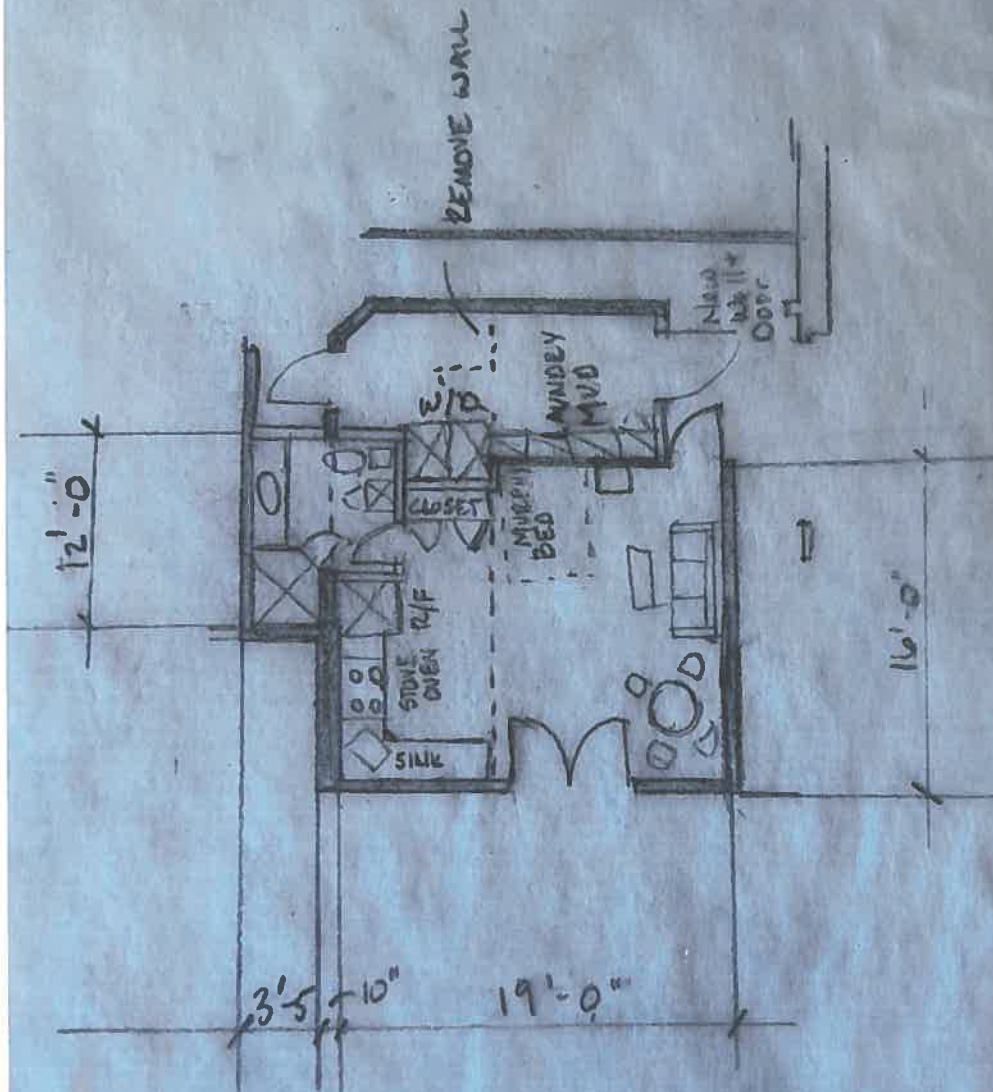
SCHMUESER GORDON MEYER INC.
118 W. 6th Street, Suite 200
Glenwood Springs, Colorado 81601
(303) 945-1004 (FAX) 945-5948
Aspen, Colorado (303) 925-6727

AMENDED PLAT LOTS 38 THRU 43, HENDRICK RANCH PLANNED I
DEVELOPMENT, TOWN OF CARBONDALE, COUNTY OF GARFIELD,
STATE OF COLORADO



352 #

- EXISTING WALL
- NEW WALL
- DEMO



352 #

EXISTING WALL
NEW WALL
DEMO



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **GW63018190-2**

Date: 12/07/2021

Property Address: **604 GRACELAND DRIVE, CARBONDALE, CO 81623**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Jessica Reed
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 930-9815 (Work)
(800) 318-8206 (Work Fax)
jreed@ltgc.com
Contact License: CO299243
Company License: CO44565

Closers Assistant

Desi Kirkpatrick
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(800) 318-8206 (Work Fax)
dkirkpatrick@ltgc.com
Company License: CO44565

Closing Processor

Jordan Thomas
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(800) 318-8206 (Work Fax)
jthomas@ltgc.com
Company License: CO44565

For Title Assistance

Land Title Garfield County Title Team
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(970) 945-4784 (Work Fax)
glenwoodresponse@ltgc.com

Buyer/Borrower

CHERYL WYLY
Delivered via: Electronic Mail

Agent for Buyer

ENGEL & VOLKERS ASPEN
Attention: MELISSA TEMPLE
720 E HYMAN AVE
ASPEN, CO 81611
(970) 948-8261 (Cell)
(970) 925-8400 (Work)
(970) 925-8402 (Work Fax)
melissa.temple@evusa.com
dina.erickson@engelvoelkers.com
Delivered via: Electronic Mail

Seller/Owner

JOE D SCOFIELD
Delivered via: Electronic Mail

Agent for Seller

COLDWELL BANKER MASON MORSE REAL ESTATE
Attention: NANCY EMERSON
0290 HWY 133
CARBONDALE, CO 81623
(970) 963-3300 (Work)
(970) 963-0879 (Work Fax)
nemerson@masonmorse.com
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: **GW63018190-2** Date: **12/07/2021**
Property Address: **604 GRACELAND DRIVE, CARBONDALE, CO
81623**
Parties: **CHERYL WYLY
JOE D. SCOFIELD**

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title Insurance Fees	
Owner's Extended Coverage Policy - ALTA Owner's Policy 06-17-06 (For Residential Land)	\$2,303.00
Reissue Rate	
Tax Certificate	\$27.00
Total \$2,330.00	
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Garfield county recorded 10/18/2019 under reception no. 927011](#)

Plat Map(s):

[Garfield county recorded 05/15/1995 under reception no. 478074](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: GW63018180-2

Property Address:

604 GRACELAND DRIVE, CARBONDALE, CO 81623

1. Effective Date:

11/19/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

Owner's Extended Coverage Policy - ALTA Owner's Policy 06-17-
06 (For Residential Land) Reissue Rate
Proposed Insured:
CHERYL WYLY

\$1,795,000.00

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

JOE D. SCOFIELD

5. The Land referred to in this Commitment is described as follows:

LOT 43
HENDRICK RANCH PLANNED UNIT DEVELOPMENT
ACCORDING TO THE AMENDED PLAT OF LOTS 38-43 HENDRICK RANCH PLANNED UNIT DEVELOPMENT

TOWN OF CARBONDALE RECORDED MAY 15, 1995 AS RECEPTION NO. 478074.

COUNTY OF GARFIELD
STATE OF COLORADO

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AMERICAN
LAND TITLE
ASSOCIATION



ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: GW63018190-2

All of the following Requirements must be met:

This 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.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

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.

1. ~~(THIS ITEM WAS INTENTIONALLY DELETED)~~
2. LAND TITLE GUARANTEE COMPANY HAS RECEIVED AN IMPROVEMENT LOCATION CERTIFICATE FOR THE SUBJECT PROPERTY PREPARED BY TRUE NORTH COLORADO LLC, JOB NO. 2019-249, DATED AUGUST 21, 2019, THAT IS ACCEPTABLE TO THE COMPANY. *** IN ADDITION, A SURVEY AFFIDAVIT, EXECUTED BY JOE D. SCOFIELD, IS NECESSARY INDICATING THAT THERE HAVE BEEN NO NEW IMPROVEMENTS, EASEMENTS OR BOUNDARY CHANGES SINCE THE DATE OF SAID IMPROVEMENT LOCATION CERTIFICATE AND THAT THE IMPROVEMENTS SHOWN ON SAID IMPROVEMENT LOCATION CERTIFICATE HAVE NOT BEEN ALTERED SINCE THE DATE OF SAID IMPROVEMENT LOCATION CERTIFICATE. ***
3. RELEASE OF DEED OF TRUST DATED OCTOBER 18, 2019 FROM JOE D. SCOFIELD TO THE PUBLIC TRUSTEE OF GARFIELD COUNTY FOR THE USE OF ALPINE BANK TO SECURE THE SUM OF \$475,000.00 RECORDED OCTOBER 18, 2019, UNDER RECEPTION NO. 927012.
4. SPECIAL WARRANTY DEED FROM JOE D. SCOFIELD TO CHERYL WYLY CONVEYING SUBJECT PROPERTY.
5. DEED OF TRUST FROM CHERYL WYLY TO THE PUBLIC TRUSTEE OF GARFIELD COUNTY FOR THE USE OF TO SECURE THE SUM OF .

NOTE: ITEMS 1 THROUGH 3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED FROM THE MORTGAGEE'S POLICY WHEN ISSUED UPON RECEIPT OF A SURVEY AFFIDAVIT. EXCEPTION MAY BE MADE TO ANY ADVERSE MATTERS DISCLOSED BY THE IMPROVEMENT LOCATION CERTIFICATE.

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF A SATISFACTORY LIEN AFFIDAVIT.

NOTE: ALL PARTIES WILL BE REQUIRED TO SIGN THE LIEN AFFIDAVIT AT CLOSING.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63018190-2

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
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 of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.

The Owner's Extended Coverage Policy will automatically increase coverage by 10 percent on each of the first five anniversaries of the policy date, at no additional charge.

8. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED NOVEMBER 10, 1947, IN BOOK 232 AT PAGE 435.
9. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED NOVEMBER 10, 1947, IN BOOK 232 AT PAGE 435.
10. EASEMENT AND RIGHT OF WAY FOR DITCH LATERAL AS GRANTED TO W.W. VONS BY MAX GERSTLE IN WARRANTY DEED RECORDED MARCH 20, 1893 IN BOOK 32 AT PAGE 389, IN WHICH INSTRUMENT THE SPECIFIC LOCATION OF SAID EASEMENT AND RIGHT OF WAY IS NOT DEFINED.
11. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN ORDINANCE NO. 14, SERIES OF 1994 RECORDED SEPTEMBER 27, 1994 IN BOOK 917 AT PAGE 134 AND ANNEXATION AGREEMENT RECORDED SEPTEMBER 27, 1994 IN BOOK 917 AT PAGE 137.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63018190-2

12. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN ORDINANCE NO. 15, SERIES OF 1994, RECORDED SEPTEMBER 27, 1994 IN BOOK 917 AT PAGE 153 AND HENDRICK RANCH PLANNED UNIT DEVELOPMENT APPLICATION RECORDED SEPTEMBER 27, 1994 IN BOOK 917 AT PAGE 157.
13. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN ORDINANCE NO. 31, SERIES OF 1994, RECORDED NOVEMBER 15, 1994 IN BOOK 922 AT PAGE 650.
14. TERMS, CONDITIONS, AND PROVISIONS OF SUBDIVIDER'S AGREEMENT RECORDED NOVEMBER 15, 1994, IN BOOK 922 AT PAGE 654 AND AS AMENDED IN INSTRUMENT RECORDED MARCH 07, 1995, IN BOOK 933 AT PAGE 769 AND AS AMENDED IN INSTRUMENT RECORDED AUGUST 03, 1995, IN BOOK 948 AT PAGE 994.
15. EASEMENTS, RIGHTS OF WAY, TERMS, CONDITIONS AND PROVISIONS AS CONTAINED IN EASEMENT AGREEMENT RECORDED NOVEMBER 15, 1994 IN BOOK 922 AT PAGE 683.

NOTE: EFFECTS OPEN SPACE ONLY.

16. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW AS CONTAINED IN INSTRUMENT RECORDED NOVEMBER 15, 1994, IN BOOK 922 AT PAGE 686 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 30, 1994, IN BOOK 926 AT PAGE 851.
17. EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SET FORTH ON THE PLATS OF HENDRICK RANCH PLANNED UNIT DEVELOPMENT, RECORDED NOVEMBER 15, 1994 AS RECEPTION NO. 471033 AND RECORDED MAY 15, 1995 AS RECEPTION NO. 487074.
18. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS OF AGREEMENT BETWEEN ROCKFORD DITCH ASSOCIATION AND HENDRICK RANCH ASSOCIATES, L.L.C. RECORDED NOVEMBER 18, 1994 IN BOOK 923 AT PAGE 25.
19. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 03, 2010, UNDER RECEPTION NO. 790945.
20. MATTERS DISCLOSED ON IMPROVEMENT LOCATION CERTIFICATE PREPARED BY TRUE NORTH COLORADO LLC. CERTIFIED AUGUST 21, 2019. JOB NO. 2019-249.
SAID DOCUMENT STORED AS OUR ESI 40163979



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 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 will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (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.

Note: Effective September 1, 1997, CRS 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, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company 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.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-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 substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

C B Rants

Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By *C Monroe* President
Attest *Daniel Wald* Secretary

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

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