



PLANNING COMMISSION AGENDA

January 25, 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

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **READING OF MINUTES**
 - a. Minutes from October 26, 2023
 - b. Minutes from January 11, 2024 Meeting
4. **ACTION ITEMS**
 - a. 23-040 Plat Amendment and Easement Vacation - BH2
5. **LGD UPDATES**
6. **OLD BUSINESS**
 - a. Update on Section 7 Regulations
7. **NEW BUSINESS**
 - a. 23-047 Vacate Taylexcal
8. **DISCUSSIONS**
 - a. Planning Request for Proposals
9. **ADJOURNMENT**
10. **UPCOMING MEETINGS**



PLANNING COMMISSION MINUTES

October 26, 2023 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

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. 10:30 AM

Work Session -- Section 7.00 Revisions

2. ROLL CALL

PRESENT

Beaver Edmundson

Dale Lyons

Lonnie Brown

Sandy White

ABSENT

Myrna Falk

3. PLEDGE OF ALLEGIANCE

4. READING OF MINUTES

a. Minutes from 10/12/23

Motion to approve minutes from 10/12/23 made by Lyons, Seconded by White.

Voting Yea: Edmundson, Lyons, Brown, White

b. Minutes from 9/14/23

Motion to approve minutes from 9/14/23 made by Lyons, Seconded by White.

Voting Yea: Edmundson, Lyons, White

Voting Abstaining: Brown

5. ACTION ITEMS

a. 23-040 Plat Amendment and Easement Vacation - BH2

Commission asked applicant about history of tracts as platted. Tract M1 was deeded from Panadero POA to Ski Cuchara on November 22, 1996 (Book 416 Page 690-693).

6A was created by Houseman in application 23-01.

Re: Concannon, who is mentioned in the exceptions to title -- still uncertain what her relationship to the properties was.

To the question of why this should be considered a plat amendment rather than a subdivision, applicant referenced Application 22-54 in which Hotaling applied to replat five tracts into 9 lots.

Panadero Property Owner Association was contacted and has not given a response as to whether Tract M1 is part of the POA. Tract 6A is not part of the POA.

Commissioners asked whether the expectation was to supply lots with water and electricity from Panadero Ave. Applicant was uncertain.

Commissioners asked for follow up about whether this would meet eligibility requirements of a plat amendment -- is it less than 25% of the total area of Filing #3?

Motion to table the application to give applicant more time to gather additional information made by Lyons, Seconded by White.

Voting Yea: Edmundson, Lyons, Brown, White

6. LGD UPDATES

Regulations on deep thermal

-- Comments being sought.

Rumor that Aught 6 Ranch may be drilling for oil and that they are building a processing plant.

-- Tabula Rasa or new owner of wells is back up to full production capacity, producing CO2 and transportint in Arko pipeline.

7. NEW BUSINESS

8. DISCUSSIONS

9. UPCOMING MEETINGS

10. ADJOURNMENT



PLANNING COMMISSION MEETING MINUTES

January 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

Meeting called to order at 1:30 PM

PRESENT

Beaver Edmundson
Lonnie Brown
Sandy White

ABSENT

Dale Lyons

2. PLEDGE OF ALLEGIANCE

3. READING OF MINUTES

- a. Minutes from October 26, 2023

Motion to table the minutes until the next meeting.

Motion made by Brown, Seconded by White.

Voting Yea: Edmundson, Brown, White

Motion Passes

4. ACTION ITEMS

- a. Section 7 Land Use Code Update

Motion to recommend the adoption of the changes to the Section 7 regulations in the attached documents.

Motion made by White, Seconded by Brown.

Voting Yea: Edmundson, Brown, White

Motion Passes

- 5. LGD UPDATES**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
- 8. DISCUSSIONS**

Sandy White announced his resignation effective once the Board of County Commissioners adopts the Section 7 revisions.

9. ADJOURNMENT

Motion to adjourn.

Motion made by White, Seconded by Brown.

Voting Yea: Edmundson, Brown, White

Motion Passes

Meeting adjourned at 1:42 PM.

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: October 26, 2023

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.

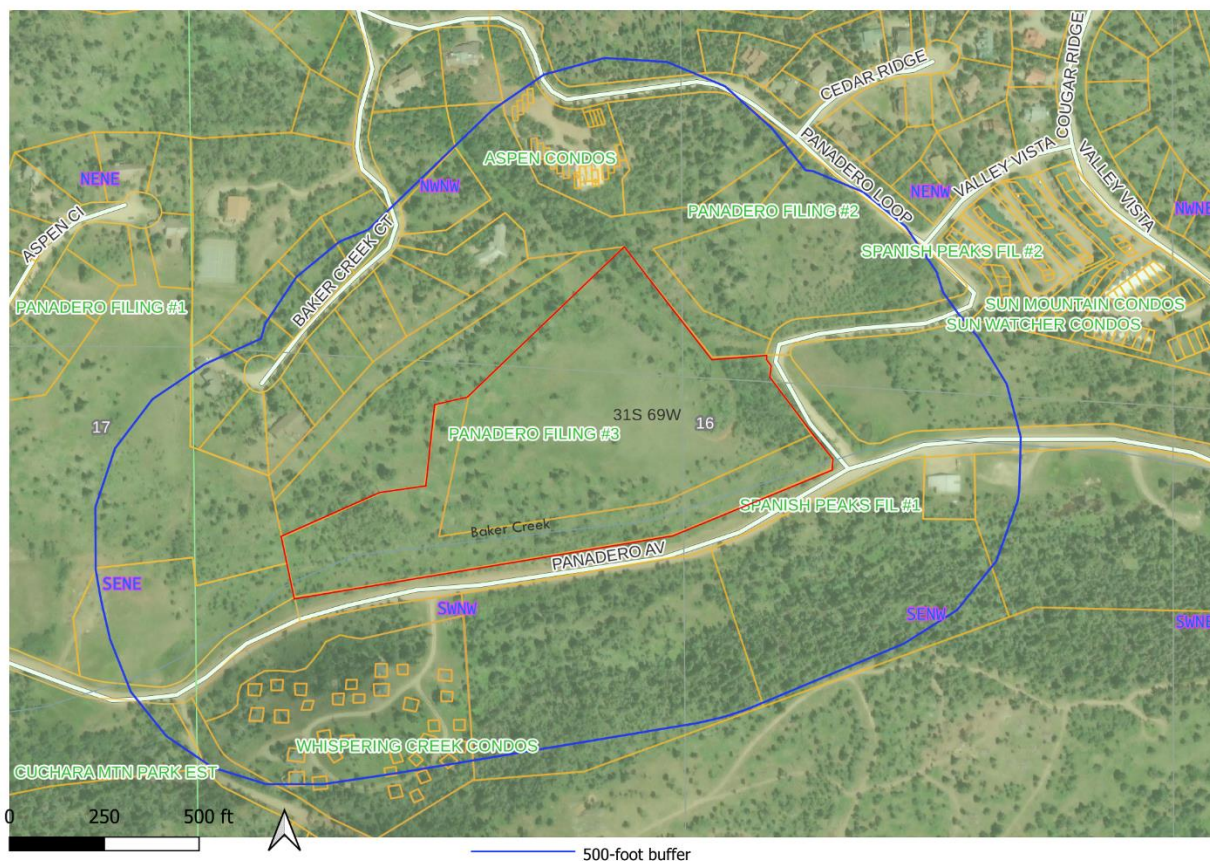
The subject property contains numerous exceptions to title in exhibit B of the deed. Outline of significance of select items:

- 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 application to be complete.

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.

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 do not appear to be 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.

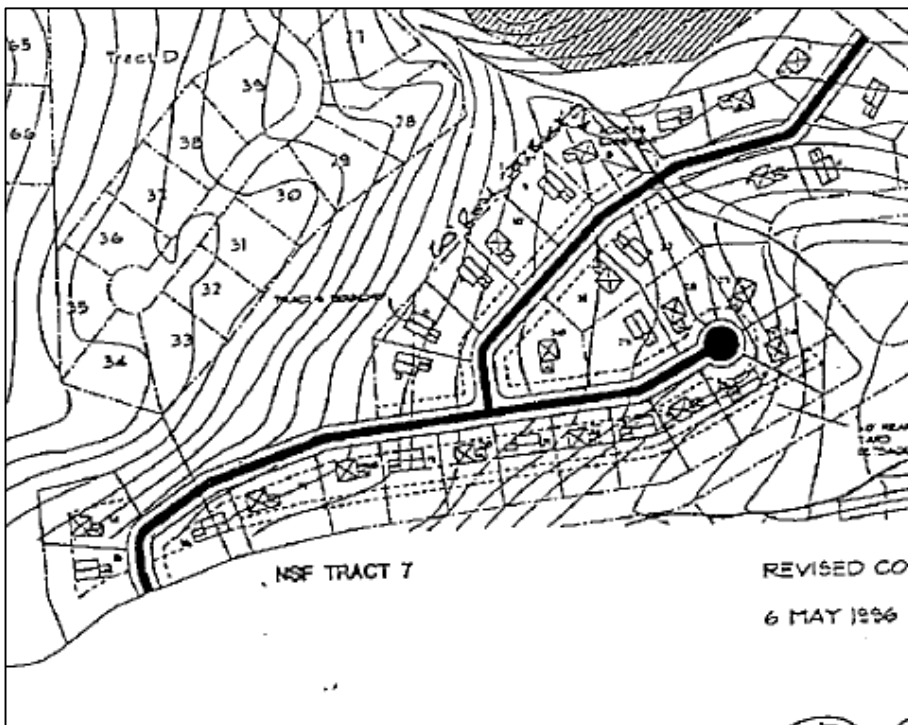


Figure 1 Exhibit A of the Settlement Agreement

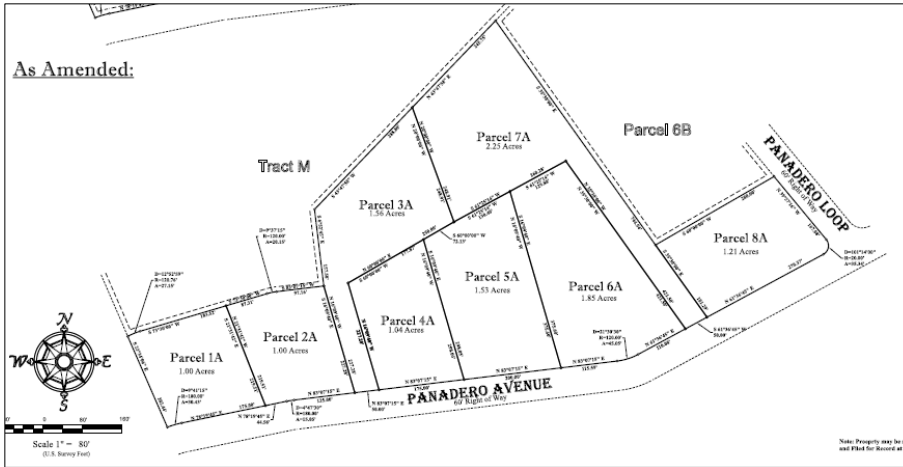


Figure 2 Proposed new configuration of lots.

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

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.

Commission Action: 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:

- Conditional Use Permit Application
 - Conditional Use Application / Marijuana
 - Conditional Use Application / Oil, Gas or Uranium Exploration and/or Development
 - Rezoning
 - Variance
 - Subdivision Exemption
 - Plat Amendment
 - Plat Correction
 - Road Right-of-Way or Easement Vacation
 - Lot Consolidation
 - Other Actions (specify): _____
- Sign Permit
 - Temporary Use Permit
 - H.B. 1041 Text Amendment
 - H.B. 1041 Development Permit
 - H.B. 1041 Flood Plain Exemption
 - Comprehensive Plan Text of Map Amendment
- PUD or non-PUD Subdivision Approval:
- Sketch Plan
 - Preliminary Plan
 - Final Plat / Subdivision Improvement Agreement
 - 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 Beverly Date: 10/19/23

Printed Name: Kaylee Beverly

6. ACTION (by the authorized permitting authority):

- Final Approval Conditional Approval Denial

Name _____ Signature _____

Title _____ Date _____

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



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
Bh2@ghvalley.net

Current Zoning: Urban Residential

Proposed Zoning: No Change.

Request and reason for the Plat Amendment: The owners want to split to total acreage of 11.4 of both Tract 6A and Tract M1 in eight (8) separate parcels. Which they plan to sell or develop, keeping in mind that these parcels are subject to single family homes only and over 2000 sqft per Reception No. 326860

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

Existing Structures: None.

Sincerely,

Kaylee Byerly
BH2 Land Surveying, LLC

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

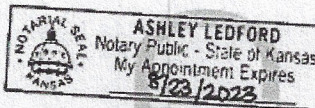


EXHIBIT "A" LEGAL DESCRIPTION

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.

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**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 367, 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 465
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 6, 2005 at Reception No. 368026

As Platted:

Note: All Lot Lines 10 feet each side to serve as Utility and Drainage Easements, Except as noted.

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)
) ss
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____ 2023, 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 _____ 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

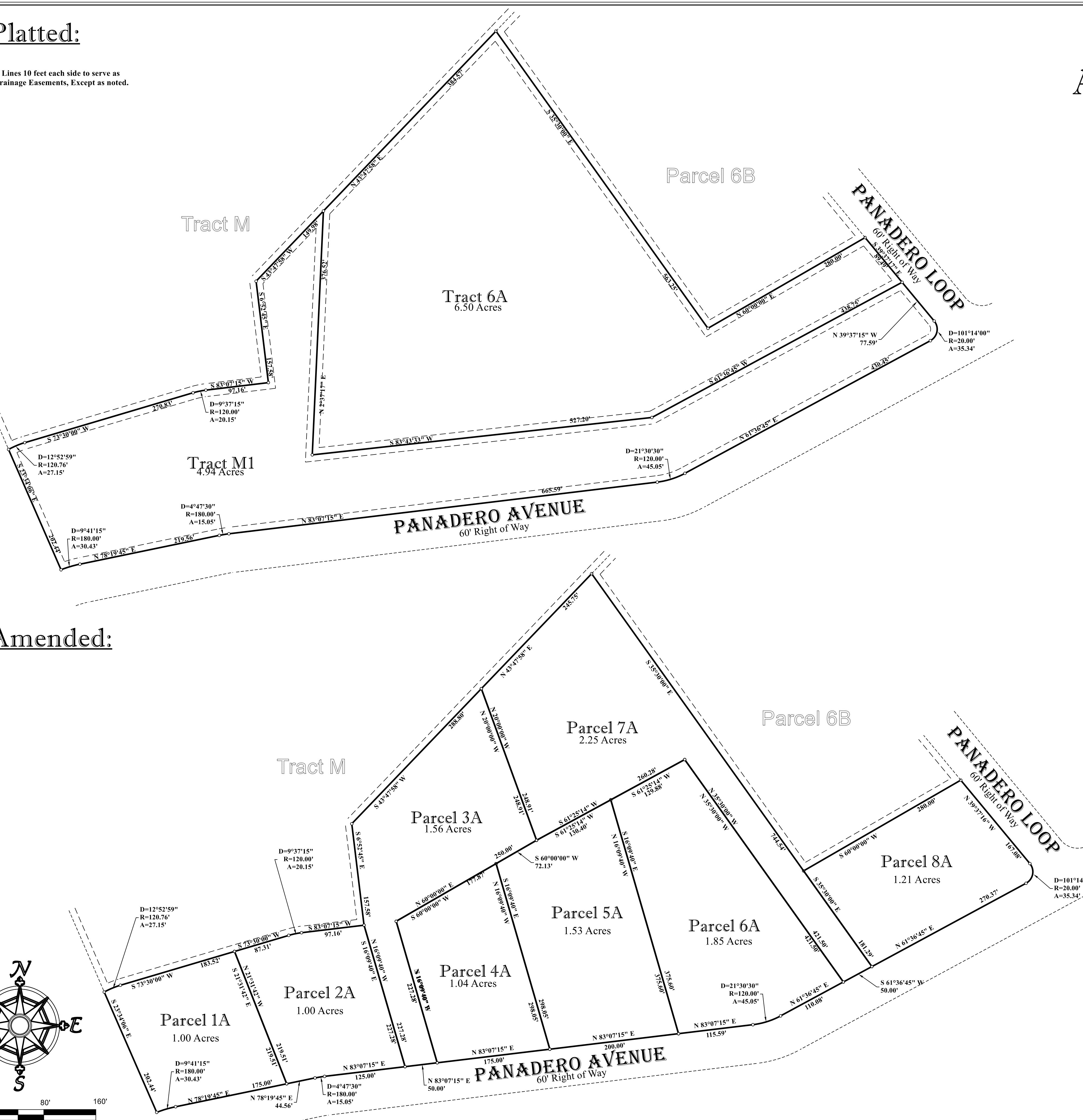
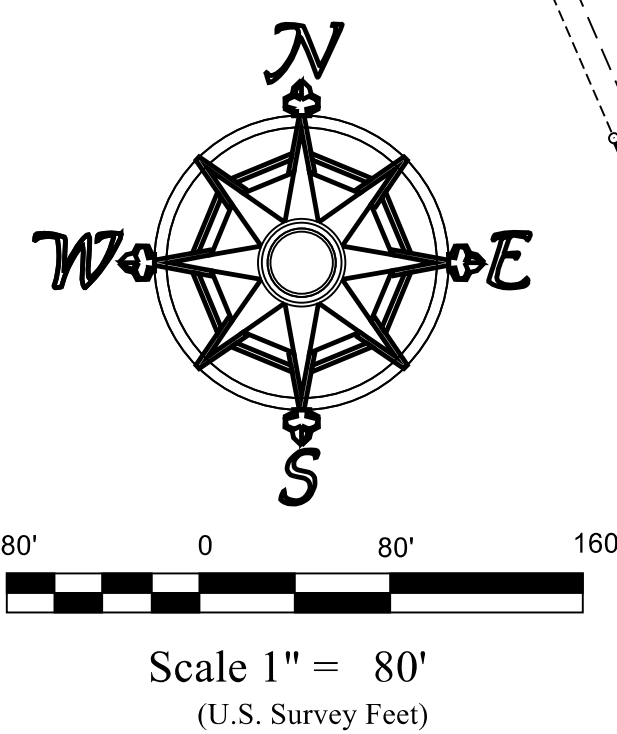
By: _____ Date: _____
Chairperson of the Board

By: _____ Date: _____
Attest: Clerk of the Board


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

As Amended:



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

 BH² LAND SURVEYING P.O. Box 20399, Colorado City, CO 81019 Phone: 719-676-2072 Email: bh2@ghvalley.net			
			Scale 1" = 80'
Sheet 1/1		Job No. 2023-181	

MASTER LAND USE PLAN
FOR
PANADERO SUBDIVISION
HUERFANO COUNTY, COLORADO

MAP	405
Packet	9
Folder	1



PREPARED BY
BRISTLECONE PLANNING & SAM BROWN & COMPANY
1 OCTOBER 1997

PERPARED FOR
CUCHARA PARTNERS, LLC
2050 N. PLANO RD. SUITE 100 RICHARDSON, TX 75082 972-690-0028

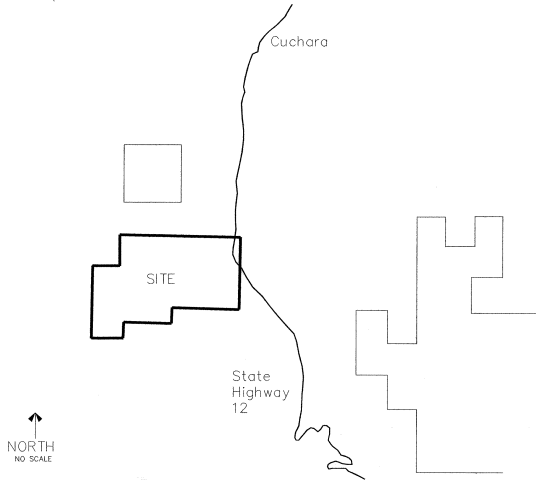
Development
Planner
Bristlecone Planning
La Garita Ranch HC 33
South Fork, CO 81154
719-658-2200

Architect
Planner
Sam Brown & Company
4536 N. 95th Street
Lafayette, CO 80026
303-666-6084

Surveyor
Engineer
Wachob & Wachob, Inc.
P.O. Box 376
Colorado City, CO 81019
719-676-3665

- INDEX TO DRAWINGS
- SHEET 1 TITLE PAGE
 - SHEET 2 LAND USE PLAN
 - SHEET 3 CURRENT TRACTS
 - SHEET 3a PROPOSED TRACTS
 - SHEET 4 TOPO - SLOPE - WATERCOURSES
 - SHEET 5 SOILS
 - SHEET 6 WATER DIAGRAM
 - SHEET 7 SEWER DIAGRAM
 - SHEET 8 PHASING

- Districts
- Cuchara Sanitation & Water District
 - Spanish Peaks Volunteer Fire District
 - Huerfano County Water Conservation District
 - RE 2 School District
 - Upper Huerfano Soil Conservation District



LOCATION MAP

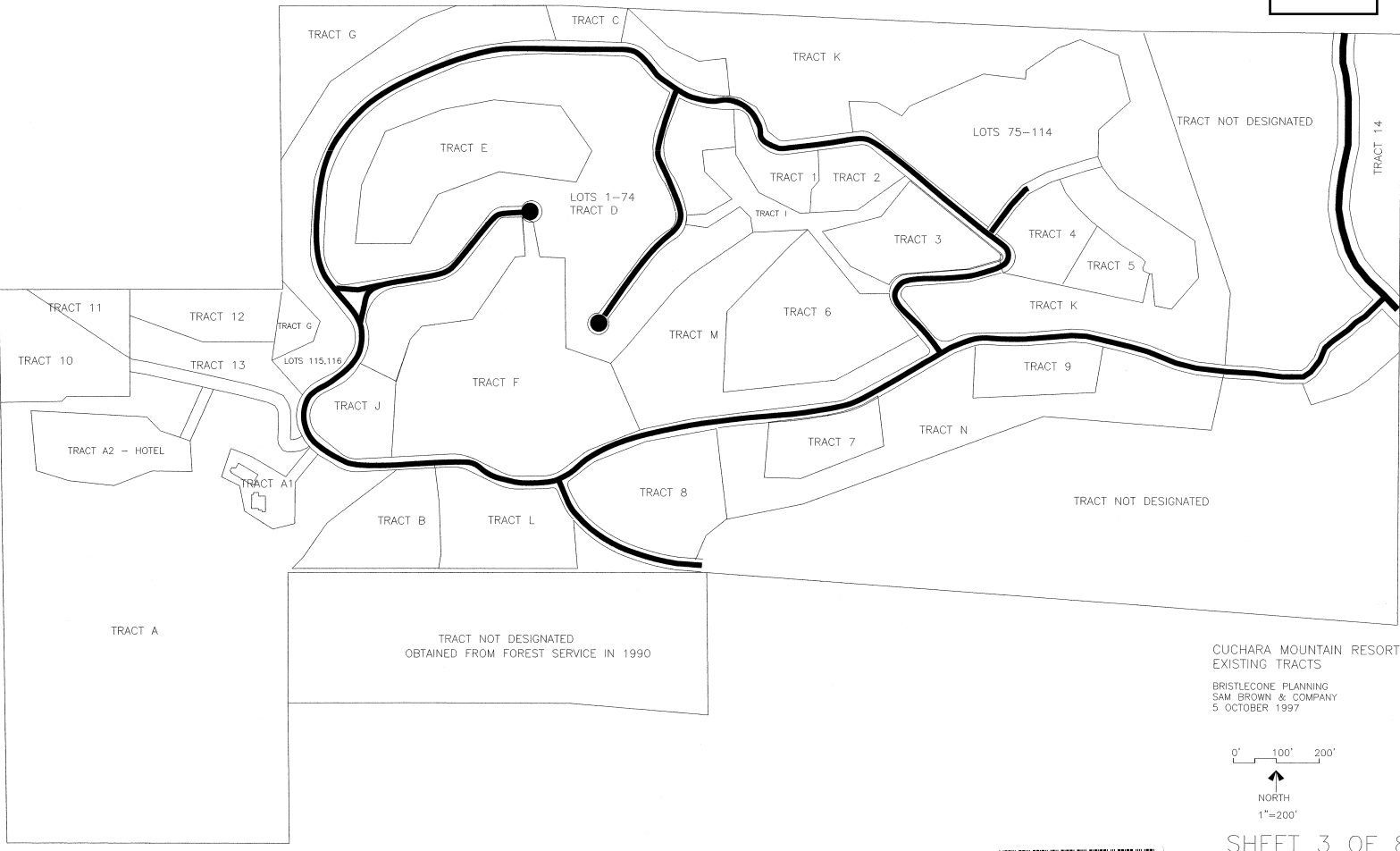
Legal Description
Beginning at the Section corner common to Sections 8,9,16 and 17, Township 31 South, Range 69 West, of the 6th P.M. Huerfano County, Colorado.
Thence S 87° 27' 30" E a distance of 2,603.54 feet,
Thence S 87° 37' 37" E a distance of 1,304.89 feet,
Thence S 00° 09' 12" W a distance of 2,754.29 feet,
Thence N 85° 49' 06" W a distance of 3,226.33 feet,
Thence S 00° 32' 26" E a distance of 660.30 feet,
Thence N 85° 14' 19" W a distance of 644.26 feet,
Thence N 89° 53' 31" W a distance of 1,318.82 feet,
Thence S 00° 35' 39" E a distance of 648.36 feet,
Thence N 89° 49' 52" W a distance of 1,319.20 feet,
Thence N 00° 31' 14" W a distance of 1,304.08 feet,
Thence N 00° 55' 24" W a distance of 1,320.30 feet,
Thence N 89° 59' 50" E a distance of 1,320.86 feet,
Thence N 00° 43' 58" W a distance of 1,320.69 feet,
Thence N 89° 57' 26" E a distance of 1,319.48 feet
to the Point of Beginning.

Hereon containing 423.31 acres more or less.

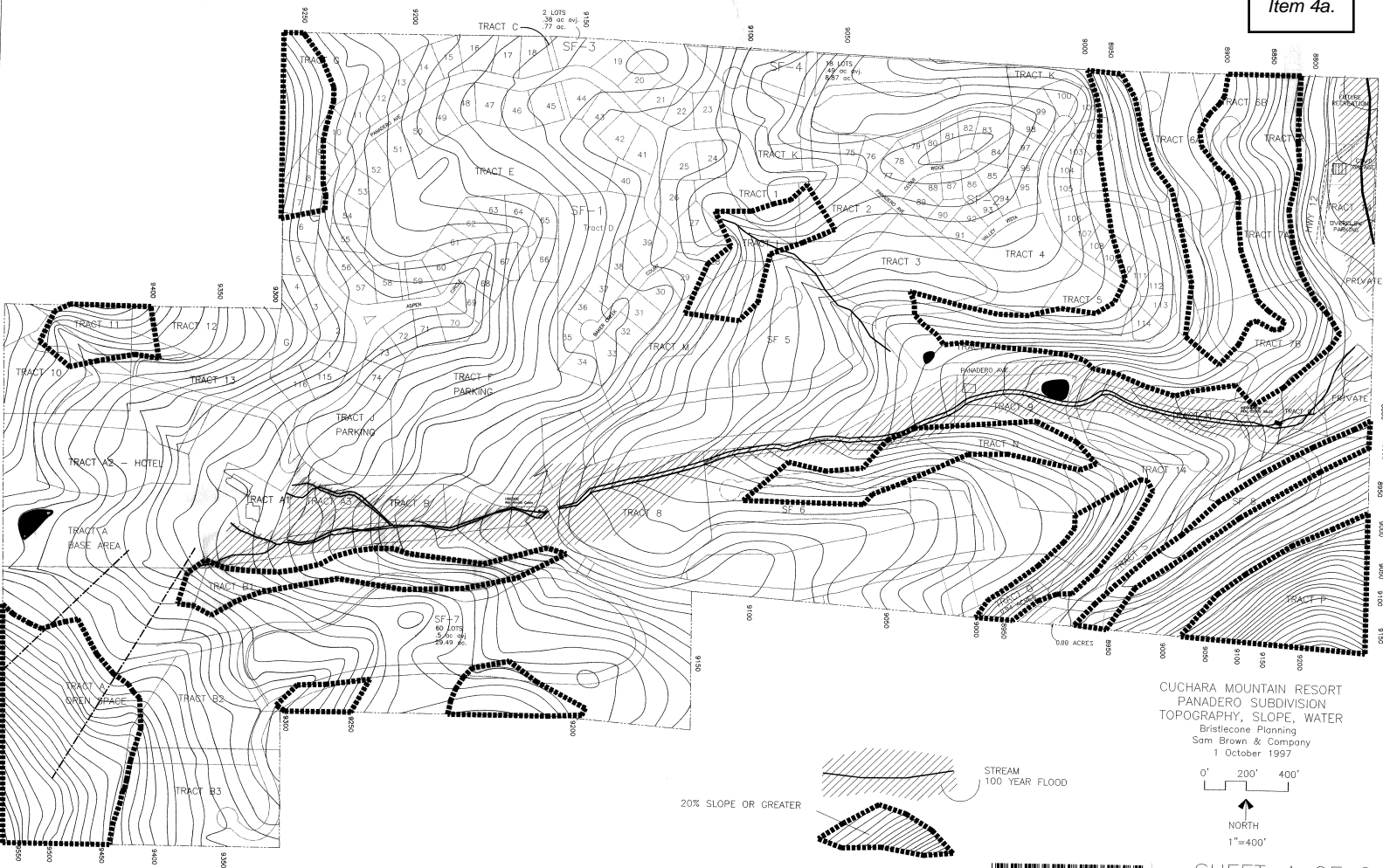
EXCLUSION "A"
A 268 acre more or less, tract of land in the E 1/2 of Section 16, Township 31 South, Range 69 West of the 6th P.M. described as follows:
Beginning at a point from which the N 1/16 corner bears
Northwesterly 1765.20 feet Thence northerly along said 1/16 line for a distance of 23328 feet;
Thence N 04° 58' 00" E a distance of 83.95 feet,
Thence N 64° 46' 30" W a distance of 72.83 feet,
Thence N 47° 47' 30" W a distance of 143.58 feet,
Thence S 42° 44' 30" W a distance of 124.12 feet,
Thence S 23° 15' 30" W a distance of 187.02 feet,
Thence S 96° 48' 30" E a distance of 188.00 feet,
Thence N 90° 00' 00" E a distance of 318.79 feet,
more or less to the Point of Beginning.

PLANNING COMMISSION CERTIFICATION
Reviewed and recommended to be approved
By the Huerfano County Planning Commission
On 10/10 day of October 1997
Donald M. West ACTING
By Chairman, Planning Commission

COMMISSIONERS CERTIFICATION
Approved 10/10 day of October 1997
Donald M. West
By Board of County Commissioners, Huerfano County, Colorado

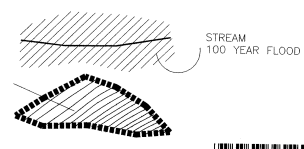


Item 4a.

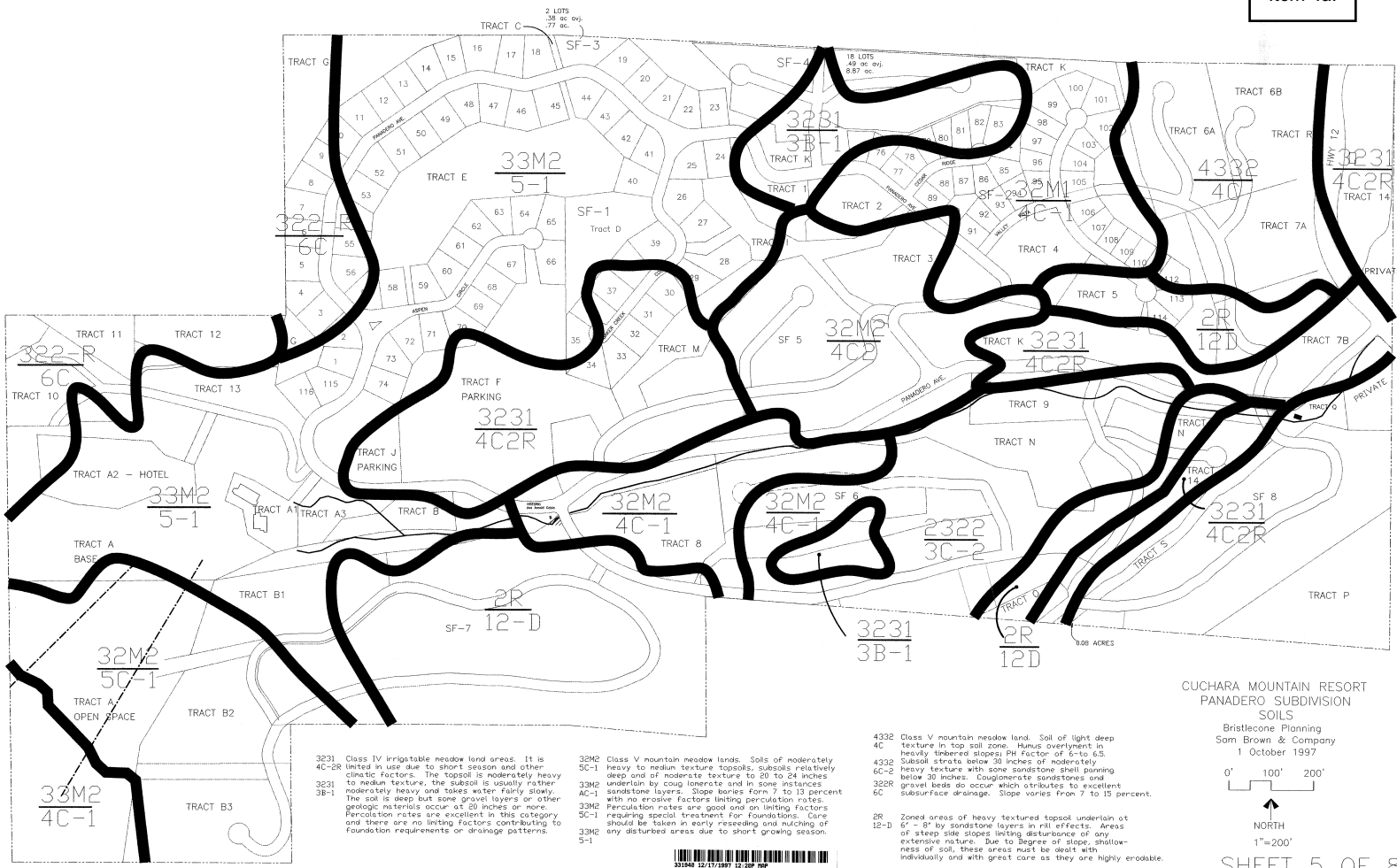


CUCHARA MOUNTAIN RESORT
 PANADERO SUBDIVISION
 TOPOGRAPHY, SLOPE, WATER
 Brislaccone Planning
 Sam Brown & Company
 1 October 1997

20% SLOPE OR GREATER



SHEET 4 OF 8



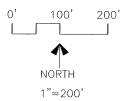
3231 Class IV irrigatable meadow land areas. It is limited in use due to short season and other climatic factors. The topsoil is moderately heavy to medium texture, the subsoil is usually rather moderately heavy and takes water fairly slowly. The soil is deep but some gravel layers or other geologic materials occur at 20 inches or more. Percolation rates are excellent in this category and there are no limiting factors contributing to foundation requirements or drainage patterns.

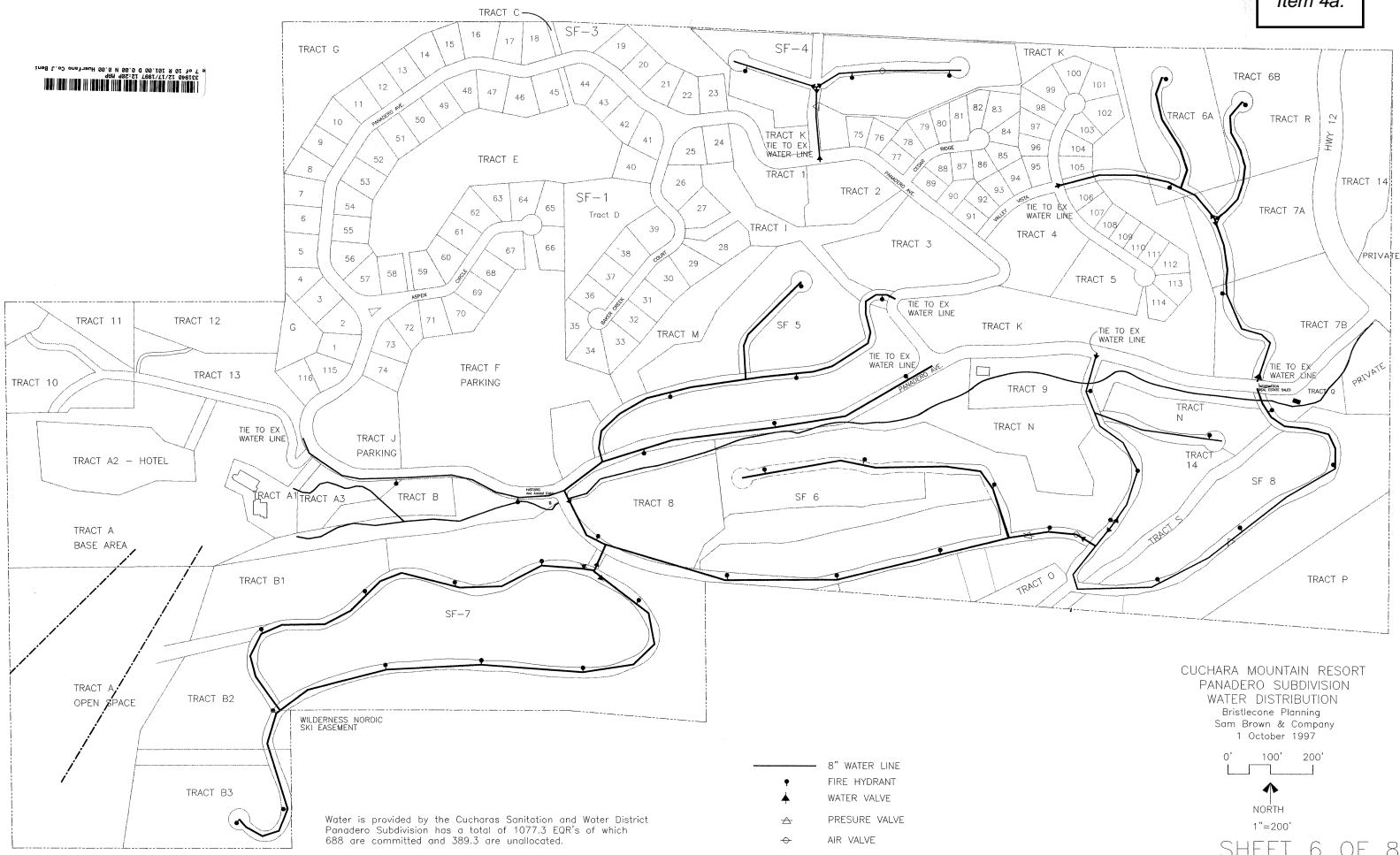
32M2 Class V mountain meadow lands. Soils of moderately heavy to medium texture topsoils, subsoils relatively deep and of moderate texture to 20 to 24 inches underlain by clay loam and in some instances sandstone layers. Slope varies from 7 to 13 percent with no erosive factors limiting percolation rates. Percolation rates are good and on limiting factors. 32M2 4C-1 requiring special treatment for foundations. Care should be taken in early seeding and mulching. 32M2 5-1 any disturbed areas due to short growing season.

4332 Class V mountain meadow land. Soil of light deep texture in top soil zone. Humus overlying in heavily lined slopes. pH factor of 6 to 6.5. 4332 Subsoil strata below 30 inches of moderately heavy texture with some sandstone shell panning below 30 inches. Conglomerate sandstones and gravel beds do occur which attributes to excellent subsurface drainage. Slope varies from 7 to 13 percent. 2R Zoned areas of heavy textured topsoil underlain at 6" - 9" by sandstone layers in fill effects. Areas of steep side slopes limiting disturbance of any extensive nature. Due to degree of slope, shallowness of soil, these areas must be dealt with individually and with great care as they are highly erodible.

CUCHARA MOUNTAIN RESORT PANADERO SUBDIVISION SOILS

Bristlecone Planning
Sam Brown & Company
1 October 1997



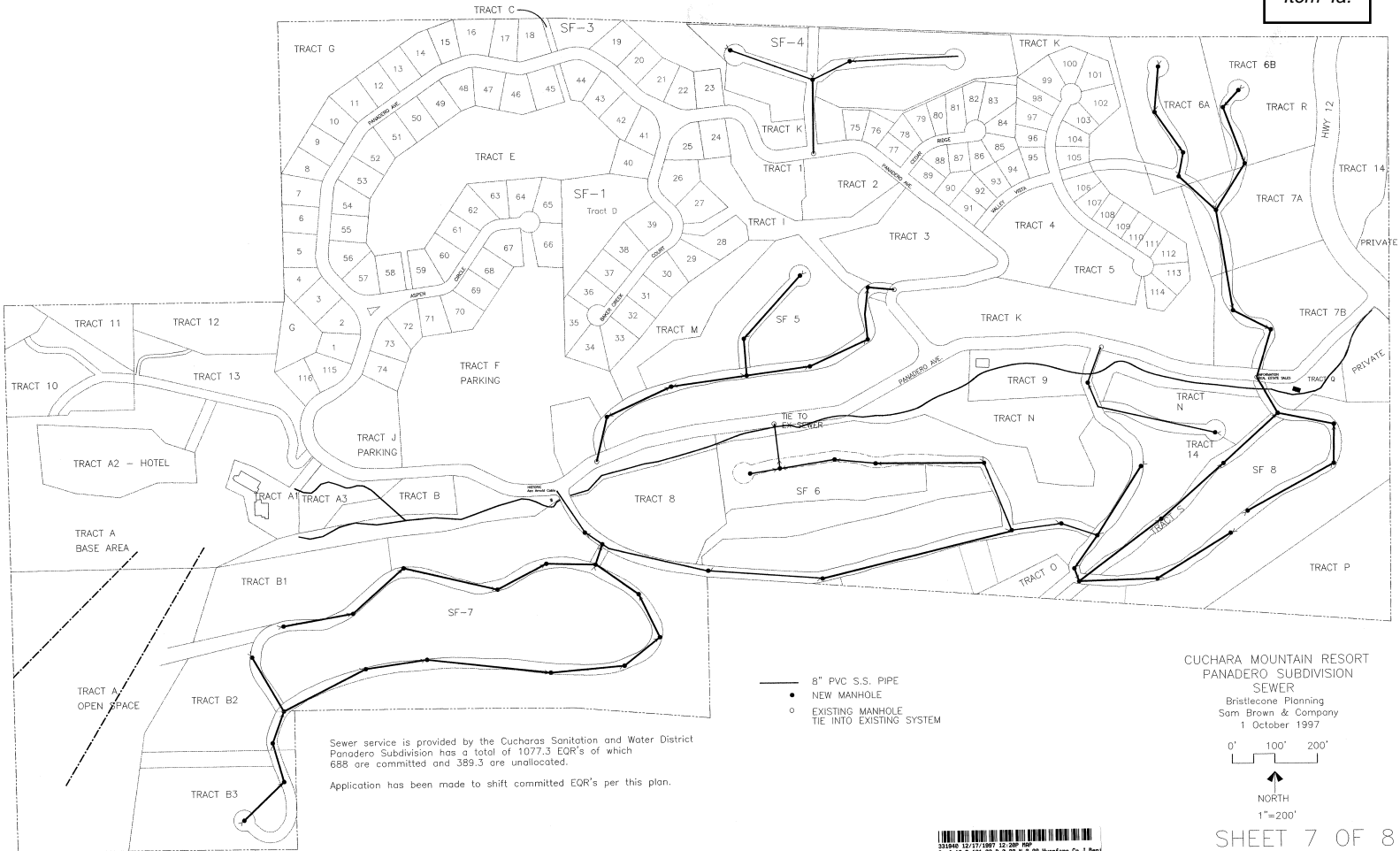


Water is provided by the Cucharas Sanitation and Water District
 Panadero Subdivision has a total of 1077.3 EQR's of which
 688 are committed and 389.3 are unallocated.

- 8" WATER LINE
- ▲ FIRE HYDRANT
- ▲ WATER VALVE
- △ PRESSURE VALVE
- AIR VALVE

CUCHARA MOUNTAIN RESORT
 PANADERO SUBDIVISION
 WATER DISTRIBUTION
 Bristlecone Planning
 Sam Brown & Company
 1 October 1997

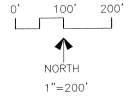
0' 100' 200'
 NORTH
 1"=200'



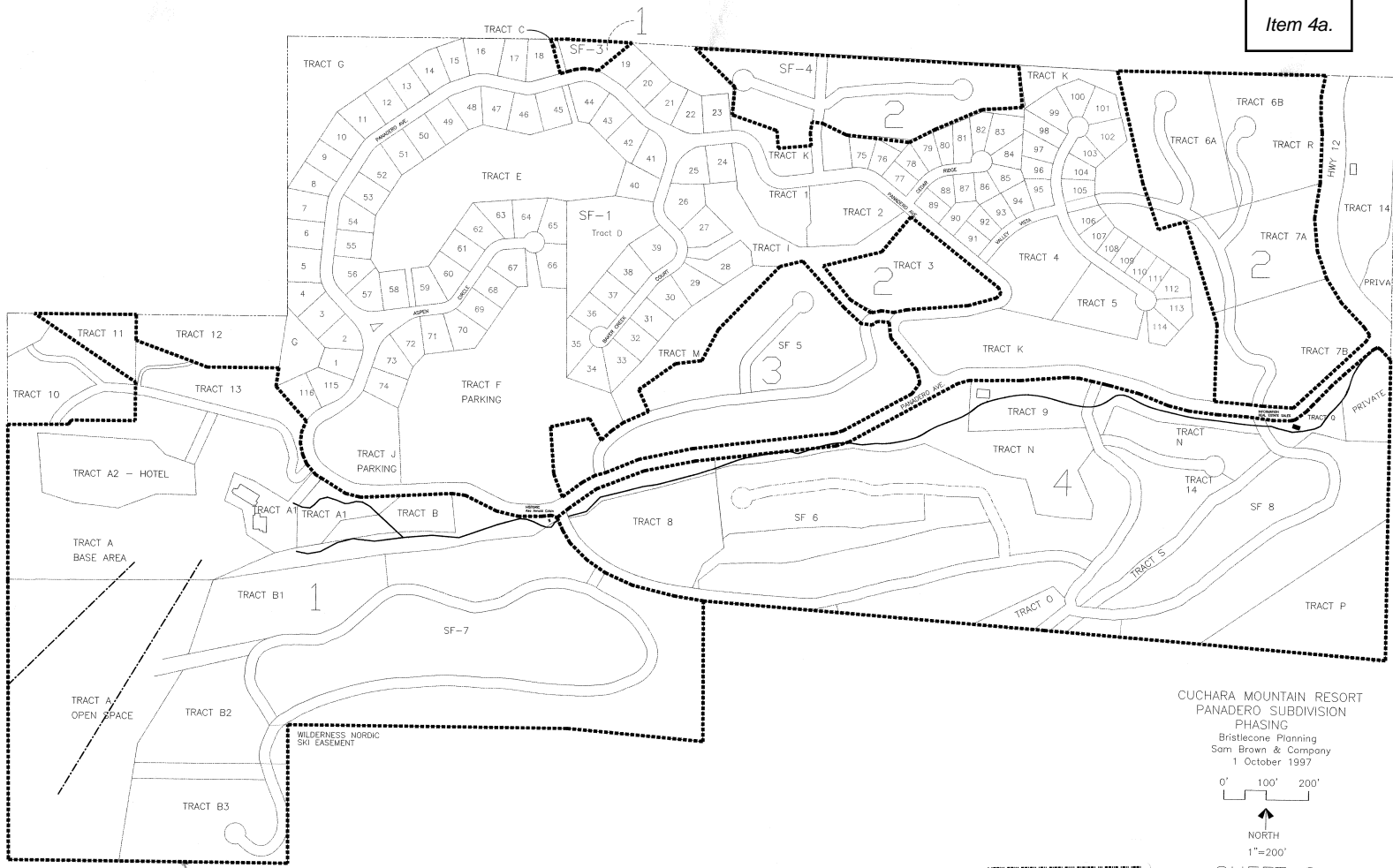
Sewer service is provided by the Cucharas Sanitation and Water District Panadero Subdivision has a total of 1077.3 EQR's of which 688 are committed and 389.3 are unallocated.
 Application has been made to shift committed EQR's per this plan.

- 8" PVC S.S. PIPE
- NEW MANHOLE
- EXISTING MANHOLE
- TIE INTO EXISTING SYSTEM

CUCHARA MOUNTAIN RESORT
 PANADERO SUBDIVISION
 SEWER
 Bristlecone Planning
 Sam Brown & Company
 1 October 1997

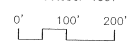


Item 4a.



CUCHARA MOUNTAIN RESORT
PANADERO SUBDIVISION
PHASING

Bristlecone Planning
Sam Brown & Company
1 October 1997



NORTH
1"=200'

SHEET 8 OF 8



DISTRICT COURT, HUERFANO COUNTY, STATE OF COLORADO
Case No. 96 CV 46

SETTLEMENT AGREEMENT

PATRICIA J. CONCANNON,
Plaintiff,

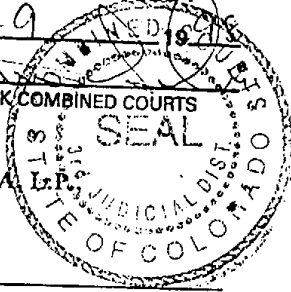
vs.

PANADERO PROPERTY OWNERS ASSOCIATION, SKI CUCHARA
and CUCHARA, L.C.,
Defendants.

CERTIFIED TO BE A FULL,
TRUE AND CORRECT COPY OF
ORIGINAL IN MY CUSTODY

DATED 7-9

DEPUTY CLERK COMBINED COURTS



This Settlement Agreement ("Agreement") is entered into as of 7/26, 1996, by and between Patricia J. Concannon ("Plaintiff") and Ski Cuchara, L.P. ("SCLP"), and Cuchara, L.C. ("CLC") (SCLP and CLC are collectively referred to as Defendants) to evidence the agreement reached by such parties.

WHEREAS, SCLP is the owner and developer of certain real property located in Huerfano County, Colorado, and CLC is the general partner of SCLP; and

WHEREAS, Panadero Property Owners Association ("PPOA") is an organization of property owners owning real property in Huerfano County, Colorado, which property is located in the vicinity of the Ski Cuchara ski resort owned and operated by SCLP; and

WHEREAS, Plaintiff owns certain real property in Huerfano County, Colorado, in the vicinity of such ski resort and are members of PPOA; and

WHEREAS, a dispute has arisen with respect to the obligations of SCLP and CLC concerning the conveyance of certain real property located in Huerfano County, Colorado, and the future development of certain real property located in Huerfano County, Colorado; and

WHEREAS, Plaintiff filed an action in the District Court of Huerfano County, Colorado, under cause no. 96 CV 46, which action is styled *Patricia J. Concannon vs. Panadero Property Owners Association, Ski Cuchara, L.P., and Cuchara, L.C.* (The "Action") and seeks a declaratory judgment with respect to the matters in dispute; and

WHEREAS, Plaintiff, PPOA, SCLP and CLC met at a PPOA special meeting held on May 4, 1996, and reached an agreement to compromise and resolve the matters in dispute and to bring the Action to an end; and

SETTLEMENT AGREEMENT-Page 1

336085 10/05/1998 03:00P AGR
1 of 5 R 26.00 D 0.00 N 0.00 Huerfano Co. J Benine

In consideration of the foregoing, the mutual promises and undertakings contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Plaintiff, SCLP and CLC agree as follows:

1.

On May 4, 1996, the parties agreed to a modification of Tract 6 and Tract M, which modification is attached hereto, marked Exhibit A, initialed by all parties and by this reference made a part hereof.

2.

Concannon, by execution of this agreement, does hereby agree that she will not object to the filing nor the approval of such Exhibit A, as a part of SCLP and CLC request for modification of Panadero filing No. 3, filed of record on March 16, 1983, under recording map no. 206-207, pocket no.4, folder no.2, pursuant to which Tract M and Tract 6 shall be restricted to single family lots as configured in said Exhibit which are not less than one-third acre in size and all houses constructed thereon shall contain at least 2000 square feet with a rear yard set back of at least sixty (60) feet.

3.

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 Concannon.

4.

Upon the execution of this agreement by all parties, Concannon will cause to be filed a Journal Entry of Dismissal, without prejudice, in Case No. 96CV46, Patricia J. Concannon vs. Panadero Property Owners Association, Ski Cuchara L.P. and Cuchara L.C.

5.

The parties agree that although Exhibit A is a part of the Master Plan to be filed by SCLP and CLC, this agreement is limited to that portion thereof which modifies Tract 6 and Tract M, as designated in the original Master Plan previously approved by Huerfano County, Colorado.

6.

This agreement shall be filed in the property records of Huerfano County, Colorado and shall attach to and run with the land, upon the approval by the necessary governing body of said county.

7.

This agreement encompasses the entire agreement between the parties and shall not be changed without the consent of all parties in writing.

SETTLEMENT AGREEMENT-Page 2



336085 10/05/1998 03:00P AGR
2 of 5 R 26.00 D 0.00 N 0.00 Huerfano Co.J Benine

8.

This agreement shall be binding upon the parties hereto their respective successors, heirs, executors, administrators and assigns.

9.

This agreement may be executed in one or more counterparts, each of which shall be deemed an original, when fully executed by all, of which together, shall constitute one and the same agreement.

Executed and Agreed:

Date: JULY, 1996

Patricia J. Concannon
PATRICIA J. CONCANNON

Date: JULY 26, 1996

SKI CUCHARA, L.P., a Texas limited partnership

By: L.C.
Cuchara, ~~L.P.~~, its general partner

By: Donald B. Huffines
Donald B. Huffines
President

Date: JULY 26, 1996

CUCHARA, L.C.

By: Donald B. Huffines
Donald B. Huffines
President

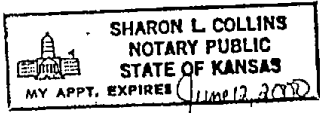

336085 10/05/1998 03:00P AGR
3 of 5 R 26.00 D 0.00 N 0.00 Huerfano Co.J Benine

The State of KANSAS :

County of STEVENS :

August

This instrument was acknowledged before me on this 2nd day of ~~July~~ 1996, by Patricia J. Concannon.



Sharon L. Collins
Notary Public, State of Kansas

Printed or Stamped Name of Notary:

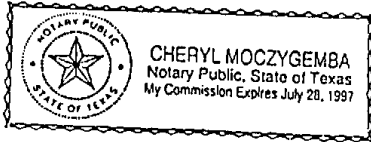
SHARON L. COLLINS

My Commission Expires: June 12, 2000

The State of Texas:

County of Dallas:

This instrument was acknowledged before me on this 26th day of July, 1996, by Donald B. Huffines, President of Cuchara, L.C., general partner of Ski Cuchara, L.P., a Texas limited partnership, on behalf of said limited partnership.



Cheryl Moczygemba
Notary Public, State of Texas

Printed or Stamped Name of Notary:

Cheryl Moczygemba

My Commission Expires: 7/28/97

The State of Texas:

County of Dallas:

This instrument was acknowledged before me on this 26th day of July, 1996, by Donald B. Huffines, President of Cuchara, L.C., a Texas limited liability company, on behalf of said limited liability company.



Cheryl Moczygemba
Notary Public, State of Texas

Printed or Stamped Name of Notary:

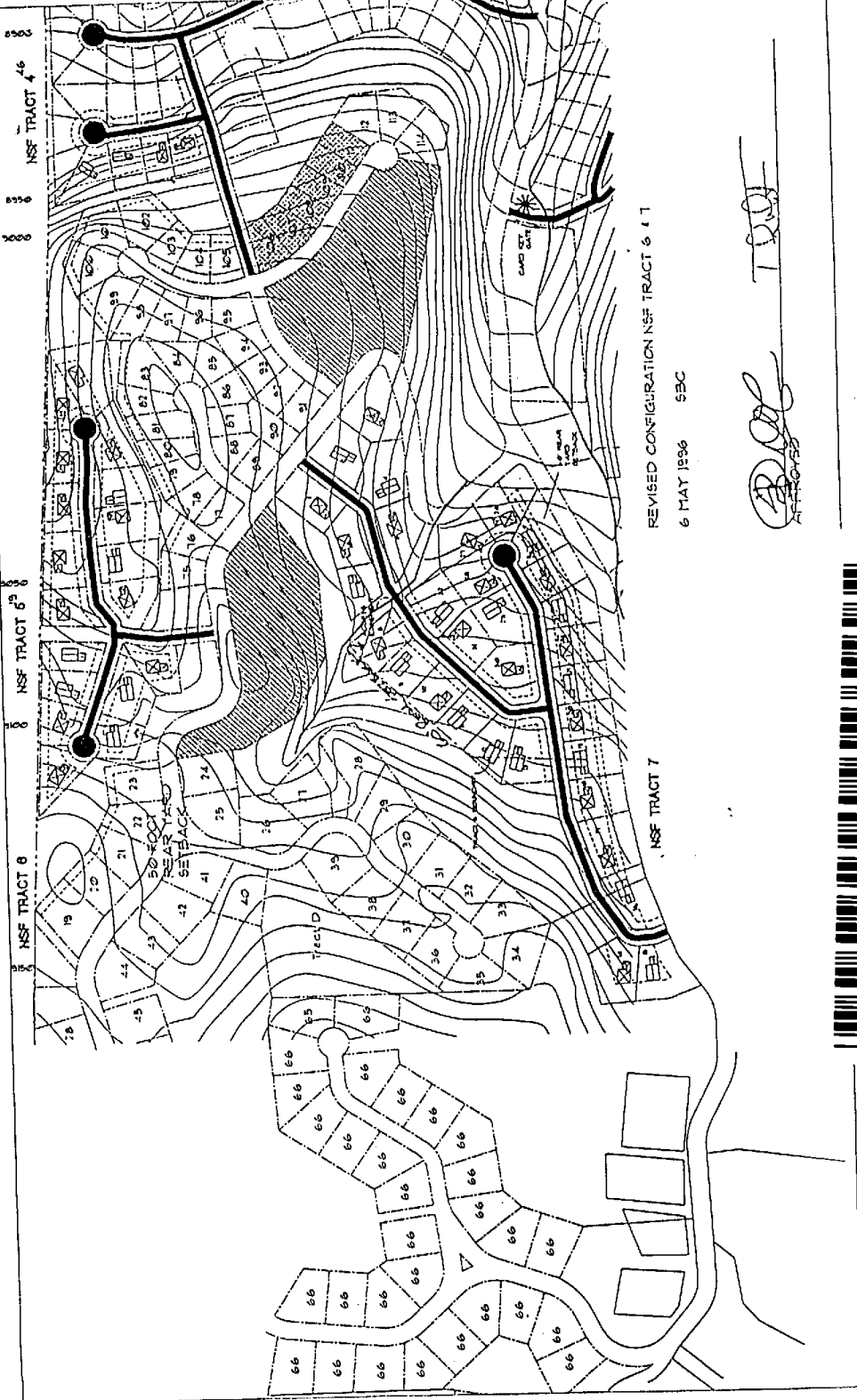
Cheryl Moczygemba

My Commission Expires: 7/28/97



336085 10/05/1998 03:00P AGR
4 of 5 R 26.00 D 0.00 N 0.00 Huerfano Co. J Benine

EXHIBIT A



336085 10/05/1998 03:00P AGR
 5 of 5 R 26.00 D 0.00 N 0.00 Huerfano Co., J Benline

WARRANTY DEED

THIS DEED, is dated the 2 day of February 2022, and is made between BILLY FRANK BRIDGES and KAREN BRIDGES (whether one, or more than one), the "Grantor" of the State of Texas and TAYLEXCAL INVESTMENTS LLC (whether one, or more than one), the "Grantee," whose legal address is: 1110 EAST 2ND STREET, DUMAS, TX 79029 of the State of Texas

State Doc Fee:
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Five Thousand Dollars and No Cents (\$5,000.00), 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:

LOT 54, SPANISH PEAKS, FILING NO.1, RECORDED AT PLAT MAP NO. 72, DECEMBER 10, 1964, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

also known by street and number as: CO

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anyway 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 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 and subject to:

RESERVATIONS, RESTRICTIONS AND EASEMENTS RECORDED AT BOOK 331 PSGR 259, BOOK 293 PAGE 116, RECEPTION NO. 332670, 336307, 331967

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.

Billy Bridges
BILLY FRANK BRIDGES

Karen Bridges
KAREN BRIDGES

State of Texas
County of Gray

The foregoing instrument was acknowledged before me this 2 day of February 2022 by BILLY FRANK BRIDGES and KAREN BRIDGES.

Witness my hand and official seal.

Notary Public Doree Cruz
My Commission Expires: 9/11/2022



State Documentary Fee
\$25.00 07-14-2021

423138
Page 1 of 1
Nancy C. Cruz, Clerk & Recorder
Huerfano County, CO
07-14-2021 08:12 AM Recording Fee \$13.00

Item 7a.

WARRANTY DEED

THIS DEED, is dated the 13 day of July 2021, and
is made between
XAVIER BAZAN TRUSTEE OR SUCCESSOR IN TRUST UNDER THE BAZAN
FAMILY LIVING TRUST, DATED MAY 31, 2000
(whether one, or more than one), the "Grantor" of the State of Texas and
TAYLEXCAL INVESTMENTS LLC
(whether one, or more than one), the "Grantee," whose legal address is: 1110
EAST 2ND STREET, DUMAS, TX 79029 of the State of Colorado

State Doc Fee:
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00), 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:

LOT 55, SPANISH PEAKS, FILING NO. 1, RECORDED AT PLAT MAP NO. 72, DECEMBER 10, 1964, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

also known by street and number as: CO

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 sealing 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 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 and subject to:

RESERVATIONS, RESTRICTIONS AND EASEMENTS RECORDED AT BOOK 293 PAGE 116, BOOK 331 PAGE 259, RECEPTION NO. 332670, 336307, 331987.

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.

XAVIER BAZAN TRUSTEE OR SUCCESSOR IN TRUST
UNDER THE BAZAN FAMILY LIVING TRUST, DATED MAY
31, 2000

Xavier Bazan
XAVIER BAZAN
TRUSTEE

State of Colorado
County of Huerfano

The foregoing instrument was acknowledged before me this 13 day of July 2021 by XAVIER BAZAN TRUSTEE OR SUCCESSOR IN TRUST UNDER THE BAZAN FAMILY LIVING TRUST, DATED MAY 31, 2000.

Witness my hand and official seal.

Kimberly Sue Castillo
Notary Public

My Commission Expires 12 5 2021

Kimberly Sue Castillo
KIMBERLY SUE CASTILLO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20084041726
MY COMMISSION EXPIRES DECEMBER 05, 2024

December 1, 2023

Huerfano County Land Management Office
Walsenburg, Co

To whom it may concern,

I am requesting to combine Spanish Peaks Filing #1, Lots 54 and 55. Lot 55 currently has our cabin on it, while Lot 54 is vacant. Lot 54 was purchased from Bill and Karen Bridges who had owned it for over 30 years but after spending money to have two engineering studies completed, came to the conclusion that the property was unable to be built on safely due to many issues. The Bridges approached me in December of 2021 to purchase the property since it had been determined useless for future development and I owned the adjacent property. I purchased lot 54 for \$5,000. Since there is no safe way to ever build on it, combining the two lots is our only option for long term. There are no roads, utilities, or easements that will be affected by combining these two lots.

Thank you for your assistance and feel free to contact me with any questions that I may assist your office with.

Respectfully submitted,
Gary D. Edwards
Managing partner for Taylexcal Investments LLC
806-922-6450
gary@edwardsindumas.com



Huerfano County Land Use and Building Department

401 Main St
Ste 304
Walsenburg, CO 81089
(719) 738-1220, x506

PERMIT

LU-23-047

VACATE

SITE ADDRESS: BRITTON RD # 00111 UNKNOWN
PRIMARY PARCEL: 35679
PROJECT NAME: EDWARDS

ISSUED:
EXPIRES: 05/29/2024

APPLICANT: Edwards, Gary
1110 E 2ND ST
DUMAS, TX 79029-4103
8069226450

OWNER: TAYLEXCAL INVESTMENTS LLC
1110 EAST 2ND STREET
DUMAS, TX 79029-0000

Detail Name

Detail Value

Detailed project description

combine cabin and vacant lot next to cabin lot

Area of land to be vacated:

1 acre

Description of land to be vacated

Cabin and vacant lot

If vacate includes multiple property owners, list names here and include contact info and signatures in Letter of Intent: 1-

na

How could granting this vacation affect access via public thoroughfare, utility services, or development of adjoining properties, structures or facilities, or access to sites beyond the plat or easement to be vacated?

No effect on public access areas

Explain why this vacation is necessary or in the public interest:

lot 54 is vacant land. Lot 55 has a cabin structure on it

Applicant's Phone Number (if different from above or enter N/A)

806-922-6450

Applicant's Email (if different from above or enter N/A)

gary@edwardsindumas.com

Parcel (Schedule) Number (Available from Assessor):

35679

Parcel Area (acres)

1

Zone District

Urban residential

Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property.

temporary residency and vacant lot

Is all or part of the proposed project in a 100-year flood zone?

No

Are there slopes in excess of 20% in the project area?

I don't know

List other property owners, parcels, or easements affected

No

Is an HB 1041 Permit required?

No

The Homeowner/Property Owner Associations (HOA/POA) in This List Require Their Approval Before Submitting This Application. If Your HOA/POA is in The List Please Upload The Approval Letter.

1-MY HOA/POA IS NOT LISTED



Huerfano County Land Use and Building Department

401 Main St
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FEES:	<u>Paid</u>	<u>Due</u>
Vacating of Plats Fee/Rights-of-Way/Easements	\$157.00	\$43.00
Public Noticing	\$43.00	\$0.00
Totals :	\$200.00	\$43.00