

Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, February 13, 2020
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the January 30, 2020 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:20 p.m.
Election of Chair Pro Tem
6. 7:20 p.m. – 7:50 p.m.
PUBLIC HEARING – Subdivision Exemption.....Attachment B
Applicant: Patricia Wanner
Location: 1328 Barber Drive
7. 7:50 p.m. – 7:55 p.m.
Staff Update
8. 7:55 p.m. – 8:00 p.m.
Commissioner Comments
9. 8:00 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings:
2-18-20 – P&Z/Board Work Session
2-27-20 - TBD

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday January 30, 2020

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Jay Engstrom
Marina Skiles
Jeff Davlyn

Staff Present:

John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Nick Miscione
Nicholas DiFrank (1st Alternate)
Jade Wimberley

Other Persons Present

Mark Chain

The meeting was called to order at 7:00 p.m. by Michael Durant.

December 12, 2019 Minutes:

Ken made a motion to approve the December 12, 2019 minutes with one revision. Jay 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.

Election of Chair

A motion was made by Ken to reappoint Michael Durant as Chair. Marina seconded the motion and he was approved unanimously.

P&Z and BOT Work Session Discussion

Michael outlined Janet's Staff report for the work session scheduled for February 18, 2020.

Michael asked the Commission if there were any additions for the work session.

Marina said that she had been meeting with Janet regarding development possibilities in the Historical Commercial Core (HCC). She said that the parking requirements for residential in the HCC in the UDC as well as the distance from the units is not possible.

Further discussion ensued regarding parking.

Michael told the Commission if they had any further thoughts for the work session that they should send their draft of a paragraph via email to Janet by Wednesday February 12, 2020.

Staff Update

Michael stated that Janet has included the Planning Department Admin report in the packet.

John said that Red Hill Lofts, the affordable housing project on Dolores, is going to be submitted for a building permit in the next few weeks.

Mary said that we have not received any applications for the open seat on the P&Z or the BOA.

Commissioner Comments

Marina said get your tickets for the fashion show they're almost sold out.

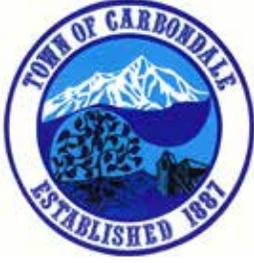
Jeff said that there will be a public comment meeting noticed for February for the Red Hill Park and Ride as well as for the trail users. He said that he would let the Commission know when there are more details.

Michael said that if three or more Commissioners are planning on attending that Mary will need to notice it.

Mark Chain said that it was excellent that the Town has acquired the lot across from Town Hall. He said that twenty years ago there was conversation over this lot as well as a bank offering to help with the financing but that it fell on deaf ears.

Motion to Adjourn

A motion was made by Jay to adjourn. Ken seconded the motion and the meeting was adjourned at 7:40 p.m.



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning Commission Agenda Memorandum

Meeting Date: 2-13-2020

TITLE: Wanner-Wanzek Subdivision Exemption
1328, 1330 and 1332 Barber Drive (Lot 1, Resubdivision of Block 25,
Crystal Village PUD)

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Public Works Memo dated December 20, 2020
Xcel Energy Comments
Land Use Application

BACKGROUND

This is a public hearing to consider an application for a Subdivision Exemption. The Planning Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

DISCUSSION

Lot 1, Block 25, Crystal Village PUD is a 9,083 sq. ft. parcel. It is zoned Multiple-Family Residential District (R/MF) in the Crystal Village PUD. An existing triplex, which was constructed in 1994, is located on the property. Each triplex unit is a two-bedroom, two-bathroom unit with 1,116 sq. ft. of living area and a 216 sq. ft. garage. The applicant would like to subdivide the parcel into three lots.

Zoning

The project was developed in conformance with the zone district criteria. The proposed lots would also comply with the zoning.

Two parking spaces are required for each dwelling unit. Each triplex unit has a single car garage with one space in the driveway in the front of the garage for a total of two spaces per unit. This is in compliance.

Utilities/Easements

Block 25 was subdivided into Lot 1 and Lot 2 in 1993. At that time, the utility service lines were described as “spaghetti” style of services because they crisscross each other towards the front of the lot. As a result, the plat which was approved at that time included a 20 ft. wide utility easement along the front of the lot. The utility easement would be retained on this plat as well to allow maintenance and repair of the service lines.

A gas line extends along the north side of the lot towards the rear of the parcel. There is an existing 15 ft. wide utility easement in this location. Gas service lines then extend out from the rear of the parcel to each townhome unit. The draft plat shows a large utility easement would be located in this area for maintenance and repair of those utility lines. Shallow utilities are also located in this area.

Each town unit has separate utility meters.

Subdivision Exemption Plat

The UDC does not require a surveyed plat to be submitted for a Subdivision Exemption application. UDC Section 2.6.6.C.1. simply requires a sketch plan, which is what was submitted.

If this is approved, the applicant would be required to have a Subdivision Exemption plat prepared by a licensed surveyor. All of the utility easements, including the gas line easements, will need to be shown on that plat as well as the accurate location of the service lines (as-builts). There is a condition that the plat would have to be reviewed and approved by Town Staff prior to recordation.

The driveways for 1330 and 1332 are connected. The lot line should be adjustment to line up with the joint of the driveway, if possible. The party wall agreement should address the maintenance of the shared driveways in the future.

Party Wall Agreement

A Party Wall Agreement was submitted with the application. This agreement only addresses the party wall between each unit. The party wall should be expanded to cover maintenance of the roof and the re-siding the triplex as a common element.

The sewer service lines are located under the driveways. The part wall agreement should address damage and replacement of driveways due to work on utility service lines.

Fees

Park Development, School District and Fire District fees are due at the time of subdivision. These fees have been made conditions of approval.

Subdivision (UDC Section 2.6.6):

The Planning Commission may approve a Subdivision Exemption if it finds the following:

1. The subject property is suitable for subdivision as allowed in Chapter 17.06, *Subdivision*;
2. All public utilities are in place on, or immediately adjacent to, the subject property;
3. Each lot has the necessary dedicated public access required by this code at the time of the subdivision exemption application;
4. The subdivision plat shall comprise and describe not more than three lots and, unless the property to be subdivided is wholly owned by the Town or another federal, state or local government entity, the entire parcel to be subdivided shall be no more than five acres in size; and
5. The preparation of engineered design data and specifications is not needed to enable the commission to determine that the subject property meets the design specifications in Chapter 17.06 *Subdivision*.

FISCAL ANALYSIS

There would be no fiscal impact on the Town.

RECOMMENDATION

Staff recommends that the following motion be approved: **Move to approve the Subdivision Exemption with the recommended findings and conditions below.**

Recommended Conditions:

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.
2. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and

record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.

3. The applicant shall provide a final party wall agreement for Staff review and approval prior to recordation of the plat. The party wall agreement shall be revised address the following items:
 - a. Maintenance and repair of shared driveways.
 - b. Maintenance of the roof and re-siding the triplex
 - c. Maintenance and repair of gas line easement area in the rear yard.
4. The following Park Development, School District and Fire District fees shall be paid prior to recordation of the plat, unless waived by the School District, Fire District or Board of Trustees:

Park Development

3 units @ \$700 = \$2,100

Fire District

3 units @ \$730 = \$2,190

School District

3 two-bdrm units @ \$403 = \$ 806

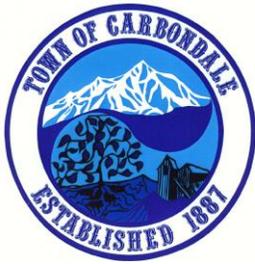
5. The applicant shall be responsible for the costs of recordation of the approval documents.

Findings:

1. The subject property is suitable for subdivision as allowed in *Chapter 17.06, Subdivision*.
2. All public utilities are in place and are currently serving the subject property;
3. Each lot has the necessary dedicated public access required by this code at the time of the subdivision exemption application;
4. The subdivision plat comprises no more than three lots and the entire parcel is not more than five acres in size; and

5. The preparation of engineered design data and specifications is not needed to enable the Commission to determine that the subject property meets the design specifications in Chapter 17.06 *Subdivision*.

Prepared By: Janet Buck, Planning Director



TOWN OF CARBONDALE

PUBLIC WORKS

511 Colorado Avenue
Carbondale, CO 81623

Development Review Memorandum

SUBJECT PROPERTY/DEVELOPMENT: 1328 Barber Drive
ITEM NUMBER: LU19-30
ARCHITECT: N/A
OWNER: Richard & Alice Wanzek
DATE: December 20, 2019

REVIEW COMMENTS:

Water:

- Water service for 1330 appears to cross driveway for 1332 (within utility easement). Damage and replacement of 1332 driveway due to work on 1330 water service line should be addressed in declaration.

Sanitary Sewer:

- Sewer service for 1332 appears to cross driveway for 1330 and 1328 (within utility easement). Sewer service for 1330 appears to cross driveway for 1328 (within utility easement). Damage and replacement of 1328 and 1330 driveway due to work on sewer service lines from other units should be addressed in declaration.

Landscaping/Planting:

- N/A

General/Other:

- The plat should show existing utility easements (20' in front and 15' on north side per original plat Rec. No. 457053.
- The plat should show the gas easements shown on the "as built and proposed lot lines" sheet.
- The driveways for 1330 and 1332 are connected. Does the joint between the driveways line up with the proposed lot line? If not, the lot line should be adjusted on the front to line up with this joint. The declaration should also address how maintenance of these connected driveways will be addressed in the future.
- Since these units have a common roof (and for that matter siding) without any breaks or other features that would easily differentiate which unit owns which piece of the roof or siding, it would seem that the declaration should address future maintenance of the roof and siding as a common element..
- If there are satellite dishes or other appurtenances attached to a portion of the roof, that serve portions of the building located on other lots (i.e. the dish for 1328 being located above 1332), the declaration should address maintenance and damage responsibilities.

TOWN OF CARBONDALE

PLANNING DEPARTMENT
REVIEWING AGENCY FORM

PLANNING ITEM #: LU19-30

DATE SENT: 12-16-19

COMMENTS DUE: 1-3-20

TO: _____

To assist the Town in its review of this project, your review and written comments are requested. Please notify the Planning Department if you will not be able to respond by the date listed above. Questions regarding this project should be directed to the Planning Department, 963-2733.

APPLICANT: Pat Wanner

OWNERS: Richard & Alice Wanzek

LOCATION: 1328 Barber Drive

ZONE: R/MF Crystal Village PUD

PROJECT DESCRIPTION: Subdivide Lot 1 of Block 25 into three separate townhomes.

PLANNING STAFF CONTACT: Janet Buck

The following are conditions or comments I would offer regarding this item: (Attach separate sheet if necessary)

After Review Xcel Energy has no objection.

Existing easements cover the existing utilities. Installation, relocation, **upgrade of existing facilities due to increased load** and/or removal of existing facilities will be made at the applicant's expense. All Current and future Xcel Energy facilities' must be granted easement.

Please return comments to both: jbuck@carbondaeco.net
msikes@carbondaeco.net

Planning Department
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

Richard & Alice Wanzek represented by Ralph & Patricia Wanner
 Colorado Townhomes LLC
 1328, 1330, 1332 Barber Drive townhomes
 Lot 1, Resubdivision of Block 25

We are applying for a resubdivision of a triplex townhome structure in the Crystal Village Townhome area.

The lot site is 9083 Square feet and there is an existing triplex on the site.

All zoning requirements are met.

We wish to subdivide Lot 1 of Block 25 so that each townhome unit is separately conveyable.

The subdivision meets the purposes of this code because the use, square footage, party walls, parking and density is in compliance with the property zoning code regulations.

each unit is 2 bedroom, 2 bathroom, with single stall garage for 1 parking space plus one parking space as driveway for total of 2 spaces per unit

Section III. C Area Ratios

1. building lot coverage area to total ground area: 1 to 4 max
2. Parking, sidewalks, other paving to total ground area: 1 to 4 max
3. Remaining open space to total lot area: 1 to 2 Min

	Unit <u>1328</u>	Unit <u>1330</u>	Unit <u>1332</u>
	649SF = 17%	649SF=25%	649SF = 23%
	320SF = 9%	458SF = 18%	322SF = 11%
	<u>2737SF = 74%</u>	<u>1448SF = 57%</u>	<u>1872SF = 66%</u>
Each unit lot SF	3706SF = 100%	2555SF = 100%	2843=100%

each unit
 Total living SF = 1116 SF
Total garage SF = 216 SF
 Total SF = 1332 SF

This Declaration is made this ____ day of _____, 2019, by Patricia J Wanner, as the representative for co-owners, Richard & Alice of 1328, 1330, and 1332 Barber Drive, County of Garfield, State of Colorado, Carbondale, Co.

Whereas, execution of this document of the declaration by the owner of said lots evidences the obligations and responsibilities to be undertaken by the current and subsequent owners of said property.

Now, THEREFORE, the Declarant states that the ownership of said lots shall be subject to the following:

1. Easement for Party Walls. The wall and any structural extension that forms the division between any two (2) lots (not exceeding one foot in width) is hereby declared to be a party wall to be shared and owned in common by the owners of the respective lots. Each lot shall be subject to an easement for encroachment created by construction, settling or overhang of the present party wall, and to a reasonable degree, any subsequent improvement, addition or replacement thereof, and for the maintenance of the same so long as such encroaching portion stands and exists. In the event the building is partially or totally destroyed by fire or otherwise and is rebuilt by the Owners, such Owners agree that minor encroachment of parts of the adjacent improvements upon a lot due to such reconstruction shall be permitted and that a valid easement for said encroachment and the maintenance thereof shall and does exist. Each Owner shall have an easement for horizontal and lateral support for improvements situated on such Owner's lot. Each Owner shall have the irrevocable right to have reasonable access to another lot during reasonable hours as may be necessary for the inspection, maintenance, repair or replacement of party wall or any utilities located therein or for making emergency repairs necessary to prevent damage to a party wall or a lot.

2. Responsibility for Party Walls. Except as is otherwise provided in this Declaration, the cost of reasonable maintenance, repairs and replacement of each party wall shall be the joint expense of the Owners sharing such party wall. The cost of repairs and maintenance of the finished surface of the party wall located within a lot shall be the sole expense of the Owner of such lot. An Owner shall have the right to reasonably maintain and repair any utility installation located within a party wall, but in so doing shall restore the party wall to its original condition.

3. Negligence of Owner. In the event a party wall is damaged or destroyed by the act, omission, default or negligence of one of the Owners, such Owner shall rebuild or repair such wall and shall compensate any other Owner of any damage to the latter's property. In addition, an Owner who by negligence or willfull act causes or permits a party wall to be exposed to the elements of nature, shall bear the sole cost of furnishing

the necessary protection against such elements so as to protect such party wall and other Owner's property against such elements.

4. Standard of Repair. Any repairs or rebuilding of a party wall shall be done in a workmanlike manner and shall conform, in all respects, to the laws in force at the time regulating the construction, restoration or repair of buildings.

5- Insurance. To the extent that damages to a party wall are covered by insurance, the insurance proceeds shall be used and applied to repair, restore or replace such party wall. Except as provided above, any deficiency in insurance funds shall be paid as the joint expense of the Owners having an interest in such wall.

6. Common Law Application. To the extent they are not inconsistent with the provisions of this Declaration the general rules of law regarding party walls shall apply to the real property subject hereto.

Date: _____ by: _____

STATE OF COLORADO)

COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this ____ day of _____
2019 by _____

Witness my hand and official seal.

My commission expires _____

Notary Public

[Return to Search Results](#)

You searched for: DocNumID = 906398 and RecDateID >= Wed Feb 21 00:00:00 MST 1883 and <= Wed Nov 13 00:00:00 MST 2019

One item found. 1

Description	Summary
Special Warranty Deed 906398	Rec Date: 05/07/2018 09:03:48 AM BookPage: Related: Grantor: RICHARD & ALICE WANZEK FAMILY TRUST, WANZEK, RICHARD- TRUSTEE, WANZEK, ALICE-TRUSTEE Grantee: COLORADO TOWNHOMES LLC Notes: Legal: Subdivision 457053 CRYSTAL VILLAGE F6AMPH1 REB25 L1-2 Lot...

One item found. 1

[Return to Search Results](#)

November 14, 2019

Janet Buck,

Attached is a copy of the Staff Report for the adjacent Lot 2 of Block 25 that we owned and re-subdivided after we had built the Triplex townhome structure and were approved to subdivide into 3 individual townhomes in 1996.

We are proposing the exact same thing for Lot 1 of Block 25 that my parents own and is the exact same building in design and size that we built for them with the same intention of subdividing into 3 individual townhomes.

Ralph & Pat Wanner

STAFF REPORT

96-22 - RESUB
723/96

Project Name: **Resubdivision of Lot 2, Block 25, Crystal Village PUD No. 6, Phase I**

Type of Application: **Resubdivision**

Applicant: Ralph & Pat Wanner
621 Cowen Drive
Carbondale, Co. 81623

Location: 1334, 1336 and 1338 Barber Drive
aka Lots 2A - 2C, Block 25, Crystal Village No. 6

Existing Zoning: Crystal Village PUD - R/MF (Residential/Multi-family District)

Access: Barber Drive

Utilities: In place

Existing Lot Size: 9,130.5 square feet

Proposed Lots: 2A - 3098.4 square feet
2B - 3006.3 square feet
2C - 3025.8 square feet

Proposed Zoning: Same

Before you tonight is a proposal to split a tri-plex multi-family unit in the Crystal Village Townhome area. You are required to hold a Public Hearing and recommend to the Board of Trustees that they approve the application as presented, approve with conditions, deny the application or continue the Public Hearing.

Project Background:

Before you tonight is a resubdivision application of a tri-plex townhome structure in the Crystal Village Townhome area. The site is 9,130.5 square feet and there is an existing tri-plex on the site. All zoning requirements are met.

Block 25 was originally 18,214 square feet when Filing 6, Phase I was amended in 1981. There were six multi-family units apportioned to Block 25.

Ralph and Pat Wanner and a relative came in and divided Block 25 prior to any construction. Lot 1 and Lot 2 are essentially equal in size and each retained the right to a tri-plex structure. The resubdivision was approved by the Town in 1993. At that time the front utility easement was expanded to 20 feet because of the "spaghetti" style of services in the area and there was a 15 foot easement for gas provided along the back lot line.

The applicants subsequently developed each of these lots and now wish to subdivide Lot 2 of Block 25 so that each townhome unit is separately conveyable.

Comments/Concerns:

1. Zoning - The project was developed in conformance with zone district criteria.
2. A party wall agreement had been submitted and should be recorded with the Final Plat.
3. Easements
 - a. There is a 10 foot utility easement shown along the rear lot line of Lot 2B and 2C- Its primary purpose is to accommodate a gas line. Block 25 had a 15 foot utility easement when it was originally platted and I would recommend it stay at 15 feet in order to be consistent with adjoining townhome blocks. The building setback in this area is 15 feet so it should not present any difficulties.
 - b. The 20 foot utility easement along the front lot lines was put in place with the 1993 subdivision in order to accommodate the "spaghetti" style services that were put in place for these units. I would recommend that this 20 foot easement be retained on Lots 2B & 2C in order to be consistent with surrounding townhome blocks. It appears that curb stops, etc. are outside the proposed 10 foot easement. The nature of multi services in this area would make it easy to accommodate work if the easement was 20 foot in width. Once again, the front setback is 20 feet.
4. There are minor changes to the Board of Trustees Certificate and the Certificate of Dedication and Ownership which I have instructed the surveyor to make. I would also recommend that the setback information for this area also be provided on the plat in case there is redevelopment proposed in the future (This plat and setback info is standard for Crystal Village Filing 6, Phase 1.

5. I would like to see the addresses put on the plat in order to help water/wastewater and public works respond to emergencies.

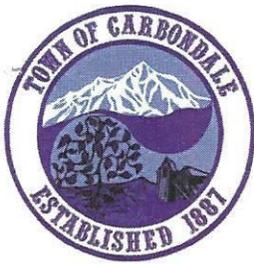
Recommendation:

Staff recommends that you approve the resubdivision of Lot 2, a portion of Block 25 in Crystal Village PUD No. 6, Phase I with the following conditions:

- 1 ✓ That the front utility and drainage easements for Lots 2B & 2C be expanded from 10 feet to 20 feet.
- 2 ✓ That the rear utility easement for Lots 2B and 2C be expanded from 10 feet to 15 feet.
3. That the minor changes to the various certificates and other notes on the plat be made to staff's satisfaction.
- 4 ✓ That the party wall agreement be recorded with the resubdivision plat.
- 5 ✓ That the addresses of the units be put on the resubdivision plat.

mark will talk thru w/ marge

? →



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

Pre-Application Meeting Date 11/22/19
 Fees _____ Date Pd _____

Land Use Application

PART 1 – APPLICANT INFORMATION

Applicant Name: Pat Wanner Phone: (970) 987-8680
 Applicant Address: 36 meadow CT / Carbondale, CO 81623
 E-mail: wannerparty@hotmail.com
 Owner Name: Richard + Alice Wanzek Phone: (701) 659-1105
 Address: 419 18th ST, NE Apt. 210 / Jamestown, ND 58401
 E-mail: rwanzek@daktel.com

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

1328 Barber Drive, LOT 1 of Resubdivision of Block 25

PART 2 – PROJECT DESCRIPTION

General project description:

Subdivide LOT 1 of Block 25 so 3 townhomes
Can be conveyed as separate units.

Size of Parcel: 9083 # Dwelling Units: 3 Sq Ftg Comm: _____

Type of Application(s): Resubdivision of Triplex Townhome

Existing Zoning: Multi-Family Proposed Zoning: No Change

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.

Pat Wanner
 Applicant Signature

12/2/19
 Date

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

Richard Wanzek 12-2-19
 Owner Signature Date

Alice Wanzek 12-2-19
 Owner Signature Date

STATE OF COLORADO North Dakota
 COUNTY OF GARFIELD Stutsman) ss.

The above and foregoing document was acknowledged before me this 2nd day of December 2019, by Richard Wanzek and Alice Wanzek

This Declaration is made this ____ day of _____, 2019, by Patricia J Wanner, as the representative for co-owners, Richard & Alice of 1328, 1330, and 1332 Barber Drive, County of Garfield, State of Colorado, Carbondale, Co.

Whereas, execution of this document of the declaration by the owner of said lots evidences the obligations and responsibilities to be undertaken by the current and subsequent owners of said property.

Now, THEREFORE, the Declarant states that the ownership of said lots shall be subject to the following:

1. Easement for Party Walls. The wall and any structural extension that forms the division between any two (2) lots (not exceeding one foot in width) is hereby declared to be a party wall to be shared and owned in common by the owners of the respective lots. Each lot shall be subject to an easement for encroachment created by construction, settling or overhang of the present party wall, and to a reasonable degree, any subsequent improvement, addition or replacement thereof, and for the maintenance of the same so long as such encroaching portion stands and exists. In the event the building is partially or totally destroyed by fire or otherwise and is rebuilt by the Owners, such Owners agree that minor encroachment of parts of the adjacent improvements upon a lot due to such reconstruction shall be permitted and that a valid easement for said encroachment and the maintenance thereof shall and does exist. Each Owner shall have an easement for horizontal and lateral support for improvements situated on such Owner's lot. Each Owner shall have the irrevocable right to have reasonable access to another lot during reasonable hours as may be necessary for the inspection, maintenance, repair or replacement of party wall or any utilities located therein or for making emergency repairs necessary to prevent damage to a party wall or a lot.

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3. Negligence of Owner. In the event a party wall is damaged or destroyed by the act, omission, default or negligence of one of the Owners, such Owner shall rebuild or repair such wall and shall compensate any other Owner of any damage to the latter's property. In addition, an Owner who by negligence or willfull act causes or permits a party wall to be exposed to the elements of nature, shall bear the sole cost of furnishing

the necessary protection against such elements so as to protect such party wall and other Owner's property against such elements.

4. Standard of Repair. Any repairs or rebuilding of a party wall shall be done in a workmanlike manner and shall conform, in all respects, to the laws in force at the time regulating the construction, restoration or repair of buildings.

5- Insurance. To the extent that damages to a party wall are covered by insurance, the insurance proceeds shall be used and applied to repair, restore or replace such party wall. Except as provided above, any deficiency in insurance funds shall be paid as the joint expense of the Owners having an interest in such wall.

6. Common Law Application. To the extent they are not inconsistent with the provisions of this Declaration the general rules of law regarding party walls shall apply to the real property subject hereto.

Date: _____ by: _____

7

STATE OF COLORADO)

COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this ____ day of _____
2019 by _____

Witness my hand and official seal.

My commission expires _____

Notary Public

SPECIAL WARRANTY DEED

THIS DEED, made on April 27th, 2018,

between **Richard Wanzek and Alice Wanzek, as Trustees of the Richard & Alice Wanzek Family Trust,**
dated April 20, 1992

of the County of STUTSMAN, and State of ND, grantor(s),

and **Colorado Townhomes, LLC**

whose legal address is: 1106 13th Avenue SW, JAMESTOWN, ND 58401

of the County of STUTSMAN, and State of ND, grantee

WITNESS, that the grantor(s), for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the grantee, its successors 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:

Lot 1

Resubdivision of Block 25

Crystal Village Planned Unit Development, Multi-Family Area

Amended Filing No. 6 Phase 1

According to the plat thereof recorded December 27, 1993 as Reception No. 457053.

also known by street and number as: 1328, 1330 and 1332 Barber Drive, Carbondale, CO 81623

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor(s), for themselves, their heirs, and personal representatives, successors and assigns do covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Richard & Alice Wanzek Family Trust, dated April 20, 1992

Richard Wanzek
By: Richard Wanzek, as Trustee

Alice Wanzek
By: Alice Wanzek, as Trustee

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF STUTSMAN)

The foregoing instrument was acknowledged before me on April 27, 2018, by Richard Wanzek and Alice Wanzek, as Trustees of the Richard & Alice Wanzek Family Trust, dated April 20, 1992.

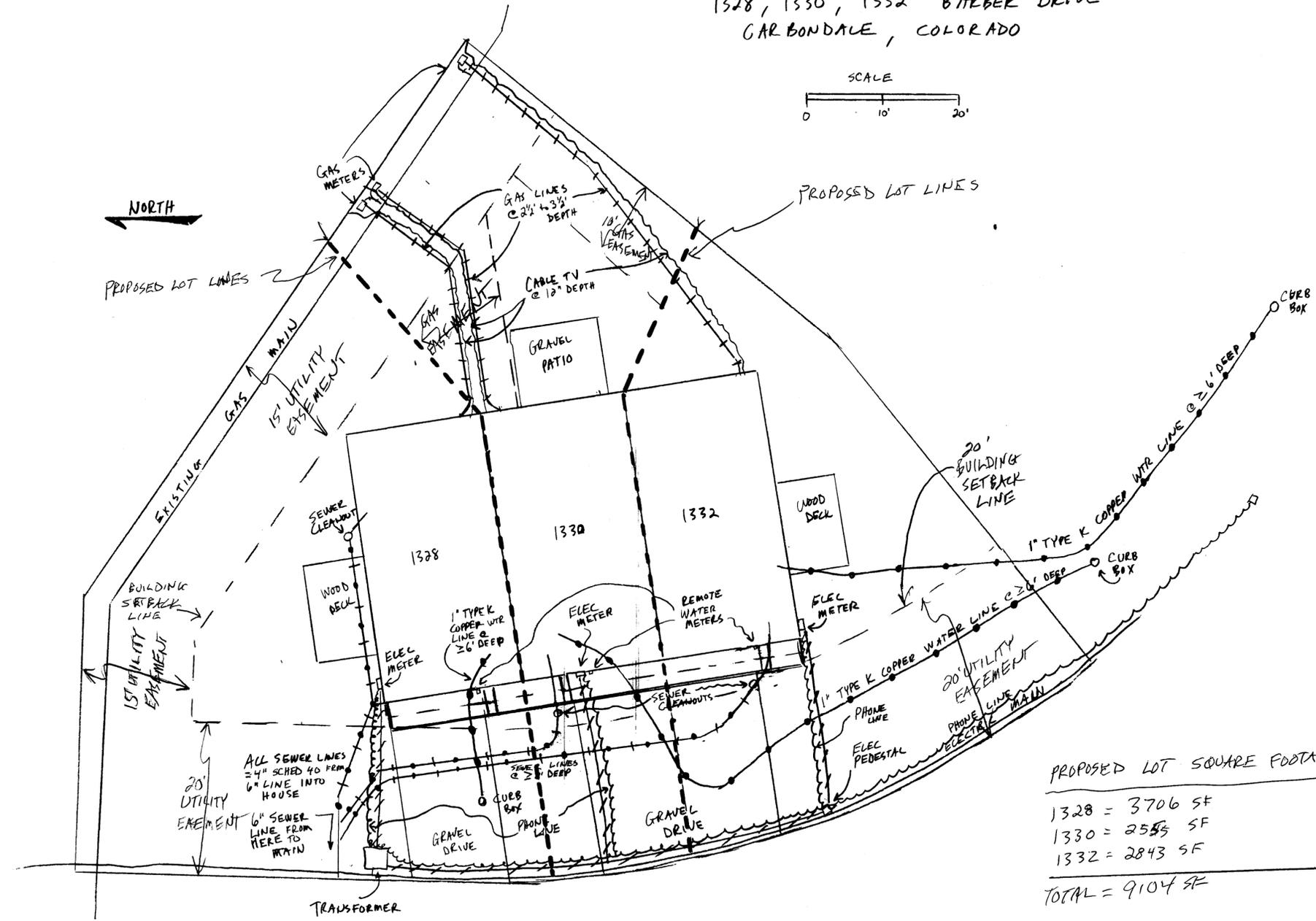
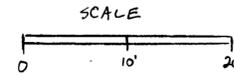
WITNESS my hand and official seal

Shelly Medema
Notary Public

SHELLY MEDEMA
Notary Public
State of North Dakota
My Commission Expires Jan. 8, 2021

Return to:
Colorado Townhomes, LLC
1106 13th Avenue SW
JAMESTOWN, ND 58401

WANZEK TOWN HOMES AS BUILTS AND PROPOSED LOT LINES
 1328, 1330, 1332 BARBER DRIVE
 CARBONDALE, COLORADO



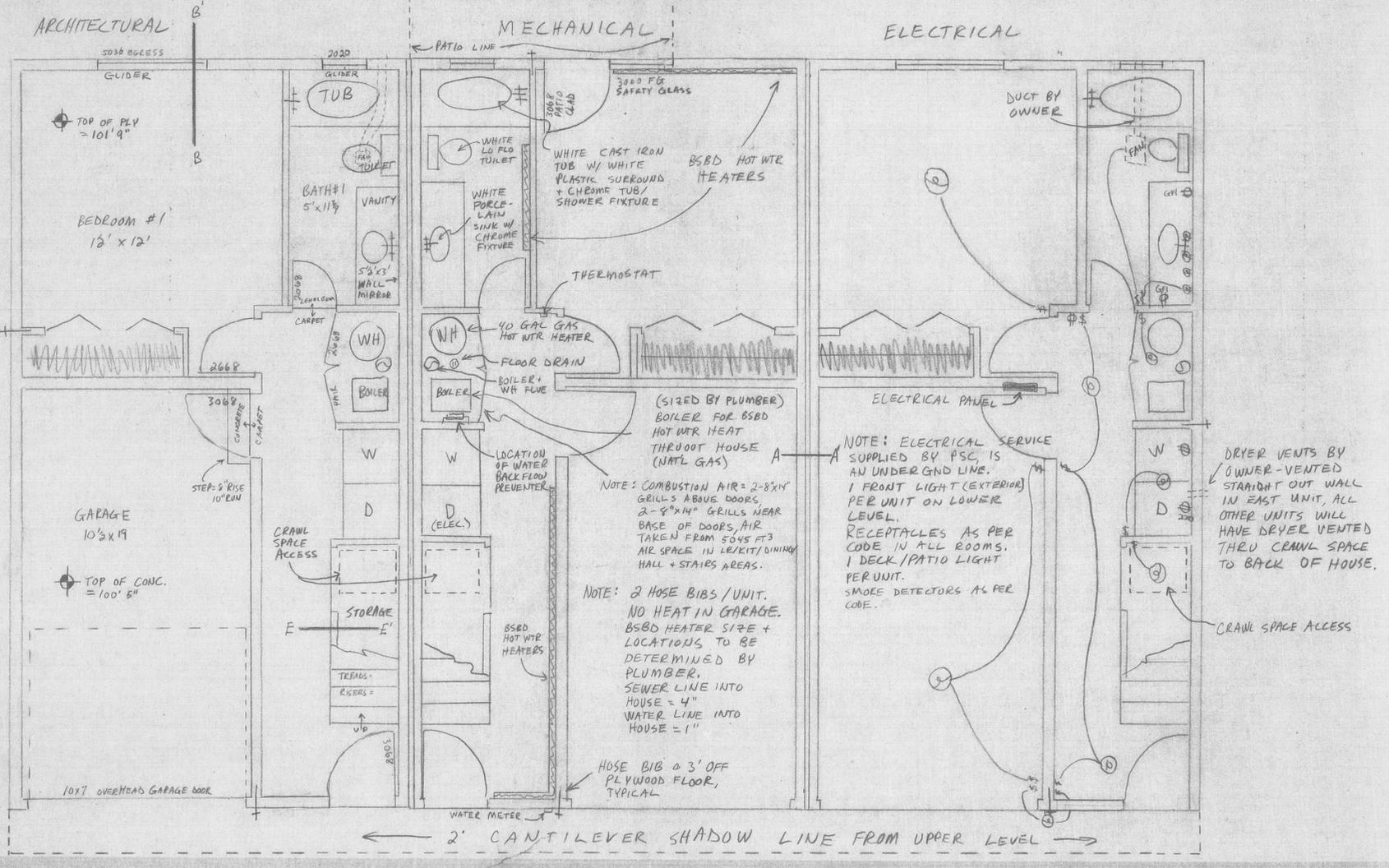
PROPOSED LOT SQUARE FOOTAGE

1328	=	3706 SF
1330	=	2555 SF
1332	=	2843 SF
TOTAL		= 9104 SF

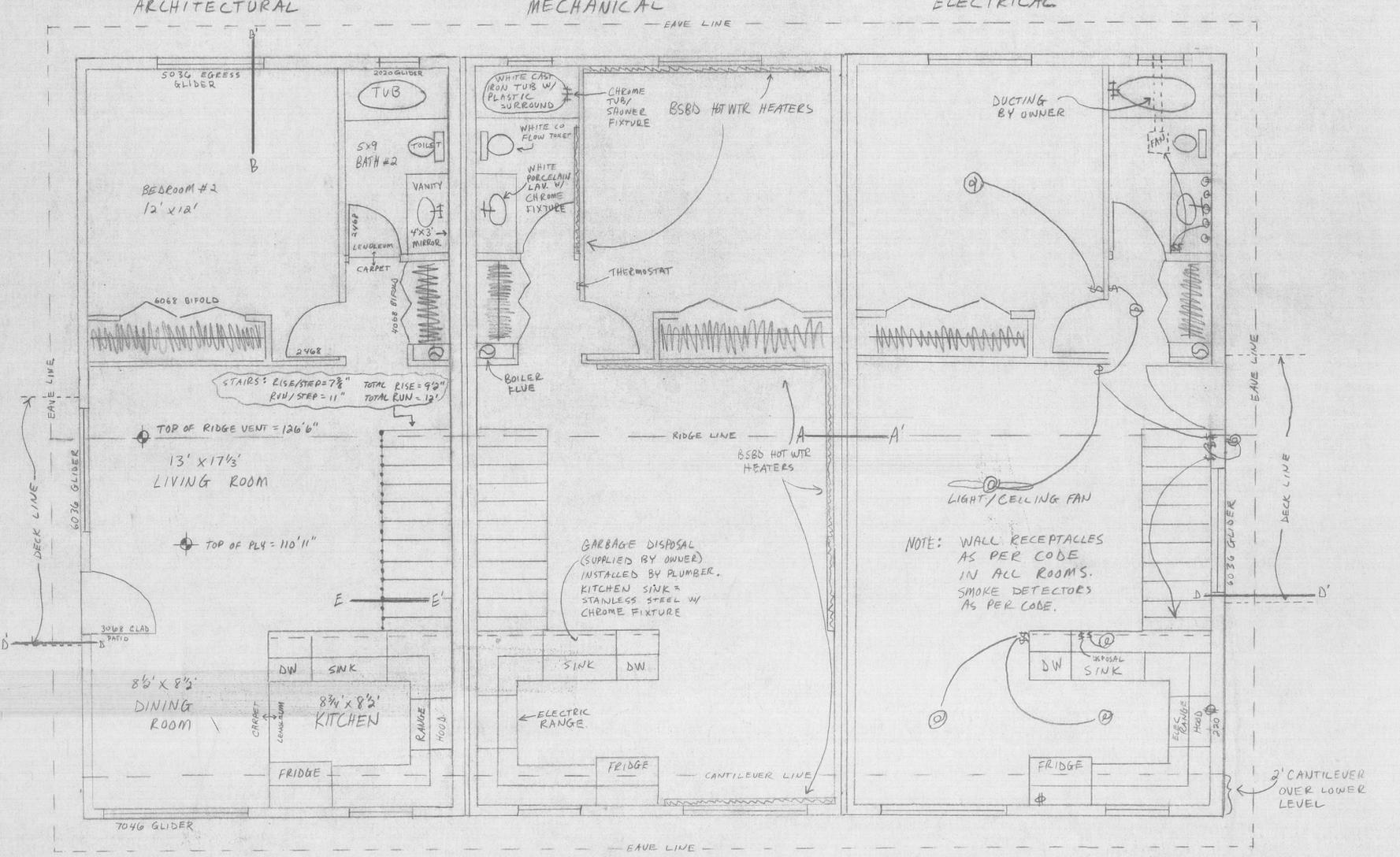
WANNER TOWN HOMES - 1334, 1336, 1338 BARBER DRIVE, CARBONDALE, CO

RALPH WANNER
WANNER CONSTRUCTION
415 South Second
Carbondale, CO 81623
303-963-0830

LOWER LEVEL FLOOR PLANS SCALE: 1/4" = FOOT

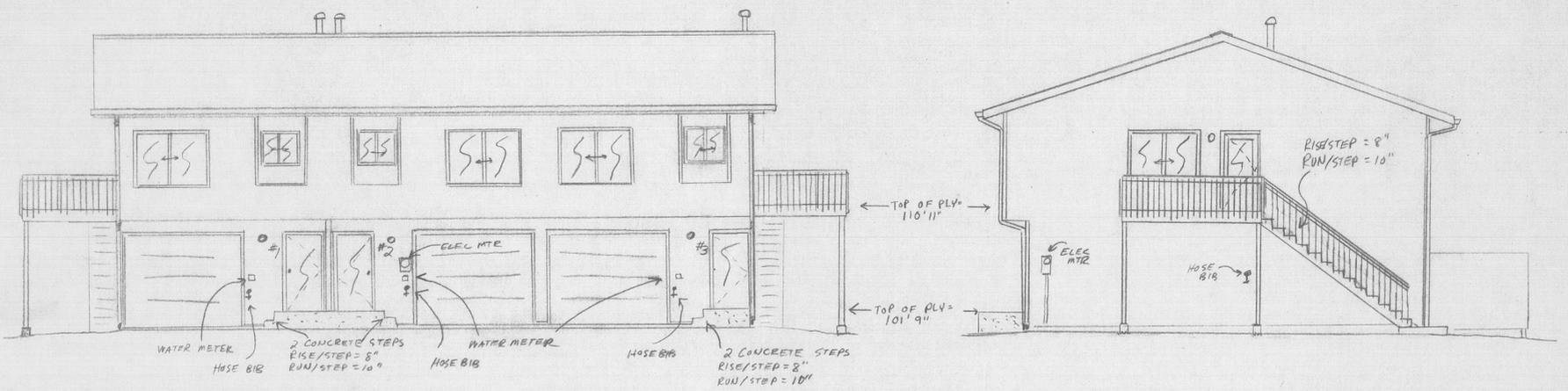


UPPER LEVEL FLOOR PLANS SCALE: 1/4" = FOOT



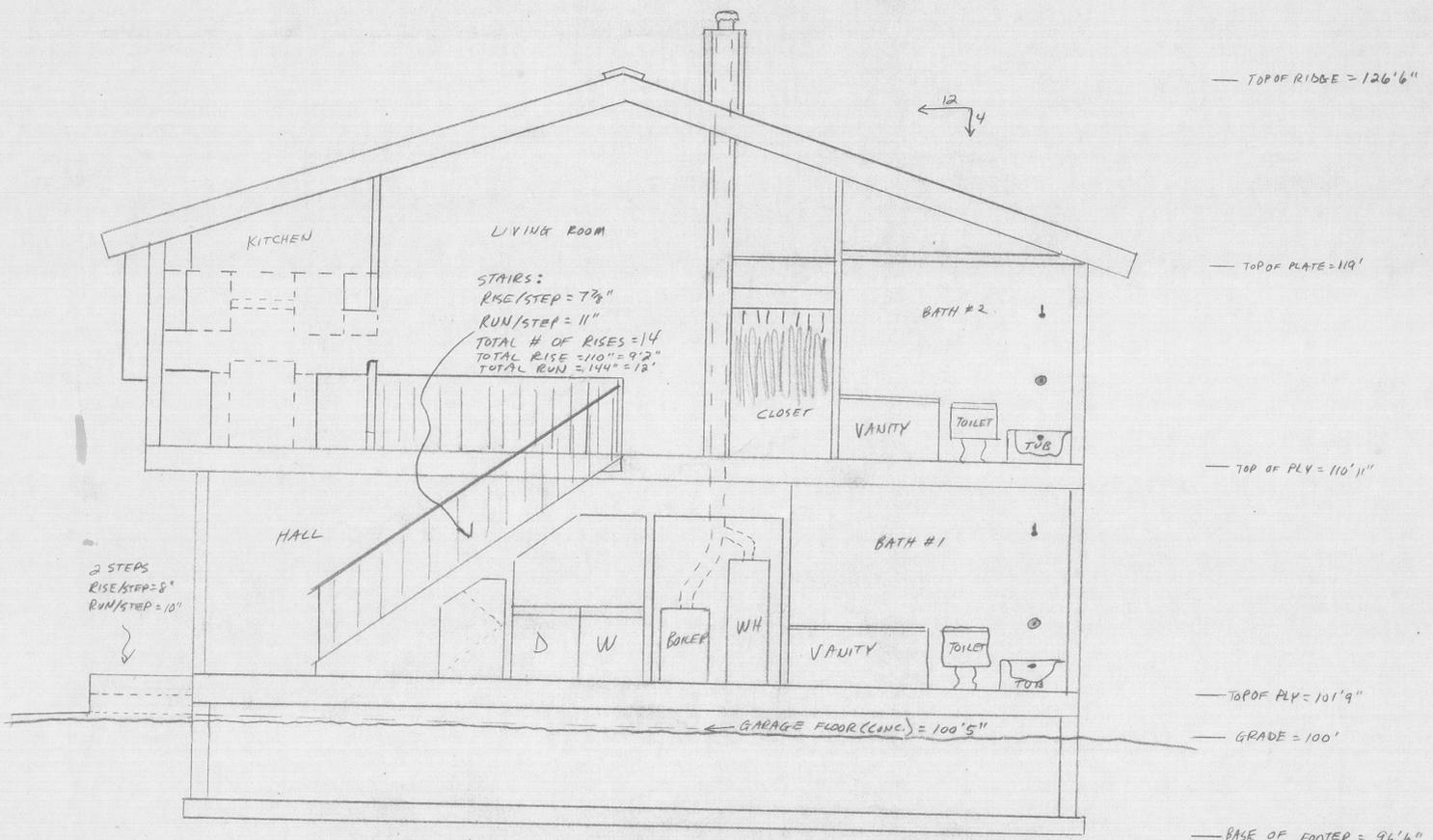
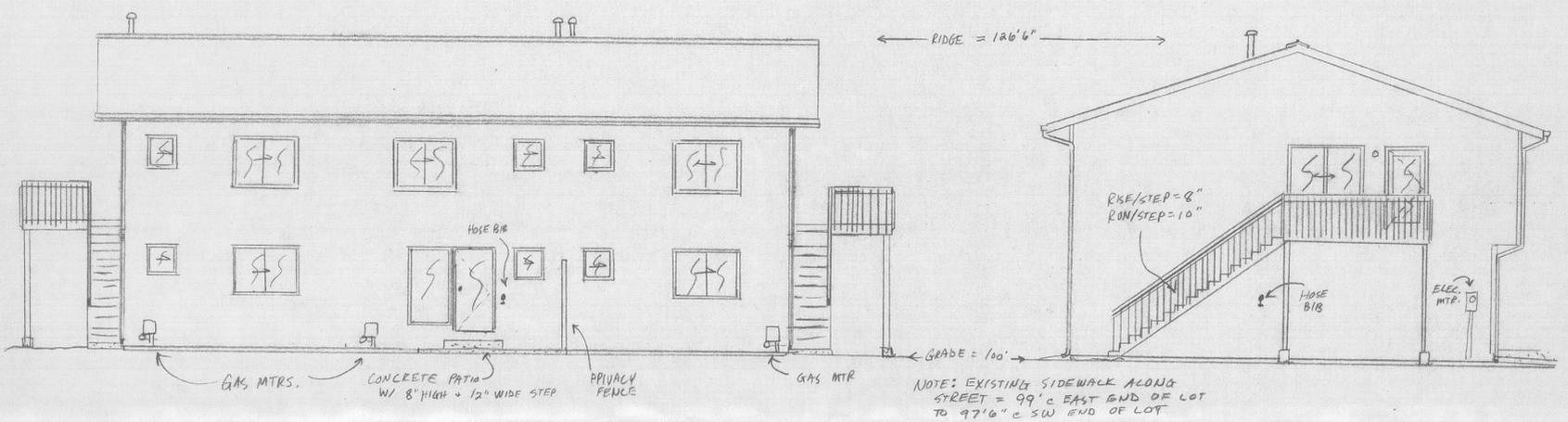
SOUTH ELEVATION SCALE: 1/8" = FOOT

EAST ELEVATION SCALE: 1/8" = FOOT



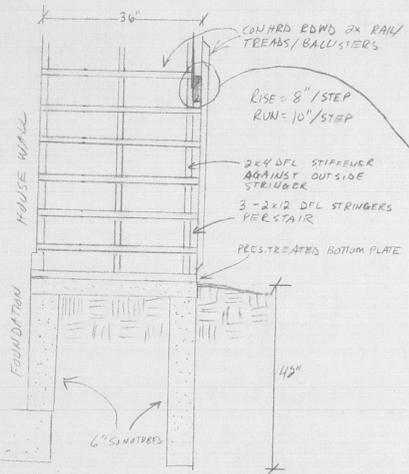
NORTH ELEVATION SCALE: 1/8" = FOOT

WEST ELEVATION SCALE: 1/8" = FOOT



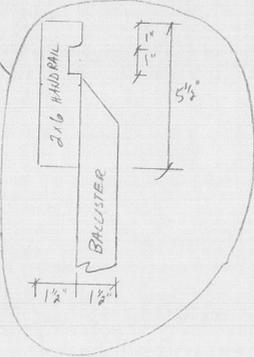
C-C' STAIRS SECTION

SCALE: 1/2" = FOOT



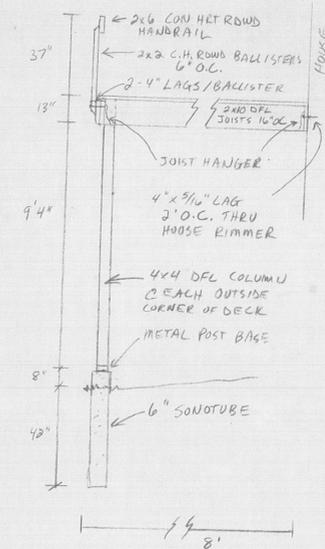
C1 HANDRAIL SECTION

SCALE: 1/4" = 1"



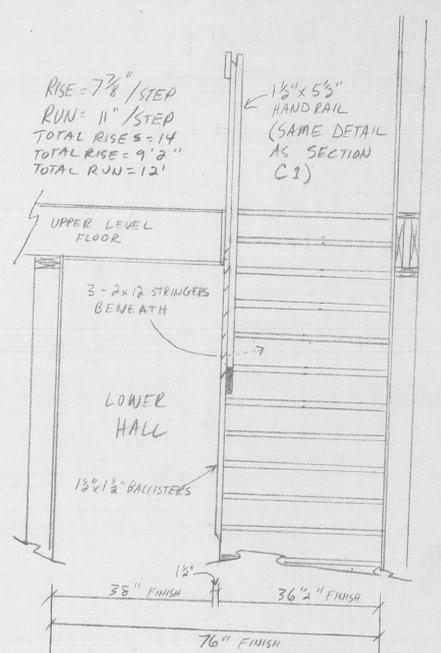
D-D' DECK SECTION

SCALE: 1/4" = FOOT



E-E' INTERIOR STAIR RAIL SECTION

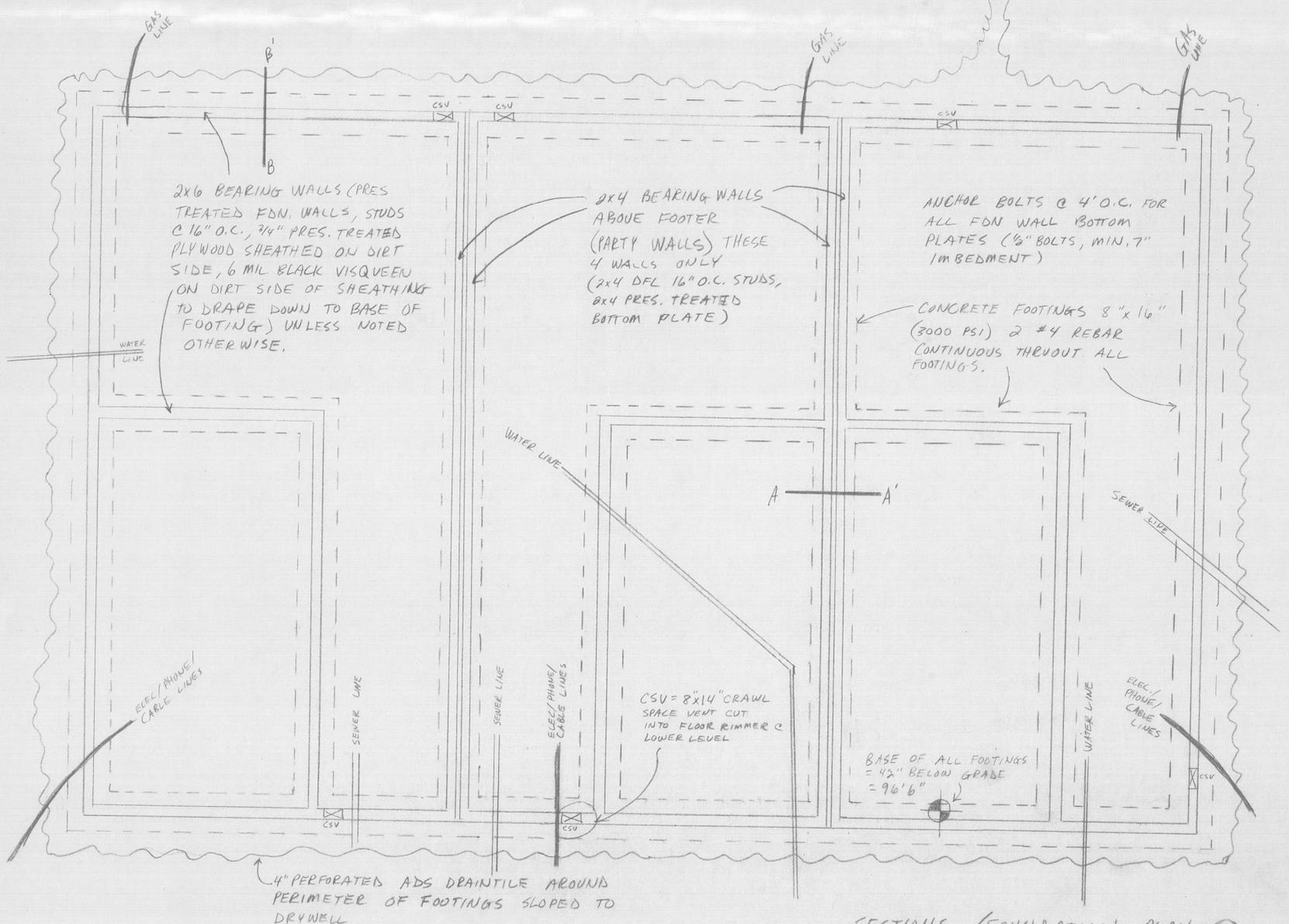
SCALE: 1/2" = FOOT



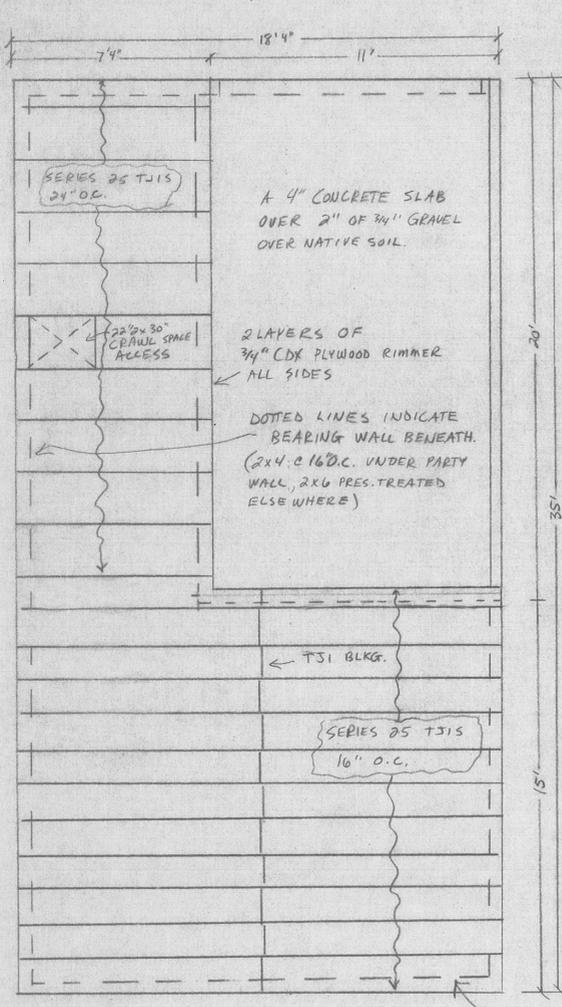
FOUNDATION/FOOTER PLAN

SCALE: 1/4" = FOOT

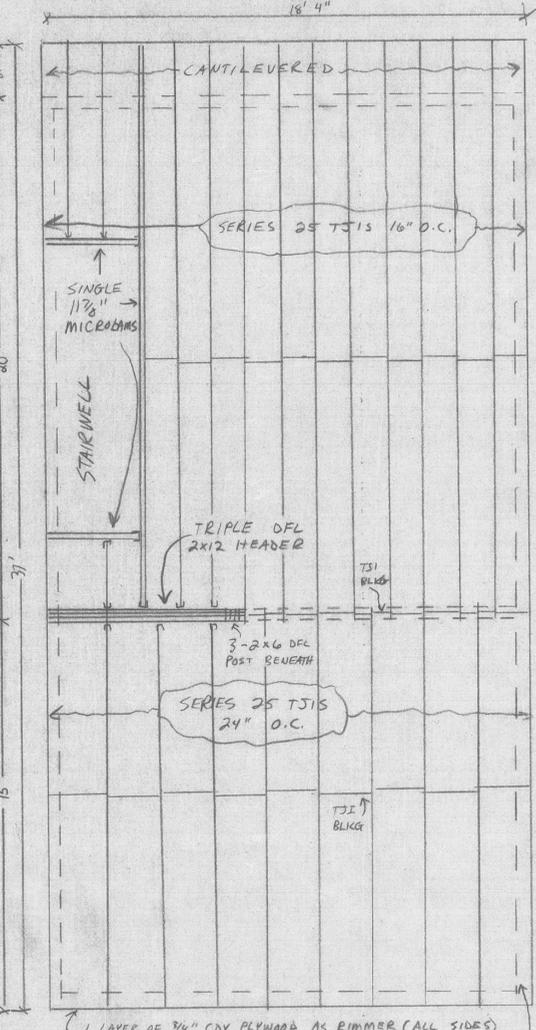
6'x6' x 3' DEEP
DRYWELL
TOP = 95'
3/4" WASHED ROCK



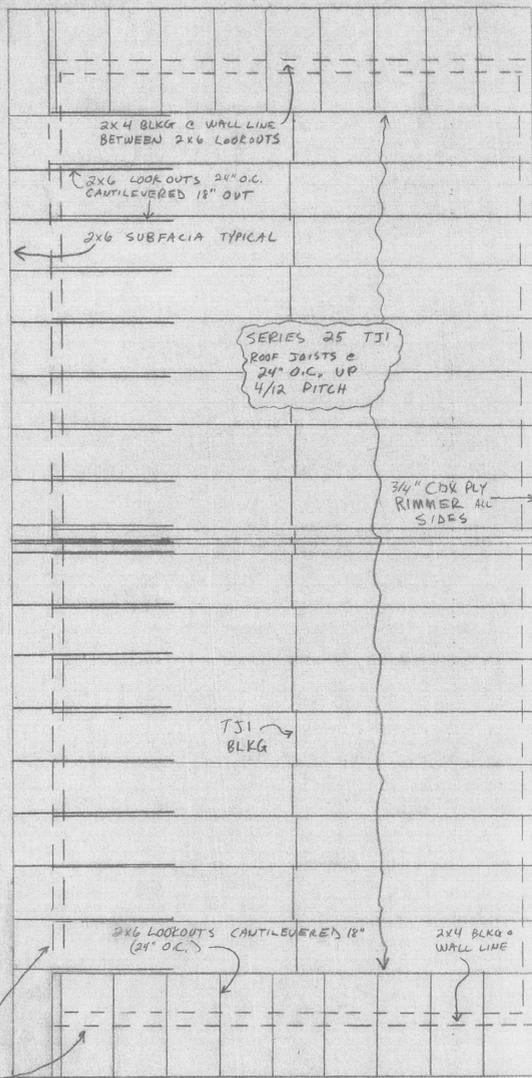
LOWER LEVEL FLOOR JOIST PLAN
SCALE = 1/4" / FOOT



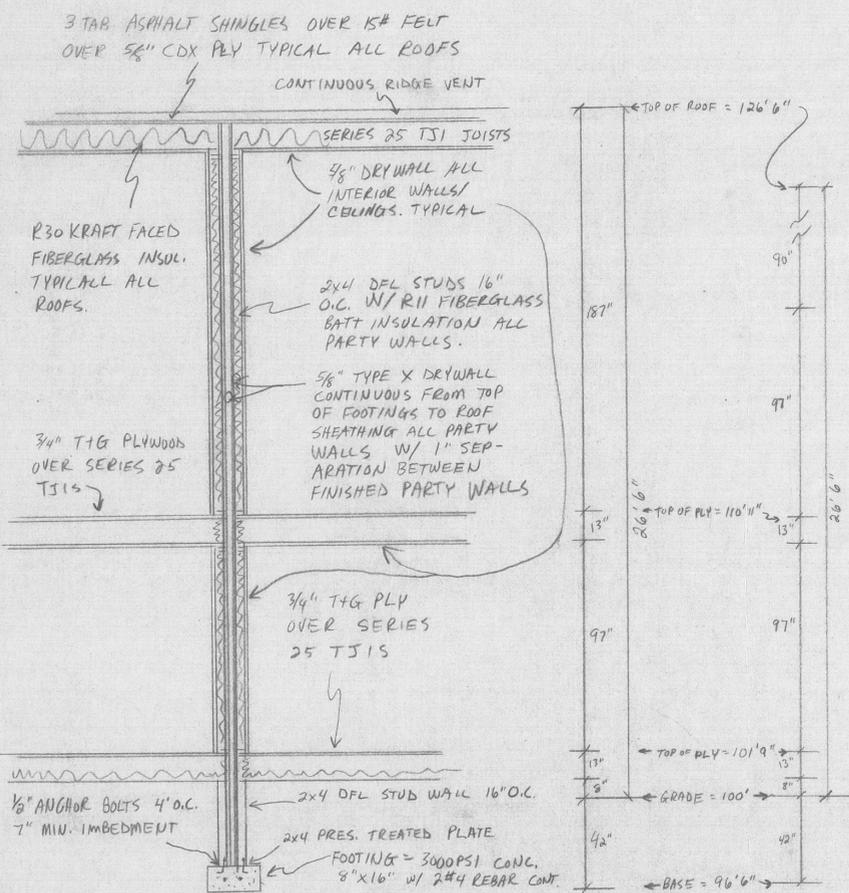
UPPER LEVEL FLOOR JOIST PLAN
SCALE = 1/4" / FOOT



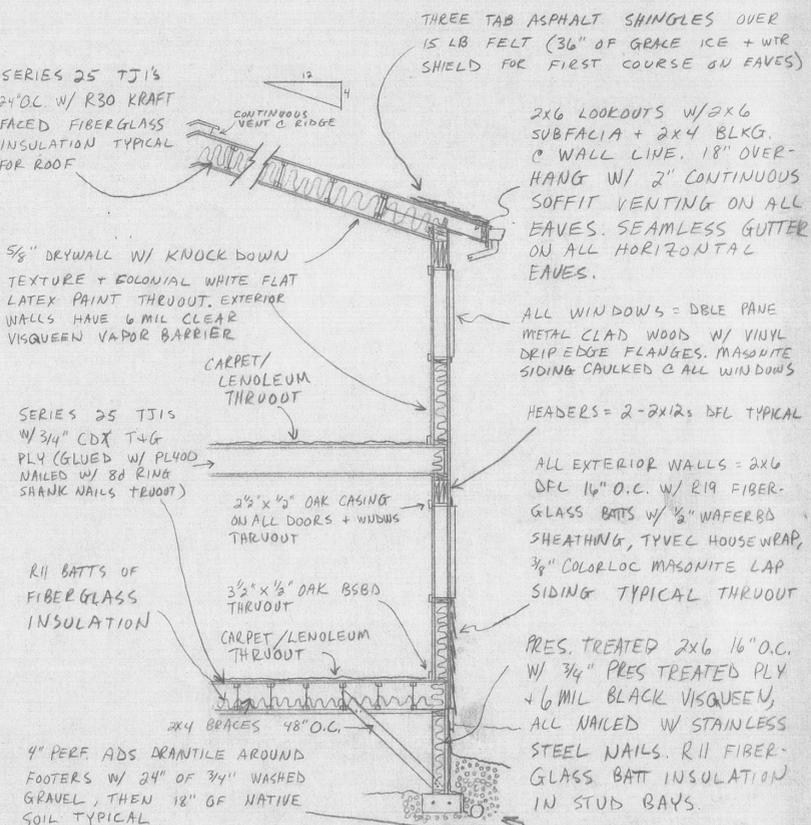
ROOF JOIST PLAN SCALE = 1/4" / FOOT



A-A' PARTY WALL SECTION @ PEAK OF ROOF (TYPICAL) SCALE = 1/4" / FOOT



B-B' TYPICAL WALL SECTION. SCALE = 1/4" / FOOT



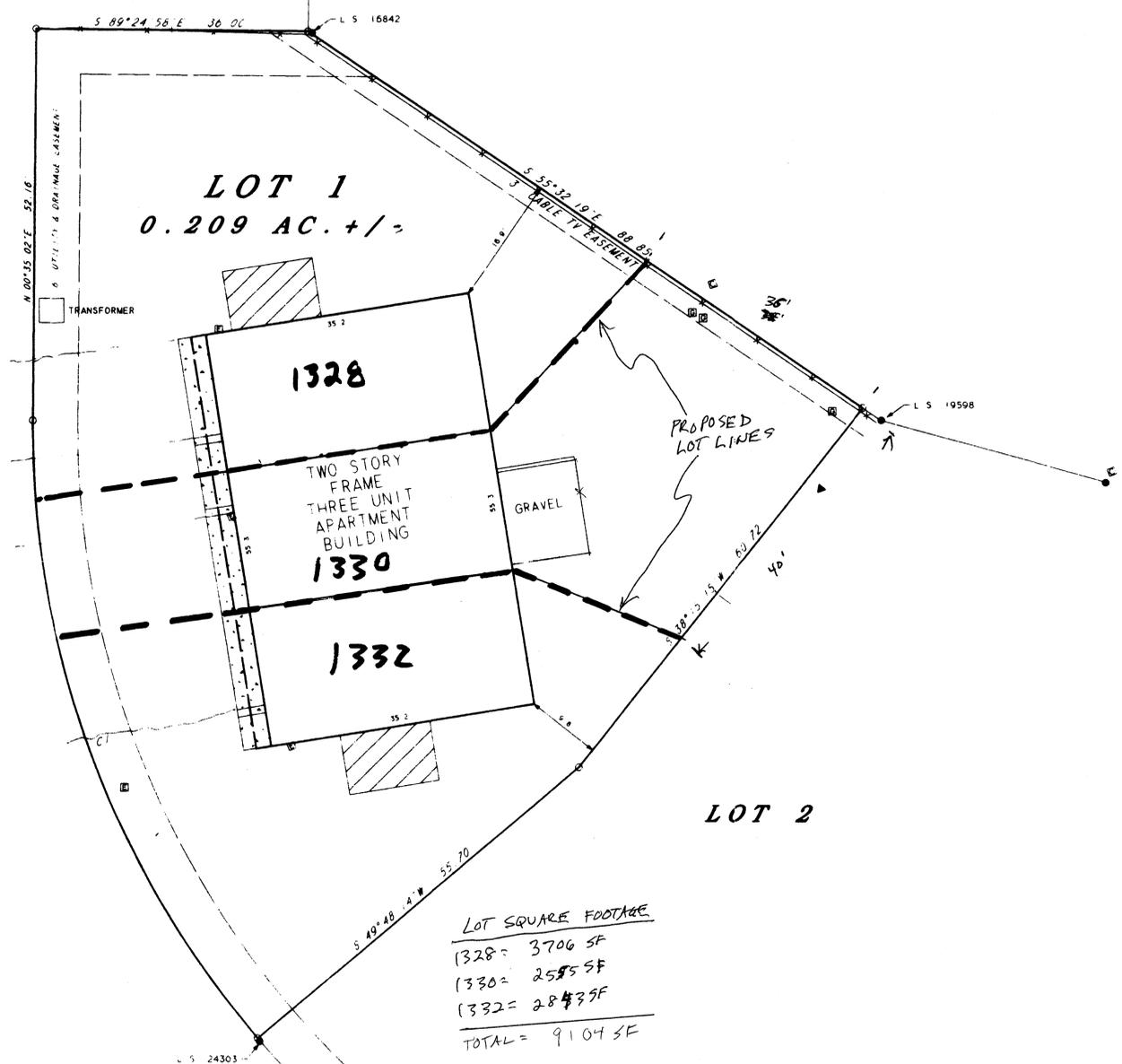
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE BROUGHT FOR ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

RESUBDIVISION OF LOT 1, BLOCK 25, CRYSTAL VILLAGE P.U.D. MULTI-FAMILY AREA AMENDED FILING #6, PHASE 1

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	40°52'42"	125.00	89.18	46.58'	87.30	N 19°51'04"W

HIGHLAND LANE
50.00' WIDE

BARBER DRIVE
50.00' WIDE



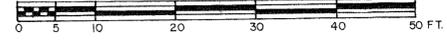
LOT SQUARE FOOTAGE

1328 =	3706 SF
1330 =	2555 SF
1332 =	2843 SF
TOTAL =	9104 SF

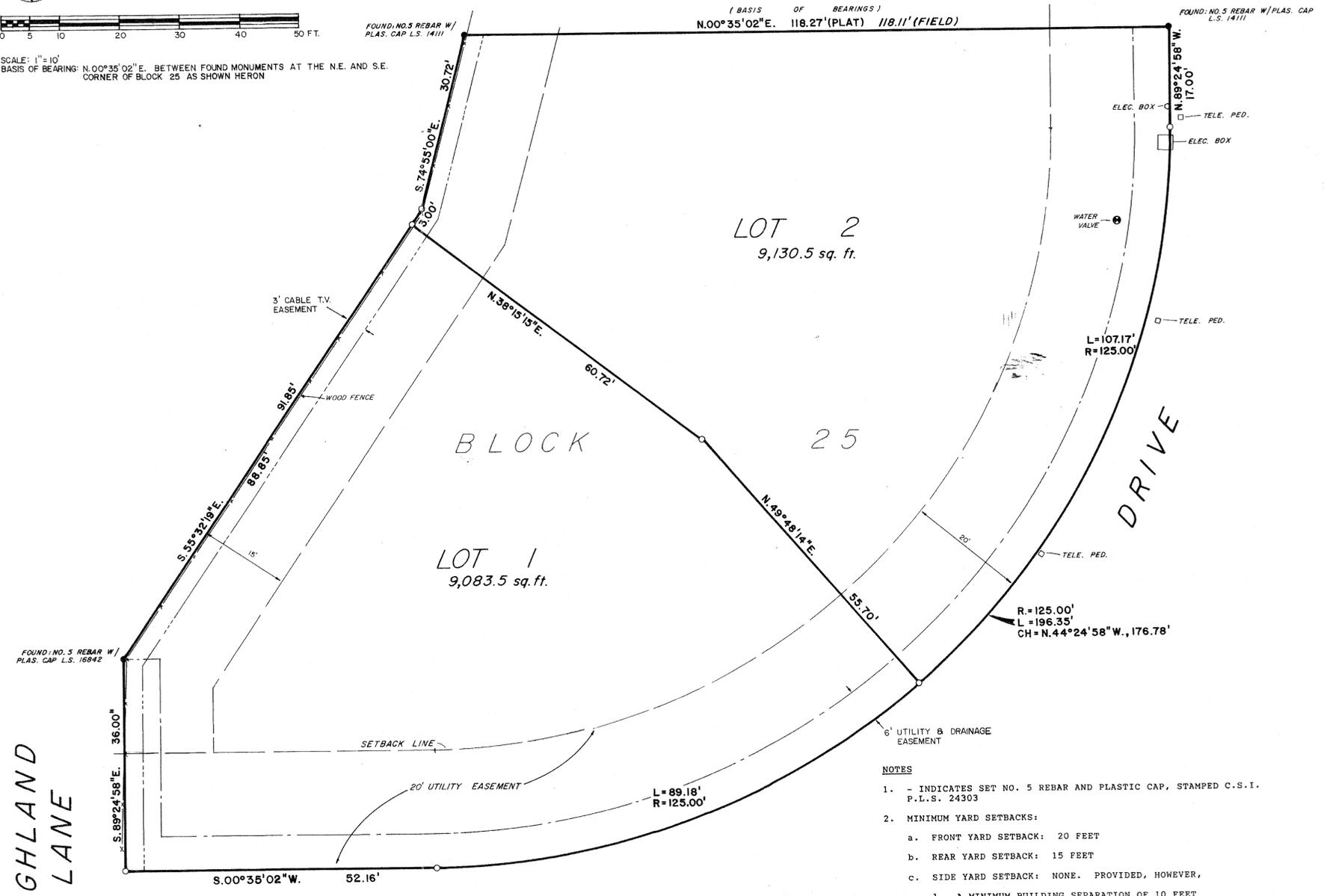
0 10 20
SCALE = 10 FEET / INCH



LOTS 1 AND 2, RESUBDIVISION of BLOCK 25
CRYSTAL VILLAGE P.U.D. MULTI-FAMILY AREA AMENDED FILING NO. 6, PHASE I
CARBONDALE, COLORADO



SCALE: 1"=10'
BASIS OF BEARING: N.00°35'02"E. BETWEEN FOUND MONUMENTS AT THE N.E. AND S.E. CORNER OF BLOCK 25 AS SHOWN HERON



- NOTES**
- INDICATES SET NO. 5 REBAR AND PLASTIC CAP, STAMPED C.S.I. P.L.S. 24303
 - MINIMUM YARD SETBACKS:
 - FRONT YARD SETBACK: 20 FEET
 - REAR YARD SETBACK: 15 FEET
 - SIDE YARD SETBACK: NONE. PROVIDED, HOWEVER,
 - A MINIMUM BUILDING SEPARATION OF 10 FEET ON THE SIDE YARD.
 - ANY BUILDING WALL WITHIN 4 FEET OF A SIDE LOT LINE SHALL HAVE NO WALL OPENINGS OR ALL OPENINGS INSTALLED WITH TRANSLUCENT FIXED GLASS.
 - ONLY ROW HOUSES (AND ASSOCIATED DETACHED GARAGES) WHICH DO NOT SHARE A COMMON SIDE WALL WITH AN ADJACENT ROW HOUSE NEED OBSERVE THE REQUIRED SIDE YARD BUILDING SEPARATION. PROVIDED THE BUILDING CODE REQUIREMENTS FOR THIS TYPE OF STRUCTURE ARE OBSERVED.

CERTIFICATE OF DEDICATION AND OWNERSHIP
KNOW ALL MEN BY THESE PRESENTS, THAT RALPH F. WANNER, PATRICIA J. WANNER, ALICE WANZEL AND RICHARD WANZEL, BEING SOLE OWNERS IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS: BLOCK 25, CRYSTAL VILLAGE P.U.D. MULTI-FAMILY AREA AMENDED FILING NO. 6, PHASE I, ACCORDING TO THE PLAT THEREOF, RECORDED NOVEMBER 20, 1981 AS RECEPTION NO. 321707, TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO, HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AS SHOWN HEREON AND DESIGNATE THE SAME AS LOTS 1 AND 2, RESUBDIVISION OF BLOCK 25, CRYSTAL VILLAGE P.U.D. MULTI-FAMILY AREA AMENDED FILING NO. 6, PHASE I, IN THE TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO.

EXECUTED THIS 17th DAY OF November, 1993.

OWNERS:
RALPH F. WANNER
PATRICIA J. WANNER
ALICE WANZEL
RICHARD WANZEL

By: PATRICIA J. WANNER, ATTY. IN FACT
STATE OF COLORADO)
COUNTY OF GARFIELD) SS.

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF November, A.D., 1993, BY RALPH F. WANNER, PATRICIA J. WANNER, ALICE WANZEL AND RICHARD WANZEL.

WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: 2-26-95



SURVEYOR'S CERTIFICATE
I, CARL R. CARMICHAEL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF LOTS 1 AND 2, RESUBDIVISION OF BLOCK 25, CRYSTAL VILLAGE P.U.D. MULTI-FAMILY AREA AMENDED FILING NO. 6, PHASE I, TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY DIRECT SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE BOUNDARY AND LOTS OF SAID RESUBDIVISION ARE THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH SECTION 17.24.010 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE, COLORADO, AS WELL AS APPLICABLE STATE STATUTES GOVERNING THE SUBDIVISION OF LAND.
IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 7th DAY OF OCTOBER, A.D., 1993.

PROFESSIONAL REGISTERED LAND SURVEYOR
CERTIFICATE NO. 24303

STATE OF COLORADO)
COUNTY OF GARFIELD)
THE FOREGOING CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 7th DAY OF October, 1993, BY CARL R. CARMICHAEL, PROFESSIONAL REGISTERED LAND SURVEYOR, CERT. NO. 24303.
WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: 7-26-97

NOTARY PUBLIC

PLANNING AND ZONING COMMISSION CERTIFICATE
THIS PLAT APPROVED BY THE TOWN OF CARBONDALE PLANNING AND ZONING COMMISSION THIS 3rd DAY OF August, A.D. 1993.
CHAIRMAN, PLANNING AND ZONING COMMISSION, TOWN OF CARBONDALE

BOARD OF TRUSTEES CERTIFICATE
THIS PLAT APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO, THIS 4th DAY OF August, A.D., 1993 FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR THE CONVEYANCE TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES.

MAYOR, TOWN OF CARBONDALE
ATTEST: TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE
THIS PLAT FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT 9:56 A.M., THIS 27th DAY OF December, A.D., 1993 AS RECEPTION NO. 457053 IN BOOK AT PAGE
DRAWN I-A
PAID #1000
CLERK AND RECORDER
DEPUTY

Title FINAL PLAT

Client WANNER

NOTICE: 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 the certification shown hereon.

CARMICHAEL SURVEYING, INC.
19351 Hwy 82 IN EL JEBEL
P.O. BOX 1367
CARBONDALE, CO 81623
303-963-0757

Surveyed 8-30-93
Drafted 9-28-93
Revisions

457053