



PLANNING COMMISSION REGULAR MEETING AGENDA

July 11, 2024 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

1:30 PM - PUBLIC MEETING

Join via Google Meet: meet.google.com/jtn-scsu-ecp | **Meeting ID:** jtn-scsu-ecp

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. READING OF MINUTES**
 - a.** Reading of Minutes
- 4. OLD BUSINESS**
 - a.** LU 23-040 Plat Amendment BH2
- 5. NEW BUSINESS**
- 6. LGD UPDATES**
- 7. DISCUSSIONS**
- 8. ADJOURNMENT**
- 9. UPCOMING MEETINGS**
 - a.** Comprehensive Plan Workshop - Upon Adjournment



PLANNING COMMISSION REGULAR MEETING MINUTES

June 13, 2024 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

1. 1:30 PM - PUBLIC MEETING

Join via Google Meet: meet.google.com/jtn-scsu-ecp | Meeting ID: jtn-scsu-ecp

2. ROLL CALL

Meeting Called to order at 1:34PM

PRESENT

Beaver Edmundson
Myrna Falk (seated)
Lonnie Brown
Dale Lyons
Lenna Rauber

3. PLEDGE OF ALLEGIANCE

4. READING OF MINUTES

- a. Minutes from the April 25, 2024 Meeting
- Motion to approve the minutes as presented.
- Motion made by Brown, Seconded by Falk.
- Voting Yea: Edmundson, Falk, Brown
- Motion Passes

Lena Rauber and Dale Lyons joined the meeting

5. OLD BUSINESS

6. NEW BUSINESS

- a. LU 24-012 Plat Correction/Amendment - Maria Lake
- Cheri Chamberlain presented application LU24-012. Motion to forward the application to BOCC with a recommendation for approval.

Motion made by Brown, Seconded by Falk.
Voting Yea: Lyons, Falk, Brown, Rauber
Voting Abstaining: Edmundson

Motion Passes

7. LGD UPDATES

No updates. Energy summit in Pueblo tomorrow.

8. DISCUSSIONS

9. ADJOURNMENT

Meeting adjourned at 1:46 PM

10. UPCOMING MEETINGS

- a. Comprehensive Plan Workshop - Upon Adjournment

Huerfano County Land Use Department

401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 506



Item 4a.

Huerfano County Planning Commission Staff Report – Permit #23-040 Plat Amendment and Easement Vacation BH2 Meeting Type –Advisory, Tracts M1 and 6A Panadero Filing No. 3

Meeting Date: July 11, 2024

Request

With this Application BH2 (the Applicant), on behalf of Dos Suenos Properties, LLC requests the following:

Plat Amendment pursuant to LUR Section §2.14 to create a total of eight parcels out of tracts M1 and Parcel 6A in Panadero Filing #3. The site is located on the north side of Panadero Ave and west of Panadero Loop. Tract M1 contains approximately 4.94 acres and Parcel A contains 6.5 acres. Applicant intends to develop or sell parcels. (Parcel Numbers 1218703 and 347050).

Vacation of utility easement along property line between M1 and 6A.

The subject property is zoned Urbanizing Residential. Minimum lot size in this zone is 1/2 acre. Zoning standards for this district are set forth in LUR Section §1.03.

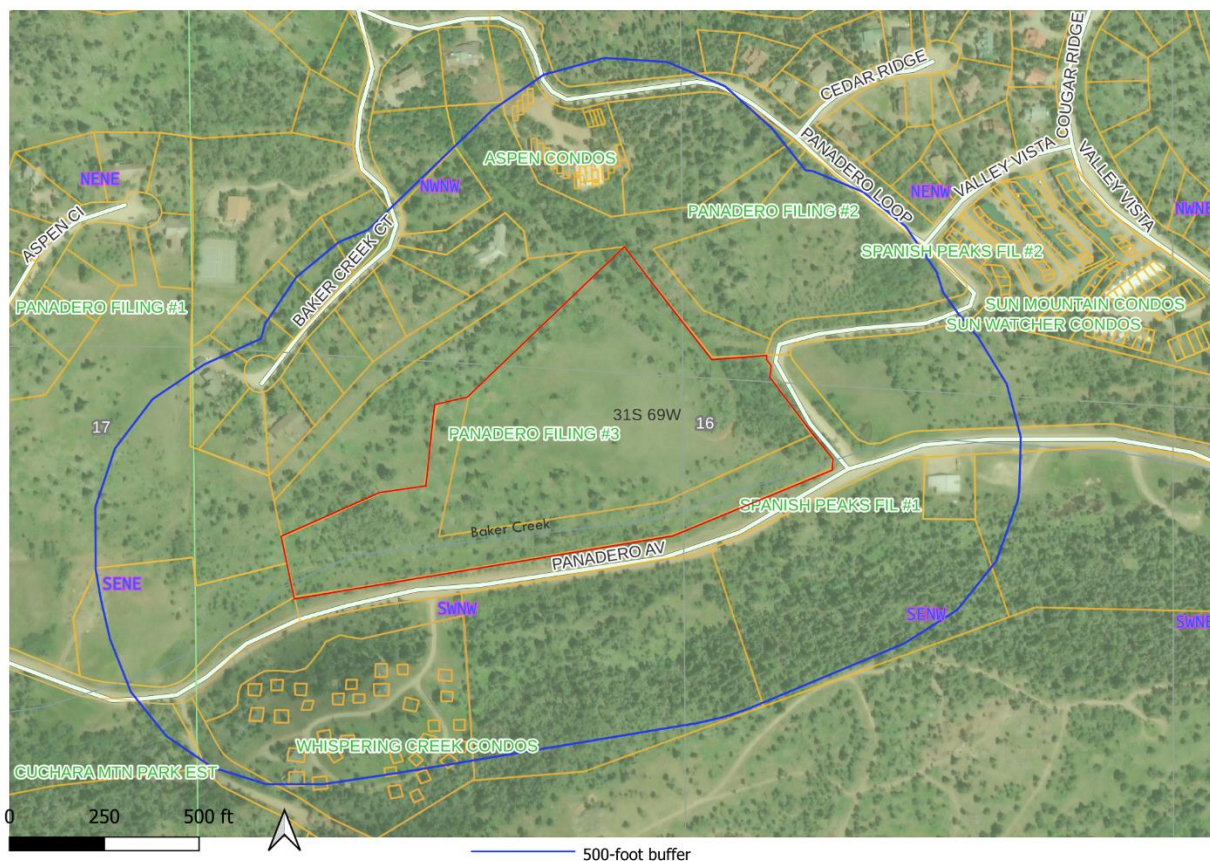
The subject property contains numerous exceptions to title in exhibit B of the deed. Outline of significance of select items:

- Map 264 [states a reception # of 298846, which is not indexed]. Depicts underground cables along Panadero Avenue adjacent to M1.
- 389209 Service Plan for the Cuchara Valley Recreational Metropolitan District. The preliminary engineer survey map in Exhibit C shows sewer and water lines along Panadero Ave and on the northeast boundary of Tract A.
- 373-318 declares an easement in Filing no 3, the plat of which was filed with the clerk and recorder on March 16, 1983 under Reception # 289993 [no such reception number in records].
 - a) all streets and easements for public utilities as shown on said plat;
 - b) strips of land in Tract A extending ten feet on either side of water distribution and sewage-collection pipelines in said tracts, as such pipelines exist on the date of this deed;
- Easement quitclaimed to Cucharas Sanitation and Water District
- 379-485 references a land patent pertaining to part of Cuchara Mountain Park Estates, and does not affect these properties.
- 336085 (also filed under 362860) Settlement Agreement
 - 2. Tract M and Tract 6 shall be restricted to single family lots as configured in exhibit A, which are not less than 1/3 acre in size and all houses constructed thereon shall contain at least 2000 square feet with a rear yard setback of at least 60 ft.

- 3. No subsequent changes will be made to the configuration of Exhibit A as it pertains to Tract M and Tract 6 without the written approval of Concannon.
- 368026 Amendment to Settlement Agreement (not same settlement agreement as 336085) Pertains to reconveyance of water storage tank and water line easement which was moved in order not to interfere with buried electrical lines. Exhibits A and B were not recorded with the agreement.
- 337888 – agreement with SIEA pertains to Tract 8
- 334227 Grants limited use to mining claims south of Panadero. Does not directly impact these properties.

Vicinity Map

Plat Amendment and Vacation of Easement
Vicinity Map



Process for Plat Amendment

(2.14.01): PC meeting: recommendation → BOCC public meeting → Record amended plat with County Clerk and Recorder within 5 days at applicant's expense.

Noticing: BOCC may require notification of review agencies or other interested parties.

Process for vacation of easements

PC review → Notify school districts, utility companies and municipalities and other referral agencies identified by Planning Commission (21 day review) → Joint PC/BOCC public hearing → PC recommendation → BOCC decision

Code References

The following Code Sections are pertinent to the evaluation of this request:

§ 2.14 – Plat Amendment

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an overall site within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein.

§2.03 Waivers

Following a recommendation from the Planning Commission, the Board of County Commissioners may authorize waivers or modifications of the provisions contained within these subdivision regulations in cases where an applicant clearly demonstrates in writing that on the basis of the conditions peculiar to a site, an unnecessary and undue hardship would be placed upon that applicant by the literal enforcement of one or more provisions of these subdivision regulations. Such waivers or modifications shall not be granted if, in the opinion of the board of County Commissioners, they would prove detrimental to the public health, safety or welfare, or impair or be contrary to the purpose, intent or specific provisions of these regulations. Such waivers and modifications may specifically be granted to facilitate the design characteristics of a Planned Unit Development (PUD). The conditions of any waiver or modification authorized by the Board of County Commissioners shall be stated in writing in the minutes of the Board along with the justification for the granting or the denial of such waiver or modification.

CRS 30-28-136 requires review by the following agencies for subdivision applications:

- Colorado Geological Survey required for all proposed subdivisions creating lots under 35-acres
- Conservation District Board (if all or part of subdivision is in conservation district) – re: soil suitability, floodwater problems, watershed protection.
- Counties or municipalities within a 2-mile radius
- State Engineer
- School districts
- State Forest Service (when applicable)

§2.15 Vacation of Easements

Application Materials Required for a Plat Amendment and vacation: Proof of ownership; approved and recorded final plat along with proposed amendments; narrative statement explaining why proposed changes should be approved by the Planning Commission and BOCC, and a list of land owners and their addresses within 500 ft. of the property.

Application Materials:

Applicant letter states that existing facilities include Cuchara Sanitation and Water District and San Isabel Electric. It is not clear what is meant by this.

For vacation, description of area of land to be vacated is required, but not mentioned.

Background

This application, along with all required attachments were received on October 20, 2023. Staff has determined the plat maps submitted need amendments. The parcel adjacent the water plant needs a signature block for the Planning Commission. The parcel currently owned by the City of Walsenburg is lacking signature blocks, existing and amended parcel maps, and since a non-conforming parcel cannot be created, the 8-acre parcel will have to be consolidated with the adjacent Snowy River Ranch parcel (398526).

Property History:

The Settlement Agreement mentioned in the exceptions to title attached to the deed states that no subsequent changes will be made in the configuration of Exhibit A as it pertains to Tract M and Tract 6, without the written approval of [Patricia J.] Concannon. Exhibit A, shown below, depicts a configuration of parcels different from that proposed in this application. Concannon was not a previous owner of this parcel.

In the Cuchara Mountain Resort Panadero Subdivision Land Use Plan from 1997 Tract 6 adjacent this tract was platted for 12 home sites with another 17 platted on Tract M1 that runs along Panadero Ave (See Map 405)

These two properties are not part of the Panadero POA, which describes its membership in Exhibit A of the declaration of covenants (Book 365 Page 152) as Lots 75 through 114 inclusive of Panadero Development Filing No. 2.

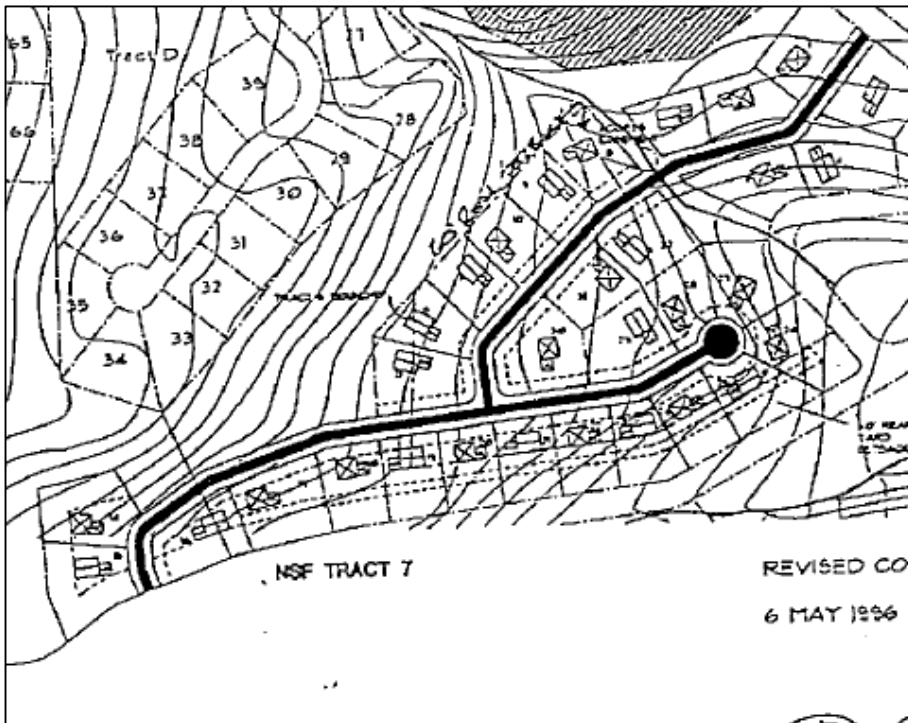


Figure 1 Exhibit A of the Settlement Agreement

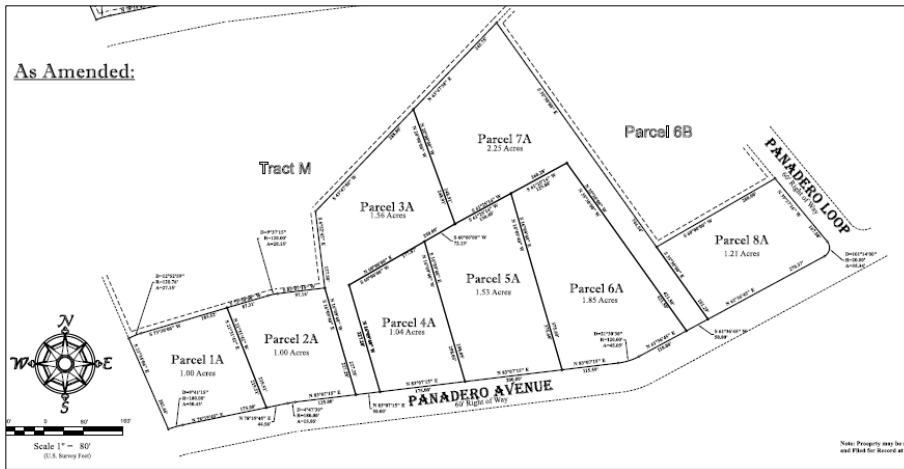


Figure 2 Proposed new configuration of lots.

The proposed easement vacation contains plans for a road and water and sewer lines depicted in Map 405.

Tract M1 first appears in a deed issued August 3, 1996 in a sale from Panadero Property Owners Association to Ski Cuchara LP. In the previous transfer of ownership, Ski Cuchara LP sold the property to Panadero Property Owners Association on July 30, 1996, and the property was described only as Tract M.

These two deeds can be found at Book 416 Page 690 and 688, respectively.

Eligibility for a Plat Amendment: (2.14) Minor changes that do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, drainage easements, dedicated land or encompass more than 25% of land included within a recorded subdivision. Scope can include adjustment of lot lines, replatting of lots, reconfiguration of dedicated streets and easements and reserved sites.

2.14.03 Criteria for Action on a Plat Amendment Application

All actions by the Planning Commission in reviewing and making recommendations on an application to amend an approved and recorded plat and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of these regulations and specifically on the following criteria:

- 1** That the proposed amendment meets the qualifications stated herein for a minor change to the approved and recorded plat.
- 2** That the proposed amendment would be consistent with all other provisions of these regulations and would not cause significant hardship or inconvenience for adjacent or neighboring land owners or tenants.
- 3** That the proposed amendment would be beneficial to the public health, safety or welfare of County residents.

2.15.03 Criteria for Action on a Vacating Application

All actions by the Planning Commission in reviewing and making recommendations on an application to vacate an approved and recorded plat or easement and by the Board of County Commissioners in approving or disapproving such applications, shall be based in general upon the provisions of these regulations and specifically upon the following criteria:

- 1.** That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.

2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

Analysis

The Planning Commission shall decide whether the proposed changes qualify for a Plat Amendment or if the Applicant should be required to apply for a Subdivision (see eligibility above).

One of the provisions of the settlement agreement was that “no subsequent changes will be made in the configuration of Exhibit A as it pertains to Tract M and Tract 6, without the written approval of [Patricia J.] Concannon. Exhibit A, shown below, depicts a configuration of parcels different from that proposed in this application.” The configuration of Exhibit A depicts a road bisecting Tracts M1 and 6A and the creation of 25 parcels (the Panadero master land use plan – Map 405 -- depicts 29 parcels on these two tracts), compared with the current proposal of eight parcels with no additional right of way. Concannon was the previous owner of these tracts – would her approval to create new lots not according to the configuration referenced be required per the settlement agreement?

Because the easement on the plat amendment application is depicted as simply a utility easement, but as an access easement on other maps, it may be worth asking BH2 to verify the nature of the easement to be vacated.

Referral Comments

LIST ANY ISSUES FROM REFERRALS HERE.

Staff Comment

Note: If the Planning Commission chooses to consider this a plat amendment, plat amendments do not require a public hearing. Planning Commission should make a recommendation to BOCC for an upcoming BOCC public meeting.

The vacation of easements, however, does require a joint public hearing.

BOCC may require notification of review agencies or other interested parties.

Planning Commission Action:

At their meeting on October 26, the Planning Commission tabled the application and requested more information, namely:

1. History of creation of Tract M1. Was this created with approval from BOCC?
2. Deed restriction on altering layout without permission from Concannon. What was Concannon’s position relative to these parcels at the time?
3. Whether easement for water line mentioned in deed restrictions impacts these properties.
4. Argument as to why this should be considered a plat amendment rather than a subdivision.

At their meeting on January 25, the Planning Commission tabled the application again, requesting staff to investigate whether there is an existing plat amendment. If there is not, then the Planning Commission

will proceed with this application substantially as a plat amendment and procedurally as a subdivision. If there is a plat amendment the Planning Commission will proceed with this application as a plat amendment.

The Planning Commission decided at their February 22, 2024 Meeting since BH2 Surveying and County Staff confirmed that they were unable to locate a plat map with the lines drawn as they exist as present.

Discussion and confirmation that the application will proceed using the plat amendment procedure with subdivision submittal requirements.

On May 28th, 2024 the Land Use Department received from BH2 Surveying the revised survey(s) as requested. June 3rd, 2024 Letters were sent to the review agencies with only response being from Colorado Parks and Wildlife.

Recommend one of the following to the BOCC:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action with reference to the criteria set forth in the Land Use Code.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials

Huerfano County Land Use Department
 401 Main Street, Suite 340
 Walsenburg, Colorado 81089
 (719) 738-3000 ext. 108



GENERAL LAND USE APPLICATION

Application File No.: _____

1. ACTION(S) REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Conditional Use Permit Application
<input type="checkbox"/> Conditional Use Application / Marijuana
<input type="checkbox"/> Conditional Use Application / Oil, Gas or Uranium Exploration and/or Development
<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance
<input type="checkbox"/> Subdivision Exemption
<input checked="" type="checkbox"/> Plat Amendment
<input type="checkbox"/> Plat Correction
<input type="checkbox"/> Road Right-of-Way or Easement Vacation
<input type="checkbox"/> Lot Consolidation
<input type="checkbox"/> Other Actions (specify): _____ | <input type="checkbox"/> Sign Permit
<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> H.B. 1041 Text Amendment
<input type="checkbox"/> H.B. 1041 Development Permit
<input type="checkbox"/> H.B. 1041 Flood Plain Exemption
<input type="checkbox"/> Comprehensive Plan Text of Map Amendment
<u>PUD or non-PUD Subdivision Approval:</u>
<input type="checkbox"/> Sketch Plan
<input type="checkbox"/> Preliminary Plan
<input type="checkbox"/> Final Plat / Subdivision Improvement Agreement
<input type="checkbox"/> Re-hearing of Denied Application |
|--|--|

2. APPLICATION STATUS (for County use only):

Date Application Received: _____ Application Fees Required: _____

Received By: _____ Date Application Fees Paid: _____

3. APPLICATION AND OWNER INFORMATION:

Name of Applicant: BH2 Land Surveying, LLC
 Applicant's Mailing Address: PO Box 20399, Colorado City, CO 81019
 Applicant's Telephone and/or FAX: 719-676-2072
 Applicant's E-Mail Address: bh2@cnvalley.net
 Name of Land Owner: Dos Sueños Properties, C/o Mark Lancaster
 Land Owner's Mailing Address: 4517 Old Sherman Road, Whitesboro, TX 76273
 Land Owner's Telephone and/or FAX: 940-390-1234

4. SUMMARY OF APPLICATION:

Land Area included within the scope of this Application: 11.4 ☐ Square Feet or ☒ Acres
 Legal description of land on which action is proposed (please attach the legal description to this Application):
 Existing Zoning District(s): UR
 Proposed New District(s): UR
 Number of Existing Lots: 2
 Number of Proposed Lots: 8
 Number of Proposed Dwelling Units: N/A

Huerfano County Land Use Department
 401 Main Street, Suite 340
 Walsenburg, Colorado 81089
 (719) 738-3000 ext. 108



GENERAL LAND USE APPLICATION

Proposed Average Lot Size: 1 Acre up to 2.25 Acres

If a Variance Request, please state the reason for the Variance(s): _____

Is all or a portion of the subject land located in a potential flood plain area, or are there areas with slopes in excess of twenty percent (20%)? ☐ YES ☒ NO

If YES, which of these conditions exist? _____

Value of proposed new development: _____

Will the proposed project require any State or Federal permits? ☐ YES ☒ NO

If YES, please list all permits or approvals required: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? _____

Please list any additional pertinent information: Clients wish to accomplish this project as a map-Amendment and to not go through a subdivision.

5. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all land use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. I also understand that issuance of a permit does not relieve me of the requirement to comply with all federal, state, and local laws as well as all relevant subdivision regulations, declarations, and covenants. All documents submitted may be subject to internet publishing.

Signature of Applicant: Kaylee Byrd

Date: 10/19/23

Printed Name: Kaylee Byrd

6. ACTION (by the authorized permitting authority):

☐ Final Approval

☐ Conditional Approval

☐ Denial

Name _____

Signature _____

Title _____

Date _____



BH² LAND SURVEYING, LLC

P.O. Box 20399
Colorado City, CO 81019
Phone: 719-676-2072
Email: bh2@ghvalley.net

LETTER OF REQUEST

Map Amendment and Easement Vacation

Tract 6A and Tract M1, Panadero Development Filing No. 3

October 20, 2023

Owner/Owners: Dos Suenos Properties, LLC

Owners Representative: BH2 Land Surveying, LLC., P.O. Box 20399, Colorado City, CO, 719-676-2072

Request and reason for the Plat Amendment: our clients requests are to vacate the property line and easement between Tract 6A and M1, and create eight (8) parcels Ranging from 1.00 acres to 2.25 acres, Current zoning would allow twenty-two (22) residential parcels, this Map Amendment would restrict the site to eight (8) residential parcels. All the proposed sites have Water and Sewer availability from existing infrastructure. In addition these parcels are subject to single family homes of only and over 2000 sf or more as required by Reception No. 326860

Current Zoning: Urban Residential

Proposed Zoning: No Change.

Legal Description: Tract 6A and Tract M1, Panadero Development Filing No. 3, County of Huerfano, State of Colorado

Parcel No. 347050 and 1218703

Existing Facilities: Cuchara Sanitation and Water District, and San Isabel Electric, Century Link Telephone, and La Veta Fire Protection District.

Existing Structures: None.

Preliminary Subdivision Plan Requirements:

- 1) Owner/Owners: Dos Suenos Properties, LLC, 4517 Old Sherman Rd, Whitesboro, TX 76273
 - a. Applicant: BH2 Land Surveying, LLC, P.O. Box 20399, Colorado City, CO 81019.
- 2) N/A



BH² LAND SURVEYING, LLC

P.O. Box 20399
 Colorado City, CO 81019
 Phone: 719-676-2072
 Email: bh2@ghvalley.net

- 3) N/A
- 4) N/A
- 5) Revised: As shown on Map Amendment Plat (Exhibit A)
- 6) Revised: As shown on Map Amendment Plat (Exhibit A)
- 7) Revised: As shown on Map Amendment Plat (Legend found and set monumentation)
- 8) Revised: See Vicinity Map (Exhibit A)
- 9) N/A
- 10) No Change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 11) N/A
- 12) No Change: (all sites are residential)
- 13) No Change: (all sites are residential)
- 14) No Change: No Changes in current zoning
- 15) No Change: All roads are existing, no new roads are proposed Easements are shown on Map Amendment Plat, no other significant features are with in or adjacent to proposed parcels
- 16) No Change: No structures are located within 100 feet of site
- 17) Revised: As shown on Map Amendment Plat
- 18) No Change: all utilities are existing
- 19) No Change: none proposed
- 20) Revised: As shown on (Exhibit B)
- 21) No Change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 22) No Change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 23) No Change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 24) N/A
- 25) N/A
- 26) No Change: none to be reserved
- 27) N/A
- 28) No Change: Existing sanitary sewer infrastructure exists
- 29) No Change: Existing water infrastructure exists.
- 30) No Change: existing lines provided by Cucharas Sanitation and Water District.
- 31) No change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 32) No Change: item was addressed when Panadero Filing 3 was approved by the County Commissioners.
- 33) No Change: no new major infrastructure will be constructed.
- 34) N/A
- 35) No Changes: no new phases will be created.
- 36) Open to discussion with Planning Commission and Board of County Commissioners.



BH² LAND SURVEYING, LLC

P.O. Box 20399
Colorado City, CO 81019
Phone: 719-676-2072
Email: bh2@ghvalley.net

NOTE:

In accordance with our meetings and discussion on March 28, 2024 with the Huerfano County Planning Commission, we have reviewed the preliminary plan requirements as shown above for this minor revision.

- Items marked “Revised” have been modified to reflect the changes requested.
- Items marked “No Change” have not been changed and are still relevant.
- Items marked “N/A” are not relevant to the project and have not become relevant.

Please review and approve proposed revisions. If you have any questions, please contact me at bh2@ghvalley.net or by phone at 719-676-2072

Sincerely,

William S. Bechaver
BH2 Land Surveying, LLC

Dos Sueños Properties, LLC

August 22nd, 2023

4517 Old Sherman Rd
Whitesboro, TX 76273

Dear Kaylee:

Good morning to you. Per our email correspondence, and the attached conceptual plat, we would like BH2 Land Surveying to represent Dos Sueños Properties, LLC in our quest for this map amendment in Huerfano County Colorado. We prefer the map amendment over the more extensive subdivision approval and would ask you to represent our interest accordingly. If the county rejects the proposed plat for a simple map amendment, please request feedback as to why and whether there is an alternative concept they will accept. Please also keep in mind that this property is NOT governed by the Panadero Property owner's association according to the communications you obtained from their president previously, nor is it governed by any other association. Also, it should be noted that this property is restricted to single family homes at least 2,000 sq. ft. in size by a previous agreement reordered in the Huerfano County. This fact should ease neighbor concerns regarding use. Please keep Kyle and me posted regarding your progress in this matter.

Thank you very much.

Sincerely,

DocuSigned by:



J. Mark Lancaster

State Documentary Fee
\$20.70 03-20-2023

429575
Page 1 of 3
Erica Vigil, Clerk & Recorder
Huerfano County, CO
03-20-2023 02:03 PM Recording Fee \$23.00

WARRANTY DEED

THIS DEED, is dated the 17th day of MARCH, 2023, and is made between
TODD D HOUSEMAN and SANDRA R HOUSEMAN
(whether one, or more than one), the "Grantor" of the State of Colorado and
DOS SUENOS PROPERTIES, LLC
(whether one, or more than one), the "Grantee," whose legal address is: 4517
OLD SHERMAN ROAD, WHITESBORO, TX 76273 of the State of Texas

State Doc Fee:
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Two Hundred Seven Thousand Dollars and No Cents (\$207,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: TBD PANADERO Avenue, CUCHARA, CO 81055

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, 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 and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey in the same 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 and subject to:

SEE EXHIBIT "B" ATTACHED HERETO

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee, against all and every person or persons lawfully claiming the whole or any part thereof.

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

Todd D Houseman
TODD D HOUSEMAN

Sandra R Houseman
SANDRA R HOUSEMAN

State of Kansas
County of Ford

The foregoing instrument was acknowledged before me this 17th day of March, 2023 by TODD D HOUSEMAN and SANDRA R HOUSEMAN.

Witness my hand and official seal.

Ashley Ledford
Notary Public Ashley Ledford
My Commission Expires: 8/23/2023

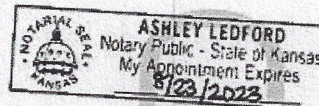


EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A: Tract M 1, Panadero Filing No.3, more particularly described as follows: Township 31 South, Range 69 West of the 6th P.M.;

A parcel of land located in Sections 16 and 17; Beginning at the Southerly most Corner of Tract M; the True Point of Beginning; Thence on the arc of a curve to the right, through a central angle of 09-41-15, whose radius is 180.00 feet, a distance of 30.43 feet; Thence N 78-19-45 E a distance of 219.65 feet; Thence on the arc of a curve to the right, through a central angle of 09-37-15, whose radius is 120.00 feet, a distance of 12.05 feet; Thence N 83-07-15 E a distance of 665.59 feet; Thence on the arc of a curve to the left, through a central angle of 21-30-30, whose radius is 120.00 feet, a distance of 45.05 feet; Thence N 61-36-45 E a distance of 430.45 feet; Thence on the arc of a curve to the left, through a central angle of 101-14-00, whose radius is 20 feet, a distance of 35.34 feet; Thence N 39-37-14 W, a distance of 77.59 feet; Thence S 61-36-45 W, a distance of 438.75 feet; Thence S 83-43-33 W, a distance of 527.20 feet; Thence N 02-37-17 E, a distance of 376.52 feet; Thence S 43-47-58 W a distance of 149.98 feet; Thence S 06-52-45 E, a distance of 157.58 feet; Thence S 83-07-15 W a distance of 97.16 feet; Thence on the arc of a curve to the left, through a central angle of 09-37-15, whose radius is 120.00 feet, a distance of 20.15 feet; Thence S 73-30-00 W a distance of 270.83 feet; Thence on the arc of a curve to the left, through a central angle of 12-52-59, whose radius is 120.76 feet, a distance of 26.22 feet; to the true point of beginning. County of Huerfano, State of Colorado

Parcel B: Parcel 6A

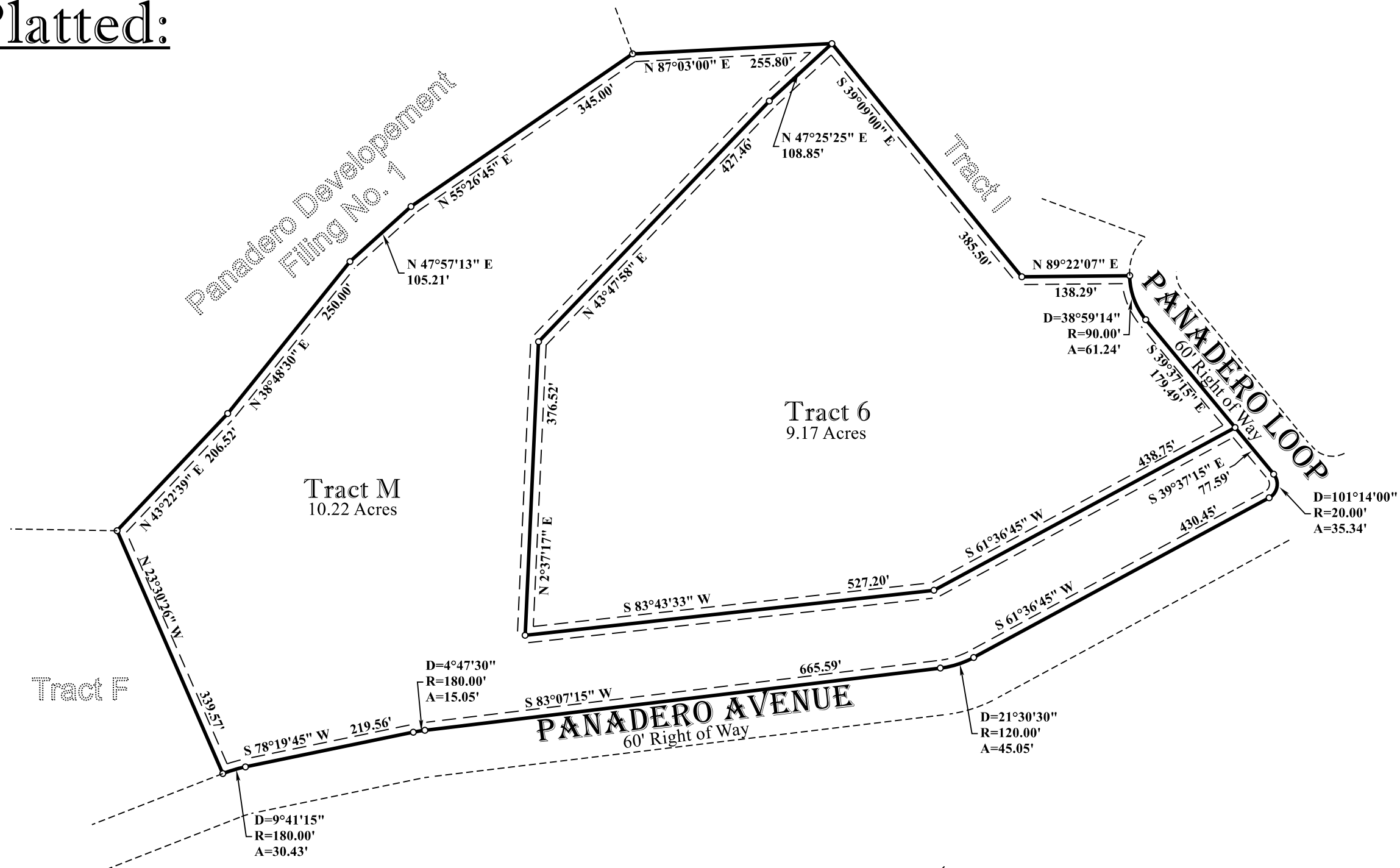
A parcel of land located in a portion of Tract 6, Panadero Development Filing No.3, County of Huerfano, State of Colorado, being more particularly described as follows: Beginning at the Southeast corner of Tract 6, Thence S 61-36-45 W along the South line of said Tract 6, a distance of 438.75 feet; Thence S 83-43-33 W along South line of said Tract 6, for a distance of 527.20 feet; Thence N 2-37-17 E along the East line of said Tract 6, for a distance of 376.52 feet; Thence N 43-47-58 E along the Northerly line of said Tract 6, for a distance of 384.57 feet; Thence S 35-30-00 E, for a distance of 563.25 feet; Thence N 60-00-00 E, for a distance of 280.00 feet to the Westerly right of way line of Panadero Loop; Thence S 39-37-15 E along the Westerly right of way line of Panadero Loop, for a distance of 89.49 feet to the Point of Beginning. Being 6.50 Acres more or less.

429575 03-20-2023 Page 3 of 3

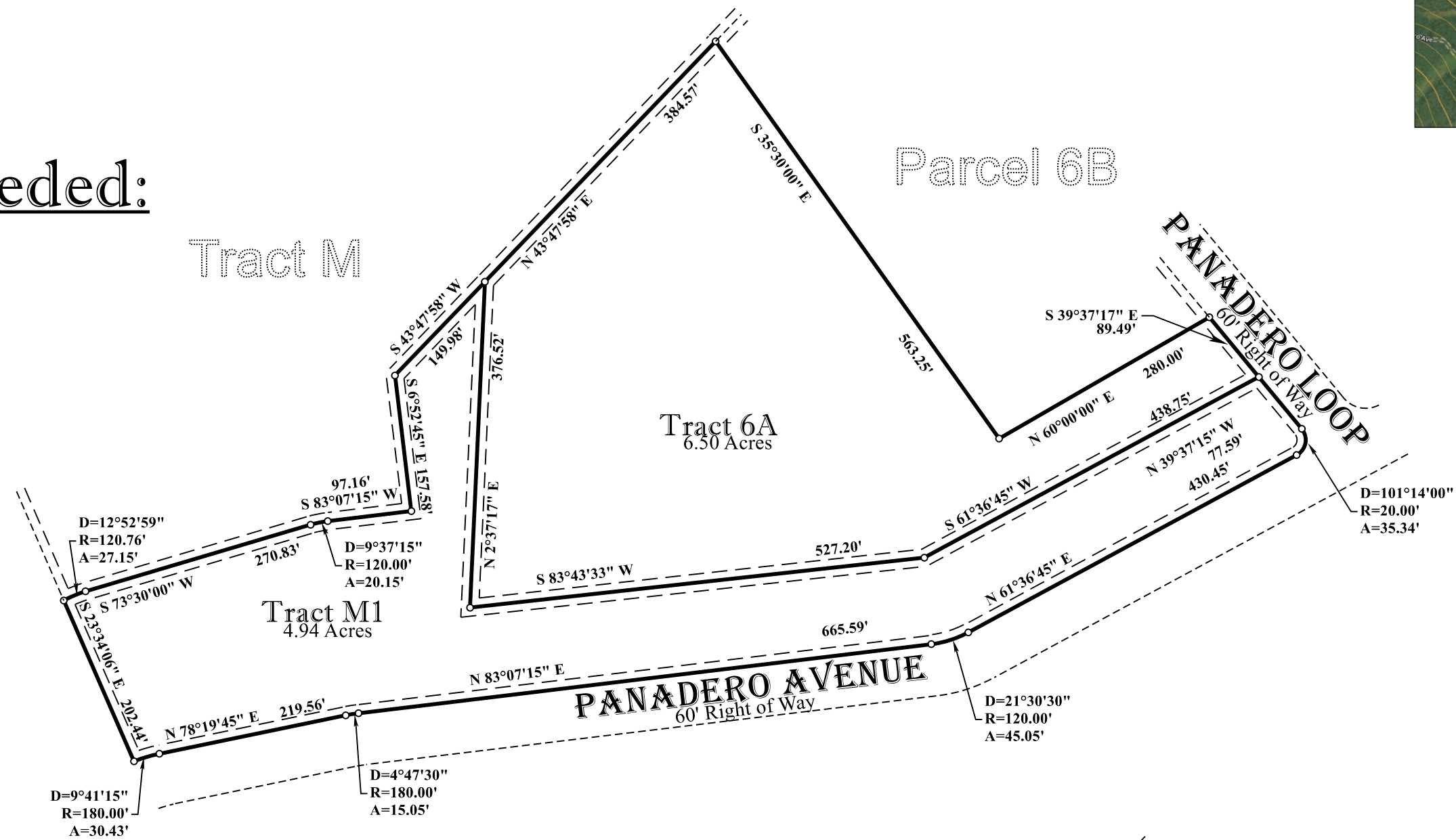
EXHIBIT "B"
EXCEPTIONS TO TITLE

1. Taxes for the year 2022, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. Underground Line Map for San Isabel Electric Association, recorded at Map No. 264, February 13, 1985 at Reception No. 298846
7. Declaration of Covenants for Panadero Subdivision Filing No. 1, recorded October 3, 1973 at Book 333, Page 842, and recorded November 2, 1981 at Book 362, Page 1111, and Amended and Restated January 28, 2008 at Reception No. 379076, and Amendment recorded April 22, 2010 at Reception No. 368092, Amendment recorded January 5, 2015 at Reception No. 402111
8. Declaration for Sun Mountain Condominiums, recorded August 6, 1982 at Book 364, Page 380
9. Service Plan for Cuchara Valley Recreational Metropolitan District, recorded September 10, 2010 at Reception No. 389209
10. By-laws for Panadero Property Owners Association recorded October 9, 2013 at Reception No. 398757
11. Easements as recorded on Quit Claim Deed recorded February 14, 1985 at Book 373, Page 316 and at Book 373, Page 318
12. Right of Way for Ditches and Canals, recorded November 7, 1986 at Book 379, Page 485
13. Master Land Plan for Panadero Subdivision, recorded December 17, 1997 at Reception No. 331940
14. Settlement Agreement between Patricia Concannon and Panadero Property Owners Association, recorded October 5, 1998 at Reception No. 336085
15. Line Extension Contract between San Isabel Electric and Rio Costilla Development recorded February 16, 1999 at Reception No. 337888
16. Limited Use Agreement between Dick E. Davis and JNC Properties, recorded June 9, 1998 at Reception No. 334227
17. Amendment to Settlement Agreement recorded June 8, 2005 at Reception No. 368026

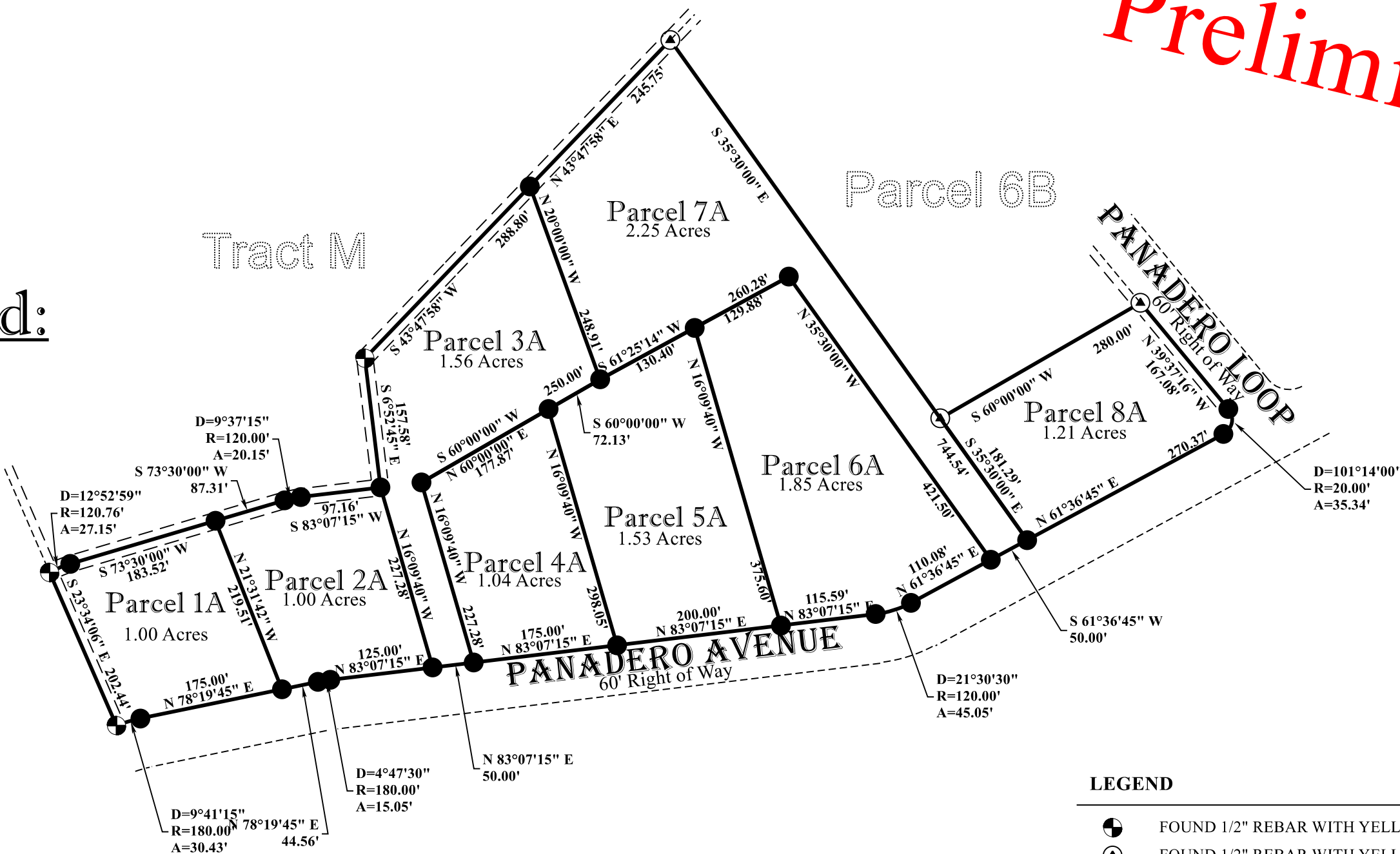
As Platted:



As Deeded:



As Amended:



MAP AMENDMENT PLAT AND EASEMENT VACATION

FOR DOS SUENOS PROPERTIES, LLC
TRACTS M1 AND 6A, PANADERO FILING No.3
COUNTY OF HUERFANO, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS: That Dos Suenos Properties, LLC being the sole owner of the following described property:

Tract M-1 and Parcel 6A, Panadero Filing No. 3, filed at Map No. 207, According to the Records of the Clerk and Recorder for Huerfano County, Colorado

That Dos Suenos Properties, LLC, is the sole owners of that real property situated in Huerfano County, Colorado, has caused said real property to be laid out and surveyed as Parcel 1A, 2A, 3A, 4A, 5A, 6A, 7A and 8A of Map Amendment and Easement Vacation, Huerfano County, State of Colorado, and does hereby accept the responsibility for the completion of required improvements and does hereby dedicate and set apart all of the roads and other public improvements 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 for the purpose shown hereon, and does hereby grant the right to install and maintain necessary structures to the entity responsible for providing the services for which the easements are established

J. Mark Lancaster
(Owner, Dos Suenos Properties, LLC)

Date: _____

Kyle Cunningham
(Owner, Dos Suenos Properties, LLC)

Date: _____

STATE OF COLORADO)
COUNTY OF) ss

The foregoing instrument was acknowledged before me this _____ day of _____ 2024, A.D. by J. Mark Lancaster and Kyle Cunningham

WITNESS MY HAND AND OFFICIAL SEAL:

My Commission Expires: _____
Notary Public

This is to Certify that this Map Amendment Plat, is hereby approved this _____ day of _____ 2024, by the Board of County Commissioners, County of Huerfano, State of Colorado.

By: _____
Chairperson of the Board

Date: _____

By: _____
Attest: Clerk of the Board

Date: _____

SURVEYORS CERTIFICATION: I, William S. Bechaver, a Professional Land Surveyor registered in the State of Colorado, hereby certify to Tom Powis, that this Map Amendment is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the Plat of Panadero Development Filing No. 3, filed for record at the Huerfano County Clerk and Recorder. The property within this Map Amendment may or may not be presently monumented and if it is monumented I have not confirmed that the property pins are accurately located.

By: _____
William S. Bechaver, PLS. 38103
BH² Land Surveying, LLC
Colorado City, Colorado

Note: All Lot Lines 10 feet each side to serve as
Utility and Drainage Easements, Except as noted.
Per Recorded Plat of Panadero Development Filing No. 3,
Recorded at Map No. 207

Note: Property may be subject to Settlement Agreement entered into on July 26, 1996
and Filed for Record at Reception No. 326860

LEGEND

- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP, PLS 19627
- FOUND 1/2" REBAR WITH YELLOW CAP, PLS 38103
- SET 1/2" REBAR, WITH YELLOW PLASTIC CAP, PLS 38103

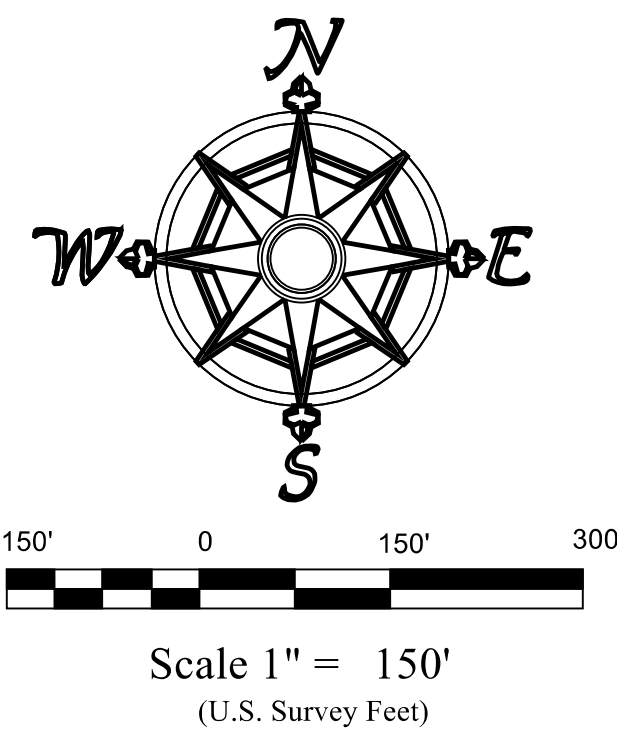
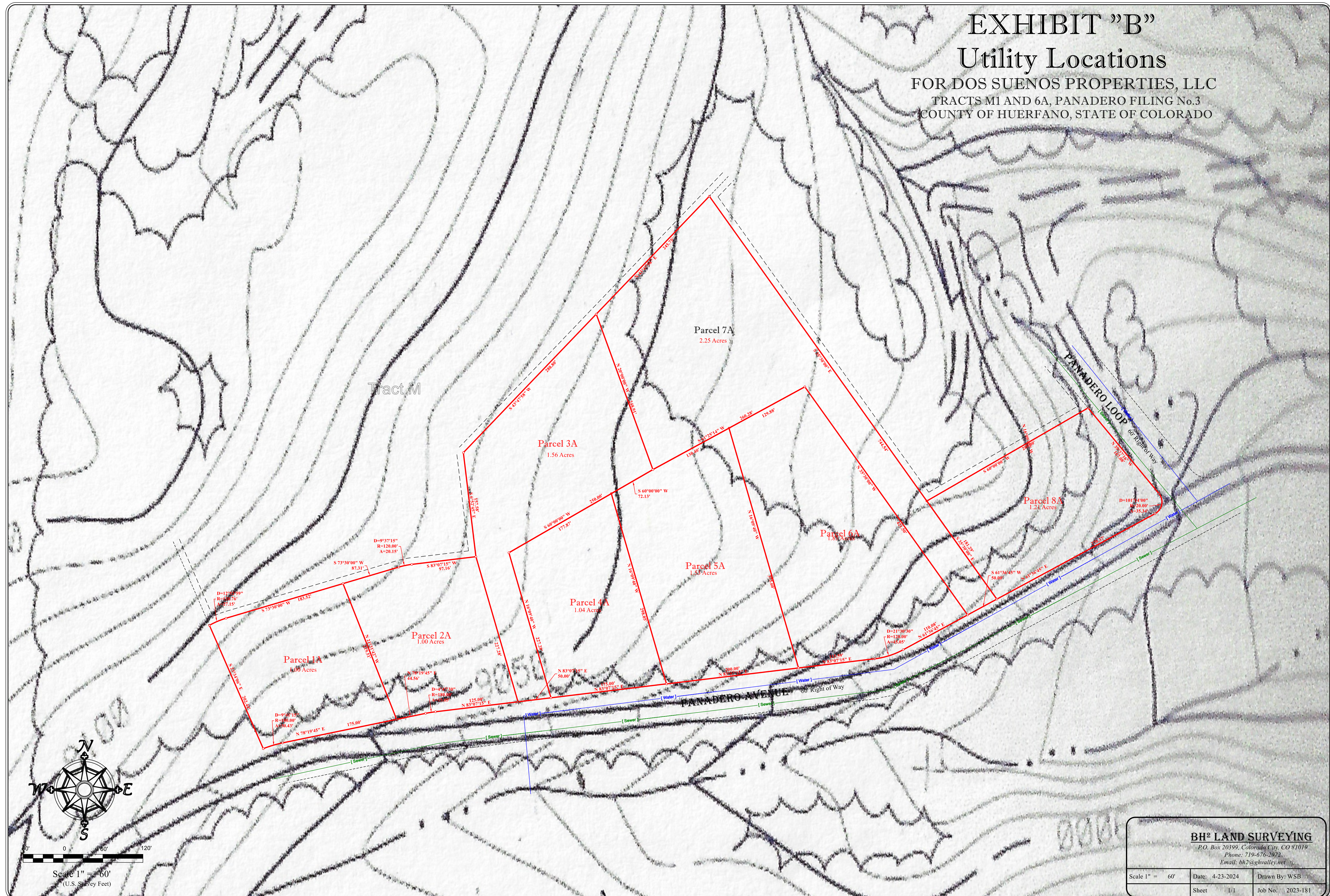


EXHIBIT "B"

Utility Locations

FOR DOS SUENOS PROPERTIES, LLC
TRACTS M1 AND 6A, PANADERO FILING No.3
COUNTY OF HUERFANO, STATE OF COLORADO



BH² LAND SURVEYING

P.O. Box 20399, Colorado City, CO 81019
Phone: 719-676-2072
Email: bh2@ghvalley.net

Scale 1" = 60'	Date: 4-23-2024	Drawn By: WSB
Sheet 1/1	Job No. 2023-181	



COLORADO

Parks and Wildlife

Department of Natural Resources

Pueblo Service Center
600 Pueblo Reservoir Road
Pueblo, CO 81005
P 719-561-5300 | F 719-561-5321

June 30, 2024

William S. Bechaver
BH2 Land Surveying, LLC

RE: Application LU-23-040 Plat Amendment

Dear William S. Bechaver,

Colorado Parks and Wildlife (CPW) has received and appreciates the request for comments on the proposed plat amendment in the Panadero Development. As mentioned in the letter of request a creation of eight, (8) new parcels will occur with current zoning allowing the creation of twenty-two, (22) parcels. CPW appreciates and encourages the creation of larger sub-parcels as to minimize and reduce the fragmentation of existing habitat.

CPW encourages the use of existing infrastructure and roads to create access to the new parcels to reduce impacts to habitat and minimize newly disturbed areas. CPW recommends controlling any noxious weeds if future utility access is developed. Additionally, CPW recommends re-seeding any disturbed areas with native vegetation.

CPW appreciates this opportunity to review the proposed plat amendment and the creation of fewer larger sized sub-parcels to reduce impacts to habitat and local wildlife. If you have any further questions please feel free to contact local District Wildlife Manager Spencer Gerk at (719)-989-1027.

Sincerely,

Michael D Brown

Michael D Brown
Area Wildlife Manager
Area 11-Pueblo

