

**TOWN OF SILT
PLANNING AND ZONING COMMISSION AGENDA
TUESDAY, JUNE 6, 2023 6:30 P.M.
MUNICIPAL COUNCIL CHAMBERS
HYBRID MEETING**

ESTIMATED TIME	ELECTRONIC AGENDA ITEM	PUBLIC HEARING/ ACTION	ELECTRONIC LOCATION AND PRESENTOR
	Agenda		Tab A
6:30 5 min	Call to Order		Chair Williams
	Roll Call		
	Pledge of Allegiance		
6:35 5 min	Public Comments - Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code		
6:40 5 min	Consent agenda – 1. Minutes of the May 2, 2023 Planning & Zoning Commission meeting	Action Item	Tab B Chair Williams
	Conflicts of Interest		
	Agenda Changes		
6:45 25 min	Coats Lot Line Adjustment – Minor Subdivision Sketch Plan, Lots 1-4, Block 14 of Ballard Addition 511 N. 5th Street	Action Item Public Hearing	Tab C Planner Chain
7:10 5 min	Update on conditions for Rislende Private/Special Events and Food Truck	Info Item	Verbal
7:15 15 min	Planners Report	Info item	Verbal Planner Chain and Manager Centeno
7:30 5 min	Commissioner Comments		
7:35	Adjournment		

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, July 5th 2023, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.

TOWN OF SILT
REGULAR PLANNING AND ZONING COMMISSION MEETING
May 2, 2023 – 6:30 P.M.
HYBRID MEETING

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, May 2, 2023. Vice-Chair Dorsey called the meeting to order at 6:36 PM.

Roll call

Present

Vice-Chair Joelle Dorsey
Commissioner Robert Doty
Commissioner Michael Bertaux
Commissioner Jennifer Stepisnik

Absent

Chair Lindsey Williams
Commissioner Charlienna Chancey
Commissioner Eddie Aragon

Also present were Town Planner Mark Chain and Community Development Manager Nicole Centeno.

Pledge of Allegiance

Public Comments – There were no public comments.

Consent Agenda

1. Minutes of the April 4, 2023 Planning & Zoning Commission meeting.

Commissioner Bertaux made a motion to approve the consent agenda as presented. Commissioner Doty seconded the motion; the motion carried unanimously.

Conflicts of Interest – There were no conflicts of interest.

Agenda Changes – There were no agenda changes.

Adoption of P&Z Resolution No.1 – 2023

Planner Chain introduced this item. He said he was following up the Site Plan Review from the previous meeting, which included the approval of the Site Plan Review application, for Silt Jumbo Storage at 510 W. Main Street. Commissioner Bertaux made a motion to approve the Resolution as presented. Second by Commissioner Stepisnik, motion passed by a vote of 4 to 0.

Site Plan Review – Special Event/Temporary Food Truck to be located on tracks 6 and 8 – Rislende/Divide Creek Center

Planner Chain Introduced the project. Applicant Mitchell Weimer attended the meeting virtually. Chain indicated that the applicant was Rislende F&B, DBA Rislende Special Events. Chain noted that this was a specialized application which would feature private events on the Rislende Property. The most relevant classification of this application was that it would be a Site Plan Review because of the occasional special events and also because of the Food Truck. The applicant has purchased a food truck which they will bring to the site for the warm time of the year. In general, the plan is to bring guests down on rafts being operated by a commercial outfitter. There would be vehicular access from the entry opposite Holiday Inn. There will be handwashing/sanitary facilities by way of a recently purchased restroom trailer and other amenities. Chain had the application reviewed by Public Works, Colorado River Fire and Rescue and the Town Engineer. The review yet had not been completed by the Fire Department but Chain had a catchall provision to capture their proposed conditions. Planner Chain recommends approval with 7 conditions. He did state that he was looking for a suitable cap on the number of guests which he hoped would be finalized this evening.

Upon questions from the Commission, Mitchell noted that the cattle would be present on site for a couple weeks into the month of May. He indicated he was going to have a road that meets at fire Department/IFC requirements for purposes of safety and a good surface because of irrigation on the site. There was also discussion about the waste wood piles that were scheduled to be cleaned up by a supervised open burn permit. Mitchell proposed that a maximum of 60 people be allowed to attend the events. There was also discussion of the hours of operation which were proposed to last up until 10 PM.

Some commission members had questions about health department related permits. Mitchell indicated that Carly, one of the project partners, was attending virtually and she had experience with obtaining such permits. Vice Chair Dorsey had questions regarding the lighting. It was noted that style of lighting with the “ribbon strewn lights”, and that there would be some lighting associated with the food truck and the restroom trailer.

Commissioner Dorsey wanted to make sure that the process was not leaving any loose ends. Waste receptacles and such items were discussed. Mitchell said that they may need a shed for temporary storage of trash and recyclables.

Commissioner Dorsey opened the public hearing at 7:29 PM. There was no public comment. The public hearing was closed at 7:30 PM.

After discussion, Commissioner Bertaux made a motion to approve the Site Plan Review for the Rislende Private/Special Event Food Truck with staff conditions which also was to include a maximum of 60 guests; with the provision that more than 60 was acceptable upon staff approval. Additional conditions added were that any lighting and signage must have staff approval and that the Site Plan Review was effective until December 31, 2023.

Second by Commissioner Doty; motion passed unanimously.

Conditions noted below for the record.

1. Any representations in writing or made at public hearings in front of the Planning Commission are considered conditions of approval.

2. Follow directives of the Fire Marshall related to emergency access and other safety related items.
 3. Driveway Access Permit shall be obtained from the County or Town as required.
 4. The Events are capped at 60 guests. Events above 60 guests must have Town Staff approval.
 5. Conform with required improvements at driveway access and CR 311 related to gate location and any related improvements such as placement of base coarse aggregate or gravel etc.
 6. Pump portable restroom trailer as required and provide pump records to the Town.
 7. A grease trap shall be installed in the food truck as required by either the Town or County Health.
 8. Any lighting and signage shall be approved by Town Staff.
 9. The Site Plan Review approval is good through 12/31/2023.
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Planning Update

Planner Chain updated the Planning Commission on the following items:

River Run Self Storage: There are still engineering issues to resolve.

Camario: Recording documents for the Final Plat will be provided to the staff in the immediate future for Staff Review.

Annexations: The Church at the north end of 1st Street was trying to add a small piece of property and this would be annexed into the Town. Chain also noted that there was a proposed annexation along Home Avenue on the west end of Town. He explained that this is a small infill parcel and is totally surrounded by municipal boundaries.

Commissioner Doty noted that Mayor Pro-Tem Kyle Knott had resigned. Manager Centeno then noted that Sheila will be making available business cards for any planning commission members who desired them. She also told the commission that code enforcement was included in the 2023 budget.

Building Code Update

Manager Centeno updated the planning commission on the new building code adoption. The Town will be adopting a set of updated codes which will start being in effect on July 1 of this year. They've already been scheduled for review and adoption by the Board over the coming weeks.

Nicole explained that the 2018 Energy Codes needed to be adopted by June 30 and if this wasn't done that the state was requiring that the 2021 Energy Code be adopted at any change or amendments. Code adoption would not change the current adoption of the 2015 ICC Codes, except energy. There was discussion about the impact the new codes would have from a cost perspective and other related administrative details. Centeno indicated that a number of years

since the Town had updated its array of codes. She had read all the codes and contacted many of the Building Officials in the area to receive guidance.

Commissioner Dorsey suggested that planner updates, such as code changes, would be good as an agenda item, rather than a verbal update, as she would like time to review something in packet. Manager Centeno stated that she could make that happen for future meetings.

There was then discussion on the differences between the various energy code and costs of implementation. That was quick discussion on some specific items such as whole house ventilation etc. Centeno thought it was best to have a phased implementation because some specific items were fairly expensive. Record-keeping and other items were discussed.

Centeno also had a number of items that she had been made aware of as part of the reviewing of codes. Items included permit fees required for flat work, where sheds fit into the review and administrative/zoning issue process etc. Finally, heights of fences along front setbacks and property lines were also mentioned.

Commissioner Comment

There were no Commissioner comments.

Adjournment

The meeting adjourned at 8:50 PM.

Respectfully submitted,

Approved by the Planning Commission

Mark Chain
Planner

Lindsey Williams
Chair

Town of Silt Planning Commission Meeting

Tuesday June 6, 2023 6:30 PM

511 North 5th Street - Minor - Subdivision Sketch Plan (Lot Split)

5/30/2023

Name of Project	511 N. 5 th Street Minor Subdivision Sketch Plan
Applicant	Mike Sorensen 76 County Road 332 Rifle, CO 81650 970.379.4148
Owner	Bruce Coates 511 N 5th Street Silt, CO 81652
Owner Representative	Mike Sorensen
Civil Engineer	Book Cliff Survey Services Inc. 136 E 3 rd Street #A Rifle, CO 81650 970.625.1330
Project Attorney	N/A
Project Architect	None at this time
Water Engineer	NA
Property Location	511 N. 5 th St. northwest corner of N. 5th Street/Orchard Avenue intersection
Existing Zoning	R-2
Proposed Zoning	R-2
Surrounding Land Uses	West- SFD and Duplexes North- SFD East – SFD and duplexes Southeast – townhomes South him - SFD
Surrounding Zoning	North – R-2 East – R-2 South – R-2 West – R-2
Existing use	1 single-family residential home
Proposed Use	Same as above for present.
Area of Parcel Subject to application	11,500 SF
Silt Comprehensive Plan	Neighborhood Residential
Parcel & Reception Numbers	2179-033-06-003

Legal Description	Lots 1 – 4, Block 14 Ballard Addition
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THE APPLICATION PROCESS

This is an application to split a lot in the older part of Town specifically, the Ballard Addition in the northwest section of Silt. The property is older, developed, and has all utilities and access 5th Street on the east and Orchard Avenue on the south. Often times small, Western Colorado Towns have a Subdivision Exemption process or a lot split process which allows an easier land-use application and approval process when utilities and vehicular access already exist. The Town does not have that option by its code. Therefore, we are processing this as a Minor Subdivision. The Planning Commission holds a hearing for the minor subdivision sketch plan to determine suitability of dividing the property. The Commission forwards its recommendation to the Board. An applicant has three months after approval by the Planning Commission to submit a final plat to the Board

PAST HISTORY FOR SITE

The Ballard Addition is one of the original Additions that was added to the Corporate Limits I believe at the beginning of the 20th century. It was laid out in lots and blocks similar to the original townsite. The existing improvement is a one-story wood frame buildinghouse that was built according to assessors records in 1948. It has three bedrooms, 1.75 bathrooms and is 1720 SF in size. There is an existing shed at northwest corner of the lot and another shed at the southeast corner of the lots. Both of these are nonconforming in that they do not meet side yard setbacks. The shed at the northwest corner is also nonconforming related to the rear property line. Utilities exist for the site. Rights-of-way are on three separate sides of the property. These rights-of-way are:

- East – North 5th street
- South – Orchard Avenue
- West – a platted alley.

However the alley doesn't physically exist. If one goes out and looks at the site you will see an RV and another vehicle parked there and it looks like a parking area/. The physical alley does not exist to the south of the site either all the way down the main street.

This would be an interesting property for you to all go out and take a quick look at. At the southeast corner there is a riser/pipe and electrical components. Public Works thought this may be an old, domestic well. When I was out looking at the property the neighbors asked what I was doing and we discussed the minor subdivision application. A neighbor indicated that it was her understanding that there some kind of underground drainage issue and that this was to help drain the property/building. I do not know the background of this improvement. If it is a well it should probably be legally abandoned. If it is some kind of drainage pipe for underground electric for a pump, then that either needs to be relocated or an easement provided across the newly created lot.

Another interesting thing to examine if you take a site visit is that the fence along the eastern border the property is approximately 10 feet out into the right-of-way. If you look carefully you can see survey stake and survey flag where the property line is located. So, the owner gets the benefit of utilizing 10

feet along the eastern boundary for an expanded yard. There are some lilac bushes and some other shrubs in that area.

I had the applicant's representative package the existing conditions survey/map as a sketch plan map to show you all improvements in relationship to the property lines and the public rights-of-way.

SKETCH PLAN REVIEW

The sketch plan review process for a Minor Subdivision is very similar to the sketch plan process for a Major Subdivision. The main purpose is to determine whether a property is suitable for subdivision. The difference between review of the sketch plan for minor subdivision versus major subdivision is that for the major subdivision the Board also examines the Sketch Plan and there is a separate, future step called the Preliminary Plan where engineering and technical studies are reviewed before proceeding on to the final plat. With a minor subdivision the commission recommends to the Board approval as proposed, approval with conditions or denial and then the applicant moves directly to the Board of Trustees for review of a Final Plat. Approval criteria for minor subdivision includes having utilities available at the site and having a public street immediately adjacent to the subject property among other items.

I. Applicable Municipal Code sections

Pertinent sections for the Planning Commission Review are contained in sections 16.100010 through section 16.10.050. Approval criteria are in section 16.10.030 D (1 – 6) and I will go through those on a point-by-point basis later on in the report. General procedural steps are shown below.

CODE EXCERPT BELOW

16.10.030 - Minor subdivision sketch plan submittal – completeness – schedule of hearing.

- A. Following the pre-application conference and submittal of minor subdivision sketch plan application, the planning department shall have ten days to check the minor subdivision sketch plan for application completeness. This cursory review shall not be a review for strict conformance with the Code related to the type of proposed development, zoning compliance, comprehensive plan conformance, or conformance with the Town's master plans. Town staff may notify the applicant that a longer period of time is needed to check for application completeness, and in such case, the planning department shall have an additional five days to check the minor subdivision sketch plan for application completeness;
- B. If application is incomplete, the planning department shall notify the applicant in writing within fifteen days, and the applicant shall have no more than thirty days to respond with additional submittal materials that make the application complete. If the applicant is unable to complete the application within thirty days, the Town administrator or his designee, in his sole discretion, may deem the application abandoned and void. The applicant may submit a new application for further consideration on the application;
- C. If application is complete, the planning department shall have no fewer than fifteen days and no more than thirty days to review the minor subdivision sketch plan application for Code compliance;

Location

A location map is attached.

Referral Agency Comments

Planner Comment. Please note that this is a simple enough application that it would have been appropriate if it was just an Administrative review. But there wasn't the ability to do that in the present code. If it was a simple lot line adjustment or lot line dissolution, administrative option is available. But in this particular instance it did not meet the criteria for approval. A criterion for approval of lot adjustments/dissolution is that no additional lots are created. I have put this on the list to have a simplified and administrative review process in the future when there is a code update.

Public Works

- Utilities are available to the site. In some cases there are multiple options to serve the lots.
- There is a pipe/riser at the southeast corner with electrical outlet. Not sure what this is. One possibility is an older, domestic well. If so, it should be abandoned.
- Access is acceptable. Orchard Avenue and North for Street available for newly created lot.
- The "alley" to the west of the property is not a functioning hourly. No one would know it's an alley unless you know what to look for.

Colorado River Fire

- Simple enough, not referred for review.

Town Engineer

- Simple enough, not referred for review.

Review of site conditions and technical information

Utilities

- All utilities available. Look at Sketch Plan

Access

- 2 existing streets available for access on the east of the lot and from the South (Orchard Avenue) for the newly created Lot B.

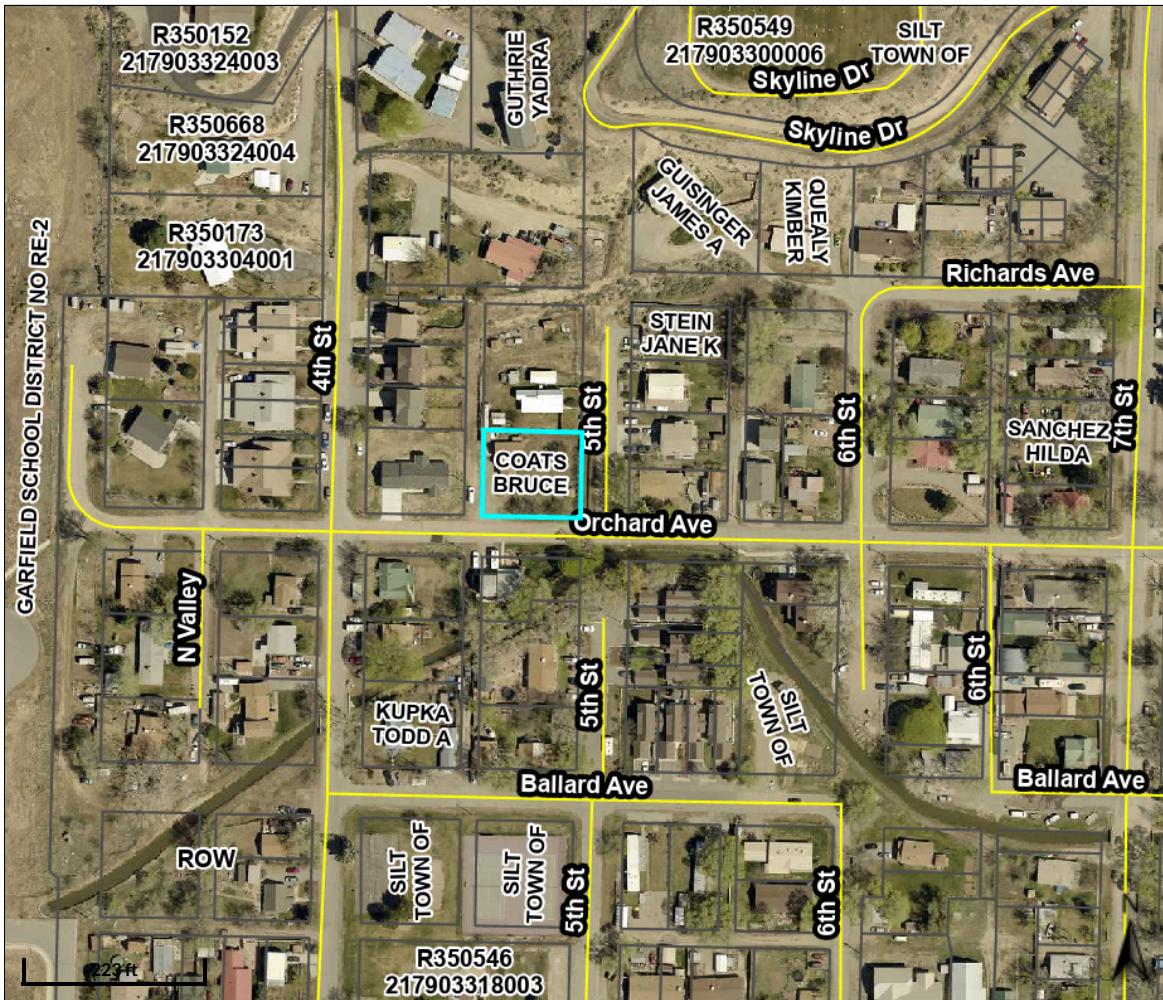
Fence projecting into North Fifth Avenue

- fence 10 to 12 feet off these property line.
- It is my understanding that there's no need for the fence to be removed at this time.

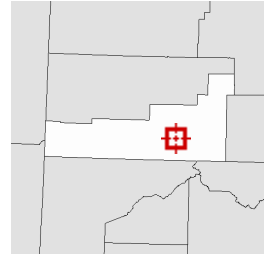
Location Map - 511 N 5th Street

Created by: CHAIN

Lot Split



Overview



Legend

- Parcels
- Roads
- Parcel/Account Numbers
- Owner Name
- Lakes & Rivers
- County Boundary Line

Account Number	R350166	Physical Address	511 N 5TH ST	2019 Total Actual Value	\$275,090	Last 2 Sales	
Parcel Number	217903306003		SILT	81652		Date	Price
Acres	0	Owner Address	COATS, BRUCE			4/18/2016	\$130,000
Land SqFt	11,500		511 NORTH 4TH STREET			7/25/1988	\$43,500
Tax Area	035		SILT CO 81652				
2019 Mill Levy	75.3100						

Date created: 5/30/2023

Last Data Uploaded: 5/30/2023 10:33:31 PM

Developed by  Schneider GEOSPATIAL

- There should be some type of Use Agreement or License to Encroach so it is clear in the future that the fence location may have to be adjusted or moved back to the property line.

Riser/Pipe and electric at southeast corner

- being investigated by applicant's representative
- if an old domestic well, would have to be abandoned. Therefore drainage or other purposes and they played for utility crosses from the southeast corner of lot B to Lot A dwelling, that would have to be relocated or an easement provided.

REVIEW CRITERIA

Below is a point-by-point comment on the review criteria contained in section 16.10.030.D.(1-6)

1. Conformance to the Town's comprehensive plan, as amended from time to time;
***Comment:** The Land-use designation for the subject property is Neighborhood Residential. Present use conforms to Comprehensive Plan and any future use would also comply.*
2. The subject area is suitable for minor subdivision as defined by this title;
***Comment:** Property is suitable for subdivision. It has ready access to utilities and vehicular access is possible.*
3. All public utilities and a public street are in place on or immediately adjacent to the subject property;
***Comment:** utilities are readily available and a public street is adjacent to the property*
4. The minor subdivision plat shall comprise and describe not more than five lots,
***Comment:** the property is comprised of five lots or fewer. If more than 5 lots are ever proposed, required engineering analysis will be undertaken per Municipal Code.*
5. No part of the area sought to be subdivided has been previously subdivided pursuant to a minor subdivision or a subdivision exemption;
***Comment:** Property was previously platted as part of the Ballard Addition. I did not find any previous land-use actions/entitlements for the property*
6. The commission determines that it does not need all engineered design data and specifications required by Chapter 16.04.
***Comment:** Additional engineering not needed.*

Staff Findings

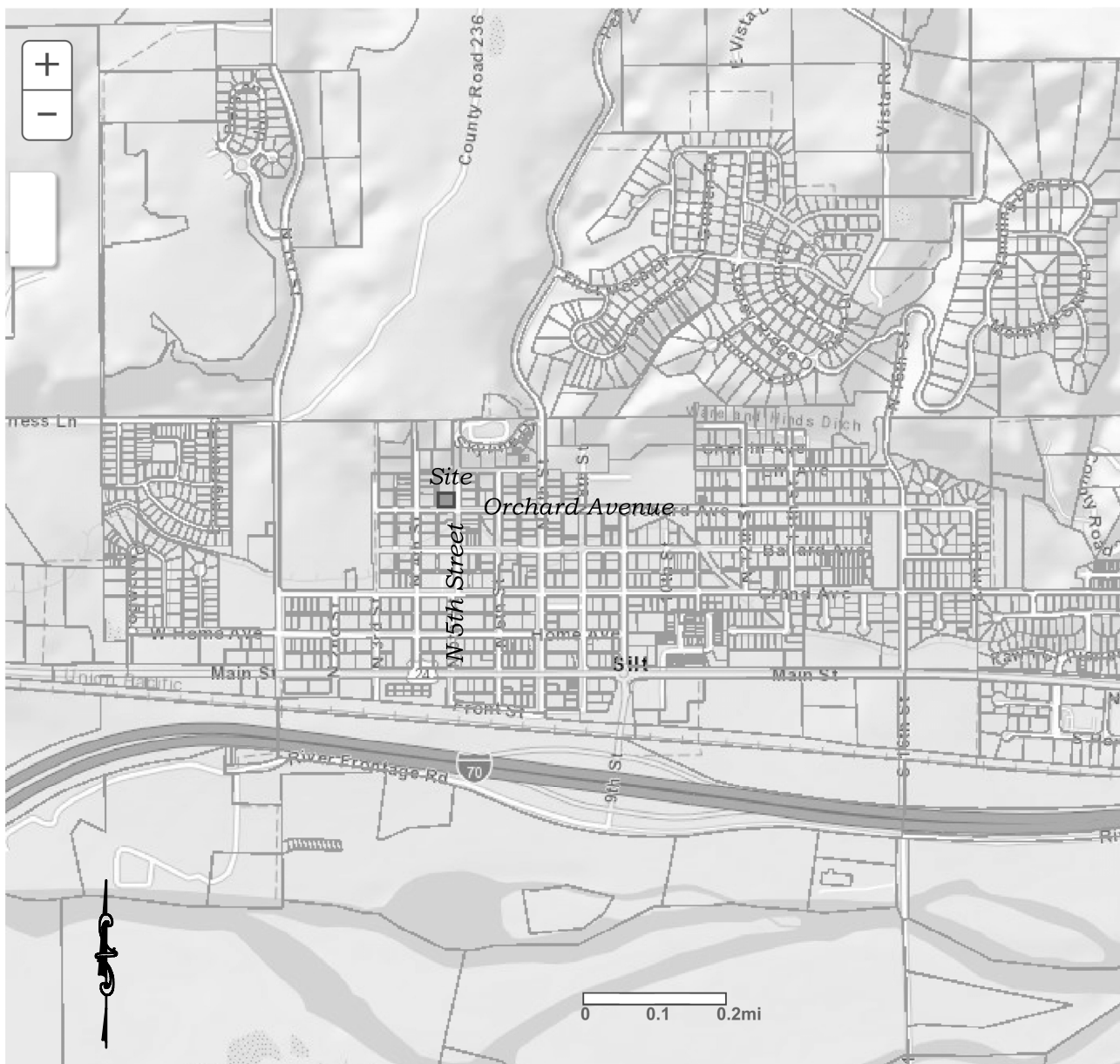
Staff finds that the minor subdivision sketch plan application is in compliance with the Comprehensive Plan, that utilities and adequate access are available, that it should not result in significant adverse effects upon the natural environment and that the approval criteria contained in SMC Section 16.10..030.10.D (1-6) are met.

Planning Recommendation: Staff would recommend that the Sketch Plan be **approved** with the following conditions:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. That the Town and the Owner enter into a License Agreement for the fence projecting into North for Street.
3. That the applicant's representative determines the usage related to the pipe/riser at the southeast part of the property and inform the Town of its purpose. Action may need to be taken relative to the Plat for recordation

Recommended Motion:

I move to **approve** the Minor Subdivision Sketch Plan Lot 1 through 4 of the Ballard Addition to the Town of Silt with staff conditions (add or modify any noted conditions as part of planning commission action).



Vicinity Map
Scale: 1"=1000'

NOTES

- 1.) DATE OF SURVEY WAS DECEMBER 7, 2021.
- 2.) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N0°00'00"W, ALONG THE WESTERLY RIGHT-OF-WAY OF NORTH 5TH STREET, BALLARD ADDITION TO THE TOWN OF SILT, RECEPTION NO. 37305 BETWEEN A #5 REBAR AND 1-1/2" ALUMINUM CAP, STAMPING ILLEGIBLE AND A FOUND #5 REBAR AS SHOWN HEREON.
- 3.) THIS MINOR SUBDIVISION SKETCH PLAN IS BASED ON:
- a. THE BALLARD ADDITION TO THE TOWN OF SILT, RECORDED AS RECEPTION NO. 37305 IN THE GARFIELD COUNTY CLERK AND RECORDER'S RECORDS.
- b. RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON TITLE COMMITMENT NUMBER 1205708-C DATED JANUARY 3, 2023 PREPARED BY TITLE COMPANY OF THE ROCKES.
- c. MONUMENTS FOUND IN PLACE AS INDICATED HEREON.
- 4.) ELEVATION OF THE SITE, BASED ON GPS OBSERVATION, EQUALS 5426.4 FEET WGS 84 ON THE SITE BENCHMARK, A FOUND #5 REBAR AND 1-1/2" ALUMINUM CAP AT THE NORTHEAST CORNER OF LOT 4, AS SHOWN HEREON.
- 5.) BURIED UTILITY RECORD RESEARCH AND ON GROUND UTILITY MARKINGS WERE PERFORMED BY A PRIVATE UTILITY LOCATING COMPANY. THESE MARKINGS WERE SURVEYED BY BOOKCLIFF SURVEY SERVICES, INC. AND REPRESENT LEVELS B, C AND D OF THE ASCE STANDARD GUIDELINES. CALL 811 BEFORE YOU DIG.
- 6.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.
- 7.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.
- 8.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. LANGHORNE, HEREBY CERTIFY THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE MINOR SUBDIVISION SKETCH PLAN OF BALLARD ADDITION TO THE TOWN OF SILT, LOTS 1, 2, 3, AND 4, BLOCK 14, THAT IT ACCURATELY REPRESENTS A SURVEY, PERFORMED EITHER BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO AES BOARD OF LICENSURE, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF C.R.S. 38-51-102 AND CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND IS IN COMPLIANCE WITH THE TOWN OF SILT MUNICIPAL CODE. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

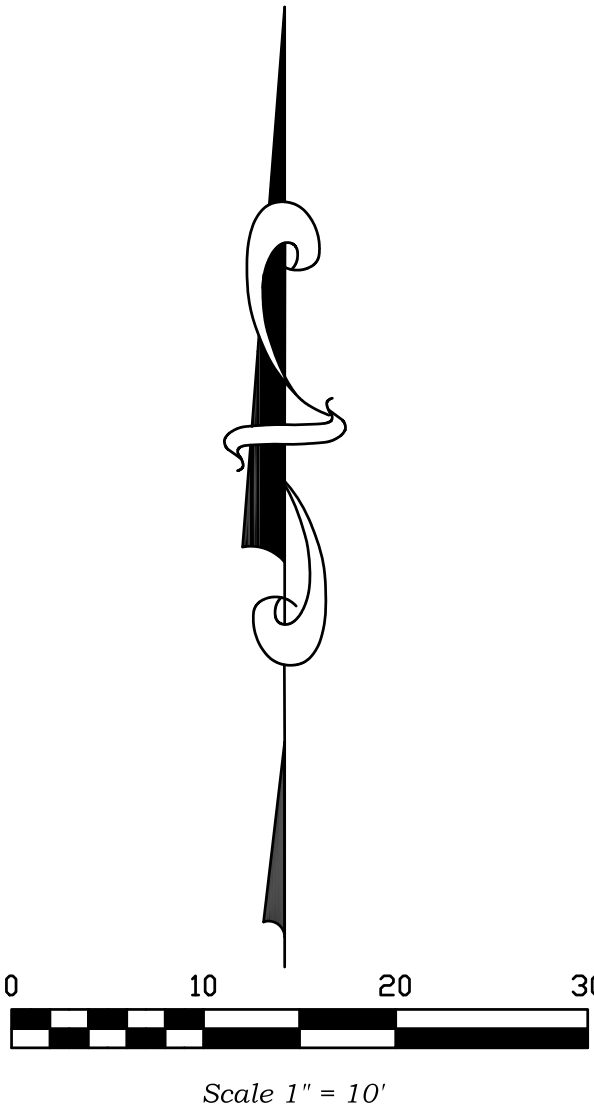
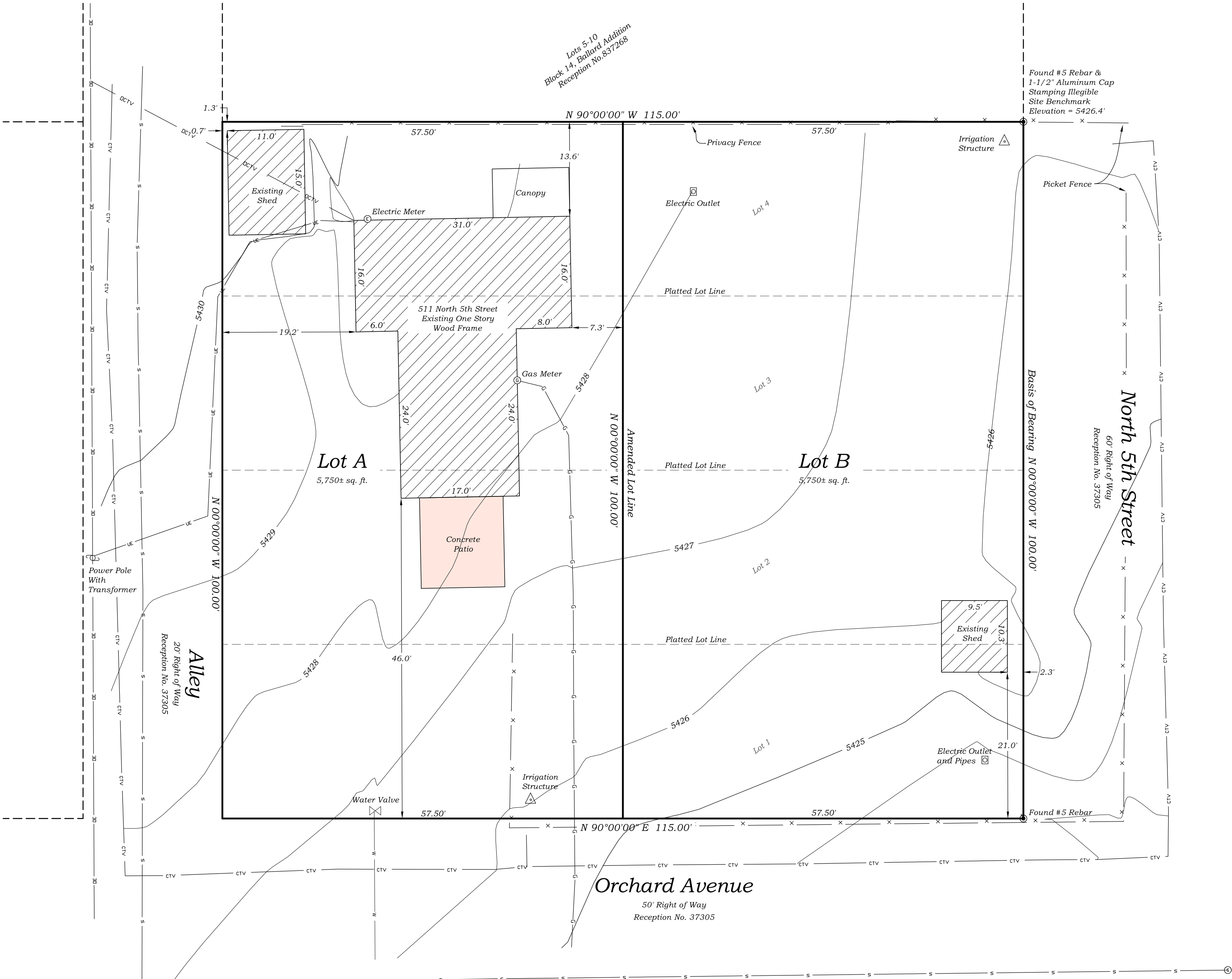
DATE: _____

MICHAEL J. LANGHORNE, L.S. #36572

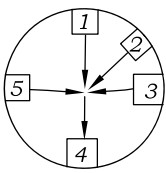
REVIEW

Minor Subdivision Sketch Plan
Ballard Addition to the Town of Silt
Lots 1, 2, 3, and 4, Block 14

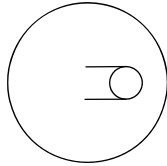
Parcels of Land Situate in SW1/4 of the SW1/4 of Section 3,
Township 6 South, Range 92 West of the 6th P.M. Town of Silt, County of Garfield, State of Colorado



LEGEND	
Buried Electric Line	—E—
Overhead Electric Line	—OE—
Buried Gas Line	—G—
Buried Waterline	—W—
Buried Cable TV	—CTV—
Overhead Cable TV	—OCTV—
Buried Sanitary Sewer	—S—
Fence Line	—X—



Sewer Manhole
Rim Elevation = 5427.1'
1) North 6" Iron Pipe Invert In = 5418.8'
2) Northeast 5" Iron Pipe Invert In = 5421.4'
3) East 6" Iron Pipe Invert In = 5416.3'
4) South 6" Iron Pipe Invert Out = 5416.2'
5) West 6" Iron Pipe Invert In = 5416.4'



Sewer Manhole
Rim Elevation = 5422.3'
Sewer Cleanout 6" PVC With Cap
4.8' At Approximately 45° to Angle Point.

REVISION

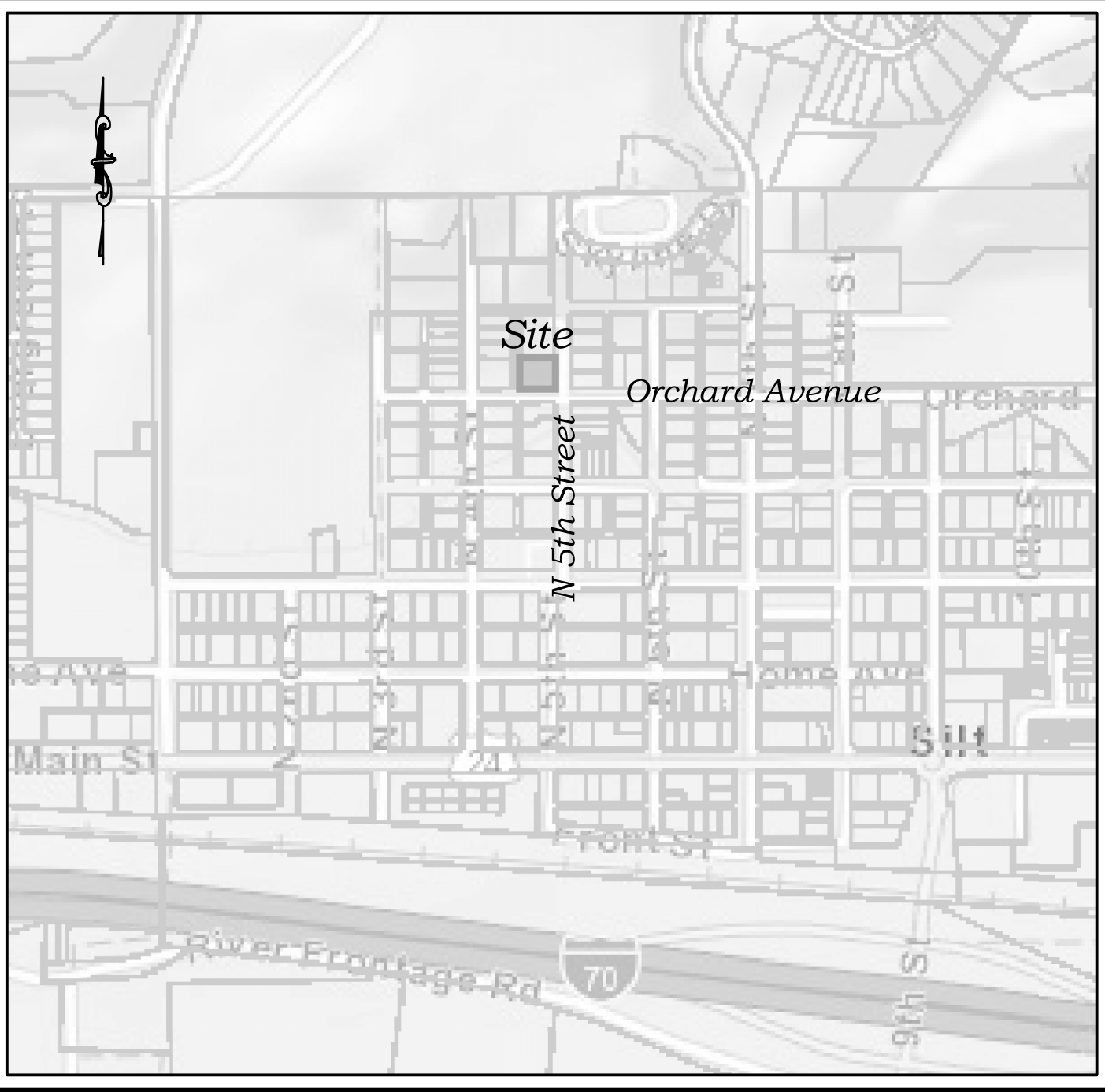
DESCRIPTION



MINOR SUBDIVISION SKETCH PLAN
LOTS 1,2,3 & 4 BLOCK 14 BALLARD ADDITION

BALLARD ADDITION TO THE TOWN OF SILT
BRUCE COATS
511 NORTH 5TH STREET
SILT, COLORADO 81652

FILE: AMD PLAT
DFT. YJL
CK. MJL
DATE: 12/09/21
PROJECT NO.
21160-01
SHEET 1
OF 1



Vicinity Map
Scale: 1"=500'

TITLE INSURANCE COMPANY

I, _____, AN AGENT AUTHORIZED BY A TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN _____ FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY IN THIS PLAT), EXCEPT AS FOLLOWS:

DATED THIS _____ DAY OF _____, A.D. 20 ____.

TITLE COMPANY: _____

AGENT _____

NOTES

- 1.) DATE OF SURVEY WAS DECEMBER 7, 2021.
- 2.) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N0°00'00"W, ALONG THE WESTERLY RIGHT-OF-WAY OF NORTH 5TH STREET, BALLARD ADDITION TO THE TOWN OF SILT, RECEPTION NO. 37305 BETWEEN A #5 REBAR AND 1-1/2" ALUMINUM CAP, STAMPING ILLEGIBLE AND A FOUND #5 REBAR AS SHOWN HEREON.
- 3.) THIS PLAT IS BASED ON:
 - a. THE BALLARD ADDITION TO THE TOWN OF SILT, RECORDED AS RECEPTION NO. 37305 IN THE GARFIELD COUNTY CLERK AND RECORDER'S RECORDS.
 - b. RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON _____.
 - c. MONUMENTS FOUND IN PLACE AS INDICATED HEREON.
- 4.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.
- 5.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.
- 6.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 7.) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATE

I, MICHAEL J. LANGHORNE, HEREBY CERTIFY THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE LOT LINE ADJUSTMENT PLAT BALLARD ADDITION TO THE TOWN OF SILT, LOTS 1, 2, 3, AND 4, BLOCK 14, THAT IT ACCURATELY REPRESENTS A SURVEY, PERFORMED EITHER BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO AES BOARD OF LICENSURE, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF C.R.S. 38-51-102 AND CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND IS IN COMPLIANCE WITH THE TOWN OF SILT MUNICIPAL CODE. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

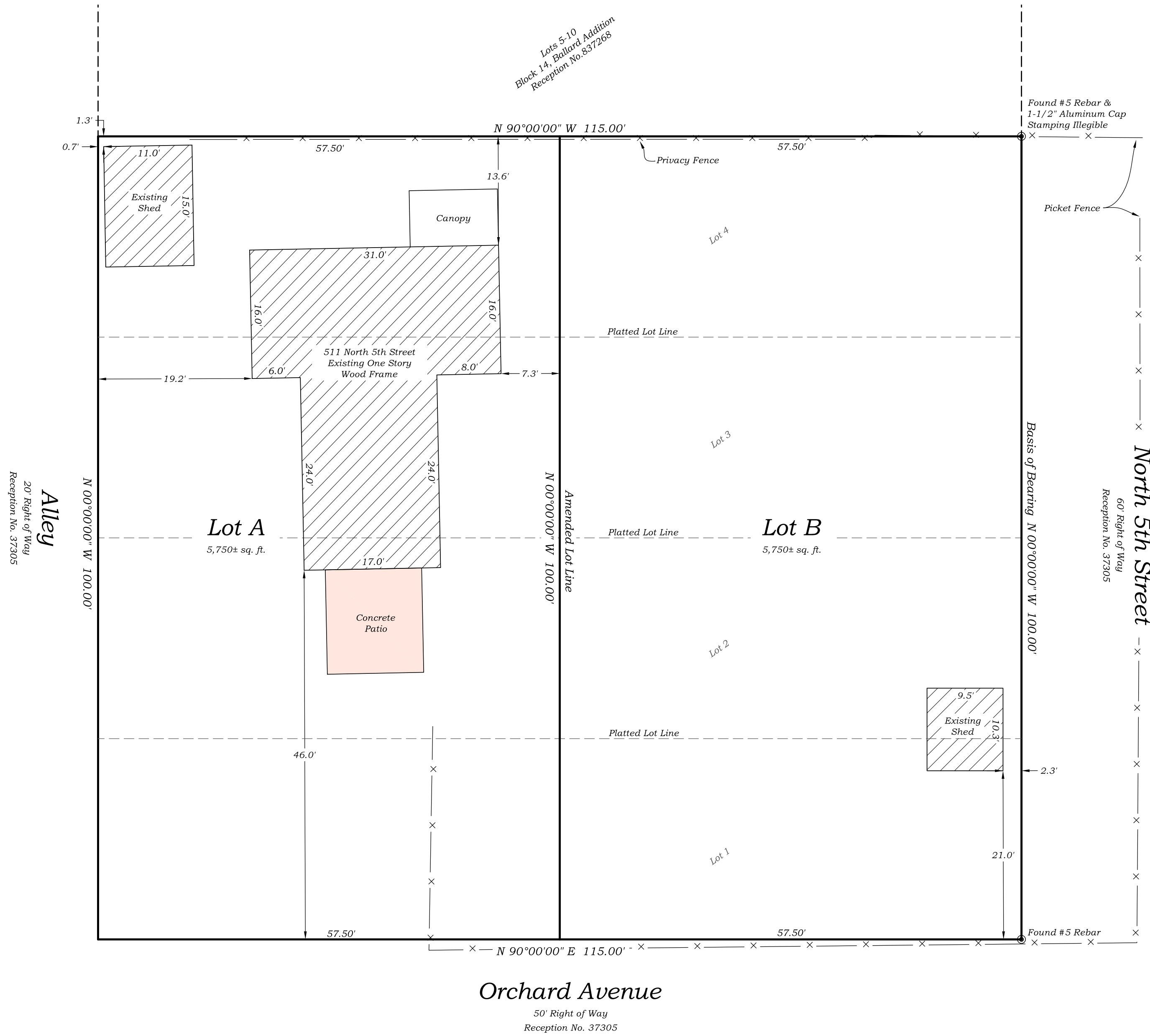
IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

DATE: _____

MICHAEL J. LANGHORNE, L.S. #36572

REVIEW

Lot Line Adjustment Plat
Ballard Addition to the Town of Silt
Lots 1, 2, 3, and 4, Block 14
A Parcel of Land Situate in SW1/4 of the SW1/4 of Section 3,
Township 6 South, Range 92 West of the 6th P.M. Town of Silt, County of Garfield, State of Colorado



LIENHOLDER CONSENT AND SUBORDINATION

THE UNDERSIGNED, BEING THE BENEFICIARY UNDER A DEED OF TRUST GRANTED BY THE OWNER(S) UPON THE REAL PROPERTY PLATTED AND DIVIDED AS SHOWN UPON THE WITHIN LOT LINE ADJUSTMENT PLAT, CERTIFIES THAT THE UNDERSIGNED HAS REVIEWED THE LOT LINE ADJUSTMENT PLAT AND BY THIS CERTIFICATION HEREBY CONSENTS TO SAID LOT LINE ADJUSTMENT PLAT AND TO THE RECORDING THEREOF. BENEFICIARY FURTHER CONSENTS TO SAID LOT LINE ADJUSTMENT PLAT AS STATED IN THE CERTIFICATE OF DEDICATION AND OWNERSHIP EXECUTED BY THE OWNER(S) HEREON, AND HEREBY SUBORDINATES ANY INTEREST THAT BENEFICIARY MAY HAVE IN AND TO THE PROPERTY SUBJECT TO SUCH DEDICATION, TO THE ENTITY(IES) OR THE GENERAL PUBLIC TO WHICH SUCH DEDICATION IS MADE.

AUTHORIZED REPRESENTATIVE

STATE OF COLORADO)
COUNTY OF GARFIELD) SS

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D., 20 ____.

NOTARY PUBLIC

ADMINISTRATIVE BOUNDARY ADJUSTMENT OR LOT LINE ADJUSTMENT STAFF CERTIFICATE

THIS PLAT APPROVED BY THE TOWN ADMINISTRATOR OR HIS DESIGNEE OF THE TOWN OF SILT, COLORADO THIS _____ DAY OF _____, A.D. 20 ____.

BY: _____
TOWN ADMINISTRATOR OR HIS DESIGNEE

ATTEST: _____
TOWN CLERK

MINERAL OWNERS

TO BE PROVIDED.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE SOLE OWNER, IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3 AND 4, BLOCK 14, BALLARD ADDITION TO THE TOWN OF SILT

HAVE BY THESE PRESENTS, LAID OUT AND PLATTED THE SAME INTO LOTS AND BLOCKS AS SHOWN HEREON AND DESIGNATE THE SAME AS LOT LINE ADJUSTMENT PLAT BALLARD ADDITION TO THE TOWN OF SILT, LOTS 1, 2, 3, AND 4, BLOCK 14, TOWN OF SILT, COUNTY OF GARFIELD, STATE OF COLORADO AND THAT SAID OWNERS DO HEREBY GRANT TO THE TOWN OF SILT, COUNTY OF GARFIELD, STATE OF COLORADO, FOR PUBLIC USE THE STREETS, SHOWN HEREON INCLUDING AVENUES, COURTS, DRIVES, PLACES AND ALLEYS, THE PUBLIC LANDS SHOWN HEREON FOR THEIR DEDICATED PUBLIC USE AND THE UTILITY AND DRAINAGE EASEMENTS SHOWN HEREON FOR UTILITY AND DRAINAGE PURPOSES ONLY.

EXECUTED THIS _____ DAY OF _____, A.D. 20 ____.

BRUCE COATS
511 NORTH 5TH STREET
SILT, CO 81652

STATE OF COLORADO)
COUNTY OF GARFIELD) JSS

THE FOREGOING DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 20 ____, BY _____.

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT _____ O' CLOCK _____ M., THIS _____ DAY OF _____, 20 ____ AS RECEPTION NO. _____.

CLERK AND RECORDER

BY: _____
DEPUTY

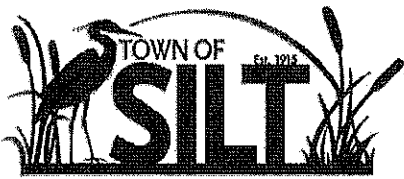
REVISION



LOT LINE ADJUSTMENT PLAT
LOTS 1,2,3 & 4 BLOCK 14 BALLARD ADDITION

BALLARD ADDITION TO THE TOWN OF SILT
BRUCE COATS
511 NORTH 5TH STREET
SILT, COLORADO 81652

FILE: AMD PLAT
DFT. YJL
CK. MJL
DATE: 12/09/21
PROJECT NO.
21160-01
SHEET 1
OF 1



Community Development Department
 231 N. 7th Street, Silt, CO 81652
 (970) 876-2353 (office) (970) 876-2937 (fax)
 www.TownOfSilt.org

Land Use Application Form

<input type="checkbox"/> Amended Plat	<input checked="" type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Annexation	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Floodplain Development
<input type="checkbox"/> Final Plan	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Vacation of Right-of-Way
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Metro District or Special District
<input type="checkbox"/> Easement Agreement	<input type="checkbox"/> Zoning or Rezoning	<input type="checkbox"/> Subdivision Improvement Agreement
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> ADA or ADA Amendment
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Intergovernmental Agreement	<input type="checkbox"/> Other: _____

Project Name: Lot Line Adjustment Plat Ballard Addition to Town of Silt Lots 1,2,3,4 Block 14

Project Description / Property Information:

Address: 511 North 5th Street Silt, CO. 81652 Parcel ID Number: 217903306003

Legal Description (attach additional sheets if necessary): Ballard Addition to the Town of Silt, Lots 1,2,3 and 4 Block 14... (continue attached)

Access to Property: Lot A: Orchard Ave. Lot B: N. 5th Street

Acreage or Square Footage: 5,750 sq. ft. ea. Lots A and B Existing Land Use Designation: Single Family Residential

Proposed Land Use Designation: Residential

Existing Zoning: R2 Proposed Zoning: R2

Proposed Use / Intensity of Use: Residential

Submittal Requirements:

- A completed original application with original signatures and two copies (3 sets total) shall be submitted to the department for review. The application shall include three sets of 24" x 36" plans, plats and other appropriate drawings. Application must also be submitted in electronic format (MS Word).
- In addition to this application, all information on the supplemental checklist must be submitted.
- Incomplete applications will not be accepted and will delay processing.
- When the documents are deemed adequate, additional copies as required by the department shall be submitted ten (10) days before the public hearing.
- All documents submitted for public hearing shall be hole-punched, collated and paper-clipped (no staples). All plans, plats or drawings shall be folded to 8 1/2" x 11" and inserted into the collated application. Each individual application shall be banded together and ready for public distribution.

STAFF USE ONLY

Pre-app conference: _____ (date)	Application received: _____ (date)
Application complete: _____ (date)	File Number: _____
Fees: _____	Referrals Sent: _____ (date)
Deposits: _____	PZC approval: _____ (date)
Paid: _____ (date)	BOT approval: _____ (date)

Continued from page 1

... A Parcel of Land Situate in SW 1/4 of the SW 1/4 of Section 3,
Township 6 South, Range 92 West of the 6th P.M. Town of Silt,
County of Garfield, State of Colorado

Project Team Information (fill in all that apply) (add additional sheets of needed):

Property Owner(s): Name: Bruce Coats Phone: 228 424 2605

Company: _____ Fax: _____

Address: _____

Authorized Rep.: Name: Mike Sorensen Rene Sorensen Phone: 970-379-4148

Company: Precision Works Fax: _____

Address: 76 County Rd. 332, Rifle, CO. 81650

Engineer/Designer: Name: Bookcliff Survey Services Inc. Phone: 970-625-1330

Company: Bookcliff Survey Services Inc. Fax: _____

Address: 136 E. 3rd St. #A, Rifle, CO. 81650

Billable Party: Owner X Representative _____ Engineer _____

The Billable Party, by signing below, hereby agrees to reimburse the Town the actual costs to the Town plus the administrative fees for all contact services, including, but not limited to, planning, engineering, surveying and legal services rendered in connection with the review of the Application. The Billable Party shall also reimburse the Town for the cost of making any corrections or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. The Billable Party agrees that interest shall be imposed at a rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

Bruce Coats
Name (printed)

511 North 5th St. Silt, CO. 81652
Address

228-424-2605
Phone

Fax

Bruce Coats
Signature

Mississippi driver license
Type of Identification

County of Baldwin)

§

State of Alabama)

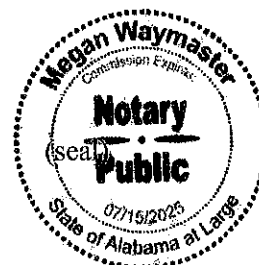
Sworn to and subscribed before me this 3 day of November, 2022
(fill in day) (fill in month) (fill in year)

By Megan Waymaster
(name printed)

Witness my hand and official seal.

Megan Waymaster
Notary Public

My Commission Expires 07/15/2025



Disclosure of Property Ownership

- _____ If owner is an individual, indicate name exactly as it appears on the deed.
- _____ If owner is a corporation, partnership, limited partnership or other business entity, name principals on a separate page. Please include articles of organization, partnership agreement, etc., as applicable.
- _____ If owner is a land trust, name beneficiaries on a separate page.
- _____ If applicant is a lessee, indicate the owner(s) on a separate page.
- _____ If applicant is a contract purchaser, attach a copy of the contract and indicate the owner(s) on a separate page.

Please provide the name(s), mailing address(es), street address(es) and phone number(s) for all owners.

Property Owner Affidavit

I/We, Bruce Coats, being first duly sworn, depose and state under penalties of perjury that I am (we are) the owner(s) of the property described herein and which is the subject of the application and proposed hearings; that all answers provided to the questions in this application, and all sketches, data and all other supplementary matter attached hereto and made part of this application are honest and true to the best of my (our) knowledge and belief. I (we) understand that this application must be complete and accurate prior to a hearing being scheduled. I (we) authorize Town staff to visit the site as necessary for proper review of this application.

(If there are special conditions such as guard dogs, locked gates, restricted hours, etc., please give the name and phone number of the person(s) who can provide access to the site)

Bruce Coats

Name (printed)

Name (printed)

Property:

511 North 5th St. Silt, CO. 81652

MAILING

13029 Underwood Rd. Summerdale AL. 36580

Address

Address

228-424-2605

Phone

Phone

Fax

Fax

Bruce Coats

Signature

Signature

Type of Identification

County of Baldwin

State of Alabama

ss.

Sworn to and subscribed before me this 22nd day of November, 2022
(fill in day) (fill in month) (fill in year)

By Tonya West
(name printed)

Witness my hand and official seal.

Tonya West

Notary Public

(seal)

TONYA WEST
Notary Public
Alabama State at Large

My Commission expires: March 31, 2024

My Commission Expires
March 31, 2026

Authorized Representative

I/We further permit Rene and Mike Sorensen to act as my/our representative in any manner regarding this application, to answer any questions and to represent me/us at any meeting(s) and public hearing(s) which may be held on this application.

NOTE: All correspondence will be sent to the authorized representative. It will be the representative's responsibility to keep the owner(s) adequately informed as to the status of the application.

Bruce Coats
Name (printed)

Property:
511 North 5th St. Silt, CO. 81652

Mailing:
13029 Underwood Rd., Summerdale AL. 36580
Address

228-424-2605
Phone

Fax

Bruce Coats
Signature

Type of Identification

County of Baldwin)

State of Alabama)

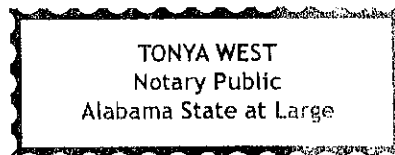
ss.

Sworn to and subscribed before me this 22nd day of November, 2022.
(fill in day) (fill in month) (fill in year)

By Tonya West
(name printed)

Witness my hand and official seal.

Tonya West
Notary Public



My Commission expires: March 31, 2026

My Commission Expires
March 31, 2026

Below is an **example** of a Public Notice to be submitted to the newspaper and sent by certified, return receipt mail to property owners within 200 feet. The minimum public notice requirements are as follows:

Variances:	No less than 7 days prior to public hearing
All applications regarding a Planned Unit Development:	No less than 15 days prior to public hearing
Special Use:	No less than 15 days prior to hearing
Subdivision Exemption:	No less than 7 days prior to public hearing
Preliminary Plan:	No less than 7 days prior to public hearing
Comp Plan Amendment, Sketch Plan, Zoning, Rezone, Final Plan:	No less than 15 day prior to public hearing

Public Notices shall be published once per week, in a newspaper of general circulation, no less than the number of days as listed above. Public Notices to adjoining property owners shall be sent certified, return receipt and post-marked no less than the number of days as listed above. (CRS §31-23-215; CRS §31-23-304; CRS §31-23-305; SMC §16.04.210; SMC §16.12.070; SMC §17.78.040; SMC §17.88.030).

Public Notice

You are hereby notified that the Town of Silt Planning & Zoning Commission/Board of Trustees will conduct a Public Hearing to consider the following application. The Public Hearing will be held on _____, 2022 at 7:00p.m. in Council Chambers at Silt Town Hall, 231 N. 7th Street.

Applicant:

Application Request:

Legal Description: (brief legal description is sufficient)

Common Description: (street address or general location)

For more information, contact the Town of Silt Community Development Department; PO Box 70, 231 N. 7th Street or call 970/876-2353. Please provide the name of the applicant and other notice information when asking department staff about this notice.

TOWN OF SILT, PROOF OF PUBLIC NOTICE AND CERTIFICATE OF MAILING

Project: _____

I HEREBY AFFIRM THAT Public Notice requirements of the Silt Municipal Code have been met for the Public Hearing before the Silt Planning & Zoning Commission/Board of Trustees to be held on _____, 2022.

In addition, I hereby affirm that on _____ day of _____, 2022, I mailed first class, certified return receipt, a true copy of the attached Public Notice by placing the same postage prepaid in the United States Mail at _____, Colorado, addressed to those property owners on the attached list.

Attached are:

1. Certificate(s) of Mailing (green cards and return receipts)
2. Proof of publication from a newspaper of general circulation within the Town showing that prior to the meeting, the Public Notice was advertised as required per Silt Municipal Code.
3. List of names and mailing addresses of all surrounding property owners within 200 feet of subject property.

Name of Applicant (printed)

Signature of Applicant

Date

County of _____)

State of _____)

ss.

Sworn to and subscribed before me this _____ day of _____, _____.
(fill in day) (fill in month) (fill in year)

By _____
(name printed)

Witness my hand and official seal.

Notary Public

My Commission Expires: _____

LAND USE APPLICATION FEES

Application	Fee	Deposit
Annexation	\$2,000	\$400
Annexation & Development Agreement Amendment	\$500	\$500
Boundary Adjustment/Lot Line	\$100	\$0
Condominiums (See Subdivision for Fees)	Varies	Varies
Easement Agreement and Amendments	\$500	\$500
Intergovernmental Agreement and Amendments	\$500	\$500
Major Subdivision-Sketch	\$500	\$500
Major Subdivision-Prelim	\$1,000	\$800
Major Subdivision-Final	\$600	\$500
Manufactured/Modular Home Park Permit	\$250	\$250
Minor Subdivision (PUD) -Sketch	\$500	\$500
Minor Subdivision (PUD)-	\$500	\$500
Minor Subdivision (PUD) -Final	\$500	\$500
Replat or Re-subdivision	\$500	\$0
Commercial/Multifamily Site Plan Review	\$500	\$0
Special Use Permit	\$350	\$250
Subdivision Exemption	\$250	\$0
Subdivision Improvement Agreement Amendment	\$400	\$400
Vacation of Right of Way	\$500	\$500
Variance	\$250	\$250
Zoning or Rezoning	\$600	\$500

****Deposits must be included with application submittal. The deposit is used as security for department staff and consultant time to review the project application. Applicant shall also pay for fees and charges incurred by the town, such as legal fees, planning fees, engineering fees, and filing or recording fees, plus an administrative fee of 15% of the total consultant charges.***

**** For a complete list of the fee schedule, to include items not listed above, please contact the Community Development Department at (970) 876-2353***

ATTACHMENTS/EXHIBITS MUST BE COMPLETE FOR SUBMITTAL.

Incomplete applications **will not** be reviewed until deemed complete.

Checklist below for Office use only.

- 1] ☐ A legal description of the property.
- 2] ☐ Evidence of legal ownership. May be a deed, title commitment, title insurance policy, or attorney's opinion of ownership.
- 3] ☐ Letter of consent. Required if the Applicant is not the property owner.
- 4] ☐ List of property owners within 200 feet. Call Garfield County Assessor's Office at 970-945-9134 for information.
- 5] ☐ Impact statement (description of how the proposed land use complies with the Town of Silt Municipal Code and Comprehensive Plan).
- 6] ☐ A copy of the completed application in electronic format (Microsoft Word).
- 7] ☐ A diskette, compatible with the Town of Silt GIS system, must be submitted before final recording of land use action (SMC 16.13.120). Mylars will not be signed prior to submittal of GIS disk. (For GIS information, call the Community Development Department, 970-876-2353.) Please do not print Final Plat Mylars until you receive approval by Town staff.

COMMITMENT FOR TITLE INSURANCE

Issued by



as agent for

*Westcor Land Title Insurance Company***SCHEDULE A****Reference:****Commitment Number:** 1205708-C1. Effective Date: **January 03, 2023, 7:00 am**Issue Date: **January 11, 2023**

2. Policy (or Policies) to be issued:

ALTA® 2021 Owner's Policy

Policy
Amount:
Premium:*Amount to be Determined**Amount to be Determined*Proposed Insured: **Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below**3. The estate or interest in the Land at the Commitment Date is **Fee Simple**.4. The Title is, at the Commitment Date, vested in:
Bruce Coats

5. The Land is described as follows:

FOR LEGAL DESCRIPTION SEE SCHEDULE A CONTINUED ON NEXT PAGEFor Informational Purposes Only - APN: **217903306003**Countersigned
Title Company of the Rockies, LLC

By:

A handwritten signature in dark ink, appearing to read "Mike Mulligan".

Mike Mulligan

SCHEDULE A (continued)

LEGAL DESCRIPTION

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Lots 1, 2 3 and 4,

Block 14,

BALLARD ADDITION TO THE TOWN OF SILT, according to the Plat thereof filed June 21, 1909 as
[Reception No. 37305](#).

This page is only a part of a 2021 ALTA Short Form Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; 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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Commitment No: 1205708-C

COMMITMENT FOR TITLE INSURANCE

Issued by

Westcor Land Title Insurance Company

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Release by the Public Trustee of Garfield County of the Deed of Trust from Bruce Coats for the use of Better Mortgage Corporation, to secure \$149,800.00, dated August 28, 2018, and recorded September 7, 2018 at [Reception No. 911487](#).

NOTE: Assignment of the above Deed of Trust to Wells Fargo Bank, NA, recorded August 12, 2020 at [Reception No. 940087](#).

6. Release by the Public Trustee of Garfield County of the Deed of Trust from Bruce Coats for the use of Alpine Bank, to secure \$15,000.00, dated May 9, 2019, and recorded May 23, 2019 at [Reception No. 920711](#).

NOTE: The above Deed of Trust secures a revolving line of credit, as such it must be released in its entirety and the account closed.

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Commitment No: **1205708-C**

7. Deed from Bruce Coats to Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below.

NOTE: Duly executed real property transfer declaration, executed by either the Grantor or Grantee, to accompany the Deed mentioned above, pursuant to Article 14 of House Bill No. 1288-CRA 39-14-102.

THE COMPANY RESERVES THE RIGHT TO CONDUCT AN ADDITIONAL SEARCH OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER FOR GARFIELD COUNTY, COLORADO FOR JUDGMENT LIENS, TAX LIENS OR OTHER SIMILAR OR DISSIMILAR INVOLUNTARY MATTERS AFFECTING THE GRANTEE OR GRANTEES, AND TO MAKE SUCH ADDITIONAL REQUIREMENTS AS IT DEEMS NECESSARY, AFTER THE IDENTITY OF THE GRANTEE OR GRANTEES HAS BEEN DISCLOSED TO THE COMPANY.

NOTE: THIS COMMITMENT IS ISSUED UPON THE EXPRESS AGREEMENT AND UNDERSTANDING THAT THE APPLICABLE PREMIUMS, CHARGES AND FEES SHALL BE PAID BY THE APPLICANT IF THE APPLICANT AND/OR ITS DESIGNEE OR NOMINEE CLOSES THE TRANSACTION CONTEMPLATED BY OR OTHERWISE RELIES UPON THE COMMITMENT, ALL IN ACCORDANCE WITH THE RULES AND SCHEDULES OF RATES ON FILE WITH THE COLORADO DEPARTMENT OF INSURANCE.

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Commitment No: 1205708-C

SCHEDULE B, PART II Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, right, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
2. Easements or claims of easements, 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.
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. Right of the Proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patent recorded January 19, 1892 in [Book 12 at Page 100](#).
8. Right of way for ditches or canals constructed by the authority of the United States, as reserved in

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Commitment No: **1205708-C**

United States Patent recorded January 19, 1892 in [Book 12 at Page 100](#).

9. Easements, rights of way and all other matters as shown on the Plat of Ballard Addition to the Town of Silt, filed June 21, 1909 as [Reception No. 37305](#).

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DISCLOSURE STATEMENTS

Note 1: Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII, 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." (Gap Protection)

Note 2: Exception No. 4 of Schedule B, Section 2 of this Commitment may be deleted from the Owner's Policy to be issued hereunder upon compliance with the following conditions:

1. The Land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
2. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
3. The Company must receive an appropriate affidavit indemnifying the Company against unfilled mechanic's and materialmen's liens.
4. Any deviation from conditions A through C above is subject to such additional requirements or Information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
5. Payment of the premium for said coverage.

Note 3: The following disclosures are hereby made pursuant to §10-11-122, C.R.S.:

- (i) The subject real property may be located in a special taxing district;
- (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
- (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note 4: If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding).

Note 5: Pursuant to C.R.S. §10-11-123 Notice is hereby given:

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

Note 6: Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch the clerk and recorder may refuse to record or file any document that does not conform.

Note 7: Our Privacy Policy:

We will not reveal nonpublic personal customer information to any external non-affiliated organization unless we have been authorized by the customer, or are required by law.

Note 8: Records:

Regulation 3-5-1 Section 7 (N) provides that each title entity shall maintain adequate documentation and

records sufficient to show compliance with this regulation and Title 10 of the Colorado Revised Statutes for a period of not less than seven (7) years, except as otherwise permitted by law.

Note 9: Pursuant Regulation 3-5-1 Section 9 (F) notice is hereby given that “A title entity shall not earn interest on fiduciary funds unless disclosure is made to all necessary parties to a transaction that interest is or has been earned. Said disclosure must offer the opportunity to receive payment of any interest earned on such funds beyond any administrative fees as may be on file with the division. Said disclosure must be clear and conspicuous, and may be made at any time up to and including closing.”

Be advised that the closing agent will or could charge an Administrative Fee for processing such an additional services request and any resulting payee will also be subjected to a W-9 or other required tax documentation for such purpose(s).

Be further advised that, for many transactions, the imposed Administrative Fee associated with such an additional service may exceed any such interest earned.

Therefore, you may have the right to some of the interest earned over and above the Administrative Fee, if applicable (e.g., any money over any administrative fees involved in figuring the amounts earned).

Note 10: Pursuant to Regulation 3-5-1 Section 9 (G) notice is hereby given that “Until a title entity receives written instructions pertaining to the holding of fiduciary funds, in a form agreeable to the title entity, it shall comply with the following:

1. The title entity shall deposit funds into an escrow, trust, or other fiduciary account and hold them in a fiduciary capacity.
2. The title entity shall use any funds designated as “earnest money” for the consummation of the transaction as evidenced by the contract to buy and sell real estate applicable to said transaction, except as otherwise provided in this section. If the transaction does not close, the title entity shall:
 - (a) Release the earnest money funds as directed by written instructions signed by both the buyer and seller; or
 - (b) If acceptable written instructions are not received, uncontested funds shall be held by the title entity for 180 days from the scheduled date of closing, after which the title entity shall return said funds to the payor.
3. In the event of any controversy regarding the funds held by the title entity (notwithstanding any termination of the contract), the title entity shall not be required to take any action unless and until such controversy is resolved. At its option and discretion, the title entity may:
 - (a) Await any proceeding; or
 - (b) Interplead all parties and deposit such funds into a court of competent jurisdiction, and recover court costs and reasonable attorney and legal fees; or
 - (c) Deliver written notice to the buyer and seller that unless the title entity receives a copy of a summons and complaint or claim (between buyer and seller), containing the case number of the lawsuit or lawsuits, within 120 days of the title entity's written notice delivered to the parties, title entity shall return the funds to the depositing party. ”

Title Company of the Rockies

Disclosures

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 will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. 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. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: Pursuant to Colorado Division of Insurance Regulation 8-1-2;

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.