



BOARD OF ADJUSTMENTS

Tuesday, May 07, 2024 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

LIVE STREAM available on Town website

AGENDA

This agenda is subject to revision 24 hours prior to commencement of the meeting.

Call to Order

Roll Call

Approval of Minutes

- [1.](#) Meeting Minutes from March 5, 2024

Public Hearing - *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Board members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a decision, and/or continue the hearing to a particular date.*

- [2.](#) Application for Variance of Rear Yard Setback, Parcel 7105424041 (Lake Ave)
- [3.](#) Application for Variance of Street Frontage, Parcel 7109000032 (Forest View Rd)

Other Business

Adjourn

Americans with Disabilities Act

Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

Notice

Notice is hereby given that more than two members of the Board of Trustees may be present; however, there will be no action taken by the Board of Trustees at this meeting.



BOARD OF ADJUSTMENTS

Tuesday, March 05, 2024 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

MINUTES

Call to Order. Chair Ehrhardt called the meeting to order at 5:05 pm.

Roll Call. Present: Kurt Ehrhardt, Eddie Kinney, Charlie Ihlenfeld, Michael Richards, Bob Radosevich.

Approval of Minutes

1. Minutes from November 7, 2023. MOTION (Kinney, Richards) to approve the minutes as presented. Motion passed 5-0.

Public Hearing

Mr. Kurt Ehrhardt recused himself to address the Board members as the applicant. Eddie Kinney introduced the application.

2. Variance Application to Reduce the Rear Yard Setback, 826 Meadow Lane. Mr. Ehrhardt explained the changes to the Elephant Rock acres area. He described the property in which he requested a 5 ft variance to the rear lot setback. Discussion took place about the rear yard, the odd shaped lot, and the subsequent 26 ft deep house. Kurt stated that he will provide an ILC upon completion. MOTION (Richards, Radosevich) to grant the variance for a 20 ft setback to the rear yard. Motion passed 4-0.

Other Business. Collins reported that training for all officials will be scheduled in the coming months.

Adjourn. MOTION (Ihlenfeld, Richards) to adjourn at 5:16 pm. Motion passed.

Minutes by: Dawn A. Collins, Town Clerk

NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Board of Adjustments will hold a public hearing on Tuesday, May 7, 2024, at 5:00 pm at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance to 7.5 ft for the rear yard setback for a single-family home, located at Lake/Star View, Palmer Lake, parcel 7105424041. A copy of the complete application is on file at the Town office, 42 Valley Crescent, Palmer Lake, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Office Use Only	
Case Number:	_____
Date:	_____
Fees:	\$200 (non-refundable)
Check #:	_____
Rec'd By:	<u>DAB</u>
Application Complete:	<u>5/7 BOA</u>

Note: Allow up to 10 days for review and requires a minimum of 15 days for publication and property posting.

Variance Application Form

Name of Applicant/Property Owner: Ronald R. Harris

Address: 8237 E. Lavender Drive, Gold Canyon, AZ. 85118-3351 Phone#: 612-554-5634

Email: rharristpc@gmail.com

Name of Proposal: Set Back Variance/Adjustment

Legal Description or Address: 7105424041
Tax Schedule #

This is a Variance – A deviation from Subdivision or Zoning Regulations. This consists of a written request which, if it affects the design of a subdivision, must be so noted on the appropriate Plat.

Please fill out the appropriate submission checklist to complete the application.

Current Zoning and Uses of Surrounding Property:	N: _____	<u>Residential</u>
	E: _____	<u>Residential</u>
	S: _____	<u>Residential</u>
	W: _____	<u>Residential</u>

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.

We request a variance to the rear setback requirement. We ask that our proposed new home be permitted to be built on the lot with the setbacks as seen on the attached site plan.

We've owned the lot for quite some time and our daughter would like to live in the Palmer Lake area as this neighborhood fits her and her families needs. Palmer Lake will receive tax benefit and tap fees along with a quality built home that should fit into the neighborhood quite nicely.



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Item 2.

Please state the regulation/code that directly relates to the variance request.

Regulation 17.3 2.030 sizes and dimensions is the code related to the situation we have encountered with this lot. Item number three; Front setback 25 feet, item number four minimum side yard set back from property line 7.5 feet, minimum rear yard setback from property line 25 feet due to a previous adjustment. These setbacks will not work and will need to be adjusted for the current proposed use.

Explain how the variance would benefit to the health, safety, appearance, and general welfare of the community, if granted.

Adding another professionally built, well designed home along with a good family who is excited to live in the community is a positive. In addition, adding tax revenue and more small business participation by customers is a net benefit as a whole.

Explain how adjacent properties will be affected if the variance is granted.

The addition of new homes help to improve property values and safety due to new codes. The slope of the property and the way the home will be situated on the lot will result in very minimal, if any, impact to any of the adjacent properties

Additionally, over the years, this lot has been a spot where many people park their vehicles overnight and for extended periods of time which won't happen anymore. The trash generated as well as general public appearance would be significantly enhance with this construction.

State how strict application of the zoning would place an unusual and unnecessary hardship on you and/or other parties involved.

As originally platted it would be nearly impossible to build on with current setbacks. We saw the original plat and could see this clearly, however this difficulty was amplified when the east lot line was moved/redrawn, significantly reducing the square footage at a critical point on the lot. This created a more challenging shape to deal with when the 25 foot and rear setbacks are taken into account on the lot. This is due to the fact that it fronts on both Lake Drive and Star View Circle, and it is almost impossible to meet even the minimum requirement of finish square footage along with an attached garage. This can be clearly seen in the setbacks of this irregular shape lot with the house plan we have proposed.

The second unique condition for this lot being buildable is the steep slope from two separate angles on our lot. The lowest elevation on our lot at Lake Drive is 489 feet the highest elevation of the lot 100 feet to the east is 509 feet this represents a 20 foot vertical change from the back of our lot. Similarly, the topography also slopes up rapidly as you move from the south along Lake Drive and Star View Circle climbing from 489 feet to 504 feet. This is a 15 foot vertical change in elevation along the road frontage

We've given this consideration and with our builder's guidance, we would like to propose a solution to the steep slope issue in the following manner: 1) we would respectfully like to propose that the garage be accessed from the Star View Circle side on the south side of the property as the narrowing of the property and the designated setbacks will allow this. This will also effectively place the home in a south facing direction and clearly front it onto Star View Circle not Lake Drive.

The bottom line is that we purchased this lot assuming some day we would be able to build a home on it. If we are unable to build on the lot, more than likely no one will be able to and the value of the lot will decrease to next to nothing.

Do you own any adjoining lots? If so, how many and what are the square footage of these adjoining lots?

No, neither the builder or the owner of the lot have any adjoining lots.

Variance Application
Rev 03/25/2021

NOTED & RECORDED
 LAST RECORDED
 12/14/2010
 BY THE COUNTY CLERK'S OFFICE
 FOR THE COUNTY OF PALMER, COLORADO
 BOOK 100, PAGE 100



LAKE AVENUE

SITE PLAN
 1/2" = 1'-0"



ENTECH
 ENGINEERING, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202

MASTERBILT
 HOMES, INC.

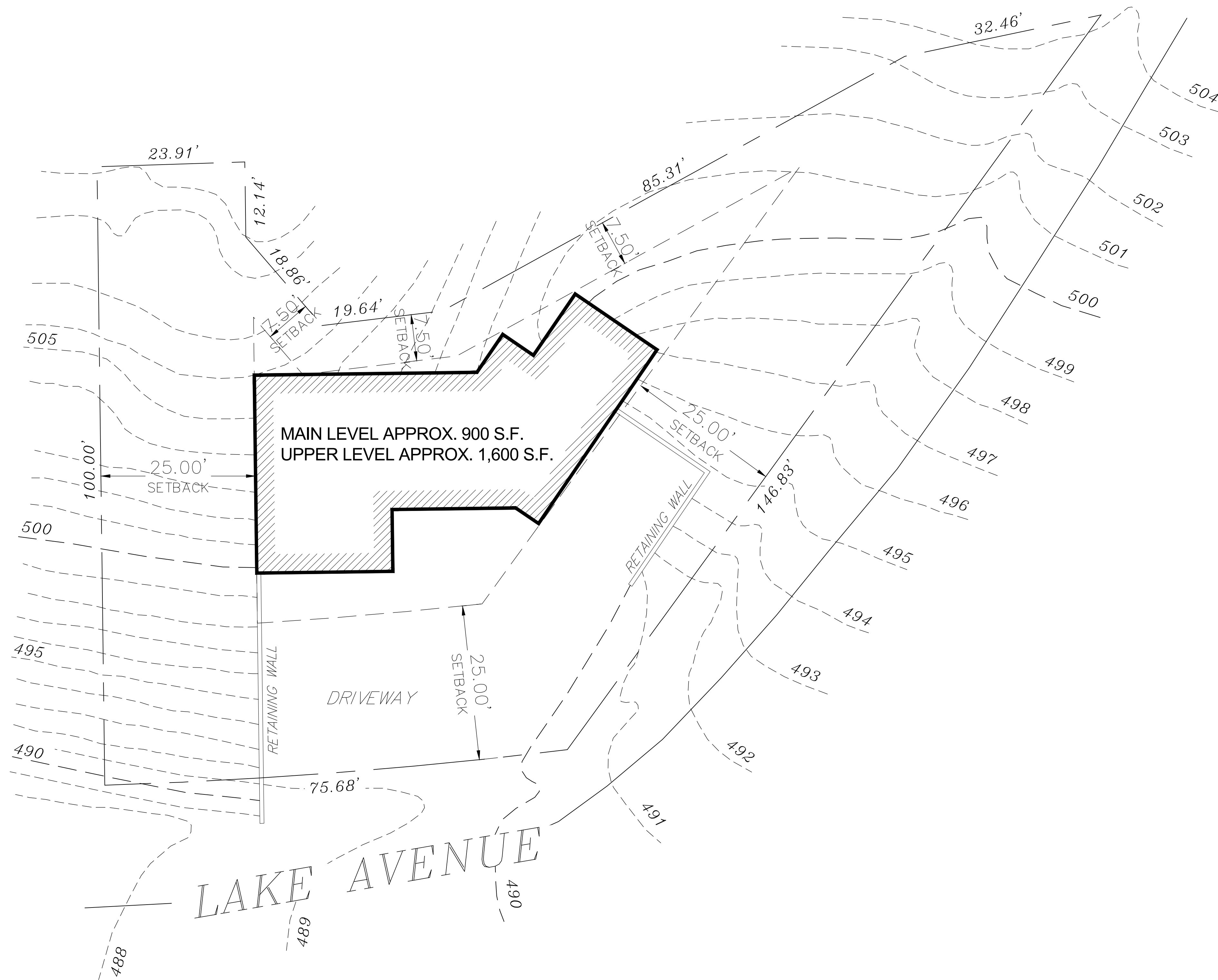
SITE PLAN
 LAKE AVENUE
 PALMER LAKE, CO
 FOR: MASTERBILT HOMES

1 of 1

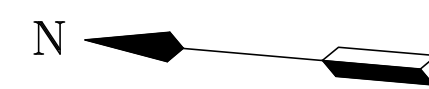
ADDRESS & LEGAL:
LAKE AVENUE

LEGAL DESCRIPTION
LOT 8A REFIL LAKEVIEW HEIGHTS UNIT 1 THIRD AMENDMENT

LOT SIZE: 10,223 S.F. (.234 ACRES)
TAX SCHEDULE #: 7105424041
ZONED: R10,000



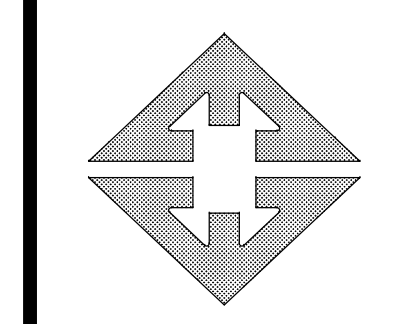
S I T E P L A N
1" = 10'-0"



Revisions:

No.	Description	By	Date

ENTECH
ENGINEERING, INC.
505 ELKTON DRIVE
COLORADO SPRINGS, CO. 80907 (719) 531-5599



MASTERBILT
HOMES, INC.

SITE PLAN
LAKE AVENUE
PALMER LAKE, CO
FOR: MASTERBILT HOMES

DRAWN BY: C. HANSON
DESIGNED BY: MASTERBILT
CHECKED BY:
DATE: 11/13/23
SCALE: AS SHOWN
JOB NO.: TBD
SHEET NO.:
1 of 1

NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Board of Adjustments will hold a public hearing on Tuesday, May 7, 2024, at 5:00 pm at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for zero feet of street frontage for a single-family home to be constructed, located with access from Forest View Road, Palmer Lake, parcel 7109000032. A copy of the complete application is on file at the Town office, 42 Valley Crescent, Palmer Lake, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Item 3.

Office Use Only

Case Number: _____

Date: 4/17/24

Fees: \$200 (non-refundable)

Check #: 2620

Rec'd By: Toni

Application Complete: BAC BOA 5/7

Note: Allow up to 10 days for review and requires a minimum of 15 days for publication and property posting.

Variance Application Form

Name of Applicant/Property Owner: Michael D. Miller

Address: 8 Maryland Avenue, Apt. 1A, Annapolis, MD 21401 Phone#: (703) 400-3954

Email: mikemiller19@me.com

Name of Proposal: Request for street variance to vacant R1 5.0 acre parcel with recorded grant of easement

Legal Description or Address: Tract in SW4NW4 SEC 09-11-67 AS FOLS, COM AT NE COR OF SD SW4NW4, TH WLY ALG N LN OF SD SW4NW4 778.47 FT, TH ANG L88<43'10" SLY 501.00 FT FR POB, TH CONT ON LAST MENT COURSE 407.96 FT, ANG L87<49'17" SELY 532.04 FT, ANG L 92<09'23" NLY 407.94 FT, TH ANG L 97<50'37" NWI 535.76 FT TO POB TAX PARCEL # 7109000032 (see attached Exhibit A and El Paso County Tax Parcel)

This is a Variance – A deviation from Subdivision or Zoning Regulations. This consists of a written request which, if it affects the design of a subdivision, must be so noted on the appropriate Plat.

Please fill out the appropriate submission checklist to complete the application. R1 gone.

Current Zoning and Uses of Surrounding Property:	N: <u>RA</u>	<u>Residential Agricultural-Single Home</u>
	E: <u>El Paso Cnty</u>	<u>Low Density Residential-Single Home</u>
	S: <u>El Paso Cnty</u>	<u>Low Density Residential-Single Home and Bari</u>
	W: <u>El Paso Cnty</u>	<u>Low Density Residential-Single Home and Bari</u>

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.
A variance request for the 5.0 acre parcel lot zoned R1 with recorded grant of easement plotted without street frontage with easement necessary for new construction.



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Please state the regulation/code that directly relates to the variance request.

Chapter 17.24 R1 Low Density Residential Zone

Explain how the variance would benefit to the health, safety, appearance, and general welfare of the community, if granted.

As a result of the variance, the community will gain productive members of the community.

Explain how adjacent properties will be affected if the variance is granted.

The easement existed prior to the adjacent property owners purchased and was fully disclosed.

Adjacent property owners will gain friendly neighbors.

State how strict application of the zoning would place an unusual and unnecessary hardship on you and/or other parties involved.

The recent purchase of the R1 zoned property already plotted without a street front easement is both unusual and has created an unnecessary hardship on the new owner should the request be denied as it is a required ordinance for submittal of a land use permit application for the intended new construction on said property.

Do you own any adjoining lots? If so, how many and what are the square footage of these adjoining lots?

No, not applicable.



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

Item 3.

As owner/applicant, I affirm the information contained in this application is accurate, and I agree to the above conditions.

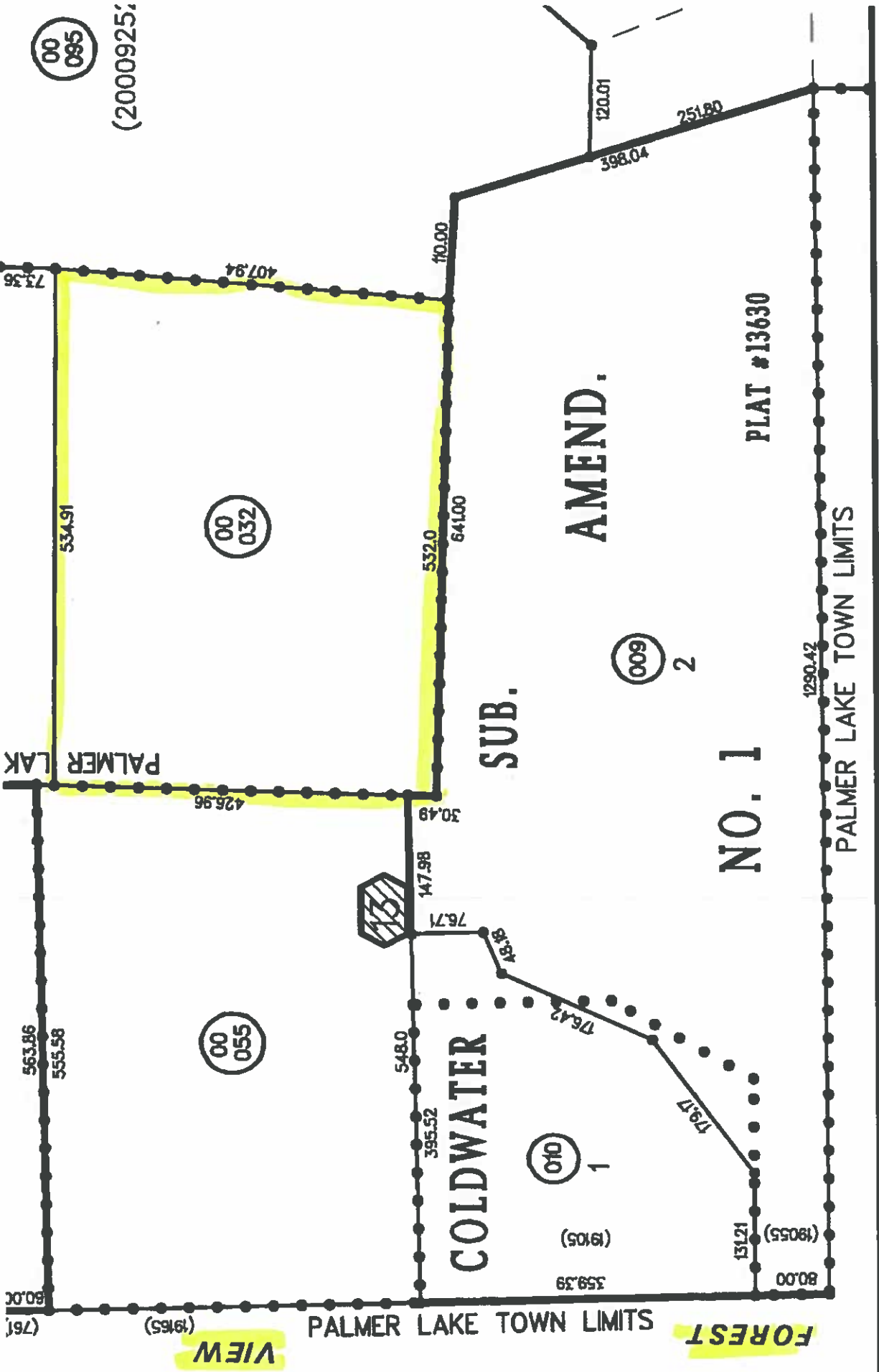
Applicant Signature: *MD Miller* Date: 16 APRIL 2024

If the applicant is not the owner:

As owner of the above property, I agree to this application.

Owner - Print: MICHAEL D. MILLER

Owner - Signature: *MD Miller* Date: 16 April 2024



(2000925)

EL PASO COUNTY - COLORADO

7109000032
09-11-67

Total Market Value
\$189,850

OVERVIEW

Owner: D&B MILLER FAMILY TRUST, C/O ALLEN MILLER, BEVERLEY MILLER
 Mailing Address: PO BOX 567 PALMER LAKE CO, 80133-0567
 Location: 09-11-67
 Tax Status: Taxable
 Zoning: R1
 Plat No: -
 Legal Description: TRACT IN SW4NW4 SEC 9-11-67 AS FOLS, COM AT NE COR OF SD SW4NW4, TH WLY ALG N LN OF SD SW4NW4 778.47 FT, TH ANG L 88<43'10" SLY 501.00 FT FOR POB, TH CONT ON LAST MENT COURSE 407.96 FT, ANG L 87<19'17" SELY 532.04 FT, ANG L 92<09'23" NLY 407.94 FT, TH ANG L 87<50'37" NWLY 535.76 FT TO POB

MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$189,850	\$52,970
Improvement	\$0	\$0
Total	\$189,850	\$52,970

No buildings to show.

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	VACANT LAND, 5.0 TO 9.99	27.900	5 Acres	\$189,850

SALES HISTORY

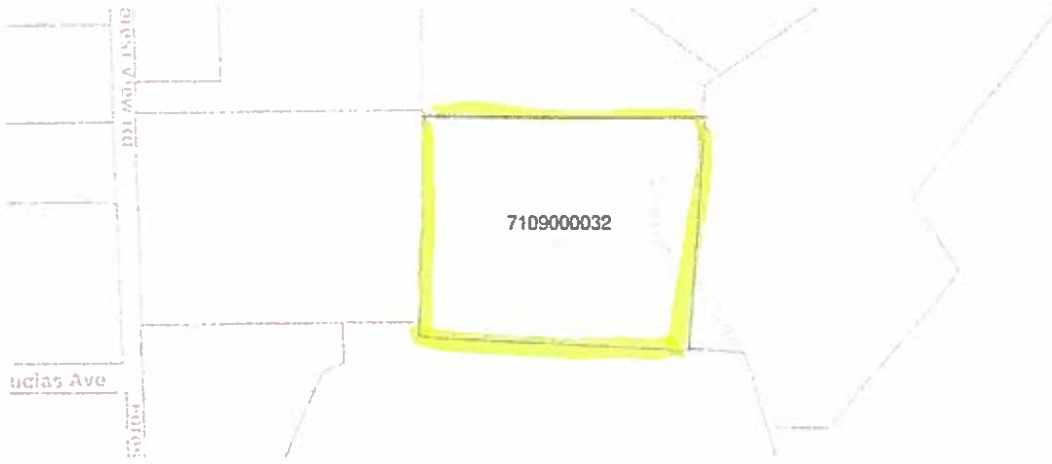
	Sale Date	Sale Price	Sale Type	Reception
+	05/30/2017	\$0	-	217061801
+	12/17/2012	\$0	-	212150146
	10/26/1993	\$54,900	Arms-Length Sale	-

TAX ENTITY AND LEVY INFORMATION

County Treasurer Tax Information

Tax Area Code: PEF Levy Year: 2023 Mill Levy: 68.991

Taxing Entity	Levy	Contact Name/Organization	Contact Phone
EL PASO COUNTY	6.862	FINANCIAL SERVICES	(719)520-6400
EPC ROAD & BRIDGE SHARE	0.165	-	(719)520-6498
TOWN OF PALMER LAKE	21.238	DAWN A COLLINS	(719)481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719)520-6498
LEWIS-PALMER SCHOOL DISTRICT #38	37.500	BRETT RIDGWAY	(719)488-4705
PIKES PEAK LIBRARY DISTRICT	3.061	RANDALL A GREEN	(719)531-6333



Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

224006862 1/31/2024 9:38 AM
PGS 2 \$18.00 OF \$20.30
Electronically Recorded Official Records El Paso County CO
Steve Schleifer, Clerk and Recorder
101000 Y

RETURN RECORDED DOCUMENT TO:
Michael D. Miller
8 Maryland Avenue, Apt. 1A, Annapolis, MD 21401

Document Fee: \$20.30

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, dated 30th day of January, 2024, is made between D&B Miller Family Trust ("Grantor"), of the County of El Paso and the State of Colorado.

AND

Michael D. Miller ("Grantee"), of the County of Anne Arundel and the State of Maryland, whose legal address is 8 Maryland Avenue, Apt. 1A, Annapolis, MD 21401.

WITNESS, that the Grantor(s), for and in consideration of TWO HUNDRED THREE THOUSAND AND 00/100 DOLLARS (\$203,000.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto the Grantee, IN SEVERALTY and the heirs, successors and assigns of the Grantee forever, all the real property, together with fixtures and improvements located thereon, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT A

ALSO KNOWN AS: TBD Forest View Road, Palmer Lake, CO 80133

TOGETHER WITH, all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor(s), either in law or in 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 heirs, successors and assigns of the Grantee forever. The Grantor, for the Grantor and the heirs, successors and assigns of the Grantor, warrants title to the same, subject to the Statutory Exceptions

EXECUTED AND DELIVERED by Grantor on the date first set forth above.

D & B Miller Family Trust
by: Allen D. Miller
Allen D. Miller, Trustee
by: Beverley B. Miller
Beverley B. Miller, Trustee

State of: Colorado }
County Of El Paso } ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this January 30th, 2024, by Allen D. Miller and Beverley B. Miller, Trustees of the D&B Miller Family Trust

My Commission expires 10/29/25

Witness my hand and official seal.
[Signature]
Notary Public

**If tenancy is unspecified, the legal presumption shall be tenants in common (C.R.S. 38-31-101)



RETURN RECORDED DOCUMENT TO:
Michael D. Miller
8 Maryland Avenue, Apt. 1A, Annapolis, MD 21401

Document Fee: \$20.30

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AND

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FOR LEGAL DESCRIPTION SEE EXHIBIT A

ALSO KNOWN AS: TBD Forest View Road, Palmer Lake, CO 80133

TOGETHER WITH, all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor(s), either in law or in 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 heirs, successors and assigns of the Grantee forever. The Grantor, for the Grantor and the heirs, successors and assigns of the Grantor, warrants title to the same, subject to the Statutory Exceptions

EXECUTED AND DELIVERED by Grantor on the date first set forth above.

D & B Miller Family Trust

by: Allen D. Miller
Allen D. Miller, Trustee

by: Beverley B. Miller
Beverley B. Miller, Trustee

State of: Colorado)
County Of El Paso) ss.
)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this January 30th, 2024, by Allen D. Miller and Beverley B. Miller, Trustees of the D&B Miller Family Trust

My Commission expires: 10/29/25

Witness my hand and official seal.

[Signature]
Notary Public

** If tenancy is unspecified, the legal presumption shall be tenants in common (C.R.S. 38-31-101)

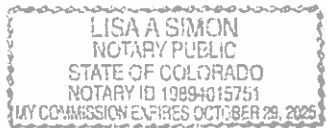


Exhibit 'A'

A tract of land located in a portion of the SW 1/4 of the NW 1/4 of Section 9, Township 11 South, Range 67 West of the 6th P.M., in the Town of Palmer Lake, El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of said SW 1/4 of the NW 1/4 of Section 9; Thence in a Westerly direction along the North line of said SW 1/4 NW 1/4 a distance of 778.47 feet; Thence angle left 88 degrees 43 minutes 10 seconds in a Southerly direction 501.00 feet for the True Point of Beginning of Tract to be hereby described; Thence continue on last mentioned course, a distance of 407.96 feet; Thence angle left 87 degrees 19 minutes 17 seconds in Southeasterly direction 532.04 feet; Thence angle left 92 degrees 09 minutes 23 seconds in a Northerly direction 407.94 feet; Thence angle left 87 degrees 50 minutes 37 seconds in a Northwesterly direction 535.76 feet to the True Point of Beginning of said tract, TOGETHER WITH a non-exclusive easement for ingress and egress as described and defined in Grant of Easement recorded in Book 5225 at Page 476, County of El Paso, State of Colorado.



Dawn Collins

From: Michael Miller <mikemiller19@icloud.com>
Sent: Wednesday, April 24, 2024 10:43 AM
To: Dawn Collins
Cc: Heather East
Subject: Re: Variance Application - BOA Meeting 5/7
Attachments: Map showing easementsV2.pdf; Klotz-Miller 6293.205.pdf; Miller-Fitz 200092527.pdf; Miller Abstract Worksheet.pdf; PH - Variance street frontage 5-2024.docx

-----**WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.**-----

Town of Palmer Lake
 PO Box 208
 Palmer Lake, CO 80133

Attn: Dawn A. Collins, CMC
 Town Administrator/Clerk

Dear Ms. Collins,

I'm writing to update the Variance Application Submittals I provided your office on April 16th, 2024. In short, my 5-acre parcel has two access / egress easements off of Forest View Road: a 20-foot-wide easement on the North side of the Brown property and a 30-foot-wide easement on the South side of the Brown property that actually crosses Parco and Fitzgerald parcels. The 30-foot-wide easement on the South is the access / egress to the subject Miller parcel that we plan to use for a driveway.

To further update the submittals previously provided, see attached: a revised Boundary Map highlighting both existing easements, the 18th of October 1993 Deed of SUBJECT property (Klotz -Miller sale), the 2nd of August 2020 Deed reserving the 30 ft easement described in its' EXHIBIT A (Miller-Fitzgerald sale), and an Abstract Worksheet prepared to help simplify the complex documentation surrounding property sales related to SUBJECT property.

In short, the 30 ft easement to / from SUBJECT property was noted on the plat of the Cold Water Subdivision.

Hope this helps answer any questions related to our variance application. Your assistance in processing this Variance Application is greatly appreciated.

Sincerely,

Mike Miller

Michael D. Miller
 M 703-400-3954
 Email: mikemiller19@me.com

On Apr 17, 2024, at 7:10 PM, Michael Miller <mikemiller19@icloud.com> wrote:

Boundary lines are only approximate

----- Natural drainage

North

20' easement B5225- P. 476

Brown
(Formerly
Frank & Bryan Klotz)

SUBJECT
Miller
(Formerly
Carmen Klotz)

30' easement Rec. No 200092527

Lot 1 Cold Water Sub.
Amendment No. 1

Parco

Fitzgerald

Lot 2, Cold Water Sub.
Amendment No. 2

Forest View Road

Forest View Rd

10 26 1993

002376463

93 OCT 26 PM 3:36

BOOK PAGE
4293 205

ARDIS W. SCHMITT
EL PASO COUNTY CLERK & RECORDER

WARRANTY DEED

THIS DEED, Made this day of October 18, 1993, between

CARMEN KIOTZ

of the County of Jefferson and State of
WISCONSIN, grantor, and

BEVERLEY B. MILLER

whose legal address is P. O. BOX 567 PALMER LAKE,
COLORADO 80133 of the County of EL PASO and State of
COLORADO, grantees:

STATE DOCUMENTARY

OCT 26 1993

FEE 5.49

DF
5.49

WITNESSETH, that the grantor, for and in consideration of the sum of \$54,900.00 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of EL PASO and State of Colorado, described as follows:

5.49

A TRACT OF LAND LOCATED IN A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., IN THE TOWN OF PALMER LAKE EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SW 1/4 OF THE NW 1/4 OF SEC. 9: THENCE IN A WESTERLY DIRECTION ALONG THE NORTH LINE OF SAID SW 1/4 NW 1/4 A DISTANCE OF 778.47 FEET: THENCE ANGLE LEFT 88 DEGREE 43'10" IN A SOUTHERLY DIRECTION 501.00 FEET FOR THE TRUE POINT OF BEGINNING OF TRACT TO BE HEREBY DESCRIBED; THENCE CONTINUE ON LAST MENTIONED COURSE, A DISTANCE OF 407.96 FEET: THENCE ANGLE LEFT 87 DEGREE 19'17" IN A SOUTHEASTERLY DIRECTION 532.04 FEET; THENCE ANGLE LEFT 92 DEGREE 09'23" IN A NORTHERLY DIRECTION 407.94 FEET; THENCE ANGLE LEFT 87 DEGREE 50'37" IN A NORTHWESTERLY DIRECTION 535.76 FEET TO THE TRUE POINT OF BEGINNING OF SAID TRACT, TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN GRANT OF EASEMENT RECORDED IN BOOK 5225 AT PAGE 476.
also known as street and number FOREST VIEW ROAD, PALMER LAKE, COLORADO

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said 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 said grantees, their heirs and assigns forever. And the said grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form 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 FOR TAXES FOR THE CURRENT YEAR, A LIEN BUT NOT YET DUE OR PAYABLE, EASEMENTS, RESTRICTIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

Carmen Klotz
CARMEN KIOTZ

STATE OF Wisconsin
COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this day of October 18, 1993 by
CARMEN KIOTZ

My Commission expires 10-22-95

Witness my hand and official seal STATE OF WISCONSIN
Paula J. Mueller
Notary Public



Filed for record the _____

J. Patriok Kelly El Paso Cty, CO

08/07/2000

08:54

200092527

No _____

Doc \$36.50

Page

Rec \$15.00 1 of 3



RECORDED

DF
36.50

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, That BEVERLEY B. MILLER

of the County of EL PASO and State of COLORADO for the consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS

(\$ 1.00) dollars in hand paid hereby sell and convey to JAMES F. FITZGERALD AND LAURRA B. FITZGERALD

whose legal address is (including road or street address if applicable) 628 Forest View Way, P.O. Box 1811 Monument CO 80132

~~of the County of~~ EL PASO and State of COLORADO

the following Real Property situated in the County of COLORADO and State of Colorado, to wit LEGAL DESCRIPTION AS DESCRIBED ON ATTACHED "EXHIBIT A"

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT TO THE PROPERTY AS OWNED BY GRANTOR, INCLUDING KLOTZ WELL, COLORADO WELL NO 37900, PRIORITY DATE MAY 25, 1969, CASE NO W-1736, WATER REFEREE DECREE DATED JUNE 12, 1973, AND COURT DECREE DATED JULY 17, 1973; AND

TOGETHER WITH GRANTOR'S INTEREST IN THREE (3) PREPAID SINGLE-FAMILY SEWER TAPS AS STIPULATED IN THE UTILITY EASEMENT AGREEMENT RECORDED JUNE 26, 1991, BOOK 5853, PAGE 643, AND

TOGETHER WITH ANY AND ALL GROWING CROPS INCLUDING THE EXISTING TREE NURSERY GRANTOR RETAINS THE RIGHT TO REMOVE TEN (10) TAGGED TREES WITHIN 24 MONTHS FROM DATE OF THIS DEED

DEED RESTRICTION ANY FUTURE SUBDIVISION OF THIS PARCEL RESTRICTED TO NOT MORE THAN THREE (3) SINGLE FAMILY LOTS

with all its appurtenances and warrant(s) the title to the same, subject to covenants, conditions, restrictions, easements, rights of way, reservations of record, if any, and general taxes for 2000 and subsequent years, which Grantee assumes and agrees to pay, and subject to TWO (2) NON-EXCLUSIVE 40 FOOT WIDE PEDESTRIAN EASEMENTS AS DESCRIBED ON ATTACHED "EXHIBIT B".

Signed and delivered this 2ND day of AUGUST, 2000 HBL

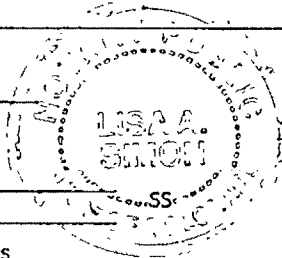
Beverley B. Miller
BEVERLEY B. MILLER

STATE OF COLORADO
County of EL PASO SS

The foregoing instrument was acknowledged before me

this 2ND day of AUGUST, 2000 HBL
by BEVERLEY B. MILLER

Witness my hand and official seal
My commission expires 10/29/01



Lisa Enton
NOTARY PUBLIC

STATE OF _____
County of _____

The foregoing instrument was acknowledged before me

this _____ day of _____ 19____
by _____ as _____ President
and _____ as _____ Secretary of
_____ a corporation

Witness my hand and official seal
My commission expires _____



765913

NOTARY PUBLIC

* IF JOINT TENANCY IS NOT DESIRED STRIKE PHRASE BETWEEN ASTERISKS

J. Patrick Kelly El Paso Cty, CO
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EXHIBIT A

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO 97012905 OF THE EL PASO COUNTY RECORDS,

BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL, ALSO BEING THE WEST QUARTER CORNER OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SECTION 9, A DISTANCE OF 439 39 FEET TO THE SOUTHWEST CORNER OF THE EXCEPTED PARCEL AS DESCRIBED IN SAID DEED RECORDED AT RECEPTION NO 97012905, THENCE NORTH 89 DEGREES 08 MINUTES 08 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID EXCEPTION, A DISTANCE OF 543 50 FEET TO THE SOUTHEAST CORNER OF SAID EXCEPTIONS, THENCE SOUTH 00 DEGREES 26 MINUTES 17 SECONDS EAST ALONG THE EASTERLY LINE OF THE MOST NORTHERLY PORTION OF SAID PARCEL DESCRIBED AT RECEPTION NO 97012905, A DISTANCE OF 30 49 FEET TO A CORNER OF SAID PARCEL. THENCE SOUTH 86 DEGREES 53 MINUTES 55 SECONDS EAST ALONG THE NORTHERLY LINE OF THE EASTERLY PORTION OF SAID PARCEL, A DISTANCE OF 531 00 FEET TO THE MOST SOUTHERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO RAYMOND F PURCELL RECORDED IN BOOK 1358 AT PAGE 217 AT RECEPTION NO 884441, THENCE CONTINUING ON THE EXTENSION OF THE LAST COURSE SOUTH 86 DEGREES 53 MINUTES 55 SECONDS EAST, A DISTANCE OF 110 00 FEET, THENCE SOUTH 16 DEGREES 52 MINUTES 25 SECONDS EAST, A DISTANCE OF 398 04 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SAID POINT BEING ON THE EAST AND WEST CENTERLINE OF SAID SECTION 9 AS DESCRIBED IN SAID PARCEL RECORDED AT RECEPTION NO 97012905, THENCE SOUTH 89 DEGREES 56 MINUTES 11 SECONDS WEST ALONG SAID EAST AND WEST CENTERLINE, A DISTANCE OF 1290 42 FEET TO THE TRUE POINT OF BEGINNING

RESERVING THEREFROM A 30 FOOT NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND UTILITIES DESCRIBED AS FOLLOWS

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO 97012905 OF THE EL PASO COUNTY RECORDS, COMMENCING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL ALSO BEING THE WEST QUARTER CORNER OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SECTION 9, A DISTANCE OF 439 39 FEET TO THE SOUTHWEST CORNER OF THE EXCEPTED PARCEL AS DESCRIBED IN SAID DEED RECORDED AT RECEPTION NO 97012905 AND THE TRUE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 08 MINUTES 08 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID EXCEPTION, A DISTANCE OF 543 50 FEET TO THE SOUTHEAST CORNER OF SAID EXCEPTION, THENCE SOUTH 00 DEGREES 26 MINUTES 17 SECONDS EAST ALONG THE EASTERLY LINE OF THE MOST NORTHERLY PORTION OF SAID PARCEL DESCRIBED AT RECEPTION NO 97012905, A DISTANCE OF 30 00 FEET, THENCE SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST ALONG A LINE 30 00 FEET SOUTH OF AND PARALLEL TO SAID SOUTHERLY LINE OF SAID EXCEPTED PARCEL, A DISTANCE OF 543 12 FEET TO A POINT ON SAID WESTERLY LINE OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG SAID WESTERLY LINE, 30 00 FEET TO THE TRUE POINT OF BEGINNING

SAID EASEMENT RESERVED FOR THE BENEFIT OF THE PROPERTY GRANTED TO BEVERLEY B MILLER IN DEED RECORDED OCTOBER 26, 1993, IN BOOK 6293 AT PAGE 205

THE PROPERTY CONVEYED IN THIS DEED IS ALSO SUBJECT TO THOSE EASEMENTS AS MORE PARTICULARLY DESCRIBED IN EXHIBIT B

BBM



EXHIBIT B

LEGAL DESCRIPTION 40 FOOT PEDESTRIAN EASEMENT PARCEL NO. 1

THAT PART OF THE NORTHWEST ¼, SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO. 97012905 OF THE EL PASO COUNTY RECORDS; COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 9; THENCE N89°56'11"E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 1290.42 FEET OT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID NORTHWEST ¼ OF SECTION 9 AND THE TRUE POINT OF BEGINNING; THENCE S89°56'11"W ALONG SAID SOUTH LINE 41.79 FEET; THENCE N16°52'25"W A DISTANCE OF 251.80 FEET, THENCE N89°56'11"E AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 41.79 FEET, THENCE S16°52'25"E A DISTANCE OF 251.80 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 10,072 SQUARE FEET MORE OR LESS.

LEGAL DESCRIPTION 40 FOOT PEDESTRIAN EASEMENT PARCEL NO. 2

THAT PART OF THE NORTHWEST ¼, SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO. 97012905 OF THE EL PASO COUNTY RECORDS; COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 9; THENCE N89°56'11"E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 1290.42 FEET OT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID NORTHWEST ¼ OF SECTION 9; THENCE N16°52'25"W A DISTANCE OF 251.80 FEET TO THE TRUE POINT OF BEGINNING; THENCE S89°56'11"W AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 41.79 FEET; THENCE N16°52'25"W A DISTANCE OF 148.70 FEET, THENCE N86°53'55"E A DISTANCE OF 42.56 FEET; THENCE S16°52'25"E A DISTANCE OF 146.24 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 5,899 SQUARE FEET MORE OR LESS. *BBM*

J Patrick Kelly El Paso Cty, CO 200092527
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The information herein is deemed reliable, but is not guaranteed. The compiler is just a real estate broker and not an attorney. Nothing here is or should be construed as legal advice. Anyone using this information is advised to seek legal counsel with regard to it. Not all abstract entries herein are necessarily relevant to the Subject Property search. Doug Barber (719) 338-3053 / Rawhideno1@aol.com

Date	Item	Recording	Grantor	Grantee	Notes
3/18/1985 (Rec Date)	Deed	001226444 (B 3984, P 471)	Frank Peter Klotz	Frank G. Klotz an Bryan P. Klotz	
8/18/1986	Easement	01443666 (B 5225/P 476)	Frank G. Klotz an Bryan P. Klotz	Carmen Klotz	Granted a 20' access easement from Forest View Drive across the F&B tract to Carmen Klotz tract (Carmen's is the SUBJECT property).
5/26/1988 (Rec Date)	Deed	1706816	Frank G. Klotz an Bryan P. Klotz	Zoli E. Vajda and Janice E. Lloyd	Sale of F&B Tract.
5/15/1991	Deed	2031776	Zoli E. Vajda and Janice E. Lloyd	Marcia H. Brown	Sale of F&B Tract.
6/10/1991	Deed	2041854 (B5853, P 643)	Frank G. Klotz an Bryan P. Klotz	Palmer Lake Sanitation District	20' easement over south side of Fitzgerald tract (shown on the Cold Water plat). Not relevant to the Subject property.
10/18/1993	Deed	2376463 (B6293, P 205)	Carmen Klotz	Beverly B. Miller	Sale of SUBJECT to Bev Miller
11/17/1993	Deed	2399439	Frank G. Klotz an Bryan P. Klotz	Allen D. Miller	Fitzgerald Tract bought by Millers
2/4/1997	Deed	97012905	Allen D. Miller and Beverly B. Miller	Beverly B. Miller	Interfamily transfer of Fitzgerald Tract
12/13/2012	Deed	212150146	Beverly B. Miller	Allen D. Miller	Interfamily transfer of SUBJECT property with 5225/476 easement
5/25/2017	Deed	217061801	Allen D. Miller	D&B Miller Family Trust	Interfamily transfer of SUBJECT. 5225/476 easement not mentioned (treat as appurtenance; but would suggest a correction deed)
8/2/2000	Deed	200092527	Beverly B. Miller	James F. and Laura B. Fitzgerald	Sale of Fitzgerald tract with 30' easement reserved from Forest View Drive to SW corner of SUBJECT (shown on Cold Water plat)

12/12/2002	Plat	202221162	James F. and Laura B. Fitzgerald	El Paso County	Fitzgerald tract platted into 2-lot Cold Water Subdivision
6/9/2015	Plat	2015713630	James F. and Laura B. Fitzgerald and James E. Parco and Pamela S. Parco	El Paso County	Cold Water Plat Amendment No. 1 (Lot line adjustment between the two Cold Water lots)
11/15/2021	Deed	221202821	James F. and Laura B. Fitzgerald	James E. Parco and Pamela S. Parco	Parco buys Lot 1, Cold Water Sub. Amendment No. 1
1/30/2024	Deed	224006862	D&B Miller Family Trust	Michael D. Miller	SUBJECT conveyed to Michael
Frank & Bryan Klotz Tract (F&D Tract)	A portion of the South half of the Northwest quarter of Section 9, Township 11 South, Range 67 West of the 6th P.M., described as follows: Commencing at the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 9; thence South 89 degrees 09 Minutes 20 seconds west along the North line thereof for 778.47 feet; Thence South 0 degrees 26 minutes 10 seconds west for 482.00 feet to the point of beginning of the tract herein described: Thence (1) continue South 0 degrees 26 minutes 10 seconds west for 396.50 feet, (2) South 89 degrees 08 minutes 47 seconds West 543.72 feet to the West line of said Section 9, (3) North 1 degree 16 minutes 41 seconds West for 396.5 feet along said West line, (4) North 89 degrees 09 Minutes 20 seconds East for 555.58 feet to the point of beginning, County of El Paso, State of Colorado.				
Carmen Klotz Tract (SUBJECT)	A tract located in the Southwest quarter of the Northwest quarter of Section 9, Township 11 South, Range 67 West of the 6th P.M., in the Town of Palmer Lake, El Paso County, Colorado, more particularly described as follows: Beginning at the Northeast corner of said Southwest quarter of the Northwest quarter of Section 9; Thence in a Westerly direction along the North line of said Southwest quarter of the Northwest quarter a distance of 778.47 feet; Thence angle left 88 degrees 43 minutes 10 seconds in a Southerly direction 501.00 feet for the True Point of Beginning of Tract to be hereby described; Thence continue on last mentioned course, a distance of 407.96 feet; Thence angle left 87 degrees 19 minutes 17 seconds in Southeasterly direction 532.04 feet; Thence angle left 92 degrees 09 minutes 23 seconds in a Northerly direction 407.94 feet; Thence angle left 87 degrees 50 minutes 37 seconds in a Northwesterly direction 535.76 feet to the True Point of Beginning of said tract, TOGETHER WITH a non-exclusive easement for ingress and egress as described and defined in Grant of Easement recorded in Book 5225 at Page 476, County of El Paso, State of Colorado.				