



Grand Lake Planning Commission

Wednesday, June 21, 2023 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes for 5/03/2023 and 6/7/2023
4. Unscheduled Citizen Participation
This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.
5. Conflicts of Interest
6. Items of Business
 - A. **Public Hearing** (Quasi-Judicial) Resolution 06-2023; A Resolution Recommending Approval of A Lot Consolidation of Lots 5-8, Block 20, Town of Grand Lake, More Commonly Referred to as 612 Grand Ave.
 - B. **Public Hearing** (Quasi-Judicial) Recommendation of a Minor Subdivision Preliminary and Final Development Plan for the Vacant Property Located at Subd: METES & BOUNDS 76 ALL 8.98 AC IN LOT 1 SEC 1 T3N R76 DESC B/203 P/256 Also Referred to as the "Lucy Love Subdivision"
7. Items for Discussion
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.
You will not be able to actively participate via the web streaming.



<https://us06web.zoom.us/j/93672888470?pwd=d21QNm5XYXdCS0VHWStxMW12NDJCdz09>

You can also dial in using your phone. 1 (719) 359-4580

Meeting ID: 936 7288 8470

Access Code: 141859



Grand Lake Planning Commission

Wednesday, May 03, 2023 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order: Meeting Called Order at 6:45PM
2. Roll Call
 - PRESENT
 - Vice Chairman Heather MacSllarrow (Present Online)
 - Commissioner John Murray
 - Commissioner Judy Burke
 - Commissioner Heather Bishop
 - Commissioner Greg Finch

 - ABSENT: Chairman James Shockey
 - Motion to excuse Chairman Shockey made by Commissioner Bishop, Seconded by Commissioner Finch.
 - Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **-Approved 5:0-**
3. Consideration to approve Meeting Minutes: 04-19-2023 Minutes
 - Motion made by Commissioner Murray, Seconded by Commissioner Burke.
 - Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **-Approved 6:0-**
4. Unscheduled Citizen Participation: None
5. Conflicts of Interest: None
6. Items of Business
 - A. PUBLIC HEARING- (Quasi-Judicial)** Consideration to Recommend a Variance from Zoning Regulations of Minimum Dwelling Unit Size for Employee Housing at Lots 5-8, Block 20, Town of Grand Lake; more commonly referred to as 612 Grand Ave.
Community Development Director White presented the item of business. Owner and applicant, Gary Bien, was brought up to discuss the details of the land and tiny home.
Motion to approve variance made by Commissioner Burke, Seconded by Commissioner Bishop.
Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch
Voting Abstaining: Vice Chairman MacSllarrow **-Approved 3:0:1-**
7. Items for Discussion
 - Commissioner Bishop brought her update from the Board of Trustee's meeting.
 - Commissioner Burke presented an idea for the empty land at the Center Dr. and West Portal Rd. intersection.
8. Future Agenda Items: None

9. Adjourn Meeting

Motion to adjourn meeting made by Commissioner Murray, Seconded by Commissioner Burke.

Voting Yea: Vice Chairman MacSlarrow, Commissioner Murray, Commissioner Burke, Commissioner Bishop,
Commissioner Finch **-Approved 5:0-**

James Shockey, Chairman

ATTEST:

Alayna Carrell, Town Clerk



Grand Lake Planning Commission

Wednesday, June 07, 2023 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order: Meeting called to order at 6:34PM

2. Roll Call: All present

PRESENT

Chairman James Shockey
Vice Chairman Heather MacSllarrow
Commissioner John Murray
Commissioner Judy Burke
Commissioner Heather Bishop
Commissioner Christina Bergquist
Commissioner Greg Finch

3. Consideration to approve Meeting Minutes: No minutes to approve

4. Unscheduled Citizen Participation

Frank Mounds of 420 Lakeside is here remodeling his cabin in town. He is interested in observing the meeting no other comments.

5. Conflicts of Interest: None

6. Items for Discussion:

Minor Subdivision Sketch Plan Review for a Meters and Bounds Parcel known as the Love Tract
Community Development Director White presented the item. Discussion was opened. The owner of the property, Tom Stanley, was brought forward speak regarding the sketch plan.

Recommendations: Commissioner Murray suggested that subdivision cannot be further subdivided.
Chairman Shockey requested that the easement be changed to include the trail, based on Mr. Stanley's recommendations.

Discussion was closed.

7. Future Agenda Items

- Preliminary and final subdivision will be presented in the future for the property discussed today.
- Note that an encroachment permit has also been submitted and will go before the Board of Trustees.

-Commissioner Bishop would like to address pocket parks and green way in the future.

8. Adjourn Meeting: Meeting adjourned at 7:20PM
Motion made by Commissioner Murray, Seconded by Vice Chairman MacSllarrow.
Voting Yea: Chairman Shockey, Vice Chairman MacSllarrow, Commissioner Murray, Commissioner
Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch **-Approved 7:0-**

James Shockey, Chairman

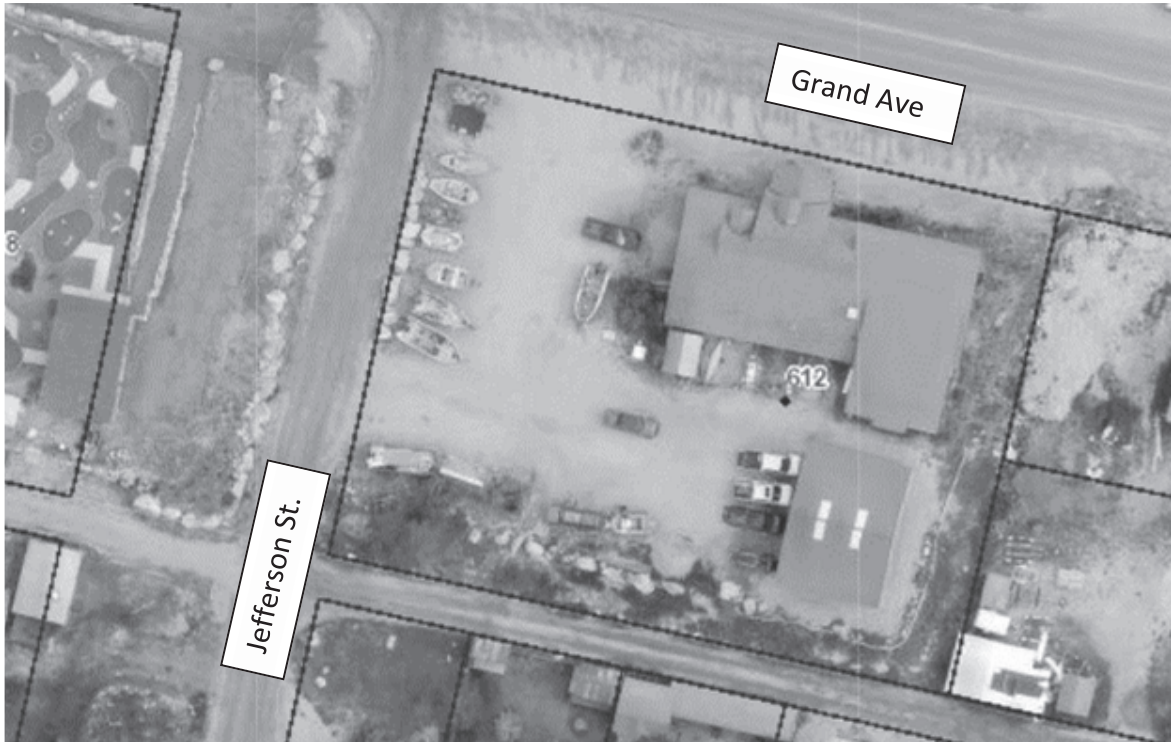
ATTEST:

Alayna Carrell, Town Clerk



Date: 06/21/2023
To: Chairman Shockey and Commissioners
From: Kimberly White, Community Development Director

Re: RESOLUTION 06-2023; A RESOLUTION RECOMMENDING APPROVAL OF A LOT CONSOLIDATION OF LOTS 5-8, BLOCK 20, TOWN OF GRAND LAKE, MORE COMMONLY REFERRED TO AS 612 GRAND AVE.



Purpose

The Town has received a lot consolidation request application from Gary Bien to consolidate four contiguous legal lots into one. This request requires Planning Commission recommendation and Board review.

Municipal Code

M.C. 12-6-8 (B) Lot Consolidations

Any property owner requesting to combine two or more contiguous legal lots in a previously recorded subdivision, planned development, or traditional residential development, which are owned by the same person or entity must apply for a Lot Consolidation to be submitted for review by the Planning Commission and approval by the Board of Trustees.

- 1. Lot Consolidations are defined as meeting all of the following criteria*
 - a. Affecting property that was previously subdivided into legally recognized lots or parcels*

P.O. BOX 99, GRAND LAKE, COLORADO 80447-0099
PH. 970/627-3435
FAX 970/627-9290
E-MAIL: town@townofgrandlake.com



- b. Not relocating or reconfiguring previously established lot lines*
- c. Not resulting in a new lot that had previously been separate lots divided by a public or private road*
- d. Not creating or resulting in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard or regulation including, but not limited to, lot area, minimum frontage, building height, setbacks, density, public or private road or private drive standards, parking, or access.*
- e. Not altering public right-of-way or easements reserved for drainage or utilities of any kind located on the combined lots*

2. Submittal Requirements

a. The applicant shall provide the following submission materials:

- 1. Application Form*
- 2. Application fee or deposit*
- 3. Proof of ownership in the form of a deed of title*
- 4. Project description (narrative) including the following:*
 - a. Detailed description of lot and block numbers, new location of adjusted lot line with project coordinates, and resulting lot acreages*
 - b. Detailed description of type, size, and location of existing structures on all lots.*
- 5. A list of and addresses for all owners of adjacent property and all owners of easements over, through, or across the property.*
- 6. Lot Consolidation Plat (24" x 34") prepared by a registered land surveyor and drawn to a scale of no less than 1" = 50' (see 12-9-2 (E) and 12-9-11 (K) for specific items)*

3. Review Procedures

- a. The Town Planner will have fourteen (14) days from date of submission to determine completeness. Upon acceptance by the Town Planner for submission completeness, the Lot Consolidation request shall be reviewed by the Planning Commission at the next regularly scheduled public meeting. After receipt of recommendation by the Planning Commission, the Board of Trustees shall review the Lot Consolidation request at their next regularly scheduled public meeting.*

4. Review Criteria

- a. The Planning Commission and Board of Trustees shall apply the following review criteria in considering an application. No application shall be approved unless the Board of Trustees determines that all criteria have been met:*
- 1. The combined lot(s) are legal lots as defined in section 12-6-8(A)1*
 - 2. The combined lot(s) would not subsequently create additional lots other than the resultant lot(s)*
 - 3. The lot consolidation would not adversely affect existing access, drainage, utility easements, or rights-of-way*
 - 4. *The lot consolidation would not adversely affect adjacent properties and the property owners' enjoyment of their property*

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FAX 970/627-9290

E-MAIL: town@townofgrandlake.com



5. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lot(s)

* For regulations governing maximum permitted floor area of structures on properties with combined lots, see sections 12-2-10(C) to 12-2-18(C).

5. Procedure Following Approval

a. Where the Board of Trustees has determined that a proposed Lot Consolidation complies with the requirements of these regulation, the Final Lot Consolidation Plat shall be endorsed by the Chair of the Planning Commission and the Mayor of the Town and thereafter the Town Clerk shall file the approved Plat with the Town and with the Grand County Clerk and Recorder.

6. In Perpetuity

a. Once a Lot Consolidation Plat has been approved, filed, and recorded, the resultant lot(s) are to be considered one (or more) new lot(s), in perpetuity, never to be sold separately or mortgaged separately. Only upon reapplication with the Town to re-subdivide the resultant lot(s) again can these lot(s) be sold or mortgaged separately.

Staff Comments

The applicant has provided all of the appropriate submission materials as part of the submission package, including an application fee payment, deed of title, a list of adjacent property owners and easements (none), and a proposed lot consolidation plat (exhibit A). The property complies with all of the requirements for lot consolidation.

Staff believes the applicant meets the criteria for approval by the Planning Commission in the following ways:

- The combined lots as shown on the proposed plat meet all the attributes as defined under section 12-6-8(A)
- No other lots are created other than the one consolidated lot
- The driveway, existing right of way, site drainage, and public utilities are not adversely affected by this lot consolidation
- The Applicant has an existing non-conforming structure which spans lots 5-7 and the parking and snow storage is located on lot 8. The structure is otherwise permitted under the zone district standards.
- No deed restrictions or conditions are listed on the Applicant’s warranty. Staff is unaware of any other covenants or restrictions if they exist.

Recommendation

Staff recommends that the Commission recommend to allow the lot consolidation of Lots 5-8, Block 20, Town of Grand Lake, also known as 612 Grand Ave. in order to resolve the non-conformance.

Suggested Motions For Lot Consolidation Request:

P.O. BOX 99, GRAND LAKE, COLORADO 80447-0099
PH. 970/627-3435
FAX 970/627-9290
E-MAIL: town@townofgrandlake.com



- Or
1. I move to adopt resolution 06-2023, as presented.
- Or
2. I move to adopt resolution 06-2023, With The Following Modifications
_____.
- Or
3. I Move To Deny The Request As Presented.

Name	Address	City, State, Zip	date received
ASPENFOX, LLC	5435 FAR VIEW CT	WINDSOR, CO, 80550	
ATYPICAL PROPERTIES LLC	80 WILDEWOOD DR	NEDERLAND, CO, 80466	Returned
CARVALHO, ROBERT A	PO BOX 1694	GRAND LAKE, CO, 80447	
FELIX, JAMES R	2127 COPPER CREEK DR UNIT A	FORT COLLINS, CO, 80528	
FRY HOWARD H JR	609 LAKE AVE	GRAND LAKE, CO, 80447	Returned
KALDONSKI, BARBARA & WOJCIECH	PO BOX 1760	GRAND LAKE, CO, 80447	6/2/2023
KIRKS MOUNTAIN ADVENTURES, LLC	PO BOX 1662	ESTES PARK, CO, 80517	6/2/2023
LOO, THE SARAH E TRUST DTD 3/20/07	15 DUTCH CREEK DR	LITTLETON, CO, 80123	5/27/2023
LYBRAND, ROBERT D & MARY LOUISE	3548 AMHERST AVE	DALLAS, TX, 75225	
MOUNTAIN MONGRELS, LLC	PO BOX 1611	GRAND LAKE, CO, 80447	5/31/2023
PETERSON, DANIEL L	2008 TOUR DE FRANCE CV	AUSTIN, TX, 78733	
QWEST COMMUNICATIONS CORP	1801 CALIFORNIA ST FL 25	DENVER, CO, 80202	Returned
REYNOLDS, BRIAN S & GRETCHEN R	747 COUNTY ROAD 4480	GRAND LAKE, CO, 80447	6/2/2023
RIVER MOUNTAIN, LLC &	260 JOSEPHINE ST STE 600	DENVER, CO, 80206	6/2/2023
SEAHORN CHRISTOPHER	1645 JACKSON ST	DENVER, CO, 80206	6/9/2023
SLOTTER, KATIE JO	1520 S ASH ST	DENVER, CO, 80222	Returned
TRINITY CHURCH IN THE PINES	PO BOX 676	GRAND LAKE, CO, 80447	6/1/2023
YATES CHARLES E & MURNANE PAMELA M	989 20TH ST UNIT 468	SAN FRANCISCO, CA, 94107	5/31/2023

Unofficial Copy

WARRANTY DEED

THIS DEED, made this 5th day of October, 2018, between

BRIAN J. SCHAEFER
whose address is ~~PO Box 9431, Breckenridge, CO 80424-9431~~, GRANTOR(S), and
381 Cortez Street Sterling, CO 80751
KIRKS MOUNTAIN ADVENTURES LLC, A COLORADO LIMITED LIABILITY COMPANY
whose address is P.O. Box 1662, Estes Park, CO 80517, GRANTEE(S):

WITNESS, that the grantor(s), for and in consideration of the sum of THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$350,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, grantee's heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Grand and State of Colorado, described as follows:

Lots 5, 6, 7, and 8,
Block 20
TOWN OF GRAND LAKE,

also known by street and number as: 612 Grand Avenue, Grand Lake, CO 80447

TOGETHER with all and singular, the hereditaments and appurtenances thereunto belonging, or in anywise appurtenant, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, 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, grantee's heirs and assigns forever. The grantor, for the grantor, grantor's heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, grantee's heirs and assigns, that at the time of the sealing and delivery of these presents, grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes for the current and subsequent years, and except easements, covenants, conditions, restrictions, reservations, and rights of way of record, if any.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, grantee's heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above

Brian J. Schaefer
Brian J. Schaefer

State of Colorado
County of Logan

RUBY A. FACCHINELLO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19864001797
MY COMMISSION EXPIRES 01/31/2020

The foregoing instrument was acknowledged, subscribed and sworn to before me this 05 day of October, 2018 by Brian J. Schaefer

My Commission Expires: 01/31/20

Witness my Hand and Official Seal
Ruby A. Facchinello
Notary Public

STATEMENT OF AUTHORITY

- This STATEMENT OF AUTHORITY relates to entity named
KIRKS MOUNTAIN ADVENTURES LLC, A COLORADO LIMITED LIABILITY COMPANY
and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.
- The type of entity is a : **Limited Liability Company**
- The entity is formed under the laws of the state of **Colorado**
- The mailing address of the entity is:
**P.O. Box 1662
Estes Park, CO 80517**
- The name and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is/are:
**Gary Bien, Member
Kirk Bien, Member**
- The authority of each of the foregoing person(s) to bind the entity is
 not limited (check one)
 limited as follows:

- Other matters concerning the manner in which the entity deals with interests in the property:

Kirks Mountain Adventures LLC, a Colorado limited liability company

X By: *Gary Bien*
Gary Bien, Member

X By: *Kirk Bien*
Kirk Bien, Member

State of: Colorado
County of: Harrison §

The foregoing instrument was acknowledged, subscribed and sworn to before me this 4th day of October, 2018 by Gary Bien, Member and Kirk Bien, Member of Kirks Mountain Adventures LLC, a Colorado limited liability company.

My commission expires: 05-13-2021 *Lori Gaglio*
Notary Public

LORI GAGLIO
Notary Public
State of Colorado
Notary ID: 20054018919
My Commission Expires 05/13/2021

DEDICATION:

Know all people by these presents: That Kirks Mountain Adventures LLC is the owner of that real property in the Town of Grand Lake, Colorado, described as follows: Lots 5 through 8, Block 20, Town of Grand Lake.

That they have caused said real property to be laid out and surveyed as Amended Lot 5, Consolidation Plat of Lots 5 through 8 Block 20, Town of Grand Lake, and do hereby cause said property to become one single Lot.

In witness whereof, Gary Bien has caused his name to be hereunto subscribed this ____ day of _____, 20____.

Gary Bien

State of Colorado)

County of _____) ss

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Gary Bien as authorized representative of Kirks Mountain Adventures, LLC

My Commission Expires:

Notary Public

PLANNING COMMISSION CERTIFICATE

APPROVED THIS ____ day of _____, A.D. 20____, Town Planning Commission, Grand Lake, Colorado.

CHAIR: _____ Chairman

TOWN BOARD OF TRUSTEES CERTIFICATE

APPROVED THIS ____ day of _____, 2023 by the Board of Trustees, Grand Lake, Colorado. This Approval does not guarantee that the size or soil or flooding conditions of any Lot shown hereon are such that a building permit shall be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, street improvements, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Grand Lake. Also, that the Town of Grand Lake does not assume any responsibility for the correctness or accuracy of any information disclosed on this plat nor any representations or information presented to the Town which induced the Town to give this certificate.

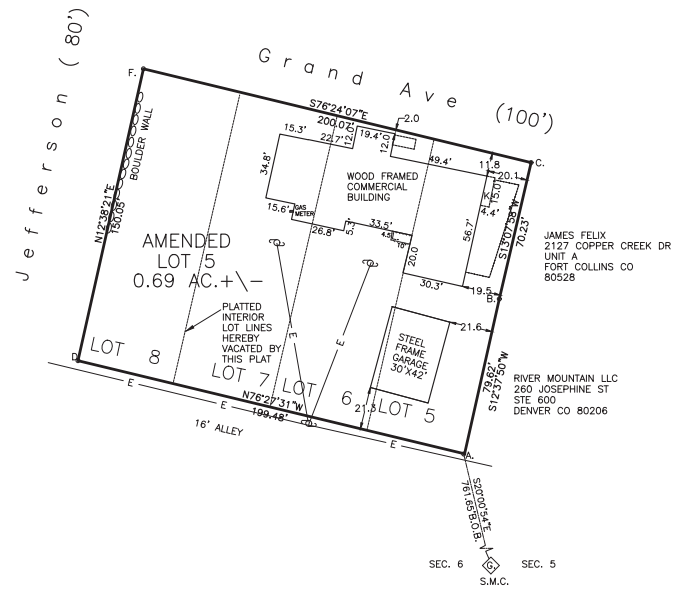
ATTEST CLERK: _____ MAYOR: _____ Town Clerk Mayor

SURVEYOR'S CERTIFICATE

I hereby certify that this Consolidation Plat of Lots 5 through 8, Block 20, Town of Grand Lake shows the result of a field survey done by me or under my responsible charge, based on facts known to me, and that this plat complies with applicable statutes set forth in Title 38, Article 51, Colorado Revised Statutes, and that the monuments required by these statutes and the Town of Grand Lake subdivision regulations have been set on the ground.

Warren Dale Ward, Colorado PLS NO. 25971

CONSOLIDATION PLAT 612 Grand Avenue Of Lots 5-8, Block 20, Town of Grand Lake, Grand County, Colorado, Part of Sec. 6, Township 3 North, Range 75 West of the 6th P.M.

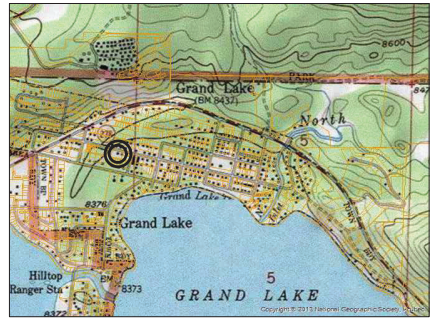


NOTES:

- 1. For title, reference to a title insurance commitment is recommended.
2. Property shown is zoned Commercial C.
3. Applicant: Kirks Mountain Adventures, PO Box 1662, Estes Park, CO 80517

KEY:

- A. - Found boat spike/washer, LS 3660
B. - Found bent aluminum capped, 1/2" rebar scribed is 25971
C. - Found 1/2" rebar
D. - Found 3/8" rebar
E. - Overhead service line
F. - Found aluminum capped, 1/2" rebar scribed is 25971
G. - Extant PLSS corner noted, found 1950 USBR Brass cap



GRAPHIC SCALE - FEET BASIS OF BEARINGS: S20°00'54"E, from the S.E. Corner of Lot 5, to the special meander corner of Sec.5 and Sec. 6, monumented as shown, derived with GPS/RTK.

Block containing contact information for Azimuth Survey Company (P.O. Box 653, Fraser, Colorado 80442) and project details: CONSOLIDATION PLAT, 612 Grand Avenue, Of Lots 5-8, Block 20, Town of Grand Lake, Grand County, Colorado. Includes scale: 1 IN = 30 FT and job number: JOB: A14-25.

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 06-2023**

**A RESOLUTION RECOMMENDING APPROVAL OF A LOT CONSOLIDATION OF
LOTS 5-8, BLOCK 20, TOWN OF GRAND LAKE, MORE COMMONLY REFERRED
TO AS 612 GRAND AVENUE**

WHEREAS, Gary Bien (the “Applicant”) is the owner of certain real property located within the Town of Grand Lake, more particularly described as follows:

Lot 5-8, Block 20, Town of Grand Lake Subdivision, Grand Lake, Colorado, also known as: 612 Grand Ave, Grand Lake, Colorado 80447 (the “Property”); and

WHEREAS, the Applicant has submitted an application seeking approval of a lot consolidation (“the Application”), pursuant to Section 12-6-8(B) of the Town Code; and

WHEREAS, Section 12-6-8(B)(4) of the Town Code provides that the Planning Commission and the Board of Trustees are to apply the following criteria in considering an application to consolidate lots:

1. The combined lots are legal lots as defined in section 12-6-8(A)(1).
2. The combined lots would not subsequently create additional lots other than the resultant lots.
3. The consolidation would not adversely affect existing access, drainage, utility easements, or rights-of-way.
4. The lot consolidation would not adversely affect adjacent properties and the property owners’ enjoyment of their property.
5. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots.

WHEREAS, following proper notice, the Application was presented to and considered by the Planning Commission at its regular meeting on June 21st, 2023; and

WHEREAS, staff has recommended approval of the Application; and

WHEREAS, based on the Application, the representations of the Applicant to the Planning Commission and the comments of the public, the Planning Commission finds:

1. The combined lots are legal lots as defined in section 12-6-8(A)(1).
2. The combined lots would not subsequently create additional lots other than the resultant lots.
3. The consolidation would not adversely affect existing access, drainage, utility easements, or rights-of-way.
4. The lot consolidation would not adversely affect adjacent properties and the property owners’ enjoyment of their property.
5. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO AS FOLLOWS:

- 1. The Planning Commission recommends that the Application be approved by the Board of Trustees subject to the conditions set forth in Section 2, below.
- 2. The Planning Commission’s recommendation for approval is based on the Applicant satisfying the following conditions. Unless specified otherwise, such conditions should be satisfied before the matter is considered by the Board of Trustees:
 - a. Payment by Applicant of all legal, engineering and administrative fees incurred by the Town in connection with review, processing, consideration and approval of the Application
 - b. Compliance by the Applicant with all representations made to the Planning Commission during all public hearings or meetings related to the Application
 - c. The resultant lot is to be considered one new lot in perpetuity, never to be sold or mortgaged separately without the reapplication and approval from the Town to re-subdivide. This limitation shall be noted on the face of the Lot Consolidation Plat prior to recording.
- 3. Severability: If any Article, Section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- 4. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DULY MOVED, SECONDED, AND APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO, THIS 21st DAY of JUNE, 2023.

(S E A L)

Votes Approving:
 Votes Opposed:
 Absent:
 Abstained:

ATTEST:

TOWN OF GRAND LAKE

 Alayna Carrell
 Town Clerk

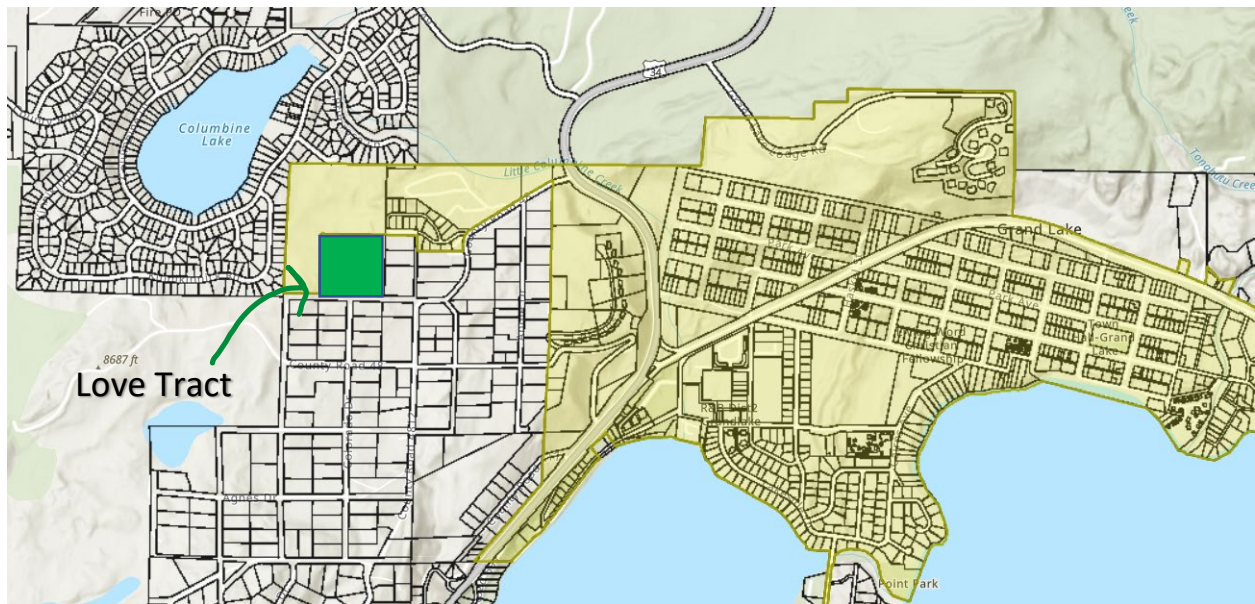
 James Shockey
 Planning Commission Chairman



PLANNING COMMISSION STAFF MEMORANDUM

DATE: June 21st, 2023
TO: Chairman Shockey and Planning Commissioners
FROM: Kimberly White, Planning Department
SUBJECT: Love Tract- Lucy Love Minor Subdivision
SUMMARY OF REQUEST: Divide the 8.98 acre parcel after annexation.
The Site Plan proposes to:

- Divide the property into 4, 2-acres parcels
- Dedicate 10' utility and trail easements



Background:

Per the municipal code 12-6-7, a minor subdivision is involving four (4) or less lots. The minor subdivision process allows for a more condensed subdivision process. Per municipal code 12-9-4, the sketch plan is not required, and the Preliminary development hearing can occur at the time of the Final development hearing.

A) Required Submittal for Preliminary and Final Development Application per M.C. 12-9-2:

- 1) Titlework: received
- 2) Summary Statement of proposal: 8.98 total acres to be developed as 4 equal parcels (Exhibit A), each parcel to have a single-family home and possible accessory unit, size, and height per Residential estates zoning rules. Paved roads, drainage, stormwater, sewer, water and other utilities to be financed by the developer after Town puts in place the rough road access on GCR471.



- 3) Drainage narrative describing flow capacity to be submitted at time of building permit submissions.
- 4) Affordable Housing requirements are not applicable for under 5 unit subdivisions and thus only AH fees to be collected at time of building permit issuance.
- 5) Conversion report not applicable for vacant land
- 6) Solar orientation of the homes has not been decided.
- 7) Open space and land dedication statement: There is a 10' wide trail and utility easement surrounding the property which accounts for about 0.85 acres or about 10% dedication.
- 8) Additional information: Planning Commission asked for the word "trail" be added to the 10' utility easement surrounding each parcel. Additionally, a statement restricting further subdivision of the property was requested.
- 9) Additional Written Documents for Developments: The project is of minimal impact.

Letters were sent to the referral agencies (*attached responses*).

Final Development Application.

Per the following municipal code requirements, the applicant has submitted that he will be installing the water and sewer utilities in the center of the 40' north-south oriented roadway, and the gas and other utilities in the 10' utility easements. Also, per an agreement with the Town during the sale of the 21-acre Matthews property to the north of the 8.98 acre Love Tract, the Town will rough in a road which will later be built to the Town standards by the developer.

Municipal Code requirements:

The Final Development Application is intended to provide the specific design components of the Preliminary Development Application and for the review of additional items not required by the Preliminary Development Application. The completed application shall be known as the Final Development Application.

1. No development shall be approved until such data, surveys, analyses, studies, plans, and designs have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the Town of Grand Lake and the conditions contained in these regulations and all other applicable Sections of the Code of the Town.
2. Final Development Application Submission Requirements. The Final Development Plan shall include all of the drawn and graphic information required in the Preliminary Development Application in its finalized, detailed form. In addition, the following items shall be submitted:
 - (a) Any new items not submitted with the Preliminary Development Application; and
 - (b) Any required dedication documentation and/or bonds; and
 - (c) Final engineering plans for public roads:
 1. The profiles are to include ground lines, grade lines, vertical curves, curve lengths, calculated grades, elevation at PIVCs, BVCs, EVCs, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards. The scale to be 1" = 50' horizontal and 1" = 1' to 1" = 5' vertical in flat and rolling terrain. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspects of the design. Where centerline grades at intersections are



steep, curb return profiles are to be submitted showing necessary modifications to eliminate unsightly bumps or water retaining depressions that many times result.

2. Detail should include orientation, line and grade, cross sections, dimensions, reinforcement schedules, materials, quality, specifications, etc.
3. A structural section design report shall be submitted if a section other than the Town standard structure section is to be used. The design criteria set forth by the Town of Grand Lake shall be used in the preparation of the street construction plans and profiles.

(d) Final engineering plans for utility systems:

1. Plans and specifications based upon the approved Preliminary Development Application and associated reports are to be submitted detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the Final Development Application. In addition, final design is required of any off-site facilities related to the above-described utilities which may be considered an integral part of the utilities plan for the development.
2. Water utility facilities design shall conform to the criteria set forth by the Town of Grand Lake.

(e) Final engineering plans for storm drainage control systems:

1. Plans and specifications based upon the approved Preliminary Development Application and associated reports are to be submitted detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams, energy dissipaters, etc.
2. Flow line profiles and layout elevations shall be at minimum 100-foot stations, and natural ground elevations shown to indicate any significant irregularities for all proposed conduits, channels, structures, etc.
3. Cross-sections of each water carrier shall be shown showing high water elevations and adjacent features which may be affected thereby.
4. Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert, shall be included. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal shall also be submitted.
5. The final drainage plan shall be prepared in conformance with the design criteria set forth by the Town of Grand Lake.

Analysis:

- The applicant has submitted all the required documentation listed above, other than the final engineering plans and other documents required by the Town's Land Development Regulations, Article 12-9. Applicant seeks to defer providing these materials until a later point in the process of developing the property.
- Letters were sent to 21 referral agencies with comments from those received attached. The applicant has addressed the referral agency observations or concerns.
- Certified letters were sent to 10 neighbors within a 200' radius with 2 letters received below.



- The letters stated concern about a road accessing the property directly north of the Love Tract.
- The proposed density and coverage of buildings is 8.89 Acres
- The proposed residential estates zoning allows for :

Standard Type	Measurement		
Minimum Lot Area	One (1) acre per dwelling unit	One (1) acre for all conditional uses	
Minimum Lot Frontage	60'		
Minimum Floor Area	1,200 sq. ft. per single family dwelling	500 sq. ft. per accessory dwelling unit	
Maximum Floor Area	Governed by zoning standards	1,200 sq. ft. per accessory dwelling unit	
Minimum Setback	Front 25'	Side 15'	Rear 15'
Maximum Height	32'		
Density	One single family home and one accessory dwelling unit per parcel		

- Parking spaces required for single family homes shall be met.
- Solar orientation of structures has not been addressed since no structures have been proposed.
- Drainage calculation has not been complete, since the development plans are not created. The large acreage with the small amount of proposed development would likely not cause additional burden on adjacent properties.
- The design scheme will be in accordance with the Town of Grand Lakes design requirements for materials and the buildings are within the correct setbacks locations and height restrictions.
- Applicant will install all utilities in the 40' dedicated right of way and 10' easements.
- Town will rough in a road, and Applicant will pave the road to Town standards.

Planning Commission Discussion:

After consideration of the application, the Planning Commission shall either, in writing and by resolution, approve said application as presented, approve said application subject to specified conditions, or disapprove it.

Proposed Motions:

I move to approve Resolution 07-2023, the Subdivision Application as written.

OR

I move to approve Resolution 07-2023, the Subdivision Application with the following conditions:

OR

I move to deny Resolution 07- 2023.



Town of Grand Lake

Planning Department

P.O. Box 99 • 1026 Park Avenue • Grand Lake, CO 80447

Phone: 970-627-3435 • Fax: 970-627-9290

Email: planner@toglco.com • Website: townofgrandlake.com

LAND USE REVIEW APPLICATION FORM

APPLICATION DEADLINE IS NOON, 21 DAYS PRIOR TO THE NEXT REGULARLY SCHEDULED

PROPERTY

Property Address (or general location if not addressed): 9 acre Love Tract

Legal Description: Lot TBD Block TBD Subdivision Love Tract

Lot Area (in square feet or acres): 9 Existing Use of Property: Open area

TYPE OF REVIEW (check one)

- Rezoning
- Subdivision
- Minor Subdivision
- Annexation
- Planned Development
- Conditional Use
- Vacation – Public right-of-way
- Amendments to approved Subdivision or PD
- Other: _____

PROPOSAL

Description of Proposal (include proposed use and summarize number and size of units/buildings/lots, as applicable)

Existing 9 acre Love Tract to be divided into 4 approximately 2 acre lots. Each lot to have one single family residence. Existing CR 471 would divide the 9 acres with easements on each side of road.

Applicant Information

Name of Development: Love Tract

Name of Applicant: Genette Simpkins Revocable Living Trust Email: kevincci@icloud.com

Address: 45-238 Kokokahi Place Phone: _____

City: Kaneohe State: Hi Zip: 96744 Fax: _____

Contact Information (if not the applicant)

Name of Contact: Tom Stanley Email: tstanexc@gmail.com

Address: 7522 S. Sicily Way Phone: 303-898-2970

City: Aurora State: Co Zip: 80016 Fax: _____

Note: Tom Stanley has legal power of Attorney to sign on behalf of Simpkins Trust

STAFF USE ONLY

File Name: _____

Application Received By: _____ Date: _____ Time: _____

Fee Paid: _____ Amount: _____ Reimbursement Form Signed: Yes-Date: _____ No



TITLE COMPANY
of the rockies

721 Grand Avenue, Suite B
P.O. Box 1939
Grand Lake, CO 80447
Phone: 970-627-0400 Fax: 877-239-2981
www.titlecorockies.com

Commitment Ordered By:

Andrea Cox
RE/MAX Resorts of Grand County
P.O. Box 39
728 Grand Avenue
Grand Lake, CO 80447
Phone: 800-982-2149 Fax: 970-627-8881
email:
andrea@rkymtnhi.com;katiegrandlake@gmail.com

Inquiries should be directed to:

Sonya Hervert
Title Company of the Rockies
721 Grand Avenue, Suite B
P.O. Box 1939
Grand Lake, CO 80447
Phone: 970-627-0400 Fax: 877-239-2981
email: SHervert@titlecorockies.com

Commitment Number:

1118922 - C

Buyer's Name(s):

The Town of Grand Lake, a Colorado municipal corporation

Seller's Name(s):

Stanley & Simpkins Investments, LLC, a Colorado limited liability company

Property:

195 GCR 48, Grand Lake, CO 80447
1-3N-76, Grand, CO

TITLE CHARGES

These charges are based on issuance of the policy or policies described in the attached Commitment for Title Insurance, and includes premiums for the proposed coverage amount(s) and endorsement(s) referred to therein, and may also include additional work and/or third party charges related thereto.

If applicable, the designation of "Buyer" and "Seller" shown below may be based on traditional settlement practices in Grand County, Colorado, and/or certain terms of any contract, or other information provided with the Application for Title Insurance.

Owner's Policy Premium:	\$2,765.00
Loan Policy Premium:	\$800.00
Additional Lender Charge(s):	
Additional Other Charge(s):	
Tax Certificate:	\$0.00
Total Endorsement Charge(s):	\$65.00
TBD Charge(s):	
TOTAL CHARGES:	\$3,630.00

ALTA Commitment (6-17-06)

ALTA Commitment Form

COMMITMENT FOR TITLE INSURANCE



Stewart Title Guaranty Company, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

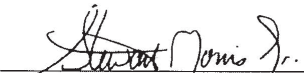
The Company will provide a sample of the policy form upon request.

This commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Issued by:
 **TITLE COMPANY**
of the rockies
721 Grand Avenue, Suite B
P.O. Box 1939
Grand Lake, CO 80447
Authorized Agent




Senior Chairman of the Board


Chairman of the Board


President

004-UN ALTA Commitment (6-17-06)

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*

COMMITMENT FOR TITLE INSURANCE

Issued by



as agent for

Stewart Title Guaranty Company

SCHEDULE A

Reference:

Commitment Number: 1118922 - C

1. Effective Date: September 23, 2020, 7:00 am Issue Date: October 05, 2020

2. Policy (or Policies) to be issued:

a) ALTA Owner's Policy (6-17-06)	Policy Amount:	\$1,200,000.00
	Premium:	\$2,830.00
Proposed Insured: The Town of Grand Lake, a Colorado municipal corporation		

b) ALTA Loan Policy (6-17-06)	Policy Amount:	\$1,150,000.00
	Premium:	\$800.00
Proposed Insured: Lender with contractual obligations under a loan agreement with the Proposed Insured identified at Schedule A, Item 2(a).		

3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.

4. The Title is, at the Commitment Date, vested in:

Stanley & Simpkins Investments, LLC, a Colorado limited liability company

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

FOR LEGAL DESCRIPTION SEE SCHEDULE A CONTINUED ON NEXT PAGE

For Informational Purposes Only - APN: R171690 / 119101100001

Countersigned
The Title Company of the Rockies

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By: 

Susan Sarver

SCHEDULE A (continued)**LEGAL DESCRIPTION**

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

A tract of land described at Book 359 at page 950 of Grand County records, being a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 3 North, Range 76 West of the 6th P.M., more particularly described as follows:

Beginning at a point being the NE corner of this tract, and also being an aluminum capped rebar stamped PLS 11415, whence the NE corner of said Section 1, bears South 88°53'00" East, a distance of 324.22 feet; thence South 01°11'31" West, for a distance of 689.65 feet along the Easterly line of this tract to a found boat spike, upgraded to an alum. capped rebar stamped PLS 11415; thence North 89°02'32" West, for a distance of 623.44 feet along the Easterly line of this tract to a found $\frac{3}{4}$ inch pipe, upgraded to an alum. capped rebar stamped PLS 11415; thence South 00°54'13" West, for a distance of 626.52 feet along the Easterly line of this tract to a point being the SE corner of this tract and also being a found boat spike, upgraded to an alum. capped rebar stamped PLS 11415; thence North 89°01'40" West, for a distance of 354.15 feet along the Southerly line to the SW corner of this tract to a 2 inch pipe, upgraded to an alum. capped rebar stamped PLS 11415; thence North 01°15'49" East, for a distance of 100.57 feet along the Westerly line of this tract, and also being the exterior line of Columbine lake Subdivision, [Reception No. 110970](#), to a point being a red plastic capped rebar stamped PLS 9329; thence North 00°46'49" East, for a distance of 303.64 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°10'10" East, for a distance of 139.54 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°18'04" East, for a distance of 139.65 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°18'23" East, for a distance of 220.06 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°49'48" East, for a distance of 94.95 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°06'06" East, for a distance of 80.35 feet along said Westerly line and subdivision line to a 5/8 inch rebar; thence North 01°08'19" East, for a distance of 89.90 feet along said Westerly line and subdivision line to a red plastic cap as above; thence North 01°10'03" East, for a distance of 59.75 feet along said Westerly line and subdivision line to a broken red plastic cap as above; thence North 00°54'20" East, for a distance of 90.40 feet along said Westerly line and subdivision line to the NW corner of this tract and also being a found 1 inch bolt, upgraded to an alum. Capped rebar stamped PLS 11415; thence South 89°01'10" East, for a distance of 91.49 feet along the Northerly line of this tract, and also along the exterior subdivision line of said Columbine Lake Subdivision to a red plastic cap as above; thence South 88°48'36" East, for a distance of 74.23 feet along said Northerly line and subdivision line to a red plastic cap as above; thence South 88°49'50" East, for a distance of 209.08 feet along said Northerly line and subdivision line to a 5/8

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inch rebar;
thence South 88°54'25" East, for a distance of 330.66 feet along said Northerly line and subdivision line to a 5/8 inch rebar;
thence South 88°52'09" East, for a distance of 270.02 feet along said Northerly line and subdivision line to the POINT OF BEGINNING.

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Commitment for Title Insurance (8-1-2016)
Technical Correction 4-2-2018
Schedule A

COMMITMENT FOR TITLE INSURANCE

Issued by

Stewart Title Guaranty 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. Partial Release by the Public Trustee of Grand County releasing subject property from the lien of the Deed of Trust from Stanley & Simpkins Investments, LLC for the use of Ritchie Mudd and Stacy Sunhee Mudd, to secure \$400,000.00, dated December 27, 2011, and recorded December 30, 2011 at [Reception No. 2011009547](#).
6. Resolution or Statement of Authority by Stanley & Simpkins Investments, LLC, a Colorado limited liability company, authorizing the transaction, executed by the managers or members set forth in the Operating Agreement.

NOTE: Review Operating Agreement for authority of party(ies) to act on behalf of said limited liability company and complete the transaction contemplated herein.

7. Deed from Stanley & Simpkins Investments, LLC, a Colorado limited liability company to The Town of Grand Lake, a Colorado municipal corporation.

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.

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8. Deed of Trust from The Town of Grand Lake, a Colorado municipal corporation to the Public Trustee of Grand County for the use of Lender with contractual obligations under a loan agreement with the Proposed Insured identified at Schedule A, Item 2(a)., to secure \$1,150,000.00.

NOTE: EXCEPTION NO. 5 UNDER SCHEDULE B, SECTION 2 OF THIS COMMITMENT WILL NOT APPEAR IN THE POLICY OR POLICIES TO BE ISSUED PURSUANT HERETO, PROVIDED THAT (A) THE DOCUMENTS CONTEMPLATED BY THE REQUIREMENTS SET FORTH IN SCHEDULE B, SECTION 1 OF THIS COMMITMENT ARE SUBMITTED TO AND APPROVED AND RECORDED BY THE COMPANY OR ITS DULY AUTHORIZED AGENT, AND (B) AN EXAMINATION OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER FOR GRAND COUNTY, COLORADO BY THE COMPANY OR ITS DULY AUTHORIZED AGENT DISCLOSES THAT NO DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS HAVE BEEN RECORDED IN SUCH RECORDS SUBSEQUENT TO THE EFFECTIVE DATE HEREOF.

The Owner's Policy, when issued, will not contain Exceptions No. 1, 2, 3 and 4, provided that:

- (A) The enclosed form of indemnity agreement or final affidavit and agreement is properly executed and acknowledged by the party(ies) indicated and returned to the Company or its duly authorized agent,
- (B) The Company or its duly authorized agent receives and approves a Land Survey Plat, Improvement Survey Plat or ALTA survey properly certified by a registered surveyor or engineer, and
- (C) Applicable scheduled charges in the amount of \$65.00 are paid to the Company or its duly authorized agent.

The Mortgage Policy, when issued, will not contain Exceptions No. 1, 2, 3 and 4, and will contain Endorsement Form 100, provided that:

- (A) The enclosed form of indemnity agreement or final affidavit and agreement is properly executed and acknowledged by the party(ies) indicated and returned to the Company or its duly authorized agent, and
- (B) Applicable scheduled charges in the amount of \$0.00 are paid to the Company or its duly authorized agent.

The Mortgage Policy, when issued, will contain the following Endorsement Form(s), provided that applicable scheduled charges in the amount(s) following each endorsement are paid to the Company or its duly authorized agent.

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ALTA 8.1 \$0.00

24-month Chain of Title: The only conveyance(s) affecting said land recorded within the 24 months preceding the date of this commitment is (are) as follows:

QUIT CLAIM DEED recorded November 3, 2006 at **Reception No. 2006-011731.**
WARRANTY DEED recorded May 10, 2004 at **Reception No. 2004-005440.**

NOTE: If no conveyances were found in that 24 month period, the last recorded conveyance is reported. If the subject land is a lot in a subdivision plat less than 24 months old, only the conveyances subsequent to the plat are reported.

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SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

Any loss or damage, including attorney fees, by reason of the matters shown below:

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. Reservation, exceptions and rights of way, as contained in United States Patent, recorded February 18, 1926 in [Book 53 at Page 620](#).
8. Terms, agreements, provisions, conditions and obligations as contained in Stipulation recorded February 5, 2009 at [Reception No. 2009001100](#).

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9. Terms, agreements, provisions, conditions and obligations as contained in Consent Judgment recorded February 5, 2009 at [Reception No. 2009001101](#).
10. Terms, agreements, provisions, conditions and obligations as contained in Temporary Variance Agreement by and between Three Lakes Water and Sanitation district and Stanley & Simpkins Investments, LLC, recorded October 13, 2010 at [Reception No. 2010008031](#), recorded August 16, 2012 at [Reception No. 2012006058](#), recorded September 23, 2014 at [Reception No. 2014006161](#) and recorded August 10, 2017 at [Reception No. 2017006345](#).
11. Any and all existing leases and/or tenancies.

The Company reserves the right to raise exceptions and requirements or determine that it will not issue a title policy based upon the details of the transaction, the review of the closing documents, and changes in recording and title searching capabilities resulting from the COVID-19 virus.

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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 unfiled 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:

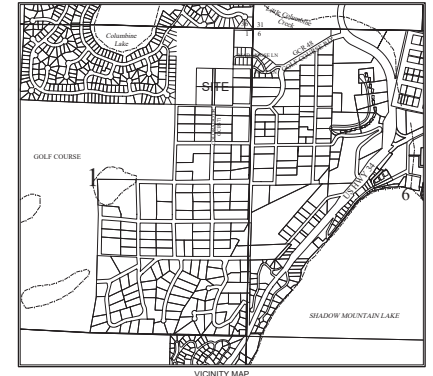
1. The title entity shall deposit funds into an escrow, trust, or other fiduciary account and hold them in a fiduciary capacity.
2. The title entity shall use any funds designated as “earnest money” for the consummation of the transaction as evidenced by the contract to buy and sell real estate applicable 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.”

Note 11: Pursuant to Colorado Division of Insurance Regulation 8-1-3, Section 5, Paragraph C (11)(f), a closing protection letter is available to the consumer.

LUCY LOVE MINOR SUBDIVISION

A METES AND BOUNDS TRACT OF LAND DESCRIBED AT RECEPTION 2015-000641

A TRACT OF LAND IN THE NE1/4 NE1/4 (LOT 1), TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF GRAND LAKE, COUNTY OF GRAND, STATE OF COLORADO CONVEYED BY QUIT CLAIM DEED RECEPTION 2021-002942



DEDICATION:
 KNOW ALL MEN BY THESE PRESENTS: THAT GENETTE SIMPKINS REVOCABLE LIVING TRUST IS THE OWNER OF A TRACT OF LAND IN THE NE1/4 NE1/4 (LOT 1) OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF THIS TRACT WHENCE THE N1/16 CORNER BETWEEN SAID SECTION 1, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M. AND SECTION 6, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH P.M., BEARS SOUTH 89°15' EAST, FOR A DISTANCE OF 325.1 FEET; THENCE RUNNING ALONG THE N1/16TH LINE OF SECTION 1, NORTH 89°15' WEST FOR A DISTANCE OF 626.1 FEET TO THE SW CORNER OF THIS TRACT; THENCE NORTH 13°09' EAST, FOR A DISTANCE OF 626.1 FEET TO THE NW CORNER OF THIS TRACT AND THE INTERSECTION WITH THE WEST LINE OF GUGEL SUBDIVISION; THENCE S 89°13' EAST, FOR A DISTANCE OF 626.1 FEET TO THE NE CORNER OF THIS TRACT AND THE INTERSECTION WITH THE WEST LINE OF GUGEL SUBDIVISION; THENCE ALONG SAID WEST LINE OF GUGEL SUBDIVISION SOUTH 01°09' WEST, FOR A DISTANCE OF 623.91 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE TOWN OF GRAND LAKE CORRECTION QUIT CLAIM DEED RECEPTION 2023-000734.
 That the owner(s) have caused said real property to be consolidated into one lot, laid out and surveyed under the name and style LUCY LOVE MINOR SUBDIVISION, and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF GENETTE SIMPKINS REVOCABLE LIVING TRUST has caused it's name to be hereunto subscribed this ____ day of _____, A.D., 20____

ATTEST:
 GENETTE SIMPKINS :
 NOTARY
 STATE OF _____)SS
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D., 20____

by GENETTE SIMPKINS.
 Witness my hand and official seal.
 My Commission Expires: _____
 (SEAL)
 NOTARY PUBLIC

DEDICATION:
 KNOW ALL MEN BY THESE PRESENTS: THAT GRAND COUNTY BOARD OF COUNTY COMMISSIONERS, GRAND COUNTY, COLORADO IS THE OWNER OF A STRIP OF GROUND THIRTY FEET WIDE, IT BEING THIRTY FEET ON EACH SIDE OF THE CENTER LINE DESCRIBED AS FOLLOWS: A 60 FOOT STRIP OF GROUND, IT BEING 30 FEET EITHER SIDE OF THE CENTERLINE AS DESCRIBED IN BOOK 92 AT PAGE 150 OF THE GRAND COUNTY RECORDS LESS AND EXCEPT THAT PORTION OF THE 60 FOOT STRIP OF LAND DESCRIBED AT RECEPTION 2023-000734.

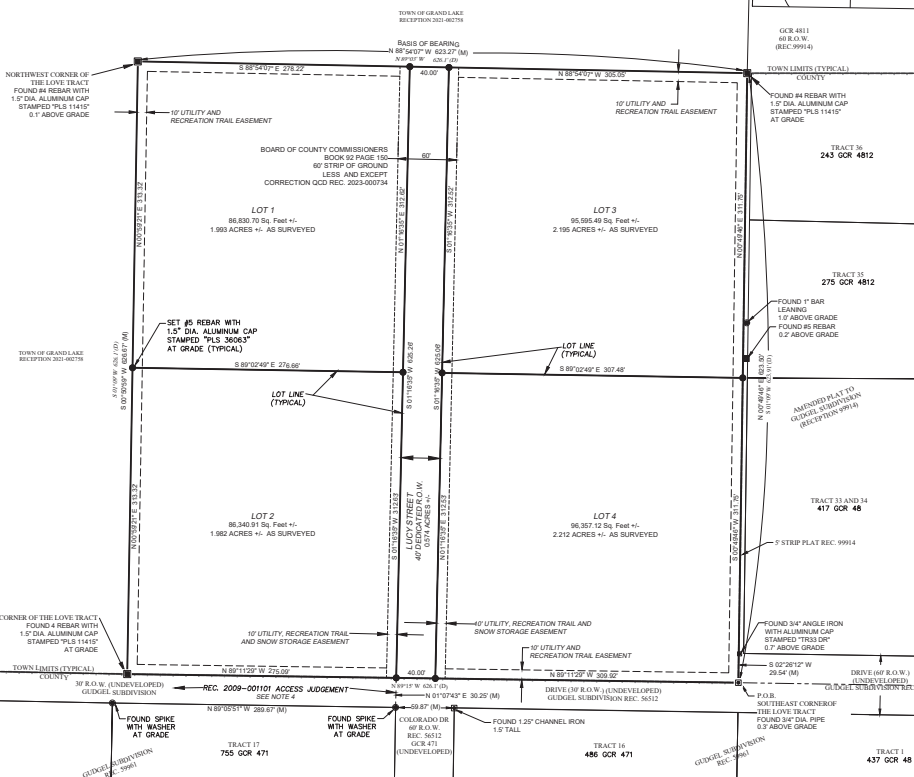
That the owner(s) have caused said real property to be consolidated into one lot, laid out and surveyed under the name and style LUCY LOVE MINOR SUBDIVISION, and does hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF THE TOWN OF GRAND LAKE HAS CAUSED IT'S NAME TO BE HEREUNTO SUBSCRIBED THIS ____ day of _____, A.D., 20____

ATTEST:
 CHAIR PERSON, BOARD OF GRAND COUNTY COMMISSIONERS: _____
 NOTARY
 STATE OF _____)SS
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, A.D., 20____

by the CHAIR PERSON, BOARD OF GRAND COUNTY COMMISSIONERS
 Witness my hand and official seal.
 My Commission Expires: _____
 (SEAL)
 NOTARY PUBLIC

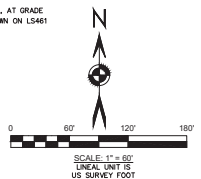


GRAND COUNTY ASSESSOR DATA:
 PARCEL NUMBER 1191-011-00-002
 VACANT LAND 8.956 ACRES +/- AS SURVEYED
 ZONED GRAND COUNTY RESIDENTIAL-ANNEXATION TO THE TOWN OF GRAND LAKE ANTICIPATED IN 2023 INCLUDED IN THE THREE LAKES DESIGN AND REVIEW AREA AND THE GRAND COUNTY URBAN GROWTH AREA 2 SURVEY NOTES:
 1. THE ANNEXATION MAP FOR THIS TRACT IS RECORDED AT RECEPTION _____
 2. THE FOLLOWING DOCUMENTS WERE UTILIZED IN THE PREPARATION OF THIS PLAT:
 a. RECEPTION 96573, PLAT OF GUGEL SUBDIVISION, RECORDED NOVEMBER 5, 1941.
 b. RECEPTION 99914, PLAT OF AMENDED PLAT TO GUGEL SUBDIVISION, RECORDED FEBRUARY 24, 1964.
 c. RECEPTION 11415, DEPOSIT DATE DECEMBER 12, 1995, IMPROVEMENT SURVEY PLAT BY PLS 11415 DATED 12/5/1995.
 d. RECEPTION 152418, DEPOSIT DATE OF JULY 14, 2021, IMPROVEMENT SURVEY PLAT BY PLS 36063 DATED 11/16/2021.
 TITLE COMMITMENT:
 n. COMMITMENT No. 1119815-C ISSUED BY TITLE COMPANY OF THE ROCKIES AS AGENTS FOR WESTCO LAND TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF FEBRUARY 27, 2023.
 1. THE BASIS OF BEARING FOR THIS MINOR SUBDIVISION PLAT IS ALONG THE NORTH LINE OF THE LOVE TRACT, BETWEEN FOUND #5 REBARS WITH 1.5" DIA. ALUMINUM CAPS STAMPED "PLS 36063" AS SHOWN HEREON HAVING A BEARING OF N 89°54'09" W, AS MEASURED BY RTK/GPS METHOD ON NOVEMBER 6, 2020. LINEAR UNITS SHOWN ARE U.S. SURVEY FEET.
 2. THE STIPULATION AND CONSENT JUDGEMENT AT RECEPTION 2009-00100 AND 2009-00101 RESPECTIVELY DETAILS ACCESS FROM AND TO THE STANLEY PROPERTY. BULLET ITEM 12 STATES, THERE SHALL BE NO ROAD OR DRIVEWAY FROM THE STANLEY PROPERTY ONTO THE 30' WIDE STRIP IMMEDIATELY TO THE NORTH OF TRACTS 32, AND 17, GUGEL SUBDIVISION.
 3. LOTS 1 THROUGH 4 SHALL BE RESTRICTED FROM FURTHER SUBDIVIDING.

PLANNING COMMISSION CERTIFICATE
 APPROVED THIS ____ day of _____, A.D., 20____
 Town Planning Commission, Grand Lake, Colorado
 CHAIR: _____ Chairman

TOWN BOARD OF TRUSTEES CERTIFICATE
 APPROVED THIS ____ day of _____, A.D., 20____ by the Board of Trustees, Grand Lake, Colorado.
 This approval does not guarantee that the size or soil or flooding conditions of any lot shown herein are such that a building permit shall be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, street improvements, paving, grading, landscaping, curbs, gutters, street lights, street signs, and sidewalks shall be financed by others and not the Town of Grand Lake. Also, that the Town of Grand Lake does not assume any responsibility for the correctness or accuracy of any information disclosed on this plat for any representations or information presented to the Town which induced the Town to give this certificate.
 ATTEST:
 CLERK: _____ Town Clerk
 MAYOR: _____ Steve Kudron

- LEGEND**
- - SET 18" LONG #5 REBAR WITH 1.5" DIA. ALUMINUM CAP STAMPED "PLS 36063", AT GRADE
 - - FOUND #4 REBAR WITH 1.5" DIA. ALUMINUM CAP STAMPED PLS 11415, AS SHOWN ON LS461
 - - FOUND #5 REBAR, AS DESCRIBED
 - - FOUND #5 REBAR, AS DESCRIBED
 - D - TELEPHONE PEDestal
 - - COMMUNICATION PEDestal
 - E - ELECTRIC BOX
 - (W) - FIELD MEASUREMENT
 - (D) - DEED DIMENSION
 - DIA. - DIAMETER
 - GCR - GRAND COUNTY ROAD
 - LS - GRAND COUNTY LAND SURVEY DEPOSIT
 - REC - RECEPTION
 - R.O.W. - RIGHT OF WAY
 - PLATTED EASEMENTS



SURVEYORS CERTIFICATE
 I, KETH E. LUTTRELL, PLS 36063, A DULY LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS MINOR SUBDIVISION PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION, AND THAT SAID PLAT COMPLES WITH THE REQUIREMENTS OF TITLE 38, ARTICLE 50 AND 51, COLORADO REVISED STATUTES; AND THAT THE MONUMENTS REQUIRED BY SAID STATUTES AND BY THE TOWN OF GRAND LAKE DEVELOPMENT REGULATIONS HAVE BEEN PLACED ON THE GROUND. IT IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, IT IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND THAT IT IS NOT A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED.

FOR REVIEW

KETH E. LUTTRELL, PLS 36063
 FOR AND ON BEHALF OF
 PEAK TO PEAK SURVEYING & MAPPING, INC.

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.
 Peak to Peak Land Surveying & Mapping, Inc.
 P.O. Box 100
 Kremmling, Colorado 80459
 970-724-0724
 Draftsman: JL Checked by: KL Date: 06/19/2023 Job no.: 2023-0119 STANLEY

LUCY LOVE MINOR SUBDIVISION
 A METES AND BOUNDS TRACT OF LAND DESCRIBED AT RECEPTION 2015-000641
 A TRACT OF LAND IN THE NE1/4 NE1/4 (LOT 1) OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 76 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF GRAND LAKE, COUNTY OF GRAND, STATE OF COLORADO CONVEYED BY QUIT CLAIM DEED RECEPTION 2021-002942

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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.

From: [Gittins, Julie K](#)
To: [Kim White](#); [Kim White](#)
Cc: [Jean Johnston](#)
Subject: RE: Minor Subdivision for Love Tract, post-annexation hearing
Date: Wednesday, May 31, 2023 2:17:19 PM
Attachments: [image002.png](#)

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Kim,

Good morning!

Xcel (aka PSCo) has reviewed the information provided. Currently we do not have gas service to this lot. The gas main will need to be extended north down CR 471 to the lot and then down a utility easement to the north end of the lot where it will dead end (blue line below). Please see the following requirements below for the utility easement and required clearances in order for Xcel to provide gas service to this project.



In order to meet the clearance requirements from other utilities, the following guidelines must be adhered to:

- There must be 5' between electric and gas service lines as we cannot joint trench
- Gas lines must be a minimum of 10' away from water, sewer and fire hydrants.
- Water/sewer stubs need to be at least 5' - 10' into the lot so our lines are not compromised when

- pits are dug.
- There must be a 16' separation between two structures if installing gas and electric meters across from each other.
- Service lines must be a minimum of 5' away from the foundation
- Meters must be on a gable end on the front third of the building in an easily seen and easily accessible location.
- No distribution or service lines under retaining walls
- No trees or boulders installed on top of gas lines. Trees must be a minimum of 5' away. Shrubs and flowers are acceptable.
- No back lot installation
- 10' utility easement
- Xcel does not sleeve under roads for service laterals (if applicable) for future build out. Road cuts will need to be done.
- Xcel avoids installing under asphalt/concrete with the exception of gas service lines

If the required separations are not met, Xcel may not be able to serve this project.

Xcel will require the developer to stake the route and oversee the installation. Any re-routes will be done at the developers cost.

To ensure that adequate utility easements are available within this development, PSCo requests that the following language or plat note be placed on the preliminary and final plats for the subdivision:

*Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to the front lot lines of each lot in the subdivision or platted area identified as **single-family lots**. Ten-foot (10') wide dry utility easements are hereby dedicated on private property adjacent to all public streets, and around the perimeter of each **commercial/industrial** and **multi-family** lot in the subdivision or platted area including tracts, parcels and/or open space areas. These easements are dedicated to **the City/County** for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (**Dry Utilities**). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, **improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects)** shall not be permitted within said utility easements and the utility providers, as grantees, may remove any **Interfering Objects** at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.*

PSCo also requests that all utility easements be depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

In addition, 31-23-214 (3), C.R.S., requires the subdivider, at the time of subdivision platting, to provide for major utility facilities such as electric substation sites, gas or electric transmission line easements and gas regulator/meter station sites as deemed necessary by PSCo. While this provision will not be required on every plat, when necessary, PSCo will work with the subdivider to identify appropriate locations. This

statute also requires the subdivider to submit a letter of agreement to the municipal/county commission that adequate provision of electrical and/or gas service has been provided to the subdivisions.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via [Building and Remodeling | Partner Resources | Xcel Energy](#) . It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements *may* need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Reinforcements may be needed based on the additional load that will come onto the system and would be at the developers cost. That will be determined when load information for the entire project is provided at the time of application.

Please note – this is not a final assessment of what the new gas distribution will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request.

Please have the builder contact me with any questions.

Have a great day!

Julie Gittins

Xcel Energy

Design Planner, Mountain Division
583 E. Jasper Ct., PO Box 528
Granby, CO 80446
P: 970-262-4014 C: 970-409-7613
E: Julie.K.Gittins@xcelenergy.com

Direct Supervisor: Kyle.C.Alsup@xcelenergy.com

My Office Hours: Tuesday thru Friday, 6:00 – 4:30 pm

Useful Links

[Xcel-Energy-Standard-For-Electric-Installation-and-Use.pdf \(xcelenergy.com\)](#) aka Blue Book for electric (7/22)

[Building and Remodeling | Partner Resources | Xcel Energy](#)- to apply
[Additional Xcel Customer Support](#)
[Colorado811 - Call before you Dig - Apply for Locates](#)

Contacts:

Meter sets: Builder's Call Line (BCL) 1-800-628-2121
Electric Emergency: 1-800-895-1999
Gas Emergency: 1-800-895-2999
Billing Questions: Customer Service 1-800-895-4999

From: [Katie Nicholls](#)
To: [Kim White](#)
Subject: RE: Minor Subdivision for Love Tract, post-annexation hearing
Date: Wednesday, May 31, 2023 2:12:15 PM

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Kim,

Three Lakes Water & Sanitation District does not have any issues with the division of this property. HOWEVER, there are a couple items that should be noted, one of which could potentially affect other property owners.

First, all new parcels will be required to connect to the Three Lakes Water & Sanitation District system. This will likely entail the developer extending the main to do so at their cost. This is outlined in 9.3 of the District’s Rules & Regulations. The extension of the line will potentially affect 2 owners whose properties are currently on temporary variances from connection with the District. One of those is with the Town of Grand Lake. These would be evaluated upon the completion of the extension. If it is determined that a physical impediment has been removed those properties would be compelled to connect at their own costs.

Second, the property currently has one tap of record. The District would require notification from the property owner as to which new lot the tap shall be applied. It cannot be moved once it has occurred. The remaining new lots will need to purchase a tap prior to stamping of building plans.

Let me know if you have any questions.

Thanks,

Katie Nicholls
District Manager
Three Lakes Water and Sanitation District
PO Box 899, Grand Lake, CO 80447
(P) 970-627-3544 (F) 970-627-3448
katie@threelakesws.com
<https://threelakesws.colorado.gov>

From: Kim White <kwhite@toglco.com>
Sent: Tuesday, May 30, 2023 5:03 PM
Subject: Minor Subdivision for Love Tract, post-annexation hearing

Hello,
I am sending out a letter (attached) about the upcoming request to divide 8.98acre parcel into 4 lots that will be approximately 2 acres in size for single family structures. The hearing for the annexation of this property is at 6:00 pm, June 26th at the Town Hall at 1026 Park Ave in Grand Lake. This notice

From: [Killian - CDOT, Brian](#)
To: [Kim White](#)
Cc: [Kandis Aggen - CDOT](#)
Subject: Re: Minor Subdivision for Love Tract, post-annexation hearing
Date: Monday, June 5, 2023 2:09:54 PM

This sender is trusted.

Kim,

CDOT has no comment.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Tue, May 30, 2023 at 5:04 PM Kim White <kwhite@toglco.com> wrote:

Hello,

I am sending out a letter (attached) about the upcoming request to divide 8.98acre parcel into 4 lots that will be approximately 2 acres in size for single family structures. The hearing for the annexation of this property is at 6:00 pm, June 26th at the Town Hall at 1026 Park Ave in Grand Lake. This notice is to solicit any comments about the request for subdivision of the property and subsequent development into 4 single-family lots. If you would prefer to receive a letter in the mail about this item or future items, please respond with your mailing address and most current contact person for development notices.

The attached notice gives the date and time of the subdivision hearings along with the annexation map. The map reflects the requested subdivision of the 8.98 acres with a utility, snow storage, and trail easement to the east and west of the main proposed north-south road.

Any further questions you may have about this request, please email to this address and I can include them in the hearings.

Kind regards,

Kim

From: [SPA-RD-CO](#)
To: [Kim White](#)
Subject: RE: Minor Subdivision for Love Tract, post-annexation hearing
Date: Wednesday, May 31, 2023 3:01:59 PM
Attachments: [image002.png](#)

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Thank you for requesting comments from our office regarding the proposed subject project(s) or activity (ies) that may have the potential to impact aquatic resources. We appreciate that you are considering our potential regulatory role in the project, but we do not currently have the ability to provide project-specific comments. If the activity should have the potential to result in the discharge of dredged or fill material into waters of the United States, then the project proponent should work directly with our office to acquire necessary Corps permits, if applicable, as described in the following general comment:

Section 404 of the Clean Water Act requires a permit from us for the discharge of dredged or fill material into waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, lakes, ponds, wetlands, wet meadows, seeps, and some irrigation ditches. To ascertain the extent of waters on the project site, the applicant should prepare a delineation of aquatic resources, in accordance with the applicable standards, including the 1987 Wetland Delineation Manual and appropriate regional supplements. These standards can be found on our website at:

<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Jurisdiction/>.

An aquatic resource delineation should be evaluated prior to designing a project to ensure the project proponent avoids and minimizes impacts to waters of the United States to the greatest practicable extent. The range of alternatives considered for this project should include alternatives that avoid and minimize impacts to wetlands, streams, or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to discharging dredged or fill material into waters of the United States, compensatory mitigation may be required.

For more information about our program or to locate a list of consultants that prepare aquatic resource delineations and permit application documents, please visit our website at

<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits>.

U.S. Army Corps of Engineers
Albuquerque District - Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435

From: [Rogers, Tracy \(CONTR\)](#)
To: [Kim White](#)
Subject: RE: [EXTERNAL] Minor Subdivision for Love Tract, post-annexation hearing
Date: Wednesday, May 31, 2023 7:49:45 AM
Attachments: [Agency Public Notice with map.pdf](#)

Caution! This message was sent from outside your organization. [Allow sender](#) | [Block sender](#)

Hello,

WAPA has no conflict with the Love Tract subdivision.

Thanks,

Tracy Rogers | Realty Technician

Wyandotte Services on contract to
Western Area Power Administration | Rocky Mountain Region | Loveland, CO
(O) 970.461.7654 | (M) 970-237-9873 | rogers[at]wapa.gov



From: Kim White <kwhite@toglco.com>
Sent: Tuesday, May 30, 2023 5:03 PM
Subject: [EXTERNAL] Minor Subdivision for Love Tract, post-annexation hearing

Hello,

I am sending out a letter (attached) about the upcoming request to divide 8.98acre parcel into 4 lots that will be approximately 2 acres in size for single family structures. The hearing for the annexation of this property is at 6:00 pm, June 26th at the Town Hall at 1026 Park Ave in Grand Lake. This notice is to solicit any comments about the request for subdivision of the property and subsequent development into 4 single-family lots. If you would prefer to receive a letter in the mail about this item or future items, please respond with your mailing address and most current contact person for development notices.

The attached notice gives the date and time of the subdivision hearings along with the annexation map. The map reflects the requested subdivision of the 8.98 acres with a utility, snow storage, and trail easement to the east and west of the main proposed north-south road.

Any further questions you may have about this request, please email to this address and I can include them in the hearings.

Kind regards,
Kim

Kimberly G. White
Community Development Director
Town of Grand Lake - Planning Dept.
O 970-627-3435
C 970-673-3486

townofgrandlake.com



June 9, 2023

Ms. Kimberly White
Community Development Director
P.O. Box 99
Grand Lake, CO
80447-0099

Dear Ms. White,

Thank you for your letter written on May 25, 2023 regarding the Planning Commission meeting on Wednesday, June 21, 2023 in which the subdivision application for the Love Tract will be discussed. In that letter you requested written comments which is the purpose of our letter. We request that our comments be forwarded to the Grand Lake Board of Trustees for their June 26, 2023 meeting where the subdivision application will be discussed. If possible, we would like our comments made part of the public comments received at that meeting. Unfortunately, we will be unable to attend these meetings in person.

Comments: You are aware of our and our neighbors' concerns regarding extension of GCR 471 into the Love Tract and the Matthews Tract. We have attached our concerns letter to ensure you have it in hand. We request as you move forward in planning that you and the Town of Grand Lake work closely with the Superintendent of Grand County Road and Bridge, Mr. Chris Baer. We want to ensure that any road improvement and development done in our neighborhood on GCR 471 to serve the Love and Matthews Tracts both satisfies the concerns of our neighbors and conforms to the standards of Grand County Road and Bridge. We have been told recently that the Town of Grand Lake and Grand County government aspire to maintain a "good neighbor" relation between the Town and those who live in adjacent areas. We hope the Town will demonstrate that aspiration in leading to a resolution that thoughtfully and respectfully considers our and our neighbors' concerns.

Sincerely,



James and Linda Good
486 GCR 471

mail address:
James and Linda Good
114 Randolph Ct
Stillwater, OK
74075

cc: Mr. Chris Baer, Superintendent, Grand County Road and Bridge, 467 E. Topaz Ave, P.O. Box 9, Granby, CO 80446

May 8, 2023
Mr. Merrit Linke
District 2 Grand County Commissioner
P.O. Box 264
Hot Sulphur Springs, CO 80451

Dear Mr. Linke,

This letter was written by a group of concerned Grand County residents. We own homes whose drives are connected to GCR 471 north of Golf Course Road (GCR 48) near Grand Lake. There are currently 6 residences on this piece of GCR 471 which terminates at the drives of the northern 2 residences.

We have been made aware that the Board of Trustees of the town of Grand Lake plans to hold a public hearing on June 12, 2023 concerning annexation of 8.98 acres known as the Love Tract (see accompanying map). This tract has a right of way that nearly but does not align with the piece of GCR 471 described above. We have learned that after annexation, through phone communication with the city planner, that the town plans to develop a road of unknown quality in the Love Tract which connects to our piece of GCR 471. This would require them to cross 180 feet of undeveloped right of way that will remain as Grand County property, south of the Love Tract. To date, the town of Grand Lake has made no move to reach out to the residents to describe their desire to connect to GCR 471 and how their connection would affect traffic volume and types of traffic on the road.

We understand by phone conversation with the city planner that the Love Tract will be broken into several lots to be privately developed with residences. The town of Grand Lake owns the Matthews tract that adjoins the Love Tract on the north and west borders (see map). The town has discussed publicly plans to move their current shops to the Matthews tract and investigation by Chris Baer (Superintendent, Grand County Road and Bridge) has found that Grand Lake intends GCR 471 to carry their shop traffic, which would include personal vehicles and city vehicles including cars, pickups and heavy equipment in transit to jobs throughout Grand Lake. Why the town is considering this is unknown when there are paved routes that adjoin the east boundary of the Matthews Tract (Mad Moose and Foxy Lanes, see map) that directly connect to GCR 48.

As a result, we expect the volume of traffic and the types of traffic on our portion of GCR 471 to substantially increase. We have the following concerns:

1. The current state of our portion of GCR 471 is sufficient for the needs of the 6 residences whose drives connect to it. It is narrow in places and difficult for two vehicles to pass but we slow and pull to the side to allow each other to pass. It is currently a dead end and vehicles move at slow speed. The road edges are not well defined in places, we are careful. If the town of Grand Lake does connect to our portion of GCR 471 we feel it will be insufficient for the change in types and volume of traffic. We fear traffic speeds will increase and problems will compound with the traffic volume increases and large vehicles. Currently if met by a semi-tractor trailer which might be hauling a backhoe or a bull dozer we have to pull off the road and stop.
2. We believe road dust will be a problem. In the dry months of the past, dust has not been a large problem, but it does exist. If GCR 471 becomes a through road connecting to the Love and Matthews Tracts we fear increased speeds, traffic volume, and the addition of heavy duty vehicle traffic will create large dust problems. Quality of life will decrease if outdoor living and recreating spaces are fouled by dust. In addition, airborne dust will cause residences to shut windows and their homes will become less livable in the hot months. Furthermore, the increased dust is a potential health hazard for residents with compromised respiratory systems.
3. In addition to increased dust, we believe that our quality of life in Grand County will be diminished due to increased traffic noise.

4. Wildlife currently move freely through our residence properties. If GCR 471 becomes a through street, we feel it is very likely that we will see less wildlife, especially the moose who are seen almost daily. This is a quality of life issue for us.
5. Our portion of GCR 471 wanders somewhat east to west in the existing 60 foot right of way. Again, in current form it is sufficient for the neighborhood. To compensate for the misalignment between the right of way centerlines of the Love Tract and GCR 471 some correction will have to occur in the 180 foot portion of Grand County right of way. Currently we have no clue where that portion of the road will wander.
6. Currently children play throughout our neighborhood and run across roads without being in serious danger from passing vehicles. If GCR 471 becomes a through street, we would request that Grand County impose a low speed limit (20 mph) on our portion of GCR 471 and post Children at Play signage. If imposed this may reduce but not eliminate the dust discussed in the second concern.
7. We believe our property values are likely to decrease if this plan to make GCR 471 a through street comes into being. Currently we live on a quiet, peaceful dead end road which is likely to become neither quiet nor peaceful if this change is allowed.
8. We believe the increased traffic and types of traffic will increase road maintenance costs which we assume would be a concern for the county and perhaps create a tax increase to cover those costs.
9. Grand Lake has a program for dealing with trash from residents and visitors who do not have a trash service. This program is called Pay As You Throw (PAYT). Users buy dedicated trash bags from multiple town locations. Currently these bags are deposited in dumpsters on Plant Drive adjoining the area where town maintenance equipment is stored. The dumpsters are often filled, especially on weekends, and users leave their bags outside the dumpsters. If the PAYT dumpsters were moved to the Matthews Tract with the town maintenance shops this will further increase the traffic flow. We have a few bear sightings each year in our neighborhood with trash carefully contained. Uncontained trash could cause major bear problems for residents. We do not want trash dumped on GCR 471. We raise this concern because the possibility that the dumpsters for the PAYT program be moved to the Matthews Tract has been publicly mentioned.
10. Grand Lake has been vague regarding how traffic will flow to and from the Matthews and Love Tracts. Currently Grand Lake has access to both tracts from roads they maintain (Mad Moose and Foxy Lanes). Do they need GCR 471 for access? Are they considering use of GCR 471 as a primary or secondary access to one or both tracts? Why? Are they planning other access routes?

We feel these concerns warrant a study of the existing portion of GCR 471, a developed plan for the 180 foot section which currently does not exist, and a determination as to whether or not the existing road is still suitable. Since this road is on a Grand County right of way it would seem to be county business but any improvements needed would be as a result of Grand Lake attempting to gain access for the Love and Matthews Tracts.

We would appreciate if you as our Grand County Commissioner for District 2 would reach out to Grand Lake and present our above concerns prior to the annexation public hearing on June 12, 2023. If the town wishes to meet with the residents regarding our concerns, we would hope that Grand County representatives such as yourself, Chris Baer and/or others would be able to participate in that conversation. How Grand Lake intends to establish a road on the 180 feet of Grand County right of way required to connect the northern tip of the current GCR 471 to the Love Tract road is unknown. It would appear that time is of the essence if this road is to be extended, constructed adequately and still address the needs of all parties impacted.

Sincerely,

James and Linda Good, 486 GCR 471, ph: 405-612-2394, email:
Richard and Carol Johnson, 755 GCR 471, ph: 303-877-6751, email:
Brad and Liz Reed, 747 GCR 471, ph: 303-638-8704, email:
Zac and Tonya McGuire, 450 GCR 471, ph: 303-885-0597, email:
David and JoAnn Schulte, 759 GCR 471, ph: 720-635-7369, email:
Jack and Pat Frihauf, 422 GCR 471, ph: 970-768-1729, email:

cc: Chris Baer

From: [Rich Johnson](#)
To: [Kim White](#); cbaer@co.grand.co.us
Cc: [Carol Johnson](#); [Rich Johnson](#)
Subject: Love Tract Subdivision Letter May 25, 2023
Date: Wednesday, June 14, 2023 8:49:52 AM
Attachments: [KWhite Response 052523.pdf](#)

Caution! This message was sent from outside your organization. [Allow sender](#) | [Block sender](#)

Dear Ms. White,

We have attached an email letter responding to your 5/25/23 certified mail letter concerning the "Love Tract" subdivision bordering our property, with a copy of this email letter also going to Grand County Supt. of Road & Bridge, Chris Baer. Our neighbors, the Good's, have previously forwarded a more complete neighborhood letter of our concerns on this proposed action.

While we are not likely able to attend the public hearings, we do hope to participate via Zoom. Thank you.

Rich Johnson
cell: 303-877-6751
Email: RWJ766@gmail.com
755 CR 471, P.O. Box 932, Grand Lake, CO 80447
Additional Address:
5683 S. Laredo St, Centennial, CO 80015

June 12, 2023



Ms. Kimberly White
Community Development Director
P.O. Box 99
Grand Lake, CO 80447

Dear Ms. White,

This is to serve as acknowledgement of your certified letter sent May 25, 2023. Thank you for extending the opportunity to participate in the public hearings and/or submit commentary on the proposed annexation of the "Love Tract" 8.98 acres which borders our property at 755 CR 471, Grand Lake, CO 80447.

We are pleased to learn of the proposed "four 2 acre residential lots" to border our property. While this is a welcome, low density, addition to our neighborhood, we are concerned of the related activity in the access roads to and through this property and the potential impact on the quality of life and appearance in our neighborhood. These concerns have been expressed in a neighborhood letter addressed to Commissioner Merrit Linke and a copy provided to Mr. Chris Baer, Supt. Grand County Road & Bridge, dated May 5, 2023. A copy of that letter has been provided to you by my neighbors, James and Linda Good.

We ask that the Town and the County work together to extend a road that takes into account the aesthetics of the Johnson & Good properties, including minimal tree removal. We further ask the Town eliminate and/or mitigate any maintenance vehicle traffic as it considers future facilities on its site. We look forward to staying in the loop on all future activities related to the construction and future use of this proposed road extension.

Sincerely,



Rich & Carol Johnson
Ph: 303-877-6751
755 CR 471 P.O. Box 932
Grand Lake, CO 80447

CC: Mr. Chris Baer, Superintendent, Grand County Road & Bridge

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 07-2023**

**A RESOLUTION RECOMMENDING APPROVAL OF THE FINAL PLAT FOR
THE LUCY LOVE MINOR SUBDIVISION, COMMONLY KNOWN AS THE
LOVE TRACT, WITH CONDITIONS**

WHEREAS, the Town of Grand Lake (the “Town”) received a land use application (the “Application”) from Genette Simpkins Revocable Living Trust (the “Applicant”) to annex, zone, subdivide, and develop a parcel of land consisting of approximately 8.98 acres, commonly referred to as the Love Tract and more particularly described in Exhibit A, attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Application contemplates utilizing the minor subdivision process set forth in Section 12-6-7 of the Town Code to divide the Property into four (4) lots of approximately 2 acres each, zoned Residential Estate (RE), with each lot eventually consisting a single family residence and possibly an accessory unit; and

WHEREAS, this Resolution addresses only the Planning Commission’s consideration of the portion of the Application related to subdivision of the Property through the minor subdivision process, which is reflected primarily in the Lucy Love Minor Subdivision Plat (“Final Plat”); and

WHEREAS, Section 12-6-6 of the Town Code requires plats of a proposed subdivision to be submitted to the Town Planning Commission and the Town Board of Trustees prior to recording by the Town Staff to ensure uniformity and environmental protection; and

WHEREAS, following proper notice, on June 21, 2023, the Planning Commission considered the Final Plat, and

WHEREAS, based on the Application, the Final Plat, the representations of the Applicant, and the comments of the public, the Planning Commission finds the Final Plat subdividing the Property into four (4) lots as depicted on Exhibit A promotes the “health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town” as required by Section 12-6-7 of the Town Code; and is consistent with the Town’s Master Plan; and

WHEREAS, the Applicant is current with all fees required for review of the Application to the extent such fees are required in this specific situation; and

WHEREAS, Section 12-9-4 of the Town Code requires subdivisions, including Minor Subdivisions to comply with the Land Development Regulations as set forth in Article 12-9 of the Code; and

WHEREAS, the Applicant wishes to postpone complying with the Town's Land Development Regulations until a later stage in the development of the Property.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO AS FOLLOWS:

1. The Planning Commission recommends the Grand Lake Board of Trustees approve the Final Plat Application subject to the following conditions. Unless specifically noted otherwise all such conditions should be fulfilled before the Board of Trustees' consideration of the Final Plat:

- a. Annexation of the Property to the Town.
- b. Zoning of the Property Residential Estate (RE).
- c. Compliance by the Applicant with all applicable Land Development Regulations set forth in Article 12-9 of the Town Code or, in the alternative, entry into an agreement acceptable to the Town deferring the Applicant's compliance with such Land Development Regulations until a point in the development process acceptable to the Town.
- d. Entry by the Applicant into an annexation agreement acceptable to the Town.
- e. Entry by the Applicant into a development agreement or improvement agreement acceptable to the Town addressing specific improvements, road construction, and utilities, including easement for the same, within the Property and allocating responsibility and timing for payment, design, construction, maintenance, repair and replacement of such items as between the Applicant and the Town.
- f. Agreement between the Town and Grand County to construct access road on Grand County Road 471 to the Property.
- g. Intergovernmental agreement between the Town and Grand County regarding the construction and maintenance of GCR 471 to access the Property.
- h. Compliance by the Applicant with all statements and representations made by the Applicant during the course of public meetings or hearings concerning the Application.

2. Severability: If any section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Planning Commission declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal: Existing resolutions or parts of resolutions covering the same matters as embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 21st DAY OF JUNE, 2023.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**PLANNING COMMISSION OF THE
TOWN OF GRAND LAKE,
COLORADO**

Alayna Carrell
Town Clerk

By: _____
James Shockey,
Planning Commission Chairman